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CURRENT PROBLEMS IN THE LEGAL REGIME OF OUTER SPACE AND WAYS TO OVERCOME THEM

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The third quarter of the XX century opened for all humankind a completely different sphere of outer space activities. However, the branch of Space Law in the USSR was in its infancy and could not fully regulate its legal regime. More than fifty years have passed, but not all the problems that existed in the 1960s and 1970s have been solved. In addition, with the development of the space industry, modern ones have been added to them, so the development of ways to resolve them is one of the most challenging issues of modern International Law.

The regulation of the outer space commercialization is a major topic of discussion in the sphere of International Space Law. In the modern world this issue is manifested in several aspects, but the most striking of them are the commercial use of satellite communications and navigation, and space tourism. In the context of globalization, these areas are the most developed, but the legal support does not keep pace with the progress of public thought. In the context of the legislation of individual States, there are rules governing these relations, but it is not possible to establish a separate branch of International Private Space Law (similar to International Private Maritime Law).

One of the most controversial questions in this sphere of space tourism is the complexity of the division of liability between the customer and the contractor, as well as the role of the State is not absolutely clear. From our point of view, the solution to this problem should begin with the consolidation of the tourist status, which will allow the country to carry out flights for civilians. Thus, this legislation can establish the role of the State, which will greatly facilitate the search for the space travel option. In General, the rights and obligations of such a tourist should not have fundamental differences from the legal status of a tourist on Earth. It is most expedient to select the right camper for full information about terms of use of space unimpeded access to medical aid, compensation of losses and moral damages for breach of the terms of the contract and the following duties: observance of the regime of outer space and the rules of personal safety. In this way, the State can solve the problem of regulation of the legal regime of space tourism.

The most important legal issue is the use of near-earth orbit for military purposes. In the 1950s, the USSR made a proposal to ban the use of space for military purposes. The response was provided within the UN in 1959 by the Committee on the peaceful uses of outer space, which later received the status of permanent. Despite its activities, including the law making of the legal Subcommittee, there are still gaps in International Law. The following types of unregulated military activities in space are distinguished: the creation, testing, deployment of anti-satellite weapons; the development, testing, deployment of space - based missile defence components; the conduct of military applications in space; the creation and deployment in space of means of optical and electronic suppression; the creation and deployment in space of weapons based on new physical principles [1]. Legal regulation of the above mentioned relations would allow the world community to feel stability and confidence, as the technical systems created within these industries would allow keeping safe the space borders of States through satellite tracking of the armed forces of political opponents.

In the context of the booming world economy, the issue of mining in outer space is very topical. According to the UN international treaties of 1967 [2], humankind can conduct mining on celestial bodies as long as the mining stations do not produce their actual territorial «capture». The language contained in such acts had many ways of circumventing them, so that de facto the appropriation of space objects was de jure the use of them.

Reflecting on the options for solving this problem, we can consider a similar situation related to the legal status of Antarctica: international legal acts regulating the use of its territory and the extraction of minerals clearly establish a ban on mining activities for 50 years (according to the Madrid Protocol of 1998). A similar instrument may be adopted for the Moon and other celestial bodies.

The turbulent space activities of humankind, including mining, cannot leave «traces of stay» in the form of space debris [3]. Existing international treaties dealing with this issue either establish liability for the actual damage suffered or do not establish it at all. Many scholars have proposed to address this problem by drawing on the Guidelines of the Committee on the peaceful uses of outer space for the prevention of space debris and creating an instrument on its basis, the main purpose of which will be to establish liability for non-compliance with the provisions relating to airless space pollution [4]. Such principles can be attributed to the intentional activity, which entails the creation of space debris, the lack of measures for the utilization of technical objects (spacecraft, rocket stages, etc.) and not informing the world community about the action, which was formed by space debris . In our view, this problem may also have a legal solution, as it requires the coordination of the legislation of all Space Powers.

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