

Proposal for a
New
International
Court for
Cyberspace

Yeseul Kim

Basics of
International
Law

Customs,
Treaties and
Agreements

Brief History of
Int'l Law

Internet and
International
Law

The Problem
with the legal
status of
'Individuals'

International
Law in the Era
of Connected
Millions

Proposal for a New International Court for Cyberspace

Revisiting the Role of International Courts and Individuals in Intl' Law in the Era of IoTs

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Giga-Net Symposium, 2017

Outline

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Problems with Current Int'l Law System

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- Customs, Treaties and Agreements are often violated. - US government's non compliance with International Law (including US Syrian Attack in 2017)
- Without Law Enforcement Organization, laws often lose their powers.
- In recent Cybersecurity and Int'l Law discourse, the focuses have been on 'cyberattacks'
- However, Internet and Cyberspace has also risen questions about '**Civil Rights and Obligations in Int'l Law**'

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- Roman jus gentium (a law of nation) and Peace Treaties and Alliances

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- Grotius: The Law of War and Peace (1625)

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- Grotius: The Law of War and Peace (1625)
- US diplomat Henry Weahton first English-language treaties on Int' law : definitional outcome reached by generations of subsequent int'l lawyers (1836)

Brief History of Int'l Law

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- US diplomat Henry Weahton first English-language treaties on Int' law : definitional outcome reached by generations of subsequent int'l lawyers (1836)
- the Convention on the Law of Treaties: International Law Commission, UN Advisory group, start to develop a draft code of the law of treaties and adopted the Vienna Convention in (1980, Date ratified)

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IoT Devices and Privacy Law

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IoT Technologies

IoT Devices, including mobile phones, home cameras, are usually manufactured in one country (country A) and are exported to other countries.

Theorem

Problem Recently, there have been some reports in South Korea of 'being watched' by Home cameras, mostly imported by China.

Example

Change your webcam's username and password, or be wide open to hackers, MashableAsia, June 22, 2017

Internet and Labor Law

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Internet

It became easier to make contracts with 'foreigners' through SNS. For example, Hong Kongers gave work to a Korean, and she works with Mainland Chinese through Facebook. If some conflicts arise from this project, how will current International Law work efficiently to resolve the dispute?

Theorem

Problem Cross-border labor opportunities will increase. With this, legal disputes across the borders are expected to increase as well.

Example

Online Verbal Abuse, Online Defamation... is not contained in 'country border' but it crosses the national borders:
Godfrey v. Demon Internet Service Case



International Law in the Period of Connected Millions

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- **PCIJ, ICJ and ICC** haven't existed before WW1 and WW2
- In most of the cases, **Technology precedes Laws**. And Law needs to be revised according to the changing 'physical' conditions of living with the development of new technologies
- **Revision for International Law System** can be considered with the collaboration of technologists and legal experts
- Women in Classical Athens had no legal personhood and were assumed to be part of the oikos headed by the male kyrios: **Legal Concepts Change Over Time**
- Current Int'l Organizations or Proposals
 - Microsoft's Proposal for Cybersec Tribunal
 - International and Jurisdiction
 - NATO CCDCOE

For Further Reading I

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Appendix
For Further
Reading



M.W. Janis

International Law.

Wolters Kluwer, 2016.



Anne Peters

Beyond Human Rights: The Legal Status of the Individual in International Law.

Cambridge University Press, 2016.



Fidal

Legal challenges of the Internet of Things

Lexology, June 2 2015

For Further Reading II

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Appendix
For Further
Reading



Matthew C. Waxman, Liviu Librescu Professor of Law
Columbia Law School

Cybersecurity and International Law
Columbia Law School,



Andrew Clapham

The Role of the Individual in International Law

European Journal of International Law, 21 (1): 25-30, 2010