



**UNITED NATIONS  
OFFICE OF LEGAL AFFAIRS**

**Panel Discussion on the Oxford Process on International Law  
Protections in Cyberspace**

Side Event during the Opening Week of the Open-ended Working Group on  
security of and in the use of information and communications technologies  
2021 – 2025

**Opening remarks**

**by**

**Mr. Miguel de Serpa Soares**

Under-Secretary-General for Legal Affairs and  
United Nations Legal Counsel,

**14 December 2021, 1:15 -2:45 pm**

Distinguished Moderators, Panelists, and Colleagues,

Ladies and Gentlemen,

The world today is radically different from the one in which the Charter of the United Nations was drafted, more than 75 years ago. Today, we are more connected and interdependent than we ever were. The information and communications technologies that we now take for granted has revolutionized the way we network and communicate. With the on-going COVID-19 pandemic, our dependency on information and communication technologies has accelerated. It has allowed us to continue working to minimize the spread of COVID-19 and it has allowed us to develop new methods of work. It continues to enable us to harness different ideas and increase productivity, improving lives all over the world.



The Secretary-General, in his report on “Our Common Agenda”, described the internet as a “global public good that should benefit everyone, everywhere”, but that the “potential harms of the digital domain risk overshadowing its benefits”. The Secretary-General points to “serious and urgent ethical, social and regulatory questions” which confront us, “including with respect to the lack of accountability in cyberspace”, and that “it is time to protect the online space and strengthen its governance”.

Urgent action is needed. Increased reliance on information and communications technologies has exacerbated vulnerabilities, creating opportunities for malicious exploitation. For example, during the pandemic, the internet has enabled the best minds from all over the world to collaborate and confront the spread of the virus. At the same time, systems relied upon by hospitals, labs and medical facilities in recent times became targets of cyber operations.

There is a need to address the unique challenges presented by sophisticated and continually evolving technologies. In my view, a meaningful role should be given to international law in this context.

There is no longer any doubt that international law, and in particular the UN Charter, is applicable and essential to maintaining peace and stability and for promoting an open, secure, stable, accessible and peaceful ICT environment.





However, from an international law perspective there remains to be open questions, and in particular, cyber-security incidents, such as the one I raised, do raise important legal questions. These include questions on the applicability of state responsibility given the actors involved; state sovereignty in the context of technology infrastructure; measures a state may take under international law as cyber defense measures, to name a few.

I note that there are on-going discussions on these issues including in the substantive session of the new Open-ended working group on security of and in the use of information and communication technologies, which started yesterday. I note that it has a broad mandate relating to the different aspects of the use of ICTs, including, to look into the specific question of how international law applies to the use of information and communication technologies by States. International law, of course, does not operate in a vacuum. I am also very interested in how the discussions will lead to the further development of the rules, norms and principles of responsible behavior of States.

It may be tempting to characterize the absence, so far, of a binding international legal instrument in relation to cybersecurity as a failure of international cooperation. I disagree. The active participation in various international fora such as at the United Nations, including at the Open-ended working group, as well as in the Group of Governmental Experts on Advancing Responsible State Behavior in Cyberspace in the Context of International Security, has resulted in the articulation of the rules, norms and principles which now guide States' actions. The General Assembly as recently as of 6 December not only reaffirmed that the voluntary and non-





binding norms of responsible State behavior can reduce risk to international peace and security and stability, but also noted the possibility of future elaboration of additional binding obligations.

All of us here today can play an important role in the evolution of international law in this unique area. The Secretary-General has emphasized the need for a “form of multilateralism that is more networked, more inclusive and more effective in addressing twenty-first century challenges”. A global dialogue is imperative to address contemporary legal issues in the context of cybersecurity. A global dialogue between various stakeholders, including states, academics and industry experts, can enrich the discussion to generate creative solutions.

I thank the organizers for continuing to hold these discussions through the Oxford Process on International Law Protections in Cyberspace. Its unique “contextual approach”, which “examines the law as it applies to specific objects of protection”, bringing together “interdisciplinary focus” can certainly add value to the discourse.

I look forward to the discussions today.

