

UNSC

United Nations Security Council Right to Privacy in the Context of Satellite Surveillance

Overview

Satellites are often used to monitor large territories. Surveillance aids in border control by capturing high-definition images to detect possible security threats.¹ Satellites offer a view into maritime movements such as piracy as well as providing information on specific urban areas to reinforce security and minimize possible dangers to the population.² Although there are many benefits to such vast and precise surveillance, some can verge into a violation of privacy for individuals which will be the focus of this committee.

The United Nations Security Council

The Security Council has many goals and responsibilities concerning global security. The primary focus is the preservation of international peace.³ There are fifteen members including five permanent members who each have veto power on possible resolutions: the United States of America, the People's Republic of China, the French Republic, the Russian Federation, and The United Kingdom. The Security Council has the power to impose sanctions in the efforts to maintain and restore international peace as well as authorizing the use of force. As a part of its duties, the Security Council aims to find a balanced solution to the rising concerns over privacy in the context of satellite surveillance.

Functioning of Satellite Surveillance

Satellites can revolve at four possible orbits of respectively increasing altitudes: Low Earth orbit, Medium Earth orbit, Geostationary orbit and High Earth orbit.⁴ While analyzing the functioning of satellites, for these objects to work with respect to gravity, they must orbit the

¹ Frąckiewicz, Marcin. "The Use of Satellites in Surveillance and Security." *TS2 SPACE*, 16 Mar. 2023, ts2.space/en/the-use-of-satellites-in-surveillance-and-security/#gsc.tab=0.

² "Satellites Based Surveillance." *EMSA*, European Maritime Safety Agency, www.emsa.europa.eu/we-do/surveillance/earthobservationservices.html.

³ "United Nations Security Council ." *United Nations*, www.un.org/securitycouncil/.

⁴ "Satellite and Aerial Surveillance for Migration: A Tech Primer." *Privacy International*, 21 July 2021, privacyinternational.org/explainer/4595/satellite-and-aerial-surveillance-migration-tech-primer.

earth quite rapidly in contrast to satellites that are at a higher altitude, allowing satellites situated at the Low earth orbit to take more pictures of certain locations at a higher rate.

History

The first satellite, Sputnik 1, was launched into space in October 1957 by the Soviet Union. The man-made machine's role was to obtain data concerning the density of the upper layers of the atmosphere while transmitting radio signals.⁵ This first step into obtaining intelligence through outer space rapidly evolved and became increasingly sophisticated leading to abuses of power from various governments. One specific instance would be the discovery of Edward Snowden; an American citizen who exposed the American government spying on its population. Following the 9/11 terror attacks, the National Security Agency started a surveillance program called Prism to spy on its citizens by monitoring emails, documents, photographs and even video chats.⁶ The influx of information to the public led to some serious questions concerning the right to privacy of civilians. In light of this scandal, several laws and regulations were put in place to limit how much and how long such information was allowed to be held.

Uses of Satellite Surveillance

Satellite surveillance has many uses ranging from day-to-day activity to global and governmental use for significant matters such as national security, border control and international crises. Agriculture, for example, can greatly benefit from satellite usage through monitoring from space aids to better understand droughts, crop developments and soil quality. These analyses aid farmers with planting and irrigation by predicting rainfall and possibly droughts.⁷ In a similar light, large-scale surveillance aids in wildlife protection by monitoring endangered species and harmful environmental factors. Moreover, these images also help our

⁵ "Sputnik 1." *NASA Space Science Data Coordinated Archive*, NASA, 2022, <https://nssdc.gsfc.nasa.gov/nmc/spacecraft/display.action?id=1957-001B>.

⁶ "Edward Snowden Discloses U.S. Government Operations." *HISTORY*, A&E Television Networks, 26 June 2018, www.history.com/this-day-in-history/edward-snowden-discloses-u-s-government-operations.

⁷ "Uses of Remote Sensing Satellite Imagery." *Dragonfly Aerospace*, 18 Oct. 2022, dragonflyaerospace.com/uses-of-remote-sensing-satellite-imagery/.

environment by identifying oil spills, illegal poaching of endangered animals and monitoring wetlands.⁸

National security is constantly at risk from threats of terrorism, and as such, governments frequently seek means to improve defence against potential threats. Satellite imaging is constantly improving which helps monitor areas that contain potential threats to a country's security. Assessing and analyzing images provided by satellites facilitates the creation of strategies to mitigate the presence of terrorist threats. This can be done by monitoring suspicious infrastructure constructions that may harbour terrorists or might be the target of an attack.

Border security is essential to maintain safety within individual countries. Satellite imaging is an incredibly successful tool in aiding such an issue. Satellites can capture high-definition photos around the border of potentially dangerous, illegal movements that are occurring. Suspicious activity deemed by border agents can be further analyzed and confirmed by these security methods.⁹ It can also help by identifying possible illegal constructions around the border that are used as points of entry violating immigration and customs laws.

Resolving international crises is one of the main goals of the Security Council. Satellite surveillance helps in understanding global conflicts by studying the destruction and the resulting displacements of civilians. Having an in-depth comprehension of wars helps in creating possible solutions and peace treaties to mitigate the loss of human life and property destruction. Moreover, such detailed information permits a faster response time from disaster relief organizations. Knowing the specifics of the situations permits us to assess the damage and specialize the aid given to help civilians.

Consequences of Satellite Surveillance

While satellites have proven useful for positive utility, their rising usage for surveillance has brought potential consequences to the public's concern. Recently, concerns over who has access to satellite-gained information have come into question, especially since improper handling of the situation could massively violate consumer privacy. Cell phone companies can locate their clients through satellite tracking, and phone calls can be tracked up to 100m from

⁸ *Spotting the Wrong*, The European Space Agency, www.esa.int/Enabling_Support/Preparing_for_the_Future/Space_for_Earth/Space_for_Sustainable_Development/Spotting_the_wrong.

⁹ Frąckiewicz, Marcin. "The Importance of Satellite Imaging for National Security." *TS2 SPACE*, 8 Mar. 2023, ts2.space/en/the-importance-of-satellite-imaging-for-national-security/#gsc.tab=0.

where the caller is using their device.¹⁰ There are possibilities of that information being sold to third parties whether it be marketing companies, law enforcement agencies, or black markets. Companies track consumer habits under the guise of giving customers better service, allowing them to send personalized advertisements their way. The lack of communication of this ability from the business to the consumer raises a significant ethical issue about personal security.

As technology evolves, so does the threat of the population's right to privacy being violated. Spywares such as Pegasus have highlighted the core issues with satellite surveillance. This spyware is uniquely sold to governments, giving them the tools to survey their population without their knowledge. It can be used beneficially to track criminals but can also easily infect a civilian's phone without their notice. Pegasus can insert itself into a person's cell phone as easily as through a missed WhatsApp call giving it the ability to collect all data on the phone and access its camera and microphones.¹¹ In India, a report depicts that over 300 civilians were spied on using Pegasus. Part of that list of people were activists, journalists and even a Supreme Court judge.¹²

Proposed Solutions

In 2013, a resolution was passed by the United Nations General Assembly concerning the right to privacy. The resolution affirms that the right to privacy is also protected online and that all states need to respect it. In the resolution, the assembly requested that a report be submitted by the United Nations High Commissioner for Human Rights on the protection and promotion of the right to privacy by investigating digital communications, and the collection of personal data on a mass scale.¹³ The resolution demonstrated the importance of protecting the right to privacy on an international scale.¹⁴

¹⁰ Aaron Renenger, Satellite Tracking and the Right to Privacy, 53 *Hastings L.J.* 549 (2002). Available at: https://repository.uchastings.edu/hastings_law_journal/vol53/iss2/5

¹¹ Gurijala, Bhanukiran, and The Conversation US. "What Is Pegasus? How Surveillance Spyware Invades Phones." *Scientific American*, 10 Aug. 2021, www.scientificamerican.com/article/what-is-pegasus-how-surveillance-spyware-invades-phones/.

¹² Diwakar, Dheeraj. "The Indiscriminate Use of the Pegasus Spyware as an Infringement on the Right to Privacy." *Human Rights Pulse*, 14 Oct. 2021, www.humanrightspulse.com/mastercontentblog/the-indiscriminate-use-of-the-pegasus-spyware-as-an-infringement-on-the-right-to-privacy.

¹³ U.N.G.A. Res. 68/167, U.N. Doc. A/RES/68/167 (Jan. 21, 2014). Available at: <https://documents.un.org/doc/undoc/gen/n13/449/47/pdf/n1344947.pdf?token=DstzyBdDYoHXvvoMV&fe=true>.

¹⁴ Kannegieter, Hannah. "Privacy and Veracity Implications of the Use of Satellite Imagery from Private Companies as Evidence in Human Rights Investigations." *Harvard Human Rights Journal*, 29 Nov. 2023,

Satellite surveillance certainly has incredible potential to help solve both universal problems and smaller-scale issues. Nevertheless, the current reality is that the right to privacy of civilians is being threatened every day. Not only do governments possess the ability to survey their citizens without their knowledge, but they also allow technology companies to do so without informed consent. While governments take drastic measures to defend against potential threats to national security, they must do so without violating the rights of their citizens. As delegates to the UNSC, it is your responsibility to enact tangible solutions that will ensure peace and security for individuals and minimize the threat of privacy.

Questions to Consider

- 1) What measures can be taken to protect the right to privacy?
- 2) What are your country's policies on storing and selling information by companies to third parties?
- 3) What are the most prominent factors harming the right to privacy in your country?
- 4) Which countries have the same views as your country on the issue?
- 5) What realistic resolutions can be passed to deal with the issue in your specific country and on the international level?

Useful Delegate Resources

[United Nations Security Council](#) |.

[The Rights to Privacy and Data Protection in Times of Armed Conflict Autonomous Cyber Capabilities under International Law](#)

[Privacy and Veracity Implications of the Use of Satellite Imagery from Private Companies as Evidence in Human Rights Investigations](#)

journals.law.harvard.edu/hrj/2023/11/privacy-and-veracity-implications-of-the-use-of-satellite-imagery-from-private-companies-as-evidence-in-human-rights-investigations/#_ftn10.

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http://www.esa.int/Enabling_Support/Preparing_for_the_Future/Space_for_Earth/Space_for_Sustainable_Development/Spotting_the_wrong.

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