

Second Meeting of the Open-Ended Working Group on International Law in Cyberspace, from 9-10 February, 2017: Report

The Second Meeting of the Open-Ended Working Group on International Law in Cyberspace, which took place over two days, 9th and 10th February, 2017, at the AALCO Headquarters (AALCO Secretariat) here in New Delhi, concluded successfully, with a number of States agreeing upon further co-operation in matters of international law in cyberspace. The Meeting took place over six sessions. The inaugural session comprised of insightful addresses by the Secretary General of AALCO, Prof. Kennedy Gastorn, Joint Secretary, Legal and Treaties Division, Ministry of External Affairs, India, and the President of the Fifty-Fifth Annual Session of AALCO, Dr. V.D. Sharma, and Director General for International Legal Affairs, Ministry of Foreign Affairs, Islamic Republic of Iran, and the Chairman of the Working Group, Mr. Hossein Panahi Azar, on the present day importance of the topic, ‘International Law in Cyberspace’, and the continued relevance of the Working Group. This was followed by sessions on the four major areas within the topic of international law in cyberspace as flagged by the Member-States of AALCO: State-sovereignty in cyberspace, law and governance of cyberspace, cyber warfare, and cybercrimes and international law; and the last session wherein the Special Study in cyberspace was introduced by the Secretariat, and Member-States had the opportunity to discuss the future work of the Cyberspace Working Group. All the sessions saw eminent presentations by the key speakers on their specialized topics, as well as a zealous participation of the Member-States and other observers.

Mr. Arun Mohan Sukumar, Head, Cyber Initiative, Observer Research Foundation, was the keynote speaker of the first two sessions on State-sovereignty in cyberspace and law and governance of cyberspace, wherein he gave a technical as well a critical overview of both the domains, which received a keen response from the participants. In the following session on cyber warfare, Mr. Jeremy England, Head, ICRC, as the guest-speaker, spoke extensively on first, the idiosyncrasies of the applicability of International Humanitarian Law in cases of conflicts, and second, the challenges of applying it to inter-connected domain like cyberspace. Member-States discussed the topic extensively with the speaker. In the 5th Session on cybercrimes and international law, the main speaker Dr. Zhixiong Huang, Professor, Wuhan University Law School, and the Rapporteur of the Working Group, critically analyzed the existing International

Conventions and Studies on tackling cybercrimes, and put forward suggestions on how a global convention to combat cybercrimes may develop. In the last session, the AALCO Secretariat introduced the Special Study on International Law in Cyberspace prepared by it, which is to be released at the 56th Annual Session of AALCO, in 2017. Also, the future work and course of action of the Working Group were discussed by the Member-States during this session. It was proposed that the Rapporteur of the Working Group, Dr. Zhixiong Huang, would prepare a special report on the topic, within which he would be exploring the future work priority and outcome of the Working Group, such as prospective AALCO guidelines or model provisions on cyberspace. As per the applicable statutory rules of AALCO in this regard, the outcome of this 2nd Meeting of the Open-Ended Working Group would be reported at the upcoming Annual Session.