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REMOTE SENSING IMAGERY AND MARITIME SECURITY: PRIVACY PROBLEMS AND LEGAL SOLUTIONS

Abstract

Contemporary Maritime Piracy has become in the last years a serious menace, not only for traditional commercial sea routes, but also for ship crew and equipment safety. Space Imagery has given a clear evidence in providing a valuable instrument for Maritime Safety. Remote sensing data offer clear images of shipment position, sea traffic and piracy logistic centers, resulting a useful tool in preventing piracy's attacks and legal claims, particularly concerning international and territorial sea borders disputes. The paper firstly aims to present the contribution of remote sensing in preventing piracy's threat, illustrating how the base of world anti-piracy policies are sustained by a well-structured base of international law, starting from International Conventions such as Paris in 1856, Geneva in 1958, Montego Bay in 1982 and, above all, Rome in 1988 and the nowadays discipline, with a particular focus of the use of earth observation data by certain European special agencies and operators, specifically settled for earth observation (GMES, Global Monitoring for Environment and Security) or borders and maritime security (Frontex and EMSA). Secondly, the paper would like to illustrate one of the main relevant problem regarding remote sensing data diffusion once the images are elaborated. The high relevance of imagery in order to prevent pirates' menace risks to be seriously limited by the admissibility of EO data and questions of privacy. The paper will investigate, throughout the analysis of the specific legal discipline, in particular the protection of privacy given by the International Covenant of Civil and Political Rights (ICCPR), if the principle of free remote sensing high definition data elaboration in Outer Space and the principle of non discriminatory diffusion of remote sensing high definition data activities have the legal force to reduce potential legal restrictions such as confidentiality and commercial secrets, processing of personal data, data policies of public authorities, access and re-use of public sector documents and informations. Concluding, deep attention will be spent in the paper not only in underlining the case law of the actions under common law and civil law, highlighting the preparation of Earth Observation data as an evidence for use in courts, but in shaping the concrete contrast between exclusive military policies for shipment safety and piracy prevention and civil use of remote sensing data, introducing the question of a possible useful utilisation of outer space data by ship companies.