

55th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Legal Evidence from Outer Space (4)

Author: Prof. Lesley Jane Smith
Leuphana University of Lüneburg/Weber-Steinhaus & Smith, Germany, smith@leuphana.de

CALIBRATING SPACE DATA: SHARPENING TOOLS FOR LEGAL ENFORCEMENT

Abstract

There is an ongoing call for greater data exchange, alongside increased public access to it. This debate has been led by a variety of user groups, NGO's and space agencies, generally acclaiming the merits of easier access to data, with a corresponding reduction in its over-duplication. At the same time, the case has also been stated for the use of space data in enforcing maritime, environmental and other areas of civil society, as a means of policing or monitoring industrial, commercial or agricultural activities for law enforcement purposes. There are examples of jurisdictions where satellite-based evidence has been successfully relied on in court proceedings. Any space data to be used in this way must, however, be absolutely secure and recognised according to acceptable technical standards.

If space data is not only to be made more available but also to become a greater source of evidence in enforcement proceedings, then its validation and authenticity must be considered. With growing interest among groups such as GEOSS, GEO, SEIS to encourage the creation of EO exchange platforms, this means agreeing to procedures for standardising, validating and authenticating such data in question.

Space data is certainly a recognised source of information for public authorities. Decision makers have, however, not yet gone so far as to resort to looking at space data as a means of standard legal enforcement. Security concerns may lead to restrictions, and generally lead states to rely on data coming from their 'own' validated sources. This paper concentrates on what it might take to agree on opening the gates towards standardising data validation, certification and authentication, in the effort to encourage not only its exchange but also its use in enforcement proceedings.