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QUESTIONS OF LEGAL STATUS OF ASTRONAUTS

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Modern international space law doesn't contain a clear definition of term «astronaut», in spite of its presence in the 1967 outer space treaty and Buhle Rescue Agreement 1968. In the fundamental document – Outer Space Treaty only indicated that the astronauts viewed as «messengers humanity into space», however, as noted in the legal literature, such a definition makes little clarity content in the concept itself. Article V of the Outer Space Treaty states that “States Parties to the Treaty shall regard astronauts as envoys of mankind in outer space and shall render to them all possible assistance in the event of accident, distress, or emergency landing on the territory of another State Party or on the high seas. When astronauts make such a landing, they shall be safely and promptly returned to the State of registry of their space vehicle. In carrying on activities in outer space and on celestial bodies, the astronauts of one State Party shall render all possible assistance to the astronauts of other States Parties. States Parties to the Treaty shall immediately inform the other States Parties to the Treaty or the Secretary-General of the United Nations of any phenomena they discover in outer space, including the Moon and other celestial bodies, which could constitute a danger to the life or health of astronauts”. Also, the term «astronaut» is defined in the Space Activities Act. The Russian Federation Law on Space Activity states that licensing requirements apply to space activity for scientific and socio-economic purposes where such activity includes the testing, manufacture, storage, preparation for launch or launch of space objects or control of space flights. According to this Act an astronaut is a citizen of Russian Federation, who expressed a desire to participate in space missions and meeting established professional medical requirements, selected for training and space flight based on the competition. Based on the meaning of this paragraph follows that foreign citizens undergoing training for space flight in the Russian Federation or participating in the flight on a pilot-Russian space object Federation cannot be considered as astronauts. So, there is a contradiction in this case, as for many years foreign astronauts' have been piloting «Soyuz TMA-16» – transport manned vehicle. According to international practice, the position of international astronauts is regulated by international native space treaties. So, when we talk about flights on the International space station (ISS), there is a special definition for foreign astronauts that is called «space flight participant». Space flight participant is a space participant principles compliant ISS for selection admitted to special preparation by the decision of the Russian state medical commission responsible for medical cosmonaut / UKP clearance for special training and space flight. The problem is in that this legal definitions are temporary and cannot be used for space regulation flights outside the ISS. Another problem is the legal status of a crew commander of a manned space object. According to Russian space laws a commander of space craft with foreign citizens can be appointed only Russian citizen. In this case, the Russian legislation uses approaches similar to the approaches taken in maritime and air law for ship mandates.

Talking about the main rights and obligations of astronauts in the case of their legal status, it should be noted that every astronaut should observe the international regulations. Firstly, all crew members must implicitly take orders of their commander, medical changes,

as well as instructions for the current flight. It is also necessary to monitor the proper operation of all equipment to which astronauts have access. The astronauts are forbidden in any way to be in one's "official position" for personal benefits. For example, to force another person with the purpose of obtaining any benefit for yourself. Crew members must maintain a line of conduct that supports team members "harmonious relations and an appropriate level of mutual trust and respect. It is forbidden to act in a way that would negatively affect the reputation and public opinion of any partner country with a space center. The astronaut can take commemorative souvenirs (flags, emblems, etc.) of little value. However, such souvenirs are considered as ballast and are subject to a limit on the weight of the additional cargo. Wherein, personal items of the astronaut necessary for normal life (for example, watches) are not considered as souvenirs and do not fall under limitation. Cosmonauts are also subject to the Discipline Rules developed by the International Committee on Crew Activities (ICWDE) and approved by the Multilateral Coordination Council (MSC). These disciplinary rules have administrative nature.

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