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

Author: Dr. Olivier Ribbelink
T.M.C. Asser Institute, The Netherlands, o.m.ribbelink@asser.nl

SATELLITE DATA AND THE ICJ: NEW DEVELOPMENTS?

Abstract

The ICJ Judgment of 16 December 2015 in the joined cases ‘Certain Activities Carried Out By Nicaragua In The Border Area’ (Costa Rica v. Nicaragua), and ‘Construction Of A Road In Costa Rica Along The San Juan River’ (Nicaragua v. Costa Rica), rejects as well as accepts satellite data and aerial images presented by the Parties. With regard to satellite images introduced by Nicaragua, the ICJ “considers that, given the general lack of clarity of satellite and aerial images and the fact that the channels that may be identified on such images do not correspond to the location of the [canal] dredged in 2010, this evidence is insufficient to prove that a natural channel linked the San Juan River with the Harbor Head Lagoon following the same course as the [canal] that was dredged.” (para.81). However, later in the Judgment the Court remarks that “[f]or example, satellite imagery demonstrates that at least two of these deltas pre-date the road.” (para.202), and “The Court further notes that satellite images in the record show that at least two of these deltas pre-date the road.” (para.206). This paper purports to clarify the use of satellite data (and aerial images) by the Parties in the Written and the Oral Proceedings, as well as their reception, in these joined Cases, and to compare this case with earlier cases where satellite data have been introduced by Parties to a dispute before the ICJ. Recent literature will be taken into account, as well as the work of the Committee on Space Law of the International Law Association.