УДК 34.01
DOI https://doi.org/10.24144/2788-6018.2023.05.113

OUTER SPACE PUBLIC LAW: THE 1958–1963 PERIOD. PART 2

Marinich V.,
Ph.D. candidate in Law
National University of Life and Environmental Sciences of Ukraine
ORCID ID: https://orcid.org/0000-0002-3206-1436

Myklush M.,
CEO, Law Firm "FOX" of Maryna Myklush"
ORCID ID: https://orcid.org/0009-0005-2202-9482

Yara O.,
Doctor of Law, Professor, Dean of the Faculty of Law,
Professor of the Department of Administrative and Financial Law,
the National University of Life and Environmental Sciences of Ukraine
ORCID ID: https://orcid.org/0000-0002-7245-9158

Марініч В.К., Миклуш М.І., Яра О.С. Космічне публічне право: період 1958–1963 років. Частина 2.

Дана стаття є четвертою статтею із циклу досліджень, пов'язаних з аналізом процесу регулювання космічної діяльності.

Враховуючи результати попередніх досліджень документів, прийнятих міжнародним співтовариством у 1958–1963 роках у сфері регулювання космічної діяльності, у цій статті продовжується висвітлення результатів дослідження процесу формування Космічного публічного права.

У статті описуються ініціативи міжнародного співтовариства, зокрема Генеральної Асамблеї ООН, пов'язані з регулюванням відносин між державами у питаннях використання космічного простору та небесних тіл.

Насамперед описується процес поступового формування одного з найважливіших міжнародних принципів Космічного публічного права, який можна віднести до групи Загальних Принципів Космічної Діяльності, – «Принципу Корисного Космосу». Також описуються правові колізії та складності, які виникли вже на початковому етапі формування цього принципу, а також наслідки, до яких вони можуть призвести.

Крім цього, у статті описується процес формування ще одного дуже важливого принципу Космічного публічного права, який також можна віднести до групи Загальних Принципів Космічної Діяльності, – «Принципу Космічного Руху», який на той момент уже складався з трьох спеціальних принципів, що сформувалися під впливом конкретних міжнародних ініціатив. Так, ініціатива щодо впорядкування запусків космічних кораблів у космічний простір сформувала «Принцип реєстрації запусків». Ініціатива щодо організації взаємодії між державами щодо астронавтів та космічних кораблів, запущених у космос, сформувала «Принцип взаємодопомоги». У свою чергу, ініціатива щодо організації безпеки космічної діяльності сформувала «Принцип відповідальності».

При цьому всі ці принципи були оформлені лише у вигляді Conventionalis stipulatio, які в основному були викладені в Резолюціях і Декларації Генеральної Асамблеї Організації Об'єднаних Націй.

Враховуючи вищевикладене, необхідно ще раз звернути увагу на те, що досліднику не слід очікувати від «космічного права» тієї форми, в якій люди звикли зазвичай сприймати «право», через винятковість того середовища, щодо якого це нове «право» формувалося.

Ключові слова: космічне публічне право, conventionalis stipulatio, принцип корисного космосу, принцип космічного руху, загальні принципи космічної діяльності.

Marinich V.K., Myklush M.I., Yara O.S. Outer Space Public Law: the 1958–1963 period. Part 2.

This is the fourth article in the study related to analyzing the process of regulation of space activities.

Considering the results of previous studies of documents adopted by the international community during the 1958–1963 period in the regulation of space activities, this article continues the presentation of the study of the process of Outer Space Public Law development.

The article describes the initiatives of the international community (including the UN General Assembly) connected with the regulation of relations among States in matters of the use of outer space and celestial bodies.

First of all, it describes the process of gradual formation of one of the most important international principles of Public Space Law, which can be attributed to the group of General Principles of Space Activities, namely, "The Principle of a Useful Cosmos". Also, legal conflicts and difficulties that arose at the initial stage of the formation of this principle as well as the consequences to which they could lead are described.

In addition, the article describes the process of formation of another very important principle of Public Space Law that can also be included in the group of General Principles of Space Activity, namely, "The Principle of Space Traffic", which at that time already consisted of three special principles formed under the influence of specific international initiatives. Thus, the initiative to streamline space vehicle launches into outer space formed "The Principle of launch registration". The initiative to organize interaction among States regarding astronauts and space vehicles launched into space formed "The Principle of mutual assistance" In turn, the initiative to organize the safety of space activities formed "the Principle of Responsibility".

At the same time, all these principles were developed only in the form of Conventionalis stipulatio, which were mainly set out in the Resolutions and Declarations of the UN General Assembly.

Considering the above, it is necessary to pay attention again to the fact that the researcher should not expect from the "Outer Space Law" the form in which this "Law" is accustomed to consider, due to the exclusivity of the environment to which this new "Law" was formed.

Key words: Space Public Law, conventionalis stipulatio, the Principle of a Useful Cosmos, the Principle of Space Traffic, General Principles of Space Activity.

1. Introduction.

1.1. Problem Statement.

Based on the results of the study, published in the articles "Regulation of space activities during the 1958–1963 period» [13] and "Space Law, Subjects and Jurisdictions: pre-1963 period" [14], Marinich V.K. defined the concept of the Outer Space Law and concluded that the Outer Space Law is only one of the possible legal systems that may be the elements of the global Outer Space Law.

At the same time, the Outer Space Public Law may consist not only of international treaties drawn up in the usual format but also of Resolutions and Declarations of the UN as well as other similar documents that are set out in the form of contractual public promises of certain States (Conventionalis stipulatio) [14, c. 575].

In the first stage of the Outer Space Public Law development (1958–1963), it was the "Conventionalis stipulatio" that made up its main part. The mentioned "Conventionalis stipulatio" formed a kind of General Principles of Outer Space Activities, which created the basis for the future development of Outer Space Public Law.

In the process of further research, the results of which were presented in the article "Outer Space Public Law: the 1958–1963 period. Part 1" [12, c. 350–354], two important principles of Outer Space Public Law, formalized in the form of Conventionalis stipulatio, were defined, namely, "The Principle of a Free Cosmos" and "The Principle of a Peaceful Cosmos".

In this case, it should be understood that these two principles are fundamental for the further regulation of any space activity and all subsequent provisions of Outer Space Public Law should be formed only taking into account these principles.

Separately, it is necessary to underline that the study mainly contains the term "Cosmos" instead of the "Universe" to describe these and other principles of space activity. This is not connected with the astronomical or physical characteristics of space-time-matter but with the everyday perception of the average person. Historically speaking, most people perceive the concept of "Universe" as the whole world that surrounds a person. At the same time, the person is perceived as one of the elements of this world. Considering that the planet Earth, along with the rules established on it, is also part of our "Universe" (in the ordinary sense), the application of this term to the space outside the planet Earth becomes incorrect.

In turn, the concept of "Cosmos" is mainly perceived as a definition of space beyond the planet Earth, which includes both space objects and the space between them. That is why the researcher considered the use of this term to describe the processes of regulating relations outside of planet Earth to be the most correct.

1.2. The status of the issue.

As mentioned in the first part of the study, many scientists and lawyers studied the documents that became part of Outer Space Public Law.

However, these studies concerned only global international documents regulating space activities such as international treaties or UN Conventions. At the same time, other international documents such as Resolutions and Declarations adopted by the United Nations General Assembly were subjected to only superficial analysis concerning their insignificance.

This study attempts to address these shortcomings and provide a new and more in-depth analysis of Outer Space Public Law.

1.3. The article is aimed at presenting the second part of the study of Outer Space Public Law conducted on the basis of the following international documents adopted during the period from 1958

to 1963, that formed the first pool of Outer Space Public Law documents:

– the UN General Assembly Resolution No. 1148 (XII) "Regulation, limitation and balanced reduction of all armed forces and all armaments; conclusion of an international convention (treaty) on the reduction of armaments and the prohibition of atomic, hydrogen and other weapons of mass destruction", adopted by the UN GA during its 12th session at the 716th plenary meeting, 14 Nov. 1957 (the UN GA Resolution 1148);

– the UN General Assembly Resolution No. 1348 (XIII) "Question of the peacefull use of outer space", adopted by the UN GA during its 13th session at the 792nd plenary meeting, 13 Dec. 1958 (the UN GA Resolution 1348);

– the UN General Assembly Resolution No. 1472 (XIV) "International co-operation in the peaceful uses of outer space", adopted by the UN GA during its 14th session at the 856th plenary meeting, 12 Dec. 1959 (the UN GA Resolution 1472);

– the UN General Assembly Resolution No. 1721 (XVI) "International co-operation in the peaceful uses of outer space", adopted by the UN GA during its 16th session, 20 Dec. 1961 (the UN GA Resolution 1721);

– the UN General Assembly Resolution No. 1802 (XVII) "International co-operation in the peaceful uses of outer space", adopted by the UN GA during its 17th session at the 1192nd plenary meeting, 14 Dec. 1962 (the UN GA Resolution 1802);

– Treaty banning nuclear weapon tests in the Atmosphere, in outer space, and under water (No. 6964), signed at Moscow (the Union of Soviet Socialist Republics, the United States of America, and the United Kingdom of Great Britain and Northern Ireland), 5 Aug. 1963 (the Treaty No. 6964);

– the UN General Assembly Resolution No. 1884 (XVIII) "Question of general and complete disarmament", adopted by the UN GA during its 18th session at the 1244th plenary meeting, 17 Oct. 1963 (the UN GA Resolution 1884);

– the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space, adopted by the UN GA during its 18th session at the 1280th plenary meeting, 13 Dec. 1963, No. 1962 (XVIII) (the Declaration of Legal Principles);

– the UN General Assembly Resolution No. 1963 (XVIII) "International Co-operation in the peaceful uses of outer space", adopted by the UN GA during its 18th session (the UN GA Resolution 1963).

2. The basic material. General principles of space activities as part of Outer Space Public Law.

2.1. Conventionalis stipulatio "The Principle of a Useful Cosmos".

It is probable that the most controversial initiative that ever came before the UN General Assembly was the Useful Cosmos initiative.

The reason for this was that although the issue of the Useful Cosmos was resolved within the framework of Outer Space Public Law due to its natural characteristics it affected the interests of all individuals, including humanity.

This was already obvious in the UN GA Resolution 1348, in which it was proposed to perform "*the exploitation of outer space for the benefit of mankind"* [4]. At the same time, the preamble of this Resolution also underlined the need "*to avoid the extension of present national rivalries into this new field*" [4].

After the nuclear tests in outer space in 1962, which almost destroyed the entire planet, the UN General Assembly in the UN GA Resolution 1884 again emphasized "*that the exploration and use of outer space should be only for the betterment of mankind*" [6] (preamble).

Further, in 1963, the Declaration of Legal Principles highlighted the existence of "*the common interest of all mankind in the progress of the exploration and use of outer space"* [7], and also that "*the exploration and use of outer space shall be carried on for the benefit and in the interests of all mankind"* [7].

Thus, the international community has come to the need to form a new principle, which can conditionally be called "The Principle of a Useful Cosmos". Naturally, as in the cases of "The Principle of a Free Cosmos" and "The Principle of a Peaceful Cosmos", this principle was also developed in the format of Conventionalis stipulatio (a contractual public promise-obligation of the States that signed the relevant UN Resolutions and Declarations).

At the same time, as in many other cases, this initiative did not consider activities on celestial bodies for unknown reasons. Perhaps the UN General Assembly did not envisage the rapid technological progress of mankind and its ability to achieve "celestial bodies" shortly.

Considering "The Principle of a Useful Cosmos" is part of Outer Space Public Law and extends its influence only to States, it could be formulated as follows:

"All states can explore and use outer space exclusively for the benefit and interests of humanity, avoiding national rivalries into this field".

Considering the current political situation, it becomes obvious that without external control, States would act only in their interests and not in the interests of humanity.

Accordingly, to exercise such control, each space initiative of any Member State of the Organization, before its implementation, would have to undergo peer review in the Committee on the Peaceful Uses of Outer Space to coordinate its goals for the benefit of humanity. That is how this principle was originally considered by the UN General Assembly [1, c. 135].

Ultimately, space activities were supposed to lead to environmental protection, increased education (increasing access to scientific data around the world), poverty reduction, and increased well-being, freedom, and security of people.

Only in environmental matters, the space activities of States more or less justified themselves and then only because it was in the interests of the States. In all other matters, such activities for the "good of humanity" were very doubtful.

At the same time, the UN General Assembly gave states grounds for such behavior when in the UN GA Resolution 1472 was stated that "*the exploration and use of outer space should be only for the betterment of mankind and to the benefit of States"* [5].

Thus, the UN General Assembly for the first time officially mentioned the aim of "the benefit of States" about space activities.

At the same time, this goal was announced in a veiled manner, in the context of a general proposal to use outer space only for the benefit of humanity.

However, instead of reconsidering its position, the UN General Assembly, on the contrary, continued to tip the scales of space activities in favor of States. Thus, in the UN GA Resolution 1721 was stated that "*Outer space and celestial bodies are free for use by all States in conformity with international law"* [9]. Moreover, the UN GA Resolution 1884 no longer refers to all states on the planet, but only to Member States as follows "*benefit which all Member States would enjoy by participation in international programs of co-operation in this field*" [6].

Further, in the Declaration of Legal Principles, it was again underlined that "*the exploration and use of outer space should be carried on for … the benefit of States regardless of their degree of economic or scientific development"* [7] and subsequently this position was enshrined as one of the legal principles, namely: "*Outer space and celestial bodies are free for ... use by all States on a basis of equality and in accordance with international law"* [7].

That is, as of the end of 1963, provisions appeared in the Resolutions and Declarations of the UN General Assembly that assumed that States had the opportunity to use outer space and celestial bodies for their benefit.

Thus, the following situation arose in Outer Space Public Law.

On the one hand, there is the established "Principle of a Free Cosmos" and one of its most important conditions of "Res Nullius Civitatis", which was also enshrined in the provisions of the Declaration of Legal Principles, namely: "*Outer space and celestial bodies are not subject to national appropriation... by means of use*" [7].

On the other hand, provisions have emerged according to which "*Outer space and celestial bodies are free for ... use by all States*" [7], and the purpose of such use may be "*the benefit of States*" [5].

In turn, the fact that "actions for the benefit of certain States" very rarely coincide with "actions for the benefit of all mankind" does not require scientific justification.

Thus, we can talk about the emergence of the following essentially opposite legal provisions:

1. "*not subject to national appropriation ... by means of use*" and "*free for use by all States*",

2. "*for the benefit and in the interests of all mankind*" and "*for the benefit of States*".

That is attempts by States to expropriate the Cosmos through legal manipulations led to the emergence of obvious legal contradictions (collisions). At the same time, to avoid conflicts, the resolution of these conflicts had to be carried out taking into account "The Principle of a Free Cosmos" and based on the jurisdictional principles of "home room" and "alien room" [12, c. 350-351]. According to these principles, the Cosmos can be free for its use only by people and cannot be free for its use by States, especially for their benefit.

However, instead of resolving these collisions, the UN General Assembly in the next UN GA Resolution 1963 underlined the need "*to continue and to extend co-operative arrangements so that all Member States can benefit from the peacefull exploration and use of outer space*" [8].

That is, there is a purposeful discriminatory shift from "betterment of mankind" towards "benefit for certain UN Member States," namely those that participate in international space programs.

Thus, the UN General Assembly has driven a "discriminatory wedge" not only between humanity and States but also among states that take part in space programs and other states. Such discrimination may lead to the fact that stronger and more technologically advanced states that can launch their space vehicles into space would be enriched even more through outer space and celestial bodies use. At the same time, small states that do not have such an opportunity may become even poorer. That is, in this case, we are talking about a global violation of one of the basic principles of the UN, namely, the equality of all states on the planet.

Perhaps legal conflicts could have been avoided provided the UN General Assembly clarified the concept of "use" of outer space and celestial bodies for all cases (for research, for the benefit of humanity, for the benefit of states, etc.).

For example, according to the provisions of "The Principle of a Free Cosmos", states have the right to free exploration of the Cosmos. However, no substantial external research of the Universe can not be performed without the physical use by states of outer space and celestial bodies, since it is difficult to carry out such research without launching

a space vehicle into outer space (including celestial bodies) and placing satellites in orbit.

In turn, the presence in outer space or on a celestial body of any objects launched by states would always be considered at least a temporary use of outer space and celestial bodies. Thus, it is logical to allow the temporary use of outer space by states. At the same time, the purpose of such use can only be space exploration in the interests and benefit of humanity.

All other options for the use of outer space and celestial bodies by states (including permanent use) will contradict "The Principle of a Free Cosmos" and one of its most important conditions, namely the condition of "Res Nullius Civitatis" [12, c. 351], which is the natural legal state of the Cosmos and which States have pledged to comply with.

However, technologically developed states carry out activities mainly only for their benefit (often without a research value for humanity). Independently or through controlled private companies, they launch objects into celestial bodies and place "satellites" in outer space, which freely occupy near-Earth orbits, thus appropriating part of outer space.

For example, it is difficult to identify space satellites used by States to track people as those that function for the benefit of humanity that has never permitted States to act in such a way. Naturally, both military satellites and other options for the militarization of space serve not in the interests but against the interests of humanity and peaceful purposes [11, c. 337].

The results of scientific research obtained by States using space activities also do not go to humanity and are most often used only in the interests and for the benefit of certain States that received them (especially if such achievements allow some State to take a leading position in the military or economic field).

Moreover, space has already begun to be considered by many States not as a neutral territory, but as *"a contested operational domain"* [11, c. 338].

We can say that from that moment, acting under the auspices of the UN, States began an undeclared confrontation with humanity and rivalry among themselves in space.

At the same time, acting "Fraus legi fit", States interpret the provisions on the use of Space in such a way as to circumvent "The Principle of a Free Cosmos" and obtain the right to use outer space and celestial bodies without the need to obtain separate property rights to them.

However, this is just "Fraus legi fit". In reality, whenever anyone uses outer space and celestial bodies to one's advantage, their appropriation would occur. After all, any subject, receiving the right to freely use anything without announcing ownership rights, would receive *"their functional equivalent"* [2, c. 90]. Accordingly, such use of outer space and celestial bodies appears to be contrary to the conditions of "Res Nullius Civitatis" and "The Principle of a Free Cosmos".

However, despite this, some States (such as the USA) are already declaring their rights to use the material resources of outer space and celestial bodies only to its benefit by the right of the stronger regardless of the opinions of other States.

That is, in fact, the above provisions of international documents establishing the right of States to freely use outer space and celestial bodies for their benefit, created the preconditions for discriminatory attempts to colonize and expropriate outer space and celestial bodies by certain States. Through the ambiguous interpretation of these provisions, certain States are trying to act according to the principles of "Jus primae occupatiōnis" (the right of first seizure) and "Qui prior est tempŏre, potior est jure" (one who is first in time is preferred in right).

In this regard, there is a strong possibility that States possessing space technologies may eventually organize a space race among themselves for control of space objects, which in the end would contradict the UN initiative *"to avoid the expansion of present national rivalries into this new field"* [4] (preamble to the UN GA Resolution 1348) and could lead to space war.

However, we should not forget that the only correct formulation of "The Principle of a Useful Cosmos", which corresponds to "The Principle of a Free Cosmos" and the condition of "Res Nullius Civitatis", is the following formulation:

"All states can explore and use outer space exclusively for the benefit and interests of humanity, avoiding national rivalries into this field".

Thus, any other provisions of international documents that grant States any rights to use outer space and celestial bodies can only be applied within the framework of the above formulation of "The Principle of a Useful Cosmos" and to the extent that does not contradict "The Principle of a Free Cosmos" and the condition of "Res Nullius Civitatis".

That is, any space activity of States can also be carried out only within the framework of the above formulation of "The Principle of a Useful Cosmos" and in that part that does not contradict "The Principle of a Free Cosmos" and the condition of "Res Nullius Civitatis".

Accordingly, any actions of States to use outer space and celestial bodies for their benefit (if this benefit is not an integral part of the benefit of all humanity) would be actions that contradict the interests of humanity and do not comply with "The Principle of a Useful Cosmos" and "The Principle of a Free Cosmos".

Although all this is quite clear, nevertheless, to avoid contradictions and to eliminate the desire of some States to apply "Fraus legi fit" in space activities, the UN General Assembly had to finalize the provisions of Outer Space Public Law and bring all principles into strictly definite correspondence to each other.

And first of all, it was necessary to clarify the concept of "use of outer space and celestial bodies," with particular emphasis on the possibility of only temporary use by States of outer space and celestial bodies, and only for research purposes or for "the benefit of mankind".

Also, it was necessary to clarify the concept of "the benefit of States", with particular emphasis on the possibility of States receiving benefits only as part of "the benefit of mankind".

At the same time, it was necessary to establish that any interpretation by States of international rules bypassing "the benefit of mankind" or research purposes would contradict the condition of "Res Nullius Civitatis" and other provisions of "The Principle of a Useful Cosmos" and "The Principle of a Free Cosmos".

Provided the UN General Assembly fails to resolve these issues, then over time, "The Principle of a Free Cosmos" will become only a declarative principle, and the UN will only observe the space race and the outbreak of a space war without the ability to stop this conflict.

2.2. Conventionalis stipulatio "The Principle of Space Traffic".

2.2.1. The Principle of registration of launches (the 1st Principle).

Everyone understands that a lack of traffic regulation can result in a transport collapse. The same situation arose with space launches already at the initial stage of space activity.

Realizing this, under the UN GA Resolution 1721 the UN General Assembly outlined an initiative to register in "The Committee on the Peaceful Uses of Outer Space" launching objects into outer space performed by States, specifically it "*Calls upon States launching objects into orbit or beyond to furnish information promptly to the Committee on the Peaceful Uses of Outer Space, through the Secretary-General, for the registration of launchings"* [9].

The importance of this rule was that the registration of such launches automatically secured a legal connection between the object and the State launching it to regulate the consequences of such a launch [15, c. 131].

It can be considered that it was from this moment that the international process of regulating space activities began, which created the basic "Principles of Space Traffic".

Formally, this initiative was just a conventionalis stipulatio and not a specific rule. However, gradually, all States voluntarily began to implement this initiative and over time, naturally, it turned into an international custom, which became the First Principle of Space Traffic.

At the same time, since the UN GA Resolution 1721 did not contain clear information necessary for the registration, in 1962 the Committee on Space Research (COSPAR) additionally prepared rules for organizing launches and standardizing basic data for transfer and inclusion in the register [3, c. 173].

In this regard, the First Principle of Cosmic Movement could be stated as follows:

"States launching objects into orbit or beyond undertake to register such launches to the Committee on the Peaceful Uses of Outer Space under the rules established by this Committee".

2.2.2. The Principle of mutual assistance (the 2nd Principle).

After resolving the issue related to the launch of a space vehicle into outer space, another aspect associated with the landing of space vehicles and astronauts appeared, namely, the need to create a certain Model of mutual assistance among States when carrying out space activities in this area [13, c. 594].

The first important element was the development of a formula for the return of astronauts who land on the territory of a foreign country, which was set out in the Declaration of Legal Principles as follows: "*States shall regard astronauts as envoys of mankind in outer space, and shall render to them all possible assistance in the event of accident, distress, or emergency landing on the territory of a foreign State or on the high seas. Astronauts who make such a landing shall be safely and promptly returned to the State of registry of their space vehicle"* [7].

The second important element was the creation of a formula for the return of space vehicles and their parts that land on the territory of a foreign state that was also set out in the Declaration of Legal Principles for the "objects launched into outer space", namely: "*Such objects or component parts found beyond the limits of the State of registry shall be returned to that State, which shall furnish identifying data upon request prior to return"* [7].

However, this is all that has been done on this topic by the end of 1963. At the same time, the terms of mutual assistance were not developed in the form of contracts and had neither an execution mechanism, nor deadlines for execution, nor a mechanism for compensating the costs of such execution. These statements sounded more like wishes and promises, rather than specific terms of cooperation, and assumed only voluntary assistance without observing any procedures or deadlines. That is, these conditions of mutual assistance were performed in the form of conventionalis stipulatio

like other principles of space activity during this period.

At the same time, this principle assumed the need for mutual assistance only among States and only concerning "objects launched into outer space or component parts" and "astronauts" that land on the territory of other states or the high seas. That is, it did not provide for the processes of interaction and mutual assistance among States in outer space concerning the same "objects launched into outer space" and "astronauts", and also did not provide for the process of interaction and mutual assistance among astronauts. Moreover, this principle did not address the issue of participation in interaction and mutual assistance of private and non-governmental actors in space activities.

Thus, as of the end of 1963, this Principle of Mutual Assistance could be formulated as follows:

"States shall render to astronauts all possible assistance in the event of accident, distress, or emergency landing on the territory of a foreign State or the high seas. Astronauts who make such a landing shall be safely and promptly returned to the State of registry of their space vehicle. Objects launched into outer space or component parts found beyond the limits of the State of registry shall be returned to the relevant State, which shall furnish identifying data upon request prior to return".

2.2.3. The Principle of responsibility (the 3rd Principle).

Naturally, after establishing the legal connection of States with launched objects, the need to prevent dangerous space activities and to establish the responsibility of States for the negative consequences of space vehicle launches appeared. That is, it was necessary to establish a certain Principle of responsibility for space activities.

Thus, for example, the Declaration of Legal Principles included hesitant attempts to prevent undesirable consequences from space activities that could be carried out to the detriment of the principles of peaceful exploration and use of outer space, namely: «*If a State has reason to believe that an outer space activity or experiment planned by it or its nationals would cause potentially harmful interference with activities of other States in the peaceful exploration and use of outer space, it shall undertake appropriate international consultations before proceeding with any such activity or experiment. A State which has reason to believe that an outer space activity or experiment planned by another State would cause potentially harmful interference with activities in the peaceful exploration and use of outer space may request consultation concerning the activity or experiment"* [7].

However, the scope of such international consultations and the procedure for their conduct were not established, and their results did not have legal force. This means that this control rule would only work provided all States report openly and honestly about their space activities and voluntarily take into account the views of other States. However, in the conditions of space competition, there is no discussion of the honesty and openness of States.

In addition, a major drawback of this rule was that the right to control space activities was granted only to States. Non-governmental organizations and individuals were deprived of this opportunity. Accordingly, this put at risk any private individuals and non-governmental organizations who wished to interfere with harmful space activities. Moreover, they could be accused of harming national security and brought to criminal liability.

Thus, it can be assumed that this rule could work for Animal Rationale, but in the conditions of the space race among Animal capax rationis, compliance with this rule is highly unlikely.

However, in addition to this rule, the UN General Assembly also attempted to establish direct responsibility for States for the consequences of space activities.

Thus, in the UN GA Resolution 1802 it was proposed to establish *"liability for space vehicle accidents"* [10].

Subsequently, in the Declaration of Legal Principles (paragraphs 5 and 8), this Principle was described more specifically, namely:

"States bear international responsibility for national activities in outer space, whether carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried on in conformity with the principles set forth in the present Declaration… When activities are carried on in outer space by an international organization, responsibility for compliance with the principles set forth in this Declaration shall be borne by the international organization and by the States participating in it…

Each State which launches or procures the launching of an object into outer space, and each State from whose territory or facility an object is launched, is internationally liable for damage to a foreign State or to its natural or judicial persons by such object or its component parts on the earth, in air space, or in outer space" [7].

In fact, in this way, an attempt was made to establish the responsibility of States for the space activities they carry out and for the space activities of entities that they control, as well as an attempt to establish the responsibility of international organizations for their space activities.

However, as of the end of 1963, all these initiatives were not formalized by agreements and had only the form of public promises (conventionalis stipulatio).

At the same time, this responsibility was established only for the activities of States and

international organizations in outer space. That is, this rule does not contain any liability for space activities related to celestial bodies, nor for activities of astronauts of a State directed against the property and astronauts of another State [1, c. 151].

In addition, this liability does not extend to damage caused on the surface of the Earth but provides only for liability for damage caused by parts of a space object in air or outer space.

However, the main drawback of this rule was that international liability is established only for non-compliance with the provisions of the Declaration of Legal Principles. In turn, it is very difficult to determine a violation of the principles of the mentioned Declaration, because these principles are unclear and non-specific (for example, even the definition of "a launching state" does not have an unambiguous interpretation). In addition, there are no established boundaries of air and outer space, and there are no procedures for determining damage, establishing guilt, and distributing responsibility among all participants in space activities. All this leads to the impossibility of holding the violating State accountable. At the same time, most of the listed issues were voiced by the ad hoc Committee but have never been resolved [1, c. 153, 155].

Thus, we can say that formal responsibility for violating the rules of space activities has been established, but bringing the relevant State or international organization to such a responsibility would be a difficult process to implement.

However, despite these shortcomings, during this period we can talk about the emergence and formation of a very important and necessary Principle of Responsibility, which could be stated as follows:

"All States that carry national activities in outer space (including States which launch or procure the launching of an object into outer space, and each State from whose territory or facility an object is launched) bear international responsibility for national activities in outer space (including for the activities of governmental agencies or by non-governmental entities), for assuring that national activities are carried on in conformity with the principles set forth in the Declaration of Legal Principles, and for damage to a foreign State or to its natural or judicial persons by such object or its component parts on the earth, in air space, or outer space.

International organizations bear international responsibility for activities in outer space to ensure that activities are carried on in conformity with the principles set forth in the Declaration of Legal Principles.

The implementation by States or its nationals of space activities (including experiments) that would cause potentially harmful interference with activities of other States in the peaceful exploration and use of outer space is possible only after an international consultation concerning the activity or experiment".

3. Conclusion. Summing up the results of the study of international documents during the 1958–1963 period, set out in this article and the article "Outer Space Public Law: the 1958–1963 period. Part 1" [12, c. 249–254], we can say that already during this period the first General Principles of Space Activities were established, which led to the emergence and development of a completely new system of law, namely the Outer Space Public Law.

At the same time, at the end of 1963, there were already four General Principles of Space Activities, which had the form of Conventionalis stipulatio and were mainly set out in Resolutions and Declarations of the UN General Assembly.

These Principles include "The Principle of a Free Cosmos", "The Principle of a Peaceful Cosmos", "The Principle of a Useful Cosmos", and "The Principle of Space Traffic" (which consists of the following three specific principles: the Principle of launch registration, the Principle of mutual assistance, and the Principle of Responsibility).

Certainly, it should be recognized that at an early stage of its development, the Outer Space Public Law had many gaps, shortcomings, and unresolved issues. However, it is precisely these nuances that today make it possible to understand how this area of law shall be further developed.

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