

# **The Internet *in Bello*: Cyber War Law, Ethics & Policy**

## Seminar held 18 November 2011, Berkeley Law

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### ***I. Introduction***

This paper sets forth the proceedings of a seminar on “The Internet *in Bello*: Cyber War Law, Ethics & Policy” held at Berkeley Law School’s Miller Institute for Global Challenges and the Law in Berkeley, California on 18 November 2011.

Part II of this paper summarizes the main issues raised and makes recommendations for further scholarship and inquiry. The remainder of the paper provides a more extensive rendering of each presentation and the ensuing discussions. Thus, Part III sketches the opening remarks of David Caron. Part IV covers the first panel on “the best defense”, with presentations by Michael Nacht, Sir Daniel Bethlehem, and Abraham Sofaer. Part V summarizes the second panel on attack and distinction, with presentations by Anne Quintin, Lt. Col. Peter Hayden, and Sean Watts. Part VI reports on Col. Gary Brown’s keynote address. Part VII concludes with the final panel on geography and neutrality, with presentations by Andrew Carswell and Eric Talbot Jensen. Additionally, a number of appendices are attached, including the seminar program, speaker biographies, handouts, links to recent relevant articles by the speakers, and a selected bibliography.<sup>2</sup> Finally, in order to reach out fully to those who were not able to be present, audio of the entire seminar is available online.<sup>3</sup>

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<sup>2</sup> Further information can be found on the Intercross blog on *Why cyber war law matters* featuring Eric Talbot Jensen, at <http://intercrossblog.icrc.org/blog/why-cyber-war-law-matters> (last visited 23 March 2010) and in a radio story aired on 29 Nov 2011 on PRI’s *The World*, *Making the Rules of Cyberwar*, by Matthew Brunwasser, available at <http://www.theworld.org/2011/11/cyberwar-berkeley/> (last visited 23 March 2012).

<sup>3</sup> <http://www.law.berkeley.edu/12032.htm> (last visited 23 March 2012).

<sup>4</sup> The seminar was organized and chaired by Kate Jastram, who thanks Karen Chin, Eric Talbot Jensen, Anne Quintin, and Spenser Solis (Berkeley Law ’13) for their assistance. The seminar was an expression of an ongoing collaboration between ICRC and Berkeley Law, part of the ICRC’s initiative to encourage teaching and scholarship on international humanitarian law in U.S. law schools, as well as the interest of Berkeley Law’s Miller Institute in providing a forum for scholars and practitioners to reflect upon and advance thinking in critical areas of international law.