With the benefit of hindsight, it is easy to see how much we initially got wrong about the actual use of the cyber and space domains. As the first satellite was launched in 1957, supposed military experts claimed that there would be ‘no practicable military application’ of that technology in the foreseeable future. Similarly, four decades later, it was seriously claimed that cyberspace was a sovereignty-free zone in which States, those ‘weary giants of flesh and steel’, had no role. And yet, today States commonly rely on space assets for military purposes and are busy developing offensive cyber capabilities.

Therefore, it is virtually inevitable that the wars of the future will have a cyber or a space element, and probably both. Against that backdrop, it is essential to assess whether, and if so, to what extent, the law of armed conflict (LOAC) applies to these new domains. In this presentation, Dr. Kubo Mačák will argue in favour of general applicability of LOAC to both outer space and cyberspace. However, an argument for caution against conflating the application of the law to specific operations and the legitimation of such conduct can also be made.

On that basis, this presentation will examine one specific challenge posed for the LOAC regulation of targeting in each of these domains: (1) the question whether computer data may qualify as a military objective; and (2) the question of lawfulness of attacks against military astronauts in time of armed conflict. Overall, the presentation explores the theme of effective application of ‘old law’ to unforeseen challenges and underscores the role States should play in that regard on the international plane.

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