

Current Legal Issues for Satellite Earth Observation in Europe – A Report from Vienna

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Current Legal Issues for Satellite EO in Europe

09-08-2010

ISPRS TC VIII, Kyoto

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The conference in Vienna

- “Current legal issues for satellite Earth observation”
 - 8-9 April 2010, ESPI HQ
 - Organised by ISPRS, ESPI, IAA & IISL
- Focus on two main areas
 1. Treaty monitoring and law enforcement through satellite Earth observation
 2. Privacy conflicts from high resolution imaging

+ Round table of discussions



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1. Monitoring & enforcement

- Potential EO extends applications
 - New issues as consequence of VHR
 - Interaction with UAV & ground data intensified
 - Better access to archived data & public awareness → effectiveness as deterrent!
 - ◆ Many examples by now: USA, EU & individual EU member states, Australia, India, ICJ
- Optimisation legal & regulatory framework for satellite EO required



Monitoring etc. – *ctd.*

- GMES can contribute greatly
 - WMD proliferation treaties
 - Critical infrastructure & borders
 - Terrorism
 - Drug trafficking; illegal logging
 - Mass-migration
- On national level: German Sat Data Security Act (only): EU version needed



Monitoring etc. – *ctd.*

- Law enforcement
 - Sat data so far used in ‘adversarial context’
 - Need for expert witnesses & audit trails
- Privacy not much of an issue yet, but that can change rapidly
- Charter on Space & Major Disasters
 - Raises issues of territorial sovereignty (...!)
 - Liability claims cannot be excluded (!)



Monitoring etc. – *ctd.*

■ Treaty monitoring in 4 areas

1. Disarmament & arms control
 2. Environment
 3. International conflicts & peace
 4. Human rights
- Each carrying their own requirements
 - Usually limited to monitoring, no real international sanctioning possible



2. Privacy conflicts

- Definition 'privacy'
 - Hinges on lack explicit / implicit approval person concerned
 - Laws & regulations on protection privacy should be clear, consistent & technology-neutral
- Legal concepts defending privacy
 - Trespass (esp. common law)
 - Tort liability & nuisance
 - Confidentiality & data protection



Privacy conflicts – *ctd.*

- Privacy as human right
- ➔ Privacy *versus* freedom of information
 - Also: use of information to protect democracy & prevailing of justice
 - ➔ Vague & fluid concept
 - USA: privacy as element of liberty from government interference
 - ↔ Europe: protecting people from having lives exposed in mass-media



Round table

- Recommendations on wide range of legal aspects use of sat data
 - Capacity building on use sat data in context of law enforcement & disaster management
 - Incorporation sat data in relevant int'l legal instruments
 - Development common principles on privacy applicable to remote sensing activities



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Final remarks

- Presentations conference at http://www.espi.or.at/index.php?option=com_content&task=view&id=480&Itemid=1
- Proceedings will be published as ESPI Report, incl. elaboration conclusions & recommendations



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