

OEWG on security of an in the use of information and communication technologies 2021-2025 – 5th substantive session

Joint intervention

Thank you Chair. I am delivering this statement on behalf of Australia, Colombia, El Salvador, Estonia, and Uruguay [*Uruguay to read the statement*], co-sponsors of the presented Working Paper on convergence language on international law for the 2023 Annual Progress Report.

Our sincere appreciation goes out to you, Chair, and your team for preparing and presenting a draft of an APR that captures the discussion from the last formal and informal meetings of the OEWG on the subject of international law. We are pleased to see that the APR text specifically mentions the cumulative and evolving framework of responsible State behaviour in cyberspace and reaffirms that international law, in particular, the Charter of the United Nations is not only applicable to maintaining peace in cyberspace but also essential in the promotion of a secure, stable, open and accessible ICT environment.

Our discussions have been guided by the roadmap set out in last year's APR. In this regard, and as noted in our paper, we are happy to see that there has been a record number of States who shared their views on the applicability of international law to States' use of ICTs since the adoption of the APR in 2022.

Pursuant to the roadmap, as part of, and in addition to the discussion on the UN Charter, we have seen States reaffirm the application of sovereignty, sovereign equality, non-intervention in the internal affairs of other States, the prohibition on the threat or use of force, peaceful settlement of disputes to States' use of ICTs.

We have also seen an increasing number of States reaffirm the importance of capacity building in international law with the aim of ensuring that all States are able to participate on an equal footing on the development of common understandings on how international law applies in the use of ICTs.

We applaud that the draft APR recognizes the reaffirmation of these principles and obligations.

We also encourage greater reflection on the additional matters that were raised in paragraph 3 of our working paper. In particular, on peaceful settlement of disputes, in addition to UN Charter Articles 2(3) and 33(1) set out in the APR draft, Article 33(2) and Chapter VI also more broadly provide for the pacific settlement of disputes which is applicable to States' conduct in cyberspace.

We also acknowledge the importance of continuing discussion of how international law applies in cyberspace within the OEWG, as well as the importance of building capacity in the area so that all States can participate meaningfully in these critical discussions that are key to preventing conflicts and maintaining peace and security. In this regard, we draw your attention, Chair, to the numerous initiatives on international law capacity building that have taken place since our last APR. Importantly, many of these are cross-regional and are contributing to the

development of common understandings on international law in accordance with this OEWG's mandate.

Just last week, more than 40 Women in Cyber fellows from over 30 Member States across Asia, Eastern Europe, South America, the Pacific and Africa, together with delegates from African Union Member States were hosted by the African Union Commission for training on cyber and international law. This includes many delegates in our OEWG in this room today.

Moreover, we encourage all UN Member States to bring forward their opinions and national positions on the application of international law to cyberspace. We applaud the 30 States which have already done so, and we understand that other national or regional statements are under development – these are very positive developments for our OEWG, and we recognise that this too is a CBM.

Regarding the recommendation to continue these discussions during dedicated OEWG inter-sessional meetings in the future, we strongly support it and we acknowledge that expert briefings can help all delegations to gain a deeper understanding of our discussions.

I thank you Chair.