

Treaty Law in Support of Climate Monitoring

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Introduction

- Kasturirangan, 2007:

The great challenge for space-based earth observation is to bring more clarity to inputs on measurements and international treaties and conventions, thus bringing in transparency to global climate convention management.

↔ Treaties to make sure such inputs & measurements are formally accepted



Four key aspects

1. Include dispute settlement system
2. Include reference to satellite data in the relevant treaties
3. Guarantee authenticity of satellite data
4. Include, as clearly as possible, quantifiable & measurable parameters



1. Dispute settlement

- Tailor made in view of technical complexity
 - Tribunal Law of the Sea
 - ICJ: special chamber option
 - Supreme Court India
 - ◆ Central Empowered Committee & 1980 Forest Conservation Act for admissibility evidence
- ↔ Desirability of *national* judgements...?
 - ◆ Cf. in Europe potential role in harmonisation through EC law - EU role in GMES



2. Satellite data

- Example MARPOL Convention
 - Reference to non-interference with National Technical Means for verification
 - Also arms control treaties
 - Use ICJ in boundary disputes
- Need for *international* TM?
 - Cf. EC law expressly authorising use satellite data for farm subsidies & fish catches
 - Also 1998 Århus Convention



3. Certify authenticity

- Discussion on evidence avoidable?
 - Credibility & reliability
- ↔ In fact: matter of adversary testing
 - Help of technical experts / 'expert witnesses'
- Establish an 'audit trail' system to certify authenticity
 - In view of processing from binary to useful data



◆ Cf. automatic speed cameras

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4. Quantifiable parameters

- To make determination of (non-) adherence as objective as possible
 - In Annex or Protocol, for regular 'updatability' - by generally recognised body...
 - For the scientific experts to come up with
- Role COPUOS STSC
- With the support of GEOSS...?



Research activities

- Not strictly speaking on climate change, yet interesting precedents
- Columbia University project
 - Remote sensing in support of ecosystem management treaties & transboundary conservation
- University College of London project
 - Satellite monitoring as a legal compliance tool in the environmental sector



Towards the future

- Treaties helpful tools for (re)enforcing use EO data in agreements combating climate change
- Need for further research
 - Comparative: arms control, human rights, **(other) environmental protection** treaties
 - Jurisprudence ICJ, Supreme Court India
 - Results research projects
- Look into enforcement issues...?

