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Cuba's Vice Minister of Communications, Ernesto Rodríguez Hernández, participates in the fourth substantive session of the OEWG on Cybersecurity 2021-2025. A debate on applicability of international law to the use of information and communication technologies by States, which is taking place in New York.

In his speech on Tuesday, March 7, he said: "Cyberspace is an extremely dynamic scenario in which the nature of the events that trigger disputes differs from other areas with an impact on international security. For example, even the identification of the origin of incidents related to the use of ICTs encounters difficulties and unilateral attributions are questionable, given that there is no multilateral mechanism to determine, impartially and unequivocally, the origin of incidents. Nor is there any common terminology to facilitate understanding among states regarding cyber incidents and how they should be faced.

"In this context, we note, however, a tendency to simplistically assume the applicability of existing international law to the ICT environment and a rejection of the need for new rules."

In his speech, Rodriguez Hernandez, stressed, "In that regard, there is an attempt to force consensus on conceptions that seek to equate a cyber attack with a traditional armed attack in an attempt to justify, in the context of cybersecurity, the alleged applicability of the legitimate self-defense provided for in Article 51 of the Charter of the United Nations. Our delegation strongly opposes this approach."

He noted: "It is also a matter of strengthening the notion of the applicability of international humanitarian law to the use of ICTs in the context of international security. We recall that the conventions that make up international humanitarian law were agreed upon to deal with armed conflict scenarios and are only applicable in such cases. Assuming that these norms apply to ICTs would imply tacit acceptance of the possibility of a scenario of armed conflict in this area; it would contribute to the militarization of cyberspace and would be a first step towards equating a cyberattack with a traditional armed attack.

"As a consequence, the debate on the way in which international law should be applied to the use of information and communication technologies reinforces its relevance. However, this cannot follow an approach whereby certain issues related to international law are selectively given precedence over others, especially when they do not enjoy consensus. Discussions in the framework of the OEWG must strictly adhere to the mandate given to this Group by resolution 75/240.

"To address the issue we are discussing today, we consider it essential to start from the fact that the security of cyberspace, even if it involves other actors, is a responsibility of States."

The Vice Minister emphasized: "We reaffirm the validity of the principles of international law and the

United Nations Charter in cyberspace, in particular those of sovereignty, territorial integrity and non-intervention in the internal affairs of States in the use of information and communications technologies.

"A comprehensive legally binding instrument on information and communications technologies in the context of international security is needed to address the significant legal gaps in cybersecurity and to effectively address the growing challenges and threats through international cooperation. This instrument should be multilaterally negotiated within the framework of the United Nations. We can use the OEWG to begin such negotiations."

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