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Document type:	Chapter
Title:	Cyber espionage or cyberwar ? : international law, domestic law, and self-protective measures
Author zone:	Christopher S Yoo
In:	Cyberwar : law and ethics for virtual conflicts
Editor:	Oxford : Oxford University Press, 2015
Physical description:	p. 175-194 : diagr.
Languages:	English
Abstract:	This chapter explores how jus ad bellum and jus in bello, which are two bodies of international law governing conflicts between states, applies to cyber operations, using as its lens prominent examples that have been in the news of late. Although most scholars acknowledge that established international law principles governing when it is appropriate to go to war (jus ad bellum) and the appropriate ways that war may be conducted (jus in bello) apply to cyber incidents recognized as constituting an armed attack, with a few narrow exceptions, jus ad bellum and jus in bello does not govern the type of information gathering or interference that characterize cyber operations such as the type of surveillance described in the confidential documents disclosed by Edward Snowden, or the denial of service attacks directed at Estonia by Russian hackers. Instead, this type of conduct falls under the law of espionage, which is governed almost entirely by domestic law. The final section examines possible self-protective measures for those confronting the risk of cyber attacks. [Summary by students at the International Criminal and Humanitarian Law Clinic, Laval University]
Authors:	Yoo, Christopher S.
Keyword in English:	CYBER WARFARE NATIONAL LAW PUBLIC INTERNATIONAL LAW ESPIONAGE FORM OF WAR JUS AD BELLUM ARMED CONFLICT IHL (INTERNATIONAL HUMANITARIAN LAW)
Keyword in French:	CYBERGUERRE DROIT INTERNE DROIT INTERNATIONAL PUBLIC ESPIONNAGE FORME DE GUERRE JUS AD BELLUM CONFLIT ARME DIH
Go to:	Cyberwar : law and ethics for virtual conflicts / ed. by Jens David Ohlin, Kevin Govern, Claire Finkelstein

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