After discussing the applicability of the laws of armed conflict to CNAs (pp. 117-138), the author deals with the major chapters of international humanitarian law: participants (pp. 139-178), targeting (pp. 179-219), special protection (pp. 220-249), and means and methods of warfare (pp. 250-278). In this analysis she tries to prove her thesis that ‘although computer network attacks raise challenging issues for the current laws of armed conflict, for the most part, existing laws are capable of adapting to the new technology’ (p. 28). A contention that has yet to be tested in trying to attribute a suspected war crime, committed in a CNA, to a particular person.

It would have contributed to a better understanding of the function of the principle of distinction had the author, while analysing the conditions under which originally civil objects become legitimate objectives of military attack (pp. 188-193), distinguished between isolated, autonomous CNAs and those CNAs which take place in conjunction with a conventional (kinetic) military operation. In the first case it is inconceivable that a civilian object could ‘effectively contribute to military action’, or that an attack on it could bring a ‘definite military advantage’, because there is no other (kinetic) military operation going on in which this ‘contribution’ or ‘advantage’ could materialize. Hence the query, why the attack on a civilian object in an autonomous CNA that reaches the necessary level of gravity to qualify as an armed attack and is, thus, subject to the laws of armed conflict should not be considered a war crime.

Sir Karl Popper, the eminent philosopher, has once said that the progress of science depends on the right questions being asked. This the book does. Which does not mean that it answers them all. A variety of reasons, like technological developments in attack detection or in trace programmes, or repeated clandestine trial runs by state-sponsored hackers, keep the subject in constant evolution and make it often impossible to give definite answers yet. But that does not matter. It is the identification of the crucial, problematic points that assures the quality of the book.

Karl Zemanek


This book is the successful result of an ambitious undertaking to analyse the importance of the very popular non-binding norms in outer space. Its particular value lies in its interdisciplinary approach, gathering together contributors with legal and technical expertise respectively, thus combining theoretical and practical
approaches to the subject. While it would be impossible for reviewers to discuss the whole array of issues covered in this publication without writing another one of similar size, focusing on key points of the wide variety of contributions can be attempted.

Anyone writing on any aspect of soft law faces the initial challenge of what at first glance appears to be a contradiction in terms: ‘[O]ne might argue, something either is or is not law (one cannot be half-pregnant)’, as summarized by Steven Freeland in the first contribution to this book. Though there is no such thing as the accepted definition of soft law, the contributors to this book by and large agree with the one given by Daniel Thürer (explicitly quoted by Marco Ferrazani in his contribution) as ‘all those social rules generated by State[s] or other subjects of international law which are not legally binding but which are nevertheless of special legal relevance’. Indeed the contributions to this book examine in great detail this very legal relevance of soft law in the context of space law. Notably Christian Brünner and Georg Königsberger take the debate one step further and remind readers of the fact that soft law is not confined to international law (a common prejudice, one might add) but can be found at all levels of law including national and EU levels.

In the first part Steven Freeland introduces the reader into the role of ‘soft law’ in public international law and its relevance to the international legal regulation. Amongst other things he discusses the widely used term ‘soft law’ itself, which is sometimes criticised as inappropriate and describes the emergence of soft law in the legal regulation of outer space, not without cautioning international lawyers not to read into the grey sphere of soft law instruments things (such as a binding character) which are not meant to be there. Frans von der Dunk picks up the ‘is or is not’ argument quoted above and takes a deeper look at the terminology of space-related instruments, detecting both non-binding pieces in ‘hard law’ instruments, as well as provisions framed in unambiguously binding language in soft law instruments. Finally he reminds us of the uncertain stage of customary law in formation. Thus, by elaborating the various shades of grey between white (‘is’) and black (‘is not’) already mentioned by Freeland he indeed delivers – as promised in the title of his paper – a qualified plea for a role of soft law in the context of space activities. This enables Setsuko Aoki to examine three major functions of soft law, i.e. substitute for a treaty, choices and preferences in addition to treaty law and lex ferenda, each sub-divided into several categories, in the development of international space law.

Christian Brünner and Georg Königsberger examine the regulatory impact assessment as a tool to strengthen soft law regulations and to determine their effectiveness by assessing compliance (which they regard as the ‘overarching’ condition for

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