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INTERNATIONAL LEGISLATIVE EXPERIENCE IN THE SPHERE OF REGULATION OF AIRSPACE AND OUTER SPACE LEGAL REGIME

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Abstract. *The article considers the experience of regulating the established legal regime for the use of airspace and outer space from the point of view international law norms and legislation of the Republic of Kazakhstan and other countries. During the research of this issue, legal norms were analyzed, as well as the features of the legislations development in these fields. The boundary of space is given increasing importance because air law and space law have differences in their rules. These branches of international law are based on different principles and have different legal regimes. And these differences must be taken into account, in connection with new developments in space operations, including space tourism (flights), and the increasingly ambitious and far-reaching programs of some space powers. The relevance of the subject matter is determined by the risen interest of the majority of states in the world to the use of these areas for commercial purposes and more recently for military purposes. These processes have created new legal challenges to space law. This study reveals the need to adopt specific legal provisions in the field of exploration and use of outer space. As a result of the rapid pace of technological development, as well as taking into consideration the trends in developing commercial space activities, it became necessary to adopt international documents, specific legal provisions regarding the control of the activities of states in this sphere. The study also concludes, that the current airspace concept, needs to be updated in terms of its flexibility and adaptability to current changes.*

Key words: *Flight safety, international obligations, transit agreements, normative acts, space research.*

МЕЖДУНАРОДНЫЙ ЗАКОНОДАТЕЛЬНЫЙ ОПЫТ В СФЕРЕ РЕГУЛИРОВАНИЯ ПРАВОВОГО РЕЖИМА ВОЗДУШНОГО И КОСМИЧЕСКОГО ПРОСТРАНСТВА

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Аннотация. *В статье рассматривается опыт регулирования сложившегося правового режима использования воздушного и космического пространства с точки зрения норм международного права и законодательства Республики Казахстан и других стран. В ходе изучения этого вопроса проанализированы правовые нормы, а также особенности развития законодательства в этих сферах. Границе пространства придается все большее значение, потому что воздушное и космическое право имеют различия в своих правилах. Эти отрасли международного права основаны на разных принципах и имеют разные правовые режимы. И эти различия необходимо учитывать, в связи с новыми достижениями в области космических операций, включая космический туризм (полеты), а также все более амбициозные и далеко идущие программы некоторых космических держав. Актуальность темы определяется повышенным интересом большинства государств мира к использованию этих сфер в коммерческих целях, а в последнее время и в военных. Эти процессы создали новые юридические вызовы космическому праву. В результате быстрых темпов развития технологий, а также с учетом тенденций развивающейся коммерческой космической деятельности появилась необходимость в принятии международных документов, конкретных правовых положений относительно контроля деятельности государств в этой сфере. В исследовании также делается вывод о том, что действующая концепция использования воздушного пространства требует обновления с точки зрения ее гибкости и адаптивности к текущим изменениям.*

Ключевые слова: *Безопасность полетов, международные обязательства, соглашение о транзите, нормативные акты, космические исследования.*

ӘУЕ ЖӘНЕ ҒАРЫШ КЕҢІСТІГІНІҢ ҚҰҚЫҚТЫҚ РЕЖИМІН РЕТТЕУ САЛАСЫНДАҒЫ ХАЛЫҚАРАЛЫҚ ЗАҢ ШЫҒАРУ ТӘЖІРИБЕСІ

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Аннотация. *Мақалада халықаралық құқық нормалары және Қазақстан Республикасының және басқа елдердің заңдары тұрғысынан әуе және ғарыш кеңістігінің белгіленген құқықтық режимін реттеу тәжірибесі қарастырылған.Осы мәселені зерделеу барысында құқықтық нормалар, сондай-ақ осы салалардағы заңнаманың даму ерекшеліктері талданды.Әуе және ғарыш құқығының ережелерінде айырмашылықтар бар, сондықтан ғарыш шекарасына көбірек мән беріледі. Халықаралық құқықтың бұл салалары әртүрлі принциптерге негізделген және әртүрлі құқықтық режимдерге ие. Және бұл айырмашылықтарды ғарыштық операциялардағы, соның ішінде ғарыш туризміндегі (ұшу) жаңа жетістіктерге, сондай-ақ кейбір ғарыштық мемлекеттердің барған сайын өршіл әрі ауқымды бағдарламаларына байланысты ескеру қажет.Тақырыптың өзектілігі әлемнің көптеген мемлекеттерінің осы аумақтарды коммерциялық мақсатта, ал соңғы уақытта әскери мақсатта пайдалануға қызығушылықтың артуымен анықталады. Бұл процестер ғарыштық құқыққа жаңа құқықтық қиындықтар туғызды. Бұл зерттеу ғарыш кеңістігін зерттеу және пайдалану саласында нақты құқықтық ережелерді қабылдау қажеттілігін ашады.Технологиялық дамудың жедел қарқыны нәтижесінде, сондай-ақ коммерциялық ғарыш қызметін дамыту тенденцияларын ескере отырып, халықаралық құжаттарды, мем-*

лекеттердің осы саладағы қызметін бақылауға қатысты нақты құқықтық ережелерді қабылдау қажет болды.Зерттеу сонымен қатар қазіргі әуе кеңістігі концепциясы оның икемділігі мен ағымдағы өзгерістерге бейімделуі тұрғысынан жаңартылуы керек деген қорытындыға келеді.

Түйін сөздер: *Ұшу қауіпсіздігі, халықаралық міндеттемелер, транзиттік келісім, нормативтік актілер, ғарыштық зерттеулер.*

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Introduction

The Paris (1919) and the Chicago (1944) Conventions on the regulation of international civil aviation ensured the creation of a new body at the UN - the International Civil Aviation Organization (ICAO), which monitors the implementation of the convention from 1947 to the present[2] . Since its establishment ICAO has become the main guideline for the development of both international and domestic air law. Conventions in this field and its annexing agreements meant that the contracting states recognized each other's right to fly through national airspace. The Paris and the Chicago Conventions have provided, in turn, the core legal framework for international civil aviation.

The legal regime of airspace is established by national acts, taking into account international treaties and no international air services may be carried out over the territory of other states, except with the special permission. Under aviation laws countries retain sovereignty over airspace, above their territory. This sovereignty does not extend to outer space, because according to Article 2 of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (1967), it is not subject to national appropriation [3]. Given the very long name of this contractual act in legal science, it is often, for brevity, called Outer Space Treaty.

The outer space regime is regulated by a number of resolutions of the UN General Assembly and Outer Space Treaty and is characterized by its openness for use by all states.This means the recognition of this sphere as a common area. This is one of the differences between outer space and airspace [1, 581 p.]. It is clear, that for the use of outer space, it is necessary, that activities in this area are in line with the norms, rules and provisions of international law. International norms for space exploration are international guarantees for its research.

The emergence of a real opportunity for space exploration predetermined the need for regulation of interstate relations arising in connection with space activities, which involved the development of relevant conceptual and international legal norms agreed upon at the interstate level [2, 124-125 p.].

Methods and materials

In the process of research, legal acts of the countries on airspace and outer space were analyzed. In addition to general scientific methods of cognition (analysis, comparison and synthesis), particular methods are widely used in the work, such as the historical, the method of comparative analysis and the system approach, which are important for studying the features of the legal regime. To fully reflect the reality, materials of official documents published in various information resources were used.

Results

Both the Chicago Convention and ICAO bear much of the responsibility for the efficient use of airspace. One measure to do so is that states recognize each other’s right to fly through national air territory and to use certain areas of national land territories and territorial waters. Not only the above convention, but almost all documents of air law apply only to civil aircraft. This has crucial implications for determining the scope and legal validity of the relevant rules.

The study carried out notes, that states apply different forms of regulation of the airspace use. In a number of countries, it is governed by separate laws: "On the airspace" (Australia),"On the control of the country's airspace" (Spain), "Aeronautical Code" (Argentina), "On the control of airspace" (Republic of Moldova) and etc. The above documents establish the

2 *Как воздушное пространство делится между странами. - [Электронный ресурс]. – Режим доступа:https// biletix.ru/blog/posts/kak – vozdushnoe- prostranstvo-delitsya-mezhdu-stranami/ (date of access 24.03.22)*

3 *Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, London/Moscow/Washington, done January 27, 1967, entered into force October 10, 1967https:// www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/introouterspacetreaty.html (date of access 24.03.22)*

legal basis for activities in the area of airspace. These countries emphasize the sphere, which is mainly related to public law, the subject of regulation by a separate law. In others (the Russian Federation, Republic of Belarus, Georgia, Uzbekistan, Tajikistan, Turkmenistan, Kyrgyz Republic and etc.), the airspace use is regulated by the Air Code. Definitely, regulation of this issue in all countries is aimed at ensuring defense and protecting the states interests.

One of the main issues in the regulation of the airspace of Kazakhstan was the stability of domestic legislation. The Republic has succeeded in making the transition from the old soviet aviation system to a modern with international standards and best practices affecting its current state. A significant number of amendments were made to the Law "On the use of the airspace of the Republic of Kazakhstan". Since its adoption from July 2010 to May 2020, 34 changes and additions have been made [3, 4 p.].

When drafting laws in Kazakhstan, the results of the analysis of the positive experience of foreign countries and the CIS countries in the airspace use, were taken into account. Kazakhstan joined the Transit Agreement[4] , which gives airlines the right of non-stop flights or landings at airports for technical purposes. Currently, the country is a full member of the important universal, regional and bilateral agreements.

With the intensive use of airspace for flights, a series of accidents also increases. A large number of aircraft strayed from their authorized routes to foreign and prohibited air territories. Several serious incidents have caused not only considerable material damage but also, more importantly, the loss of human lives. The issues of flight safety are still of prime importance. The sovereignty over airspace gives each state exclusive right to its own air territory, and aircraft in that territory without permission are seen and treated as violators. The Montreal Convention (1971) established universal jurisdiction over the acts listed therein. Any state is obliged to judge the perpetrator[5] . But the difference lies in what means can be used against airspace violations. In 1988 Montreal Supplementary Protocol[6] was adopted, and in 2010 the Beijing Convention[7] .These conventions apply to any person who committed the crime. Thus, the practice of normative regulation in the field of airspace safety has been constantly improved. But the emergence of new challenges and threats require updating in terms of current changes.

The modern period of space activities is characterized by new projects and plans. The space law is currently being actively developed, and space research is getting more and more popular and in demand. It is fair to say, that space law should ensure unhindered and free access to outer space, for the purpose of its exploration. However, legal acts in this area were developed in the middle of the twentieth century and are now partly outdated. For example, the UN norms in the field of international space law do not cover the problematic issues of the modern period, including the problem of airspace and outer space delimitation, that we are considering and others.

Additionally there are areas of conflict between the air and space legal and regulatory regimes, which could create an unnecessary and perhaps even prohibitory burden in the new commercial space arena. The international space law regime is exclusively targeted at States, inadequately addressing private efforts and entities [4, 3 p.].

The international space treaties establish the general principles of space law and they open to all countries. Five space treaties drafted in the 1960s and 1970s provide important guidance to space activities and remain relevant to this day: Outer Space Treaty (1967) (covers the legal basis of the outer space use for peaceful purposes); The Convention on International Liability (1972) for damage caused by space objects, (makes launching states liable for damage in space caused by that state); The Convention on the registration of objects launched into Outer Space (1975) (defines the rules applicable to the registration of space objects); The Agreement on the rescue of astronauts, the return of astronauts and objects launched into Outer Space (1968) (provides for the provision by states of assistance to astronauts in distress); Agreement on the activities of states on the Moon and other celestial bodies on the Moon

4 Соглашение о транзите при Международных Воздушных Сообщениях - [Электронный ресурс].- Режим доступа: https://online.zakon.kz/Document/?doc_id=30280132 (date of access 24.03.22)

5 Montreal Convention https__1971https://ru.wikipedia.org/wiki/ (date of access 24.03.22)

6 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, adopted at Montreal on 24 February 1988. https://www.icao.int › secretariat › legal › via.ru (date of access 24.03.22)

7 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation. Adopted in Beijing, China on 10 September 2010. https://www.icao.int › secretariat › legal › docs (date of access 24.03.22)

(1979)[8] .

Among these five main sources of existing international space law Outer Space Treaty (1967) is the key one, since it establishes the principles on which the remaining four treaties are built, and as well as all other contractual acts in the field of international space law.

Many states, including Kazakhstan, have come to understand the importance of geopolitical interests in outer space, as a result of which the exploration of this area has become one of the priorities of national policy today. In 1994, at the 49th session of the UN General Assembly, Kazakhstan was accepted as a member of the UN Committee on the Peaceful Uses of Outer Space (COPUOS), and in 1997 joined the five major multilateral treaties within the UN on the exploration and use of outer space [9]. Laws related to the space sector, in general, have successfully implemented the main, most important provisions of international treaties on outer space in the legal system of the country.

Discussion

Ensuring safety of air traffic has always been a top priority for ICAO. In this regard, it develops standards and recommended practices that promote the application and implementation of rules into national legislations. The concept of flight safety is ensured by changing or creating norms of international law, providing a safe function positioning of the entire system of air communications. States have the right to establish prohibited zones and restricted areas in order to coordinate aircrafts flights with other types of activities in the airspace (Article 9 of the Chicago Convention). However, there are cases, when it's hard to foresee one circumstances or another, since progress in this fields is moving quite actively. At the time, the main document (Chicago convention of 1944) was adopted, it was difficult to predict all aspects, including procedure for investigating in the field of emergency situations. It is known, in practice there are questions on the establishment of state procedures related to the issuance of permits for the flights of civil aircraft with dangerous goods on board (as the protection of aviation and passengers from international terrorism, etc.), this issue is becoming increasingly important. An analysis of this situation shows that the proportion of such flights is significant. An adequate legal mechanism for regulating the airspace use, taking into account modern international law and national legislation, contributes to solving urgent problems of internal and external flight safety.

It's clear, that without interstate relations, international traffic would be impossible. There is an extensive net of agreements of a universal character. In this matter, transit privileges are of interest.These permit the aircraft to legally penetrate the alien air space. Two agreements have been attached to the Chicago Convention (1944), i.e. the International Services Transit Agreement and the International Transport Agreement.

Achievements in exploration and use of the outer space are one of the most indices of the country development level. International integration in the sphere of outer space exploration and inclusion of more and more states in the space community has become stable world tendencies.

Since the turn of the millennium, a growing number of governments have announced major space exploration initiatives, highly-visible commitments requiring trillions of dollars in additional space budget expenditures to reach their goals on the 'Moon, Mars, and beyond'. The initiatives represent a significant transformation in the international political economy of outer space, signaling the re-emergence of governments into an increasingly civilian-commercialized space arena, which, over the past two decades, has become dominated by privatized multinational consortia [5, 431p.].

All countries of the world have the equal right to freely explore, develop and use outer space and its celestial bodies, and space activities in all countries of the world should contribute to their economic development [6, 80 p.]. Undoubtedly, the space exploration clearly offered a range of potential benefits. Practically any type of activity in this sphere, due to its global nature, affects the interests of all space powers. During the past years we have already seen tremendous changes in the way outer space is explores and utilized. It is not only the rapid growth of the sheer number of launches

8 Convention on International Liability for Damage Caused by Space Objects, London/Moscow/Washington, done March 29, 1972, entered into force September 1, 1972; Convention on Registration of Objects Launched into Outer Space, New York, done January 14, 1975, entered into force September 15, 1976; Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, London/Moscow/Washington, done April 22, 1968, entered into force December 3, 1968; Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, New York, done December 18, 1979 http://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/introouterspacetreaty.html (date of access 24.03.22)

9 Космос становится ближе (2013). Казахстанская правда, 29 ноября. – [Электронный ресурс]. – Режим доступа: https://kazpravda.kz/n/kosmos-stanovitsya-blizhe/ (date of access 24.03.22)

and satellites and other artificial bodies, which have been placed in outer space. It is also the number of countries which makes space activities today a completely different setting than during the first decades following Sputnik. One of the changes is the advent of private actors, which do not only stress the commercial aspects of spaceflight, but which also require new approaches for regulation of this issue, which are necessary, since the traditional space law is primarily based on regulating the states activities in outer space.

The Outer Space Treaty signed in 1967 establishes a legal foundation for the global commons of outer space; an area that is not subject to any state's sovereign jurisdiction, nor is it delineated by territorial boundaries. All of the legal principles and norms governing outer space have been developed the United Nations Committee on Peaceful Uses of Outer Space (UNCOPUOS), which serves as the main organizational and legal body for outer space activities and international space law [7, 327p].

The norms of international space law are contained in a number of international legal sources, primarily in international treaties. Determining the area of space norms application, it is understood that they apply not only to space sphere, but also to the states relations. The impact of space law on interstate relations is manifested in the creation of a unified legal regime for outer space. The need to expand international cooperation in the exploration and use of this area is determined by a number of objective economic, social and political reasons.The principle of interstate relations in space sphere implies, first of all, the obligation of states to participate in joint projects, take measures aimed at developing and expanding international cooperation, follow the political and legal principles in relations, that determine the space regime [8, 46 p.]. As in any relationship, activities in outer space can cause damage, and liability is accordingly provided for such cases. Compliance with the norms, rules, principles of responsible behavior in conducting operations in outer space contributes to the reduction of threats. An important direction of the policy of modern Kazakhstan is cooperation with other states in the space sector through participation in the relevant international treaties [9, 45 p.], among which are, first of all, the five main international treaties.

A continuous increase in space activities and a broadening participation in space exploration means that space laws, policies and institutions are becoming a priority for a greater number of countries worldwide. The need for effective laws and policies on space activities, not just on an international level, but also on the national level, is becoming clear to the increasing number of States now actively involved in the field of space.

The Outer Space Treaty and other United Nations treaties on outer space establish a legal regime for outer space. The legal regime provides a number of concrete benefits to countries, that become Party to the treaties. The trend of modern space activities is the use of scientific developments for commercial purposes. However, the space sphere requires large financial, technical, personnel and other costs. Many states cannot afford sole space developments, so a fairly large percentage of space projects are carried out and implemented by two or more countries, as a result of which such projects acquire international status. The implementation of joint space projects, elaboration of new space technologies, as well as the commercial activities of states required the conclusion of special international agreements of a universal, regional and bilateral nature. Accordingly, this created certain conditions for the formation of a special legal regime for space.

Thus, the differences between the legal regimes applicable to airspace and outer space are of a fundamental order: while Air law is based on considerations of sovereignty, Space law overtly forbids any form of national appropriation. Widely accepted treaties provided those rules, which can even be recognized as of a fundamental character to Air law and Space law [10, 5 p.].

Although airspace is under the exclusive control of states, it is still undefined where the airspace ends and where the outer space begins, because the international legal community could not agree on a fixed boundary between these contiguous zones until now. States were only able to concur on the fact that the outer space is the common heritage of mankind and no sovereignty claims can be made in respect of it [11]. There is no international agreement on the boundary between territorial airspace and outer space. Although this subject is discussed every year at the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space (COPUOS).

Conclusions

This study reveals that the legislative component of the national regulation process of airspace use differs from state to state,

depending on the specific legislative system, government structure and accepted practice. Although the forms of the airspace regulation differ from each other, the discrepancy between ICAO standards and national rules is insignificant. In practice, activities carried out in the airspace of any country are subject to a wide range of national laws, while only a small number of states have adopted laws addressing activities carried out in outer space.

Space activities have been growing steadily both in quantity and variety since 1957. More importantly from the point of view of international law, the number of countries involved in the peaceful exploration and exploitation of outer space has steadily been increasing. As space activities have developed and expanded, so have the scope and substance of space law. One of the most notable changes is the advent of private actors, which do not only stress the commercial aspects of space flight, but which also require new approaches for regulation- new approaches, which are necessary, since the traditional space law is primarily based on regulating the activities of States in outer space. Space legislation started only after the launch of Sputnik in 1957 and has since provided legal regulation of space activities. Today, the processes in the space sphere, in light of the new global situation, require the improvement of existing and development of new norms, because space practice is ahead of the current norms of its international legal regulation. Under the present conditions of a growing commercialization of space activities, the participation of private persons in space flights should be also considered and adequate rules for the new categories of such activities worked out.

The definition and delimitation of outer space is an issue of large importance. Currently, there is no legal definition for where outer space begins and where air space ends. There is also no legal delimitation. The issue of delimitation of these two zones is relevant, since territorial sovereignty does not extend to outer space whereas territorial claims are legitimate in the area of airspace, and there are also differences in the exercise of a state's jurisdiction and control arising from the applicable international agreements. As a conclusion we can say that the issue of outer space regulation also depends on legal certainty, transparency and developed measures that strengthen confidence between countries involved in outer space exploration.

ЛИТЕРАТУРА

1. Колосов Ю.М., Кривчиков Э.С. Международное право: учебник // М: Международные отношения. -2020. - 720 с.

2. Куликпаева М.Ж. Некоторые аспекты правового режима космического пространства // Вестник Института законодательства РК. -2018. - №4(53). - С. 123-128.

3. Забих Ш.А. Воздушное право Республики Казахстан. Монография // Алматы: Қазақ Университеті, 2020. - 133 с.

4. Thomas Cheney & Lauren Napier. Policy Analysis: Air versus Space, Where do Suborbital Flights Fit Into International Regulation? // Journal of Science Policy & Governance. – 2015. - vol. 7, issue 1. – 13p.

5. Larry F. Martinez. Science in Service of Power: Space Exploration Initiatives as Catalysts for Regime Evolution // Air and Space Law. – 2007. – vol.32, issue 6. - PP. 431 – 456.

6. Soroka L. The Concept of "Cosmos" in Philosophical and Legal Discourse // Advanced Space Law – 2021. - vol. 7. - PP.73-82.

7. Orr, Shannon K. An international regime analysis of outer space // International Journal of Politics and Ethics. -2001. - vol. 1, no. 4 - P. 327.

8. Baitukayeva D, Achilleas Ph. International cooperation of states in outer space exploration // Vestnik IR and IL.-2020. - №2(90). - PP.45-51.

9. Baitukayeva D.U., Aidarbayev S.Zh. International integration in the space sphere // XXVI International scientific and practical conference "European Research: innovation in science, education and technology". London, United Kingdom, 2017. - №3(26). - PP. 44-47.

10. Oliveira Bittencourt Neto. Air Space and Outer Space. In book: Defining the Limits of Outer Space for Regulatory Purposes // Springer Briefs in Space Development, 2015.- PP.5-30.

11. Erotokritou Ch. Sovereignty Over Airspace: International Law, Current Challenges, and Future Developments for Global Aviation// Inquiries Journal/StudentPulse.-2012.- 4(05) http://www.inquiriesjournal.com/a?id=645(date of access 24.03.22)

REFERENCES

1. Kolosov U.M., Krivchikov I.S. Mezhdunarodnoe pravo (International Law). // M.: International relations, 2020. - 720 s.

2. Kulikpaeva M.Zh. Nekotorye aspekty pravovogo regima kosmicheskogo prostranstvo [Some aspects of the legal regime of outer space] // Bulletin of the Institute of Legislation of the Republic of Kazakhstan. - 2018. - 123-128 s.

3. Zabih SH.A. Vozdushnoe pravo Respubliki Kazahstan. Monografiya (Air law of the RK. Monograph) // Almaty: Kazakh University, 2020. - 133 s.

4. Thomas Cheney & Lauren Napier. Policy Analysis: Air versus Space, Where do Suborbital Flights Fit Into International Regulation? // Journal of Science Policy & Governance. – 2015. - vol. 7, issue 1. – 13p.

5.Larry F. Martinez. Science in Service of Power: Space Exploration Initiatives as Catalysts for Regime Evolution // Air and Space Law. – 2007. - volume 32, issue 6. - PP. 431 – 456.

6. Soroka L. The Concept of "Cosmos" in Philosophical and Legal Discourse // Advanced Space Law – 2021.- vol. 7. - PP.73-82.

7. Orr, Shannon K. An international regime analysis of outer space // International Journal of Politics and Ethics. -2001. - vol. 1, no. 4 - P. 327.

8. Baitukayeva D, Achilleas Ph. International cooperation of states in outer space exploration // Vestnik IR and IL. - 2020. - №2, (90). – PP. 45-51.

9. Baitukayeva D.U., Aidarbayev S.Zh. International integration in the space sphere // XXVI International scientific and practical conference "European Research: innovation in science, education and technology". London, United Kingdom, 2017.-№3(26). – PP. 44-47.

10. Oliveira Bittencourt Neto O. Air Space and Outer Space. In book: Defining the Limits of Outer Space for Regulatory Purposes // Springer Briefs in Space Development, 2015. –PP. 5-30.

11. Erotokritou, Ch. Sovereignty Over Airspace: International Law, Current Challenges, and Future Developments for Global Aviation// Inquiries Journal/StudentPulse.-2012.- 4(05) http://www.inquiriesjournal.com/a?id=645(date of access 24.03.22)