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ХАЛЫҚАРАЛЫҚ ҚАТЫНАСТАР ФАКУЛЬТЕТІ



VI ХАЛЫҚАРАЛЫҚ ФАРАБИ ОҚУЛАРЫ

Алматы, Қазақстан, 2-12 сәуір 2019 жыл

Студенттер мен жас ғалымдардың

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KEY COMPONENTS OF MODERN SPACE ACTIVITIES

The international space law is on the stage of active perfecting now. Space activities have traditionally been limited to governmental entities. In the early decades of the Space Age only states had the technical and financial capabilities to carry out the exploration and use of outer space. Private actors were long excluded from it. On one side, due to strategic and political reasons, governments were hesitant to allow anyone other than their own military or governmental space agencies to be involved in space-related affairs. On the other side, the enormous financial commitments required to undertake any kind of operation in space deterred potential private investors from entering the space sector. Furthermore, the legal framework to regulate private activities in space was largely inadequate. However, in the 1980s and 1990s private operators started entering the space market. This was mainly due to the need for states to find additional sources to finance space activities. Indeed, already in the late 1970s, governments started reducing their space budgets, and other, preferably private, financial means had to be secured to support space projects. Additionally, technological advancements and the reduction of costs contributed to attract private investors towards outer space.

The world market of the outer space services has been formed relatively recently, but it is developing very rapidly. Initially, only public-private partnerships, for example long-term cooperation between the public and private sectors to execute projects typically in the hands of the public sector, were organized. Later, entirely private undertakings appeared, although up to now they remain a limited number. Importantly, the privatization of space activities has gone hand in hand with its commercialization. Many of researchers M. Harr, R. Kohli [1], H. L.vanTraa-Engelman [2], Z.Meyer [3] see the most significant feature of the expression «commercialization» in its central objective: «to make a profit». That is true. Commercialization or “Commercialize” means any and all activities undertaken at any time for a particular Licensed Product and that relate to the manufacturing, marketing, promoting, distributing, importing or exporting for sale, offering for sale, and selling of the Licensed Product, and interacting with Regulatory Authorities regarding the foregoing[4]. In the context of space, it can be intended as the use of equipment sent into or through outer space to provide goods or services of commercial value.

The United States was the first country to embrace the commercialization of outer space in the early 1990s. Nowadays, thanks to the increasing civilian application of space technologies and the globalization of the economy, the privatization and commercialization of space are becoming key components of modern space activities. The growing privatization and commercialization of space activities created new legal challenges to space law. In particular, that of adapting a legal framework developed having in mind states as the main space actors. It soon emerged that the formulation of national space legislation was the most suitable instrument to achieve this goal. This choice was largely due to the consideration that international space law requires states to ensure that national space activities are consistent with the fundamental space law principles. Thus, it seemed more logical for each state to individually regulate the involvement of their nationals in space undertakings rather than developing new internationally agreed rules. Several reasons can be enumerated to explain why a growing number of states have been enacting national space legislations. First, activities in outer space are inherently hazardous. In order to prevent harm caused by space operations carried out by private entities, a mechanism to supervise and control them is needed. Second, states need to make sure that private subjects, while operating in space, do not violate a nation’s international obligations or undermine its national