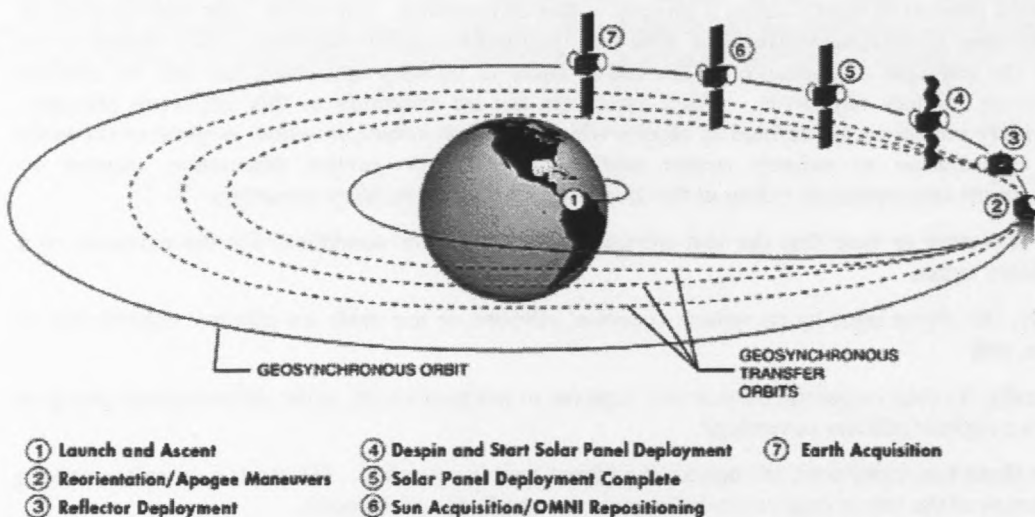


this interpretation, also be the object of attack. An expansive interpretation would also permit the attack of orbital parameters as these define specific orbits.

#### TRANSFER ORBIT<sup>90</sup>



Consequently it appears that since a “location” may be attacked, it can be argued that an orbit may be the object of attack in order to deny an enemy force the use of the “location”<sup>91</sup>.

As interesting and easy as it can be to place orbits and orbital coordinates within the concept of “location”, the certainty of this interpretation is not a foregone conclusion. In fact the concept of space and orbits suffers from a cognitive dissonance in LOAC terms of reference. Thus, depending on how orbits are defined, other dispositions may apply. The cognitive dissonance occurs in the second level of the targeting process, which will be analysed later on.

#### III 1.3 Purpose or Use

To conclude the textual deconstruction of a military objective, the word “purpose” must now be analysed. The word “purpose” refers to dual-use objects. Dual-use objects are those which may initially be civil but which can be also used to the benefit of armed forces. Again, civilian satellites, which provide services to armed forces, such as telecommunication, command and control, earth imagery, or intelligence, along with their respective architecture, fall into this classification and may be the object of attack. In this case, it is important to note that when planning an attack on a dual use objective, an additional obligation lies upon the commander of a belligerent force. Although the object may be attacked, a military commander must, when planning such an attack, determine a location and time of attack, along with the anticipated military advantage to be gained, in such a manner as to minimize the damage to civilians and civilian objects. For example, assuming that a ground station has become a legitimate military objective and can be attacked, the attack should be planned so as to minimize loss of civilian lives. Thus, if possible, an attack should be planned to take place when there will be a minimum of civilians within the ground station, or in its immediate vicinity. Nonetheless, there may be situations where the ground station is of such high importance to enemy operations that the ground station must be destroyed immediately. In such a scenario, the commander’s decision to attack will be based on the principle of proportionality. Thus, if the ground station is a military target and a commander needs to destroy it immediately, either to accomplish an important mission that is either occurring, or is about to occur, or to save the lives of his soldiers, then the ground station may be attacked and the commander need not wait until there are fewer civilians either within the ground station or its immediate vicinity. In other words, the commander may not have the luxury of waiting. In an effort to further protect civilians, the Protocol Additional I impose an obligation upon commanders to give an effective advanced warning of attacks, which may affect the

<sup>90</sup> [http://www.telesat.ca/eng/international\\_operations.htm](http://www.telesat.ca/eng/international_operations.htm).

<sup>91</sup> “ Une aire précise peut, en raison de son emplacement et des circonstances, constituer un objectif militaire légitime, RFA, Canada, E.U., Pays-Bas, Commentary supra note 86 Para. 2025.