

## 55th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)

## Legal Evidence from Outer Space (4)

Author: Ms. Guergana Kermektchieva  
University of Paris XI, France

THE USE OF SATELLITE-DERIVED EARTH OBSERVATION DATA AS LEGAL EVIDENCE IN THE  
REGION OF LATIN AMERICA AND THE CARIBBEAN

**Abstract**

As a scene of one of the largest natural hazards on the planet, Latin America and the Caribbean (LAC) has often benefited from space applications, especially in regards to disaster management. The Regional Visualization and Monitoring System (SERVIR) has established in 2005 an operational facility for the LAC region that has integrated Earth observation (EO) satellite imagery and geospatial portal with improved access to regional data. The Society of American specialists in remote sensing (SELPER) has brought together EO experts from the region in order to promote all the effective exchange of information so as to benefit the Latin institutions. GeoSUR Program, another recent regional initiative to disseminate spatial data in LAC, has already been exploited for visualisation of Peru-Bolivia border maps and assessment of the impact on infrastructure projects on protected areas and indigenous communities in Colombia.

Moreover, satellite-derived information has been used as legal evidence in a number of cases before the International Court of Justice (ICJ). This paper will examine in particular the application of space EO data and its legal validity as proof in international litigations involving different LAC countries. These include nation-to-nation boundary and maritime delimitation disputes before the ICJ such as Nicaragua v. Honduras case and El Salvador v. Honduras case where the evidential aspect of related to the case various satellite and radar images has been invoked as more accurate than maps. In addition, satellite EO data has been presented to the ICJ in other types of disputes in the region, especially in the case of Pulp Mills on the River Uruguay (Argentina v. Uruguay) and in the recent pending case concerning Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua). The above-mentioned cases show that LAC countries have increasingly included satellite imagery in their memorials and public sittings before the ICJ in order to provide supplementary evidence for the judges.

Satellite EO data may also be used as proof in additional matters like fishery disputes in the LAC region that may arises before the International Tribunal for the Law of the Sea where satellite photos has been recently brought up in the Bangladesh v. Myanmar case. This paper will also underline the important future application of the space EO data as evidence in future criminal cases related to the plantation and transport of drugs which have one of the highest rates in the Andean countries.