**European Society of International Law – Interest Group on International Law and Technology**

**Presentation**

The rapid technological developments that we are currently facing pose a range of conceptual and normative questions for the discipline of international law. There are various ways in which these questions and challenges can be articulated. On the one hand, the use of advanced technological tools by both governments and private actors can pose problems from an international legal perspective. From battlefields and borderlands to the operational systems of the welfare state, the proliferation of digital technologies raises questions on how legal norms may be applied, how obligations may be perceived and how doctrines may need to be revisited. How might attribution and accountability be conceptualized in public decision-making processes defined by unscripted machine learning? Which legal safeguards are available for those subject to distant technologies of targeting and surveillance enabled by the interaction between big data and artificial intelligence? In what ways is human agency – and the associated legal notion of criminal responsibility – reconfigured by the mediation of digital tools? And, more abstractly, how can we rethink the spatial and temporal coordinates of international law to account for virtual phenomena occurring in different registers of territory and time? All these questions illustrate a need to expand the conceptual repertoire or reattune the normative ambitions of international law in response to changes in the exercise of authority enabled by technology.

On the other hand, technological scripts, tools and practices are not merely external phenomena to be covered by the normative net of international law. Drawing on insights from Science and Technology Studies, scholars have identified the productive, performative power of these technological processes in shaping new legal relations, styles of governance and configurations of power or vulnerability. In this sense, the changing informational infrastructure and material manifestation of global governance is not what needs (international legal) regulation as much as it can enable new forms of regulation in the creation of new legal subjectivities, distributions of authority and modes of sensing and seeing.

The IG aims to provide an institutional forum under the umbrella of ESIL to exchange views on these important questions in international legal practice and theory, broadly speaking. We adopt a deliberately expansive understanding of ‘international law’ – one that includes various actors, norms and processes involved in international ordering and global governance – to engage and stimulate interdisciplinary dialogue on law and technology from a critical perspective. Our intention is both to discuss the pragmatic, positivist and policy-oriented challenges posed by technological change and to provide space for more theoretical reflection on this topic. Above all, we intend to integrate both poles of scholarship in a productive manner. The IG will provide a forum for the development of innovative ideas and interdisciplinary exchange on important questions concerning international law and technological change. The IG thereby aims to establish an active engagement with ongoing projects in this field – including (but not limited to) the work by the Guarini Institute for Global Law and Tech, Edinburgh Centre for International & Global Law, Institute for Global Law and Policy, Science-Po, Indian Society of Artificial Intelligence & Law and Columbia Law School.

**Coordinating Committee**

*Abhivardhan (Indian Society of Artificial Intelligence & Law)*

Abhivardhan is the Chairperson and Managing Trustee, Indian Society of Artificial Intelligence and Law, the Chief Executive Officer of Internationalism, the Global Panel Member of the MIT Technology Review, an AI-Law Futurist and an International Law and Relations Analyst. His research areas in interest stem from artificial intelligence and international law to culture and international law, populism, constitutional law, synthetic jurisprudence and behavioural economics.

*Rebecca Mignot-Mahdavi (Asser Institute, EUI & EHESS)*

Rebecca Mignot-Mahdavi is a Researcher in International Law and Counterterrorism at the T.M.C. Asser Institute, a Research Fellow at ICCT and the Managing Editor of the Netherlands Yearbook of International Humanitarian Law. Her work reflects on counterterrorism and, more precisely, on our evolving legal and policy capacity to deal with security threats, where new forms of non-state transnational risk, counter-risk strategy and technology are in play. Her research interests and expertise are in public international law, international humanitarian law, human rights law and (international and European) criminal law. Rebecca is currently finalizing her doctoral dissertation at the European University Institute, which she expects to defend in autumn 2020. Her dissertation, entitled “Drone Programs: the Interaction Between Technology, War and the Law”, concerns the extraterritorial use of armed drones against transnational terrorist networks, and the profound pressure placed on current legal concepts in the *jus ad bellum, jus in bello* and human rights law, through this practice and its justifications. In the context of her dissertation, Rebecca spent one semester at Columbia Law School as Visiting Scholar of the Human Rights Institute. Moreover, Rebecca has been a Project Collaborator with the ERC Advanced Grant-funded project, “The Individualization of War”. Prior to entering the European University Institute, she was a Research Fellow at the Institute for Strategic Research (IRSEM), the French Ministry of Defense’s research center, which awarded her a Research Excellence Prize. Rebecca has taught courses at the undergraduate and graduate levels in Comparative Constitutional Law and International Humanitarian Law at SciencesPo Paris (Reims Campus, Euro-American Program), and in International Human Rights Law, Criminal Law and Constitutional Law at the University of Nanterre (Paris 10). She holds LLM degrees from the European University Institute (in Comparative European and International Laws) and the University of Nanterre (in Human Rights Law). She holds a Master of Laws degree in Criminal Law and a degree in International Criminal Law from the University of Nanterre (Summa Cum Laude).

*Gavin Sullivan (Kent Law School)*

Gavin Sullivan is a senior lecturer at Kent Law School (KLS), University of Kent (UK). His research focuses on the politics of global security law and data infrastructures. He uses socio-legal and ethnographic methods to critically examine contemporary security practices and problems of transnational and algorithmic governance. Gavin is especially interested in understanding how law changes when seeking to counter unknown future threats and how new technologies, forms of expertise and knowledge practices help to create and shape what law is. Before joining academia, Gavin directed the Counterterrorism Program at the European Center for Constitutional and Human Rights in Berlin (DE). He is a practising solicitor and coordinates the Transnational Listing Project - a global law clinic providing pro bono representation to people targeted by security lists worldwide, including before the UN Office of the Ombudsperson. He has worked widely as an expert consultant on counterterrorism issues, including for the UN Office of the High Commissioner for Human Rights. Gavin is a member of the Transparency and Legal Framework working groups of the Global Internet Forum to Counter Terrorism (GIFCT). His recent publications include: *The Law of the List: UN Counterterrorism Sanctions and the Politics of Global Security Law* (Cambridge University Press, 2020).

*Dimitri Van Den Meerssche (Asser Institute)*

Dimitri Van Den Meerssche is a Postdoctoral researcher at the Asser Institute and holds a PhD in International Law from the European University Institute. Dimitri researches and teaches in the field of international law, particularly international organizations law, law and development and law and technology. He is currently developing a research project on virtual borders, artificial intelligence and international law. His work is inspired by insights from science and technology studies, object-oriented ontology and actor-network theory. His articles have published in *Human Rights Law Review, Transnational Legal Theory, Journal of the History of International Law, Leiden Journal of International Law, International Organisations Law Review, London Review of International Law* and *Law and Development Review*. Dimitri is currently He has taught courses on Public International Law, Law and Development (with Luis Eslava) and European Union Law at the Vrije Universiteit Amsterdam, the Brussels School of International Studies (University of Kent) and the London School of Economics. Dimitri is the Managing Editor of the *Netherlands Yearbook of International Law*. He holds LL.M. degrees from the European University Institute and New York University School of Law, where he was a Belgian American Educational Foundation (BAEF) Fellow. He also holds a Master of Laws degree from Ghent University (*Summa Cum Laude*). Dimitri is able to work in English, Dutch and French and understands both German and Italian. Twitter: @Dimitri\_VdM

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Roxana Vatanparast is a Fellow with the Program on Science, Technology and Society (STS) at the Harvard Kennedy School of Government and a Ph.D. candidate at the University of Turin, Department of Law. Her work is broadly concerned with the co-production of technology and technocratic projects of global governance. An interdisciplinary scholar, her research interests include technology and global governance, data, infrastructures, digital platforms, history of technology, STS, and political economy. She is also an Affiliate of the Center on Global Legal Transformation at Columbia Law School. She has spent research stays at Sciences Po Law School and the Institute for Global Law & Policy at Harvard Law School. Additionally, Roxana is an international legal consultant with experience in both the private and non-profit sectors. She holds a LL.M. from the International University College of Turin and a J.D. from the University of California, Hastings College of the Law.