

Questions for Case Study 2: Russian efforts to influence US and other countries' elections

1. Should election processes and private information be treated legally the same as sovereign territory?
2. Based on your understanding of international law on non-intervention and the use of force, was it legal for the Russian government to support interference in other countries' elections?
 - a. Does your analysis differ regarding Brazilian interference in Venezuelan elections compared with Russian interference in US, UK, and French elections
 - b. If illegal, what source indicates the illegality of each action? UN Charter or some other provision?
3. Should political parties' *computers or other devices* be treated legally the same as sovereign territory?
 - a. Does the location of those devices matter for legal purposes?

Assigned Readings:

- Update to the DRW textbook on Russian interference:
<https://www.law.umich.edu/facultyhome/drwcasebook/Documents/Updates/Chapter%2013%20Problem%20III%20Update%20on%20Russian%20Interference%20in%20the%202016%20U.S.%20Presidential%20Election.pdf>
- Eric Lipton, David E. Sanger, and Scott Shane, "The Perfect Weapon: How Russian Cyberpower Invaded the U.S.," Dec. 13, 2016 *New York Times*, <https://www.nytimes.com/2016/12/13/us/politics/russia-hack-election-dnc.html>
- Dan Sabagh and Luke Harding, "PM accused of cover-up over report on Russian meddling in UK politics," 4 Nov 2019 *The Guardian*, <https://www.theguardian.com/politics/2019/nov/04/no-10-blocks-russia-eu-referendum-report-until-after-election>
- Adam Plowright, "Global Opinions: France and Macron have buried allegations of Russian meddling," May 23, 2018 *Washington Post*, <https://www.washingtonpost.com/news/global-opinions/wp/2018/05/23/france-and-macron-have-buried-allegations-of-russian-meddling/>
- Paula Baldini Miranda da Cruz and Rafael Braga da Silva, "Did Brazil Illegally Intervene in the 2017 Venezuelan Elections?," 23 July 2019 *Opinio Juris* blog, <http://opiniojuris.org/2019/07/23/did-brazil-illegally-intervene-in-the-2017-venezuelan-elections/>
- Nicholas Tsagourias, "Electoral Cyber Interference, Self-Determination and the Principle of Non-Intervention in Cyberspace," August 26, 2019 *EJIL: Talk!* blog, <https://www.ejiltalk.org/electoral-cyber-interference-self-determination-and-the-principle-of-non-intervention-in-cyberspace/>
- David P. Fidler, "The U.S. Election Hacks, Cybersecurity, and International Law," *AJIL Unbound* 2016, 110, 337-342. <https://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=3607&context=facpub>
- Przemysław Roguski, "France's Declaration on International Law in Cyberspace: The Law of Peacetime Cyber Operations, Part I," 24 September 2019 *Opinio Juris* blog, <http://opiniojuris.org/2019/09/24/frances-declaration-on-international-law-in-cyberspace-the-law-of-peacetime-cyber-operations-part-i/>
[Part II is recommended but not required reading]
- Recommended (not required):
 - o "Symposium on Sovereignty, Cyberspace, and Tallinn Manual 2.0" 22 August 2017 *AJIL Unbound* Volume 111, pages 205-228.
 - o Heather A. Conley, "Successfully Countering Russian Electoral Interference," June 21, 2018 *CSIS Briefs*, <https://www.csis.org/analysis/successfully-countering-russian-electoral-interference>
 - o Erik Brattberg and Tim Maurer, "Russian Election Interference: Europe's Counter to Fake News and Cyber Attacks," May 23, 2018 Carnegie Endowment for International Peace, <https://carnegieendowment.org/2018/05/23/russian-election-interference-europe-s-counter-to-fake-news-and-cyber-attacks-pub-76435>