



United Nations General Assembly

Open-Ended Working Group on Security of and in the Use of Information and Communications Technologies 2021-2025

Informal Dialogue Between the Chair and Interested Stakeholders

Statement by the Paris Peace Forum

Delivered by Jerome Barbier, Head of Outer Space, Digital and Economic Issues

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Thank you, Mr. Chairman, distinguished Delegates and dear participants,

[My name is Jerome Barbier and I am speaking on behalf of the Paris Peace Forum, which welcomes the secretariat of the Paris Call for Trust and Security in Cyberspace. The Paris Call is one of the world's main multistakeholder platform to advance norms and principles to common norms and principles to defend accountability and human security in cyberspace, thanks to its community of over 1200 supporters from across the ecosystem.]

Mr. Chairman, we would like to reiterate our appreciation for your sustained efforts to ensure the participation of all interested stakeholders in the work of this Open-Ended Working Group, including through today's informal dialogue. As you have offered stakeholders to formulate suggestions for concrete outcomes that should be captured in the second annual progress report, allow me to first commend States for the richness of the debates held during the 4th substantive session of the OEWG. The Paris Peace Forum would first like to call for the substance of the annual progress report to be commensurate with the depth of the interventions, including by highlighting areas in which consensus remains to be found.

In particular, we have witnessed delegations delivering powerful statements on the application of international law to cyberspace. We welcome the reaffirmation in the clearest terms by most State that international law as a whole, including the Charter of the United Nations in its entirety, international humanitarian law and customary international law is directly applicable in the use of ICTs. As mentioned by several delegations during the last substantive session, the necessary debate on the modalities of application and enforcement of international law in cyberspace should not challenge this initial postulate – which has been repeatedly recognized in UN process, including

the 2013 and 2015 reports of the UN GGE¹ as adopted by the UN General Assembly² and recalled in the final report of the first OEWG³, and is a condition for the success of this OEWG, consistent with UNGA resolution 75/240⁴.

We therefore call for the second annual progress report to recall the full application of international law to cyberspace as a founding principle for the work of this OEWG, while identifying clear areas to focus on to start the debate on the modalities of such application. Following a pragmatic approach, we especially suggest delegations to identify critical fields of international law mentioned in the OEWG process which could serve as critical examples. The modalities to apply in cyberspace the UN Charter, including the individual or collective self-defense, and of international humanitarian law, in particular regarding objects specifically protected under Additional Protocol I and II to the 1949 Geneva Conventions, could notably pave the way for broader consensus for such application.

In this endeavor and as suggested by several delegations during the 4th substantive session, States should mobilize traditional channels available to them for the interpretation and progressive development of international law. They can in particular resort to the International Law Commission on a particular focus topic, as well as to the International Court of Justice by requesting an advisory opinion on a specific point.

In line with these suggestions, we further consider that the second annual progress report should encourage more substantive progress on "legal capacity building", echoed by certain delegations, so that all States are able to produce a robust national position in this area and thus participate optimally in multilateral discussions. While the first APR suggested to draw on the experience of relevant regional organizations in this regard, the second APR should call for moving towards enhanced cooperation with the stakeholder community in capacity building efforts on international law. In this last regard, allow me to highlight in particular the work conducted by the Oxford Process International Law Protections in Cyberspace, as well as the efforts undertaken by the Global Forum on Cyber Expertise and the Stimson Center's Cyber Accountability Project.

We thank you, Mr. Chairman.

¹ United Nations Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security, report of 24 June 2013, UN Doc. A/68/98, para. 19; Report of 22 July 2015, UN Doc. A/70/174, paras. 24, 25

² UNGA Resolution 68/243 (9 January 2014) UN Doc A/RES/68/243; UNGA Resolution 70/237 (30 December 2015) UN Doc A/RES/70/237

³ A/75/816, adopted by UN General Assembly Decision A/DEC/75/564

⁴ UNGA Resolution (31 December 2020) UN Doc A/RES/75/240