

SUBJECTS OF INTERNATIONAL SPACE LAW: PECULIARITIES OF THEIR CHARACTERIZATION

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The relevance of the study lies in the fact that the activities related to the regulation of the space sphere are an indicator of the degree of science, engineering and technology. Current legal regulation does not meet the needs of space activities and requires detailed elaboration. The materials of this study are articles, a dissertation and theses. The methods of scientific cognition used were analysis, generalization and systematization.

The subjects of international space law are understood to be participants in international legal relations concerning activities in outer space or the use of space technologies. Among the relevant participants, states and international organizations should be identified first and foremost. Some experts include astronauts, legal entities of various types and even humanity as subjects of legal relations in the space industry. In this list, experts distinguish primary, secondary and additional subjects[1 ,c.14].

The state is the most active (primary) subject of space relations in international space law. Since international space law is a branch of international law, the subjects of international space law are identical to the subjects of international law - states and international intergovernmental organizations. A state's international space legal personality does not depend on any act or expression of will by other participants in international relations. The scope of their space legal personality is not limited and extends to all areas of space activities. As for international intergovernmental organizations, the scope of their space legal personality is limited (secondary). It is determined by the will of the member states of the organization and, as a rule, is fixed in the international treaty on the basis of which it is established.

It should be noted that in addition to the rights and obligations arising for each state from their general international legal personality based on the fundamental principles and norms of international law (sovereignty, non-interference, equality, non-aggression, peaceful coexistence, etc.), each state has the right to be a participant in international space relations[2,c.31].

According to some scholars, the level of involvement of states as subjects in the sphere of space relations reflects the degree of development of science, technology and engineering, and the amount of investment in this area. The authors note that the concept of "state as a subject of international space law" can be characterized by three indicators: 1) Countries that carry out or have carried out manned space flights: these are the most scientifically, technically, and technologically advanced countries that have a significant authority in world politics: USA - National Aeronautics and Space Administration (NASA); China - China National Space Administration (CNSA). 2) Countries and their associations that launch vehicles into space: European Space Agency (ESA),

Ukraine (until recently), DPRK, India, etc. 3) Countries, national and international space organizations that own satellites and work on targeted programs (Intercosmos, COSPAR, International Institute of Space Law, EurometSat, etc.). The third level includes countries that are forced to use services for launching, managing spacecraft, and receiving processed information. The number of such entities is approaching 90. "[3, c. 234].

However, it is worth noting that neither international treaties nor domestic laws contain a fully defined list of space activities. This is a positive thing, as a closed list would lead to significant restrictions and the need to constantly add new types as they emerge. However, international treaties also provide for prohibited types of space activities, which is reflected in the Law of Ukraine "On Space Activities"[4, c. 19].

Conclusions.

Thus, from the above, we can conclude that the main subject of space law is the state, which has an unlimited scope of space legal personality and extends to all areas of space activities. International intergovernmental organizations have a somewhat limited legal personality, and scientists also identify astronauts, legal entities of various types and even humanity as additional subjects.

List of references:

1.Hordeiuk A. O. Hlushenko V. I. Subiekty mizhnarodnoho kosmichnoho prava: spirni pytannia yikhpravovoho statusu ta vplyv na rozvytok kosmichnoi haluz. Prava liudyny v Ukraini: mynule, sohodennia, maibutnie, m. Kharkiv. 2021. S. 14–17. URL: https://library.pp-ss.pro/index.php/ndippsn_20211210/article/view/hordeiuk/pdf (data zvernennia: 15.03.2024).

2.Andrushko I. P. Kosmichne pravo: poniattia ta zmist : dys. ... kand. jur. nauk.: 12.00.01 Kyiv, 2006. 195 s.

3.Popov V. M.,Bohatov O. I. Mizhnarodne kosmichne pravo i militaryzatsiia kosmosu. Pravo i suspilstvo. 2020. № 3. S. 231–239. URL:http://pravoisuspilstvo.org.ua/archive/2020/3_2020/37.pdf (data zvernennia: 15.03.2024).

4.Netska L. S. Kosmichna diialnist: poniattia, vydy, pravove rehuliuвання. Yurydychnyi visnyk. 2021. T. 3 (60). S. 17–30.