

# **Responsibility of States for Unlawful Acts in Cyberspace**

## **Abstract**

This master's thesis addresses the topic of responsibility of states for unlawful acts in cyberspace. It examines the application of current international law rules regarding individual elements of international responsibility of states and it evaluates their effectivity when applied to cyberspace. In particular, this thesis discusses the issue of breach of an international obligation and its attribution to a particular state in cyberspace, which are considered the most challenging issues in practice.

In the field of breach of an international obligation, it has been found that states are mainly in breach of various levels of sovereignty of other states. The thesis has focused on an armed attack, threat or use of force, prohibited intervention and other selected issues of less severe violations of sovereignty. Particular emphasis has been put on the due diligence obligation, which has been considered irreplaceable in relation to unlawful acts in cyberspace.

With regard to the question of attribution it has been proved that rules contained in Articles on Responsibility of States for Internationally Wrongful Acts are to be applied also to unlawful acts in cyberspace. The issue of attribution of conduct by non-state actors has been discussed in detail, as well as the difficulties of current legislation and its interpretation. Various illustrative cases has been analysed as well.

This thesis has arrived to a conclusion that current international responsibility norms are not well suited for application to cyberspace, since most of malicious unlawful cyber operations do not fall within their wording. Adoption of an international treaty dealing with above mentioned issues in an authoritative manner would be desirable, however current state practice does not indicate that this could happen in the near future. Thus, the solution might be an extensive interpretation of current rules.

**Key words: Cyberspace, Unlawful Act of a State, Attribution**