

Legal Support on Space Development and Utilization

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The study of Space and space technology holds tremendous implications on the nation's development. It, being rich in economic and military possibility, is subject to being developed and utilized by Space Powers with their use of advanced technology. In this essay, our nation's legal support concerning space development and the issues consequently raised are discussed.

International treaties do not prohibit the use of Space for military purpose within rights of self defense. On the contrary, Japanese Parliament adopted a resolution that space development and utilization should be only for peaceful purposes. This idea was included in law of NASDA, and Japan's understanding had long been that "peaceful purpose" is "nonmilitary". Because the field of research and development was limited to "nonmilitary", the Japanese space industry had yet to find its expansion even with approximately 250 billion budgets on space development,

However, with rapid and drastic improvements in space technology, space development and utilization can be seen to be no longer for civil purpose solely. USA, Russia, and China are collecting security information insistently with their intelligence-gathering satellites, and their space industries are making remarkable progress growing with a large number of enterprises competitively involved in the manufacturing process and the launch of the military satellites.

As a result of this situation, the Basic Space Law was enacted in 2008 in Japan, which enables the use of Space for military purpose and industrial promotion. Moreover, the headquarters that has been constructed accordingly will be a driving force in promoting Japanese space development. With this legal support, the self-defense force could manufacture, retain, and utilize its own satellites such as early warning satellites. In addition, it is possible that Japan and the US could jointly develop defense satellites. With this law, the Japanese space industry has a fantastic potential for growth.

However, it is an undeniable fact that the development and utilization of the Space previously limited to nonmilitary field has changed its shape to be used for defense purpose, in short, used mainly for military purpose. Here lays the concerns. For example, while the introduction of reconnaissance satellites, which have a far more advanced monitoring ability, will play a strong role as a deterrent, it can bring the tension with other nations, and change the balance of power. Also, there is an issue with managing the immense amount of budget. Could Japan manage the finance independently and keep its peaceful policy in accordance with Japanese constitution and keep space projects' transparency with citizens as well as other nations? These multiple problems should be dealt with. Technical development encourages the progress of a nation's economy. It enhances technical alliances and economic interdependence between nations. In addition, keeping updated scientific progress is useful in expanding and ensuring our nation's power and security. Therefore, the law has to respond quickly to this constantly evolving set of circumstances, and all legal supports, such as enacting the Basic Space Law, are necessary for technical and industrial development.

However, what Japan should not forget is the nation's value. Our nation's value lies in our peaceful constitution. Because technology is rapidly developing and changing, legal supports and restriction have to be carefully thought each time and always have to reflect our nation's value. Regarding the space development, Outer Space Treaty states that it should be for "the common interest of all mankind". Laws have to always reflect what is in our nation's and the world's true interest and benefit.