

35th IAA SYMPOSIUM ON SPACE POLICY, REGULATIONS AND ECONOMICS (E3)
Assuring a Safe, Secure and Sustainable Environment for Space Activities (4)

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JAPAN'S APPROACH TO TRANSPARENCY AND CONFIDENCE-BUILDING MEASURES ON
ON-ORBIT SERVICING

Abstract

Making rules at international level is not easy. Many attempts, including the International Code of Conduct for Outer Space Activities, have failed to reach consensus due to various reasons such as the strategic rivalry between the United States and China or Russia. Under such circumstances, it would not be realistic to expect the adoption of a set of rules to regulate behavior in orbit. Meanwhile, the proliferation of space debris requires taking mitigation and remediation measures to ensure space safety and sustainability. Thus, some private companies, including Japan's Astroscale, are developing technologies for active debris removal (ADR). However, such technologies raise suspicions on their possible use as "space weapons" to remove active strategic assets. If there is no rule to regulate ADR activities, such suspicions will never fade away. In consequence, the Japanese government has issued the Guidelines on a License to Operate a Spacecraft Performing On-Orbit Servicing and associated Supplementary Requirements for granting licenses for ADR and other on-orbit services. In these requirements, the Japanese government requests private companies to submit detailed information on planned orbital maneuvers and their locations. The government will publicly announce the activities of the private actors and notify intended orbital maneuvers. This is an attempt to establish a mode and procedure for improving transparency and to construct the methods for confidence-building measures. Even though this is a national regulation and unilateral attempt, it is expected that Japan's regulation may set a precedent and become a reference point for other private actors and regulators to follow as a "best practice".

This paper will discuss the analytical framework for norm-setting and norm-distribution and then the details of the Guidelines on a License to Operate a Spacecraft Performing On-Orbit Servicing. The argument of the paper is that Japan will play a role as "norm entrepreneur" and use the Open-ended Working Group under the auspices of the UN General Assembly as the platform for the "norm cascade".