



UNITED NATIONS
OFFICE OF LEGAL AFFAIRS

THE OXFORD PROCESS ON INTERNATIONAL LAW PROTECTIONS
IN CYBERSPACE:

WORKSHOP AT THE YALE LAW SCHOOL ON
“RIGHTS AND RESPONSIBILITIES IN CYBERSPACE”

Opening remarks

by

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Session 1: Introductions & Opening remarks about the Oxford Process

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I would like to thank the organizers for the opportunity to deliver opening remarks to this new annual workshop organized here, in the prestigious halls of the Yale University, by the Oxford Institute for Ethics, Law and Armed Conflicts, and the Institute for Law Innovation and Technology of the Temple University.

Since May 2020, the annual workshops organized within the framework of the Oxford Process have each focused on a specific cyber activity or operation. In each case, the workshops have identified the associated legal issues and the relevant practice of states and other stakeholders with the aim to producing Statements highlighting the protections that apply under international law to cyber operations targeting or affecting that specific object

The five statements on International Law Protections in Cyberspace that have so far resulted from these in-depth technical processes have tackled issues ranging from the protection of health care sector, including vaccine research, to the



regulation of information operations and activities as well as the protection against electoral interference and ransomware operations.

Rooted in the knowledge that international law applies to activities conducted by public or private entities in the cyberspace, these events have offered snapshots into the vast range of issues that have appeared over the last few years, in light of the significant rise in the number and type of harmful cyber operations.

The Oxford Process with its focus and review of these matters through the prism of international law has become over the years an important venue gathering international law experts and scholars, practitioners, representatives of States and private companies with the common aim of identifying and clarifying the rules of international law applicable to cyber operations, including the relevant prohibitions and prescriptions under international law.

It is important for these venues to be inclusive and technical nature, as they offer additional platforms for discussion and dialogue between stakeholders. Such inclusive discussions can significantly complement the different streams of intergovernmental work 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 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.”





It is within that context of efforts conducted in different fora by States that the Oxford Process has taken the decision, as indicated previously by Professors Akande, Hollis and Koh, to evolve. The side event organized earlier this year, on 10 March 2023, to reflect on how the outputs and the methods used by the Oxford Process could support the Open-Ended Working Group's works, including by leveraging its expert network to facilitate capacity building on legal issues in cyberspace, was already a foretaste of how the intergovernmental processes could be, not only supported, but also complemented and enriched by other stakeholders providing platforms for dialogue as well as by scholars and practitioners. It was therefore with a distinct interest that I was informed of the new initiative of the Oxford Process to become a forum for conversations and collaboration among principal legal advisers of interested foreign ministries.

This evolution explains the new format of this workshop and the new approach detailed in the programme of these two days during which we will immerse ourselves into the "rights and responsibilities in the cyberspace".

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 three different topics that will be discussed today and tomorrow. But before giving the floor to Mr. Mikanagi, I wish to echo the assessment made by the Secretary-General, in his "Global Digital Compact on an Open, Free and Secure Digital Future for All" published in May 2023, who noted that "our digital world is one of divides" and expressed the urgent "need for multistakeholder digital cooperation". He also noted that the United Nations "must meet its responsibilities to support governments, companies, experts and civil society in engaging effectively, through data gathering, the sharing of best practices and, where requested, technical assistance. It must lead by example in breaking down the silos of digital activity and building capacities".

While these words were reflecting the mandate and ambition of the United Nations, I know that our work and discussions today and tomorrow will have a similar ambition and contribute to the clarification of the rules necessary to achieve the governance required for a sustainable digital future.

I look forward to fruitful and extensive exchanges.

Thank you.

