

54TH IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Nandasiri Jasentuliyana Keynote Lecture on Space Law & 3rd Young Scholars Session (1)

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THE PROTECTION OF THE EARTH NATURAL ENVIRONMENT THROUGH SPACE ACTIVITIES:
A GENERAL OVERVIEW OVER SOME LEGAL ISSUES

Abstract

In the context of the protection of the Earth's natural environment space activities can play an essential role in achieving sustainable development and protecting the terrestrial natural environment. In particular, remote sensing data can represent a fundamental tool for assessing and locating damages, monitoring progresses and effects of measures tackling environmental problems, verifying the application of environmental treaties and responding to man-made and natural disasters. This paper is aimed at analysing some interesting legal questions arising in relation to these aspects. As regards the use of space technology for the protection of the Earth's natural environment, the first point will be to ascertain whether and to what extent the provisions of the *corpus iuris spatialis* can be regarded as a legal basis allowing and promoting it. Going a little further, other possible issues will be taken in consideration: is there a legal obligation to disclose relevant information where they could be useful in the protection of the terrestrial natural environment? Are there, in such a case, possible limitations? Could a State be held liable for not having revealed such information? In order to provide an answer, both space law and international law principles will be taken into account and particular attention will be paid to define which information could be the object of a duty to warn. Indeed, if this last element can be easily defined in relation to 'natural or man-made disasters', more problems can arise in relation to more 'abstract' phenomena (such as, for instance, climate change). Finally, on the basis of the assumption that the great beneficial impacts that space technology can have in relation to the protection of the Earth's natural environment cannot be made useless, the protection of the Earth's natural environment from space activities will be briefly mentioned in the attempt to delineate the general legal framework applicable and assess its effectiveness in the light of the foreseeable future increase in the use of outer space.