



**UNITED NATIONS
OFFICE OF LEGAL AFFAIRS**

**African Union's Side-Event on the Margins of the Open-Ended Working
Group on Security of and in the Use of Information and Communications
Technologies**

**to mark the adoption of the
Common African Position on the
Application of International Law to the Use of Information & Communication
Technologies in Cyberspace**

Opening remarks

by

Mr. Miguel de Serpa Soares

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

4 March 2024, 1:15 -2:45 pm

Excellencies,

Distinguished delegates and colleagues,

I wish to thank the organizers for the opportunity given this year to address the participants in this new side-event organized by the African Union Commission on International Law and the African Union Peace and Security Council to mark the adoption of the Common African Position on the Application of International Law to the Use of Information & Communication Technologies in Cyberspace.

In his “Global Digital Compact on an Open, Free and Secure Digital Future for All” published in May 2023, the Secretary-General noted that “our digital world is one of divides” and expressed the urgent “need for multi-stakeholder digital cooperation”.



With a view to satisfying this need, different streams of intergovernmental work are currently ongoing within the UN and simultaneously act as a capacity building activity.

In that regard, let me recall that the Group of Governmental Experts on advancing responsible State behaviour in cyberspace in the context of international security clearly reminded States that “existing obligations under international law are applicable to States’ ICT-related activity” and that their efforts in relation to cyberspace activities and operations “should be conducted in accordance with their obligations under the Charter of the United Nations and other international law, with a view to preserving an open, secure, stable, accessible and peaceful ICT environment.”

Furthermore, the second annual progress report of the Open-Ended Working Group on security of and in the use of information and communications technologies, established by the General Assembly in 2020 by resolution 75/240, noted that “States, reaffirming the cumulative and evolving framework for responsible State behaviour in the use of ICTs, and further reaffirming that international law, in particular the Charter of the United Nations, is applicable and essential to maintaining peace, security and stability and promoting an open, secure, stable, accessible and peaceful ICT environment, continued discussions on how international law applies to the use of ICTs.”

These long and multifaceted discussions illustrate how critical it ultimately is for Member States to arrive at a common understanding of not only the issues and challenges currently present in the field of cyber technologies, but also of any desirable legal frameworks that would allow for the development of ICT-related activities for the common good.

It is within that context that I would like to salute the efforts deployed by the African Union and welcome the adoption of a Common African Position on the





Application of International Law to the Use of Information and Communication Technologies in Cyberspace.

I note that this common position explicitly and unequivocally reaffirms that international law applies in cyberspace and governs the use of ICTs in cyberspace. The Common African Position also emphasizes that “further clarifying how international law applies to the use of ICTs in cyberspace” is “a matter of common interest to all states”.

As the Legal Counsel of the United Nations, you will understand that I may not be in a position to express a specific substantive opinion on the many statements included in the Common African Position, but I wish to commend the success of multilateralism that the adoption by the 55 member states of the African Union of a common position on such a complex and polarizing topic represents.

I hope that your discussions and debates today will constitute another opportunity to contribute significantly to the different intergovernmental processes related to ICT-activities to be held by the United Nations.

Thank you.

