61st IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
The relationship between space law and cyberlaw, and other recent developments in space law (5)

Author: Dr. Simona Spassova
University of Luxembourg, Luxembourg

Mr. Federico Bergamasco
Italy

THE ROLE OF THE ITU IN THE CREATION OF INTERNATIONAL LEGAL NORMS ON CYBERSECURITY PERTAINING TO SPACE COMMUNICATIONS

Abstract

On the international level, cybersecurity is concerned with the application of international law to the realities of network and computer technologies. Generally speaking, there are two main challenges with the creation of international legal norms concerning cybercrime and cybersecurity - the problems of jurisdiction and attribution of behaviour. These issues remain relevant and are even exacerbated when the subject matter concerns telecommunication systems based in outer space. In recent years especially, cyberspace is growingly inclusive of and dependent upon satellite communications.

In the complex and fragmented landscape of international efforts to regulate the subject matter, the International Telecommunication Union is the UN entity that accumulated the greatest technical expertise in the field, even though the organization and its activities, standards and regulations are often overlooked in the academic discourse on space law and cybersecurity.

And yet, it is noteworthy that ITU is equipped with a strong mandate in the field. In particular, following its endorsement at the World Summit on the Information Society, the ITU launched in 2007 the Global Cybersecurity Agenda, a framework for international cooperation aimed at enhancing confidence and security in the information society. This initiative includes a specific working area focused on the elaboration of legislative responses to address evolving legal issues in cybersecurity. Other current ITU cybersecurity related activities are the Global Cybersecurity Index, a project to measure the cybersecurity capabilities of nation states by ranking their level of 'cybersecurity development' and the CIRTs, a capacity building programme to assist countries in establishing their National Computer Incident Response Team (CIRT). Additionnally, the ITU also assists least developed countries with the production of guidelines on cybersecurity legislations and regulations.

The article will examine the current and potential future role of the organization in the formation of legally binding international rules/standards on cybersecurity and the necessity for coordination with the regulatory initiatives of other international bodies. Additionally, the article will investigate the peculiarities of satellite communications in respect of cybersecurity and the possibility for ITU to develop a sector-specific legal framework to counter cyber-threats in this field.