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Contemporary Considerations about the 1986 Principles Relating to Remote Sensing of the Earth from  
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THE ROLE OF SOVEREIGNTY IN REMOTE SENSING AND CUSTOMARY INTERNATIONAL LAW

**Abstract**

Sovereignty is the basic principle that underpins international law. Each State holds both internal and external sovereignty, which includes control of its own territory and population as well as control over its relations with other States. Remote sensing implicates both elements due to the enablement of surveillance of other States' sovereign territory and the fact that international law governs the relationship of States with regard to conducting such surveillance and sharing the resulting data. An understanding of the role that sovereignty plays in the evolution of international remote sensing law, including the sources of such international law, is essential for this topic and will be covered in this paper.

While I argue in this paper that the 1986 UN *Principles Relating to Remote Sensing of the Earth from Space* have crystallized into customary international law as demonstrated by both State practice and *opinio juris*, it is essential to understand the limited scope of these Principles. As defined in Principle I(a), only those activities conducted "for the purpose of improving natural resources management, land use and the protection of the environment" are governed by these Principles. Additional customary norms have arguably evolved outside of a strict interpretation of the Principles, including with regard to meteorology, disaster mitigation, relief, and management. This paper will discuss to what extent customary international law may be limited to the scope of the Principles or may or may not be considered to reach beyond the document based on other international norms, including but not limited to those articulated in the World Meteorological Organization's Resolution 40 (*WMO policy and practice for the exchange of meteorological and related data and products including guidelines on relationships in commercial meteorological activities*), UN-SPIDER initiatives, and the International Charter on Space and Major Disasters.

Finally, this paper will analyze and discuss remaining gaps and problem areas in the development of international remote sensing law that may be seen through State practice and national remote sensing laws. While the political will may not currently exist for new multilateral UN treaties regarding remote sensing or space in general, an awareness of the current status of international remote sensing law will assist its progressive development moving forward.