

Topics (T)
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OUTER SPACE AND CLIMATE CHANGE, CURRENT ISSUES AND THE WAY FORWARD: A
LEGAL PERSPECTIVE

Abstract

This paper will start with an introduction exposing how important the work from the space community has been in order to address and monitor climate change and why new or updated laws and policies are needed.

Section 1 will analyze how the space community is addressing and monitoring climate change today, how data collection is carried out and documented. Following the World Economic Forum there are over 160 satellites collecting data focusing and reporting indicators about global warming. Understanding these technologies will help to understand the current legal issues and laws and policies that are needed to better support the space community's job on this matter.

Section 2 will identify some of the issues that the space community has with the current laws and policies. There will be special focus on the UN Outer Space Treaty and The Principles Relating to Remote Sensing of the Earth from Outer Space. Some of the issues that will be studied, for example, is that the The Principles are not legally binding, also known as soft law. These Principles also expose the nondiscriminatory access principle, remote sensing activities shall be carried out for the benefit and interests of all countries and promote international cooperation but this is not always the case. Also the ownership of the data collected, who owns that data collected, the Intellectual Property Rights of data collected. The cooperation and exchange of data collected from the Outer Space is not always as effective and fair as it was intended to be.

Section 3 will explore ongoing laws and policies initiatives, also similar scenarios that could be used as a reference on this matter. An example of ongoing initiatives is the work from the UN Committee on the Peaceful Uses of Outer Space (COPUOS) and its Legal Subcommittee (LSC) and some international organizations such as the Committee on Earth Observation Satellites (CEOS) or the World Meteorological Organization (WMO). As a case example and to be used as a reference on this paper topic, it will be studied the successful case of global cooperation with the implementation of the Montreal Protocol in 1987, a multilateral environmental agreement that is assisting in the reduction of the ozone hole and helping to avoid global warming.

After all the above sections, this paper will end with some recommendations and final conclusions, the way forward.