

MICHAEL N. SCHMITT

Professor of Public International Law
University of Exeter Law School

Charles H. Stockton Professor and Chairman
Stockton Center for the Study of International Law
United States Naval War College

Francis Lieber Distinguished Scholar
Lieber Institute
United States Military Academy at West Point

Director of Legal Affairs
Cyber Law International

E-mail: m.schmitt@exeter.ac.uk

EDUCATION

D.Litt, Durham University (UK)
LL.M, Yale University
JD, University of Texas
MA (National Security and Strategic Studies), United States Naval War College
MA, BA (Political Science), Texas State University

PROFESSIONAL EXPERIENCE

2011-PRESENT: Professor of Public International Law, University of Exeter Law School, UK;
Charles H. Stockton Professor and Chairman, Stockton Center for the Study of International Law,
US Naval War College; Director of Legal Affairs, Cyber Law International; Francis Lieber
Distinguished Scholar, West Point

2010-2011: Chair of Public International Law, Durham University, UK

1999-2010: Dean; Founding Director, Program in Advanced Security Studies; Director, Senior
Fellows Program; Professor of International Law. George C. Marshall European Center for Security
Studies, Garmisch-Partenkirchen, Germany

1979-1999: Judge Advocate, United States Air Force

PRESENT AND FORMER PROFESSIONAL ACTIVITIES AND MEMBERSHIPS

Secretary of State's Advisory Committee on International Law
Council of Foreign Relations Member
Fellow, Program in International Law and Armed Conflict, Harvard Law School
Senior Fellow, NATO Cooperative Cyber Defence Center of Excellence
Fellow, Royal Society of the Arts (FRSA)
Advisory Board, Institute for International Peace and Security, Cologne University
Board of Directors, International Society for Military Law and the Law of War
Advisory Board, International Telecommunications Law Program, Tartu University
Honorary Professor of International Humanitarian Law, Durham University
Advisory Board, International Law Centre, Swedish National Defence College
Advisory Board, Security and Rule of Law Programme, Geneva Centre for Security Policy
Vetted Member, International Institute of Strategic Studies, UK
Elected Member, International Institute of Humanitarian Law
American Society of International Law
European Society of International Law
International Law Association
Society for Military Law and the Law of War
Texas Bar Association
Steering Committee, Harvard Program on Conflict Research, IHL Research Initiative
Partner, London School of Economics International Humanitarian Law Project
Advisory Board on Curriculum, International Institute of Humanitarian Law, Italy
Executive Board, Lieber Society, American Society of International Law

PRESENT AND FORMER EDITORIAL AFFILIATIONS

General Editor, *Lieber Studies*, Oxford University Press
General Editor, *International Law Studies*
Editorial Board, *International Review of the Red Cross*
Honorary Board of Advisors, *Hague Justice Journal*
Editorial Board, *Journal of National Security Law and Policy*
Editorial Board, *Just Security.org*
Board of Recommendation, *Yearbook of International Humanitarian Law*
Editorial Board, *Journal of International Peacekeeping*
Editorial Board, *Inonu University Law Journal*
Advisory Board, *Journal of Military Ethics*
Advisory Board, *International Humanitarian Law Series*, Martinus Nijhoff/Brill
Advisory Board, *Journal of International Humanitarian Legal Studies*
Editorial Board, *Journal of Law and Cyber Warfare*
Editorial Council, *Estonian Journal of Military Studies*
General Editor, *Yearbook of International Humanitarian Law*
Editorial Board, *Naval War College Review*
Editorial Board, *Connections* (Partnership for Peace Consortium)

ACADEMIC AND PROFESSIONAL RECOGNITION

Order of the Cross of Terra Mariana, Awarded by President of Estonia, 2017
Cyber Security Canon award, Tallinn Manual, 2016
Visiting Distinguished Fellow, Emory Law School International Humanitarian Law Clinic, 2014

Visiting Fellow, Australian National University Law School, 2010
 Charles H. Stockton Chair of International Law, Naval War College, 2007-08
 Annual Hilaire McCoubrey Lecture, Hull University Law School, 2008
 Sir Ninian Stephen Visiting Scholar, University of Melbourne Law School, 2006
 Annual Waldemar Solf Memorial Lecture, U.S. Army Judge Advocate General's School, 2003
 Klaus Kuhn Prize, International Institute of Humanitarian Law, 2000
 Hugh Nott Award, *Naval War College Review*, 1999
 Visiting Scholar, Yale Law School, 1997-98
 First in Class, Naval War College, 1996
 Military Operations and International Law Prize, Naval War College, 1996
 Middendorf Award (Honorable Mention), Naval War College, 1996
 American Bar Ass'n, Special Commendation for Exemplary Commitment to Public Service, 1995
 Society for Strategic Air Command Award, Best *Air Force Law Review* Article, 1994
 American Bar Association, Outstanding U.S. Air Force Lawyer, 1991-92
 Outstanding Judge Advocate, U.S. Air Forces, Europe, 1991
 Ambrose Gherini Prize for International Law, Yale Law School, 1991
 New York Bar Association Award for Trial Advocacy, USAF Judge Advocate General's School, 1987
 Outstanding Judge Advocate, U.S. Air Forces, Southern Europe, 1985
 Various US military and government civilian decorations

MAJOR RESEARCH AND CONSULTING PROJECTS

Director, International Humanitarian Law Group, Manual on International Law Applicable to Military Uses of Outer Space Project (2016-present)

Director, Tallinn 2.0, The International Law of Cyber Conflict, NATO Cyber Defence Centre of Excellence (2013 - 2017)

International Law Association Study Group Member, Challenges of 21st Century Warfare (2013-Present)

Steering Committee, Law of Non-International Armed Conflict Harmonization Project, Open Society Institute funded (2012-2016)

Director, Tallinn Manual on the International Law Applicable to Cyber Warfare Project, NATO Cyber Defence Centre of Excellence (2009 - 2012)

Legal Consultant on International Humanitarian Law and Public International Law to the World Food Programme, Libyan Uprising (2011)

Special Adviser to the Public Commission to Examine the Maritime Incident of 31 May 2010 (Turkel Commission) (2010-2011)

Founding Member, Air and Missile Warfare Program in Legal Education (AMPLE) (2009-2011)

Member, Chatham House (Royal Institute of International Affairs) Project on Characterization of Conflict (2009-2012)

Drafting Committee, Harvard HPCR Manual on International Law Applicable to Air and Missile Warfare (2003-2009)

Member, Group of International Experts, ICRC Interpretive Guidance on the Notion of Direct Participation in Hostilities (2003-2009)

Member, Chatham House and British Institute of International and Comparative Law Joint Project on Perspectives on the ICRC Customary International Humanitarian Law Study (2006-2007)

Expert Consultant to Defense Team, U.S. v. David Hicks, Military Commissions (2004-2007)

PUBLICATIONS

Forthcoming Works

With Christopher Ford, *Assessing U.S. Justifications for Using Force in Response to Syria's Attacks: An International Law Perspective*, __ JOURNAL OF NATIONAL SECURITY LAW AND POLICY __ (2017).

With Liis Vihul, *Sovereignty in Cyberspace: Lex Lata Vel Non?*, __ AMERICAN JOURNAL OF INTERNATIONAL LAW UNBOUND __ (2017).

With Liis Vihul, *Respect for Sovereignty in Cyberspace*, 95 TEXAS LAW REVIEW __ (2017).

International Humanitarian Law and the Conduct of Hostilities, in THE OXFORD GUIDE TO INTERNATIONAL HUMANITARIAN LAW (Dapo Akande & Ben Saul eds., Oxford University Press, 2017).

With Jeffrey Biller, Sean Fahey, David Goddard & Chad Highfill, *Joint and Combined Targeting: System and Process*, in WEIGHING LIVES IN WAR (Jens Ohlin, Larry May & Claire Finkelstein eds. Oxford University Press 2017).

With David Goddard, *International Law and the Military Use of Unmanned Maritime Systems*, __ INTERNATIONAL REVIEW OF THE RED CROSS __ (2017).

Books

TALLINN MANUAL 2.0 ON THE INTERNATIONAL LAW APPLICABLE TO CYBER OPERATIONS (Cambridge University Press, 2017) (Project Director).

TARGETING: THE CHALLENGES OF MODERN WARFARE (Co-editor with Paul A.L. Ducheine & Frans P.B. Osinga) (T.M.C. Asser Press/Springer, 2016).

TALLINN MANUAL ON THE INTERNATIONAL LAW APPLICABLE TO CYBER WARFARE (Cambridge University Press, 2013) (Project Director).

HARVARD MANUAL ON INTERNATIONAL LAW APPLICABLE TO AIR AND MISSILE WARFARE (Cambridge University Press, 2013) (Drafting Committee).

THE LIBRARY OF ESSAYS ON INTERNATIONAL HUMANITARIAN LAW, 6. vols. (Co-editor with Wolff Heintschel von Heinegg eds., Ashgate, 2012).

I. The Development and Principles of International Humanitarian Law

- II. The Scope and Applicability of International Humanitarian Law
- III. Detention and Occupation in International Humanitarian Law
- IV. The Conduct of Hostilities in International Humanitarian Law
- V. The Conduct of Hostilities (part 2) in International Humanitarian Law
- VI. The Implementation and Enforcement of International Humanitarian Law

ESSAYS ON LAW AND WAR AT THE FAULT LINES (T.M.C. Asser Press/Springer, 2012).

INTERNATIONAL LAW AND THE WAR IN AFGHANISTAN (Naval War College International Law Studies, vol. 85) (Contributing editor, 2009).

INTERNATIONAL LAW AND ARMED CONFLICT: EXPLORING THE FAULTLINES (Martinus Nijhoff) (Contributing editor with Jelena Pejic, 2007).

CRIMES OF WAR 2.0 (Norton) (Legal editor, 2007).

TERRORISM AND INTERNATIONAL LAW (Edizioni Nagard, Dragan European Foundation) (Contributing editor with Gian Luca Beruto, 2003).

COMPUTER NETWORK ATTACK AND INTERNATIONAL LAW (Naval War College International Law Studies, vol. 76) (Contributing editor with Brian T. O'Donnell, 2002).

INTERNATIONAL LAW ACROSS THE SPECTRUM OF CONFLICT (Naval War College International Law Studies, vol. 75) (Contributing editor, 2000).

THE LAW OF MILITARY OPERATIONS (Naval War College International Law Studies, vol. 72) (Contributing editor, 1998).

THE LAW OF ARMED CONFLICT: INTO THE NEXT MILLENNIUM (Naval War College International Law Studies, vol. 71) (Contributing editor with Leslie Green, 1998).

LEVIE ON THE LAW OF WAR (Naval War College International Law Studies, vol. 70) (Editor with Leslie Green, 1998).

BLOCKADE LAW: RESEARCH DESIGNS AND SOURCES (Legal Research Guides, vol. 12) (Hein, 1991).

Articles, Essays, Chapters

Peacetime Cyber Responses and Wartime Cyber Operations under International Law: An Analytical Vade Mecum, 8 HARVARD NATIONAL SECURITY JOURNAL 239-282 (2017).

Grey Zones in the International Law of Cyberspace, 42:2 YALE JOURNAL OF INTERNATIONAL LAW ONLINE 1-21 (2017).

With Sean Watts, *Beyond State Centrism: International Law and Non-State Actors in Cyberspace*, 21:3 JOURNAL OF CONFLICT AND SECURITY LAW 1-17 (2016).

With Sasha Radin, *Investigations under International Humanitarian Law*, in HANDBOOK OF THE LAW OF ARMED CONFLICT 556-71 (Rain Liivoja & Tim McCormack eds., Routledge 2016).

With Liis Vihul, *The Emergence of Legal Norms for Cyber Conflict*, in BINARY BULLETS: THE ETHICS OF CYBERWARFARE 13-55 (Fritz Allhoff et. al., Oxford University Press, 2016).

With Liis Vihul, *The Nature of International Law Cyber Norms*, in INTERNATIONAL LAW CYBER NORMS: LEGAL, POLICY AND INDUSTRY PERSPECTIVES 23-47 (Anna-Maria Osula & Henry Roigas eds., CCD COE, 2016).

Air Law and Military Operations, in THE HANDBOOK OF THE LAW OF MILITARY OPERATIONS 354-374 (Terry Gill & Dieter Fleck eds., 2d ed., Oxford University Press, 2016).

Targeting in Operational Law, in THE HANDBOOK OF THE LAW OF MILITARY OPERATIONS 269-306 (Terry Gill & Dieter Fleck eds., 2d ed., Oxford University Press, 2016).

With John Merriam, *The Tyranny of Context: Israeli Targeting Practice in Legal Perspective*, 37 UNIVERSITY OF PENNSYLVANIA JOURNAL OF INTERNATIONAL LAW 53-139 (2015).

In Defense of Due Diligence in Cyberspace, 125 YALE LAW JOURNAL FORUM 68-81 (2015).

With Sean Watts, *The Decline of International Humanitarian Law Opinio Juris and the Law of Cyber Warfare*, 50 TEXAS INTERNATIONAL LAW JOURNAL 189-231 (2015).

With John Merriam, *Israeli Targeting: A Legal Appraisal*, 68:4 NAVAL WAR COLLEGE REVIEW 15-33 (Autumn 2015).

The Use of Cyber Force and International Law, in OXFORD HANDBOOK ON THE USE OF FORCE IN INTERNATIONAL LAW 1110-30 (Marc Weller ed., Oxford University Press, 2015).

The Notion of "Objects" during Cyber Operations: A Riposte in Defence of Interpretive Precision, 48 ISRAEL LAW REVIEW 81-109 (2015).

The Law of Cyber Targeting, 68:2 NAVAL WAR COLLEGE REVIEW 11-30 (2015); also published as TALLINN PAPER No. 7, 20 pp. (2015).

With Sean Watts, *State Opinio Juris and International Humanitarian Law Pluralism*, 91 INTERNATIONAL LAW STUDIES 171-215 (2015).

Revired Warfare: Rethinking the Law of Cyber Attack, 96 INTERNATIONAL REVIEW OF THE RED CROSS 189-206 (2014).

"Below the Threshold" Cyber Operations: The Countermeasures Response Option and International Law, 54 VIRGINIA JOURNAL OF INTERNATIONAL LAW 697-732 (2014).

With Eric Widmar, *"On Target": Precision and Balance in the Contemporary Law of Targeting*, 7 JOURNAL OF NATIONAL SECURITY LAW AND POLICY 379-409 (2014).

With Louise Arimatsu, *Attacking "Islamic State" and the Khorasan Group: Surveying the International Law Landscape*, 54 COLUMBIA JOURNAL OF TRANSNATIONAL LAW BULLETIN 1-29 (2014).

With M. Christopher Pitts, *Cyber Countermeasures and Effects on Third Parties: The International Legal Regime*, 14 BALTIC YEARBOOK OF INTERNATIONAL LAW 1-21 (2014).

Drone Law: A Reply to UN Special Rapporteur Emmerson, 55 VIRGINIA JOURNAL OF INTERNATIONAL LAW DIGEST 13-28 (2014).

The Law of Cyber Warfare: Quo Vadis?, 25 STANFORD LAW AND POLICY REVIEW 269-99 (2014).

With Liis Vihul, *The Nature of International Law Cyber Norms*, TALLINN PAPER No. 5, 31 pp. (2014).

With Andru E. Wall, *The International Law of Unconventional Statecraft*, 5 HARVARD NATIONAL SECURITY JOURNAL 349-376 (2014).

With Liis Vihul, *Proxy Wars in Cyber Space: The Evolving International Law of Attribution*, I(II) FLETCHER SECURITY REVIEW 55-73 (2014).

Legitimacy versus Legality Redux: Arming the Syrian Rebels, 7 JOURNAL OF NATIONAL SECURITY LAW AND POLICY 139-159 (2014).

Narrowing the International Law Divide: The Drone Debate Matures, 39 YALE JOURNAL OF INTERNATIONAL LAW ONLINE 1-14 (2014).

The Law of Air Warfare, in OXFORD HANDBOOK OF INTERNATIONAL LAW IN ARMED CONFLICT 118-144 (Andrew Clapham and Paola Gaeta eds, Oxford University Press, 2014).

Charting the Legal Geography of Non-International Armed Conflict, 90 INTERNATIONAL LAW STUDIES 1-19 (2014); 52 THE MILITARY LAW AND LAW OF WAR REVIEW 93-112 (2013).

Extraterritorial Lethal Targeting: Deconstructing the Logic of International Law, 52 COLUMBIA JOURNAL OF TRANSNATIONAL LAW 77-111 (2013).

The Ibar River Bridge Attack: A Legal Assessment, 12 JOURNAL OF MILITARY ETHICS 376-379 (2013).

Wound, Capture, or Kill: A Reply to Ryan Goodman's "The Power to Kill or Capture Enemy Combatants", 24 EUROPEAN JOURNAL OF INTERNATIONAL LAW 855-861 (2013).

The Syrian Intervention: Assessing the Possible International Law Justifications, 89 INTERNATIONAL LAW STUDIES 744-756 (2013).

Cyber Activities and the Law of Countermeasures, in PEACETIME REGIME FOR STATE ACTIVITIES IN CYBERSPACE 659-690 (Katarina Ziolkowski ed. 2013).

With Jeffrey C. Thurnher, *"Out of the Loop": Autonomous Weapon Systems and the Law of Armed Conflict*, 4 HARVARD NATIONAL SECURITY JOURNAL 231-281 (2013).

With Christopher Markham, *Precision Air Warfare and the Law of Armed Conflict*, 89 INTERNATIONAL LAW STUDIES 669-695 (2013); 43 ISRAEL YEARBOOK ON HUMAN RIGHTS 297-319 (2013).

International Law in Cyberspace: The Penumbra of Uncertainty, 126 HARVARD LAW REVIEW FORUM 176-180 (2013).

Autonomous Weapon Systems: A Reply to the Critics, 4 HARVARD NATIONAL SECURITY JOURNAL 1-37 (2013).

International Law in Cyberspace: The Kob Speech and Tallinn Manual Juxtaposed, 54 HARVARD JOURNAL OF INTERNATIONAL LAW ON-LINE 13-37 (2012).

Classification of Cyber Conflict, 17 JOURNAL OF CONFLICT AND SECURITY LAW 245-260 (2012); 89 INTERNATIONAL LAW STUDIES 233-251 (2013); *reprinted in* III LAW ON THE USE OF FORCE AND ARMED CONFLICT (Robert Cryer & Christian Henderson eds., Elgar, 2017).

Iraq (2003 Onwards), in INTERNATIONAL LAW AND THE CLASSIFICATION OF CONFLICT 356-386 (Elizabeth Wilmschurst ed., Oxford University Press, 2012).

Classification in Future Conflict, in INTERNATIONAL LAW AND THE CLASSIFICATION OF CONFLICT 455-477 (Elizabeth Wilmschurst ed., Oxford University Press, 2012).

The Status of Opposition Fighters in a Non-International Armed Conflict, 88 INTERNATIONAL LAW STUDIES 119-144 (2012); 42 ISRAEL YEARBOOK ON HUMAN RIGHTS 27-54 (2012).

Discriminate Warfare: The Military Necessity – Humanity Dialectic of International Humanitarian Law in PROTECTING CIVILIANS DURING VIOLENT CONFLICT: THEORETICAL AND PRACTICAL ISSUES FOR THE 21ST CENTURY 85-102 (David Lovell ed., Ashgate, 2012).

“Attack” as a Term of Art in International Law: The Cyber Operations Context, PROCEEDINGS OF THE 4TH INTERNATIONAL CONFERENCE ON CYBER CONFLICT 283-293 (Christian Czosseck, Rain Ottis & Katharina Ziolkowski eds., 2012).

The ‘Use of Force’ in Cyberspace: A Reply to Dr. Ziolkowski, PROCEEDINGS OF THE 4TH INTERNATIONAL CONFERENCE ON CYBER CONFLICT 311-316 (Christian Czosseck, Rain Ottis & Katharina Ziolkowski eds., 2012).

Unmanned Combat Aircraft Systems (Armed Drones) and International Humanitarian Law: Simplifying the Oft Benighted Debate, 30 BOSTON UNIVERSITY INTERNATIONAL LAW JOURNAL 595-619 (2012).

Iraq-Kuwait War (1990-1991), in VI MAX PLANCK ENCYCLOPEDIA OF PUBLIC INTERNATIONAL LAW 376 (Rudiger Wolfrum ed., Oxford University Press, 2012).

Debellatio, in II MAX PLANCK ENCYCLOPEDIA OF PUBLIC INTERNATIONAL LAW 1065 (Rudiger Wolfrum ed., Oxford University Press, 2012).

Cyber Operations and the Jus ad Bellum Revisited, 56 VILLANOVA LAW REVIEW 569-606 (2011).

Cyber Operations in the Jus in Bello: Key Issues, 87 INTERNATIONAL LAW STUDIES 89-110 (2011); 41 ISRAEL YEARBOOK ON HUMAN RIGHTS 113-135 (2011).

Drone Operations under the Jus ad Bellum and Jus in Bello: Clearing the “Fog of Law”, 13 YEARBOOK OF INTERNATIONAL HUMANITARIAN LAW 311-326 (2011).

Wings over Libya: the No-fly Zone in Legal Perspective, 36 YALE JOURNAL OF INTERNATIONAL LAW ONLINE 45-58 (2011).

Investigating Violations of International Law in Armed Conflict, 2 HARVARD NATIONAL SECURITY JOURNAL 31-84 (2011).

Cyber Operations in International Law: The Use of Force, Collective Security, Self-Defense, and Armed Conflicts, in DETERRING CYBERATTACKS: INFORMING STRATEGIES AND DEVELOPING OPTIONS FOR U.S. POLICY 151-78 (Computer Science and Telecommunications Board, National Academies Press, 2010).

Military Necessity and Humanity in International Humanitarian Law: Preserving the Delicate Balance, 50 VIRGINIA JOURNAL OF INTERNATIONAL LAW 795-839 (2010).

Deconstructing Direct Participation in Hostilities: The Constitutive Elements, 42 NEW YORK UNIVERSITY JOURNAL OF INTERNATIONAL LAW AND POLITICS 697-739 (2010).

Targeting in Operational Law, in THE HANDBOOK OF THE LAW OF MILITARY OPERATIONS 245-275 (Terry Gill & Dieter Fleck eds., Oxford University Press, 2010).

The Interpretive Guidance on the Notion of Direct Participation in Hostilities: A Critical Analysis, 1 HARVARD NATIONAL SECURITY JOURNAL 5-44 (2010), reprinted in INTERNATIONAL HUMANITARIAN LAW (John Cerone ed. 2014) (forthcoming)

Air Law and Military Operations, in THE HANDBOOK OF THE LAW OF MILITARY OPERATIONS 303-323 (Terry Gill & Dieter Fleck eds., Oxford University Press, 2010).

The Law of War at the Vanishing Point: Reflections on Law and War in the 21st Century, HARVARD INTERNATIONAL REVIEW 64-68 (Spring 2009).

Human Shields and International Humanitarian Law, 47 COLUMBIA JOURNAL OF TRANSNATIONAL LAW 292-338 (2009); 38 ISRAEL YEARBOOK ON HUMAN RIGHTS 17-59 (2009). Republished in THE PROGRESSION OF INTERNATIONAL LAW: FOUR DECADES OF THE ISRAEL YEARBOOK ON HUMAN RIGHTS, AN ANNIVERSARY VOLUME 331-373 (Yoram Dinstein and Fania Domb eds. 2011)

International Law and Counterterrorism (with Dean Dwigans), in TOWARD A GRAND STRATEGY AGAINST TERRORISM 86-102 (Christopher Harmon et al., eds., McGraw-Hill, 2010).

Targeting Narcinsurgents in Afghanistan: The Limits of International Humanitarian Law, 12 YEARBOOK OF INTERNATIONAL HUMANITARIAN LAW 301-320 (2009).

Targeting and International Humanitarian Law in Afghanistan, in 85 INTERNATIONAL LAW STUDIES 307-339; 39 ISRAEL YEARBOOK ON HUMAN RIGHTS 99 (2009).

Contemporary "Methods" of Warfare and International Humanitarian Law, in CRIMINAL JURISDICTION 100 YEARS AFTER THE 1907 HAGUE PEACE CONFERENCE, Proceedings of the 8th Joint Conference 317-324 (Willem J.M. van Genugten, Michael P. Scharf & Sasha E. Radin eds., Asser Press, 2009).

"Change Direction" 2006: Israeli Operations in Lebanon and the International Law of Self-Defense, 29 MICHIGAN JOURNAL OF INTERNATIONAL LAW 127-164 (2008); 84 INTERNATIONAL LAW STUDIES 265-301 (2008).

With Michael Kramer, *Lanyers on Horseback? Thoughts on Judge Advocates and Civil-Military Relations*, 55 UCLA LAW REVIEW 1407-1436 (2008).

Proportionate and Discriminate Use of Weapons: Challenges for a Military Commander, 37 COLLEGIUM (College of Europe) 53-63 (2008), reprinted as *The Principle of Distinction and Weapons Systems on the Battlefield*, II:1 CONNECTIONS (PfP Consortium) 46-56 (2008).

Targeted Killings in International Law: Law Enforcement, Self-Defense and Armed Conflict, in INTERNATIONAL HUMANITARIAN LAW AND HUMAN RIGHTS LAW: TOWARDS A NEW MERGER IN INTERNATIONAL LAW 525-554 (Roberta Arnold & Noelle Quenivert eds., Transnational/Brill, 2008).

Asymmetrical Warfare and International Humanitarian Law, 62 AIR FORCE LAW REVIEW 1-42 (2008), reprinted in INTERNATIONAL HUMANITARIAN LAW FACING NEW CHALLENGES 11-48 (Wolff Heintschel von Heinegg & Volker Epping eds., Berlin, Springer, 2007).

21st Century Conflict: Can the Law Survive?, 8(2) MELBOURNE JOURNAL OF INTERNATIONAL LAW 443-476 (2007).

The United States Supreme Court and Detainees in the War on Terror, 37 ISRAEL YEARBOOK ON HUMAN RIGHTS 33-84 (2007).

Targeting, in PERSPECTIVES ON THE ICRC STUDY ON CUSTOMARY INTERNATIONAL HUMANITARIAN LAW 131-168 (Susan Breau & Elizabeth Wilmshurst eds., Cambridge University Press, 2007).

Human Shields from an Attacker's Perspective, PROCEEDINGS OF THE 30TH ROUND TABLE, International Institute of Humanitarian Law 86-96 (Gianluca Beruto ed., International Institute of Humanitarian Law, 2007).

Responding to Transnational Terrorism under the Jus ad Bellum: A Normative Framework, 56 NAVAL LAW REVIEW 1-42 (2008); INTERNATIONAL LAW AND ARMED CONFLICT: EXPLORING THE FAULTLINES 157-195 (Michael N. Schmitt & Jelena Pejic eds., Leiden, Martinus Nijhoff, 2007).

Contractors on the Battlefield: The US Approach, MILITAR RECHTELIJK TIJDSCHRIFT (Military Law Review - Netherlands) (July-August 2007), at 264-280.

Civilians at War: Deconstructing the 21st Century Battlefield, ROYAL INSTITUTE OF INTERNATIONAL AFFAIRS (CHATHAM HOUSE), November 2007 (on-line article, <http://www.chathamhouse.org.uk/publications/papers/view/-/id/579/>).

Effects Based Operations and the Law of Aerial Warfare, 5 WASHINGTON UNIVERSITY GLOBAL STUDIES LAW REVIEW 265-293 (2006).

With Yoram Dinstein & Charles H.B. Garraway, *The Manual on the Law of Non-International Armed Conflict: With Commentary*, 36 ISRAEL YEARBOOK ON HUMAN RIGHTS (2006) (Special Supplement), reprinted as separate publication by International Institute of Humanitarian Law, 2006.

International Law and Military Operations in Space, 10 MAX PLANCK YEARBOOK OF UNITED NATIONS LAW 89-126 (2006).

The Conduct of Hostilities during Operational Iraqi Freedom: An International Humanitarian Law Assessment, 6 YEARBOOK OF INTERNATIONAL HUMANITARIAN LAW 73-109 (2003, released 2006).

Fault Lines in the Law of Attack, in TESTING THE BOUNDARIES OF INTERNATIONAL HUMANITARIAN LAW 277-307 (Susan Breau & Agnieszka Jachec-Neale eds., British Institute of International and Comparative Law, 2006).

Precision Attack and International Humanitarian Law, 87 (No. 859) INTERNATIONAL REVIEW OF THE RED CROSS 445-466 (2005).

Humanitarian Law and Direct Participation in Hostilities by Private Contractors or Civilian Employees, 5 CHICAGO JOURNAL OF INTERNATIONAL LAW 511-546 (2005).

US Security Strategies: A Legal Assessment, 27 HARVARD JOURNAL OF LAW AND PUBLIC POLICY 737-763 (2004).

With Charles H.B. Garraway, *Occupation Policy in Iraq and International Law*, 9 INTERNATIONAL PEACEKEEPING: THE YEARBOOK OF INTERNATIONAL PEACE OPERATIONS 27-61 (2004).

The Legality of Operation Iraqi Freedom under International Law, in 81 INTERNATIONAL LAW STUDIES 367-94 (2006); 3:2 JOURNAL OF MILITARY ETHICS 82-104 (2004).

The American Military Justice System and the Response to Prisoner Abuse, CRIMES OF WAR PROJECT, June 2004 (www.crimesofwar.org).

With Heather A. Harrison Dinniss & Thomas C. Winfield, *Computers and War: The Legal Battlespace*, HARVARD PROGRAM ON HUMANITARIAN POLICY AND CONFLICT RESEARCH, International Humanitarian Law Research Initiative Briefing Paper (June 2004), reprinted in 20:3 JOURNAL OF THE XI'AN (CHINA) POLITICS INSTITUTE OF THE PLA 61-68 (June 2007).

War, Technology, and International Humanitarian Law, 82 INTERNATIONAL LAW STUDIES 137-82 (2006); HARVARD PROGRAM ON HUMANITARIAN POLICY AND CONFLICT RESEARCH, Occasional Paper #4 (Winter 2005).

Targeting and Humanitarian Law: Current Issues, 33 ISRAEL YEARBOOK ON HUMAN RIGHTS 59-104 (2003); 80 INTERNATIONAL LAW STUDIES 151-94 (2006).

International Law and the Use of Force: Attacking Iraq, RUSI JOURNAL, February 2003, at 13-15.

Counter-terrorism and the Use of Force in International Law, 79 INTERNATIONAL LAW STUDIES 7-73 (2003); 32 ISRAEL YEARBOOK ON HUMAN RIGHT 53 - 116 (2002); reprinted as Marshall Paper #5 (November 2002).

International Law and the Use of Force: The Jus ad Bellum, CONNECTIONS, September 2003, at 89-97.

The Impact of High and Low-Tech Warfare on the Principle of Distinction, HARVARD PROGRAM ON HUMANITARIAN POLICY AND CONFLICT RESEARCH, International Humanitarian Law Research Initiative Briefing Paper (November 2003); reprinted in INTERNATIONAL HUMANITARIAN LAW AND THE 21ST CENTURY'S CONFLICTS: CHANGES AND CHALLENGES (Lausanne: Editions Interuniversitaires Suisses, Roberta Arnold & Pierre-Antoine Hildbrand eds., 2005).

The Case of Iraq: Jus ad Bellum, in FROM PEACE TO JUSTICE: PROCEEDINGS OF THE 1ST CONFERENCE BY THE HAGUE ACADEMIC COALITION 30-38, 42-50 (T.M.C. Asser Press, 2004).

CNA and the Jus in Bello: An Introduction, in COMPUTER NETWORK ATTACKS AND THE APPLICABILITY OF INTERNATIONAL HUMANITARIAN LAW 101-125 (Karin Bystrom ed., Swedish NDC, 2004).

"Direct Participation in Hostilities" and 21st Century Armed Conflict, in CRISIS MANAGEMENT AND HUMANITARIAN PROTECTION: FESTSCHRIFT FÜR DIETER FLECK 505-529 (Horst Fischer et al eds., Berlin: BWV, 2004).

Bellum Americanum Revisited: U.S. Security Strategy and the Jus ad Bellum, 176 MILITARY LAW REVIEW 364-421 (2003), 16th Annual Waldemar A. Solf Lecture, U.S. Army Judge Advocate General's School.

Preemptive Strategies and International Law, 24 MICHIGAN JOURNAL OF INTERNATIONAL LAW 513-448 (2003).

Deconstructing October 7th: A Case Study in the Lawfulness of Counterterrorist Military Operations, in TERRORISM AND INTERNATIONAL LAW: CHALLENGES AND RESPONSES 39-49 (Michael N. Schmitt & Gian Luca Beruto eds., International Institute of Humanitarian Law, 2003).

Law, Policy, Ethics and the Warfighter's Dilemma, 1:2 JOURNAL OF MILITARY ETHICS 113-124 (2002).

Wired Warfare: Computer Network Attack and International Law, 84 (No. 846) INTERNATIONAL REVIEW OF THE RED CROSS 365-399 (2002); 76 INTERNATIONAL LAW STUDIES 187-218 (2002).

Computer Network Attack: The Normative Software, 4 YEARBOOK OF INTERNATIONAL HUMANITARIAN LAW 53-86 (2001).

With Mihaela Vasiu, *NATO Enlargement on the Eve of the Second Round*, 1 CONNECTIONS 69-90 (2001).

Humanitarian Law and the Environment, 28 DENVER JOURNAL OF INTERNATIONAL LAW AND POLICY 265-323 (2000).

With Peter J. Richards, *Into Uncharted Waters: The International Criminal Court*, NAVAL WAR COLLEGE REVIEW, Winter 2000, at 93-136.

The Principle of Distinction in 21st Century Warfare, 2 YALE HUMAN RIGHTS AND DEVELOPMENT LAW JOURNAL 143-182 (1999).

Angriffe im Computernetz und das Jus ad Bellum, NEUE ZEITSCHRIFT FÜR WEHRRECHT, Sept./Oct., 1999, at 177-195.

Computer Network Attack and Use of Force in International Law: Thoughts on a Normative Framework, 37 COLUMBIA JOURNAL OF TRANSNATIONAL LAW 885-937 (1999) (special issue to honor Telford Taylor), *reprinted in* THE USE OF FORCE IN INTERNATIONAL LAW (Tarcisio Gazzani and Nicholas Tsagourias eds., Ashgate, 2012); *reprinted in* II LAW ON THE USE OF FORCE AND ARMED CONFLICT (Robert Cryer & Christian Henderson eds., Elgar, 2017).

Future War and the Principle of Discrimination, 28 ISRAEL YEARBOOK ON HUMAN RIGHTS 51-90 (1999).

With Peter J. Richards, *Mars Meets Mother Nature: Protecting the Environment During Armed Conflict*, 28 STETSON LAW REVIEW 1047-1090 (1999).

Bellum Americanum: The U.S. View of Twenty-First Century War and Its Possible Implications for the Law of Armed Conflict, 19 MICHIGAN JOURNAL OF INTERNATIONAL LAW 1051-1090 (1998); 71 INTERNATIONAL LAW STUDIES 389-428 (1998).

War and the Environment: Fault Lines in the Prescriptive Landscape, 37 ARCHIV DES VÖLKERRECHTS 25-67 (1999); THE ENVIRONMENTAL CONSEQUENCES OF WAR: LEGAL, ECONOMIC, AND SCIENTIFIC PERSPECTIVES (Cambridge University Press, Jay Austin & Carl Bruch eds., 2000), at 87-136.

The Law of Armed Conflict as Soft Power: Optimizing Strategic Choice, 75 INTERNATIONAL LAW STUDIES 455-482 (2000).

Clipped Wings: Effective and Legal No-fly Zone Rules of Engagement, 72 INTERNATIONAL LAW STUDIES 239-295 (1998); 20 LOYOLA OF LOS ANGELES INTERNATIONAL AND COMPARATIVE LAW JOURNAL 727-789 (1998).

With Peter Richards, *Mars Meets Mother Nature: Protecting the Environment During Armed Conflict*, STETSON LAW REVIEW 1047-1090 (1999).

The International Court of Justice and the Use of Nuclear Weapons, NAVAL WAR COLLEGE REVIEW, Spring 1998, at 91-116, *reprinted in* 7 USAFA JOURNAL OF LEGAL STUDIES 57-96 (1997).

Green War: An Assessment of the Environmental Law of International Armed Conflict, 22 YALE JOURNAL OF INTERNATIONAL LAW 1-109 (1997).

With John Astley, *The Law of the Sea and Naval Operations*, 42 AIR FORCE LAW REVIEW 119-156 (1997).

With Robert A. Coe, *Fighter Ops for Shoe Clerks*, 42 AIR FORCE LAW REVIEW 49-100 (1997).

Identifying National Objectives and Developing Strategy: A Process Oriented Approach, STRATEGIC REVIEW, Winter 1997, at 24-37.

The Environmental Law of War: An Invitation to Critical Reexamination, 6 USAFA JOURNAL OF LEGAL STUDIES 237-271 (1996); 36 REVUE DE DROIT MILITAIRE ET DE DROIT DE GUERRE 13-53 (1997) (Winner, 1996 Military Operations and Law Prize, Naval War College).

Aegean Angst: The Greek-Turkish Dispute, NAVAL WAR COLLEGE REVIEW, Summer 1996, at 42-72, revised and *reprinted as* *Aegean Angst: A Historical and Legal Analysis of the Greek-Turkish Dispute*, 2 ROGER WILLIAMS UNIVERSITY LAW REVIEW 15-56 (1996).

The Resort to Force in International Law: Reflections on Positivist and Contextualist Approaches, 37 AIR FORCE LAW REVIEW 105-120 (1994) (Winner, 1995 Society of the Strategic Air Command Outstanding Air Force Law Review Article).

State Sponsored Assassination in International and Domestic Law 17 YALE JOURNAL OF INTERNATIONAL LAW 609-685 (1992) (Winner, 1991 Yale University Ambrose Gherini Prize).

At the Confluence of Law and Morality, 31 REVUE DE DROIT MILITAIRE ET DE DROIT DE LA GUERRE 295-327 (1992), *reprinted in* 3 USAFA JOURNAL OF LEGAL STUDIES 91-106 (1992); 47 DERECHO (Pontificia Universidad Catolica del Peru) 465-491 (1993) as *El Encuentro Del Derecho y la Moral: Reflexiones Sobre la Guerra Justa*.

Derecho Internacional y Asesinato Patrocinado por el Estado, 1.1 DERECHO Y HUMANIDADES (Chile) 63-88 (1992).

Aerial Blockades in Historical, Legal, and Practical Perspective, 2 USAFA JOURNAL OF LEGAL STUDIES 21-86 (1991).

The Judicial and Non-Judicial Punishment Systems of the Soviet Armed Forces, 4.1 JOURNAL OF SOVIET MILITARY STUDIES 87-123 (1991).

With James Moody, *The Soviet Military Justice System*, 34 AIR FORCE LAW REVIEW 1-108 (1991).

With Steven Hatfield, *Durable Powers of Attorney*, 134 MILITARY LAW REVIEW 203-230 (1991).

With Steven A. Hatfield, *Scientific Evidence in Courts-Martial: From the General Acceptance Standard to the Relevancy Approach*, 130 MILITARY LAW REVIEW 135-169 (1991); 20 POLYGRAPH 80-107 (1991); USAFA Technical Report 90-7, 1990.

The Use of Force Overseas: An Analytical Framework, 39 NAVAL LAW REVIEW 93-101 (1990).

With Laura H. Crocker, *DNA Typing: Novel Scientific Evidence in the Military Courts*, 32 AIR FORCE LAW REVIEW 227-330 (1990).

Book Forewords

RESEARCH HANDBOOK ON INTERNATIONAL LAW AND CYBERSPACE (Nicholas Tsagourias & Russell Buchan eds., Elgar, 2015).

CYBERWAR: LAW AND ETHICS FOR VIRTUAL CONFLICTS (Jens Ohlin et. al. eds., Oxford University Press, 2015).

NEW TECHNOLOGIES AND THE LAW OF ARMED CONFLICT (Hitoshi Nasu & Robert McLaughlin eds., Asser/Springer, 2014).

INTERNATIONAL HUMANITARIAN LAW AND THE CHANGING TECHNOLOGY OF WAR (Dan Saxon ed., Martinus Nijhoff, 2013).

Laurie Blank & Gregory P. Noone, INTERNATIONAL LAW AND ARMED CONFLICT: FUNDAMENTAL PRINCIPLES AND CONTEMPORARY CHALLENGES IN THE LAW OF WAR (Aspen, 2013).

William H. Boothby, THE LAW OF TARGETING (Oxford University Press, 2012).

PROCEEDINGS OF THE 4TH INTERNATIONAL CONFERENCE ON CYBER CONFLICT 283-293 (Christian Czosseck, Rain Ottis & Katharina Ziolkowski eds., 2012).

Lindsay Moir, REAPPRAISING THE RESORT TO FORCE: INTERNATIONAL LAW, JUS AD BELLUM AND THE WAR ON TERROR (Hart, 2010).

Substantive Internet Pieces

With Peter Barker, *"The Mother of All Bombs": Understanding the Massive Ordnance Air Blast Weapon*, JUST SECURITY (April 15, 2017).

With Christopher Ford, *The Use of Force in Response to Syrian Chemical Attacks: Emergence of a New Norm?*, JUST SECURITY (April 8, 2017).

Tallinn Manual 2.0 on the International Law of Cyber Operations: What it is and Isn't, JUST SECURITY (February 9, 2017).

With Oona Hathaway and Marty Lederman, *Two Lingering Concerns About the Forthcoming Law of War Manual Amendments*, JUST SECURITY (November 30, 2016).

US Transparency Regarding International Law in Cyberspace, JUST SECURITY (November 15, 2016).

Regulating Autonomous Weapons Might be Smarter Than Banning Them, JUST SECURITY (August 10, 2015).

It's Complicated: The Nuances of Any US Effort to Defend Division 30 from Assad, JUST SECURITY (August 5, 2015).

Cyber Responses "By the Numbers" in International Law, EUROPEAN JOURNAL OF INTERNATIONAL LAW TALK (August 4, 2015).

The Relationship Between Context and Proportionality: A Reply to Cohen and Shany JUST SECURITY (May 11, 2015).

With John Merriam, *A Legal and Operational Assessment of Israeli Targeting Practices*, JUST SECURITY (April 24, 2015).

Preparing for Cyber War: A Clarion Call, JUST SECURITY (March 23, 2015).

Armed Attacks in Cyberspace: A Reply to Admiral Stavridis, LAWFARE (January 8, 2015).

The State of Humanitarian Law in Cyber Conflict, JUST SECURITY (January 6, 2015).

Normative Voids and Asymmetry in Cyber Space, JUST SECURITY (December 29, 2014).

International Law and Cyber Attacks: Sony v. North Korea, JUST SECURITY (December 17, 2014).

With Ryan Goodman, *Having Crossed the Rubicon: Arming and Training Syrian Rebels*, JUST SECURITY (September 26, 2014).

The Applicability of International Humanitarian Law in Cyberspace, INTERCROSS: ICRC AMERICA (May 20, 2014).

A Step in the Wrong Direction: The EU Parliament's Drone Resolution, JUST SECURITY (March 7, 2014).

Five Myths in the Debate about Cyber War, JUST SECURITY (September 23, 2013).

The Guantanamo Captives: Trial, Detention or Release?, CRIMES OF WAR PROJECT, May 2002 (on-line article, www.crimesofwar.org).

Ethics and Military Force: The Jus in Bello, CARNEGIE COUNCIL ON ETHICS AND INTERNATIONAL AFFAIRS (January 7, 2002).

SELECTED MEDIA INTERVIEWS

Asashi Shimbun (Japan)
Associated Press
Australian BC, PM
BBC Radio 4
BBC Radio 5
BBC TV
BBC Persian Service
Berlingske (Denmark)
Boston Globe
British Forces Network
Business Insider
C-Span
Canadian BC
Chief Security Officer Magazine
CNBC
CNN
Crimes of War
Daily Dot
Defence Procurement International
Der Spiegel
Deutsche Welle
Economist
Federal News Service
Forbes.com
The Guardian
The Hill

Huffington Post
Inside Cybersecurity
Intercross
International Business Times
Irish National Radio
Japan Broadcasting Corporation (NHK)
Jerusalem Post
Microsoft News Network
Mother Jones
National Public Radio
NBCNews.com
New Scientist
NTN 24 (Latin America)
Radio Free Europe
Reuters
SBS Radio (Australia)
Security Week
SRF Radio (Switzerland)
Suomen Kuvalehti (Finland)
Time Magazine
USA Today
Wall Street Journal
Washington Post
Washington Times
Weekly Standard
WDR Radio (Germany)