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Across the Spectrum of Conflict:

Operationalizing International Law in Cyber

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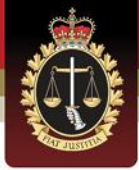
Canada



OUTLINE

1. Cyber Force “Readiness”
2. Applicable Law
3. *How* International Law Applies in Cyber
4. Operationalizing International Law for Cyber
5. Do Operators Care?
6. The Role of the Cyber Legal Advisor





Starting Point...

“The important thing is not to stop questioning. Curiosity has its own reason for existence.”

-Albert Einstein





Military ‘Readiness’

What does military “readiness” look like for cyber forces?

Canadian Armed Forces establishes a new Cyber Command

From: [National Defence](#)

News release

September 26, 2024 – Ottawa –
National Defence / Canadian Armed Forces

Today, the Honourable Bill Blair, Minister of National Defence, and General Jennie Carignan, Chief of the Defence Staff, officially announced the establishment of the Canadian Armed Forces Cyber Command (CAFCYBERCOM). This



[Home](#) / [Operations](#) / [Operations](#) / [CAF Establishes New Cyber Command](#)

Operations

CAF Establishes New Cyber Command

Mishall Rehman · October 1, 2024 · 0

2 minutes read

Above image: left, the Chief of the Defence Staff General Jennie Carignan at the Canadian Armed Forces Cyber Command (CAFCYBERCOM) announcement. Right, MGen. Dave Yarker will head the new cyber

CYBERCOM: Canada's CAF Gets Serious About Cyber Defense

[SITUATION REPORTS](#) - October 15, 2024

By Mark Soo



On September 26, it was [announced](#) by Defense Minister Bill Blair and General Jennie Carignan, Chief of the Defence Staff, that the Canadian Armed Forces Cyber Command (CAF CYBERCOM) will be established. The new command's mandate is to [conduct](#) cyber operations, cyber force sustainment, management, and development. CYBERCOM will be [led](#) by Major General Dave Yarker, who was [appointed](#) in 2022 as the Director General Information Management Operations and Joint Force Cyber Component Commander.



Applicable Law

- If Cyber Forces are “in the fight” NOW, what does this mean for the applicable law?

1. DCO – IDM
2. DCO – RA
3. OCO





How International Law Applies to Cyber

- “International law applies to cyberspace.”
 - But *HOW*?
 - National Statements
 - Canada’s covers
 - Sovereignty
 - Collective countermeasures
 - IHL/LOAC (including “attack”)
 - Etc.





Operationalizing International Law for Cyber

- The role of national positions
 - The role of silence
- Importance of legal interoperability



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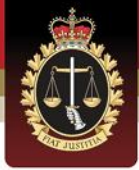
Do Operators Care?

–YES.

- Case Studies

1. Data as an object
2. Direct Participation in Hostilities
3. Domestic and international legal basis for operations





The Role of the Cyber Legal Advisor

- Lawyering “at the speed of cyber”
- Know the fundamentals
- Stay curious



QUESTIONS?

