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Legal Implications of Evolving Remote Sensing Technologies (3)

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"PURE DATA" OR HOW REMOTE SENSING RESULTS CAN BE USED IN THE LITIGATION?

Abstract

Remote sensing satellites have been applied in different fields of economy for a long time. In so doing, the last two decades have seen a growing trend towards an application of the remote sensing results in the litigation.

In territorial, maritime and other disputes parties start using images acquired by remote sensing satellite as an evidence. Unfortunately, not all international judicial institutions take the remote sensing results into account in its decisions. One of the main obstacles is probability of providing falsified information by the numerous service providers in the remote sensing area. On the one hand remote sensing technologies are available to everyone, on the other hand quality of such images or credibility can be challenged by the disputing party or by the Court itself.

To resolve this problem a special universal independent organization-provider of the "pure date", which will be used both by parties and by a court, can be created. Despite significance case studies when images produced by the remote sensing satellites were presented as a proof in the national or international courts, as well as several comprehensive researches on this topic, there is no separate research dedicating to resolving this issues from the institutional and international legal point of view.

International space law is silent about possible ways how to share of the remote sensing data or whether it is necessary to establish a special fund. By contrast, States have already started to make governmental funds of remote sensing results at the national level. In Russia, for example, "the Rules for the creation and maintenance of a federal fund for remote sensing Earth data from space and the Rules for the transfer of copies of remote sensing Earth data from space by federal executive bodies, subordinate to them budgetary and state institutions for inclusion in the federal fund for remote sensing data from space" were approved in the August, 2019.

Drawing upon practice and previous studies, this paper attempts to suggest the best way of the consolidating results which have been made by the governmental, international non-governmental and intergovernmental organizations for creating the world fund of remote sensing date being used in the litigation or another disputable situations. The proposed paper will consist of 3 parts: analysis of the case study, forms of international cooperation of the States and organizations on the sharing/buying remote sensing date and international legal aspects of this issue.