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Space: Japan's New Security Agenda

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Kazuto Suzuki*

The Diet's 1969 Resolution on "Exclusively Peaceful Purposes"

In January 2007 when a Chinese missile destroyed an aging weather satellite, the Japanese government expressed its concern about the debris created by the ASAT (anti-satellite) test. The government understood that this was a science and technology mission rather than a military test.¹ In its white paper, *Defense of Japan 2007*, the Ministry of Defense then referred to it as another example of China's lack of transparency.² Japanese reaction was thus quite moderate, compared to the United States' reaction to the test, which was much stronger.³ The United States called the test a threat to its national security. Japan's interest in protecting space system is different from that of the United States. The U.S. military relies heavily on space for information gathering, communication, and navigation.

Japan has restricted itself from using space for its security needs. Being the world's second largest economy, the world's second largest spender on the civilian use of space, and the world's third largest spender on defense, Japan possesses technological and

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¹ "'No more satellite tests,' said the Chinese Defense Minister," *Asahi Shinbun*, February 13, 2007.

² Ministry of Defense, *Defense of Japan 2007*, 50.

³ For example, compare with the DoD document on China. U.S. Department of Defense, *Annual Report to the Congress: Military Power of the People's Republic of China 2007*, 20-21.

industrial capability to use space for its national security. Thus many non-Japanese space experts may wonder why it has not done so, if only for nonaggressive purposes.

The main reason for Japan's reticence is its pacifist constitution, which is interpreted to prohibit using space for security purposes. In 1969, the Japanese parliament, the Diet, passed a resolution "Concerning the Principle of the Development and Utilization of Space," popularly known as "the exclusively peaceful purposes resolution." It stipulates that Japan's space programs may be conducted by the civilian sector, not the defense sector, and only for the research and development of new technology for exclusively peaceful purposes.⁴

The principle of "exclusively peaceful purposes" is not new, as it appears in the Outer Space Treaty⁵ and the ESA Convention.⁶ The Japanese application of this principle, however, is unique. While debating the resolution in the Diet in 1969, the Diet members argued that it should be applied to the development and use of space in the same way that nuclear technology had been. That is, nuclear technology and space have a dual use, as they can be developed simultaneously for both civilian and military purposes. In addition, because Japan's Science and Technology Agency (STA) was in charge of both nuclear and space technology, the Diet felt that the development of space should be restricted as tightly as that of nuclear technology was. Ever since the horror of the nuclear holocausts in Hiroshima and Nagasaki, the Japanese people have been skeptical of using nuclear technology even for peaceful purposes, and therefore the Diet stipulated that it be used only for civilian purposes and that the military not be involved administratively,

⁴ For the history of Japanese space policy, see Kazuto Suzuki, "Administrative Reforms and Policy Logics of Japanese Space Policy," *Space Policy* 22, no. 1(2005): 11-19.

⁵ The official title of this treaty is Treaty on the Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, available at <http://www.unoosa.org/oosa/en/SpaceLaw/outerspt.html>.

⁶ The official title is Convention for the Establishment of a European Space Agency, available at <http://www.esa.int/convention/>.

financially, and politically in its development and operation.⁷ Accordingly, this notion of “exclusively peaceful purposes” was applied to space as well.

Based on the interpretation of the Diet resolution, all of Japan’s operations in space have been conducted for scientific and technological purposes. The strategic goal of Japan’s space policy thus has been to “catch up” with the technology of other advanced countries such as the United States and European nations. Thus the goal of most of Japan’s space programs, even that of those for communication, broadcasting, and meteorology, has been technological excellence. For many politicians, space was the “necktie of advanced countries,”⁸ suggesting that Japanese space policy should aim at gaining national prestige.

The principle of “non-military” use of space is about to change, however, in accordance with the draft Basic Law for Space Activities, which was submitted to the Diet in June 2007. The aim of the draft law is to redefine the purpose and rationale for Japan to invest in space, and for the first time, the term *security* appears in an official document pertaining to space. Why has the notion of security suddenly appeared in the draft law, and how is it likely to change Japan’s space policy?

The End of the Cold War Paradigm

For many years, particularly during the cold war, Japan’s strictly “nonmilitary” use of space was not challenged. The reason was that the alliance between Japan and the United States already provided the necessary infrastructure for telecommunication and intelligence gathering from space. In addition, Japan’s pacifist Constitution was

⁷ Response by Masao Yamagata, member of the Space Activities Committee, in the Special Committee of the Promotion of Science and Technology, Lower House, minutes, April 16, 1969.

⁸ This expression was used by Shinya Matsuura in his book *Kokusen rokketo wa naze ochirunoka* (Why Do Japanese Launchers Fail?) (Tokyo: Nikkei BP Publishers, 2004).

interpreted as prohibiting its Self-Defense Forces (SDF) from being deployed beyond its national border. When the cold war ended, however, Japan was forced to begin thinking about changing its space strategy.

With the end of the cold war, the threat of Communism had waned, and so the reason for stationing U.S. troops in Japan also had become less compelling as well. Although the United States still maintains a need for forward deployment bases in Japan, it is no longer a condition of the alliance. The unilateral collective defense—according to which the United States is obliged to defend Japanese territory and forces but Japanese forces are not obliged to protect American territory and forces—has now become too great a burden, and so the U.S. government wants the Japanese government to share more of responsibility for global security. Accordingly, Japan has enlarged its participation in the war on terror, particularly by deploying naval forces to support the multinational anti-terrorist operations in Afghanistan and its own ground troops in Iraq.

It is through these operations that the Self-Defense Forces have come to realize their technological shortcomings. Because the SDF are restricted from developing and operating their own space capabilities, they have had to rely on commercial satellite communication and commercial imagery services. But until now, because the SDF have not been permitted to be deployed outside Japan's borders, they have not needed long distance communication or imagery of foreign countries other than its neighbors. However, the SDF have recognized the gap in Japan's military technology, particularly in regard to the United States' military transformation and "Revolution in Military Affairs" (RMA) in recent years. Given the increasing possibility of Japan's sharing its security burden and joint operations with U.S. forces, the SDF and the Japan Defense Agency (JDA, now the Ministry of Defense) now acknowledge the importance of developing their own space capability.

In addition, the Japanese people's perception of their security has been dramatically changed by North Korea's launch of a Taepodong missile over Japanese territory in 1998. The alarmed Japanese public thereupon demanded that the government take measures to protect them, and the government immediately decided to launch what is known as the Information-Gathering Satellite (IGS) program.

The Information-Gathering Satellite Program: Treading a Narrow Path through a Legal Jungle

At the start, the IGS program faced the serious legal constraints of Japan's space policy. Although it was clear that the purpose of the IGS program was to monitor the military activities of its neighbors, including North Korea, this was concealed under the guise of a "multipurpose" satellite program. This way the civilian nature of the program was implied in order to comply with the 1969 Diet resolution.

But this arrangement ran into problems. In the 1980s when Japan and the United States were sparring over trade, the U.S. government pressured Japan to open its public procurement market in order to reduce the U.S. trade deficit. The industry targeted was the space satellite industry, in which Japanese companies enjoyed exclusive contracts with the National Space Development Agency (NASDA, now the Japan Aerospace Exploration Agency, or JAXA). The U.S. government maintained that it was unfair to exclude Japan's satellite industry from competitive bidding and therefore threatened to use its "Super 301" measure, according to which the U.S. government could impose punitive tariffs on Japanese imports. In response, the Japanese government enacted the 1990 Accord on Non-R&D Satellite Procurement. The accord obliged the Japanese government to open the procurement market for civilian satellites to international competitive bidding, and as a result, eighteen of a total nineteen civilian non-R&D

satellites in orbit were contracted to American companies, and only one, the MTSAT-2, was contracted to a Japanese company.⁹

As a result of the 1990 accord, the civilian multipurpose non-R&D satellites under the IGS program were part of the open procurement procedure as well, which put the Japanese government in a difficult position. If it wanted to avoid applying the 1990 accord, it would have to admit that the “multipurpose” satellites under the IGS program actually had a military mission, a position that would violate the 1969 Diet resolution.

This problem was resolved by careful legal interpretation. The government placed control of the satellites not under the Japan Defense Agency (JDA) but under the Cabinet Secretariat, a small office with a national intelligence-gathering mission and crisis management functions. The IGSs then were formally designated as “crisis management satellites” with both civilian and military purposes.¹⁰

This incident made politicians realize that the legal constraints of the “exclusively peaceful purposes” resolution allowed no room for maneuver and that in the changing security environment of the post-cold war period it seemed counterproductive to maintain such a rigid pacifist position.

The Koizumi government’s decision in 2003 to participate in the missile defense program raised another problem for Japanese space and security community. If JDA depended completely on U.S. intelligence for initiating the deployment of counterattack missiles, it might mistakenly shoot down hostile missiles flying toward U.S. territory. And because shooting down hostile missiles aimed at U.S. territory would be an exercise of the right of collective self-defense by Japan, which is considered unconstitutional, it

⁹ M. Sato, T. Kosuge, and P. van Fenema, “Legal Implications of Satellite Procurement and Trade Issues between Japan and the United States,” paper presented at the Institute of International Space Law Conference (IISL-99-IISL.3.13):11-19.

¹⁰ Tsuyoshi Sunohara, *Tanjo kokusan supai eisei (The Birth of National Spy Satellites)* (Tokyo: Nikkei BP Publishers, 2005).

needed to have its own early warning satellite to verify the U.S. satellite intelligence. Thus many people in the Liberal Democratic Party (LDP), particularly those interested in defense issues, demanded a reconsideration of the “exclusively peaceful purposes” clause of the 1969 Diet resolution.

Kawamura’s Initiative to Modify the 1969 Resolution

Despite the increasing demand to modify the resolution and the mounting pressure to reduce the space budget, neither the government nor the politicians took any action until the end of 2004. In early 2005 Takeo Kawamura, a LDP politician and a former minister of education, culture, sports, science, and technology (MEXT), took the initiative for change. While he was minister, Kawamura witnessed the failure of the H-IIA no.6 launch carrying two IGSs. Although he was responsible for the actual launch on the H-IIA and not the IGS program, both the public and the government accused him for not properly supervising a strategically important satellite project like the IGS. From Kawamura’s standpoint, those who accused him were confusing responsibility with competence. That is, even though JAXA was involved in developing some of the technological aspects of IGS, Kawamura was clearly out of the loop and not in a position to take responsibility. The JDA, the main user of the IGSs, also was not permitted to take part in this program, in compliance with the Diet resolution. Furthermore, the Cabinet Secretariat, the nominal authority for the IGS, was unable to oversee the satellite’s development and launch because of a shortage of manpower. Thus, the JDA, the Cabinet Secretariat, and the MEXT (or JAXA) had no direct responsibility for this program. To Kawamura, this was a critical failure of Japan’s national strategy, and he was convinced that something had to be done.

As soon as Kawamura left his post as Minister of MEXT in September 2004, he

convened an informal study group, the Consultation Group for National Strategy for Space, popularly known as the Kawamura Consultation Group. It was made up of members of LDP, including vice ministers in MEXT, the Ministry of Economy, Trade and Industry (METI), the JDA, and the Ministry of Foreign Affairs (MoFA). The Kawamura Consultation Group considered the problems of Japanese space policy, including the modification of the 1969 resolution and several public-private partnership programs such as the Quasi-Zenith Satellite System (QZSS), as well as the privatization of H-IIA.¹¹

After ten meetings, the Kawamura Consultation Group issued an over 100-page report in October 2005, which argued that Japan's space policy lacked a coherent strategy and a clear institutional arrangement.¹² That is, because Japan's space policy was dominated by the Science and Technology Agency and MEXT, it did not have a plan for using space to pursue its national strategic objectives. The result was a lack of competitiveness in the Japanese space industry and the difficulty which Japan was facing in assuming a larger role on the international stage.

The report therefore suggested drafting a new space policy and an institutional framework within which a more coherent space policy could be formulated. First, it proposed that the government create a new minister for space in the office of the Cabinet, who would serve as the center for Japanese space strategy. Furthermore, the report pointed out that Japanese space policy had been to develop new technology but that along the way it had neglected the users' needs and demands. The report thus recommended that the new minister for space should bring relevant ministries into the policymaking process

¹¹ See Kazuto Suzuki, "Adopting the European Model: Japanese Experience in Implementing a Public-Private Partnership in the Space Program," paper presented to the Council for European Studies Fifteenth Biennial International Conference, Chicago, March 31, 2006.

¹² Report of the Consultation Group for National Strategy for Space, "Toward a Construction of New Institutions for Space Development and Utilization," October 2005.

and refer their needs to the R&D program. The minister of space also should be authorized, the report continued, to use Japanese space assets to advance foreign and security policy purposes under the current constitutional framework.

The Kawamura Consultation Group's report also proposed that the political community, including its own members, begin discussing the modification of the 1969 resolution. Although any modification of the resolution would have to come from the Diet, the members seemed to have little interest in changing the resolution and not even to be aware of the issue. Consequently, members of the LDP and the government were pleased with the report, as it paved the way for Japan to change its space policy.

Legalizing the Strategic Objectives of Space Policy

Kawamura also submitted this report to the LDP's Policy Research Council. Because the LDP is Japan's ruling party, the council has great influence on government policy. In turn, the council has the prerogative to initiate policies and legislative actions, and without its consent, no legislative proposal would be introduced to the Diet. Kawamura thus found it more productive to bring his ideas about reforming Japanese space policy to the LDP than to the government because he needed the support of Diet members to revise the 1969 resolution. With the support from Hidenao Nakagawa, then the Chairman of the Policy Research Council and the third-ranking member of the LDP, Kawamura established the Special Committee on Space Development (SCSD) with himself as its leader.

With a large number of Diet members already on board, the SCSD attracted the attention of the media, and gradually more and more members began attending its meetings. By making space a priority of LDP policies, many Diet members began to realize its importance to the national strategy, and through the media coverage, the public, too, began to understand Kawamura's intentions. In July 2006, when North Korea

conducted a second missile test, the SCSD got another boost of support as public opinion quickly shifted from guarding its pacifist principles to demanding a more flexible interpretation of the 1969 resolution.

In this atmosphere, the SCSD decided to submit to the Diet its draft Basic Law for Space Activities on June 20, 2007, although it was not scheduled to be discussed until after the summer recess.

The first and the most important feature of the bill is its institutional renovation, in accordance with the Kawamura Consultation Group's report. It proposes establishing a new Minister for Space Development and a Headquarters, which would serve as a forum of MEXT, METI and user ministries and several appointed members from academia and industry and which would be given a broad authority. This ministry would also enable the government to formulate a coherent space policy. The Minister for Space Development would be "specially designated" and would not be in charge of managing the ministry but would be a member of the Cabinet Office, coordinating space-related policies of various ministries. One such ministry is the Ministry of Foreign Affairs (MoFA), which is conducting a study of the utilization of Japan's space technology as part of its foreign policy.

This abrupt change of policy is ambitious. Given the Japanese government's conservative attitude toward any reform, it is hoped that these new institutions will attract political attention and advance Japan's space activities.

The second feature of the bill pertains to security. Article 2 of the bill states that "Our space development shall observe the Outer Space Treaty and other international agreements and shall be conducted in accordance with the principle of pacifism upheld in the Constitution." In other words, the traditional interpretation of "exclusively peaceful purposes" as "nonmilitary" should no longer apply. Instead, the policy should be to adopt

the international standard interpretation of the “peaceful use” of space as the “nonaggressive” or “nonoffensive” use of space. The new bill would accordingly enable the Japanese defense authority to become involved in the development, procurement, and operation of space systems.

In addition, Article 14 states that “the government shall take necessary measures to promote space development that will contribute to international peace and security and also to our nation’s security.” Because this statement is so general, Article 14 could be interpreted as allowing the government to use space systems for aggressive purposes. But because Article 2 stipulates that the use of space systems for national and international security comply with both the framework of international agreements and Japan’s constitution, it implies that Japan may use its space assets for crisis management and disaster monitoring in Asia and for peacekeeping missions outside its territory. Article 2 also suggests that Japan can use early warning satellites for its missile defense, as this falls into the category of self-defense.

The bill therefore is designed to strengthen Japan’s capability in settling disputes and managing crises by peaceful means and is intended to change only the interpretation of the Diet resolution, preventing any use of space by Japan’s military authority.

Regional and Global Security

With the new bill on space development, the government will at last have a legal base for using space to strengthen its national security and expand diplomatic activities. This combination of security and diplomacy is important for two reasons. First, one of Japan’s primary objectives of using space for security is to acquire the capability to defend its own country, particularly by means of a missile defense system. Given the small size of Japan’s territory, space is not a very useful tool. It may not require a constant surveillance

and communication capability. However, in the context of Japan's expanding role in international security and the Japan-U.S. alliance, the SDF operations far from home would require long distance telecommunications and satellite intelligence. Such needs were confirmed by the Maritime SDF ships sent to the Indian Ocean to support U.S. and allied operations in Afghanistan as well as the Ground and Air SDF troops sent to Iraq.

The first SDF forces deployed outside Japan were sent to Cambodia in 1992 for U.N. peacekeeping missions. Since then, Japanese troops have been sent to places such as the Golan Heights, Mozambique, Zaire, and East Timor.¹³ Now the majority of Japanese no longer doubt their country's intention to contribute to international security and peace through UN operations, and consequently, the 1969 resolution has become both awkward and irrelevant. Although it states that space should be used for "exclusively peaceful purposes," during their UN operations, the SDF have not been allowed to use Japan's space assets to maintain "peace." The new law would not only enhance the scope of operation and capability of Japanese contribution to global security, but it would also increase the efficiency and effectiveness of its participation in multinational operations.

Second, the combination of security and diplomacy in the new bill is important because Japan would be able to change Asia's security environment in Asia. A number of issues are causing instability and threatening the security of the region, particularly North Korea's nuclear and missile tests, tensions between Taiwan and China, China's opaque security strategy and defense budget, China's ASAT test in January 2007,¹⁴ and various territorial and resource disputes. Although these conflicts have been contained by larger international organizations like the Association of Southeast Asian Nations (ASEAN) or

¹³ For a comprehensive list, see the webpage of Japan's Ministry of Foreign Affairs, <http://www.mofa.go.jp/policy/un/pko/index.html>.

¹⁴ Eric Hagt, "China's ASAT Test: Strategic Response," *China Security* 3, no. 1 (Winter 2007): 31-51.

ARF (ASEAN Regional Forum), they still need to be closely monitored to develop confidence building measures to ensure stability in the region and to seek peaceful solutions. Japan is, of course, the concerned party in some of these conflicts and needs to participate in such regional forums as ARF, the Asia-Pacific Economic Cooperation (APEC), and the East Asian Summit. Although it is committed to providing ideas and resources for their development, Japan needs first to prioritize the promotion of regional interests as well as its own domestic interests.¹⁵

Japan also should use its technological advantages to assume a leadership role in the region. To date, it has been providing its technological expertise through the Asia-Pacific Regional Space Agency Forum (APRSAF), although most of its activities still are uncoordinated and fragmentary, and its contributions still have not been fully recognized.

Thus the basic law, whose purpose is to increase Japanese capability of using space for diplomacy and security, is important. It would enable the government to formulate a coherent policy by establishing an inter-ministerial forum and appointing a minister for space who would coordinate Japan's space-related activities in order to strengthen its presence in international arena.

Japan's Use of Space as a Peace Broker

Besides providing technology, Japan can play a useful role as a peace broker in using space. For instance, it could supply the infrastructure for regional confidence building. Although the United States has maintained stability in this region through the general acceptance of its leadership, it may not always play such a "benign" role in Asia, due to

¹⁵ Address by Prime Minister Shinzo Abe following his visit to Indonesia, August 21, 2007.

the changes just discussed. Thus, it is time for Japan to consider the possibility of providing an infrastructure for the region's collective security.

Because of its network of intraregional relationships and its technological capability, Japan is the best country in the region to supplement the United States' leadership role. First, Japan should establish an early warning center to provide imagery intelligence data to increase transparency of troop mobilization and to monitor the proliferation of weapons. Satellites are a powerful tool for this. For example, the "Eye in the Sky" project during the cold war allowed both U.S. and Soviet satellites to monitor the progress of their disarmament,¹⁶ and the European Union's Satellite Centre in Torrejon, Spain, is a platform for all EU member states to use for gathering satellite imagery.¹⁷ Although providing intelligence data is a sensitive issue, Japan might be able to contribute financially and technologically to establish "regional confidence-building satellites" with a relatively low resolution and a "transparency information center" where operational decisions would be made and satellite images would be stored for all the region's intelligence agencies.

This is not a new idea. The European Union's experience in sharing information through the EU's Satellite Centre, and BOC (*Besoin Operationnel Commun*, or Common Operational Requirements) of France, Germany, and Italy, demonstrates that sharing satellite intelligence capability can contribute not only to confidence building but also improve the efficiency of peacekeeping and disaster relief operations.¹⁸ Because only a few countries in Asia are capable of operating imagery satellites, it is important for those

¹⁶ Bhupendra Jasani and Toshibumi Sakata, eds., *Satellites for Arms Control and Crisis Monitoring* (Oxford: Oxford University Press for SIPRI, 1987).

¹⁷ <http://www.eusc.europa.eu/>.

¹⁸ Gérard Brachet and Bernard Deloffre, "Space for Defence: A European Vision," *Space Policy* 22, no. 2 (2006):92–99.

countries without them to have access to data for peacekeeping and disaster relief operations.

Through this regional confidence-building satellite and transparency information center, Japan would assume the role of a “peace broker” in the region. Although it would not intervene militarily in regional conflicts, it could use its technological expertise and its contribution to the region’s security as leverage on disputing countries to encourage their self-restraint in using force when they depend on Japan. Indeed, if it were able to provide useful and effective means for maintaining the region’s security, the Asian Pacific states would have difficulty denying Japan’s request for arbitration. The credibility that Japan has nurtured for the last 60 years as a pacifist nation will bear a fruit when Japan takes action for improving regional security.

Some Japanese may argue that it is not politically feasible to contribute unilaterally to the region’s security when it is becoming increasingly unstable. Given Japan’s constitutional constraints and its commitment to the principle of pacifism, however, it also could improve its own security and that of Asia as a whole through its unique space program.

Appendix

The 1969 Resolution Concerning the Principle of the Development and Utilization of Space

(Private Translation)

Our nation's development and utilization of satellites and rockets to be launched beyond the earth's atmosphere shall be confined to exclusively peaceful purposes. They shall be undertaken to promote the advancement of science, the enhancement of national living, and the welfare of human society. They also shall contribute to the development of industrial technology and the promotion of international cooperation.

Extract from the Draft Basic Law for Space Activities¹⁹

(Private Translation)

Article 1

Reflecting the advancement of science and technology and changes in domestic and international affairs, considering the increasing importance of space development and utilization (hereafter "space development"), and expanding the role that our nation can play in space development, this law establishes the basic principles and measures for the development of space. The law defines the role of the government in enhancing our development of space, as well as ways to formulate a Basic Plan for Space Development. This law promotes steps toward developing space in a comprehensive and systematic manner through measures such as the establishment of a Strategic Headquarters for Space Development. The purpose of the law is to improve the lives of our citizens and the country's socio-economic development while contributing to the improvement of world peace and human welfare.

Article 2

Our space development shall observe the Outer Space Treaty and other international agreements and shall be conducted in accordance with the principle of pacifism upheld in the Constitution.

¹⁹ The draft bill contains thirty-five articles and two appended clauses.

Article 3

Space development shall contribute to the improvement of the lives of our citizens, to the creation of a safe and secure society, and to the elimination of various threats such as disaster and poverty to human life and human survival. It also should be undertaken to ensure international peace and security and also to contribute to our nation's security.

Article 4

Space development shall be undertaken under a positive and planned program, and with the aim of facilitating the commercial research and development of space. Space development thus should be undertaken to generate competitive technology in space and related industries and strengthen their international competitiveness, thereby contributing to the promotion of our nation's industries.

Article 5

Recognizing that knowledge of space is an intellectual asset to humanity, space development should be undertaken to contribute through advanced space science to the realization of dreams about space by human beings as well as to the progress of human society.

Article 6

Space development should be undertaken to play our nation's active role in international society by promoting international cooperation in space and thus contributing to the promotion of our nation's national interest in international society.

Article 13

The government shall take necessary measures such as the possession of a stable information network based on satellites, an information system for observation, and an information system for positioning. The purpose of these will be to improve the lives of our citizens, to create a safe and secure society, and to eliminate various threats such as disaster and poverty to human life and human survival.

Article 14

The government shall take necessary measures to promote space development that will contribute to international peace and security and also to contribute to our nation's security.