



Ministerie van Defensie

Military Objectives in the Modern World

Hosted satellite payloads as military objectives

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Agenda

1. Introduction
2. Technical issues
3. Legal issues
4. Conclusion



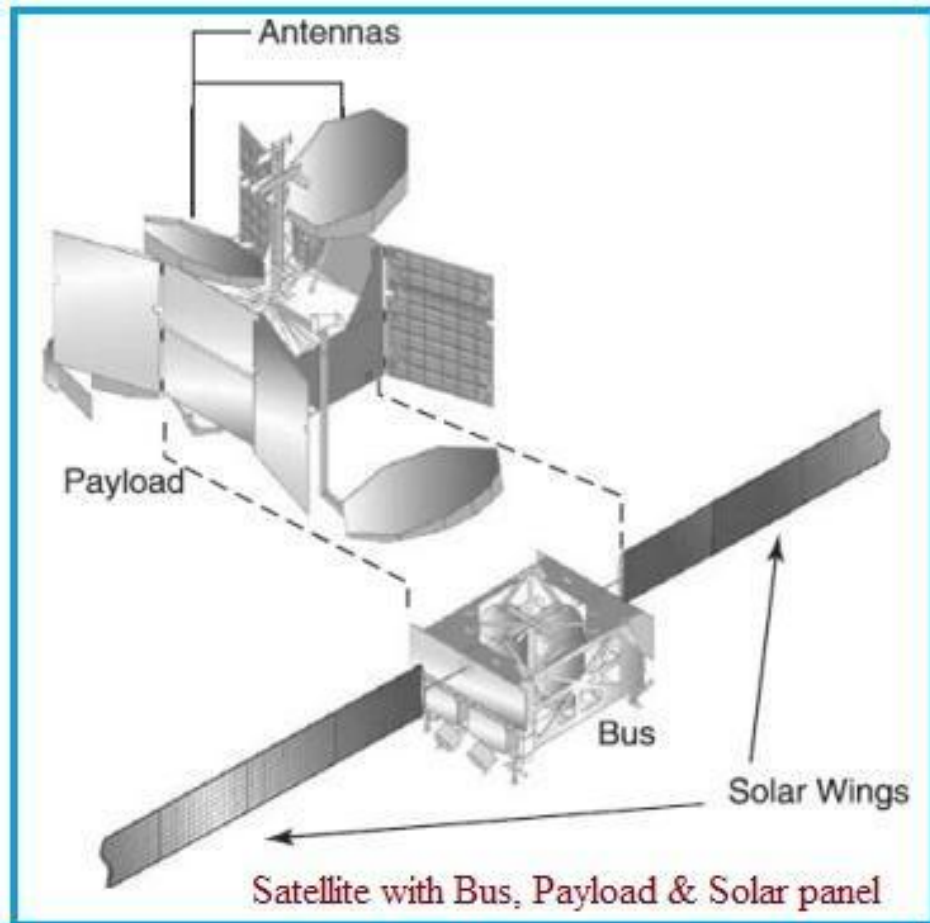


Technical and design issues

Satellite bus

Military payload

Civilian payload





Legal issues - Preliminary remarks

Demarcation of the presentation

- X Applicability of IHL to space activities
- X Interaction between space law and IHL
- X Precautionary measures

- ✓ Military objective



Legal issues

Distinction (Art. 48 AP I)

In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.



Legal issues

Military objective (Art. 52(2) AP I)

Attacks shall be limited strictly to military objectives. In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.



Legal issues

“Targeting objects as a whole”

Proportionality

“Component targeting”

Schmitt’s alternative approach

Woomera Manual





Legal issues – Woomera Manual – military objective

4. In the case of a satellite bus that carries distinct military and civilian payloads, as a whole the satellite will qualify as a military objective.

However, if the civilian payload is functionally and physically distinguishable as a discrete 'object', the civilian payload itself would not be a military objective, nor a target of attack.

When feasible, means and methods of warfare that affect solely the payload used for military purposes and not the rest of the dual-use space object should be chosen, in order to avoid or at least minimize incidental civilian harm.

However, if it is not feasible to attack the military payload separately, an attack on the satellite bus as a military objective would be permissible, provided the attacking military force takes the expected incidental damage to the civilian object into account in its proportionality analysis, in addition to complying with all other applicable precautions in attack.



Conclusion

How does restraint from the balance of military necessity and humanitarian considerations translate into a sensible interpretation of military objectives for hosted satellite payloads?

Moving away the traditional “targeting as a whole” approach and towards “component targeting”.



Questions?

