

## 59th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)

## Contemporary Considerations about the 1986 Principles Relating to Remote Sensing of the Earth from Space (3)

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## TOWARDS A NEW APPROACH TO SUPPORT THE 1986 UN PRINCIPLES ON REMOTE SENSING

**Abstract**

There are different references to international cooperation in remote sensing activities in accordance with Principle V and VI of the 1986 UN Principles on Remote Sensing. The final version of the Principles considered the standpoint of sensing and sensed states, an achievement of multilateral negotiation. However, since the adopted document was called ‘principles’ instead of ‘treaty’, we can notice that some countries did not agree to the creation of a binding document in this domain. After the adoption of this document, the question was how to determine the legal implications of the Principles. In this respect, there are two different opinions. Some states believe that the Principles should be considered as voluntary guidelines to be followed on a good faith basis. On the other hand, some states believe that the Principles should be considered as a binding document with the status of international customary law. Whereas in recent years, many States offer remote sensing data at cost or free, applying the Principles for sensing states and sensed states is very important and vital. With regard to national laws and policies, as high resolution imagery continues to be widely available through a multitude of sources, the divide between open access and restricted access has vanished. In reality control is not a viable national security policy. We have moved from an era in which a few developed countries had access to high resolution imagery to one in which virtually everyone will have such access. As a result, there are many complex national security concerns and policy issues that have yet to be resolved. Hence, it seems that the international community needs to improve the effectiveness of the Remote Sensing Principles and even explore the possibility of converting them into a treaty. Therefore, in this paper, the authors try to investigate legal challenges of the Remote Sensing Principles, and show that the current international regime is inadequate and to show how this problem may be settled through a new solution such as approving a treaty.