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"Status, Application and Progressive Development of International and National Space Law"

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New Tendencies in the Development of International Space Law (from the Perspective of International Private Space Law)

Abstract

For several years international lawyers specializing in the field of international space law are talking about the formation of the international private space law. This opinion is also supported by a number of countries' official delegations at UN COPUOS and its Legal Subcommittee. But nevertheless there is a lack of overall scientific research on this issue.

In times of the growing tendencies of commercialization, globalization and privatization of space activity it seems that international private space law could provide the most adequate legal regulation for private space activities.

In the present paper international private space law is defined as a set of material and conflict norms regulating property and personal non-property legal relations with a "foreign element", connected with space activity. International private space law is characterized by its specific subject and methods of legal regulation.

Principal existing and potential legal sources of international private space law are:

The 2001 Cape Town Convention on International Interests in Mobile Equipment and the draft Space Assets Protocol;

National space legislation (e. g. U.S, Russian, UK and Ukraine laws and etc.);

Space law cases.

Co-relation of international space law and international private space law. The primary character of UN space treaties is prescribed both by the 2001 Cape Town Convention and draft Space Assets Protocol. National legislation regulating space activity should also be in conformity with international space law.

This paper will also cover in brief the problems of legal status of non-governmental entities in space law (including licensing, insurance and liability issues). Other actual problems are private property and intellectual property rights in space law.

And finally the author will analyze the perspectives and tendencies of development of international private space law.