

IISL COLLOQUIUM ON THE LAW OF OUTER SPACE (E7)
National space law and security – an update (5)

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THE OUTER SPACE AND CYBER-ATTACKS: HOW INDIA'S PROPOSED NATIONAL SPACE LAW
DEALS WITH CYBER-SECURITY

Abstract

The Space Activities Bill, 2017, India's national space law that aims to deal with various issues covering regulatory mechanisms for space activities, authorization and licensing procedures for commercial space activities, and registration of space activities and liability, is purported to be enacted into law in the near future. The Bill emphasizes upon the conduct of space activity in the 'interests of national security' and therefore, the Bill, in the form available in the public domain, can cover issues that may arise as a result of the relationship between the outer space and the cyber-space sectors. With the commercialization of the outer space sector, the challenges stemming from cyber-attacks on space assets would only become more complex. Further, with the increased reliance of the defense sectors on commercial space applications, if the cyber-security systems concerning satellites and other related space-based components are not designed effectively, very sensitive information relating to national security and military strategies could be compromised. Therefore, it is crucial that the interested states enact appropriate laws, policies and plans to deal with the interface between the outer space and cyber-space. While some countries have enacted laws to safeguard their sensitive data, India is yet to take significant strides in this regard. The European Union Directive on Security of Network and Information Systems and the United States Internet of Things Cybersecurity Improvement Act can deal with issues arising as a result of cyber-attacks on space assets, with specific focus on the protection of data stored onboard satellites and on ground stations. While on one hand, these laws are enacted to safeguard the integrity of data stored in such space-related components, on the other hand, the scope of application of such laws may not be clearly defined, with regard to territorial boundaries or outer space, thereby adding to the challenges facing this interface. The aim of this research paper is to throw light on the national space law of India and ascertain if it is adequate to deal with the challenges stemming from the interface of the outer space and the cyberspace domains. While Section 1 explores the background to India's proposed national space law, Section 2 discusses the relevant laws or policies adopted by different countries to safeguard their space assets from cyber-attacks. Section 3 highlights the challenges and opportunities under the national space law as regards this interface and finally, Section 4 provides the concluding remarks and suggestions.