



**AALCO-ICRC IN-HOUSE CAPACITY BUILDING PROGRAMME ON THE THEME—
"APPLICATION OF IHL TO CYBERSPACE: POTENTIAL ROLE OF ASIAN-
AFRICAN STATES IN THE DEVELOPMENT OF A COMPREHENSIVE LEGAL
FRAMEWORK" HELD ON 20 JUNE 2017 AT AALCO HEADQUARTERS, NEW
DELHI**

**WELCOME ADDRESS BY H.E. PROF. KENNEDY GASTORN,
SECRETARY GENERAL, AALCO**

Excellencies, Distinguished Guests and Colleagues,

I welcome you all at the AALCO Headquarters today to participate in the In-House Capacity Building Program on the theme “Application of IHL to Cyberspace: Potential Role of Asian-African States in the Development of a Comprehensive Legal Framework.”

We all are aware that this year marks the 40th Anniversary of the 1977 Additional Protocols to the 1949 Geneva Conventions. We are also well aware of the successes and achievements of the Additional Protocols over the years, including as to attaining universal reaffirmation of the IHL rules, expanding the regulation of conduct of hostilities to non-international armed conflicts, and catering to the new realities of war. Nevertheless, the application of the norms of IHL in the battlefield continues to face new challenges due to new situations such as rise in asymmetric conflicts in non-international armed conflicts, the fight against terrorism, and the rapid advances in modern technologies, especially in the sphere of cyberspace.

Experts and state-practitioners alike have pointed out the predicaments of applying the existing principles and rules of IHL to the domain of cyberspace, citing reasons of both the novelty of the cyber-domain, as well as the lack of an existing international legal treaty to regulate acts of warfare in cyberspace. Despite the continuing work being done in the area of application of norms of IHL to the activities in cyberspace, some of the issues regarding such application

remain as basic as whether or not cyberspace may even be termed as the “fifth domain” of warfare.

AALCO included the topic of “International Law in Cyberspace” on its substantive agenda in the year 2014, at its Fifty-Third Annual Session, where the topic was suggested by People’s Republic of China. Since then all the crucial aspects of the topic have been identified and discussed by the AALCO Member States. Acknowledging the tremendous import of the topic as well as the high level of discussion between Member States in this behalf, a Working Group was formed in this behalf in the year 2015, at the Fifty Fourth Annual Session of AALCO. This Working Group has already met twice, and has seen active discussions between Member States on various topics relating to cyberspace, including ‘Cyber-warfare’. In the last Working Group Meeting, that took place from 9-10 February, 2017 at the AALCO Headquarters, the Member States emphasized not only on the immense hindrances in the present application of IHL rules to cyber warfare, but also on the great need today of having established rules of IHL in this behalf.

Hence, the timely nature of the present discussion, which is on the application of IHL to cyberspace, and the role that Asian-African States can potentially play in the development of a comprehensive legal framework in that regard, is indeed note-worthy. To talk on this topic we have with us today, Mr. Laurent Gisel, Legal Adviser of the Legal Division of the ICRC. Mr. Laurent Gisel has been working for the International Committee of the Red Cross (ICRC) since 1999. From 1999 till 2008 he had been involved in various important assignments of ICRC, around the globe. Since 2008, he has been working in the ICRC Legal Division. Currently he is working in the Thematic Legal Advisers' Unit and is notably the file holder for the rules governing the conduct of hostilities, including in cyber space and outer space.

Mr. Laurent Gisel was an Attorney-at-Law in Geneva and worked at the Public and Administrative Law Court of the Canton de Vaud, prior to joining the ICRC. He holds a degree in law from the University of Geneva and a Master in international law from the Graduate Institute of International Studies (Geneva, Switzerland).

With this, I warmly welcome all participants who are here to deliberate on this important topic. I am sure that the Member States will benefit from Mr. Gisel’s talk, and that we will have a fruitful outcome out of this programme. Thank you very much.

I now request Mr. Laurent Gisel to take the floor for his expert remarks on the topic.