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LEGAL RIGHTS AND POSSIBILITIES TO ACCESS SATELLITE DATA FOR A NON-MEMBER
STATE OF SPACE COMMUNITY: CASE OF REPUBLIC OF SERBIA

Abstract

In today's technologically dependent society an average person interacts 36x per day with satellite through diverse applications (e.g. to note just one example - 3/4 of the data used in weather prediction models depend on satellite data). Because of this wide use of satellites, nowadays 80+ countries currently operate at least one satellite in space (latest countries to reach space were Ghana, Mongolia, Bangladesh and Angola). Especially for developing and transitional states, space systems are particularly useful and necessary in order to achieve "frog leaping" and decrease the economic and social inequalities between developing and developed states. Involvement in space activities gives them the opportunity to utilize state of the art technology and solve local issues (e.g. environmental, e-health, e-medicine, transportation).

Taking a closer look at the satellite data and imagery, it can be observed that the users are mainly public sector clients, such as military institutions for security uses as well as environmental and agricultural authorities. Hence, in the first line it is important to examine which legal framework is governing the access to satellite data and if public sector clients from the developing countries have the same guaranteed rights under international law as the developed nations. This paper will offer in its first part an overview of existing international norms regulating access to satellite data, focusing on relevant provisions in the corpus iuris spatialis. In the second part it will compare these legal rights with the praxis, i.e. determining what are actual possibilities to exercise these rights, if a state is not involved in space activities and has never been a member of space community like in the case of Republic of Serbia. In the third and final part, the paper will zoom in on the EU flagship programs - Copernicus and Galileo - and ESA's data access policies in regards to states that are neither EU nor ESA member states, but are striving for full European integration, as Serbia.