# РОЗДІЛ 1
# СТАНОВЛЕННЯ І РОЗВИТОК ПОВІТРЯНОГО І КОСМІЧНОГО ПРАВА: СТАН І ПЕРСПЕКТИВИ (ДО 90-РІЧЧЯ НАУ)

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## CONCERNING SPACE LAW DEVELOPMENT

Space law, much like other branches of public international law andindeed international law itself, has its origins in the need to establish acertain number of more or less simple rules to govern relations betweenmembers of an increasingly organized international community, primarilythe community of states. In this effort a widening number of areas onland, sea and finally air as well as new subjects, such as humanitarianones, were covered by an ever larger body of law and treaties [1, p. 1].

The current space law consists of the five international treaties at the core. It is also complemented by relevant UN GA resolutions, regional or bilateral treaties and customary international law, as well as legislations and practices of States and intergovernmental organizations as subsidiary means for the determination of rules of space law [2, p. 1].

Space law has come a long way since its inception in the 1960s. The legal framework for outer space has been established through a series of treaties and agreements, and the focus of space law has shifted from government space activities to commercial space activities [3].

There is a significant degree of agreement between authors dealing withspace law that the progressive development and codification of the law ofspace has moved through several stages, of which only the first oneproduced a number of binding legal instruments in the form of the fiveclassical space treaties, in addition to which contiguous legal instruments,such as the Partial Test Ban Treaty of 1963, although only partiallyaddressing outer space, can also be considered as part of this corecorpusjuris spatialis.In the subsequent stages, the history of space

law displays an increas-ing number of less-binding norms of varying origins, only a smallnumber of which have received the more universal cover of Resolutionsof the General Assembly of the United Nations, most of them, however,entering the field from other sources [1, p. 26].

Generally speaking, space law consists of two layers of laws and regulations. The first layer is international law that regulates rights and obligations of States and intergovernmental organizations in outer space The second layer of space law is the national law [2, p. 2].

All this seems to suggestthat the history of space law is far from being over and that it willproceed in further stages dominated not only by states and their inter-national organizations, but also, and to an increasing degree, by non-stateactors [1, p. 27].

The current space law establishes the legal status of outer space and fundamental legal mechanisms for its exploration and use. It meets the needs for the exploration and use of outer space by states. It plays an effective role in putting into order the space activities of states and international organizations, in safeguarding the order of outer space, in promoting the international cooperation and guiding the practice with legislation in advance. However, the international community is facing new challenges in maintaining safety and security of the space environment, space objects and space activities, such as the rapid development of commercial space activities; the momentum of space weaponization and an arms race in outer space; the risk caused by the increase of space debris, the shortage of spectrum and orbit resources, and the wide application of nuclear power sources and so on. At the same time, certain new legal issues are also posed in those new types of space activities such as space tourism, and the exploitation of resources in outer space. Facing these new situations and new challenges, the international community should not only strengthen the effective implementation of space law to address practical problems, but also promote its development in the following two aspects: 1). Adherence to the fundamental and prevailing status of the UN Charter; 2). Refining primary rules and secondary rules regulating outer space activities [2, p. 10-11].

As we continue to explore and utilize the space environment, space law will continue to play an important role in regulating these activities and ensuring the peaceful and sustainable use of outer space [3].

The key points of future space legislation include the following aspects: A. To refine the legal framework and mechanisms related to the common interests principle in outer space and the common heritage of mankind principle in the moon; B. To progress steadily on military security legislation of outer space; C. To improve the legislation on the

environment and resources of outer space; D. To continuously progress the space legislation on new types of space activities; E. To develop secondary rules for outer space activities [2, p. 11-12].

Thus, modern space law is still under development. The current state of modern technology improvement and the reality of the wars predispose the need for adequate state regulation of activity in the space sphere.

*Literature*

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## АВІАЦІЙНЕ ПРАВО УКРАЇНИ - СУЧАСНІ ВИКЛИКИ

Сьогодні не потрібно доводити важливість авіації у сучасному світі, як і важливість участі України у міжнародній авіаційній співпраці. Загалом, Україна бере вже участь у 70-ти двосторонніх міжнародних договорах про повітряне сполучення. З 1992 року вона є учасником Міжнародної організації цивільної авіації (ІКАО), з 1999 року - учасник Європейської конференції з цивільної авіації (ЄКЦА), з 2004 року - член Європейської організації з безпеки аеронавігації «Євроконтроль». Окрім того, є учасником угоди про «Відкрите небо», угоди про створення спільного авіаційного простору (САП). В рамках 23-го саміту Україна ЄС, який відбувся 12.10.2021 року, було підписано угоду про спільний авіаційний простір між Україною та ЄС. Цю угоду ще називають угодою про «Відкрите небо», яка передбачає відкриття ринку повітряного транспорту, нові можливості для споживачів та операторів, сприяння розвитку