

Big Brother or Eye in the Sky?

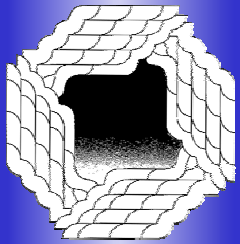
Legal Aspects of Space-Based Geo- Information for Disaster Management

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1. Introduction

- Satellites for disaster management
 - Global coverage
 - Packages with earth observation, communication & navigation
 - ➔ Charter on Space and Major Disasters
 - ➔ Global Monitoring for Environment and Security (GMES) / Global Earth Observation System of Systems (GEOSS)
- Legal aspects... ☹️ 😐 😊

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2. The Role of Space Law

■ 1967 Outer Space Treaty

- Freedom of space activities

■ UN GA Resolution 41/65

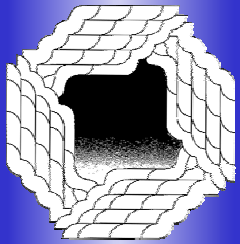
- “Protection natural environment” (Princ. X)
- “Protection from natural disasters” (Princ. XI)
 - ➔ Data & info to be transmitted promptly
- Lead role UN int’l co-operation (Princ. VIII)
- N.B.: not formally binding
 - ◆ India, China, Indonesia, Brazil

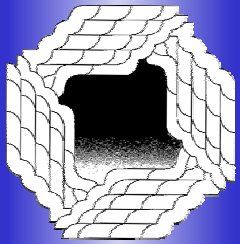
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3. GMES

- 2001 ESA & EC (on behalf of EU)
 - Independent European capability
 - Decision-support system
 - Optimising use current EO systems
 - Phased approach
 - ◆ Inventory of data types available & identification of gaps
 - ◆ Development of new instruments & satellites...

■ Relation with GEOSS

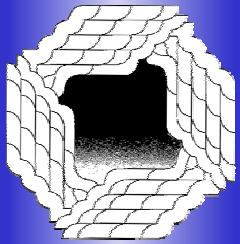


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4. The Charter

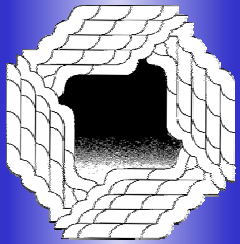
- ESA & CNES Charter by XI/2000
 - CSA, NOAA, ISRO & CONAE (& JAXA)
 - 1999 UNISPACE III
 - ‘Contributing’ satellites
 - ◆ EO, communication, navigation...
 - ‘Authorised users’ can activate Charter
 - ◆ ‘Associated bodies’
 - ◆ ‘Co-operating bodies’ (EU & UN Bureau for the Co-ordination of Humanitarian Affairs)
 - Data available asap & for free...

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5. International responsibility

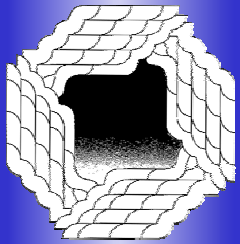
- State responsibility for legality
 - Also for private space activities
- Charter
 - ‘Obligations’ still of general nature...
 - Are there ‘rights’ for victims (victim states)?
 - How to deal e.g. with existing copyrights?
- GMES (& GEOSS)
 - Informal institutional co-operation

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6. International liability

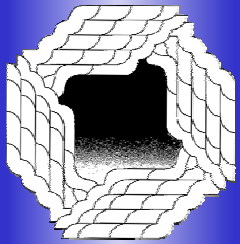
- State liability for damage
 - Again also for private space activities
- Charter
 - Liability waived → ‘best efforts’ obligation...?
 - But liability down-stream...?
 - ➔ ‘Good Samaritan’ principle
- GMES (& GEOSS)
 - Liability regime will have to be developed

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7. Int'l organisations & 8. Private entities

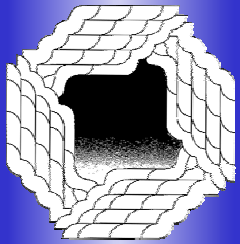
- State responsibility & liability
 - IGO's: member states cannot hide...
 - ◆ ESA: Declaration on liability, but still...
 - ◆ EU: member states
 - Private entities
 - ◆ Data access, privacy & data protection
 - ◆ Licensing & certification
 - ◆ Public goods vs. fair competition
 - ◆ National laws (in 9.5 countries...)
 - ◆ PPP's

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9. Concluding remarks

- Rudimentary int'l legal framework
- Incoherent laws at nat'l level
- Charter & GMES:
 - Institutional & practical effort
- Legal issues requiring attention
 - Liability & 'Good Samaritan' principle
 - Balance owners data & victims
 - Abuse by free-riders

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