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Legal issues associated with private human flight, including space and ground facilities, traffic management and spaceports (4)

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LEGAL BASES FOR SECURING HUMAN PRESENCE IN SPACE

Abstract

The development of the phenomenon "human in the outer space" is closely associated with 1961 when Yurii Gagarin performed the world first human spaceflight. The entry of human into the near-Earth environment and namely the transition to a qualitatively different physical conditions caused reflection on how to ensure safe human presence in space and to support its normal activity. The "satisfaction of scientific curiosity" has been replaced by "active space exploration and use". The States began to procure not only few flights, but through joint efforts to place in the outer space technically complex stations implying thereof a long-term presence of human in a new extraterrestrial environment. However, in the context of human life in space the concept of security is not any longer limited only to security of life and health, but should be interpreted expendably to include also the technical safety aboard the space station during the execution by astronauts of their official responsibilities (in particular, within the orders of crew commander), coordination with other crew members and security from external risk factors of space environment (both natural and anthropogenic). When comprehensively approach the study of hazards that occur in the outer space, three main categories could be distinguished: physiological reaction of the human on the environment change, the causes of natural and anthropogenic origin.

Thus, the paper will investigate all existing initiatives, practices, mechanisms that directly or indirectly have impact on establishing the secure environment for human presence in space. A special emphasis will be done on legal instruments of those countries that ensured human spaceflight, independently or within the specific international space programme. In addition, the attempt will be done to consider the difference in the legal regime of human in the outer space depending on the legal status provided to him (envoy of mankind, astronaut, tourist etc.). As the outcome, the conclusion will be made on how sufficient those legal / policy instruments are, what are their strengths and weaknesses, and finally what is the most expedient in current terms way forward.