

Modern Law Review Seminar

**‘THE CHALLENGES OF INTERNATIONAL LAW-MAKING FOR THE
USE OF INFORMATION AND COMMUNICATION TECHNOLOGIES’**

NTC 2.02, University of Essex, 12 December 2023

This seminar is funded by the Modern Law Review Seminar Grant and by the Essex Law School’s Research Environment Support Fund, and it is part of the activities of the Essex Public International Law Research Cluster

PROGRAMME

Monday 11 December 2023

7.15 pm – Event Dinner

George Hotel Restaurant, Colchester

Tuesday 12 December 2023

9 am – 9.30 am: Arrival, coffee and welcome addresses

- Dr Meagan Wong, *Lecturer and Director of the International Law Programme, Essex Law School*
- Dr Antonio Coco, *Senior Lecturer and Director of the Human Rights Postgraduate Taught Programmes, Essex Law School*

9.30 am – 11 am, Session 1: ‘Preparing the stage for law-making: models for understanding and knowing about cyber operations’

Chair: Dr Christiane Ahlborn, *Assistant Professor of Public International Law, Trinity College Dublin*

- ‘Back to the Roots: Modelizing the Legal Evaluation of Harmful Effect of State’s ICT Operation’
 - Author: Dr Fan Yang, *Assistant Professor in Law, Xiamen University*
 - Discussant: Professor Russell Buchan, *Professor of International Law, University of Reading*
- ‘Does transparency leave us vulnerable? – A critical reflection on the meaning of transparency in cyber law-making processes’
 - Author: Josephine Sangaré, *PhD Researcher, University of Glasgow*

- Discussant: H. E. Jongin Bae, *Ambassador of the Republic of Korea to Bulgaria*

11 am – 11.30 am: tea/coffee break

11.30 am – 1 pm, Session 2: ‘Bridging traditional approaches towards new technologies’

Chair: Dr Meagan Wong, *Lecturer and Director of the International Law Programme, Essex Law School*

- ‘The Role of Publicists in Shaping International Law: From Religious/Moral Foundations to the Regulation of Cyberspace’
 - Author: Dr Niccolò Lanzoni, *Postdoctoral Researcher, University of Bologna*
 - Discussant: Professor Lawrence Hill-Cawthorne, *Associate Professor in Law, University of Bristol*
- ‘AI and Nuclear: Emotion Parallels and the IAEA as a regulatory model for AI’
 - Author: Dr Alik Semertzi, *Postdoctoral researcher, Geneva Graduate Institute*
 - Discussant: Dr Christiane Ahlborn, *Assistant Professor of Public International Law, Trinity College Dublin*

1 pm – 2 pm: lunch

2 pm – 3.30 pm, Session 3: ‘Multistakeholder initiatives and the role of actors other than States’

Chair: Dr So Yeon Kim, *Lecturer in Law, Essex Law School*

- ‘Taking stock of multistakeholder initiatives to clarify international law for cyberspace’
 - Author: Dr Antonio Coco, *Senior Lecturer in Law, Essex Law School*
 - Discussant: Professor Lawrence Hill-Cawthorne, *Associate Professor in Law, University of Bristol*
- ‘Balancing Hate Speech Moderation in the Age of Information and Communication Technologies: An International Human Rights Perspective’
 - Ayako Hatano, *DPhil Candidate in Law, University of Oxford*

- Discussant: Dr Meagan Wong, *Lecturer and Director of the International Law Programme, Essex Law School*

3.30 pm – 4 pm, Concluding roundtable discussion

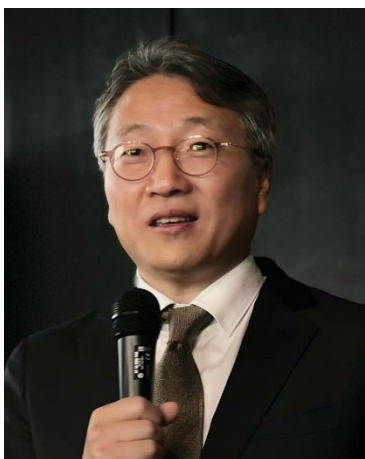
Chair: Dr Antonio Coco, *Senior Lecturer in Law, Essex Law School*

The Participants



Christiane Ahlborn

Christiane Ahlborn is Assistant Professor of Public International Law at Trinity College Dublin's School of Law. Dr. Ahlborn is a general international lawyer who has published in leading peer-reviewed journals such as the *European Journal of International Law*, the *Leiden Journal of International Law*, and the *International Organizations Law Review*. She is on the Editorial Board of the newly established *Arab Yearbook of Public and Private International Law*, and she was previously a Submissions Editor for the *Harvard International Law Journal*. She is a Co-Chair of the United Nations (UN) Law Committee of the American Branch of the International Law Association (ILA), a former member of the ILA Study Group on UN Sanctions, and Co-Rapporteur of the ILA Study Group on Responsibility of International Organizations. Before joining Trinity, Dr. Ahlborn worked as a Legal Officer (Public International Law and Treaty Law) in the Office of Legal Affairs of the International Atomic Energy Agency (IAEA). She also served as Legal Officer in the Codification Division of the UN Office of Legal Affairs in New York, facilitating the work of the Sixth (Legal) Committee of the UN General Assembly and the International Law Commission (ILC). In addition, she had academic positions at the Vienna School of International Studies and the University of Amsterdam, and she has practice experience with Human Rights Watch, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, and the UN High Commissioner for Refugees (UNHCR).



His Excellency Jongin Bae

Ambassador Jongin Bae has been a career diplomat of the foreign ministry of the Republic of Korea (ROK), where he served as a legal advisor and engaged in the law-making in the field of cyber security during his terms as ambassador for international security. Most recently, he led the ROK delegations at the UN *Open-ended Working Group on security of and in the use of information and communications technologies* also as deputy permanent of representative of the ROK mission to the UN. Ambassador Bae has lectured, presented,

and written extensively in the field of public international law; contributing to a wide variety of publications in both Korean and English, and publishing a book on Constitutional Law and Treaty-Making Power in 2009.



Russell Buchan

Russell Buchan is Professor of International Law at the University of Reading, UK. Russell has published widely in the field of public international law, including three monographs: *International Law and the Construction of the Liberal Peace* (Hart, 2013), *Cyber Espionage and International Law* (Hart, 2018), and (with Nicholas Tsagourias), *Regulating the Use of Force in International Law: Stability and Change* (Edward Elgar Publishing, 2021). He is also co-editor (along with

Nicholas Tsagourias) of the *Research Handbook on International Law and Cyberspace* (Edward Elgar, 2021) and co-editor in chief of the *Journal of International Humanitarian Legal Studies*.



Antonio Coco

Dr Antonio Coco is a Senior Lecturer at the Law School, University of Essex (United Kingdom). He researches and publishes in the fields of Public International Law, International Law applicable to Digital Technologies, International Criminal Law, and International Humanitarian Law. He is one of the co-founders of the ‘Oxford Process on International Law Protections in Cyberspace’, and the author of the monograph ‘The Defence of Mistake of Law in

International Criminal Law: A Study on Ignorance and Blame’ (Oxford University Press, 2022). Dr Coco is also a Visiting Fellow at the Oxford Institute for Ethics, Law and Armed Conflict (Blavatnik School of Government, University of Oxford) and a member of the *Sino-European (China-EU) Working Group on the Application of International Law to Cyberspace*. In 2019, Dr Coco was the University of Oxford's delegate to the UN *Open-Ended Working Group on Developments in the Field of ICTs in the Context of International Security*. Since January 2020, he is also the Co-Chair of the *Journal of International Criminal Justice’s* Editorial Committee, of which he had been a member since September 2015.



Ayako Hatano

Ayako Hatano is an international law scholar specialising in International Human Rights Law and Law and Society. She is reading for a Doctor of Philosophy (DPhil) in Law at the Faculty of Law, the University of Oxford as a Clarendon Scholar and also serves as a research fellow at the Centre of Human Rights Education and Training in Japan. She actively participates in the research community at the Bonavero Institute of Human Rights. She also leads the Public International Law Discussion Group and Business and Human Rights Network at Oxford. Her expertise extends to various aspects of human rights, including hate speech, business and human rights, and gender equality and diversity. She is particularly passionate about examining how international law and norms are internalised and implemented in local contexts. She has a decade of experience of international legal research and practice with international organisations, governments, and civil society. She holds degrees from the University of Tokyo (B.A., M.A., J.D) and New York University School of Law (LL.M., Fulbright scholar). Her recent work includes: “Hate Speech and International Law” in Higaki, S., & Nasu, Y. (eds.) Hate Speech in Japan: The Possibility of a Non-Regulatory Approach (Cambridge University Press 2021); and Regulating Online Hate Speech through the Prism of Human Rights Law: The Potential of Localised Content Moderation, *The Australian Year Book of International Law Online* 41, 1, 127-156.



Lawrence Hill-Cawthorne

Lawrence Hill-Cawthorne is an Associate Professor in Law at the University of Bristol, Head of the Primary Unit in International Law, EU Law and Human Rights in the Law School, and Co-Director of the Centre for International Law. Lawrence's research interests cut across a number of topics within public international law, with his recent work focusing on international dispute settlement, international humanitarian law, international human rights law and international criminal law. His monograph, *Detention in Non-International Armed Conflict*, which was published in 2016 by Oxford University Press, was awarded the American Society of International Law's 2016 Francis Lieber Prize for best book in the field of international law and armed conflict as well as the 11th Paul Reuter Prize (administered by the International Committee of the Red Cross). It was also shortlisted for the SLS Peter Birks Book Prize for

Outstanding Legal Scholarship. In 2023, he was awarded a Philip Leverhulme Prize for Law. His scholarship has been cited by, amongst others, the UK Court of Appeal and UK Supreme Court. Lawrence has acted as advisor to, inter alia, United Nations Special Rapporteurs, the International Bar Association, and the European Parliament. He also frequently assists counsel in cases raising public law and public international law issues before UK courts and before international tribunals. He has been Called to the Bar of England & Wales.



So Yeon Kim

Dr Kim joined the Essex Law School as a Lecturer in September 2023. Her research interests are in public international law in general, in particular the law of the sea, international environmental law, human rights law, third-world approaches to international law and international relations. She read her PhD in Law at the University of Cambridge. Her thesis, 'Marine Protected Areas and the United Nations Convention on the Law of the Sea', explores the law and practice of five selected Marine Protected Areas. Her works are published in the *International Journal of Marine and Coastal Law*, *Journal of the History of International Law*, *Legal Studies*, *Seoul International Law Journal* and so forth. She advised states on various issues in international law, including territorial and maritime disputes, climate change, the law of treaties, etc. Dr Kim worked as a Max Weber Fellow in Law at the European University Institute (Italy). She holds an LL.M. in International Law from the University of Edinburgh, an M.A. in Political Science and a B.A. in Political Science and International Studies from Yonsei University, South Korea.

**Niccolò Lanzoni**

Niccolò Lanzoni is post-doctoral research fellow in International Law at the Department of Legal Sciences. He is also adjunct professor in International Law at the Department of Cultural Heritage. He holds a PhD in International Law from the University of Bologna and has been admitted to the Italian Bar. Previously, he held the position of adjunct professor and teaching tutor at the same university. He is also adjunct professor in International Law at the Higher School for Linguistic Mediators (CIELS). A visiting research fellow at the Heidelberg Institute para América Latina and former guest lecturer at the Eastern Mediterranean University, he served as research assistant for the Italian Defence College in the M/V 'Norstar' case (Panama v Italy). He has published in Italian, English and Spanish on general international law, international immunities, the law of the sea and the protection of the world cultural heritage. In 2023 he published the monograph *'L'acquiescenza nel diritto internazionale'* with Editoriale Scientifica

**Josephine Sangaré**

Joséphine Sangaré is a PhD researcher at CREATE, and Lecturer at the University of Glasgow. Her interests lie in international cybersecurity law, infrastructure development, public-private partnerships, and other forms of public-private collaborations. She holds a B.A. in law and political science from Leibniz University Hanover, Germany, and an LL.M. in international relations, law and security (distinction) from the University of Strathclyde, Glasgow. Since 2014, her experience includes research and teaching positions at the Department for International Relations at the University of Hanover, the School of Law at Newcastle University, and the University of Glasgow, as well as working for Amnesty International Germany, and the German United Nations Association.



Alik Semertzi

Alik Semertzi is an international legal scholar, inquiring into law as a mode of thinking, into the process of legal reasoning as a technique of engaging with the world. Alik is currently working as the Postdoctoral Researcher at the SNF project on 'Emotions and International Law', analysing the role of emotions in the use of artificial intelligence in warfare. In particular, she explores (i) how emotions are intrinsically involved in legal reasoning, thus influencing its (non?)algorithmability, and further (ii) into how emotions are strategically employed to enhance the emotive power of law in discourses to ban autonomous weapon systems (AWS). Alik holds a PhD in International Law from the IHEID, Geneva Graduate Institute (2022), a Master in International Law (IHEID, 2016), an LLM in International and European Law (Vrije Universiteit Brussels, 2011). During 2021-2023 she was a Residential Research Fellow at Harvard Law School, Institute for Global Law and Policy. She has served as a Teaching Assistant at the International Law department of the Graduate Institute (2017-2020). She has collaborated with the UN's International Law Commission (2016) and the UN Human Rights Council in Geneva. Prior to academia, she has worked as a legal advisor at the European Commission of the European Union, DG Trade, unit for the negotiation and administration of free trade agreements.



Meagan Wong

Dr Meagan Wong is a Lecturer in Law at Essex Law School, University of Essex, and the Founding Director of the LLM in International Law postgraduate degree. She is a generalist public international lawyer with several specialist interests including international law of the sea, international environmental law, international criminal law, and the law on the use of force. She has advised States on a wide range of issues of international law. She has also spoken to high-ranking military and navy officials on matters on international law of the sea and security. Dr Wong is the author of a forthcoming monograph with Cambridge University Press, entitled *Responsibility of States and Individuals: Aggression at the International Criminal Court*. She has also published on canonical aspects of generalist public international law and specialist subfields of international law in peer-reviewed journals including *International and Comparative Law Quarterly*, *Max Planck Yearbook of United Nations Law*, *Chinese Journal*

of *International law*, and *International Community Law Review*. She is also a co-author of a Cases & Materials in International Environmental Law book (EE) with Malgosia Fitzmaurice and Joseph Crampin. Dr Wong is the co-founder and co-convenor of the Public International Law Lecture Series.



Fan Yang

Dr Fan Yang is Assistant Professor of International Law, at Xiamen University China, and the initiator and Deputy Director of the Cyberspace International Law Center at the same university. He acts as the liaison and as an expert member of the Sino-European (China-EU) Expert Working Group on Application of International Law in Cyberspace, and he is currently a visiting fellow at Leiden University. His research mainly focuses on cyber-related international law and data governance.