



Digital Technology and International Law

2024-2025 | Block 3

Mondays (17.15-19.00) & Thursdays (13.15-15.00)

Description

Emerging as a new domain of human interaction in the second half of the twentieth century, digital technology has become increasingly woven into the fabric of societies around the world. In this course, we will examine how international law addresses the governance challenges of the digital age. Examining a diversity of topics, including state responsibility for different types of hostile cyber operations, surveillance and encryption, online platform governance, artificial intelligence governance, and autonomous weapons systems, this course invites students to critically reflect on global governance challenges at the intersection of digital technology and international law.

Course Objectives¹

Knowledge:

- Understand the challenges and uncertainties that arise concerning the application of the international legal framework on state responsibility to different types of cyber operations
- Critically reflect on the challenges of online platform governance, including content moderation, online political microtargeting and data surveillance, and platform dominance
- Develop an insight into emerging governance challenges associated with new technologies, including artificial intelligence and autonomous weapons systems

Skills:

- Critically examine, orally present, and nurture discussions on tensions and challenges related to digital technology and international law
- Creatively and collectively develop a short course on a thematic area related to digital technology and international law
- Apply legal research and writing skills to a topical issue or case at the intersection of digital technology and international law

Timetable

Once available, timetables will be published in the e-Prospectus.

Mode of Instruction

This course uses a variety of teaching methods, including interactive lectures, student-led class debates, research assignments, and student presentations. Before each class students are required to have read the compulsory readings and considered any accompanying discussion questions in preparation for the session. Active participation in class is expected. In-class debates will be based on analysis of thematic issues and concrete cases at the intersection of digital technology and international law.

> Course Professor

Dr Barrie Sander

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Office Hours: Room 4.18

By appointment via Calendly:

<https://calendly.com/barrie-sander/luc-office-hours>

> **Level:** 300

> **Credits:** 5 ECTS

> **Venue:** Room 3.07

¹ This syllabus has benefitted from discussions, inputs, and/or syllabi generously shared by Thomas Streinz, Dimitri Van Den Meerssche, Manchiko Kanetake, and Przemyslaw Roguski.

Mode of Delivery

This will consist of **in-person classes**, though **may move online should circumstances require**. The course will be taught in **two weekly time slots, Central European Time**. The course will make use of the following **platforms**:

- **Brightspace** is where you will:
 - find the learning resources; and
 - be expected to submit most assignments.
- **MS Teams** is where we will convene for our guest panel session, as well as online classes if needed.

Given the **nature of the subject-matter of the course**, please bear in mind the following guidelines:

- **Reflect**
 - Listen and read carefully, and keep in mind that participants in this course are likely to find themselves in a variety of personal situations.
- **Respect**
 - International law is a vocabulary of contestation that often generates a diversity of opinions on particular issues and debates. If you have a different take on a question than another student, do feel free to express it – but in a way that shows respect for the person with another view. This way, we can foster a constructive discussion.
 - Choose your words with care. Out of respect for the diversity of worldviews and beliefs that exists in any group, try to avoid using terms that can be perceived as offensive.
- **Include**
 - Support each other. If a fellow student has raised a question or shared a problem, see what you can do to help them out. You may well know the answer or have ideas on how that problem can be solved.
 - Sharing our own ideas is a way of including others. So, don't just repeat what's already been said: add some reflections of your own.

In the event that our classes move **online**, please bear in mind the following guidelines:

- Attend using your computer or tablet as your device, not your mobile phone.
- To the extent feasible, make sure you are in a well-lit room so that we can clearly see you when your web camera is on.
- To the extent possible, minimise any sources of disturbance or distraction. For example:
 - Make sure the room you're in is as quiet as possible. If there are still sounds that distract you, use a headset connected to your device.
 - Before the meeting starts, let any family members and/or housemates know that you wish not to be disturbed during the meeting.
 - Ensure your mobile phone is on silent mode during the meeting.
 - On your device, close all other non-essential software programmes during the meeting.
- If, during the meeting, you need to do something briefly, leave your computer or tablet behind. Once you're back, reconnect to your device and re-join the meeting.
- Whenever you're not talking, please mute your microphone (*the instructor may also mute the microphone of participants who are not talking*).
- Whenever you would like to take the floor, remember to unmute your microphone.
- When talking, try to express yourself clearly and concisely. Remember there may be other attendees whose connection or sound is poor.

Syllabus Roadmap

Week	Date	Time	Topic
1	Monday 3 February	17.15-19.00	Introduction <i>Ways of Seeing the Digital Domain and International Law</i>
	Thursday 6 February	13.15-15.00	State Responsibility & Cyber Operations (I) <i>Breach</i>
2	Monday 10 February	17.15-19.00	State Responsibility & Cyber Operations (II) <i>Attribution & Due Diligence</i>
	Thursday 13 February	13.15-15.00	State Responsibility & Cyber Operations (III) <i>Response Measures</i>
3	Monday 17 February	17.15-19.00	State Responsibility & Cyber Operations (IV) <i>Surveillance</i> <i><u>Critical Debate Leadership</u></i> <i>Global Spyware</i>
	Thursday 20 February	13.15-15.00	Platform Governance (I) <i>Content Moderation & Corporate Responsibility to Respect Human Rights</i> <i><u>Critical Debate Leadership</u></i> <i>Human Rights Responsibilities of Online Platforms</i>
4	Monday 24 February	17.15-19.00	Platform Governance (II) <i>Content Moderation & State Obligation to Protect Human Rights</i> <i><u>Critical Debate Leadership</u></i> <i>The Meta Oversight Board</i>
	Thursday 27 February	13.15-15.00	Platform Governance (III) <i>Mass Atrocities, Extremist Content, & Hate Speech in the Age of Online Platforms</i> <i><u>Critical Debate Leadership</u></i> <i>Internet Shutdowns / Digital Advocacy</i>
5	Monday 3 March	17.15-19.00	Platform Governance (IV) <i>Online Disinformation, Online Political Microtargeting & Data Protection</i> <i><u>Critical Debate Leadership</u></i> <i>Data Colonialism and Network Self-Determination</i>
		19.30-21.00	<i><u>Expert Panel Session</u></i> <i>Digital Technology and International Law In Practice</i>
	Thursday 6 March	13.15-15.00	Platform Governance (V) <i>Platform Power & Dominance</i> <i><u>Critical Debate Leadership</u></i> <i>Platform Pluralism</i>

Week	Date	Time	Topic
6	Thursday 13 March	13.15-15.00	Cross-Cutting Themes (I) <i>Technological Experimentation</i> <u>Critical Debate Leadership</u> <i>Deep Fakes / Encryption</i>
	Sunday 16 March	18.00	<u>Deadline</u> <i>Innovate Digital Technology and International Law Education Syllabus (18.00 CET)</i>
7	Monday 17 March	17.15-19.00	Cross-Cutting Themes (II) <i>Artificial Intelligence</i> <u>Guest Lecture Session</u>
	Thursday 20 March	13.15-15.00	<u>Innovate Digital Technology and (Int'l) Law Education</u> <i>Student Group Presentations Session</i>
8	Sunday 30 March	18.00	<u>Deadline</u> <i>Research Essay (18.00 CET)</i>

Office Hours

My office hours will be held weekly in **Room 4.18**. Office hours are a good time to discuss group and individual assignments, as well as any concerns you have with the course more generally. You can **book a meeting with me via Calendly** here: <https://calendly.com/barrie-sander/luc-office-hours>.

Reading Materials

Each session includes a list of **Compulsory Readings** together with a set of **Reading Questions** to guide your reading. It is essential that you **read all compulsory readings (NB: make sure to check the allocated page numbers as sometimes only a section of an article/chapter is required)** and **consider the accompanying questions** prior to class. The readings will help you to understand the themes discussed in each session and to actively participate in class. All readings are accessible via the Leiden Library Catalogue or via open access websites.

Background Readings

The following is a non-exhaustive selection of recent monographs and edited volumes that explore different dimensions of digital governance and (international) law:

- Tsagourias, N, & Buchan, R (eds), *Research Handbook on International Law and Cyberspace* (Edward Elgar, 2021)
- Kwet, M, *Digital Degrowth: Technology in the Age of Survival* (Pluto Press 2024)
- Meijas, UA, and Couldry, N, *Data Grab: The New Colonialism of Big Tech and How to Fight Back* (University of Chicago Press 2024)
- Madianou, M, *Technocolonialism: When Technology for Good is Harmful* (Polity 2024)
- Chander, A, and Sun, H, *Data Sovereignty: From the Digital Silk Road to the Return of the State* (OUP 2024)
- Marcus, GF, *Taming Silicon Valley: How We Can Ensure That AI Works for Us* (MIT Press 2024)
- Cofone, I, *The Privacy Fallacy: Harm and Power in the Information Economy* (CUP 2023)
- Koenig, A, and Lampros, A, *Graphic: Trauma and Meaning in Our Online Lives* (CUP 2023)
- Bradford, A, *Digital Empires: The Global Battle to Regulate Technology* (OUP 2023)
- Johns, F, *#Help: Digital Humanitarianism and the Remaking of International Order* (OUP 2023)
- Yilma, K, *Privacy and the Role of International Law in the Digital Age* (OUP 2023)
- Murray, A, *Information Technology Law: The Law & Society* (5th ed, OUP 2023)
- De Gregorio, G, *Digital Constitutionalism in Europe* (CUP 2022)
- Bessen, J, *The New Goliaths: How Corporations Use Software to Dominate Industries, Kill Innovation, and Undermine Regulation* (Yale University Press 2022)
- Citron, DK, *The Fight for Privacy: Protecting Dignity, Identity and Love in the Digital Age* (Penguin 2022)
- Crawford, K, *Atlas of AI: Power, Politics, and the Planetary Costs of Artificial Intelligence* (YUP 2021)
- Chesterman, S., *We, The Robots? Regulating Artificial Intelligence and the Limits of the Law* (CUP 2021)
- Buchan, R, *Cyber Espionage and International Law* (Bloomsbury Publishing 2021)
- York, J, *Silicon Values: The Future of Free Speech Under Surveillance Capitalism* (Verso 2021)
- Waldman, AE, *Industry Unbound: The Inside Story of Privacy, Data, and Corporate Power* (CUP 2021)
- Ohlin, JD, and Hollis, DB (eds), *Defending Democracies: Combating Foreign Election Interference in a Digital Age* (OUP 2021)
- Delarue, F, *Cyber Operations and International Law* (CUP 2020)
- Dubberley, S, Koenig, A, and Murray, D (eds), *Digital Witness* (OUP 2020)
- Cohen, JE, *Between Truth and Power: The Legal Constructions of Informational Capitalism* (OUP 2019)
- Jørgensen, RF (ed), *Human Rights in the Age of Platforms* (MIT Press 2019)
- Kaye, D., *Speech Police: The Global Struggle to Govern the Internet* (Columbia Global Reports 2019)
- Roberts, S.T., *Behind the Screen: Content Moderation in the Shadows of Social Media* (YUP 2019)
- Couldry, N, & Meijas, UA, *The Costs of Connection: How Data is Colonizing Human Life and Appropriating It for Capitalism* (Stanford University Press 2019)
- Land, MK, and Aronson, JD (eds), *New Technologies for Human Rights Law and Practice* (CUP 2018)
- Gillespie, T, *Custodians of the Internet: Platforms, Content Moderation and the Hidden Decisions That Shape Social Media* (YUP 2018)
- Noble, SU, *Algorithms of Oppression: How Search Engines Reinforce Racism* (NYU Press 2018)
- Eubanks, V, *Automating Inequality* (St. Martin's Press, 2018)
- Schmitt, MN & Vihul, L (eds), *Tallinn Manual 2.0* (CUP 2017)
- Tufekci, Z, *Twitter and Tear Gas: The Power and Fragility of Networked Protest* (YUP 2017)

Resources

A range of resources are available at the intersection of digital technology and international law. The following is a non-exhaustive list, which may be useful when conducting research and for staying on top of developments in the field:

- **International Law Blog Sites**

- EJIL:Talk! – <https://www.ejiltalk.org/>
- Opinio Juris – <http://opiniojuris.org/>
- Just Security – <https://www.justsecurity.org/>
- Lawfare – <https://www.lawfareblog.com/>
- TWAILR – <https://twailr.com/>
- International Law & The Global South – <https://internationallawandtheglobalsouth.com/>
- Afronomics Law – <https://www.afronomicslaw.org/>
- I-CONnect - <http://www.iconnectblog.com/>
- Critical Legal Thinking – <https://criticallegalthinking.com/>
- IntLawGrrls – <https://ilg2.org/>
- CIL Dialogues – <https://cil.nus.edu.sg/blog/>
- Oxford Human Rights Hub – <https://ohrh.law.ox.ac.uk/>
- OpenGlobalRights – <https://www.openglobalrights.org/>
- Strasbourg Observers – <https://strasbourgobservers.com/>
- The Conversation – <https://theconversation.com/uk/topics/human-rights-1314>
- Justice in Conflict – <https://justiceinconflict.org/>
- JURIST – <https://www.jurist.org/>
- Inform – <https://inform.org/>
- Law & Political Economy – <https://lpeproject.org/blog/>
- Völkerrechtsblog – <https://voelkerrechtsblog.org/>
- Verfassungsblog – <https://verfassungsblog.de/>

- **Digital Governance Blog Sites**

- Tech Policy Press – <https://techpolicy.press/>
- The Digital Constitutionalist – <https://digi-con.org/#>
- Centre for International Governance Innovation (CIGI) – <https://www.cigionline.org/>
- Ada Lovelace Institute – <https://www.adalovelaceinstitute.org/blog/>
- EU CyberDirect *Directions* – <https://directionsblog.eu/>
- Council on Foreign Relations *Net Politics* – <https://www.cfr.org/blog/net-politics>
- MIT *Technology Review* – <https://www.technologyreview.com/>
- AI Law Blawg – <https://ailawblawg.com/>
- TechCrunch – <https://techcrunch.com/>

- WIRED – <https://www.wired.com/>
 - Recode – <https://www.vox.com/recode>
 - AccessNow – <https://www.accessnow.org/blog/>
 - Article 19 – <https://www.article19.org/content-type/blog/>
 - Center for Democracy and Technology – <https://cdt.org/insights/>
 - European Digital Rights – <https://edri.org/category/blogs/>
 - Electronic Frontier Foundation *Deeplinks* – <https://www.eff.org/DEEPLINKS>
 - Inform – <https://inform.org/>
 - Privacy + Security Blog - <https://teachprivacy.com/privacy-security-training-blog/>
 - Privacy International – <https://privacyinternational.org/news>
 - Big Brother Watch – <https://bigbrotherwatch.org.uk/media/blog/>
 - Ranking Digital Rights – <https://rankingdigitalrights.org/category/blog/>
 - Citizen Lab – <https://www.citizenlab.co/blog/>
 - Digital Watch – <https://dig.watch/>
 - Stratechery – <https://stratechery.com/>
 - Cyberleagle – <https://www.cyberleagle.com/>
 - WITNESS – <https://blog.witness.org/>
 - Knight Columbia – <https://knightcolumbia.org/subcategory/blog>
 - Stanford Center for Internet and Society (CIS) – <https://cyberlaw.stanford.edu/blog>
 - CyberBRICS – <https://cyberbrics.info/category/publications/>
 - Online Platform Blogs – several platforms have their own blogs where you can find up to date information on their policies (*simply search the website of the platform you are researching*)
- **Digital Governance Educational Materials & Reading Lists**
 - The Syllabus – <https://www.the-syllabus.com/> (*an expert guide to the digital public sphere with podcasts, essays, academic articles and talks*)
 - Media Defence | Resource Hub – <https://www.mediadefence.org/resource-hub/> (*a source of training materials and resources on freedom of expression*)
 - Trust and Safety Foundation Case Studies – <https://trustandsafetyfoundation.org/case-studies/> (*a series of real-life examples of trust and safety issues on online platforms*)
 - International Cyber Security Bibliography – <https://www.thehagueprogram.nl/cyber-norms-bibliography> (*a bibliography maintained by The Hague Program on International Cyber Security*)
 - Content Moderation: A Reading List – <https://socialmediacollective.org/reading-lists/content-moderation-reading-list/> (*a reading list maintained by the Social Media Collective*)
 - Critical Race & Digital Studies Syllabus – <https://criticalracedigitalstudies.com/syllabus/> (*a syllabus compiled by the Center for Critical Race & Digital Studies*)
 - UN Office on Drugs and Crimes Cybercrime Module – <https://www.unodc.org/e4j/en/tertiary/cybercrime.html> (*a syllabus compiled by UNODC*)

- **Digital Governance Newsletters**
 - Carnegie Endowment for International Peace, *Cyber Policy Initiative* – <https://carnegieendowment.org/programs/technology/cyber/>
 - Global Partners Digital *Insight* – <https://www.gp-digital.org/insight/>
 - The AI and Human Rights Newsletter – <https://aihumanrights.blog/>
 - Oxford Internet Institute Governance of Emerging Technologies Newsletter – <https://www.oii.ox.ac.uk/research/projects/governance-of-emerging-technologies/>
- **Digital Governance and International Law Podcasts**
 - CIGI *Big Tech* – <https://www.cigionline.org/big-tech>
 - Tech Policy Press *The Sunday Show* – <https://techpolicy.press/podcast/>
 - EFF *How to Fix the Internet* – <https://www.eff.org/how-to-fix-the-internet-podcast>
 - The Hague Program for Cyber Norms – <https://soundcloud.com/user-760283861>
 - Global Partners Digital *In Beta* – <https://soundcloud.com/globalpartnersdigital>
 - Stanford Law School *Moderated Content* – <https://moderated-content.simplecast.com/>
 - Lawfare *Arbiters of Truth* – <https://www.lawfareblog.com/topic/arbiters-truth>
 - Indivisible AI – <https://indivisible.ai/>
 - The TechTank Podcast - <https://www.brookings.edu/series/the-techtank-podcast/>
 - Tech on Earth - <https://podcasts.apple.com/us/podcast/tech-on-earth/id1611036939>
 - Techdirt – <https://www.techdirt.com/blog/podcast/>
 - RightsUp: The Oxford Human Rights Hub Podcast – <https://podcasts.ox.ac.uk/series/rightsup-global-perspectives-human-rights-law>
 - RightsCast – <https://anchor.fm/rightscast>
 - Access Now *YouTube Page* – <https://www.youtube.com/c/AccessnowOrg/videos>
 - Better Human Podcast – <https://podcasts.apple.com/gb/podcast/better-human-podcast/id1481010283>
 - The Auxiliary Chamber – <https://the-auxiliary-chamber.simplecast.com/>
 - Jus Cogens: The International Law Podcast – <https://www.youtube.com/c/JusCogensPodcast>
 - The Promise Institute Podcast – <https://promiseinstitutebroadcast.buzzsprout.com/>
 - Asymmetrical Haircuts – <https://www.asymmetricalhaircuts.com/>
 - EJIL: The Podcast – <https://www.ejiltalk.org/ejil-the-podcast-page/>
 - Opinio Juris Podcast: OJ Fresh Squeezed! – <https://opiniojuris.org/podcasts/>
 - Just Security – <https://podcasts.apple.com/us/podcast/the-just-security-podcast/id1652378547>
 - Called To The Bar: International Law Over Drinks – <https://podtail.nl/podcast/called-to-the-bar-international-law-over-drinks/>
 - Lethal Autonomous Weapons: 10 Things We Want to Know – <https://lawsandwarcrimes.com/podcast/>
 - GLAW-Net-Conversations about Globalization & Law – <https://www.buzzsprout.com/1946084>

- **Digital Governance Resources**

- **Busted! The Truth About the 50 Most Common Internet Myths** – <https://www.internetmythen.de/en/> (a compilation of opinions about the Internet and various truths and myths about its operation, use and impact)
- **Why, AI?** – <https://www.hiig.de/en/dossier/why-ai/> (a resource that unravels myths about automation, algorithms, society and ourselves)
- **The Digital Constitutionalist** – <https://digi-con.org/> (a space for open discussion about the future of constitutionalism in the digital age)
- **IGF Coalition on Platform Responsibility, Glossary of Platform Law and Policy Terms** – <https://bibliotecadigital.fgv.br/dspace/handle/10438/31365> (aims to provide a common language for academics, regulators and policymakers when discussing issues of platform responsibility)
- **International Cyber Law Interactive Toolkit** – https://cyberlaw.ccdcoe.org/wiki/Main_Page (a dynamic interactive web-based resource consisting of hypothetical scenarios inspired by real-world events, accompanied by detailed analysis of the applicability of international law, and a list of publicly available national positions on the application of international law to cyber operations)
- **The B-Tech Project** – <https://www.ohchr.org/EN/Issues/Business/Pages/B-TechProject.aspx> (a project run by the Office of the High Commissioner for Human Rights that aims to provide guidance and resources for implementing the UN Guiding Principles on Business and Human Rights in the technology space)
- **Tech Policy Atlas** – <https://techpolicydesign.au/tech-policy-atlas> (a public repository of national tech policy, strategy, legislation and regulation)
- **Global Network Initiative Country Legal Frameworks Resource** – <https://clfr.globalnetworkinitiative.org/> (a detailed set of resources examining governments' legal authorities to intercept communications, obtain access to communications data, or restrict the content of communications in more than 50 countries)
- **Digital Watch Resources Hub** – <https://dig.watch/resources> (containing over a thousand resources related to over 50 digital policy and governance issues)
- **Global Partners Digital Encryption Policy Hub** – <https://www.gp-digital.org/series/encryption-policy-hub/> (brings together useful resources, insight and tools to support advocacy in support of encryption, including an interactive world map of encryption laws and policies)
- **GDPRhub** – https://gdprhub.eu/index.php?title=Welcome_to_GDPRhub (a free & open wiki that allows anyone to find & share GDPR insights, divided between decisions and knowledge)
- **DigiChina Project** – <https://digichina.stanford.edu/> (a collaborative effort to understand China's technology policy developments through translating and analysing Chinese-language sources)
- **CyberBRICS** – <https://cyberbrics.info/> (a project to map existing regulations, identify best practices, and develop policy suggestions in the areas of cybersecurity and personal data regulations, Internet access policies, and digital transformation strategies in the BRICS (Brazil, Russia, India, China, and South Africa))
- **TeachPrivacy** – <https://teachprivacy.com/> (a training website run by Professor Daniel Solove which includes a wide-range of resources on privacy and data security law)
- **The Tech Litigation Database** – <https://tech-litigation.com/> (The Tech Litigation Database is the first resource exploring global litigation efforts against automated systems)
- **CCDCOE INCYDER Database** – <https://ccdcoe.org/library/incyder/> (containing statements, resolutions, treaties, reports and other official documents issued by international organisations)
- **The Oxford Process on International Law Protections in Cyberspace** – <https://www.elac.ox.ac.uk/the-oxford-process/> (an initiative of the Oxford Institute for Ethics, Law and Armed Conflict (ELAC) at the Blavatnik School of Government in partnership with Microsoft, consisting of a collaborative effort between international legal experts from across the globe aimed at the identification and clarification of rules of international law applicable to cyber operations across a variety of contexts)
- **Group of Governmental Experts (GGE) Materials** – <https://www.un.org/disarmament/group-of-governmental-experts/> (containing materials related to the UN Group of Governmental Experts on advancing responsible State behaviour in cyberspace in the context of international security)
- **Open-Ended Working Group (OEWG) Materials** – <https://www.un.org/disarmament/open-ended-working-group/> and <https://www.un.org/disarmament/ict-security/> (containing materials related to OEWG on information and telecommunications in the context of international security)

Assessment Roadmap

Assignment	Weight	Deadline
Class Participation	12%	Weeks 1-8
Critical Debate Leadership	18%	Week 3 onwards
Innovate Digital Tech. & (International) Law Education	30%	
	<ul style="list-style-type: none"> 18% for syllabus & pitch doc. 12% for presentation 	Sunday 16 March, 18.00 CET Week 8
Research Paper	40%	Sunday 30 March, 18.00 CET

Assessment Information

Class Participation (12%; ongoing weeks 1-8)

- Students are expected to **study the compulsory readings** before each session and to **actively take part in class**, including plenary discussions, small group debates, and student-led classroom takeovers.
- As part of participating on the course, students are expected to write a set of **reflection and response statements** within **Weeks 1-7** of the course according to the following schedule:
 - By **Sunday 18.00 CET** immediately following the classes in Weeks 2, 4, and 6, you are required to write a **reflection statement**, which should offer your reflection on any aspect of the readings and class discussions within the two weeks that have just passed. There are no limits or requirements for the reflection statements – they are intended as a space entirely for you to offer your reflections, whether personal, academic, or both. Your reflection statements should be posted directly on **Brightspace (Discussions)** – only include a file attachment if you want to share something specific like a drawing you have made, otherwise simply copy your text directly into Brightspace.
 - By **Sunday 18.00 CET** immediately following the classes in Weeks 3, 5, and 7, you are required to write a **response statement**, which should offer your reaction to one of your colleague's reflection statements from the previous week. There are no limits or requirements for the response statements – they are intended to encourage conversation between the class on each other's reflections. Your response statements should be posted directly on **Brightspace (Discussions)** in response to the reflection you are reacting to – only include a file attachment if you want to share something specific like a drawing you have made, otherwise simply copy your text directly into Brightspace. While you are only required to write one response statement, you are encouraged to write more and to enter into a conversation on particular themes that arise from your statements.
- Students are expected to **self-assess** their participation and submit a **Course Reflection Statement** with their final research essay. The course reflection statement should consist of:
 - A proposed grade for participation** accompanied by a **brief explanatory statement** justifying the proposed grade (*the instructor may revise your suggested grade for participation, taking into account the assessment criteria*).
 - A final reflection statement** which should offer your reflections on the course, including but not limited to what you feel you have learned and what you may take forward to other classes and contexts.

Critical Debate Leadership (18%; week 3 onwards)

- Students are expected to undertake a critical debate leadership assignment in which they lead part of the class focusing on a particular theme at the intersection of digital technology and international law.
- Students will be **divided into small groups and allocated a topic by the end of week 2**. A slight bonus will be applied to the first team leading a debate. It is recommended that students **consult with the instructor** beforehand about their exact approach, in particular during office hours.

- In **the second half of Sessions 5-13**, the debate leaders will lead the discussion on a particular theme based on a predefined reading or set of readings.
 - The discussion leaders will provide a **brief presentation** of their topic and introduce a **maximum of three discussion questions** for a maximum of **12 minutes (+/- 1 minute)**. Limited use of visual aids is possible (**approximately five slides is best practice**) but not mandatory.
NB: Each member of each group should email their slides to the instructor at least 30 minutes prior to the relevant session in which they are presenting.
 - This will be followed by **10-15 minutes of debate**, during which the debate leaders will invite different opinions from the class, ask follow-up questions, and provide answers to questions for clarification. It is the discussion leaders' responsibility to stimulate discussion, include as many students as possible, and **keep the debate focussed**.
 - Subsequently, the discussion leaders will **summarize the main outcomes** (which can be points of consensus and/or contention) for a maximum of **2 minutes**.
 - The **readings for critical debate leadership** tasks are **not compulsory for the entire class**. Instead, the class is invited to **read a shorter text or listen to a podcast** in advance of each debate, which will provide an introduction to the debate theme.
 - The discussion leaders are required to read **the readings allocated for the critical debate leadership assignment**, but **need not cover everything examined in those readings in their presentation**. It is up to the discussion leaders to determine how best to construct and focus both their presentation and discussion questions. The discussion leaders *may* conduct additional research as part of their preparation.
 - The **design of the discussion questions** tends to take on a **heightened importance** in this task since it often influences the focus and quality of the debate.

Innovate Digital Technology and (International) Law Education (30%; weeks 6-8)

Syllabus & Pitch Document (18%)

- Students will be divided into small groups **by the end of the first week**. Each team will be responsible for producing **a syllabus** for a short course at the intersection of digital technology and (international) law and **an accompanying pitch document**.
- It is up to each group to **decide the focus** of their short course e.g., digital technology and (international) law related to a particular geographical locality or region, a particular thematic area (e.g., surveillance, democracy, gender, armed conflict, etc.), or a particular category of actors (e.g., social media platforms, states, social movements, etc.). Groups should feel free to get creative with the theme (the above are just opening suggestions).
- Each group is required to produce **a syllabus** consisting of the following elements:
 - *General Elements*
 - Course Title
 - Course Description (*a one-to-two paragraph description of the course*)
 - Learning Outcomes (*knowledge and skills-based learning outcomes*)
 - Target Audience (*define who course is targeted at e.g., high school students, university students, a particular community, a particular set of actors such as business leaders*)
 - Mode of Delivery (*define how the course will be delivered e.g., in person classes, online or a mixture; there is a lot of room to be creative*)
 - Assessment (*define at least three forms of assessment for your course*)
 - Classes (*your syllabus should consist of **as many classes as students that comprise your team** e.g., a team of 4 students should produce a course with 4 classes (one class per team member); each class must be no longer than two-hours in length*)

- *Individual Classes*
 - Name of Group Member (*responsible for the design and delivery of the class*)
 - Class Title
 - Class Description (*a one-to-three paragraph description of the class*)
 - Readings (*select at least 3 readings for the class, at least one of which should be an academic article; the others can take any form e.g. a primary source, a news article, a blog post, a podcast episode, a video, etc.; groups should feel free to also include further readings and materials though this is not compulsory; your selected compulsory readings should be accessible via Leiden Library Catalogue or Internet search engines (please include hyperlinks) and must be distinct from those assigned as compulsory or critical debate readings in this syllabus*)
 - Reading Questions (*at least 4 questions in total per class to accompany the readings*)
 - Teaching Methods (*a one-to-three paragraph description of what types of methods you intend to utilise e.g., lecture, debates, simulations etc; there is a lot of room to be creative! This section should elaborate the structure of the class and explain how you intend to rely on the readings you selected in conjunction with your teaching methods*)
- Each team is required to produce **an accompanying one-page pitch document** summarising what the course is about and why those within your target audience should register for your course (*e.g., what makes your course stand out, why is it important, and what makes it particularly engaging*). You can be creative in terms of the format and design of the pitch document.
- By **Sunday 16 March, 18.00 CET** the **final syllabus** and **pitch document**:
 - shall be submitted via **Brightspace (Assignments)** by at least one member of each group
 - using a file name that includes at least one of the team member's family name.

Presentation (12%)

- In **Session 14** in **Week 7** each student team will deliver **a presentation** of their course (*for a maximum of 12.5 minutes for groups of 4 and 15 minutes for groups of 5*), summarising the course structure and each of the classes, as well as explaining the decisions that were taken in terms of *thematic, target audience, mode of delivery, selection of readings, and teaching methods*. You can be creative in terms of the style of your presentation. Each presentation will be followed by **a 5-10 minute discussion** during which other teams can ask questions and provide feedback.

Research Paper (40%; week 9)

- The research paper can focus on **any topic, case, (draft) legislation, event, or institution related to digital technology and international law**. Students are permitted to select a similar theme to their critical debate leadership task.
- It is recommended that students **consult with the lecturer about their topic and approach**, in particular during office hours.
- Your research paper should include:
 - a title that reflects the argument put forward in the paper
 - an introduction to the thematic area of the paper and a clear and arguable thesis
 - a roadmap setting out the different steps taken in the paper
 - a set of structured arguments supported by a diversity of primary and secondary sources (including *academic* texts in the form of journal articles, book chapters, and/or books)
 - a clear and succinct conclusion
 - a fluid writing style with consistent attention to grammar

- reference notes and a bibliography styled and formatted consistent with common academic and legal referencing conventions (e.g., OSCOLA) – so long as you are consistent, you are free to choose the referencing convention with which you are most comfortable *provided* it uses footnotes and not in-text citation (*please confirm which style guide you have used in the header of your paper*). **NB** Please make sure to pinpoint specific page/paragraph numbers in your reference notes.
- By **Sunday 30 March, 18.00 CET** the final research papers:
 - shall be submitted via **Brightspace (Assignments)**
 - using **a file name that includes the student's family name**
 - shall not exceed **2,500 words** (*including footnotes, excluding bibliography; the 10% rule applies*)
 - shall include a *Course Reflection Statement*, encompassing **a suggested grade for participation** accompanied by **a brief explanatory statement** (*not included in the final essay word limit*) and **a final reflection statement** which should offer your reflections on the course, including but not limited to what you feel you have learned and what you may take forward to other classes and contexts (*not included in the final essay word limit*).

Assessment Deadlines Policy

- Students must submit all graded assignments to be able to pass the course.
- Assignments submitted with a delay exceeding 5 days (including weekends) will be marked **"F" (failed)**. In addition, the lecturer reserves the right to consider them definitely non-submitted after that point in time.
- Late submission of any assignment will be penalized by one grade step per 12 hours of delay, with the first penalty applying immediately after the deadline passed (for instance, an assignment, which would have earned a B+, will be turned into a C+ if handed in 24 hours and 2 minutes after the deadline).
- For the critical debate leadership and the student presentations, a penalty of one grade step per 2 minutes in excess of the allotted time will be applied, which will be applied immediately after the allotted time has elapsed.
- The Grading Policy (Appendix I) and Attendance Policy (Appendix II) have been attached to this syllabus.

SESSION 1 INTRODUCTION: WAYS OF SEEING THE DIGITAL DOMAIN AND INTERNATIONAL LAW

MONDAY 3 FEBRUARY 2025, 17.15 – 19.00

In our opening session, we will discuss the roadmap of the course and reflect on different ways of seeing the digital domain and international law. The session will begin by defining the digital domain in terms of sovereignty, risks, geopolitical visions, and actors (with a particular emphasis on the evolving practices of States and online platforms). The session will conclude by exploring some of the different ways in which international law and the digital domain interact, including some of the prominent challenges that have been identified at this intersection, as well as some of the theoretical regulatory frames through which the digital domain may be examined.

Compulsory Reading [50 pages + interactive webpage]

Framing The Digital Domain: Layers, Sovereignty, Risks, Visions, Actors

01. Eichensehr, K.E., 'The Cyber-Law of Nations' (2015) 103 *Georgetown Law Journal* 317, **pp.322-329 only**. [7 pages]
02. Kreuzer, L., 'Disentangling the Cyber Security Debate' *Völkerrechtsblog* (20 June 2018). [6 pages]
03. Tsalikis, C, O'Hara, K., and Hall, W, 'The Four Visions Shaping the Way We Use the Internet' *CIGI* (13 June 2019). [2 pages]
04. **Choose at least one of the following:**
 - a. Deibert, R., 'Authoritarianism Goes Global: Cyberspace Under Siege' (2015) 26 *Journal of Democracy* 64. [13 pages]
 - b. Tufekci, Z., 'How Social Media Took Us From Tahrir Square To Donald Trump' *MIT Technology Review* (14 August 2018). [12 pages]

The Digital Domain and International Law

05. Hollis, D.B., and Sander, B., 'Challenges for International Law and Cyberspace: Sartre, Baby Carriages, Horses, and Simon & Garfunkel' (Parts 1 and 2) *Net Politics* (2 and 7 May 2019). [4 pages]
06. Akande, D., Coco, A., de Souza Dias, T., 'Old Habits Die Hard: Applying Existing International Law in Cyberspace and Beyond' *EJIL:Talk!* (5 January 2021). [5 pages]
07. Review DigWatch's real-time coverage of international law and cybersecurity negotiations at the United Nations, paying particular attention to the interactive timeline, the UN GGE and OEWG processes, and the PoA proposal (accessible [here](#)).
08. Lessig, L., 'What Things Regulate', in L. Lessig, *Code: Version 2.0* (Basic Books 2006) 120, **pp.121-132 only** (beginning with the subsection "A Dot's Life"). [11 pages]
09. Kwet, M., 'Digital Colonialism is Threatening the Global South' *Al Jazeera* (13 March 2019) [3 pages]

Optional Recommended Reading (i.e., only if time):

10. **Podcast:** 'Digital Empires: A Conversation with Anu Bradford' *Tech Policy Press* (8 Oct. 2023) ([here](#)) [45 mins]
11. Mačák, K., 'From Cyber Norms to Cyber Rules: Re-engaging States as Law-makers' (2017) 30 *Leiden Journal of International Law* 877. [22 pages]
12. Hollis, D.B., and Sander, B., 'International Law and Cyberspace: What Does State Silence Say', in D. Azaria (ed.), *State Silence Across International Law* (OUP, forthcoming). [29 pages]
13. Megiddo, T., 'Knowledge Production, Big Data, and Data-driven Customary International Law', in A. Bianchi and M. Hirsch (eds), *International Law's Invisible Frames: Social Cognition and Knowledge Production in International Legal Processes* (OUP 2021) 275. [16 pages]
14. Schrepel, T., 'The Not-So-Pathetic Dot Theory' *Network Law Review* (23 November 2022) [2 pages]
15. Dror-Shpoliansky, D., and Shany, Y., 'It's the End of the (Offline) World as We Know It: From Human Rights to Digital Human Rights – A Propose Typology' (2021) 32 *European Journal of International Law* 1249. [34 pages]
16. Vatanparast, R., 'David Dudley Field and the Technological Sensibility of International Law Codification' *Denver Journal of International Law and Policy* (forthcoming) [23 pages]
17. Thøgersen, M., '“An Attach on Maersk Strikes Everywhere at Once”: International Law and the Political Economy of Digitalization' *EJIL:Talk!* (24 October 2024) [4 pages]

Reading Questions

01. What are the different layers that have been relied upon to describe the digital domain and how has the concept of sovereignty as applied to the digital domain evolved over time according to Eichensehr?
02. What are the different categories of digital risks identified by Kreuzer and why does he suggest it is important to distinguish them?
03. What are the different visions of the Internet identified by O'Hara & Hall?
04. What are the different generations of information controls that have been utilised by States in the digital domain according to Deibert, and what are some of the drivers behind them?
05. According to Tufekci, how and why has the use and perception of online platforms shifted over time?
06. What are the four challenges for international law and the digital domain identified by Hollis and Sander?
07. According to Akande et al., is it necessary to prove 'new' or specific state practice and *opinio juris* for existing international law to apply in the digital domain, and what is the relationship between 'voluntary non-binding norms' and established rules of international law?
08. Reflecting on the DigWatch's webpage, what are the UN GGE, OEWG, and PoA?
09. What are the different modalities that regulate the digital domain according to Lessig and what concerns does he raise about indirection?
10. What is 'digital colonialism' according to Kwet?

SESSION 2 **STATE RESPONSIBILITY AND CYBER OPERATIONS (I): BREACH**

THURSDAY 6 FEBRUARY 2025, 13.15 – 15.00

In this session, we will begin to explore how the law of State responsibility applies in the cyber domain. Relying on a range of contemporary case studies related to the Covid-19 pandemic, we will examine whether different types of hostile cyber operations amount to a breach of international law. For this purpose, we will examine the applicability and interpretation of sovereignty, the prohibition of intervention, and human rights in the digital domain. The session will conclude with a case study concerning different forms of cyber election meddling.

Compulsory Reading [49 pages]

01. Milanovic, M., and Schmitt, M.N., 'Cyber Attacks and Cyber (Mis)information Operations During a Pandemic' (2020) 11 *Journal of National Security Law and Policy* 247, **pp.247-270 only**. [22 pages]
02. Lahmann, H., 'On the Politics and Ideologies of the Sovereignty Discourse in Cyberspace' (2021) 32 *Duke Journal of Comparative & International Law* 61, **pp.64-89 only**. [25 pages]
03. International Law Commission (ILC) Articles on Responsibility of States for Internationally Wrongful Acts, Annex to UN General Assembly Resolution 56/83 (2001), U.N. Doc. A/RES/56/83, 12 December 2001, **Articles 1-3 and 12-15 only**. [2 pages]

Optional Recommended Readings (i.e., only if time):

04. Sander, B., 'Democracy Under The Influence: Paradigms of State Responsibility for Cyber Influence Operations on Elections' (2019) 18 *Chinese Journal of International Law* 1, **pp.1-14 only**. [14 pages]
05. Moynihan, H., 'The Application of International Law to Cyberspace: Sovereignty and Non-Intervention' *Just Security* (13 December 2019). [6 pages]
06. Buchan, R., and Navarette, I., 'Why Silence Isn't (Always) Golden: Espionage Exceptions under Customary International Law – Parts I and II' *Leiden Security and Global Affairs Blog* (October 2019). [4 pages]
07. Lakra, R., 'Divergent Digital Futures: A Comparative Analysis of the AU and EU Approaches to International Law in Cyberspace' *Völkerrechtsblog* (17 January 2025). [2 pages]
08. Visek, R.C., 'International Law and Cyberspace: Building Consensus' (2024) 97 *Temple Law Review* 1 [20 pages]
09. **Podcast:** 'Hacked Off!' *EJIL: The Podcast!* (11 June 2020) (accessible [here](#))
(NB: the podcast episode begins with a general discussion of the application of international law to the digital domain (**0-13 mins**), before turning to discuss the application of international humanitarian law which we will not cover in our session (**13-21 mins**), and then finally the application of non-intervention, sovereignty, and human rights which are the focus of our session (**22-40 mins**))

Reading Questions

01. What are some of the different types of hostile cyber operations that have been conducted during the Covid-19 pandemic and how might they constitute violations of sovereignty, the prohibition of intervention, and human rights according to Milanovic and Schmitt?
02. What are 'cyber imperialism', 'cyber Westphalia', and 'the third way' according to Lahmann?

SESSION 3 STATE RESPONSIBILITY AND CYBER OPERATIONS (II): ATTRIBUTION & DUE DILIGENCE

MONDAY 10 FEBRUARY 2025, 17.15 – 19.00

In this session, we will continue to explore how the law of State responsibility applies in the digital domain by examining the different modes by which cyber operations may be attributed to a State under international law, the challenges of attribution that arise in the digital domain, and various proposals that have been put forward to alleviate such challenges. The session will conclude by exploring the application of the principle of due diligence in the digital domain, both under general international law and international human rights law.

Compulsory Reading [52 pages]

01. Tsagourias, N., and Farrell, M., 'Cyber Attribution: Technical and Legal Approaches and Challenges' (2020) 31 *European Journal of International Law* 941, **pp.941-955 and 959-965 only**. [22 pages]
02. Eichensehr, K., 'Decentralized Cyberattack Attribution' (2019) 113 *AJIL Unbound* 213. [5 pages]
03. Shany, Y., and Schmitt, M.N., 'An International Attribution Mechanism for Hostile Cyber Operations' (2020) 96 *International Legal Studies* 196, **pp.211-222 only**. [10 pages]
04. Milanovic, M., and Schmitt, M.N., 'Cyber Attacks and Cyber (Mis)information Operations During a Pandemic' (2020) 11 *Journal of National Security Law and Policy* 247, **pp.270-284 only**. [14 pages]
05. International Law Commission (ILC) Articles on Responsibility of States for Internationally Wrongful Acts, Annex to UN General Assembly Resolution 56/83 (2001), U.N. Doc. A/RES/56/83, 12 December 2001, **Articles 4-11 only**. [1 page]

Optional Recommended Reading (i.e., only if time):

06. Coco, A., and de Souza Dias, T., "'Cyber Due Diligence': A Patchwork of Protective Obligations in International Law" (2021) 32 *European Journal of International Law* 771. [35 pages]
07. 'Symposium: An International Agency for the Attribution of Malicious Cyber Operations?' *Questions of International Law* (2024) (accessible [here](#))

Reading Questions

01. What is the distinction between technical, political, and legal attribution according to Tsagourias and Farrell?
02. What are the different modes of attribution recognised under the law of State responsibility and what are the challenges of relying on these modalities with respect to cyber operations according to Tsagourias and Farrell?
03. How (if at all) should attribution be reformed according to Tsagourias and Farrell, Eichensehr, and Shany and Schmitt? Do you find their perspectives persuasive?
04. What due diligence obligations arise under general international law and international human rights law according to Milanovic and Schmitt and how might such obligations apply in the context of different types of hostile cyber operations that have been launched in connection with the Covid-19 pandemic?

SESSION 4 STATE RESPONSIBILITY AND CYBER OPERATIONS (III): RESPONSE MEASURES

THURSDAY 13 FEBRUARY 2025, 13.15 – 15.00

In this session, we will continue to explore how the law of State responsibility applies in the digital domain by examining the different response measures that may be taken by States in response to a cyber operation amounting to an internationally wrongful act. The session will place particular focus on countermeasures, and acts of retorsion in the digital domain. The session will conclude with a case study drawing together different themes related to State responsibility and cyber operations, as well as a critical perspective on the adoption of the frame of State responsibility in the digital domain and beyond.

Compulsory Reading [42 pages]

01. Deeks, A., 'Defend Forward and Cyber Countermeasures', *Hoover Working Group on National Security, Technology, and Law, Aegis Series Paper No. 2004* (4 August 2020). [14 pages]
02. Kossef, J., 'Retorsion as a Response to Ongoing Malign Cyber Operations', in T Jančarková et al. (eds), *2020 12th International Conference on Cyber Conflict: 20/20 Vision: The Next Decade* (NATO CCDCOE Publications 2020) 9. [14 pages]
03. Hinck, G., and Maurer, T., 'What's the Point of Charging Foreign State-Linked Hackers?' *Lawfare* (24 May 2019). [6 pages]
04. Goldsmith, J., 'Self-Delusion on the Russia Hack' *The Dispatch* (18 December 2020). [3 pages]
05. International Law Commission (ILC) Articles on Responsibility of States for Internationally Wrongful Acts, Annex to UN General Assembly Resolution 56/83 (2001), U.N. Doc. A/RES/56/83, 12 December 2001, **Articles 20-27, 28-39, and 49-54 only**. [5 pages]

Optional Recommended Reading (i.e., only if time):

06. Finnemore, M., and Hollis, D.B., 'Beyond Naming and Shaming: Accusations and International Law in Cybersecurity' (2020) 31 *European Journal of International Law* 969. [35 pages]
07. Dias, T., 'Countermeasures in International Law and Their Role in Cyberspace' *Chatham House* (23 May 2024) [60 pages]

Reading Questions

01. What are countermeasures and how do they apply in the cyber domain according to Deeks?
02. What is retorsion and what actions may constitute retorsion in response to hostile cyber operations according to Kossef?
03. What are the different objectives of bringing criminal charges against foreign state-linked hackers according to Hinck and Maurer?
04. Why does the US government have no principled basis to complain about cyber espionage operations according to Goldsmith?

SESSION 5 STATE RESPONSIBILITY AND CYBER OPERATIONS (IV): SURVEILLANCE

MONDAY 17 FEBRUARY 2025, 17.15 – 19.00

In this session, we will explore contemporary State cyber surveillance practices and their governance under human rights law. We will begin by discussing the meaning of privacy and why it matters, as well as relationship between privacy and security in the digital age. We will then turn to consider the regulation of bulk surveillance practices under international and regional human rights law, with a focus on the recent caselaw of the European Court of Human Rights. Finally, the session will conclude with a debate on global spyware.

Compulsory Reading [46 pages + 10 mins video]

Defining and Debating Privacy and Surveillance

01. Richards, N, 'Introduction: The Privacy Conversation', in N. Richards, *Why Privacy Matters* (OUP 2022) 1. [10 pages]
02. Bernal, P, 'Seven Myths of Surveillance', in P. Bernal, *The Internet, Warts and All* (CUP 2018) 168, **pp.168-185**. [17 pages]

Surveillance and Human Rights

03. Christakis, T., and Bouslimani, K., 'National Security, Surveillance and Human Rights', in R. Geiss and N. Melzer (eds), *The Oxford Handbook on the International Law of Global Security* (OUP 2021) 699. [12 pages]
04. Zalnieriute, M., 'Procedural Fetishism and Mass Surveillance under the ECHR' *Verfassungsblog* (2 June 2021). [4 pages]
05. Tzanou, M., 'Public Surveillance Before the European Courts: Progressive Legitimation or a Shift Towards a More Pragmatic Approach?' *Verfassungsblog* (6 April 2022). [3 pages]
06. **Critical Debate Video:** Amnesty International, 'How Your Phone Can Be Weaponized Against You' (16 March 2022) (accessible [here](#)) [10 mins]

Optional Recommended Readings (i.e., only if time):

07. Richards, N, 'What Privacy Is', in N. Richards, *Why Privacy Matters* (OUP 2022) 17 [18 pages].
08. Solove, D.J., and Hartzog, W. 'Kafka in the Age of AI and the Futility of Privacy as Control' 104 *Boston University Law Review* 1021 [20 pages; podcast discussion of paper accessible [here](#)]
09. Puri, A, 'The Group Right to Mutual Privacy' (2023) 2 *Digital Society* 22 [15 pages]
10. Çali, B., 'Has 'Control Over Rights Doctrine' for Extra-territorial Jurisdiction Come of Age? Karlsruhe, Too, Has Spoken, Now it's Strasbourg's Turn' *EJIL:Talk!* (21 July 2020). [4 pages]
11. Rusinova, V., 'Privacy and the Legalisation of Mass Surveillance: In Search of a Second Wind for International Human Rights Law' (2022) 26 *The International Journal of Human Rights* 740. [10 pages]
12. Buchan, R., 'Eye on the Spy: International Law, Digital Supply Chains and the SolarWinds and Microsoft Hacks' *Völkerrechtsblog* (31 March 2021). [3 pages]
13. Lubin, A., 'SolarWinds as a Constitutive Moment: A New Agenda for the International Law of Intelligence' *Just Security* (23 December 2020). [6 pages]
14. Sander, B., and Belli, L., 'Covid-19, Cyber Surveillance Normalisation and Human Rights Law' *Opinio Juris* (1 April 2020). [4 pages]

Critical Debate Leadership: Global Spyware [40 pages]

15. Kaye, D, 'The Spyware State and the Prospects for Accountability' (2021) 27 *Global Governance* 483 [6 pages]
16. Kaye, D, and McKune, S, 'The Scourge of Commercial Spyware – and How to Stop It' *Lawfare* (25 August 2023) [3 pages]
17. Wagner, B, 'Whose Politics? Whose Rights? Transparency, Capture and Dual-Use Export Controls' (2020) *Security and Human Rights* 35. [10 pages]
18. Anstis, S, and Barnett, S, 'Digital Transnational Repression and Host States' Obligation to Protect Against Human Rights Abuses' (2022) *Journal of Human Rights Practice* [21 pages]

Optional Recommended Readings (i.e., only if time):

19. Lubin, A, 'Selling Surveillance' *Indiana Legal Studies Research Paper No. 495* (2023) [45 pages]
20. Kim, H, 'Global Export Controls of Cyber Surveillance Technology and the Disrupted Triangular Dialogue' (2021) *International and Comparative Law Quarterly* 379 [35 pages]
21. Riecke, L., 'Unmasking the Term 'Dual Use' in EU Spyware Export Control' (2023) *European Journal of International Law* 697 [24 pages]
22. Carpanelli, E, 'Transfer of Surveillance Technology and End-Use Human Rights Abuses: The International Responsibility of the Technology-Exporting State Between Complicity and Due Diligence' (2023) 12 *International Human Rights Law Review* 243 [34 pages]

Reading Questions

01. Reflecting on the texts by Richards and Bernal, what is privacy, why does it matter, and how does the concept of privacy relate to the concept of security?
02. Based on the chapter by Christakis and Bouslimani and the blog posts by Zalnieriute and Tzanou, what are the criteria used to assess the compatibility of surveillance practices with human rights law and how is their interpretation evolving within the jurisprudence of the European Court of Human Rights?
03. Why might recent judgments of the Court of Justice of the EU and European Court of Human Rights concerning cyber surveillance signify 'a less naïve approach to surveillance' according to Tzanou? Do you agree?

SESSION 6 **PLATFORM GOVERNANCE (I): CONTENT MODERATION AND THE CORPORATE RESPONSIBILITY TO RESPECT HUMAN RIGHTS**

THURSDAY 20 FEBRUARY 2025, 13.15 – 15.00

In this session, we will begin to explore the governance of online platforms, with a focus on the mechanics of content moderation, the different influences over moderation practices, and the range of concerns to which such practices have given rise. The session will also introduce the different pillars of a human rights-based approach to content moderation, before concluding with a debate on the promise and pitfalls of online platforms having recourse to human rights law as the basis for their content moderation practices.

Compulsory Reading [57 pages + 13 mins video]

01. Gorwa, R., 'What is Platform Governance?' (2019) 22 *Information, Communication & Society* 854, **pp.856-861 only**. [6 pages]
02. Owen, T., 'The Case for Platform Governance' (2019) *CIGI Papers No. 231*. [16 pages]
03. Sander, B., 'Freedom of Expression in the Age of Online Platforms: The Promise and Pitfalls of a Human Rights-Based Approach to Content Moderation' (2020) 43 *Fordham International Law Journal* 939, **pp.943-955 only**. [12 pages]
04. Douek, E., 'Content Moderation as Systems Thinking' (2022) 136 *Harvard Law Review* 526, **pp.535-556 only**. [21 pages]
05. 'Inside the Traumatic Life of a Facebook Moderator' *The Verge* (19 June 2019) (accessible [here](#)) [13 minutes]
06. **Critical Debate Reading:** Dvoskin, B., 'International Human Rights Law Is Not Enough to Fix Content Moderation's Legitimacy Crisis' *Medium* (16 September 2020). [2 pages]

Optional Recommended Readings (i.e., only if time):

07. Starr, P. 'How Neoliberal Policy Shaped the Internet – and What to Do About It Now' *The American Prospect* (2 October 2019). [8 pages]
08. Crain, M., 'How Capitalism – Not a Few Bad Actors – Destroyed the Internet' *Boston Review* (3 August 2022). [9 pages]
09. Lewis-Kraus, G. 'How Harmful Is Social Media?' *The New Yorker* (3 June 2022) [6 pages]
10. Belli, L., 'Structural Power as a Critical Element of Social Media Platforms' Private Sovereignty', in E. Celeste et al. (eds), *Constitutionalising Social Media* (Hart 2022) 81 [19 pages]
11. Llansó, E., et al., 'Artificial Intelligence, Content Moderation, and Freedom of Expression' *Transatlantic Working Group* (26 February 2020) 1, **pp.2-13** [10 pages]
12. Griffin, R., 'Algorithmic Content Moderation Brings New Opportunities and Risks' *CIGI* (23 Oct. 2023) [2 pages]
13. Balkin, J.M., 'Free Speech is a Triangle' (2018) 118 *Columbia Law Review* 2011, **pp.2011-2032** [20 pages]
14. Hamilton, R.J., 'Governing the Global Public Square' (2021) 62 *Harvard International Law Journal* 117 [56 pages]
15. Waldman, A.E., 'Disorderly Content' (2022) 97 *Washington Law Review* 907. [67 pages]
16. Nyabola, N., et al., 'The Four Domains of Global Platform Governance' *CIGI Essay Series* (13 June 2022) (accessible [here](#)).

Critical Debate Leadership: Human Rights Responsibilities of Online Platforms [43 pages]

17. Sander, B., 'Freedom of Expression in the Age of Online Platforms: The Promise and Pitfalls of a Human Rights-Based Approach to Content Moderation' (2020) 43 *Fordham International Law Journal* 939, **pp.963-970 only**. [7 pages]
18. Douek, E., 'The Limits of International Law in Content Moderation' (2021) 6 *UCI Journal of International, Transnational, and Comparative Law* 37. [36 pages]

Optional Recommended Readings (i.e., only if time):

19. Benesch, S., 'But Facebook's Not a Country: How to Interpret Human Rights Law for Social Media Companies' (2020) 38 *Yale Journal on Regulation Bulletin* 86 [25 pages]
20. Dvoskin, B., 'Expert Governance of Online Speech' (2023) *Harvard International Law Journal* 85 [50 pages]

Reading Questions

01. How does Gorwa define platform governance and what are the emerging modes of governance that he identifies?
02. According to Owen, what are the costs of the platform economy and what the key features of the platform governance agenda he advances in response?
03. What are the mechanics of content moderation on online platforms and the different factors that influence moderation practices elaborated by Sander?
04. What are the key characteristics of the two waves of content moderation scholarship identified by Douek?

SESSION 7 **PLATFORM GOVERNANCE (II): CONTENT MODERATION AND THE STATE OBLIGATION TO PROTECT HUMAN RIGHTS**

MONDAY 24 FEBRUARY 2025, 17.15 – 19.00

In this session, we will explore the relationship between states and the content moderation practices of online platforms. The session will begin with a brief history of state efforts to control online platforms, including the different techniques relied upon by states to deputize platforms to moderate online content on their behalf. We will then explore the extent to which the concept of sanitisation and human rights law may provide useful frames for reflecting on state regulation in this context – relying on a range of case studies that illustrate different legislative frameworks around the world as well as the policies adopted by online platforms in response. The session will conclude with a debate on the Meta Oversight Board.

Compulsory Reading [49-55 pages]

State Governance of Content Moderation

01. Botero Arcila, B, and Griffin, R, *Social Media Platforms and Challenges for Democracy, Rule of Law and Fundamental Rights* (European Union 2023), **pp.9-13 and 22-40 only** [22 pages]
02. Keller, D, 'The Rise of the Compliant Speech Platform' *Lawfare* (16 October 2024) [2 pages]

Optional Recommended Readings (i.e., only if time):

03. Chander, A., and Sun, H., 'Sovereignty 2.0' *Georgetown Law Faculty Publications and Other Works* (2021). [34 pages]
04. Land, M.K., 'Against Privatised Censorship: Proposals for Responsible Delegation' (2020) 60 *Virginia Journal of International Law* 363, **pp.368-388** [21 pages]

Regulatory Frames

05. Choose one of the following:

- a. Griffin, R., 'The Sanitised Platform' (2022) 13 *Journal of Intellectual Property, Information Technology and E-Commerce Law* 36. [17 pages]
- b. Global Network Initiative, *Content Regulation and Human Rights: Analysis and Recommendation* (2020), **pp.4-25 only**. [22 pages]

Optional Recommended Readings (i.e., only if time):

06. Van Hoboken, J, and Keller, D, 'Design Principles for Intermediary Liability Laws' *TWG* (2019). [9 pages]
07. Beduschi, A. 'Regulatory Approaches to Online Harms and Human Rights: Three Case Studies' (Geneva Academy 2022). [13 pages]
08. Sander, B., 'Democratic Disruption in the Age of Social Media: Between Marketized and Structural Conceptions of Human Rights Law' (2021) 32 *European Journal of International Law* 159. [35 pages]
09. Griffin, R, 'Rethinking Rights in Social Media Governance: Human Rights, Ideology and Inequality' (2023) 2 *European Law Open* 30. [26 pages]
10. Tuchtfield, E., *Case Law on Content Moderation and Freedom of Expression* (Columbia 2023). [18 pages]
11. Van Hoboken, J, et al (eds), *Putting the DSA into Practice* (Verfassungsbooks 2023) [243 pages]
12. **Podcast:** Unpacking the Principles of the Digital Services Act with Martin Husovec' *Tech Policy Press* (27 October 2024) [48 mins] (accessible [here](#))
13. Llansó, E, et al., 'Artificial Intelligence, Content Moderation, and Freedom of Expression' *TWG* (2020) [21 pages]

Case Studies

14. Choose at least one of the following:

- a. Daskal, J., 'A European Court Decision May Usher In Global Censorship' *Slate* (3 October 2019). [3 pages]
- b. Woods, A.K., 'The CJEU Facebook Ruling: How Bad Is It, Really?' *Lawfare* (4 October 2019). [2 pages]

15. Choose **at least one** of the following:

- a. Keller, D., 'Regulating Facebook's Algorithms – Not An Easy Task' *EurActiv* (4 November 2021). [2 pages]
- b. Cobbe, J., and Singh, J., 'Regulating Recommending: Legal and Policy Directions for Governing Platforms' *Verfassungsblog* (29 March 2022). [4 pages]

The Meta Oversight Board

16. **Critical Debate Reading:** Choose **at least one** of the following:

- a. Helfer, L., and Land, M.K., 'Is the Facebook Oversight Board an International Human Rights Tribunal?' *Lawfare* (13 May 2021). [3 pages]
- b. Doss, A.F., 'Facebook's Oversight Board Didn't Solve the Content Moderation Riddle. We Shouldn't Be Surprised' *Just Security* (10 May 2021). [3 pages]
- c. **Podcast:** 'The Facebook Oversight Board & International Human Rights Law' *The Promise Institute Podcast* (22 May 2021) (accessible [here](#)). [41 mins]

Critical Debate Leadership: The Meta Oversight Board [39 pages]

17. Levy, S., 'Inside Meta's Oversight Board: 2 Years of Pushing Limits' *WIRED* (8 November 2022) [8 pages]
18. Patel, F., and Hecht-Felella, L., 'Oversight Board's First Rulings Show Facebook's Rules Are a Mess' *Just Security* (19 February 2021). [4 pages]
19. Domino, J., 'Why Facebook's Oversight Board is Not Diverse Enough' *Just Security* (21 May 2020). [5 pages]
20. The Trump Decision (full decision available [here](#))
 - a. Milanovic, M., 'Facebook Oversight Board Made the Right Call on the Trump Suspension' *EJIL:Talk!* (2021). [2 pages].
 - b. MacKinnon, R., 'The Facebook Oversight Board Did the Best It Could on the Trump Decision' *Slate* (5 May 2021). [3 pages]
 - c. Douek, E., 'It's Not Over: The Oversight Board's Trump Decision Is Just the Start' *Lawfare* (5 May 2021) and 'Facebook's Responses in the Trump Case Are Better than a Kick in the Teeth, but Not Much' *Lawfare* (4 June 2021). [6 pages]
 - d. Patel, F., and Ayoub, E., 'Is Meta Up for the Challenge Now That It's Reinstated Trump?' *Just Security* (14 March 2023) [3 pages]
21. The Hun Sen Decision (full decision available [here](#))
 - a. Kelliher, F., 'Facebook's Litmus Test in Cambodia' *Foreign Policy* (5 June 2023) [4 pages]
 - b. Kelliher, F., 'Cambodia PM Hun Sen Accused of Inciting Violence on Social Media' *Al Jazeera* (29 June 2023) [2 pages]
 - c. Brandom, R., 'How the Oversight Board Sparked a Standoff in Cambodia' *Rest of World* (6 July 2023) [2 pages]
22. Further information on the Oversight Board can be found on its website [here](#), including its past case decisions and policy advisory opinions [here](#).

Optional Recommended Readings (i.e., only if time):

23. Arun, C., 'Facebook's Faces' (2022) 135 *Harvard Law Review Forum* 236. [28 pages]
24. Helfer, L.R., and Land, M.K., 'The Meta Oversight Board's Human Rights Future' (2023) 44 *Cardozo Law Review*. [70 pages]
25. Douek, E., 'Facebook's "Oversight Board:" Move Fast with Stable infrastructure and Humility' (2019) 21 *North Carolina Journal of Law & Technology* 1. [77 pages]
26. Douek, E., 'The Meta Oversight Board and the Empty Promise of Legitimacy' (2024) 37 *Harvard Journal of Law & Technology* 374 [70 pages]

27. Tiedeke, AS, and Fertmann, M, 'A Love Triangle? Mapping Interactions between International Human Rights Institutions, Meta and Its Oversight Board' (2024) 34 *European Journal of International Law* 907 [32 pages]
28. Klonick, K, 'The Facebook Oversight Board: Creating an Independent Institution to Adjudicate Online Free Expression' (2020) 129 *Yale Law Journal* 2418, [76 pages]
29. Kadri, T.E., 'Judicial Discourse for Platforms' (2022) 136 *Harvard Law Review Forum* 163. [40 pages]

Reading Questions

01. Reflecting on the paper by Botero Arcila and Griffin, what are intermediary liability and due diligence obligations in content moderation?
02. Reflecting on the post by Keller, what is the compliant speech platform?
03. Reflecting on the paper by Griffin, what are some of the current trends in European social media regulation, and to what extent does the concept of sanitisation provide a useful frame for critiquing such trends?
04. Reflecting on the policy brief by Global Network Initiative, in what ways might the vocabulary of human rights law guide and constrain state regulation of online content moderation in practice?
05. Reflecting on the posts by Daskal and/or Woods, to what extent does the CJEU's decision in the *Glawischnig-Piesczek* case set the stage for the most censor-prone States to set global speech rules?
06. Reflecting on the posts by Keller and/or Cobbe/Singh, what are some of the challenges of regulating recommending on social media platforms?

SESSION 8 **PLATFORM GOVERNANCE (III): MASS ATROCITIES, EXTREMIST CONTENT, & HATE SPEECH IN THE AGE OF ONLINE PLATFORMS**

THURSDAY 27 FEBRUARY 2025, 13.15 – 15.00

This session will explore the relationship between online platforms, mass atrocities, extremism and hate speech. The session will begin by exploring the application of international criminal law to the role of online platforms in fuelling atrocity crimes, as well as examining a broader range of tools that might be relied upon to prevent atrocity speech before it arises and minimise its impact after it occurs. The session will then reflect on controversies and challenges that have arisen concerning the preservation and use of open source evidence in human rights and international criminal investigations. The session will conclude with a debate either on internet shutdowns or digital advocacy.

Compulsory Reading [53 pages]

Mass Atrocities in the Age of Online Platforms

01. Sander, B., 'Mass Atrocities in the Age of Facebook – Towards a Human Rights-Based Approach to Platform Responsibility: Parts One and Two' *Opinio Juris* (16-17 December 2019). [6 pages]
02. Raj Singh, S., 'Move Fast and Break Societies: The Weaponisation of Social Media and Options for Accountability under International Criminal Law' (2019) 8 *Cambridge International Law Journal* 331. [12 pages]
03. Hamilton, R., 'De-platforming Following Capitol Insurrection Highlights Global Inequities Behind Content Moderation' *Just Security* (20 January 2021). [3 pages]
04. Botero Arcila, B, and Griffin, R, *Social Media Platforms and Challenges for Democracy, Rule of Law and Fundamental Rights* (European Union 2023), **pp.48-62 only** [14 pages]

Optional Recommended Readings (i.e., only if time):

05. Parmar, T., 'A Professor Was Murdered After a Facebook Post Branded Him a Traitor. Was Facebook Complicit in His Death?' *Business Insider* (15 April 2023) [9 pages]
06. Lennett, B, 'The Supreme Court Finds Terrorism Cases Against Twitter and Google Lacking. What Does it Mean for the Future of Big Tech Accountability?' *Tech Policy Press* (21 May 2023). [2 pages]
07. Van de Kerkhof, J., 'Sanchez v France, Expansion of Intermediary Liability in the Context of Online Hate Speech' *Inform* (7 August 2023). [5 pages]
08. Hakim, N., 'How Social Media Companies Could Be Complicit in Incitement to Genocide' (2020) 21 *Chicago Journal of International Law* 83. [32 pages]
09. Holvoet, M., 'International Criminal Liability for Spreading Disinformation in the Context of Mass Atrocity' (2022) 20 *Journal of International Criminal Justice* 223. [26 pages]
10. Hamilton, R.J., 'Platform-Enabled Crimes: Pluralizing Accountability When Social Media Companies Enable Perpetrators to Commit Atrocities' (2022) 63 *Boston College Law Review* 1349. [70 pages]
11. Wilson, R.A., and Land, M.K., 'Hate Speech on Social Media: Content Moderation in Context' (2021) 52 *Connecticut Law Review* 1029 [45 pages]
12. Land, M.K., and Hamilton, R.J, 'Beyond Takedown: Expanding the Toolkit for Responding to Online Hate', in Dojčinović, P (ed), *Propaganda and International Criminal Law* (Routledge 2020) 143. [11 pages]
13. Raj Singh, S, *Leveraging Social Media for Genocide and Mass Atrocity Prevention: Understanding the Digital Toolbox* (Simon-Skjoldt Center for the Prevention of Genocide 2024) [55 pages]

Open-Source Evidence

14. Koenig, A., 'Meta's Oversight Board Recommends Major Advance in International Accountability' *Just Security* (22 June 2023). [2 pages]
15. Koenig, A., 'Can a Tweet be Evidence? How Social Media is being Used to Hunt Down War Crimes in Ukraine' (11 April 2022). [5 pages]
16. Bekker, M.A., 'The Gambia v Facebook: Obtaining Evidence for Use at the International Court of Justice (Parts I and II)' *EJIL:Talk!* (5-6 October 2021). [8 pages]

Optional Recommended Readings (i.e., only if time):

17. Hamilton, R.J., 'User-Generated Evidence' (2018) 57 *Columbia Journal of Transnational Law* 1. [57 pages]
18. D'Alessandra, F., and Sutherland, S., 'The Promise and Challenges of New Actors and New Technologies in International Justice' (2021) 19 *Journal of International Criminal Justice* 9. [25 pages]
19. A. Koenig, 'From "Capture to Courtroom": Collaboration and the Digital Documentation of International Crimes in Ukraine' (2022) 20 *Journal of International Criminal Justice* 829. [14 pages]
20. McDermott, Y., Koenig, A., and Murray, D., 'Open Source Information's Blind Spot: Human and Machine Bias in International Criminal Investigations' (2021) 19 *Journal of International Criminal Justice* 85. [20 pages]
21. Murray, D., McDermott, Y., and Koenig, A., 'Mapping the Use of Open Source Research in Human Rights Investigations' (2022) 14 *Journal of Human Rights Practice* 554. [22 pages]
22. Vázquez Llorente, R., and McDermott, Y., 'Trust, Trust, and AI: Justice and Accountability for International Crimes in the Era of Digital Deception' *Just Security* (17 June 2024) [6 pages]

Internet Shutdowns / Digital Advocacy

23. Critical Debate Reading: Choose **at least one** of the following:

- a. Rydzak, J., 'Shutting Down Social Media Does Not Reduce Violence, But Rather Fuels It' *The Conversation* (29 April 2019) [3 pages]
- b. Drumbl, M.A., 'Child Soldiers and Clicktivism: Justice, Myths and Prevention' (2012) 4 *Journal of Human Rights Practice* 481 [3 pages]

Critical Debate Leadership: Internet Shutdowns / Digital Advocacy [29-37 pages]

Choose one of the following themes:

Internet Shutdowns

24. De Gregorio, G., and Stremlau, N., 'Internet Shutdowns and the Limits of Law' (2020) 14 *International Journal of Communication* 4224 [14 pages]
25. Kumar, S., and Srivastava, S., 'With Internet Shutdowns, India Is Violating a "Duty to Memory"' *Undark Magazine* (15 July 2021) [2 pages]
26. Choose **at least one** of the following:
 - a. Rapp, K., 'Social Media and Genocide: The Case for Home State Responsibility' (2021) 20 *Journal of Human Rights* 486. [13 pages]
 - b. De Gregorio, G., and Stremlau, N., 'Information Interventions and Social Media' (2021) 10 *Internet Policy Review* [18 pages]

Digital Advocacy

27. Schwöbel-Patel, C., 'Kony 2012: Making an Accused *Famous*', in C Schwöbel-Patel, *Marketing Global Justice: The Political Economy of International Criminal Law* (CUP 2021) 151, **pp.151-180** [30 pages]
28. Joyce, D., *Informed Publics, Media, and International Law* (Hart Publishing 2020), **pp.131-137**. [7 pages]

Reading Questions

01. What are some of the possible reasons discussed by Sander that may explain Facebook's failure to address the spread of online hate speech in Myanmar?
02. How might international criminal law apply to the role of online platforms in fuelling atrocity crimes according to Singh? Do you find Singh's proposal for an independent alert mechanism convincing?
03. In what ways does the de-platforming of Donald Trump following the Capitol insurrection highlight global inequities behind content moderation according to Hamilton?
04. Reflecting on the chapter by Botero Arcila and Griffin, what are some of the challenges of addressing online hate speech and what recommendations do the authors advance for pursuing a rights-based approach going forward?
05. Reflecting on the posts by Koenig and Becker, what is the promise of open-source evidence for human rights and international criminal investigations, and what are some of the challenges and controversies that have arisen in practice?

SESSION 9 PLATFORM GOVERNANCE (IV): ONLINE DISINFORMATION, ONLINE POLITICAL MICROTARGETING, AND DATA PROTECTION

MONDAY 3 MARCH 2025, 17.15 – 19.00

This session will explore online disinformation, online political microtargeting, and data protection. The session will begin by discussing different scholarly perspectives on online disinformation, before turning to the related sphere of online political marketing microtargeting. After defining different types of microtargeting, the session will consider the extent to which online political microtargeting is governed by data protection law and human rights law. The session will conclude with a debate on data colonialism and network self-determination.

Compulsory Reading [43-49 pages]

Online Disinformation

01. Khan, I, 'Disinformation and Freedom of Opinion and Expression', *Report of the Special Rapporteur on Freedom of Opinion and Expression* UN Doc A/HRC/47/25 (13 April 2021), **pp.2-6 only**. [5 pages]
02. Herur, A, and Min-Chen Lee, L, 'Imagining Solutions at the Intersection of Elections, Race, and Disinformation' *Tech Policy Press* (7 November 2022) [4 pages]

Optional Recommended Readings (i.e., only if time):

03. Botero Arcila, B, and Griffin, R, *Social Media Platforms and Challenges for Democracy, Rule of Law and Fundamental Rights* (European Union 2023), **pp.65-96**. [31 pages]
04. BSR, *Building a High-Quality Climate Science Information Environment: The Role of Social Media* (BSR 2022). [26 pages]
05. Oversight Board, *Policy Advisory Opinion: Removal of Covid-19 Misinformation* (April 2023). [41 pages]
06. van Hoboken, J., and Ó Fathaigh, R., 'Regulating Disinformation in Europe: Implications for Speech and Privacy' (2021) 6 *UCI Irvine Journal of International, Transnational, and Comparative Law* 9. [25 pages]
07. Quirk, S., 'Lawfare in the Disinformation Age: Chinese Interference in Taiwan's 2020 Elections' (2021) 62 *Harvard International Law Journal* 525. [34 pages]
08. AccessNow, *Informing the Disinfo Debate: A Policy Guide for Protecting Human Rights* (2021). [20 pages]
09. Helberger, N., 'The Political Power of Platforms: How Current Attempts to Regulate Misinformation Amplify Opinion Power' (2020) 8 *Digital Journalism* 842. [9 pages]
10. Marsden, C, et al., 'Platform Values and Democratic Elections: How can the Law Regulate Digital Disinformation?' (2020) 36 *Computer Law & Security Review* 1. [18 pages]
11. Jones, K, *Online Disinformation and Political Discourse: Applying a Human Rights Framework* (Chatham House 2019). [55 pages]

Online Political Microtargeting

12. Dobber, T., Fathaigh, R.O., and Borgesius, F.J.Z., 'The Regulation of Online Political Microtargeting in Europe' (2019) 8 *Internet Policy Review* 1. [12 pages]
13. Lomas, N., 'Ireland's Draft GDPR Decision Against Facebook Branded a Joke' *TechCrunch* (13 October 2021). [3 pages]
14. Lomas, N., 'Sensitive Data Ruling by Europe's Top Court Could Force Broad Privacy Reboot' *TechCrunch* (2 August 2022). [5 pages]
15. Lomas, N., 'Meta's New Year Kicks Off with \$410M+ in Fresh Privacy Fines' *TechCrunch* (4 January 2023) [4 pages]
16. Lomas, N., 'CJEU Ruling on Meta Referral Could Close the Chapter on Surveillance Capitalism' *TechCrunch* (4 July 2023) [3 pages]
17. Lomas, N., 'Meta to Offer Ad-Free Subscription in Europe in Bid to Keep Tracking Other Users' *TechCrunch* (30 October 2023) [2 pages]
18. Lomas, N., 'Europe's DMA Forces Meta Toward 'Less Personalized Ads' *TechCrunch* (12 November 2024) [2 pages]

19. Choose **at least one** of:

- a. MacKenzie-Gray Scott, R, 'Consent or Pay' and the Future of Privacy' *Tech Policy Press* (18 July 2024) [3 pages]
- b. Cabrera, LL, and Maréchal, N, 'The European Data Protection Board's Opinion on "Pay or Okay" Models – Surveillance-based Advertising is on Borrowed Time' *CDT* (10 May 2024) [3 pages]

Optional Recommended Readings (i.e., only if time):

20. Hoofnagle, C.J., et al., 'The European Union General Data Protection Regulation, What It Is and What It Means' (2019) 28 *Information & Communications Technology Law* 65. [34 pages]
21. Veale, M., and Borgesius, F.Z., 'Adtech and Real-Time Bidding under European Data Protection Law' (2022) 23 *German Law Journal* 226. [30 pages]
22. Waldman, A.E., *Industry Unbound*: (CUP 2021), pp.1-14 only. [13 pages]
23. Viljoen, S., 'A Relational Theory of Data Governance' (2021) 131 *Yale Law Journal* 573. [78 pages]
24. Finck, M., 'Hidden Personal Insights and Entangled in the Algorithmic Model' in Kohl, U., and Eisler, J., *Data-Driven Personalisation in Markets, Politics and Law* (CUP 2021) 95 [10 pages]
25. van Hoboken, J., and Fathaigh, R.Ó., 'Smartphone Platforms as Privacy Regulators' (2021) 41 *Computer & Security Law Review* 1. [17 pages]
26. Balkin, J.M., 'The Fiduciary Model of Privacy' (2020) 134 *Harvard Law Review Forum* 11 [23 pages]
27. Bietti, E., 'Consent as a Free Pass' (2020) 40 *Pace Law Review* 307. [88 pages]
28. Hartzog, W., 'The Case Against Idealising Control' (2018) *EDPL* 423. [10 pages]
29. Solove, D.J., 'Privacy Self-Management and the Consent Dilemma' (2013) 26 *HLR* 1880. [24 pages]

Data Colonialism and Network Self-Determination

30. **Critical Debate Reading:** Choose **at least one** of the following:

- a. Belli, L., 'The Scramble for Data and the Need for Network Self-Determination' *openDemocracy* (15 December 2017). [4 pages]
- b. Belli, L., 'WhatsApp Skewed Brazilian Election, Showing Social Media's Danger to Democracy' *The Conversation* (5 December 2018). [2 pages]
- c. Belli, L., 'From Network Neutrality to Network Self-Determination' *TEDx Roma* (17 July 2018) (accessible [here](#)).

Critical Debate Leadership: Data Colonialism and Network Self-Determination [42 pages]

31. Nothias, T., 'Access Granted: Facebook's Free Basics in Africa' (2020) 42 *Media, Culture & Society* 329. [15 pages]
32. Belli, L., 'Network Self-Determination and the Positive Externalities of Community Networks' in L. Belli, (ed.), *Community Networks: The Internet By the People, For the People* (FGV 2017) 35 [27 pages]
33. Couldry, N., and Mejias, U.A., 'Data Colonialism: Rethinking Big Data's Relation to the Contemporary Subject' (2019) 20 *Television & News Media* 336 [10 pages]
(short interview with Couldry and Mejias on their latest book, *Data Grab*, also accessible [here](#))

Optional Recommended Readings (i.e., only if time):

34. Mumford, D., 'Confronting Coloniality in Cyberspace: How to Make the Concept of (In)Stability Useful' in R Chesney et al (eds), *Cyberspace and Instability* (Edinburg University Press 2023) 299 [22 pages]
35. Couldry, N., and Mejias, U.A., 'The Decolonial Turn in Data and Technology Research: What is at Stake and Where is it Heading?' (2021) 26 *Information, Communication & Society* 786. [13 pages]
36. Belli, L., 'Zero Rating: From Generative Internet to Mobile Minitel?', in Belli, L (ed), *Net Neutrality Reloaded: Zero Rating, Specialised Service, Ad Blocking and Traffic Management* (FGV Direito Rio 2016) 23 [22 pages]
37. Belli, L (ed.), *Community Networks: The Internet By the People, For the People*. Official Outcome of the UN IGF Coalition on Community Connectivity (FGV Direito Rio 2017). [246 pages]
38. Kwet, M., 'Digital Colonialism: US Empire and the New Imperialism in the Global South' (2019) 60 *Race & Class* 3 [18 pages]

39. Noble, SU, and Roberts, ST, 'Technological Elites, the Meritocracy, and Postracial Myths in Silicon Valley', in R. Mukherjee et al. (eds), *Racism Postrace* (Duke University Press 2019) 113 [16 pages]
40. Ávila Pinto, R, 'Digital Sovereignty or Digital Colonialism?' (2018) 27 *Sur* 15 [8 pages]

Reading Questions

01. What is disinformation and what are some of the different perspectives on it identified in the report by Khan? What are some of the means of addressing disinformation discussed by Herur and Min-Chen Lee?
02. What is online political microtargeting and how is it regulated under data protection law and human rights law according to the paper by Dobber et al.?
03. What does recent litigation concerning the EU's General Data Protection Regulation (GDPR) examined in the posts by Lomas, MacKenzie-Gray Scott, and Cabrera/Maréchal reveal about the promise and pitfalls of the GDPR?

SESSION 10 EXPERT PANEL: DIGITAL TECHNOLOGY & INTERNATIONAL LAW IN PRACTICE

MONDAY 3 MARCH 2025, 19.30-21.00

In this session, we will hear from a range of different practitioners about their experiences working at the intersection of digital technology and international law in practice. Following their presentations, you will have the chance to ask them questions about their work and gain an insight into some of the challenges of working in the field.



Digital Technology & International Law In Practice

Expert Panel Session

Monday 3 March, 19.30-21.00 | Room 3.07

- **Dr. Iasbella Brunner (centre)**
Postdoctoral Researcher, The Hague Program on International Cybersecurity
- **Maria-Lucia Rebreaan (right)**
PhD Researcher, eLaw – Center for Law and Digital Technologies
- **Giovanni Díaz-Infante Posadas (left)**
Project Manager, European Association for Biometrics (& LUC alum!)
- **Moderator – Dr. Barrie Sander**
Assistant Professor, Leiden University College



SESSION 11 PLATFORM GOVERNANCE (V): PLATFORM POWER AND DOMINANCE

THURSDAY 6 MARCH 2025, 13.15 – 15.00

This session will examine concerns raised by the concentration of power in a small number of dominant online platforms. The session will begin by exploring the concept of ‘data waste’, different forms and sources of platform power, as well as how competition law and pro-competition regulation are seeking to address the practices and business models of today’s leading online platforms. The session will then turn to a range of case studies that illustrate tensions that can arise between platform power, State regulation, and human rights law. The session will conclude with a debate on platform pluralism, including proposals to decentralise the online platform ecosystem.

Compulsory Reading [52-55 pages]

Platform Power

01. Bietti, E., and Vatanparast, R., ‘Data Waste’ (2020) 61 *HILJ Frontiers* 1. [10 pages]
02. Khan, L., ‘Sources of Tech Platform Power’ (2018) 2 *Georgetown Law Technology Review* 325. [9 pages]
03. UNCTAD, ‘Competition Issues in the Digital Economy’ *Note by the UNCTAD Secretariat* TD/B/C.I/CLP/54 (1 May 2019), **paras 1-46 only**. [13 pages]
04. **Choose at least one of the following:**
 - a. European Commission, ‘Questions and Answers: Digital Markets Act: Ensuring Fair and Open Digital Markets’ (6 September 2023). [5 pages]
 - b. Lomas, N, ‘Europe’s DMA Rules for Big Tech Explained’ *TechCrunch* (7 March 2024) [5 pages]

Optional Recommended Readings (i.e., only if time)

05. Dessemon, E.G., ‘Restoring Competition in “Winner-Took-All” Digital Platform Markets’ (UNCTAD 2019).
06. Fletcher, A., ‘International Pro-Competition Regulation of Digital Platforms: Healthy Experimentation or Dangerous Fragmentation?’ *SSRN* (2022). [30 pages]
07. Bietti, E., ‘Self-Regulating Platforms and Antitrust Justice’ (2022) 101 *Texas Law Review* 165. [35 pages]
08. Vatanparast, R., ‘The Code of Data Capital: A Distributional Analysis of Law in the Global Data Economy’ (2021) 1 *juridikum* 98. [12 pages]
09. Kapczynski, A., ‘The Law of Informational Capitalism’ (2020) 129 *Yale Law Journal* 1460. [54 pages]
10. Khan, L.M., ‘Amazon’s Antitrust Paradox’ (2017) 126 *Yale Law Journal* 710. [94 pages]
11. Witt, AC, ‘*Meta v Bundeskartellamt*–Data-Based Conduct Between Antitrust Law and Regulation’ (2024) 12 *Journal of Antitrust Enforcement* 345 [7 pages]
12. Sharon, T, and Gellert, R, ‘Regulating Big Tech Expansionism? Sphere Transgressions and the Limits of Europe’s Digital Regulatory Strategy’ (2024) 27 *Information, Communication & Society* 2651 [13 pages]
13. Guggenberger, N, ‘Moderating Monopolies’ (2023) 38 *Berkeley Technology Law Journal* 119 [50 pages]
14. Eichensehr, K.E., ‘Digital Switzerland’ (2019) 167 *University of Pennsylvania Law Review* 665. [65 pages]
15. Aswad, E.M., ‘Losing the Freedom to be Human’ (2021) 52 *Columbia Human Rights LR* 306. [61 pages]
16. Fisher, A., and Streinz, T., ‘Confronting Data Inequality’ (2022) 60 *Columbia Journal of Transnational Law* 829

Case Studies

17. **Choose at least two from the following:**
 - a. McKune, S., and Deibert, R., ‘Google’s Dragonfly: A Bellwether for Human Rights in the Digital Age’ *Just Security* (2 August 2018). [2 pages]
 - b. Mahapatra, S., Fertmann, M, and Kettman, M.C., ‘Twitter’s Modi Operandi: Lessons from India on Social Media’s Challenges in Reconciling Terms of Service, National Law and Human Rights Law’ *Verfassungsblog* (24 February 2021). [5 pages]
 - c. Hamilton, R., ‘Facebook’s Unconscionable Action in Australia – and What It Means for the Rest of the World’ *Just Security* (18 February 2021). [4 pages] **and** O’Shea, L, ‘Can Australia Save Journalism From the Internet’ *New York Times* (24 February 2021). [1 page]
 - d. ‘Musk, Power, and the EU: Can EU Law Tackle the Challenges of Unchecked Plutocracy?’ *Verfassungsblog* (January 2025) (accessible [here](#) – choose **at least one post** from the series)

Platform Pluralism

18. **Critical Debate Reading:** Choose at least one of the following:

- a. Doctorow, C., 'Twitter and Interoperability: Some Thoughts from the Peanut Gallery' *Deeplinks* (25 January 2021). [4 pages]
- b. Doctorow, C., 'Facebook Says Apple is Too Powerful. They're Right' *Deeplinks* (15 June 2022). [3 pages]

Critical Debate Leadership: Platform Pluralism [47 pages]

19. Masnick, M., 'Protocols, Not Platforms: A Technological Approach to Free Speech' (Knight First Amendment Institute 2019) [28 pages]
20. Palka, P., 'The World of Fifty (Interoperable) Facebooks' (2021) 51 *Seton Hall Law Review* 1193, **pp.1195-1202 and 1228-1239**. [17 pages]

Optional Recommended Readings (i.e., only if time)

21. Griffin, R., 'Public and Private Power in Social Media Governance: Multistakeholderism, The Rule of Law and Democratic Accountability' (2023) 14 *Transnational Legal Theory* 46 [44 pages].
22. Fukuyama, F., 'Making the Internet Safe for Democracy' (2021) 32 *Journal of Democracy* 37. [8 pages]
23. Keller, D., 'Making Middleware Work' (2021) 32 *Journal of Democracy* 168. [5 pages]
24. Article 19, *Taming Big Tech: Protecting Freedom of Expression Through the Unbundling of Services, Open Markets, Competition, and Users' Empowerment* (2021). [12 pages]
25. Cyphers, B., and Doctorow, C., *Privacy Without Monopoly: Data Protection and Interoperability* (EFF 2021). [28 pages]
26. Keller, D., 'Lawful But Awful? Control over Legal Speech by Platforms, Governments, and Internet Users' (2022) *The University of Chicago Law Review Online*. [6 pages]
27. Douek, E., 'The Rise of Content Cartels' (Knight First Amendment Institute 2020). [32 pages]
28. Doctorow, C., 'Saving the News from Big Tech' (EFF 2023). [18 pages]
29. Rozenshtein, AZ, 'Moderating the Fediverse: Content Moderation on Distributed Social Media' (2023) 3 *Journal of Free Speech Law* 217 [19 pages]
30. Seipp, T.E., et al. 'Dealing with Opinion Power in the Platform World: Why We Really Have to Rethink Media Concentration Law' (2023) *Digital Journalism*. [20 pages]
31. **Videos/Podcasts:**
 - a. 'Reimagine the Internet Day Three' *Knight First Amendment Institute* (13 May 2021) (accessible [here](#)).
 - b. 'Reconciling Social Media & Democracy, Fukuyama, Keller, Maréchal & Reisman' *Tech Policy Press* (12 October 2021) (accessible [here](#)).
 - c. Electronic Frontier Foundation, 'Interoperable Facebook' (19 September 2022) (accessible [here](#)).

Reading Questions

01. What is 'data waste' according to Bietti and Vatanparast?
02. What are the different forms, sources, and abuses of platform power identified by Khan?
03. In what ways do competition law frameworks need to adapt to the features and business models of online platforms according to UNCTAD? To what extent is the Digital Markets Act responding to the concerns raised in the UNCTAD report?
04. What do the posts by McKune/Deibert (China/Google), Mahapatra et al. (India/Twitter), Hamilton and O'Shea (Australia/Facebook), and/or the Verfassungsblog Debate Series (Europe/Musk) reveal about the tensions that may arise between state regulation, human rights law, and online platform policies?

SESSION 12 CROSS-CUTTING THEMES (I): TECHNOLOGICAL EXPERIMENTATION

THURSDAY 13 MARCH 2025, 13.15 – 15.00

This session will critically examine different ways in which state and non-state actors are conducting technological experiments on vulnerable groups across the world. The session will begin by considering the human rights concerns raised by growing technological experimentation in contexts of global migration, smart cities, and the welfare state. The session will conclude with a debate on challenges and controversies that have arisen with respect to online content moderation of *either* deep fakes *or* encrypted messages.

Compulsory Reading [52-55 pages]

Global Migration

01. Arun, C., 'AI and the Global South: Designing for Other Worlds', in M.D. Dubber et al. (eds). *The Oxford Handbook of Ethics of AI* (OUP 2020) 589, **589-603 only**. [13 pages]
02. Madianou, M., 'Technocolonialism: Digital Innovation and Data Practices in the Humanitarian Response to Refugee Crises' (2019) *Social Media + Society* 1. [10 pages]
03. **Choose at least one of the following:**
 - a. McGregor, L, and Molnar, P, 'Digital Border Governance: A Human Rights Based Approach' (University of Essex and UN Human Rights 2023), **20-25 only** [5 pages]
 - b. Fink, M., 'Why it is so Hard to Hold Frontex Accountable: On Blame-Shifting and an Outdated Remedies System' *EJIL:Talk* (26 November 2020). [3 pages]

Optional Recommended Readings (i.e., only if time):

04. Beduschi, A., 'Harnessing the Potential of Artificial Intelligence for Humanitarian Action: Opportunities and Risks' (2022) 104 *International Review of the Red Cross* 1149. [20 pages]
05. Achiume, T.E., 'Digital Race Borders' (2021) 115 *AJIL Unbound* 333. [5 pages]
06. Van Den Meersche, D., 'Virtual Borders: International Law and the Elusive Inequalities of Algorithmic Association' (2022) 33 *European Journal of International Law* 171. [32 pages]
07. Molnar, P., 'EU's AI Act Falls Short on Protecting Rights at Borders' *Just Security* (20 December 2023) [3 pages]
08. Molnar, P., 'Technology on the Margins: AI and Global Migration Management from a Human Rights Perspective' (2019) 8 *Cambridge International Law Journal* 305. [25 pages]

Smart Cities & Digital Welfare State

09. Ranchordas, S., 'Cities of God: Smart Cities and Surveillance' *Verfassungsblog* (17 December 2021). [5 pages]
10. Choplin, A., and Lozivit, M., 'Fablabs in Africa: Digital-Innovation for Sustainable Cities?' *Metropolitics* (16 April 2021). [6 pages]
11. Joshi, D., 'Dutch Court Provides Valuable Precedent for Human Rights in the Digital Welfare State' *Oxford Human Rights Hub* (26 March 2020). [1 page]

Optional Recommended Readings (i.e., only if time):

12. Botero Arcila, B., 'Smart City Technologies: A Political Economy Introduction to Their Governance Challenges', in J.B. Bullock et al. (eds), *The Oxford Handbook of AI Governance* (OUP 2022). [12 pages]
13. Wernick, A., and Artyushina, A., 'Future-proofing the City: A Human Rights-Based Approach to Governing Algorithmic, Biometric and Smart City Technologies' (2023) 12 *Internet Policy Review*. [12 pages]
14. Van Bekkum, M., and Borgesius, FZ, 'Digital Welfare Fraud Detection and the Dutch SyRI Judgment' (2021) 23 *European Journal of Social Security* 323. [15 pages]
15. Ranchordas, S., 'Nudging Citizens Through Technology in Smart Cities' (2020) 34 *International Review of Law, Computers & Technology* 254. [18 pages]
16. Alston, P., 'Digital Welfare and Human Rights' *Report of the Special Rapporteur on Extreme Poverty and Human Rights* UN Doc. A/74/493 (11 October 2019). [18 pages]

Deep Fakes / Encryption

17. **Critical Debate Readings:** Choose **at least one** of the following:

- a. Hao, K., 'The Biggest Threat of Deepfakes Isn't the Deepfakes Themselves' *MIT Technology Review* (10 October 2019). [2 pages]
- b. **Video:** 'How Nonconsensual Deepfake Porn Targets Women' *ABC News* (accessible [here](#)) [6 mins]
- c. Landau, S., 'Normalizing Surveillance' *Lawfare* (30 August 2021). [2 pages]

Critical Debate Leadership: Deep Fakes / Encryption [43-45 pages]

Choose **one** of the following **themes**:

Deep Fakes

18. Chesney, R., and Citron, D., 'Deep Fakes and the New Disinformation War: The Coming Age of Post-Truth Geopolitics' *Foreign Affairs* (January/February 2019). [9 pages]
19. Chesney, R., et al., 'About That Pelosi Video: What to Do About 'Cheapfakes' in 2020' *Lawfare* (29 May 2019). [3 pages]
20. Meskys, E., et al., 'Regulating Deep Fakes: Legal and Ethical Considerations' (2020) 15 *Journal of Intellectual Property Law & Practice* 24. [8 pages]
21. Henry, N., and Witt, A., 'Governing Image-Based Sexual Abuse: Digital Platform Policies, Tools, and Practices', in J. Bailey et al. (eds), *The Emerald International Handbook on Technology-Facilitated Violence and Abuse* (Emerald 2021) 749. [16 pages]
22. McGlynn, C., and Woods, L., 'Pornography Platforms, the EU Digital Services Act and Image-Based Sexual Abuse' *LSE Blog* (26 January 2022). [5 pages]
23. Prtorić, J., 'EU's Amended Digital Services Act Fails to Better Regulate "Revenge Porn"' *openDemocracy* (13 May 2022). [2 pages]
24. Heikkilä, M., 'Three Ways We Can Fight Deepfake Porn' *MIT Technology Review* (29 January 2024) [2 pages]

Optional Recommended Readings (i.e., only if time):

25. Vazquez Llorente, R., and Gregory, S., 'Regulating Transparency in Audiovisual Generative AI: How Legislators Can Center Human Rights' *Tech Policy Press* (18 October 2023) [3 pages]
26. Moreno, FP, 'Generative AI and Deepfakes: A Human Rights Approach to Tackling Harmful Content' (2024) 38 *International Review of Law, Computers & Technology* [24 pages]
27. Chesney, R., and Citron, D., 'Deep Fakes: A Looming Challenge for Privacy' (2019) 107 *California Law Review* 1753. [67 pages]
28. Rigotti, C, McGlynn, C, and Benning, F, 'Image-Based Sexual Abuse and EU Law: A Critical Analysis' (2024) *German Law Journal* 1 [22 pages]
29. Blunt, D et al., 'Deplatforming Sex: A Roundtable Conversation' (2021) 8 *Porn Studies* 420 [20 pages]
30. Citron, D.K., 'Sexual Privacy' (2019) 128 *Yale Law Journal* 1870. [86 pages]

Encryption

31. Kamara, S., et al., *Outside Looking In: Approaches to Content Moderation in End-to-End Encrypted Systems* (Center for Technology and Democracy 2021), **pp.5-29 only**. [25 pages]
32. Global Partners Digital, *Encryption Laws and Policies: Human Rights Assessment Tool* (December 2020). [15 pages]
33. Landau, S., 'The EU's Proposal on CSAM is a Dangerous Misfire' *Lawfare* (23 June 2022). [3 pages]

Optional Recommended Readings (i.e., only if time):

34. Arun, C., 'On WhatsApp, Rumours, and Lynchings' (2019) 54 *Economic & Political Weekly* 30. [6 pages]
35. BSR, *Human Rights Impact Assessment: Meta's Expansion of End-to-End Encryption: Executive Summary* (BSR 2022), **pp.3-36 only**. [34 pages]

Reading Questions

01. What is the meaning of 'Global South' and what are some of the ways in which AI may affect the Global South, according to Arun?
02. What are the five logics that characterise the humanitarian sector and to what extent are they identifiable in the context of biometric refugee registration in Bangladesh, according to Madianou?
03. What are the merits of a human rights-based approach to addressing the risks and concerns posed by digital border technologies according to McGregor and Molnar?
04. Why is it so hard to hold Frontex accountable, according to Fink?
05. What are 'smart cities', and what concerns do they raise, according to Ranchordas?
06. What are some of the benefits and limits of fablabs and frugal models of innovation, according to Choplin and Lozivit?
07. What is SyRI and on what grounds did the Court at First Instance in The Hague decide that it was unlawful, according to Joshi?

SESSION 13 **CROSS-CUTTING THEMES (II)**
NEW CRITICAL RESEARCH ON ARTIFICIAL INTELLIGENCE AND INTERNATIONAL LAW
(INCLUDING GUEST EXPERT SPEAKER: DR. HENNING LAHMANN, LEIDEN UNIVERSITY)

MONDAY 17 MARCH 2025, 17.15 – 19.00

This session will explore showcase recent scholarship at the intersection of artificial intelligence (AI) and international law. In particular, the session will focus on two topics: first, the risks and burdens of relying on AI technologies to address the climate crisis; and second, the use of AI technologies within military decision-support systems. For each topic, the speakers will explore the promise and perils of different vocabularies of international law for addressing the concerns to which reliance on AI gives rise.

Compulsory Reading [16 pages]

AI Governance

01. Chesterman, S., 'The Tragedy of AI Governance' *Just Security* (18 October 2023) [4 pages]
02. Powles, J., and Nissenbaum, H., 'The Seductive Diversion of 'Solving' Bias in Artificial Intelligence' *Medium* (7 December 2018). [2 pages]

Optional Recommended Readings (i.e., only if time):

03. Veale, M., et al. 'AI and Global Governance: Modalities, Rationales, Tensions' (2023) 19 *Annual Review of Law and Social Science* 1. [20 pages]
04. Png, M-T., 'At the Tensions of South and North: Critical Roles of Global South Stakeholders in AI Governance', in J.B. Bullock et al. (eds), *The Oxford Handbook of AI Governance* (OUP 2022). [20 pages]
05. Jones, K, *AI Governance and Human Rights: Resetting the Relationship* (Chatham House 2023). [51 pages]
06. Salvaggio, E, 'Challenging The Myths of Generative AI' *Tech Policy Press* (29 August 2024) [xx pages]

AI and the Climate Crisis

07. Sander, B., 'At the Intersection of Climate Change, AI, and Human Rights Law: Towards a Solidarity-Based Approach (Parts I and II) *AfronomicsLaw* (November 2023) [6 pages]

Optional Recommended Readings (i.e., only if time):

08. **Podcast:** 'Kate Crawford: On the Toll AI Is Taking on Humans and the Planet' *Big Tech* (27 May 2021) (accessible [here](#)). [43 mins]
09. Leheudé, S, 'An Elemental Ethics for Artificial Intelligence: Water as Resistance within AI's Value Chain' (2024) *AI & Society* [12 pages]
10. Schütze, P., 'The Problem of Sustainable AI: A Critical Assessment of an Emerging Phenomenon' (2024) 4 *Weizenbaum Journal of the Digital Society* 1 [20 pages]
11. Vantanparast, R., 'Algorithmic Environmentality: Data Infrastructures in Global Environmental Governance', in F. Johns, G. Sullivan & D. van den Meersche, *Global Governance by Data: Infrastructures of Algorithmic Rule* (CUP forthcoming) [23 pages]
12. Hacker, P., 'Sustainable AI Regulation' (2024) 61 *Common Market Law Review* 345 [40 pages]
13. Terzis, P., 'Law and the Political Economy of AI Production' (2023) 31 *International Journal of Law and Information Technology* 302. [29 pages]
14. Kwet, M., *Digital Degrowth: Technology in the Age of Survival* (Pluto Press 2024).

AI and Military Decision-Support Systems

15. Bo, M, and Dorsey, J, 'The 'Need' for Speed: The Cost of Unregulated AI Decision-Support Systems to Civilians' *Opinio Juris* (4 April 2024) [4 pages]

Optional Recommended Readings (i.e., only if time):

16. Lahmann, H., 'Self-Determination in the Age of Algorithmic Warfare' (2025) *European Journal of Legal Studies* 161. [48 pages]
17. Krebs, S, 'Drone-Cinema, Data Practices, and the Narrative of IHL' (2022) 82 *Heidelberg Journal of International Law* 309. [24 pages]
18. Hildebrandt, M, 'Privacy as Protection of the Incomputable Self: From Agnostic to Agnostic Machine Learning' (2019) 20 *Theoretical Inquiries in Law* 83 [38 pages]

19. Geiß, R, and Lahmann, H, *Research Handbook on Warfare and Artificial Intelligence* (Edward Elgar 2024)
20. Woods, A.K., 'Robophobia' (2022) 93 *University of Colorado Law Review* 51. [63 pages]
21. Heller, KJ, 'The Concept of "The Human" in the Critique of Autonomous Weapons Systems' *Harvard National Security Journal* (forthcoming) [75 pages]

Reading Questions

01. What is the tragedy of AI governance according to Chesterman?
02. What are the problems with focusing on artificial intelligence (AI) bias according to Powles and Nissenbaum?
03. According to Sander, what are the different challenges that exist at the intersection of AI and the climate crisis and in what ways might a solidarity-based approach to human rights law address them?
04. According to Bo and Dorsey, what is the cost of unregulated AI decision-support systems to civilians?

SESSION 14 **INNOVATE DIGITAL TECHNOLOGY AND (INTERNATIONAL) LAW EDUCATION:**
GROUP PRESENTATIONS SESSION

THURSDAY 20 MARCH, 13.15-15.00

In this session, student groups will present the digital technology and (international) law syllabi they have created and have an opportunity to question and discuss each other's proposals.

The syllabi and pitch documents will be distributed prior to the session. Students should familiarise themselves with each other's proposals so that they can take an active part in the discussions that follow each presentation.

Appendix I

Grading Policy

Letter	Grade Point	Description
A+	4.0	Outstanding: An outstanding answer showing an extraordinary understanding of the issues and methodologies; original, independent thinking informs an answer based upon rigorous argument accurately supported by evidence derived from a wide range of source material; could not be bettered at undergraduate level in the time
A	4.0	Very good: An answer demonstrating a high level of understanding of the issues and methodologies; the answer displays independent thought, and strong and well organized argument, using a wide range of sources
A-	3.7	
B+	3.3	Good: A good answer showing most but not necessarily all of the above. The level of independent thinking is a bit lower
B	3.0	
B-	2.7	
C+	2.3	Pass: An answer demonstrating satisfactory understanding of the issues, with a reasonable and reasonably well organised argument supported by a standard range of sources. The answer may display some shortcomings, but no fundamental errors
C	2.0	
C-	1.7	
D+	1.3	Poor: An answer which shows minimal, inadequate or limited understanding of some of the issues raised by the question, with substantial omissions or irrelevant material, and limited use of relevant material. Poorly conceived and poorly directed to the question
D	1.0	
D-	0.7	
F	0.0	Fail: Unsatisfactory, but will show skeletal grasp of some relevant issues and necessary material and/or skills. There may be gross misconceptions which nevertheless show some evidence of an elementary grasp of issues. Or: no answer offered. Or: an answer which is totally irrelevant or fundamentally wrong

- C- is the lowest passing grade, as stated in the Course and Examination Regulations of 2014-2015. However, students enrolled in the Liberal Arts & Sciences: Global Challenges programme prior to 31 August 2014 are still allowed to graduate with two D-grades among the final grades and will earn up to 10 ECTS for these courses. D-grades are not allowed for a number of crucial elements in the curriculum: (1) all compulsory courses in BA1; (2) all courses counting towards the Major; (3) the bachelor's thesis. D-grades are also not permitted as prerequisites for sequential (100-200-300 level) courses.
- If students fail a course, they will have to repeat the whole course—there are no resits.
- At the end of the course, instructors submit the grades of their students to the Registrar's Office, using the grades sheet that has been provided to them at the start of the course. They also submit all students assignments (and their assessment thereof) counting for 20% or more towards students' final grades, for archiving purposes.
- The Registrar's Office will record the final grades in the uSis student administration system, after which they are final. Recorded results will only be changed after request by the course instructor or Board of Examiners.

Appendix II

Attendance Policy

Full attendance at all course meetings is obligatory at LUC. Attendance requires your punctual arrival in the classroom, ready to engage, and prepared with your learning materials.

- Students who miss **more than 15%** of total sessions for a single course *without* recognized and documented extenuating circumstances will fail the course.
- A student who misses 60% or more of a course (e.g., classes, lectures, seminars, field trip, etc), *regardless* of having extenuating circumstances, does not meet the attendance requirement and will fail the course.
- If a student is over 15 minutes late, or if a student leaves half way through class, s/he will be counted as absent for that class meeting.
- Students must notify their instructor and tutor when they become aware that they will miss a class meeting.
- Students are responsible for completing assignments for missed classes, and for coordinating with the instructor to complete the assignment. It is the instructor's discretion as to whether the student will be permitted to complete makeup work.

For the respective LUC course formats students are permitted to miss the following number of classes without documented extenuating circumstances:

Course format	Class meetings*	Allowed absences**
5 ECTS regular, one block course (7 weeks)	2 meetings every week	2 meetings
5 ECTS semester-long course (14 weeks)	1 meeting every week	2 meetings
10 ECTS semester-long language course (14 weeks)	3 meetings every week	7 meetings
*does not include the reading week (the last week of every block, i.e. Week 8)		
**permitted without extenuating circumstances, additional absences will result in a failing grade for the course (F)		

The definition of extenuating circumstance is defined in Art 1.2 of the Academic Rules and Regulations.

When possible, students should plan medical visits in a way that does not interrupt their LUC class schedule. Students who miss class for medical reasons should request a note from their healthcare professional to document the medical visit, and submit copies of it to their instructor and tutor.

All LUC instructors keep attendance on the class roster provided at the beginning of each course. The attendance list is signed by the instructor and submitted, together with final grades and course materials, to the LUC Registrar.

Appendix III

Course Level and Learning Outcomes

Level	Content	Prereq.	Didactical	Assessment
100	Introductory course to the field of study. Students learn the basics elements such key paradigms, language and concepts, major theories, methodology involved.	None	Structured class schedule and assignments based on given literature. Lectures, presentations, exercises to practice and test new knowledge.	Exams, tests, short papers, oral presentations. Students identify, relate, classify, summarize, describe, explain and discuss topics addressed in the course.
200	Intermediate level: students continue to build on the basis of the field of study to understand more specialised topics.	100-level	Structured classes and assignments but giving student more responsibility for independent work. Presentations or student-led discussions.	Larger exams and papers in which student applies knowledge in new situation. Students interpret, rewrite, predict, apply, and demonstrate.
300	Advanced level: students work on cases or complex problems in the field of study. Analysing various components using the theory and methodology for the field.	200-level	Students play very active role in teaching process: presentations about more complex problems, student-led discussions.	Analysis of problems, applying knowledge to new situations in either papers, presentations of essay questions. Students analyse, compare, contrast, and judge.
400	Capstone level, creating new knowledge from various sources, complex problems and challenges, mostly independent work	300-level	Students work independently under supervision to achieve a certain goal: Bachelor Thesis.	Extended papers, presentations, research proposals aiming to create new insights or solutions.

Appendix IV

Grade Sheets Leiden University College

Established by the Board of Examiners (June 2014)

The Board of Examiners asks instructors to use grading rubrics that are established and communicated in advance. Templates for standard assessments (such as presentation, written essay, oral examination, etc.) are provided that may be amended to suit the specific aims and needs of the instructor. All relevant grading rubrics should be included in the syllabus. Further, note that using grading rubrics should not replace formative (written) feedback.

The final exam will be graded based on the accuracy, detail and overall quality of answers provided to the question selected by the student.

Contents:

1. Class Participation
2. Critical Debate Leadership and *Innovate Digital Technology and International Law* Presentation
3. *Innovate Digital Technology and International Law* Syllabus and Pitch Document
4. Research Paper

1. Class Participation

	4	3	2	1	0	
Preparation Reads and reflects on all required readings prior to each class.						No preparation.
Reflection Statements Submits weekly reflection and response statements offering a reaction to the readings, class discussions, and reflections of the week that has just passed.						Submits no reflection statements.
Attendance Attends class on time and alerts the instructor in advance of an anticipated absence or as soon as reasonable following an unanticipated absence.						Regularly late for class and fails to communicate with the instructor about anticipated or unanticipated absences.
Involvement Contributes readily to class discussions (including plenaries, small group formats, and critical debates) without dominating them; respectful of the views of others.						No contribution to discussion.
Relevance Contributions bear directly on the discussion at hand, or they take the discussion in an interesting direction relevant to the topic of the seminar as a whole.						No attempt to relate contributions to ongoing discussion; regular digression from the topic of the seminar.
Evidence Well-reasoned contributions supported with evidence drawn from careful reading of relevant materials.						Contributions consist of unsupported assertions without any reference to or basis in relevant materials.

2. Critical Debate Leadership & Innovate Digital Technology and International Law Presentation

	4	3	2	1	0
Content Abundant relevant material is presented through clear points and related evidence. Information is presented in a logical and interesting sequence which audience can follow. Excellent visuals, without misspellings or grammatical errors, appropriately related to the research.					Goal of research unclear, information included that does not support research claims. Audience cannot understand presentation due to lack of sequence of information. Few or no visuals, or too much text on slides. Presentation has many spelling and/or grammatical errors.
Verbal skills Demonstrates a strong, positive feeling about topic during entire presentation. Uses a clear voice and speaks at a good pace so audience members can hear presentation. Does not read off slides.					Shows no interest in topic presented. Presenter mumbles, talks very fast, or speaks too quietly for a majority of students to hear & understand.
Nonverbal skills Direct eye contact with audience, seldom looking at notes or slides. Movements seem fluid and help the audience visualize. Displays relaxed, self-confident nature about self, with no mistakes.					No eye contact with audience, as entire report is read from note. No movement or descriptive gestures. Tension and nervousness is obvious; has trouble recovering from mistakes.
Timing Within allotted time.					Too long or too short.
Teamwork Smooth interaction, good division of time and labour					Uncooperative behaviour, unbalanced division of work
Debate Leadership Excellent ability to trigger and maintain debate amongst the classroom, including via the design of the discussion questions, as well as follow-up questions and comments that ensure the discussion develops naturally.					Minimal discussion and failure to trigger or inspire the classroom to debate the theme under examination

3. Innovate Digital Technology and International Law Syllabus and Pitch Document

	4	3	2	1	0	
General Elements Highly original course thematic, with a clear and engaging course description, clear and relevant learning outcomes, and appropriate target audience, mode of delivery, and assessments. The course is impeccably organized with a clear thread running through the classes in line with the thematic.						Course lacking in originality, with a difficult to understand description, vague and irrelevant learning outcomes, and inappropriate target audience and mode of delivery.
Class Elements Each class consists of a clear and engaging class description, with well-thought-through and engaging readings, exceptionally clear and helpful reading questions, and compelling and highly original ideas of teaching methods.						Poorly presented classes with vague descriptions, irrelevant readings, inappropriate discussion questions, and a vague description of teaching methods.
Pitch Document Exceptionally clear summary of the course and identification of why the target audience should register for the course. The style and presentation of the pitch document is easy to read and highly persuasive.						Unpersuasive, vague, and poorly presented pitch document.

4. Research Paper

	4	3	2	1	0	
Introduction & Justification Engaging introduction to the theme that forms the focus of the essay and compelling case for the importance and/or relevance of the essay topic.						No explanation as to why the essay topic is important and/or relevant.
Content & Evidence Outstanding understanding of material. All material is relevant with acute emphasis on key issues. Presents abundant, relevant, and accurate evidence that supports the thesis. Essay relies on a wide range of appropriate primary and secondary materials. Technical terms or unusual words are defined or clarified.						No understanding of material. Irrelevant material. Key issues not perceived. No evidence is provided or evidence is inappropriate, mistaken, and/or oversimplified.
Argument Puts forward a clear and original thesis, supported by a structured and convincing set of arguments.						No articulation of thesis or arguments.
Structure Essay is impeccably organized. Clear statement of problem and thesis. Logical and rigorous development of discussion. Introduction, body, and conclusion are well developed. Signposting throughout the paper is efficient, with a clear roadmap.						No identifiable structure.
Style and Grammar Exceptionally clear expression, academic prose, correct grammar and spelling.						Unclear, muddled, presentation. Grammatical and spelling errors.
Referencing Accurate, consistent, reference notes and bibliography. Reference notes accurately and consistently pinpoint specific page/paragraph numbers.						No citation, or significant errors and/or omissions.