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OUTER SPACE PUBLIC LAW: THE 1958-1963 PERIOD. PART 1

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

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

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

Marinich V., Myklush M., Yara O. Outer Space Public Law: the 1958-1963 period. Part 1.
This is the third 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 field of regulation of space activities, this article pays special attention to the formation process of Outer Space Public Law.

The article describes the international community`s initiatives, including the UN General Assembly, which can be considered the first elements in the general design of Outer Space Public Law.

At the same time, the form of these elements may seem non-standard and even controversial, taking into account the fact that at this stage Outer Space Public Law was just in its infancy.

However, as has already been discussed in previous studies, we 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.

Summarizing the study of legal documents on space activities during the 1958-1963 period, we can state that already in this period the first principles, concepts, and rules of space activities were formed, which led to the emergence and development of a completely new area of law, namely, the so-called Outer Space Law.

At the same time, it was established that at the end of 1963, the Outer Space Public Law already existed, which mainly consisted of Conventionalis stipulatio, developed in the form of Resolutions and Declarations of the UN General Assembly.

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

Key words: space public law, conventionalis stipulation, outer space law, space activity, jurisdiction, subjects, objects.

Марініч В.К., Миклуш М.І., Яра О.С. Публічне право в космосі: період 1958-1963 рр. Частина 1.
Дана стаття є третьою 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 окрему увагу приділено процесу формування Космічного публічного права.

В статті описуються ініціативи міжнародного співтовариства, зокрема, Генеральної Асамблеї ООН, які можливо вважати першими елементами у загальній конструкції Космічного публічного права.

При цьому форма цих елементів може здатися читачам нестандартною, і навіть спірною, з урахуванням того, що на даному етапі Космічне публічне право лише зароджувалося.

Однак, як вже зазначалося у попередніх дослідженнях, нам не слід очікувати від «космічного права» тієї форми, в якій люди звикли зазвичай бачити «право», через винятковість того середовища, щодо якого це нове «право» формувалося.

Підсумовуючи дослідження нормативно-правових документів з питань космічної діяльності за період 1958–1963 рр., можна констатувати, що вже в цей період були сформовані перші принципи, поняття та правила космічної діяльності, що призвело до появи та розвитку абсолютно нового напряму: права, а саме так званого космічного права.

При цьому було встановлено, що наприкінці 1963 року публічне право космічного простору вже існувало, яке в основному складалося з Conventionalis stipulatio, розроблених у формі резолюцій і декларацій Генеральної Асамблеї ООН.

Звісно, необхідно визнати, що на ранній стадії розвитку Закон про космос мав багато прогалин, недоліків і невирішених питань. Проте саме ці нюанси сьогодні дають змогу зрозуміти, як далі розвивати цю галузь права.

Ключові слова: космічне публічне право, конвенціональна застереження, космічне право, космічна діяльність, юрисдикція, суб'єкти, об'єкти.

1. Introduction.

1.1. Problem Statement.

In the previous article "Regulation of space activities during the 1958–1963 period" [13] Marinich V.K. carried out an in-depth analysis of the documents adopted by the international community during the 1958 -1963 period in the field of regulation of space activities.

Subsequently, based on the results of this analysis, in the next article "Space Law, Subjects and Jurisdictions: pre-1963 period" [14], Marinich V. K. formulated the concept of Outer Space Law.

At the same time, Marinich V. K. concluded that Outer Space Law consists of many legal systems and identified at least the following three possible legal systems of Outer Space Law: the Law of Outer Space Principles (or Animal rationale jus), Outer Space Private Law, Outer Space Public Law [14, p. 576].

Even to date, the Law of Outer Space Principles and Outer Space Private Law have not yet acquired specific forms, then Outer Space Public Law has been developing based on the first international documents in the field of space activities.

According to the conclusions of Marinich V. K., the Outer Space Public Law is a system of permanent norms established by public subjects of space activities (various forms of political and territorial organization of society such as States and similar organizations as well as their unions and associations) and regulating the behavior of such subjects and relations among them [14, p. 576]..

At the same time, according to the conclusions of Marinich V.K., 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 similar documents that are set out in the form of contractual public promises of certain States (Conventionalis stipulatio) [14, p. 575].

In this regard, we can say that at the first stage of the development of Outer Space Public Law (1958–1963), it was the "Conventionalis stipulatio" that formed 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.

Moreover, even though the first global document on legal principles for the exploration and use of outer space appeared only on December 13, 1963, in the form of the Declaration of Legal Principles, it can be considered that the General Principles of Space Activities began to develop much earlier already based on the first UN General Assembly Resolutions in this area.

Therefore, to understand these principles, it is not enough to consider the Declaration of Legal Principles, which only prescribed the format of certain relations among States, - it is necessary to consider all the UN General Assembly Resolutions on the regulation of space activities.

This is primarily because the General Principles of Space Activities go beyond interstate relations and are a broader concept that includes many ideas and universal values, as well as proposals made by the UN General Assembly in its Resolutions.

Subsequently, these principles became important elements of the Outer Space Law and the basis for regulating relations in space.

1.2. The status of the issue.

At the same time, it should be noted that today many scientists, diplomats, and honored lawyers have studied the evolution of the process of regulating space activities.

However, it is necessary to underline that the majority of them provided analysis only of global international documents on the regulation of 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. In turn, it was precisely this position that led to the emergence of gaps that can be figuratively compared with a "patchwork" and "leaky" quilt, which today consists of the so-called Outer Space Law, where most of the rules and processes have remained unsettled or are irresponsibly violated.

In this regard, it is necessary to conduct a new study of this process to get answers to all of the above questions.

1.3. The article is aimed at presenting the results of the analysis 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), on 5 August 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.

Considering that during the 1958–1963 period, the Outer Space Public Law was just in its infancy, the General Principles of Space Activities were not agreed upon and drawn up in the form of international treaties, but most often took the form of a Conventionalis stipulatio (contractual public obligation).

Each such Conventionalis stipulatio, in its essence, formed (announced) only one principle from the system of General Principles of Space Activity. In turn, each of these principles could consist of several elements, which in turn could be set out in one or more UN Resolutions and/or Declarations.

This article sets out a description of those General Principles of Space Activities, which were developed mainly in the form of Conventionalis stipulatio and announced during the 1958–1963 period.

Also, the article presents other provisions of the UN Resolutions and Declarations, published during this period, which created a certain array of contradictions to the General Principles of Space Activities and led to the emergence of legal conflicts already at this stage of development of Outer Space Public Law.

At the same time, it should be taken into account that the study mainly uses the term "Cosmos" and not "Universe" to describe these principles. 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.

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

When describing this principle, the concept of a Free Cosmos refers to both passive and active characteristics of such freedom.

At the same time, the passive characteristic of the Free Cosmos is its independence and neutrality. That is freedom from any territorial and other claims both from states and individuals. In turn, an active characteristic of the Free Cosmos is the possibility of its unhindered visiting and exploration by any individual, including those representing the interests of any state or other community.

Thus, the Cosmos in this case is the object of this principle, and individuals, states, and other communities are its subjects.

In its turn, as ancient Roman jurist Ulpianus once said "cum iure naturali omnes liberi nascerentur" [3, p. 24] (the author`s translation as follows «under the law of nature, all men are born free»). This means that individuals (including humans) can freely explore the Cosmos by right of their birth. Moreover, due to natural freedom, individuals can regulate their relationships outside the Earth at their discretion. This can be performed based on the Law of Outer Space Principles (for Animal rationale), Outer Space Private Law (for other individuals), and based on any other legal system of Outer Space Law.

At the same time, when considering the Cosmos to be a free space, states and private companies, and other communities are also not limited in their right to freely explore, unless it harms humanity and other individuals. In turn, their activities can only be regulated by Outer Space Public Law and only taking into account jurisdictional principles of "home room" and "alien room" [14, p. 575].

Realizing the need to limit States` access to the Cosmos, the UN General Assembly began the process of regulating the space activities of States in this area.

The first initiative in this regard was set out in the provisions of the UN GA Resolution 1721, which stated: "*Outer space and celestial bodies are free for exploration by all States in conformity with international law"* [8].

Thus, most of the States agreed that all states on Earth can freely explore outer space and celestial bodies and undertook (conventionalis stipulatio) to regulate such relations based on existing international law.

Also, these obligations were confirmed in the Declaration of Legal Principles as follows: "*Outer space and celestial bodies are free for exploration ... by all States on a basis of equality and by international law"* [7].

At the same time, in the UN GA Resolution 1802, when setting the task of building a network of "rocket launching facilities", the UN General Assembly declared it "*by providing an opportunity for valuable practical training for interested users*"[9]. That is the UN General Assembly offered free participation in space activities to all interested actors (without reference to existing states).

In turn, the fact that researchers have free access to the Cosmos also means that not a single element of the Cosmos can belong to anyone.

Surprisingly, representatives of most States already understood this aspect during this period.

Thus, the UN General Assembly made a statement according to which "*Outer space and celestial bodies are not subject to national appropriation"* (subparagraph "b" of paragraph 1 of section "A") [8].

Later, this condition was also stated as one of the legal principles in the Declaration of Legal Principles, namely: "*Outer space and celestial bodies are not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means"* [7].

Taking into account the triad of the principle of ownership (possession, use, and disposal), these provisions mean that States cannot obtain the right to own use, or dispose of outer space and celestial bodies.

Despite the importance of these provisions, even their superficial analysis raises many questions.

For example, the use of the term "the occupation" in this situation is not entirely clear. After all, at its core, "the occupation" is a forceful seizure of foreign territory by the armed forces of the state. However, it is difficult to imagine the forceful seizure of Mars or the Moon by the armed forces of any country. Firstly, it is difficult to deliver troops there, and secondly, for the capture to become forceful, someone must resist on Mars or the Moon. But because these objects are uninhabited and do not belong to anyone, no one will ever offer resistance there – accordingly, there will be no forceful seizure or occupation.

Subsequently, analyzing these provisions, some lawyers believed that on their basis the UN General Assembly proposed that participants in space activities use a legal principle similar to the principle of Roman law "res communis extra commercium" [1, p. 136].

However, the phrase "*are not subject to national appropriation*" rather means something else, namely that States have agreed to act on the principle of "Res Nullius Civitatis" (the territory that does not belong to any state), perhaps not wanting either of them to receive superiority in the Cosmos. In any case, regardless of the wishes of the representatives of some States, "Res Nullius Civitatis" is the natural legal state of the Cosmos.

Given this, one can talk about the gradual formation within the framework of Outer Space Public Law of a separate "Principle of a Free Cosmos", developed in the form of Conventionalis stipulatio, which could be stated as follows:

"Outer space and celestial bodies are free for exploration by all States (on a basis of equality and by international law) as well as by all people, private companies, non-governmental organizations, and other interested parties.

Outer space and celestial bodies are not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means".

However, according to the initiative to create a free Cosmos, the Declaration of Legal Principles attempted to significantly limit the opportunities for non-state organizations in space activities by establishing a condition for them, according to which "*The activities of non-governmental entities in outer space shall require authorization and continuing supervision by the State concerned"* [7]. Obviously, this condition turns non-governmental organizations into pro-state ones – since they are allowed to act in the way stated by the government of their country. However, although States have the right to control the space activities of non-state organizations, they can act in such a way only within their spatial and territorial jurisdiction, taking into account the "home room" principle. At the same time, this control rule does not apply to non-governmental organizations that are not registered in any state (established without registration). Also, taking into account the principle of "alien room", States cannot dictate the conditions and control the space activities of non-state objects outside the Earth and even on neutral territory within the Earth.

However, it should be noted that any attempt by States to restrict the free access of individuals and non-state organizations to the Cosmos does not comply with "The Principle of a Free Cosmos".

In turn, it should be noted that individuals and non-governmental organizations also often intend to violate the "The Principle of a Free Cosmos".

By way of example, private markets where celestial bodies, stars, and sometimes entire galaxies are sold.

In carrying out this activity, the Cosmos sellers refer to the fact that the provisions of "The Principle of a Free Cosmos" do not prohibit the appropriation and sale of outer space and celestial bodies by individuals, private companies, and non-governmental organizations.

However, this argument is flawed because "The Principle of a Free Cosmos" is a "conventionalis stipulatio" declared by States under Outer Space Public Law. Accordingly, the provisions of "The Principle of a Free Cosmos" regulate activities only for States and only in outer space and on celestial bodies and therefore cannot regulate the activities of individuals and non-governmental organizations. In turn, the space activities of individuals and non-governmental organizations are still unregulated, since there are no provisions of the Law of Outer Space Principles or Outer Space Private Law. That is, there are no "alien room" rules that apply to individuals and other non-state subjects.

However, it is the absence of these provisions that makes such private sales illegal and those that have no legal basis. The absolute absence of settlement of all types of relations means the absence of settlement of any individual relations, including relations related to the sale of individual objects.

Certainly, theoretically, some individuals could use the principles of "Jus primae occupatis" and "Qui prior est tempre, potior est jure" to take possession of an insignificant part of some cosmic object until the above-mentioned provisions of law are developed. And this would be possible because there is no jurisdictional rule of "home room" for individuals. However, to do this, one will need to clearly describe and differentiate this object as well as possess it physically (independently or through intermediaries) which is currently unlikely.

In turn, provided Elon Musk manages to get people to Mars, then they will be able to describe and delineate a specific territory on Mars, and most importantly, they will be able to possess it physically. That is, they will be able to declare their ownership right to it or the ownership right of Elon Musk`s company.

Discussions on possible options for regulating the colonization of Mars have already emerged and some options for such a colonization have been proposed, namely: "bounded first possession by landfall" (hereafter referred to as the "Bounded Possession") and "Mars Tax" [2, p. 2]. In the first case, only a person who has set foot on Mars can obtain ownership of a fragment of the surface of Mars, but within one`s sight and reach, provided that this person is the first to reach this area. In the second case, everyone can receive and use small areas of the surface of Mars without registration of ownership, but at the same time, they have to pay a tax to all mankind [2, p. 2]. However, as mentioned earlier, these theories about the legal regulation of colonization are untenable, since there are no provisions of the Law of Outer Space Principles and/or Outer Space Private Law, and because so far ancient principles of "Jus primae occupatiōnis" and "Qui prior est tempŏre, potior est jure" are applied to individuals in the Cosmos.

2.2. Conventionalis stipulatio «The Principle of a Peaceful Cosmos».

The next initiative of the international community that should be mentioned is the initiative to preserve a peaceful Cosmos.

It originates from the UN GA Resolution 1148, in which the UN General Assembly proposed "*that the sending of objects through outer space should be exclusively for peaceful and scientific purposes*"[4]. At the same time, further, in the UN GA Resolution 1348, the UN General Assembly has already stated that "*outer space should be used for peaceful purposes only*" [5]. In other Resolutions and the Declaration of Legal Principles much has been said about the mentioned aspect as well as about "*the exploration and use of outer space for peaceful purposes*" and the prohibition of propaganda of war in space activities. In addition, the Declaration of Legal Principles also stated the need for "*the exploration and use of outer space in the interest of maintaining international peace and security and promoting international co-operation and understanding*" [7].

Thus, it can be noted that as of the end of 1963, peaceful initiatives in space activities were discussed repeatedly. This is because many States were very concerned about the possibility of armed conflicts spreading from the Earth into outer space [1, p. 140].

At the same time, as mentioned in previous studies, the UN General Assembly failed to extend peace initiatives to "celestial bodies". Thus, at this stage, the conduct of military operations by States on "celestial bodies" was theoretically allowed.

Nevertheless, despite such omissions, it is impossible to overestimate the importance of these initiatives. After all, such initiatives should have prevented the use of outer space for any programs and actions related to war or other types of armed conflicts.

Further, these initiatives were supplemented by the provisions of the "Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water", according to which the following was established:

«… to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control: (a) in the atmosphere; beyond its limits, including outer space; (b) in any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted» [15].

«*… furthermore to refrain from causing, encouraging, or in any way participating in, the carrying out of any nuclear weapon test explosion, or any other nuclear explosion, anywhere which would take place in any of the environments described*» [15].

However, as in the previously mentioned documents, there is no direct reference to "celestial bodies" in this Treaty. Nevertheless, theoretically, "celestial bodies" can be attributed to the concept of "*any other environment*". Thus, it may be observed that according to this Treaty, the States (the Parties to this Treaty) have pledged not to carry out or take part in the performance of "*any nuclear weapon test explosion*" in places that are located in "outer space" and on "celestial bodies" that are under the jurisdiction or control of these States.

In its turn, even though this Treaty contributed greatly to the development of a peaceful space, the formulation of its provisions leaves much to be desired.

For example, it can be noted that the provisions of this Treaty prohibited States from conducting a "*nuclear weapon test explosion*", but did not prohibit the use of "outer space" and "celestial bodies" to move and place a "*nuclear weapon*". In turn, the right to such placement or relocation does not reduce but only strengthens the nuclear race. Moreover, there is always the risk of an uncontrolled explosion of nuclear weapons placed in "outer space" or on "celestial bodies".

Also, the consequences of using the phrase "*place under its jurisdiction or control*" are very dangerous and unpredictable. This is because the "jurisdiction of States" does not extend to outer space and celestial bodies, and their control is limited only to "satellite" and "space vehicle" located in outer space. Thus, it seems that this wording allows States to carry out "*any nuclear weapon test explosion*" in outer space and on celestial bodies outside their "satellite" and "space vehicle".

In turn, the above-mentioned gaps in this Treaty may encourage nuclear-weapon States or private companies to look for ways to exploit its shortcomings for their advantage in the nuclear race.

However, despite all these shortcomings, we can still say that the international community has begun the process of developing a very important principle of space activity, which can be called "The Principle of a Peaceful Cosmos".

Further, to support this initiative, the UN General Assembly adopted the UN GA Resolution 1884, which proposed: "*a) To refrain from placing in orbit around the earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, installing such weapons on celestial bodies, or stationing such weapons in outer space in any other manner; b)To refrain from causing, encouraging or in any way participating in the conduct of the pending activities*" (items "a" and "b" of paragraph 2) [6].

Taking into account the provisions set out in all the above documents, "The Principle of a Peaceful Cosmos", which was formalized partly in the form of a Treaty and partly in the form of a Conventionalis stipulatio, can be formulated as follows:

"All subjects of space activities can explore and use outer space exclusively for peaceful purposes, act only in the interests of maintaining international peace and security as well as for the development of international cooperation and mutual understanding, and have no right to carry out propaganda of war in space activities.

All subjects of space activities shall refrain from placing, installing, and stationing in any other manner (and to refrain from causing, encouraging, or in any way participating in the conduct of the pending activities) in orbit around the earth and in outer space and on celestial bodies any objects carrying nuclear weapons or any other kind of weapons of mass destruction.

At the same time, States undertake not to carry out or take part in carrying out any nuclear weapon test explosion in places that are located in outer space and on celestial bodies, and which are under the jurisdiction or control of these States".

In fact, according to this principle, no one has the right to place in outer space or launch there any weapons and equipment that could be used in armed conflicts.

At the same time, any satellites or other equipment that could somehow be used for military purposes should have been launched only with the permission of the UN and under its full control, with open access for any state to the information received from such equipment.

However, in reality, this principle shows that international law operates only where it is beneficial to strong and influential States, and in other cases, it is easily violated in the interests of these States.

Technologically developed countries have been developing military missiles capable of going into outer space. They launch military satellites, tracking satellites, and other satellites and systems into outer space (into Earth orbit) that can be used and are already being used in armed conflicts [1, p. 140]. Moreover, this equipment allows such States to monitor weaker and poorer States or competing States, and use the information obtained for political pressure or economic influence. The Cosmos has long been a militarized area, which hosts many military systems of different States [12, p. 337]. As the American scientist Beard M. correctly noted, instead of getting the long-awaited peaceful space, we got

space, which is gradually turning into a dangerous and militarized area in which States do not trust and oppose each other [12, p. 338].

Thus, we can say that already at this stage the first contradictions arose regarding the preservation of a peaceful space.

These contradictions have resulted in multiple "Fraus legi fit", which some States use to interpret the phrase "peaceful purposes" in their military interests.

At the same time, such interpretations of the phrase "peaceful purposes" come down to two variants: "non-military" or "non-aggressive" [10, p. 82]. In this case, the concept of "non-military" is presented as the prohibition of outer space use for any military purposes and the placement of any military objects in it. In turn, the concept of "non-aggressive" implies the possibility of placing military objects in outer space (for example, for reconnaissance and surveillance), if they are not used for force actions and force threats. Gradually, based on the principle "People say what they like, it makes no difference", the second model of interpretation of the concept of "peaceful purposes" began to prevail in the international environment, according to which military actions can be carried out in space provided such actions are not aggressive [12, p. 337]. Although this option is the most absurd (because any military facilities directly or indirectly are used to carry out military force), nevertheless, it is most actively promoted by the United States to ensure its military hegemony in space and on Earth [11, p. 82].

In this case, some politicians justified the military use of space also by the fact that they could not see the line between military and peaceful use of space, since allegedly in both cases the goals could be duplicated [1, p. 142]. In the present case, they meant navigational actions or military actions to pre-empt an enemy attack and to protect the world.

However, no matter how they try to justify military actions carried out to protect peace, they remain military actions. In addition, the interpretation game, in this case, is just a political game. The essence of military and peaceful goals is very simple – military goals are always directed against someone (even if they are carried out for the benefit of someone), and peaceful goals are never directed against someone, they are always carried out for someone to help.

Thus, any deployment of military objects in outer space contravenes peaceful purposes [11, p. 83], and also contradicts "The Principle of a Peaceful Cosmos".

However, nevertheless, it should be noted that to eliminate any attempts of "Fraus legi fit", the above provisions of the Outer Space Public Law, which set out "The Principle of a Peaceful Cosmos" shall be significantly developed and further clarified.

In this case, first of all, it is necessary to further clarify the concept of "peaceful purposes".

Also, it might be necessary to limit the ability of States to use space.

In addition, it is necessary to extend "The Principle of a Peaceful Cosmos" to all types of space activities (and not just nuclear weapon test explosions) and to all environments (that is, not only to outer space but also to celestial bodies).

Wherein, the call to refrain from arming space should turn into a complete and absolute prohibition, which should apply to all subjects of space activities, and prohibit not only test explosions but also any movement and placement of nuclear weapons and any other kinds of weapons of mass destruction anywhere in outer space or celestial bodies.

The most important issue is to establish responsibility for any non-compliance with "The Principle of a Peaceful Cosmos" by participants in space activities as well as a procedure to ensure accountability (up to prohibition of space activities).

Eventually, it is the lack of responsibility for the violation of this principle and a procedure to ensure accountability that led to its global violation by States and as a consequence to the absolute declarativeness of this principle.

It is therefore necessary to continue further development, legal improvement, and lobbying of this principle since its moral significance and its impact on the future of all mankind cannot be overestimated.

3. Conclusion. Summarizing the study of legal documents on space activities during the 1958-1963 period, we can state that already in this period the first principles, concepts, and rules of space activities were formed, which led to the emergence and development of a completely new area of law, namely, the so-called Outer Space Law.

At the same time, it was established that at the end of 1963, the Outer Space Public Law already existed, which mainly consisted of Conventionalis stipulatio, developed in the form of Resolutions and Declarations of the UN General Assembly.

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

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