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Contemporary Considerations about the 1986 Principles Relating to Remote Sensing of the Earth from
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THE SATELLITE AND THE INDIVIDUAL: THE LEGAL RESOLUTION OF REMOTE SENSING

Abstract

International remote sensing law is built on an egalitarian set of principles that grants liberal rights for states to sense other states, but also gives sensed states claims to access to the data gathered about their territories. These principles underpinned the verification mechanisms in disarmament law, and they would later come to assist in setting up disaster management regimes. But these principles apply to states sensing other states, and in general ignore legal rights or claims related to the individual. In general, such claims fall to national law to address, which for much of the life of the technology has been an adequate way to manage these rules.

Remote sensing technologies, though, have recently been enmeshed in the technological revolution associated with the digitization of data. This means that remote sensing has become part of a larger ecosystem of geographical information systems (GIS) that leverage network technology, computer processing, and big data to create data rich spatial analysis. These modern GIS systems are employed ubiquitously by commercial actors, governments, and individuals. They are not limited to presenting purely geographic information as they allow for the integration of various data points. This means that GIS technologies present myriad issues for the individual as GIS implicates individual privacy, security, and freedom.

This paper will evaluate the new challenges that are being integrated into remote sensing law as a result of its embeddedness into global networked GIS systems. This paper will first give a brief introduction to the historical development and core principles of international remote sensing law. The second section will argue that the context of remote sensing has changed as developments in the technology have allowed the resolution of remote sensing to be measured in individuals as opposed to meters. This will be followed by an overview of possible legal issues raised by individualized resolution in remote sensing. Finally, conclusions will be drawn by looking at specific cases such as the US Supreme Court's *Jones v. US*.