

59th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
Interactive Presentations (IP)

Author: Ms. Nandini Paliwal
International Institute of Air and Space Law, Leiden University, Netherlands Antilles

COMMERCIALISATION OF REMOTE SENSING ACTIVITIES: A NEED FOR AN INTERNATIONAL
TREATY**Abstract**

Remote sensing data can be considered as invaluable tool for many purposes including meteorology, disaster management, environmental, cartography, delimitation of international boundaries. The commercialisation of remote sensing activities has resulted in private enterprises investing hundreds of millions of dollars each year in this industry, making it an expanding market. The 1986 United Nations Remote Sensing Principles constitute the only international legal instrument relating to remote sensing of the earth from outer space and therefore still regarded as an important source of international remote sensing law and policy. In particular, the Principles lay down the rights and duties of the 'sensing' and 'sensed' state and establish rules regarding access to and distribution of data at international level. The present article will analyse the legal challenges faced by the remote sensing industry today and the need for a robust international remote sensing regime replacing the non-binding, 1986 Principles. The paper aims to discuss the legal challenges that the growing industry of remote sensing has to overcome in order to provide benefits to all participants. Firstly, the research paper will focus on the several issues not covered under the Principles. It is not clear whether the Principles legitimize the acquisition, distribution and publication of high resolution satellite imagery which is possible now even by using microsatellites. The entry of private organisations has also raised data policy issues, IPR issues. Principle 14 mentions the responsibility of a State, for the acts of private companies indulged in remote sensing activities but not liability. New issues are also raised with regard to the use of satellites to influence military or political relations. Secondly, the paper will discuss the main national regulations regulating remote sensing activities, creating restrictions on the basis of national security and the inconsistencies in them. The 'sensing' states might use remote sensing data arbitrarily in order under the cap of national security and substantially to hamper the interests of 'sensed' developing states, which are not actively involved in space. Lastly, the growing call for an international regulatory framework in the form of a Treaty will be discussed keeping in account the interests of the private enterprises involved in commercial remote sensing on a global basis with major benefits to all countries which wish to participate. There is a need for a comprehensive legal framework which is clear and detailed, benefitting the interests of 'sensed' developing states as well.