

60th IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)

Refugees and the role of space communications/Status and Practice of Charter for Man-made Disasters (3)

Author: Mr. PJ Blount
University of Mississippi School of Law, United States

SEEING PEOPLE: USING SATELLITES FOR THE BENEFIT OF ALL

Abstract

As a result of the brutal civil war raging in Syria, a mass migration of people has been pouring out of the country. Most of these refugees will find themselves in a limbo zone. They will be unable to return to their home state and they will lack the means to find and get to a state that would receive them. This migration like others before it implicates the deep rift in international law between sovereignty and the individual. The international system attempted to incorporate human rights as an element of international law, while maintaining as solemn the sovereignty of the state. International space law is emblematic of this issue. The formative documents of international space law both highlight a distinct hope for humankind to be advanced by space technology tempered with deep concern for the preservation of core state centered rights. Regardless, the space law regime does address the human condition and humanitarian concerns with a different legal rhetoric than that found in other treaties of its ilk. This is significant in light of the fact that the Syrian refugee crisis was extensively imaged using remote sensing technologies.

This paper will investigate how satellites can be used to advance humanitarian outcomes and suggest legal frameworks for these types of activities. It will argue that the “common interest of all mankind” standard found in international space law was intended to create a heightened obligation on the part of spacefaring nations to use satellites to respond to a variety of humanitarian causes, including refugee crises, natural and manmade disasters, and genocide and other crimes against humanity. While this heightened standard does not always require direct action by states, it does require good faith efforts at cooperation mechanisms to ensure that the benefits of space are extended to vulnerable groups.

This paper will proceed first by looking at how the international human rights system established in international law functions, and it will explore the inadequacies of this system in actually ensuring human security evenly. It will then turn its attention to the international space law regime and argue that space law creates a heightened duty for states to cooperate in using space to achieve human security goals. Finally, the paper will investigate current coordination regimes such as the Disasters Charter and the Tampere Convention, and suggest future avenues for developing such regimes.