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**ENVELOPE**

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**HEADER**

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RUEPPOG/CDR PSYOPGP FT BRAGG NC//ASOF-POG-SB//  
RHMCSII/CDR USPACOM HONOLULU HI  
RUZFMXI/CDR USTRANSCOM INTEL CELL SCOTT AFB IL  
RUEPNGA/CDRNGIC CHARLOTTESVILLE VA  
RHMCSII/CDRUSASOIC WASHINGTON DC  
RUEPWDC/DA AMHS WASHINGTON DC  
RHEBAAA/DEPT OF ENERGY WASHINGTON DC//IN-1//  
RUEPTRX/DEPT OF TREASURY WASHINGTON DC  
RHEFDIA/DIA WASHINGTON DC



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RUZDJWC/JWAC DAHLGREN VA  
RUZDNAI/NASIC WRIGHT PATTERSON AFB OH  
ZEN/NGA WASHINGTON DC  
RUETIAA/NSACSS FT GEORGE G MEADE MD  
RUCXONI/ONI WASHINGTON DC//2140//  
RHMCSII/SECDEF WASHINGTON DC  
RHMCSII/SECSTATE WASHINGTON DC//INR//  
RUCQSAB/USSOCOM INTEL MACDILL AFB FL  
RULWIOC/USSTRATCOM INTEL OPSCTR OFFUTT AFB NE  
ZEN/CIA WASHINGTON DC  
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**CONTROLS**

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WARNING: TOPIC: DOMESTIC POLITICAL, INTERNATIONAL POLITICAL,  
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**BODY**

COUNTRY: INDIA, UNITED STATES  
INTERNATIONAL ORGANIZATION: INTERNATIONAL COURT OF JUSTICE, NORTH  
ATLANTIC TREATY ORGANIZATION, UNITED NATIONS  
SUBJ: (U) INDIA WORKING TO EXTEND GLOBAL NORMS TO SAFEGUARD  
Diplomatic E-Mails From Interception

SOURCE: Chennai The Hindu Online in English 06 Aug 13

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TEXT:

[ (U) Report by Sandeep Dikshit: "Safeguarding Diplomatic E-Mails"]

[INTERNET]

[OSC Transcribed Text]

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India feels existing norms for immunity of state correspondence  
will  
apply to cyberspace

New Delhi: India is quietly working at ensuring that long-standing  
international norms governing the immunity of diplomatic  
correspondence also guide state behaviour in cyberspace following  
revelations by whistleblower Edward Snowden about the United States  
intercepting diplomatic e-mails of several countries including the  
Indian mission in Washington.

Upset as other countries are by revelations that the U.S. has been  
subjecting their diplomatic premises to electronic snooping, India  
has held its fire in public. But internally, the government feels  
the  
existing body of international law must be extended to ensure that  
diplomatic missions are free from interception of privileged  
electronic communications.

The government has revisited the ubiquitous Vienna Convention and

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the lesser-known Tallinn Manual of the Northern Atlantic Treaty Organisation (NATO) and feels the application of norms derived from existing international laws is an essential measure to decrease the risks to international peace and security due to unlawful snooping of diplomatic e-mails.

For the moment, the U.S. has tried to ensure that the controversy will be kept out of this year's session of the U.N. General Assembly by the simple method of setting up a committee.

Nevertheless, the problem is not going to go away. Indian officials note that when the Vienna Convention on Diplomatic Relations is read with the International Court of Justice's Tehran Hostages judgement, it is amply clear that protection applies to diplomatic archives at any time and wherever they might be.

Though the subject needs greater study and consultation, Indian officials feel states cannot get away from their international obligation of ensuring there is no breaking of what they call diplomatic e-immunity. They agree with cyber law experts such as Jovan Kurbalija that digital assets enjoy the same diplomatic protection as their physical ones and that there is no need for new rules to govern cyberspace.

With this view, the officials feel the Vienna Convention's Articles 24 (the host country must protect the mission from intrusion or damage and never search the premises, nor seize its documents or property) and 27 (host country must permit and protect free communication between the diplomats at the mission and their home country; a diplomatic bag must never be opened even on suspicion of abuse; a diplomatic courier must never be arrested or detained) could be extended to ensuring e-immunity.

The issue of interception of diplomatic e-mails is going to remain even though some states might seek to score points against the U.S. on the Snowden affair in case a debate ever takes place during the forthcoming U.N. General Assembly. This is because as countries start looking for cheaper storage space in cloud computing, there will be an increase in vulnerability of diplomatic communications as

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compared  
to in-house servers, which are becoming more expensive by the day.

Diplomats here find the Tallinn Manual more contemporary as its recommendations have come in the context of earlier instances of cyber warfare such as the cyber attack of unknown origin against Estonia in 2007, Georgia in 2008 and the now-famous Israeli-American

attack on Iranian centrifuges in an operation codenamed Olympic Games. Although the manual has been framed by a select group of countries, officials here agree with its recommendation that diplomatic archives and communications are protected from cyber operations at all times.

Some officials, however, point out that this is just the beginning. A long road lies ahead, especially on the question of the host government's obligation to ensure e-immunity in an environment where private companies could also be involved in breaching such norms. In that case, diplomats might have to use a special identification which companies and states would have to respect. A second option is for the global community wait for the first case on the issue - most probably based on Snowden's revelations at the International Court of Justice - and the verdict that comes out of it.

[Description of Source: Chennai The Hindu Online in English -- Website of the most influential English daily of southern India. Strong focus on South Indian issues. It has abandoned its neutral editorial and reportage policy in the recent few years after its editor, N Ram, a Left party member, fell out with the Bharatiya Janata Party-led government and has become anti-BJP, pro-Left, and anti-US with perceptible bias in favor of China in its write-ups. Gives good coverage to Left parties and has reputation of publishing well-researched editorials and commentaries; URL: www.hindu.com]

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