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INTERNATIONAL LAW ON SPACE TOURISM IMPLEMENTATION



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As space tourism related technology breakthrough, the outlook of mining activities having in space moves spacious to being a fact but it should develop in consent with international law, because the issue of space is a deal of international pointing, since space pointing as explorer zone by humanity. The significant guiding instruments in international space law in relating to space tourism industry are Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, that entered into force on 10 October 1967; Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, entered into force on 11 July 1984. These international treaties mainly condition to the states the freedom on exploration and using space, but at the same time do not consider national appropriation of it. The work also proposes European legislation that is applicable to space tourism. The main attention is given to the Treaty of Lisbon. But during the studying the author proposed the opinion that it can't be acceptable to space tourism, since it does not directly or even indirectly indicate it. Although it may be applicable as such, due to the lack of appropriate specific acts in the field of space travel. However, this act is recommended as a fundamental basis for further international development of the law on space tourism, as it directly deals with space activities, so it can serve as a guide.

The study also doesn't lose sight of US law, since space tourism increase by US entities through activities with travel destination for the mass. Research show that US have national law instrument for US enforcement in space sphere, besides grants property rights to companies to conduct actions on own risks in space with traveler issue as well and opening it to the mass. Thus interprets the freedom enshrined in the UN space acts at its own expense. However, Outer Space Treaty is not consistent in light of the freedom issue in exploration and it interprets the liberty broadly, but the interdiction narrowly. Due to that, research reaches that current space related legislation regime would let for space journey to develop but not in the path the text of former domestic laws propose.

Attention is also drawn to the social meaning consideration for further law implementation. This research examines the emerging role of social data in the context of highlighting law necessity to provide properly advanced international legal act on flights to the space with tourists on a spacecraft. Since, space tourism may affect international law. The findings indicate that social awareness due to geographical indicator could improve current situation in legal regulation of space tourism at risk of international law gap. What is now needed is a cross - national international law study involving law researchers on space tourism issue. An implication of these findings is that both social position and space flights with traveler purpose should be taken into account when international law – maker community

able to implement legal acts about understanding issues on entitlement and | or restriction of space activity as space journey.

The unborn looking enterprises concerned in mining outer space a goods are working on protracted timelines on focus with society's modern needs. The major point of this article is the explanation of the ban on national allocation, as only being a veto on state appropriation. Under the presumption that exegesis would be a violation of the sense society needs, not states as along. In folding on their own the arrangements to dominate objects beyond the competency of any single state, the US is obtaining a step back out of the international community. This will not be a advantage for the interests of nations though. But nevertheless, the author explains this by the fact that such a national privilege is associated with the direct growth of private activity, which required regulation, because at the international level there is no adoption of any specific acts in this area.

In order space tourism open-up affect, for commercial companies necessary the potential to gain reasonable benefits and a stable legal setting [1]. Substitute option to the unilateral implementation of a legal base, and one that would sustain law confidence both domestically and internationally, is the modernization of an international regime for the stewardship of space excavation functioning as transmitted in Article 11 of the Moon Agreement.

International law does not aid the unilateral provision of rights to conduct over outer space by states to an individual way, or through private corporation and should be accordingly to interpretations of the UN Space Acts disregard the common heritage of mankind. Such would have the prospect to ensure space tourism doesn't fair bring individual profits, but betters of humanity.

Key words: international law, space tourism, outer of space, commercialization of space, private space flights, International Treaty.

JEL Classification: C83, C99, F53, K33, R58, Y80, Z32.

Булгакова В.А. Міжнародне законодавство про впровадження космічного туризму. Як прорив технологій, пов'язаних з космічним туризмом, перспективи розвитку гірничодобувної промисловості. Діяльність, що має місце в космосі, стає фактом, але вона повинна розвиватися відповідно до міжнародного права, оскільки питання про космос - це питання міжнародного значення, так як людство вказує космос в якості дослідницької зони. Важливими керівними документами в галузі міжнародного космічного права, що стосуються індустрії космічного туризму, є Договір про принципи діяльності держав з дослідження і використання космічного простору, включаючи Місяць і інші небесні тіла, який набув чинності 10 жовтня 1967 року; Угода про діяльність держав на Місяці та на інших небесних тілах, яке набрало чинності 11 липня 1984 року.

Ці міжнародні договори в основному обумовлюють для держав свободу дослідження і використання космічного простору, але в той же час не враховують його присвоєння на національному рівні.

В роботі також пропонується європейське законодавство, яке застосовується до космічного туризму. Основна увага приділяється Лісабонському договору. Але в ході дослідження автор висловив думку, що він не може бути прийнятим для космічного туризму, так як в ньому прямо або навіть побічно це не вказано. Хоча він може бути застосовний через відсутність відповідних конкретних актів в галузі космічних подорожей. Однак цей закон рекомендується в якості фундаментальної основи для подальшого міжнародного розвитку права в області космічного туризму, оскільки він безпосередньо стосується космічної діяльності, з тим щоб він міг служити орієнтиром.

Дослідження також не упускає з уваги закон США, так як космічний туризм збільшується американськими організаціями за рахунок діяльності, спрямованої на масові подорожі. Дослідження показують, що у США є інструмент національного права для застосування в космічній сфері, крім того, вони надають компаніям право власності на проведення дій на власні ризики в космосі, в тому числі і з туристичним питанням, і відкривають його для маси. Отже, тлумачити свободу, закріплену в просторі ООН, власним чином. Однак договір про космос не

узгоджується з огляду на питання про свободу у дослідженнях. Так, він тлумачить широку свободу, але вузьку заборону. Таким чином, дослідження досягають того, що чинний законодавчий режим, що стосується космічного простору, дозволить розвиватися в космічній подорожі, але не тим чином, який пропонує текст попередніх внутрішніх законів.

Також звертається увага на розгляд соціального значення для подальшої реалізації законодавства. У цьому дослідженні вивчається виникаюча роль соціальних даних у контексті висвітлення необхідності законодавства для надання належно вдосконаленого міжнародно-правового акта щодо польотів у космос з туристами на космічному кораблі, так як космічний туризм може досить серйозно вплинути на міжнародне право. Отримані результати свідчать про те, що соціальна обізнаність за допомогою географічних показників може покращити сучасну ситуацію в правовому регулюванні космічного туризму, так як наразі це регулювання відсутнє у міжнародному праві. Наразі потрібне дослідження міжнародного права за участю дослідників права з питань космічного туризму з різних країн.

Наслідком цих досліджень є те, що як соціальна позиція, так і космічні польоти з метою туризму повинні враховуватися міжнародною спільнотою при запровадженні правових актів з питань права та/або обмеження космічної діяльності, зокрема подорожей у космосі.

Підприємства, які шукають ненароджене, займаються видобутком космічного простору затажні строки фокусування на сучасних потребах суспільства. Основний пункт цієї статті – це роз'яснення заборони на державний розподіл, як лише вето на державні асигнування. Під презумпція того, що екзегега буде порушенням почуттів, які потребує суспільство, а не кон'юнктура. Складаючи власні домовленості щодо домінування над об'єктами, що не відповідають компетенції будь-якої окремої держави, США робить крок назад від міжнародної спільноти. Однак це не приносить користь для інтересів націй. Але, тим не менш, автор пояснює це тим, що така національна пільга пов'язана з прямим зростанням приватної активності, що вимагало регулювання, оскільки на міжнародному рівні не приймається жодних конкретних актів у цій галузі.

Для того, щоб відкрити космічний туризм вплинуло, для комерційних компаній необхідний потенціал, щоб отримати розумні вигоди та стабільну правову установку [1]. Замінним варіантом одностороннього впровадження правової бази та такої, яка б підтримувала довіру до закону як на внутрішньому, так і на міжнародному рівні, є модернізація міжнародного режиму управління функціонуванням космічних розкопок, як передано у статті 11 Місячної угоди.

Міжнародне право не допомагає односторонньому забезпеченню державами права на поведінку над космічним простором індивідуально, або через приватну корпорацію, і, відповідно до інтерпретації космічних актів ООН з огляду на загальну спадщину людства. Такі люди мали б перспективу забезпечити космічний туризм не прибутком однієї особи, а на покращення всього людства.

Ключові слова: міжнародне право, космічний туризм, космос, комерціалізація космосу, приватні космічні польоти, Міжнародний договір.

Problem formulation. Problems have been raised about the prolonged issue of increasing popularity and opportunities for anyone to buy a ticket to the space and become another space tourist. While nowadays world didn't implicate accurate 'tourist destination' in outer of space, while the space vehicle is entirely financed, owned and control on a private stating (by Virgin Galactic, XCOR, RocketPlane etc.) [2]. Thereby, legally argumentation of traveling into space presents the adjacent measure in private manned space flights [3]. To date has been implement US law on space travel manner issue regulation. But this cannot create a rule of customary international law on this matter [4].

However, if the series of space trip flights were to increase promptly and intensively perpetually without concerns of the governments and international organizations, and cooperation of such on formally protesting or refuting the legality of such private allegations, since in 1967 UN General Assembly adopted the fundamental International Treaty [5] on space framework, which defined principles of the activities of states in exploration and use of the space sphere, including the moon and other celestial bodies. Although the Outer Space Treaty was a start point to forming a legal understanding for outer space, gap in property law, liability law and international

assumptions on space use etiquette currently existed [6,8]. Those international on space regulation main act have not treated on private activities in outer of space. Although there impact a view that the silence of world community and states as well would be seen as consistent on a might to be a common norm. That's why urgency need to highlight discussions about the gap on international regulation of space travel issue, otherwise private business firms will misuse the right.

Analysis of recent researches and publications. Harper [7, 79-80] research on the steps of the clue players that are privately makes namely on them of space as its. Precisely the author orients on SpaceX and Boeing projects. Nowadays those companies are one of the most developer enterprises in the space trend as they are with the largest landmark in space travel focus. Accordingly SpaceX is a unique company as ever be able to effectively roundly transported cargo of the International Space Station and returned a vessel out of low-earth orbit. Besides, SpaceX is working on a project to build a place on another planet of space to live. Boeing is work with cooperation of NASA. This researcher positively reflects the state of developing companies, but does not pay due attention to the legal approbation regulation of space trip issue. After all, this is the goal of above mentioned companies. The researcher positively reflects the role of the growing business as space tourism, but does not display the negative aspects as the lack of proper legal regulation of such business.

Pelton J. N. [8, 15 – 19] regard at the nowadays space tourism businesses and constitute the new age of journey into space. The state concludes is that, despite the currently, national states and governments in general do not display proper work in the development of the space knowing in the travel way, rather than space companies.

Commercial involve of space is a goods of benefits to the worldwide economy. Including rapid development of useful products, growth of the US economy, a incentives of competition among US firms and among nations by Levine A. L. [9, 562]. This is a benefactor as more than motivation for humanities to achieve outer of space through tech and further exploration. The author of this article agree and join to the thoughts of Levine A. L. about researchers that should to push nations for legislation of space tourism industry and lawmakers are also the main leaders on slides and develop legislation, because of the benefits are gaining from space exploration business sphere. Therefore, without a reliable and correct legal regulation of this sphere, then the benefits will not be estimated.

The role of international UN Space Treaties for defining space tourism in the international legal field is indicated by such a scientist as Juan Davalos [10].

Author conclude that above treaties has gap of the commercial space identification with lack of understanding following terms as space object, boundary determination between Earth and Space, launch selection process, space objects registration and celestial bodies. Neglecting to designate that counts it invoke a conflict of law on space travel, because it encompassing above mentioned legal matters as well. Besides, Davalos seeks to explain that launch boundary between Earth and Space is an emergency problem that should be solve for commercial space travel going up industry, since until now have not been yet enforcement. Without knowing where, when, or how space travel flights will begin in boundaries issue, so that mean that no possibility to indicates liability afterwards.

Formulation of aims. Before proceeding to examine whether need develop and implement international law regulation on trip into space, it is necessary to research how well citizens of various states aware of the possibility of freely flying into space by analogy with the purchase of a ticket or a vacation ticket. This will show how popular this topic is through the mass population and how important it is right now to develop modern legal acts on issue 'trip into space' or as it common to say that space tourism, that correspond to the realities of changing the understanding of space and turning it into a tourist understanding. Having defined it by empirical study through experimental social survey, author of that article move on to aim of call on the legislative bodies of both national States and the international community to analyze the current policy of private companies of space flights projects on space tourism. As well as the need to take appropriate international legal measures to such activities as space tourism through its legal insights or not as such.

Main material presentation. Space tourism as a part of space commercialization is going fast. Discussions about space commercialization arise as it possibility to realize novelty idea of space trips. Gilliam I. T. formulate hypothesis about foundation that design ideas on space commercialization aren't heretofore out, and are not novelty. So far novation of space being is the developing frontier of spans decades and hitherto have been going up extremely of proposals on the way to how outer of space shall be used commercially.

The study considering space as new touristic way of potential traveler as a motivator, therefore the info about possibility to get trip into space, it is presently out of period date to an extent. All the knowledge remains to be a positively indicators because they represent a push for more research, so that citizens of each country can extend trip into space. 'The commercial development of space beckons us. It is our new frontier, and for the sake of the future of our nation, the continued health of our economy, and the

continued high living standards for our citizens, we must grasp these opportunities today while they are open to us.’ [11, 120].

Study present by describing space tourism issue urgency that take into account subsequent and urgent necessity to implement international standards that would give an understanding of legality side of space trip. Prior to undertaking the investigation, social climate clearance was obtained from empirical survey. Paper seeks to show of fast arising space travel issue among the population through survey EARTH-SPACE-EARTH TRIP Questionnaire (ESE Q in further words) which is an experiment for further research. ESE Q conducted on November - December 2019 both through face to face interviews and through an online of Chinese data platform. The ESE Q was organized on the base of EARTH-SPACE-EARTH TRIP scientific international law research project have started on October 2019 and continues for today.

Paper work arguing that according to the theory of law, any behavior needs legal regulation and every time a rule of conduct is applied, it requires a normative application. Further data collection is required to determine exactly how emergency of space tourism has affecting on current situation of international law understanding of such from legal point of view. Present study offers an analysis of the first (“1.”) of ESE Q. The result is determined from the 100 percent ratio of the corresponding answers and takes the method of geographical calculation of the national identity of the respondents. Participation was attended by citizens of African countries, Asian, Australia, Europe, North America, South America that are displayed in Figure 1 and arranged in a linear method in alphabetical order.

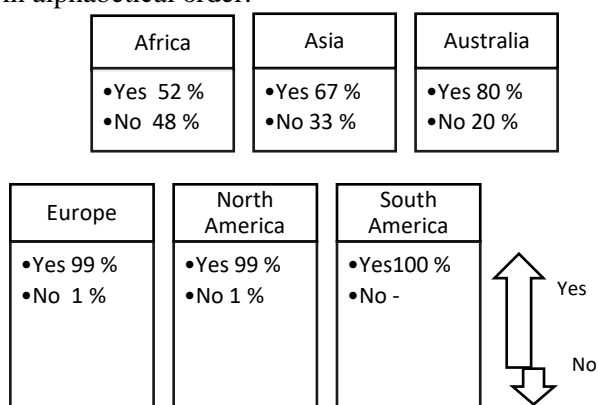


Figure 1. Geographical indicator of nation's awareness on space tourism

Source: Composed by the author

Such on, it was proposed to answer on the next question ‘1. Do you know that it's possible to buy a ‘TRIP INTO SPACE’?’ There is one from two possible answers ‘Yes or No’. Figure 1 shows a percentage of 100 by each ‘Yes’ and each ‘No’.

Comparisons between the 6 geographical groups were made using the ratio of the tested indicators from a smaller to a larger quantitative structure. Statistical significance considered using analysis of answers responses of each interviewee depending on citizenship. Besides, the respondents had the opportunity to refer themselves to the proposed geographical area during the survey. Thus, the indicators in each of the six groups is appropriate qualitative. Using the average figures that exceeded half of a hundred and looking at the actual growth answers ‘Yes’, it is possible to identify that submitted 6 geographical zones, respondents in accuracy have heard and know about this phenomenon as journey to the Space with traveler purpose. It is apparent from Figure 1 that in Europe, North America, South America is the highest rate comparison with Africa, Asia, Australia. In South America respondents' responses to positive indicators formed a 100 percent scale. The responses of respondents from African countries gave the least recognition.

It went on to suggest that the global arena should work on developing international law norms about understanding of space tourism phenomenon due to the fact that it has effect on social changes.

Paying attention to the fact that a high percentage of awareness on space travel is of European citizens, the researcher of present issue propose to pay attention to the current European legislation in the field of space activities and find out whether there is a talk about such space activities as space tourism. Thus, European space policy deals with analysis of the main trends in the development of legal regulation as: 1) Transition from fixing the foundations of the European space policy in non-binding acts “sui generis” to the development of legally binding acts, regulating the development of integration processes in the field of exploration and use of outer space; 2) The development of space program and strategies within international organizations at the supranational level, while the implementation of such program is for the most part carried out at the national level by member States.

The main role of international acts on space exploration is belong to the Lisbon Treaty and proclaims ‘the principles of a democratic state governed by the rule of law, priority of human rights, formulates effective tools for the harmonious combination of the interests of individuals, countries, regions, supranational and international entities with the processes of globalization, setting itself the task of minimizing their negative consequences’ [12, 5]. The Lisbon Treaty for the first time introduced the EU competence in the field of space policy. Legal regulation of the European space policy deals with the principles in correspondent of international space law. On another hand, Treaty does not reject space tourism

as a activity in outer space, as long as it brings economic prosperity and serves for the benefit of humanity. Researcher hold the idea that such a document should be revised, because it was adopted before the appearance of such a phenomenon as space tourism. And it is quite possible to deny it. But at the same time, the document does not provide a list and does not specify what kind of activity can be considered such that benefits in the form of economic goods. This allows private space companies to interpret these opportunities to own interest and may lead to abuse. After all, economic benefits are provided due to the developed accessibility of outer space, but where are the legal boundaries of such activities. Study is inclined to the joint view and to the laws of the theory of law that any economic action, even if it benefits humanity, must have a limit and specific restrictions. Otherwise, there may be abuses on the part of space companies and the global mass of people to the desire to fly into Space may be adversely reflected in the orbital sphere of Space.

It should be noted that the powers of the EU in the field of space activities are very broad. As well as the activities of the EU in the field of research and use of outer space combine in three areas, which are enshrined in the Resolution of the 7th space Council about development and operation of flagship; development of technologies for space transport, which is vital for independent access to space for Europe; scientific activities in space. But again, space tourism can be attributed to any of these three arenas. After all, it is logical that in the process of space travel, space tourist can do scientific research or organizers may improve space transport etc. The lack of attribution of space tourism to a specific understanding of what nature it has allows lawyers and researchers to limitless treatments as such, where all treatments is a correct. After all, according to the theory of law, if there is no specific definition of this, then any space activity can be interpreted in a way that is not prohibited. Now, international space acts do not consider such a phenomenon as space trip, thus research refer to the idea that such documents were not intended to include space tourism or refer it to the arena of scientific research, or peaceful space exploration etc., because cosmic journey is created through the modernization of society and the technological revolution in space exploration and has novelty status.

Withal, uptick opportunities for this industry will increase splendidly when tech of outer of space becomes inexpensive, subsidized by an alternate but bond sector as commercial human space flight [13, 619]. Albeit there is bewilderment as to its capacity, market study shows an overmastering interest to the space tourism theoretically, especially amidst the affluent [14]. In obedience to Wayne Hale, one of

NASA's ceo flight and space shuttle project executive, 'It is not just the technical challenge, nor the production challenge; it is the business challenge and profitability which are inhibiting commercial space flight.' [15].

Due to special attention to space tourism, but what does international space law say about space tourism? Nowadays world have five multilateral treaties amongst which are the commonly titling Outer Space Treaty, the Liability and the Registration Conventions, the Rescue and the Moon Agreements. That's Treaties are widely ascribe to the organization of the United Nations Treaties on Outer of Space, but pay attention just of base statement of international space law. The Outer Space Treaty is substantially focused on two causes for conducting manned spaceflight. Firstly, is a military issue. Such issue was established in a purpose of implement rules to reduce the risks of political combat in galaxy territory. Secondly, is a scientific issue, show enforcement action on establishing the protect zone of the freedom to investigate, explore and use outer space accordingly to UN Space Treaty Artt. III, IV, resp. Art. I.

The outcome, analyzing UN Space Treaties, as long as gap of particular board outlaw or shape on space tourism as a certain form of cosmo activity. The freedom of use and explore the universe as a tip of departure allows travelling into space as part of such use and exploration, even though that it nowhere specifically have been mentioned or determinant legally. The purely outright rule that addressing to the nowadays topic and may be applicable is supply to Article V. It is whereby had been compiled to guarantee that spaceman would be cure in observation with stated standards as primarily expressed by the notion of "envoys of mankind". That construct had never been designating any subsequent, despite the fact it was commonly circumspect not to assimilate in legislation with an 'envoy' in the earthbound and diplomatic sentience of the verbal.

Preamble of Outer Space Treaty is intended to contribute to folding international scientific and legal co-working with regards to 'the exploration and use of outer space' of para. 4 accordingly. Legal acts are not implied to include 'hidden' meanings yet there subsist a probability that the literal treatment of terms might lead to farcical clarification given the object and intention of a legal document [16].

In the failure of any competent law on the international level, the United States, as the certain country so far practically enforce having deal with space travel issue such as the US Commercial Space Launch Amendments Act (2004) [17]. Then the US have been legislate another related act, the Space Resource Exploration and Utilization Act of 2015 which conferring private property rights above cosmic resources to any US organization that obtains them.

The author draws attention to the idea that the United States looks forward at the social position and takes steps to match social awareness. It can be assumed that this is why this indicator received a 100 scale of respondents in the ESE Q (Figure 1). The study of act of 2014 leads to the fact that it is purely national and drafted for the benefit of American companies and the economic benefits of the United States, in fact, as its sequential act of 2015. The research concur the minority views about the US 2015' Space Act in following criticism to the bill. A concern has lead from University of Mississippi. Prof. Joanne Gabrynowicz, space law an expert, that simply inculcates a line that act is compatible with international obligations is not enough to impede inconsistencies. The most spinning inconsistency deal with making space goods subject to US law 'is a form of national appropriation by 'other means'[18].

Nevertheless, pursuant to Eric Stallmer, president of the Commercial Spaceflight Federation, 'The future legislation should expand American experiment and environment that led to only pioneer railroads, automobiles, and planes, but to turn these technological advancements into sustainable businesses' [19].

Becken S. [20] certainly operates and covers another side of equally significant of such space tourism industry on where importantly environmental analysis necessary to be undertaken on consideration prior of tourism space activities and projects. In that sector, nevertheless, there are already some measures being taken for instance to guarantee transaction stage security beyond global agreements as example the Paris Agreement at 2016 on climate fluctuation, should be followed. Dredge D. and Jenkins J. [21] following the purpose of understanding tourism strategy and planning introduce a conceptual assaying of tourism and public policy. The log house handle the evolving knowledge of tourism policy and designing as an iterative progression and encompass the institutional medium, issues, driving factors, influences, partakers, companies and policy interactions as essential items in understanding policy making [22]. Research proposes to take into account such a development plan for the further legal implementation of such method by analogy in developing an understanding of space tourism as such.

The awesome still question to the international law community is how space tourism industry should be regulated. International law capacity to warranty states autonomy, but it additionally increases their interdependence [23]. That independence may be considered with freedom of use, thus, areas res communis like outer space and the high seas are free to be used by all States in a manner that does not interfere with its legitimate use by others [24, 175]. Much of the

debate surrounding the limits on the freedom of use in space is not concerned with the space environment, but hinges on the limits of commercial use [25, 21]. However, liberty is not unlimited and comes with its own up obligations authenticated by the interpretation of the understanding of 'shall' with synonymous of 'must' [26]. Due diligence requires a State to make reasonable efforts to incorporate the factual and legal possibilities of proposed legislation into their decision making [27, 193].

Insofar it has been convoluted to regulate somewhat that has not either been entirely legally understood and in further words surely legally implement.

Conclusions. There was a significant difference between the two conditions as 'Yes' | 'No' via ESE Q. This is reflected in the large majority of positive results especially among countries of Europe, North America, South America. Thus, such social position shows significant changes in the social sphere, through the revived phenomenon of being able to travel to outer space as a tourist. This is directly reflected in the legal field, which is intended to be the legal basis for the legal implementation of such space flights with touristic destination and recognition as such through improvement and legislation in international legal acts. After all, Space, under the motto and aegis of peaceful development, should be properly protected from any cosmic acts. Therefore, until there is a proper legal acceptance or rejection of such a type of space activity as space tourism, private companies can abuse the right. In addition, international legal acts don't mention the subject of space activities as private companies. Only states have the authority to conduct cosmic related activities. Therefore, paper state that this subject composition for the right to conduct tourism in space should be properly review, thereby being accepted or rejected in further implementing acts. Space exploration has the potential to give many benefits for mankind such as example with space tourism, but what this article has to realize is that the domestic law to implement this budding sector have not shown appropriate regard for the UN Space Treaty so that the goods will be mainly benefit for the company carrying out that action. Surely, domestic legislation creates some confidence in the national base but it also establishes doubt in the domain of international law. A key international law policy priority should consider the legal plan for the long-term care of space tourism law regimentation issue.

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