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SPACE TOURISM AND SPACE LAW: APPROACH BASED ON THE LAW APPLICABLE TO ASTRONAUTS

Abstract

Technological developments in space have allowed new activities to take place in cosmic space, such as studies on the existence of water on the moon and planets, the exploration of natural resources of celestial bodies and the development of space tourism, on which is the present work. Although space tourism is still an embryonic activity and has been gradually developing through private companies, it is a subject that soon, contrary to what has been happening, should occupy the great international forums that are dedicated to the space theme, such as the United Nations Committee for the Peaceful Uses of Space (COPUOS). Discussions within COPUOS will inevitably address issues relating to the rights and obligations of space tourists, responsible companies and States. The present work has the objective, from the existing legal regime for astronauts, especially the Agreement on the Rescue of Astronauts and Restitution of Astronauts and Objects Launched into Cosmic Space of 1968, outlining some rights that may be granted to space tourists recognized , either from a specific international convention or from the analogous application of the 1968 Rescue Agreement, which, under the rules of the Vienna Convention on the Law of Treaties of 1969, proves to be more difficult in international law to occur. In any case, it seems incontestable, as observed in the 1968 Rescue Agreement, that space tourists be guaranteed the right (and at the same time the duty of States) to be saved, assisted and restored in case of problems in reentry from the cooperation of the State that carry out these efforts jointly with the company responsible for the flight. Obviously, in this process of rescue, assistance and restitution, individuals should have their dignity respected, without any kind of offense to their physical and moral integrity, regardless of their nationality. Thus, the need to construct a regime for space tourists emerges, especially through an international convention that provides for its minimum rights, as well as the obligations of companies and States.