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THE DEVELOPMENT OF INTERNATIONAL LAW ON REMOTE SENSING ACTIVITIES WITH
THE EMPHASIS ON INTERNATIONAL COOPERATION

Abstract

The paper addresses the desirable development of international law on remote sensing activities. While there exists a United Nations General Assembly Resolution adopted in 1986 concerning remote sensing activities, many problems remain to be solved; the resolution does not provide for intellectual property rights and rules on commercial remote sensing activities. Nor does it provide how the 'non-discriminatory' basis (Principle XII of the resolution) shall be evaluated. Since there are no other UNGA Resolutions or other universal rules concerning remote sensing activities, the development of international law on remote sensing activities after the 1986 Resolution is to be studied through the relevant international agreements not specifically adopted for the remote sensing but relevant for the subject matters and state practices.

The data exchange/sharing principles, which appears in international agreements or state practices, are just political promises, and international responsibility is not imposed on even if a state does not abide by the rules. Moreover, in the case of nongovernmental international cooperation, which is often conducted by space agencies, international responsibility cannot be expected since the actors are not a sovereign state. However, Article VI of the Outer Space Treaty and the "due diligence" principle of the customary international law seems to obligate the states to guarantee their individual space agencies to observe the established rules on remote sensing in international law. In addition, sensing data exchange/sharing principles may be evaluated as substantial sources of international law.

This paper addresses in which direction the emerging international rules on remote sensing data exchange/sharing is heading into and, to consider the desirable methods to enable such rules to accommodate the benefits of the mankind.