

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)

Application of space law to cyber activities (4)

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CYBER ACTIVITIES AND CHALLENGES ON STATES RESPONSIBILITY IN SPACE LAW

Abstract

Cyberspace is a virtual realm, and global influence can be seen faster and more pervasively than any other realm in it. In cyberspace, network packets can be deployed almost instantly worldwide to affect physical systems, including critical infrastructure in the four physical domains and cyber realm. Cyberspace is linked to the land, sea, air and space sectors and is known to be highly effective for diplomatic and intelligence purposes. In recent years, one of the major threats to space technologies as well as space activities is the actions taken in cyberspace. However, cyber activity per se cannot be considered a space activity or a non-space activity. The key issue here is the action taken by the cyber man or the technology that runs the cybercrime. If cyber activity is done without the use of space technologies or somewhere outside the outer space, that cyber activity cannot be considered a space activity. However, if cyber operations are done by space technologies or cyber operations by human beings in outer space, cyber actions can be considered in the framework of space activity and then the rules and legal principles governing the state responsibility in space activities can be governed. Cybercrime, if it is an aggressive and damaging act, such as the destruction and interference of jamming and the like that, must be placed under the jurisdiction of states that are responsible for controlling and supervising space technology. It seems that the technology to be so advanced that it is possible to identify the responsible state based on documented information. However, an important legal challenge is now the inability to prove responsible government responsibility in this regard. On the other hand, space law restrict responsibility to the launcher and registrant states. states' responsibility for space activities for cyberspace requires new binding regulations. Thus, this article attempts to address the legal aspects of cyberspace by addressing the challenges of state responsibility for cyberattacks against space activities and space technology.