

FROM SPACE LAW TO SPACE OFFICE

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Abstract: In this Paper, the Author will provide the overview of his activities regarding his Space law research and the history and work of Serbian Office for Space Sciences, Research and Development. Divided in three parts, the first part of the Paper will focus on the Author's research regarding establishment of property rights in Outer space and arguments for introduction of same. The second part will show the history of SERBSPACE, its activities and projects, including the SEE Universe 2020 Space conference. Finally, the third part will reflect the Author's opinion on the current aspects of scientific research and society in general.

Keywords: Space law, ownership, SERBSPACE, SEE Universe 2020, society

1. TO OWN OR NOT TO OWN – A LEGAL STANDSTILL IN SPACE

They say that Space is the final frontier, but a deeper analysis of this sentence brings us to a demotivating standpoint. From one point of view, space can be considered as a final frontier, felt in a sense that crossing it is a final step for mankind's prosperity. On the other hand, we can consider such a frontier as the line which we cannot cross over, a unique boundary for humanity. The latter interpretation, which is more pessimistic, should be considered metaphorically. Needless to say, humanity has extended its presence to outer space and continues to do so each and every day, however, have we conquered space in legal terms (see Mijovic 2017), that is, have we, except for a physical presence, established a suitable legal framework and a sustainable economic system, which in 2021 are an obligation for a sustainable and civilized life?

Although Article 2 of Outer Space Treaty (OST) clearly forbids "appropriation" by stating that "Outer Space, including the Moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any means", other provisions of OST, especially, Article 1 stipulates that "Outer Space, including the Moon and other celestial bodies, shall be free for exploration and use by all States without discrimination of any kind, on a

basis of equality and in accordance with international law, and there shall be free access to all areas of celestial bodies”.

Legally observed, I do not see why outer space is considered and emphasized to be so much different than Earth. First, one should raise a question regarding private ownership of humans on Earth. This right is without question attributable to humans, i.e., we are entitled to Earth. We can obtain property, sell, lease etc. Without any intention of entering a theological or political debate – the question must be raised: ***does the Earth belong to humans per se?*** Is our understanding of Earth appropriation based on the facts that humans are the only intelligent species on Earth? From a legal perspective, what is our *modus acquirendi* and *iustus titulus* of Earth? Why are we so confident that it is ours? This question is of vital importance, because it represents and adds to the argument that the appropriation of outer space is possible and would represent double standards if we would allow private ownership on Earth and forbid it outside it. Are the ownership rights, i.e., human rights limited to Earth? Of course, current technology does not allow us to deepen the concrete system of ownership rights applicable to Outer space, but this must not prevent us from thinking in advance. We cannot and must not keep dividing Earth and the rest of the universe.

Being one of my first papers on this topic, I have written a paper entitled “Problems of regulation of Property rights in Space, Moon and other celestial bodies” (see Mijović 2015) in 2015 for which I have received an IAF Emerging Space Leader grant which allowed me to attend and present at 66th International Astronautical Congress which took place in Israel in 2015. Throughout the years I have further researched mentioned topic and published several papers: “Outer Space Treaty 1967 vs. 2017, A *lex specialis* or Derogation from Human Rights?” (see Mijovic 2017) and “Taxation of outer space: a next step for space exploration?” (see Mijovic 2018).

2. ABOUT SERBSPACE

Abovementioned event from 2015 propelled me further in pursuing activities not only related to Space law, but to Space in general, including all benefits stemming from its research and development. Inspired by many foreign and international space entities, faced with the fact that similar organization or the governmental body in Serbia does not exist, I have founded the Serbian Office for Space sciences, Research and Development (SERBSPACE) in August 2016 as a non-governmental organization based in Belgrade with the general aim of developing the Space sector in Serbia through Academia, Industry and Societies as three main pillars of the wider Space ecosystem. Being the president since and having graduated from Faculty of Law in Belgrade, Serbia, continuing my Academic studies and research relating to Space law, and following several years of Space law research and practice, an active role within Space Generation Advisory Council as a National point of contact for Serbia and member of Space law working group, an appointment as Advisor for Serbian team for Manfred

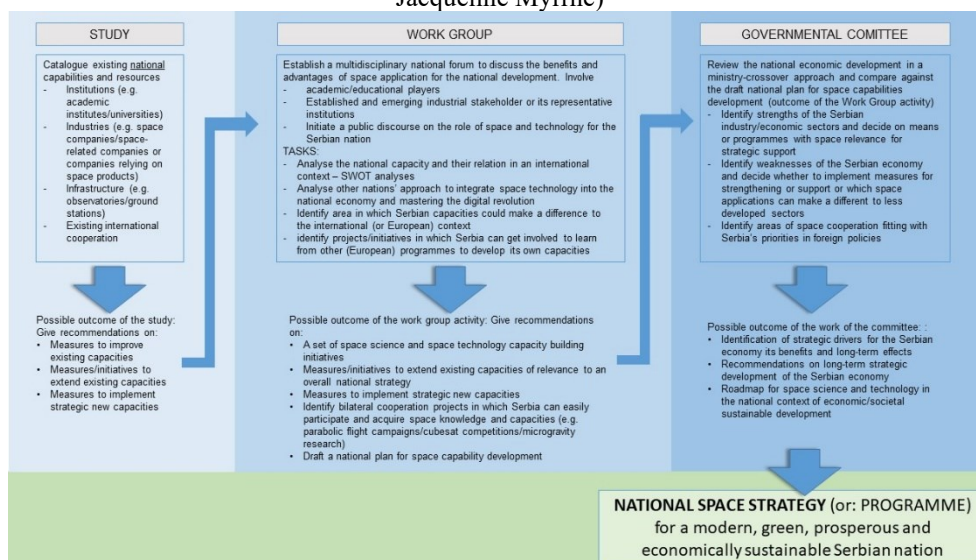
Lachs Space law Moot competitions, participation as a speaker at International Astronautical Congress 2015 (Jerusalem, Israel), 2016 (Guadalajara, Mexico), 2017 (Adelaide, Australia), 2018 (Bremen, Germany) and United Nations conferences in 2016 (Guadalajara, Mexico), 2017 (Samara, Russian Federation), 2018 (Islamabad, Pakistan), 2019 (Changsha, China) and key speaker including Near Space Conference 2019 (Torun, Poland) and CCAF 2019 (Wuhan, China), I have become a strong advocate for introduction of Space related activities in Serbia and positioned myself and SERBSPACE as recognized stakeholders in national and international community. All this previous work was reflected in the paramount achievement – the organization of the First South East Europe Space conference SEE Universe 2020, which blazed the way for new space activities, research, development, and cooperation in Serbia.

As my research led to the thesis that private ownership rights should be allowed in Outer space, advocating this idea since my early days of Space law research, I have provided arguments for these rights and published several papers (see Mijović 2012, Mijović 2015, Mijovic 2017 and Mijovic 2018) on this matter introducing this idea to the international community, believing that, with proper governance system, private ownership must be allowed in Outer space, in order to provide development and sustainable space exploration.

During the years, I have received several prestigious Space law awards and acknowledgements and became a member of the International Institute of Space law and The Hague Space Resources Governance Working Group, with several Space law papers published in national and international publications, whereas SERBSPACE has become a member of the International Astronautical Federation (IAF), being the only member organization from Serbia.

Realizing that Serbia should join the global Space community, as an equal Stakeholder, I have continued with expanding my Space career through Serbian Office for Space sciences, Research and Development (SERBSPACE). The scope of my work includes Space sciences and industries, improvement of research and development relating to Space, cooperation with national and international universities, associations, Governments, United Nations, space agencies and companies, participation in and organization of events, congresses, workshops and other space related activities and events, development of Space strategies, road maps, applications, and other Space related projects. The Office is developed as an umbrella organization that would include all relevant individuals, organizations, academic institutions, business entities and county representatives from the field of space sector in Serbia. The scope of the work of the Office covers several areas, both nationally and internationally. On the national level, the Office conducts a permanent capacity building project in the field of space science, technology, and research, which includes the involvement of the abovementioned entities in the projects of the Office and the creation of a network of experts in this field, all with the aim of developing space activities in Serbia and strengthening the position of Serbia internationally.

Table 1: Recommendation for Serbian Space strategy (developed by Milan Mijović and Jacqueline Myrrhe)



Regarding the international aspect, supported by the United Nations and the UN Office for Outer Space Affairs (UNOOSA), the Office was officially presented at the International Astronautical Congress in Guadalajara, Mexico in September 2016, and was acknowledged by the international space community. In this sense, SERBSPACE presented the Reasons for establishing Serbian Space Agency project to the United Nations and Serbian government, and since then has been implementing various activities aimed at involving Serbia on the international scene. The office is a permanent representative of Serbia in all important international events, and among the most important are the International Astronautical Congresses and UN Conferences, at which the scientific work of our members was presented, new partnerships established and the talks on the accession of Serbia to various international organizations continued.

In October of 2017, SERBSPACE was invited to participate in a UN conference in Russia aimed at implementing and coordinating international programs related to space science, with the goal of sustainable development of countries. At that time, SERBSPACE presented its model for the development of the space sector in Serbia before the international auditorium but emphasized the importance of regional cooperation and international cooperation.

It is especially important to point out that at the end of February 2018, SERBSPACE presented a project relating to the application of satellite technologies in the field of protection against natural disasters at a UN conference in Pakistan. This project was developed in cooperation with the Water Directorate of the Ministry of Agriculture, Forestry and Water Management and represents one of the steps towards improving the overall application of space technologies in Serbia, in this case to improve the use of watercourses, but also to prevent

accidents and natural disasters. In this regard, the UN has offered cooperation on this issue, which is reflected in the possibility of obtaining free satellite imagery to better manage and contribute to early warning systems relating to natural disasters, as well as to participate in numerous international programs of this type.

In March 2018, Yuri's Night, a global event marking the anniversary of sending the first man to space, Yuri Gagarin, was organized for the first time in Belgrade on 12 April. A networking event was organized in Belgrade aimed at improving domestic capacities in the field of space, which was supported by the Russian House - Russian Center of Science and Culture in Belgrade.

In May 2018, following several UN Conferences and in accordance with respective recommendations, SERBSPACE has initiated creation of a Space Working group within Serbian government and submitted a report to Serbian government detailing further steps towards utilization of Space applications and technologies, including steps towards joining United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS) and cooperation with European Space Agency, as one of the tasks of the Group.

In October 2018, SERBSPACE was represented by at the 26th UN/IAF Workshop on Space Technology for Socio-Economic Benefits: "Industry, Innovation and Infrastructure for Development" which took place in Bremen, Germany in conjunction with 69th International Astronautical Congress. The Workshop discussed space science, technologies, and applications in support of economic, social, and environmental development with a focus on the role of industries as key player to offer innovation and infrastructure needed for sustainable development.

On behalf of SERBSPACE, I have presented a report relating to projects and activities taken by our Office throughout the years, which are an integral part of the Reasons for establishing the Serbian Space Agency project, communicated to the Serbian government in 2016. Mentioned report covered possible industrial cooperation, investment opportunities and the benefits of start-ups in Serbia which could enable more jobs and further education. In addition to this, report presented development of space sector in Serbia and the role of SERBSPACE in creation of national space framework and international cooperation, being a facilitator between Serbian government and various opportunities. Further on, the presentation provided SERBSPACE's projects and activities and its positive impact on academic, scientific, and societal segments in Serbia, its role among international space community, as well as ongoing projects such as Serbian Space Agency and Emerging Countries Space Office projects. During the conference, I had a series of B2B meetings with several aerospace companies, which expressed their interest in investments and future cooperation.

For the second time in a row, on 12 April 2019, the Office organized Yuri's Night, this year at the Nikola Tesla Museum.

Following the invitation of the United Nations and the Chinese National Space Agency (CNSA), I participated at the United Nations/China Forum on Space Solutions held in Changsha, China, from 24 to 27 April 2019. The aim of the conference was to develop space technologies and cooperation, with the aim of

achieving the sustainable development goals as defined by the United Nations Agenda 2030. SERBSPACE presented the SEE Universe Conference project as the first of its kind in this part of Europe. The Conference project has received strong support from the international community and the United Nations. During the conference, I had a series of meetings with representatives of the academic community and Chinese industry sector, who expressed a great desire for further cooperation.

Supported by *Raumfahrt Concret* and *GoTaikonauts!* the SEE Universe 2020 Conference was announced at the 53rd Paris Air Show in June 2019, reaching the European and World Aerospace community. The advertisement for the Conference was displayed on numerous booths of European space industry and space institutions.

During the celebration of the 50th anniversary of IFR in Bremen in September 2019, I have visited Airbus and OHB in Bremen, presenting the SEE Universe 2020 Space conference and work and the activities of SERBSPACE.

In October 2019, SERBSPACE participated at the Near Space Conference 2019 Above and Beyond in Torun, Poland as one of the Partners. The main goal was to show the broad range of recipients that the space exploration generally and near space exploration particularly is accessible virtually for everyone and it has a growing impact on our daily life. Other Partners from several European countries were invited to SEE Universe 2020 Space conference, as it was presented during the event.

SEE Universe 2020 Space conference and SERBSPACE were presented at the Fifth China International Commercial Aerospace Forum in Wuhan by myself, president of SERBSPACE, which took place on 19 and 20 November 2019. The forum aims to gather elites and quality resources in the field of commercial aerospace to discuss technological achievements and innovative ideas, explore development paths and boost industrial resources integration and rapid development of the commercial aerospace industry.

As the March of 2020 slowly but surely arrived, preparations for the SEE Universe 2020 Space conference reached its peak, as the Conference was scheduled for 2-3 April of 2020. Just two weeks before the event in April, the COVID 19 virus pandemic was officially declared, and the State of emergency was introduced in Serbia putting everything and everyone on hold until further notice. As the situation improved, SERBSPACE decided to go ahead and to organize an online event which finally took place from 30 September to 2 October 2020.

3. CONCLUSION

Planet (of the) Lost

There is no person, no resident of the “modern” world, who did not expect flying cars, a cure for all diseases, and the colonization of outer space by the end of the 20th century. All that, today, leaves a bitter taste in our mouth, a taste of collective failure which, and to make matters worse, we refuse to admit, but rather

act like the eternal student and an even more eternal professor who deliberately keeps on failing us on the exam because we are protagonists in a strict conspiracy named “The professor must hate me”. That failure towards the general better, even degradation in numerous spheres, including not only the technological and scientific aspect, but also the societal and humanistic, is the fault of all of us, culminating under the shout “I can't change anything here”. From the mantra to the everyday anthem, fueled by the irrelevance of the individual, scraping around the developed and highly sophisticated dystopian consumer system of the 21st century, the human has found himself in a new existential crisis, but this time it could not be justified by flying on the wings of modernism which the 20th century dictated, but rather disguised by various television channels and social networks, all in accordance with the good old proven recipe *de panes et circemtes*. It was hard to believe that from the first lyrical works that had the theme of a car accident at that time, as something unseen until the beginning of the 20th century, in just a few decades (and two world wars later) man would fly at supersonic speed on commercial flights and blaze among the stars, relentlessly leaving the brave Wright brothers in the dust of an unstoppable technological revolution. This incredible 20th century, at least in terms of the fastest and most comprehensive technological development ever, tragically stagnated as early as the 1990s, leaving a human accustomed to an exciting tomorrow in a grey confusion of preparation for the 21st century. This downfall, reflected in the recycling and slight improvements (used for wrong intentions many times) of already existing technology, has pushed humanity into perhaps the only novelty of the 21st century, and that is a constant feeling of collective incompetence, hypocrisy and finally ultimate failure. And that collective decline and the incidental consequences of neglecting science will soon resonate with probably every person on the planet, as early as in early 2020, when less than two months after the outbreak, the new Corona virus brought the entire human world to its knees, especially the “modern” parts of the world, threatening to take us all back to the Stone age: politically, economically, socially, and most of all morally and ethically.

Yes, the 21st century, so furiously anticipated and filled with unlimited human imagination towards the glorious tomorrow, seems to get lost somewhere, and in the process lost its touch with knowledge, education, science and above all with human mind, leaving us waiting for some brighter future in years or centuries that might follow or be followed.

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