

# The Relationship between the Remote Sensing Principles and Customary International Law

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## Abstract

Sovereignty is the basic principle that underpins international law. Each State holds both internal and external sovereignty, which includes control of its own territory and population as well as control over its relations with other States. Remote sensing implicates both elements due to the enablement of surveillance of other States' sovereign territory and the fact that international law governs the relationship of States with regard to conducting such surveillance and sharing the resulting data. An understanding of the role that sovereignty plays in the evolution of international remote sensing law, including the sources of such international law, is essential for this topic and is covered in this paper.

While I argue in this paper that many of the 1986 UN Principles Relating to Remote Sensing of the Earth from Space were customary international law prior to their adoption or have crystallized into customary international law as demonstrated by both State practice and *opinio juris* since their adoption, it is essential to understand the limited scope of these Principles. As defined in Principle I(a), only those activities conducted “for the purpose of improving natural resources management, land use and the protection of the environment” are governed by these Principles. Additional customary norms have arguably evolved outside of a strict interpretation of the Principles, including with regard to meteorology, disaster mitigation, relief, and management. This paper addresses international norms, including but not limited to those articulated in in the World Meteorological Organization's Resolution 40 (*WMO policy and practice for the exchange of meteorological and related data and products including guidelines on relationships in commercial meteorological activities*), UN-SPIDER initiatives, and the International Charter on Space and Major Disasters.

This paper analyzes the difficulty of relying on international custom in the development of international remote sensing. While the political will may not currently exist for new multilateral UN treaties regarding remote sensing or space in general, an awareness of the current status of international remote sensing law will assist its progressive development moving forward.

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## 1. Introduction

The orbit of Sputnik in 1957 established a precedent that over flight of a State's territory from outer space would be permissible and would not be protested,<sup>1</sup> unlike over flight in a State's airspace. A State has sovereignty over its airspace,<sup>2</sup> modified only by international law. Unlike domestic law, which is imposed by governments, international law is formed through both explicit and implicit agreements of States. In other words, States choose which elements of their sovereignty to cede in order to achieve objectives, such as gaining rights or limiting the actions of other States.

While States did not attempt to claim sovereignty over outer space, even before the prior existence of either soft law principles or treaty obligations, States have consistently claimed sovereignty over their national territory and the resources contained therein. Due to sovereignty over territory, airspace, and the maritime belt, States have historically had the ability to protect sensitive information with substantial privacy.<sup>3</sup> Remote sensing from outer space as an information-gathering tool implicates more than just outer space; images captured of a State's territory can garner a wide variety of information about States, including regarding its military activities and availability of resources.

Though over flight of a State from outer space was not prohibited, the status of remote sensing activities has been considered both under the Outer Space Treaty and under the *Principles relating to remote sensing of the Earth from space* (hereinafter, Remote Sensing Principles or Principles).<sup>4</sup> The Principles, now celebrating the 30<sup>th</sup> anniversary of their adoption at the UN General Assembly, are the primary focus of this paper.

## 2. Customary International Law

### 2.1. Development of International Custom

The sources of international law are articulated in Article 38, paragraph 1 of the statute of the International Court of Justice (ICJ), which lists the following:

- a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
- b. international custom, as evidence of a general practice accepted as law;
- c. the general principles of law recognized by civilized nations;

1 Bin Cheng "United Nations Resolutions on Outer Space: 'Instant' Customary Law?" (1965) 5 *Indian J Int'l L* 23.

2 *Convention on Civil Aviation (Chicago Convention)*, 15 UNTS 295, (1994).

3 Bin Cheng, *Studies in International Space Law* (Oxford: Clarendon Press, 1997).

4 *The Principles Relating to Remote Sensing of the Earth from Outer Space*, UN Doc A/RES/41/65 (1986).

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- d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.<sup>5</sup>

Though the Outer Space Treaty clearly satisfies 38(1)a, the question remains as to whether the Remote Sensing Principles can be considered law.<sup>6</sup> They are not an international convention, but they may constitute international custom under article 38(1)b.

Custom can be more difficult to identify and, unlike conventions, consists of two elements recognized in paragraph b., namely state practice and *opinio juris*, or a State's belief that law binds them. The primary difficulty with the identification of customary international law derives from its unwritten character, with widely dispersed and sometimes inconsistent evidence.<sup>7</sup>

"State practice can be expressed in a variety of ways, such as governmental actions in relation to other States, legislation, diplomatic notes, ministerial and other official statements, government manuals (as on the law of armed conflict), certain unanimous or consensus resolutions of the UN General Assembly, and increasingly, soft law instruments."<sup>8</sup> Though these elements all contribute to State practice, mention in a UN resolution is insufficient to establish *opinio juris* on its own, which must be established through general recognition of an obligation;<sup>9</sup>

This is true even where resolutions have been adopted by consensus, as they were in the case of the Remote Sensing Principles. That being said, UN adoption of such resolutions/principles can spur a relatively rapid shift in existing law.<sup>10</sup>

The uncertainty surrounding individual rules of customary law create a circumstance under which opportunistic claims may be made with regard to the existence or lack of existence of these norms.<sup>11</sup> Adding complexity to the questions is the fact that the ICJ has shifted to an interpretation of the State practice requirement that, rather than a requirement of consistent State practice, there is simply a need for a lack of inconsistent State practice<sup>12</sup> – often achieved by simple acquiescence.<sup>13</sup>

5 *Statute of the International Court of Justice*, 18 April 1946, 59 Stat. 1031.

6 *Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies*, 27 January 1967, 610 UNTS 205.

7 Alan Boyle & Christine Chinkin, *The Making of International Law* Oxford (2007).

8 Anthony Aust, *Handbook of International Law 2<sup>nd</sup> Ed.*, Cambridge University Press (2010).

9 *Idem*.

10 Alan Boyle & Christine Chinkin, *The Making of International Law* Oxford (2007).

11 *Idem*.

12 *Case Concerning Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. United States)* [1986] ICJ Rep.

13 Alan Boyle & Christine Chinkin, *The Making of International Law* Oxford (2007).

Additionally, such principles (like treaties) can contain provisions that simply serve as codifications of existing rules of customary international law; the primary example of this is the Vienna Convention on the Law of Treaties,<sup>14</sup> which though adopted more recently can be used in the application and interpretation of older treaties through the status of certain provisions as customary international law. In this vein, many of the UN Remote Sensing Principles are “merely re-affirmations of existing rules of international law or provisions of existing treaties.”<sup>15</sup> Principles III, IV, XIX, IV, and IX unquestionably fall into this category.

## 2.2. Hard and Soft Law

The distinction between hard and soft law is actually not decisive in determining legal character.<sup>16</sup> Soft law is generally viewed as a method to focus consensus, legitimize desired conduct, and create a positive environment for consistency in the relevant state practice.<sup>17</sup> By these measures, hard law (treaties) can contribute to the development of customary international law before the treaty comes into force and for those states that have not ratified the treaty. Hard and soft public international law can be characterized as “contracts” and “pledges” respectively.<sup>18</sup>

Importantly and less discussed, however, is the possibility to use UN resolutions and declarations as a means for interpreting and applying hard law instruments, under the understanding that they are subsequent agreements between parties to a convention. [for example<sup>19</sup>] This could potentially bring them into a more legally binding status. The relationship between the Outer Space Treaty and soft law consensus-based resolutions that specifically elaborate standards for particular activities governed under that treaty create a solid basis for the argument that some principles in these resolutions are intended to interpret the treaty in light of new developments between the parties. In some cases, these principles also further develop the law where lacunae may have existed in the original treaty. Creating a distinction between those principles that reaffirm or interpret existing treaty language and those principles that constitute a progressive development of the *lex specialis* is difficult part of the discussion, around which there may be

14 *Vienna Convention on the Law of Treaties*, 23 May 1969, 1155 UNTS 331.

15 ILC Report of the Study Group on Fragmentation of International Law, A/CN.4/L.663/Rev.1 (2004) at para 9, available online.

16 *North Sea Continental Shelf (Federal Republic of Germany v Denmark; Federal Republic of Germany v Netherlands)*, [1969] ICJ Rep 3.

17 Bin Cheng, *Studies in International Space Law* (Oxford: Clarendon Press, 1997).

18 Kal Raustiala, *Form and Substance in International Agreements* (2005) 99 AJIL 581.

19 *The Principles Relating to Remote Sensing of the Earth from Outer Space*, UN Doc A/RES/41/65 (1986).

considerable disagreement. That being said, it is noteworthy that a more specific rule in international law is likely to prevail over a more general rule.<sup>20</sup> It is worth noting that in order to create legally binding rules, the phrasing needs to be “of a fundamentally norm-creating character such as could be regarded as forming the basis of a general rule of law.”<sup>21</sup> Thus, language that is solely aspirational without a rule that can be implemented effectively in national practice will have a different character than those norms that have clear impact on the activities of States.

### **3. Scope of the UN Remote Sensing Principles**

#### **3.1. Definitions of Remote Sensing**

Remote sensing can be defined as “simply the collection of information from a distance.”<sup>22</sup> Even if you amend this definition for our purposes to read “from space” rather than “from a distance”, this is still a very different definition, than the one stated in the Remote Sensing Principles, which defines the term as “the sensing of the Earth’s surface from space by making use of the properties of electromagnetic waves emitted, reflected or diffracted by the sensed objects, for the purpose of improving natural resources management, land use and the protection of the environment[.]”<sup>23</sup> Most notably missing from this definition are military and other surveillance purposes, which make up an essential part of the space-based remote sensing industry. It is incredibly important to take into consideration that the whole substance of remote sensing is not governed by the remote sensing principles.<sup>24</sup>

#### **3.2. Status of Military Reconnaissance from Space**

Given the desire to protect privacy in their sovereign territory, the USSR initially claimed that military reconnaissance satellites were impermissible in international law, and attempted to state that any form of espionage was impermissible under international law.<sup>25</sup> It has become subsequently settled, however, that the act of espionage in and of itself is not a violation of international law.<sup>26</sup>

A useful distinction that has evolved with regard to military surveillance, however, is between penetrative reconnaissance and peripheral

20 Bin Cheng, *Studies in International Space Law* (Oxford: Clarendon Press, 1997).

21 Idem.

22 Idem.

23 *The Principles Relating to Remote Sensing of the Earth from Outer Space*, UN Doc A/RES/41/65 (1986).

24 Bin Cheng, *Studies in International Space Law* (Oxford: Clarendon Press, 1997).

25 Idem.

26 Talinn Manual on the International Law Applicable to Cyber Warfare, <https://www.peacepalacelibrary.nl/ebooks/files/356296245.pdf>.

reconnaissance, which respectively involve gathering information from within the sovereign spaces of a State or observing the state from international spaces.<sup>27</sup> Generally speaking, international law permits the latter, peripheral reconnaissance.<sup>28</sup> In fact, Article XII of the 1972 Treaty on the Limitation of Anti-Ballistic Missile Systems requires the use of “national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law.”<sup>29</sup> Given that it refers to remote sensing satellites, among other capabilities, it provides *opinio juris* to verify that surveillance satellites are permissible under international law.<sup>30</sup> Generally speaking, international space law has come to be interpreted as requiring ‘non-aggressive’ use of space rather than ‘non-military’ use of space, and thus remote sensing as peaceful or military activity does not run afoul of such obligations.<sup>31</sup>

### 3.3. Activities under the Remote Sensing Principles

After thirty years, we can see that the Remote Sensing Principles have had substantial impact on the legal status of remote sensing. Due to issues of permissibility, access, dissemination, and use of remote sensing data, the negotiation process to arrive at the Remote Sensing Principles took fifteen years.<sup>32</sup> At the end of this process, the only (new) substantial benefit for sensed or non-sensing States derived from the UN Remote Sensing Principles is contained in Principle XII, which grants the sensed State data access rights on a non-discriminatory basis,<sup>33</sup> in addition to such re-affirmed rights as non-discriminatory access to space and full sovereignty over the natural resources of a State, in Principles III and IV, respectively.<sup>34</sup> Disclosure of remote sensing programs under the Principles and a specific call to disclose matters that may be detrimental to the Earth environment and natural disaster information are also useful to all States.<sup>35</sup> Principle XIII requires consultations with a sensed State, but only upon request of the sensed State; this could be a tricky proposition in cases where a State is unaware that they are being sensed. In such a case, the State would not know to make such a request unless the sensing State was in full compliance with Principle IX.

27 Bin Cheng, *Studies in International Space Law* (Oxford: Clarendon Press, 1997).

28 Idem.

29 *Treaty Between The United States of America and The Union of Soviet Socialist Republics on The Limitation of Anti-Ballistic Missile Systems (ABM Treaty)* (May 26, 1972).

30 Bin Cheng, *Studies in International Space Law* (Oxford: Clarendon Press, 1997).

31 Atsuyo Ito, *Legal Aspects of Satellite Remote Sensing*, Martinus Nijhoff (2011).

32 Bin Cheng, *Studies in International Space Law* (Oxford: Clarendon Press, 1997).

33 Idem.

34 *The Principles Relating to Remote Sensing of the Earth from Outer Space*, UN Doc A/RES/41/65 (1986).

35 Idem.

Article 31 of the Vienna Convention on the Law of Treaties provides basic rules for treaty interpretation. It states that:

1. “A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose.
2. The context for the purpose of the interpretation of a treaty shall comprise, in addition to the text, including its preamble and annexes:
  - (a) any agreement relating to the treaty that was made between all the parties in connection with the conclusion of the treaty;
  - (b) any instrument which was made by one or more parties in connection with the conclusion of the treaty and accepted by the other parties as an instrument related to the treaty.
3. There shall be taken into account, together with the context:
  - (a) any subsequent agreement between the parties regarding the interpretation of the treaty or the application of its provisions;
  - (b) any subsequent practice in the application of the treaty that establishes the agreement of the parties regarding its interpretation;
  - (c) any relevant rules of international law applicable in the relations between the parties.
4. A special meaning shall be given to a term if it is established that the parties so intended.”<sup>36</sup>

Though the Vienna Convention came into force after the Outer Space Treaty and thus would not itself apply retroactively, the interpretation provisions have been recognized as representing existing customary international law,<sup>37</sup> which was recognized by the ICJ on several occasions.<sup>38</sup>

Thus, one must consider the possibility that the principles qualify as either an agreement or instrument in connection with the conclusion of the outer space treaty or a subsequent agreement between the parties regarding the application of the treaty. Though it is arguable that the term “instrument” includes not only directly binding treaty obligations, but also soft law

<sup>36</sup> *Vienna Convention on the Law of Treaties*, 23 May 1969, 1155 UNTS 331.

<sup>37</sup> M. Fitzmaurice, O. A. Elias & Panos Merkouris, *Issues of Treaty Interpretation and the Vienna Convention on the Law of Treaties: 30 Years On* (Leiden: Martinus Nijhoff Publishers, 2010) at 5.

<sup>38</sup> *Case Concerning the Territorial Dispute (Libyan Arab Jamahiriya v. Chad)*, Judgment, [1994] ICJ Rep 6 at 41; *Case Concerning Maritime Delimitation and Territorial Questions (Qatar v Bahrain)*, Judgment, [1995] ICJ Rep 6 at 33; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, [2004] ICJ Rep 136 at 94.

instruments,<sup>39</sup> this provision is the least applicable of the three, given that the consensus on the Principles would mean that if they qualify as agreement, then they would constitute agreement between all the parties to the treaty (and then some). In my view, it would be a stretch to use Article 31.2.a or 31.2.b with regard to the Principles, given that the temporal disconnect between the adoption of the Outer Space Treaty and the Remote Sensing Principles would make it difficult to argue that they were negotiated “in connection with the conclusion” of the treaty.

The more apt application of Article 31 in this case would come from 31.3.a. The term “agreement” is not defined in the Vienna Convention, but applying the rules of interpretation set out therein, the use of the term also in light of state practice establishing agreement of the parties indicates that it is not intended as a term applying only to legally binding international agreements such as conventions.<sup>40</sup> Thus, given that the Remote Sensing Principles were fully and carefully negotiated prior to consensus adoption, it is reasonable to consider them to be an agreement between the parties.

The difficult question, then, is whether the Remote Sensing Principles can be deemed to interpret the provisions of the Outer Space Treaty. The Principles, a document of less than 1400 words, mentions the Outer Space Treaty a total of five times in four principles. The context in which it is mentioned varies slightly:

1. in Principle III, it is mentioned as one of several specific international legal instruments that will apply to remote sensing activities
2. in Principle IV, it specifically states that remote sensing activities will be carried on in accordance with Article I of the Outer Space Treaty – an article which in addition to restating the language of the Article, provides detailed guidance on how this Article applies to remote sensing activities (“These activities shall be conducted on the basis of respect for the principle of full and permanent sovereignty of all States and peoples over their own wealth and natural resources, with due regard to the rights and interests, in accordance with international law, of other States and entities under their jurisdiction. Such activities shall not be conducted in a manner detrimental to the legitimate rights and interests of the sensed State.”)
3. in Principle IX, it calls for the release of information about the activity to the Secretary General in accordance with Art. XI of the Outer Space Treaty, but goes on to say that “moreover” information should be provided to the sensed State

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39 Anthony Aust, “The Theory and Practice of Informal International Instruments” (1986) 35 ICLQ 787; Oscar Schachter, “The Twilight Existence of Nonbinding International Agreements” (1977) 71:2 AJIL 296.

40 Hartmut Hillgenberg, *A Fresh Look at Soft Law* (1999) 10:3 EJIL 499.



4. finally, in Principle XIV it instructs that remote sensing activities are to be carried out in accordance with the Outer Space Treaty and other norms of international law.

What do these mentions demonstrate? Firstly, that there is agreement among the parties that remote sensing is a legitimate activity under the Outer Space Treaty. In this sense, it is a subsequent agreement between the parties under 31.3.a. The use of “moreover”, however, in Principle IX seems to indicate that though some of the principles are interpreting how the Outer Space Treaty will apply to remote sensing (see Principle IV), other portions of the Remote Sensing Principles are intended to further develop the international conduct of remote sensing beyond what was agreed in the Outer Space Treaty. Thus, the Principles cannot be considered, whole cloth, to constitute an agreement on the interpretation of the Outer Space Treaty. It would be necessary, then, on a case-by-case basis, to determine whether each principle would qualify as subsequent agreement.

Though the Remote Sensing Principles cannot be wholly deemed as simply an interpretation of the Outer Space Treaty, they certainly can be considered to be indicative of state practice, which both serves a function under the Vienna Convention in terms of interpreting the Outer Space Treaty, and also under the ICJ Statute as a contribution to the demonstration of their role as customary international law.

#### **3.4. Meteorology and Disaster Management**

One area where the Remote Sensing Principles have had notable impact is in weather forecasting and disaster management. Principle XI expressly sets out the protection of mankind from natural disasters as a purpose of remote sensing, and calls upon sensing States to release processed data and analysed information to States affected by natural disasters or likely to be impacted by impending natural disasters. The consistent implementations of this Principle and additional agreements concerning these activities have crystallized this Principle into customary international law.

Under the Charter on Space and Major Disasters, more than a dozen countries have committed space assets since 2000 to the continuing service of warning of and mitigating the effects of disasters (both natural and manmade).<sup>41</sup> Parties provide satellite data (processed and unprocessed) free of charge to countries (associated bodies and beneficiary bodies) affected by natural and technological disasters using a single point of contact. The hundreds of activations since its inception indicate a consistent state practice on the part of sensing states to deploying assets and freely share data for the stated purpose. Though the Charter itself is not a legally binding instrument, it acts as *opinio juris* demonstrating the obligation of states with remote

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<sup>41</sup> <https://www.disasterscharter.org/web/guest/about-the-charter>.

sensing capabilities (or more specifically the agencies within those states) to deploy those capabilities to deal with disasters threatening mankind; further such evidence is found in the fact that several States have implemented the Charter in domestic legislation.

UN-SPIDER was subsequently created in January of 2007, carrying out the agreement established by UN Doc A/RES/61/110 15. The mission of SPIDER is to “Ensure that all countries and international and regional organizations have access to and develop the capacity to use all types of space-based information to support the full disaster management cycle” and is the first such agreement to support the full cycle of disaster management.<sup>42</sup> The creation of UN-SPIDER and its continued activities provide further evidence of state practice in the area of disaster management.

The practice of states in this area has in fact extended far beyond the requirements of Principle XII. Meteorology can contribute to all areas recognized as elements of remote sensing under the principles, “natural resources management, land use and the protection of the environment.” With regard to meteorological data, the World Meteorological Organization, consisting of 191 member States, has established a policy of sharing of space-based meteorological data in 1995 in Resolution 40 (*WMO policy and practice for the exchange of meteorological and related data and products including guidelines on relationships in commercial meteorological activities*)<sup>43</sup> and has further expanded this policy in a twenty-five page document providing the policy, practice, guidelines, and implementation of Resolution 40.<sup>44</sup>

The practices adopted by Resolution 40 are as follows:

1. “Members shall provide on a free and unrestricted basis essential data and products which are necessary for the provision of services in support of the protection of life and property and the well-being of all nations, particularly those basic data and products, as, at a minimum, described in Annex 1 to this resolution, required to describe and forecast accurately weather and climate, and support WMO Programmes;
2. Members should also provide the additional data and products which are required to sustain WMO Programmes at the global, regional, and national levels and, further, as agreed, to assist other Members in the provision of meteorological services in their countries. While increasing the volume of data and products available to all Members by providing these additional data and products, it is understood that

42 <http://www.un-spider.org/about/what-is-un-spider>.

43 [http://www.wmo.int/pages/prog/www/ois/Operational\\_Information/Publications/Congress/Cg\\_XII/res40\\_en.htm](http://www.wmo.int/pages/prog/www/ois/Operational_Information/Publications/Congress/Cg_XII/res40_en.htm).

44 <https://www.wmo.int/pages/about/documents/WMO837.pdf>.

WMO Members may be justified in placing conditions on their re-export for commercial purposes outside of the receiving country or group of countries forming a single economic group, for reasons such as national laws or costs of production;

3. Members should provide to the research and education communities, for their non-commercial activities, free and unrestricted access to all data and products exchanged under the auspices of WMO with the understanding that their commercial activities are subject to the same conditions identified in Adopts (2) above[.]”<sup>45</sup>

Assuming that 2 above is implemented in such a way that conditions on re-export for commercial purposes do not impinge the rights of sensed States established under the Principles, then this resolution and subsequent documentation further indicates very widespread support of data-sharing for the purposes enshrined in the Remote Sensing Principles. Given the participation of 191 States in the WMO, it provides substantial evidence of the customary status of the principles, though with the scope of WMO activities limited to meteorological data across the remote sensing activity spectrum.

#### 4. Conclusions

First and foremost, the collection of remote sensing data, both under the Remote Sensing Principles and beyond their scope, is acceptable under international law; “data gathering from outer space directed at any object anywhere on earth is permissible.”<sup>46</sup> The Remote Sensing Principles deal with a specific subset of civilian uses of remote sensing technology, substantially limiting the applicability of their scope, particularly with regard to data sharing and data availability.

Some of the Remote Sensing Principles are simply restatements of customary international law or treaty obligations, or interpretations of existing treaty obligations. This, however, is limited to individual principles as discussed above. There is also substantial evidence of state practice and *opinio juris* confirming the customary status of additional elements of these principles. Principle XI regarding data sharing with regard to natural disasters has acquired a customary international legal character. It is also arguable that the Principles more generally have acquired customary legal status; the activities of the WMO provide significant evidence in this regard.

That being said, it is important that we exercise caution when finding new customary international legal obligations. The interpretation of customary legal obligations is a difficult proposition, considering the wide range of

<sup>45</sup> Idem.

<sup>46</sup> Bin Cheng, *Studies in International Space Law* (Oxford: Clarendon Press, 1997).

elements that can be considered when determining evidence and the ease of justifying principles as more than that, but as legal rules. There are substantial benefits to the use of soft law and also customary international legal norms, particularly in a political climate where ratification of conventions through domestic procedures can be difficult, time-consuming, and ultimately impossible after lengthy treaty negotiation processes. “Customary international law allows states to reject treaty regulation while claiming the benefits of those parts of an unratified treaty they perceive as desirable.”<sup>47</sup> After thirty years of implementation, it is unquestionable that the UN Remote Sensing Principles have made a substantial contribution to States’ conduct of Remote Sensing Activities and their cooperation in these activities. These Principles have a legal character that establishes their importance in the body of international space law, though the document itself is a non-binding instrument.

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47 Alan Boyle & Christine Chinkin, *The Making of International Law* Oxford (2007).