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The codification of the international law applicable to cyber operations : a matter for the ILC ? / François Delerue

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Abstract:	The failure to reach a consensus on a final report of the United Nations Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security (UNGGE) in June 2017 questions the future of the multilateral discussions on cybersecurity and cyberdefense, and more specifically the application of norms of international law to cyber phenomena. This article advocates that States should consider to dissociate the discussions regarding the applicability and application of norms of international law from the political and strategic discussions. Such political and strategic discussions, it is argued, should remain an interstate diplomacy exercise, while discussions on the legal framework should be referred to an international body comprised of legal experts rather than diplomats and State representatives, namely the International Law Commission (ILC).
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