

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)  
Legal Implications of Evolving Remote Sensing Technologies (3)

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SOVEREIGN PRIVACY AND THE EVOLUTION OF EARTH OBSERVATION TECHNOLOGY

**Abstract**

In 1986 the UN General Assembly adopted the Remote Sensing Principles, a set of voluntary guidelines aimed to govern a newly established field of space activity. In the discussions that preceded the adoption of the Principles, States expressed their concerns about the new technology that enabled the continuous observation of the Earth from outer space. The concern that Earth Observation would provide unfair advantage to the few States that were able to procure remote sensing satellites, and in an effort to secure their corresponding national interests, States agreed to conduct remote sensing activities on the basis of "respect for the principle of full and permanent sovereignty of all States over their wealth and resources and with regard to the rights and interests of other States and entities under their jurisdiction".

This paper will examine how the principle of respect to State sovereignty functions in light of the advancements Earth Observation applications, namely the improving resolution of satellite imagery, the capabilities of high-throughput satellites to store and disseminate data, as well as the growing convergence of space technology in non-space applications. In particular, it will examine the extent to which countries can exercise their sovereign right over information regarding territories under their jurisdiction, when this information is gathered by satellites. To this end, it will examine the concept of sovereignty as it was formulated in the UN Remote Sensing Principles, by comparison to the equivalent regimes for aerial and marine photography. Whereas space law establishes the freedom of exploration and use of outer space, an area outside the sovereignty of any State, air law, maritime law and other fields of international law limit the freedom of conduct of other States within the territory under a State's jurisdiction without that State's explicit permission. The paper will also assess the benefits and drawbacks of the rapid development of Earth Observation technology and the effect of the regulatory limitations in this regard.

Ultimately, it will support that the current legal regime should not be interpreted as limiting the evolution of remote sensing, but as enabling the identification and resolution of rising regulatory challenges, in order to enhance the benefits from Earth Observation applications.