

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
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CYA: A LEGAL PERSPECTIVE ON HOW TO DO CYBERSECURITY IN SPACE

Abstract

Cybersecurity in space is, to say the least, a hot issue within the space community at large and within the the space law community specifically. Lawyers, though, are often overwhelmed or thwarted when they begin to dive into cybersecurity law due its lack of definition. If you type “space law” into an internet search bar, then you are met with five treaties and numerous domestic laws that make up a body of law. When you type ”cybersecurity law,” the output is much less definite and substantially more technical than legal. This, of course, does not mean that there is no such thing as cybersecurity law, but it does illustrate that the legal way markers that lawyers are often comfortable with are largely missing from this body of law.

This paper will address this issue in the context of the space environment and discuss, from a legal perspective, what it means for a space operator to be cyber-secure. This paper will argue that cybersecurity law should be understood as a governance framework constructed from a variety of documents that includes traditional legal documents, but that also relies on policies, technical standards, and technical specifications. This paper will then discuss how a lawyer is supposed “do” cybersecurity for space clients, when the law itself is difficult to pinpoint.

This paper will first proceed by examining the concept of cybersecurity and discussing the specific issues that create challenges in the space environment. Next, this paper will discuss the framework of governance that lawyers need to be aware of when dealing with cybersecurity issues for clients. Third, this paper will discuss what steps lawyers need to take to ensure that their space clients are maintaining a requisite level of cybersecurity. This paper will then conclude with brief recommendations for capacity building in cybersecurity law and policy for the space industry.