

CJI/RES. 260 (XCVII-O/20)

INTERNATIONAL LAW AND STATE CYBER OPERATIONS

THE INTER-AMERICAN JURIDICAL COMMITTEE,

BEARING IN MIND that the OAS General Assembly, through resolution AG/RES. 2930 (XLIX-O/19) "International Law", in point i on "Observations and recommendations on the Annual Report of the Inter-American Juridical Committee," requested the CJI to permanently report on progress regarding the topics included in its agenda, such as matters related to cyber security;

AWARE of the need to provide OAS Member States with clear parameters on the application of international law to cyberspace, thereby limiting the risks of escalation or involuntary conflict;

TAKING INTO ACCOUNT the document "International Law and Cybernetic Operations of the State: Improving Transparency - Fifth Report", document CJI/doc. 615/20, presented by Dr. Duncan B. Hollis, rapporteur of the topic,

RESOLVES:

1. To thank Dr. Duncan B. Hollis for his work as rapporteur on the subject and for the presentation of said report.

2. Based on the proposals in the aforementioned report, to recommend to the General Assembly that it support the applicability of international law to state operations in cyberspace through the approval of the following statement:

The OAS General Assembly affirms that international law, including the United Nations Charter in its entirety, the OAS Charter, international humanitarian law, international human rights law, the duty of non-intervention, the sovereign equality of states, and the law of state responsibility, is applicable to the use of information and communication technologies (ICT) by States and those for whom States are internationally responsible.

3. To request the Department of International Law, in its capacity as Technical Secretariat of the Inter-American Juridical Committee, to present to the CJI a proposal to support or undertake training activities for various actors on the application of international law to cyberspace.

4. To keep the theme on its agenda and broaden its scope beyond the themes of international law related to international peace and security to encompass other international legal regimes.

This resolution was unanimously approved at the regular session on the 7th August 2020, in the presence of the following members: Drs. Luis García-Corrochano Moyano, Eric P. Rudge, Mariana Salazar Albornoz, José Antonio Moreno Rodríguez, Milenko Bertrand-Galindo Arriagada, Duncan B. Hollis, Alix Richard, George Rodrigo Bandeira Galindo, Miguel A. Espeche-Gil, Íñigo Salvador Crespo and Ruth Correa Palacio.