

UDC 341.1 / 8

## THE PROBLEMS OF LEGAL REGULATION OF SPACE RESOURCES USING

© Akhmadieva G.R., Rozentsvaig A.I.

e-mail: giuzel.akhmadieva@yandex.ru

*Samara National Research University, Samara, Russian Federation*

In connection with the development of practical activity in space research as a priority tendency both at the international and national levels, a new legal branch as international space law has been emerged.

One of the mounting questions of the modern space law is the gaps in international legal regulation of the extraction of space resources. The adoption of the Commercial Space Launch Competitiveness Act [1] by the USA in 2015, wherein a concept of space resources was introduced for the first time and the American private companies got a right to explore, produce and use extraterrestrial resources, caused the huge resonance in the international community. Such a step by the specific State contradicts to fundamental international treaties such as the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies of 1967 [2] and The Agreement Governing the Activities of States on the Moon and Other Celestial Bodies of 1979 [3], according to which outer space, including the Moon and other celestial bodies in whole or in part, and the natural resources in situ, are not subject to national appropriation and can not be the property of a State, international intergovernmental or non-governmental organizations, national organizations or non-governmental establishments or any person.

The issue of the legality of the interpretation of international space law by one State was raised at the initiative of the Russian Federation at the 55th session of the UN Committee for Space in 2016 [4]. The United States unilateral actions were heavily criticized by the international community. However, further such attempts were made by Luxembourg, which had adopted the Law on the Exploration and Use of Space Resources [5] with the support of the United States. In the first article of this law the possibility of appropriation of space resources was established.

It is important to note that the lack of detailed international legal regulation of private space activities became one of the reasons for the adoption of relevant national laws. Accordingly, the objective of this research is the determination of the legal framework of the space resources use, the analysis of the legality of adoption the laws on its extraction and familiarization in some countries for commercial purposes and the assessment of the prospects for the development of international legal regulation of this issue.

The methodological basis of the research is general scientific methods of analysis and synthesis, deduction and induction and logical and comparative legal methods.

An examination of the current international space legislation allows to conclude that the basic international space law principles and norms apply to the exploration and use of space resources in full, including those carried out by private companies. Notwithstanding the attempts by specific States to fill the gaps in international legal regulation of this problem through the adoption of national acts, international space law is the origin of legal conflicts. Due to this fact, such gaps can be filled only by all interested states. One-sided adoption of national laws, which contradict the existing international legal regime, could be taken up as an try to interpret legal norms based on the interests of the individual countries and to impose a similar approach on all other States participating in the international space agreements. As a

result, the private interests have gained priority over the state that conflicts with universally accepted principles and norms of international law. As a consequence, States have to join efforts to create international legal regulation of commercial space activities observing international legal obligations and accommodating the interests of all members to international agreements [6].

### References

1. H. R.2262 – U. S. Commercial Space Launch Competitiveness Act. Public Law [Electronic resource]. Access Mode: <https://www.congress.gov/bill/114th-congress/house-bill/2262/text>
2. Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies of January 27, 1967 // UN Document ST / SPACE / 61 / Rev.2.
3. The Agreement Governing the Activities of States on the Moon and Other Celestial Bodies of December 5, 1979 // UN document ST / SPACE / 61 / Rev.2.
4. Volynskaya O.A. International political and legal aspects of the use of space resources // Journal of Russian Law. – 2018. – No. 9. – P. 145-154.
5. Law on the Exploration and Use of Space Resources of July 13, 2017 [Electronic resource]. Access Mode: <http://legilux.public.lu/eli/etat/leg/loi/2017/07/20/a674/jo>
6. Bourély M. The Institutional Framework of Space Activities in Outer Space // Journal of Space Law. – 1998. – No. 1. – P. 1–2.