

55th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Nandasiri Jasentuliyana Keynote Lecture on Space Law & 4th Young Scholars Session (1)

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LEGAL LACUNAE IN EO DATA USED AS EVIDENCE IN COMPLIANCE FOR MARINE
ENVIRONMENT PROTECTION

Abstract

Several means have been explored in monitoring the impact of anthropogenic trans-boundary activities in the marine environment. The vastness of seas and oceans has led to improved monitoring and protection of marine environment and ecosystems. Satellite applications have become effective monitoring tools of the marine environments. Compliance of marine environmental agreements has is today being realized through Earth Observation (EO) satellites to detect oil spillages, toxic water pollution and other illegal activities. Satellite based remote sensing technology has also enhanced the capacity of national and international administrations to detect pollution in the seawaters under their sovereignty or jurisdiction. Widely recognized, is the application of EO -computer generated data and information as evidence in international and municipal legal disputes. As the space/EO community move towards interoperability and open data sharing, an array of the legal issues questioning the authenticity of EO computer-generated data and information has arisen. Admissibility and accuracy of computer-generated evidence in legal proceedings litigation has per se become a legal issue in several jurisdictions. This paper looks into the use of EO satellite data and information as evidence in legal proceedings. It briefly makes comparison to common legal lacunae related to other computer-aided/generated evidence in established fields such as internet/cyber disputes, and international e- transactions vis--vis validity and admissibility EO satellite data as compliance mechanisms to marine environmental protection.