

AVV. PROF. CARLO GOLDA ABSTRACT

The Outer Space legal instruments already dealt with global emergencies, being, in particular, the remote sensing and satellite activities a de facto outstanding quality/quantity tools to manage, at any stage and any moment, the huge amount of data useful/necessary to the decision makers (at national and/or international levels) in order to provide the best possible assistance to places and people involved in big emergencies.

Unfortunately, until now, the global legal regime on remote sensing activities, as given by UN Principles relating to Remote Sensing of Earth from Space (UN 95th Gen. Ass. Resolution 41/65 given on dec. 3rd 1986) and all the following legal tools at any level, focused on improving natural resources management, land use and protection of environment, according to Principle 1 of the above mentioned res. Annex.

The global migrations by sea, stressed and made clear a new scenario, in which it seems necessary (if not mandatory under UN general policy and legal basic instruments, first of all the Universal Declaration of Human Right) to consider the outer space policy and law instruments and the satellite remote sensing applications and specific legal regime as applicable also to the migration collective phenomena and facts, in particular for the provisions of Principles X and XI of the UN Remote Sensing Resolution and in the view of permitting to all the involved states to manage not only the emergency phases but the impending risks related to the migration in order to prevent, as much as possible, the risks, of any kind, for the migrants and for the coastal populations. In other words, what is already achieved for the environmental protection/disasters and related emergencies, must be extended to migrants' human rights collective protection, in spite of the origin of the specific emergency (not only natural disasters, but also human generated collective risks and possible disasters – to which migrants and involved Countries are clearly exposed-arising by their forced and/or voluntary conducts even of not related to natural emergencies).

In UE, the above mentioned hypothesis seems to be also coherent with human rights protection as indicated in the 2012 Charter of Fundamental Rights of the European Union, the CEDU and all the other relevant legal acts already existing.

Carlo Golda

Genoa, Malmoe apr. 27th 2016