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NATIONAL VS. INTERNATIONAL LAW – BATTLE OF THE TITANS

Abstract

Although it is widely accepted theory and practice that National law has to be in accordance with International law, one has to take other factors and legal nature of the respective branches of law into account. One of the indisputable fundamental rules is that provisions of National law cannot be in contradiction to the respective provision of the International law. At the other hand, it is a very delicate topic if a convention, or other example of International law, is self-executing or not, hence allowing a country to enact a National law which would enforce mentioned convention.

The purpose of this Paper shall be to examine if existing national laws regarding outer space resources and space mining are enacted *de iure* or *de facto*, that is, does current *Corpus Iuris Spatialis* allow for national legislation or not. It will prove this by questioning if the Space law conventions are self-executing or not, but also, is the legal issue of out of Earth materials contained in them, or does it require a special legislation.

With above mentioned in mind, the Author shall raise three questions and provide answers: is the issue of space mining a subject of International law, does it solely depend on national authorities or does it represent a unique *Lex specialis*. Further on, the Paper shall raise the question if such a responsible issue can be left for decision only on a national level, or does it require a consensus by international community.

Taking into account that times have changed since the first Space law conventions, in political, economical and societal aspects, that current technology urges us to rethink mentioned legislation, in order to enable constant development in outer space, this Author shall propose for a sustainable and legal solution to status of space mining, providing synergy between national and international laws, with arguments pro and contra and propose a way forward.