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Cyber-based security threats to space missions: establishing the legal, institutional and collaborative framework to counteract them (2)

Author: Ms. Maria Angeliki Gerasimou
National and Kapodistrian University Of Athens, Greece

Ms. DAFNI POLITIKOU
National and Kapodistrian University Of Athens, Greece

DUAL-USE SATELLITES: AN EXAMINATION OF THE APPLICABILITY OF INTERNATIONAL
HUMANITARIAN LAW AS A MEANS OF PROTECTING DUAL-USE ASSETS IN SPACE**Abstract**

In October 2023, the UN First Committee on Disarmament and International Security, witnessed a heated debate regarding the cyberattacks conducted by Russia against Ukrainian satellite communications terminals, during the first days of the war, taking out personal and commercial Internet users and even wind farms across Europe. This incident gave rise to questions that space law has yet to answer, regarding the implications of the use of force in outer space and the legitimacy of targeting dual-use satellites under International Humanitarian Law. The term “dual-use” has been understood to mean objects and technologies that can be used for both military and civilian applications. When it comes to outer space, dual-use systems—which can be operated by militaries but also by civilian or commercial actors, and they service civilians and militaries alike—have become increasingly prevalent. From an international humanitarian law perspective, “dual-use” objects present certain implications. An object that is used for both military and civilian applications could be targeted if it is considered to be a “military objective”, provided certain conditions are met. In this sense, when conducting a targetability assessment, there is no such a thing as a dual-use object. An object is either a military objective—which is targetable—or it is not. In this light, this paper aims to examine the applicability of International Humanitarian Law in space, under the scope of the existing space regime, while taking into consideration the intricate nature of dual-use satellites and their growing importance for civilian life.