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ANALYSIS OF INSURANCE POLICY AND THE RULE OF LAW FOR PROVIDING CYBER
SECURITY IN COMMERCIAL SPACE AFFAIRS

Abstract

Cyber security in commercial space activities has significance due to concatenate the phenomenon of the “rule of law” in cyber security disputes. The importance of this topic is essential in the insurance of satellites. Unfortunately, cyber security has not been fairly scrutinized and assessed by insurance companies, which is adverse to the commercial interests of satellite operators. According to several experts “information assurance” and “information security” as the major doctrinal conceptions. However, the application of the “rule of law” is an indispensable factor to provide cyber security in space affairs for peaceful purposes. Information assurance has been regarded as the long-term protection of information assets such as security systems, software, hardware, networks and data while complying with relevant laws and regulations, risk management and obtaining relevant security permissions also referred to as access control functions or expectations: confidentiality, integrity, affordability, encryption and non-repudiation. Furthermore, information assurance can be achieved with the help of a variety of private and public entities on regional and global platforms, perhaps, the approach and level of motivation indicate the organization’s security policies and requirements. In my personal view, the “right to accreditation” which can be entitled to private entities by state actors should be classified as the overriding discourse that embodies the “rule of law” in space affairs to provide cybersecurity for commercial space activities. Such dispensation of rights to non-state actors can create a fair balance between insurers and insureds. Simultaneously, the role of non-state actors should be emphasized in order to reduce political tensions between rival states, to maintain the feasibility and operability of “customary international law and principles,” ensure cybersecurity in international space disputes, and promote “freedom of trade” in civil space activities. I should also emphasize that cyber security shall be the main challenge ahead of telecommunication satellite operators due to political and military rivalry among major outer space stakeholders. Unfortunately, key insurance companies usually do not want to differentiate cyber attacks that organized by military institutions during wars and those cyber assaults that non-military bodies have done during peace period. Thus, a fair balance between an insurer and insured satellite operators is breached in the course of cyber security.