ELAC Intervention

United Nations Open-ended Working Group on security of and in the use of information and communications technologies (OEWG)
First Substantive Session

Good afternoon, Mr Chair, Distinguished Colleagues,

My name is Priya Urs, and I am intervening on behalf of the Oxford Institute for Ethics, Law and Armed Conflict at the University of Oxford. Our intervention focuses on the role of international law in the regulation of the use of information and communications technologies by states.

The 2021 Report of the OEWG affirmed that international law applies to the use of ICTs. We welcome this important recognition. At the same time, states agree that greater clarity is needed as to how international law might apply in this context.

Our intervention proposes two ways in which such clarity might be lent:

The first is agreement as to the application of more specific rules of international law. Such rules were identified in the drafts that preceded the 2021 report, and include the principle of non-intervention, as well as positive and negative obligations under international human rights law. Initiatives complementary to the OEWG have studied the application of specific rules in detail, for instance our Institute's recent report on states' due diligence obligations in cyberspace.

The second form of clarification could address how international law regulates the use of ICTs in specific contexts. This includes specific objects and areas of protection, for e.g., the critical infrastructure needed to provide public services, such as healthcare, the importance of which has been recognised in the 2021 report. Such an approach also includes the regulation of specific types of operations, such as disinformation operations or the use of ransomware, using existing rules of international law.

This context-specific approach will ensure that any discussion of international law is framed around current challenges rather than abstract rules. This is the approach we have used to produce five *Oxford Statements on International Law Protections in Cyberspace*, made available on the OEWG webpage.

We look forward to our continued participation in the OEWG's stakeholder engagement.

Thank you very much.