

## IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)

## Application of space law to cyber activities (4)

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SPACE LAW CHALLENGES FOR RECOVERY OF DAMAGE, INFLICTED TO SPACE OBJECTS BY  
CYBER MEANS**Abstract**

Under the current legal framework the Convention on International Liability for Damage Caused by Space Objects is *lex specialis* for regulation of liability for and recovery of damage, inflicted to space objects. From the legal point of view the Convention provides for precise written legal ground for recovery of damage, inflicted to space objects only by their direct collision. With the ongoing development of space objects and growing possibilities to inflict damage to them by cyber means, that is necessary to determine rules for state liability and respective recovery of inflicted damage under space law for such actions. Firstly the paper demonstrates the issue of attribution: whether cyber attacks *a priori* fall under definition of space activities (as are targeted on space objects), which by default are attributable to the state, or they are earth-ground activities ruled by general international law and consequently attribution shall be examined in each single case. Secondly, technological issues of cyber attacks tracking and distinction of state and private one shall be considered for attribution.

The paper further focuses on applicability of the Convention to consequential and indirect damage, inflicted by cyber means. If the Convention is not applicable to any cyber made damage, what is the regulations for state liability? Shall it be general space law (provisions of state responsibility for national space activities contained in the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space) or the space law shall give the floor to general rules of state responsibility?

If cyber damage to space object is inflicted during an armed conflict, shall violations of international humanitarian law become the basis of state responsibility in a case of violation of the principle of distinction (attack on dual-use satellite) or principle of precaution (excessive collateral damage in a form of space debris)? Or the Convention still shall be considered as the only one *lex specialis*?

In the conclusion the paper offers proposals of modes for recovery damage, inflicted to space objects by cyber means, within analyzed current legal concerns for state liability under space law.