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Introduction

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INTRODUCTION

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On September 5, 2014, the Case Western Reserve University School of Law hosted the annual Frederick K. Cox International Law Center Symposium. The theme for the 2014 symposium was *International Regulation of Emerging Military Technologies*, and was organized by the Consortium on Emerging Technologies, Military Operations, and National Security (CETMONS), which I then directed. CETMONS is an affiliation of military, government, and civilian officials and scholars that explores the ethical, social, political, military, and international implications of advances in military technology through a variety of interdisciplinary collaborations and meetings. The 2014 symposium featured panels of renowned experts presenting contrasting views on each of four types of emerging military technology: autonomous weapons systems, cyber warfare, military genomics, and non-lethal weapons.

Papers commissioned as part of this timely conference are being published in this volume of the *Journal of International Law*. The papers in this volume are grouped by panel topic in the order presented and discussed by the authors at the symposium.

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The first panel, on Autonomous Weapons Systems, featured a discussion between Professors Michael Newton, Greg Noone, and Heather Roff. Professor Newton's paper examines whether a preemptive ban on autonomous weapon systems is likely to be effective and enforceable. Professor Noone's paper proposes new ways to frame the debate regarding the future of autonomous weapons systems. Finally, Professor Roff's paper examines how a state's proposed use of autonomous weapons systems would affect the key principles of proportionality and discrimination in armed conflict.

The second panel, on Cyber Warfare, featured a discussion between Col. Matteo Martemucci (USAF), Molly Sauter, and author P.W. Singer. Col. Martemucci's paper argues that the law and policy community should give greater attention to the threat of cyber economic espionage on United States and international interests. Ms. Sauter's paper uses metaphors to encourage a change in the discussion of cyber warfare from terms of the physical and political world to the online space, both as a means of better understanding cyber threats

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and as a means to preserving individual rights and freedoms. Finally, Mr. Singer's article describes how the nature of Stuxnet, a computer worm that infiltrated Iranian nuclear facilities, changed the nature of cyber attacks, as well as how the discussion of digital technology fits into the laws of war.

The third panel, on Military Genomics, featured a discussion between Professors Eric Juengst, Maxwell Mehlman, and Efthimios Parasidis. Professor Juengst's paper, co-written with Gabriel Lazaro-Muñoz, highlights the development and issues surrounding the development of a preventative genomic sequencing program to predict the risk of post-traumatic stress disorder among military service members. Professor Mehlman's paper discusses the broader implications of the use of genomic science within the military. Finally, Professor Parasidis' paper examines the law and ethics of recent advancements in biomedical innovations, particularly human subject researching and military law and military medicine.

The fourth panel discussed Non-Lethal Weapons, and featured a discussion between Professors Stephen Coleman, Pauline Kaurin, David Koplow, and Susan LeVine of the United States Marine Corps. Professor Coleman's paper argues that the military's use of non-lethal weapons has been lacking a consideration of certain ethical implications, especially in the context of their use in law enforcement. Professor Kaurin's paper serves as a creative approach in framing where the conversation regarding non-lethal weapons will go next. Professor Koplow's paper examines ten arguments critical of non-lethal weapons, weighing their merit and implications. Finally, Ms. LeVine's paper examines the discussion of non-lethal weapons through real world examples of conflict, and frames the debate over the use of non-lethal weapons through a policy lens. Also included in this section is a paper by Professor Michael Gross, examining how the use of non-lethal weapons could possibly cause physical harm and economic hardship.

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In addition to the symposium articles, this volume of the *Journal of International Law* features transcripts of speeches and a radio program sponsored by the Case Western Reserve University School of Law and the Cox International Law Center over the past year on prescient issues in international law. First, Mark Ellis delivered this year's Klatsky Seminar on Human Rights, discussing how secured video and social media can be used to aid in the collection of evidence of war crimes, genocide, and crimes of humanity for later use in prosecutions. Second, Judge Mark Barnett of the United States Court of International Trade delivered this year's Cox Center Distinguished Lecture, discussing the importance and role of international decisions by tribunals on international trade. Finally, Elizabeth Andersen of the American Bar Association's Rule of Law Initiative received this year's

Cox Center Humanitarian Award and delivered the accompanying lecture on the relationship between transitional justice and the rule of law. Also included in this section is a transcript of a production of *Talking Foreign Policy*, a current affairs radio program produced by WCPN 90.3 FM ideastream, Cleveland's NPR affiliate. The January 2014 edition of the program featured host Michael Scharf, P.W. Singer, Michael Newton, Milena Sterio, and Shannon French discussing the present and future nature and implications of cyber warfare on the rule of law and international conflicts.

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Finally, this volume includes four student Notes from the graduating staff members of the *Journal of International Law*. The first, written by Managing Editor Douglas Cannon, argues for the creation of an international task force to seek out operations and individuals manufacturing counterfeit medicine due to its role in financing terrorist organizations globally. The second, written by Senior Editor Jake Cappel, examines the impact of the Volcker Rule's ban on proprietary trading on foreign financial institutions. The third, written by Symposium Editor Daniel Vallejo, asks whether autonomous maritime vehicles fall under the jurisdiction of the collision regulations of the sea, and examines the potential tort liability arising from incidents involving those autonomous maritime vehicles. Finally, the fourth, written by Editor-in-Chief Richard Wanerman, argues that the Arctic Council must become the collective enforcement mechanism for the International Maritime Organization's Polar Code on commercial ships using the Arctic Ocean. This Note was awarded as Note of the Year for 2015.

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This volume of the *Journal of International Law* would not be possible without the hard work and generous support of many people. We thank the symposium participants for their contributions, both in person and in writing, to this critical area of legal and policy development that continues to shape the future of the law of armed conflict, humanitarian law, and international relations. We are grateful for the generosity of the Case Western Reserve University School of Law, the Cox International Law Center, and CETMONS for hosting the symposium and supporting the *Journal*. We are also grateful for the continued support of the Wolf Family Foundation, whose annual support helps us host such relevant and insightful symposia at the Case Western Reserve University School of Law for the benefit of the international legal community, and to publish the work of the symposium participants in the *Journal of International Law* for global dissemination. Finally, we thank the graduating and continuing staff of the *Journal of International Law*, whose dedicated efforts ensure the continued success of the *Journal*.

We hope you enjoy Volume 47 of the *Case Western Reserve Journal of International Law*.