PEACE AND SECURITY COUNCIL
1196TH MEETING

29 JANUARY 2024
ADDIS ABABA, ETHIOPIA

PSC/PR/COMM.1196 (2024)

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Adopted by the Peace and Security Council (PSC) of the African Union (AU) at its 1196th meeting held on 29th January 2024, considering the Draft Common African Position on the Application of International Law to the Use of Information and Communication Technologies in the Cyberspace.

1. **Expresses its deep concern** over the increasing global cyber threats and attacks, including in the context of armed conflicts, which constitute a serious threat to national, regional, and international peace and security and, in this respect, **strongly condemns** malicious cyber operations and cyber-attacks, particularly the recent large-scale attack on the Information Technology (IT) Infrastructure of the AU Commission;

2. **Affirms** that international law applies in cyberspace; **underscores** that Member States are required to uphold the fundamental rules of international law in cyberspace, including the obligation to respect the territorial sovereignty of States, the prohibition on the threat or use of force, the prohibition on intervention in the internal and external affairs of States, the peaceful settlement of disputes, and the applicable rules of international humanitarian law and international human rights law; and **further underscores** that States are under an obligation to combat malicious and criminal conducts in cyberspace by non-State actors;

3. **Further affirms** that compliance with international law is essential to keeping cyberspace open, secure, stable, accessible, and peaceful and ensuring that cyberspace continues to contribute to social development, economic growth, poverty eradication, and sustainable development;
4. **Adopts** the Common African Position on the Application of International Law to the Use of Information and Communication Technologies in Cyberspace and **decides** to refer it to the 37th Ordinary Session of the Assembly of the Union scheduled to take place on 17-18 February 2024 for consideration and endorsement;

5. **Applauds** Professor Dr. Mohamed Helal, member of the African Union Commission of International Law (AUCIL) and Special Rapporteur on the Application of International Law in Cyberspace, the Working Group of Experts and the PSC Committee of Experts, the members of AUCIL, and the African scholars of international law who participated in the Working Group of Experts for their efforts in developing the Draft Common African Position on the Application of International Law to the Use of Information and Communication Technologies in the Cyberspace, pursuant to PSC Communiqué [PSC/PR/COMM.1171 (2023)];

6. **Commends** the Chairpersons of the Expert-Level Working Group, Mr. Kwasi Asante, Minister Plenipotentiary and Deputy Head of Mission of Ghana, and Mr. Michael Wamai, Counsellor in the Permanent Mission of Uganda to the AU, for their sterling efforts in steering the review of the Common African Position on the Application of International Law to the Use of Information and Communication Technologies in Cyberspace;

7. **Encourages** Member States to consider issuing national position statements on the application of international law in cyberspace, in line with the Common African Position on the Application of International Law to the Use of Information and Communication Technologies in Cyberspace and **further encourages** Member States to actively participate in regional and international multilateral forums on the governance of cyberspace, including at the UN;

8. **Underscores** the importance of capacity-building and cooperation, including between Member States and partners, international organizations, and the private sector, to further promote development of national capacities in the area of cyberspace and to protect critical infrastructure, including critical information infrastructure; and **emphasizes** the imperative of supporting the capacities of developing and least developed Member States at both policy and technical levels in areas such as the development of national cybersecurity and resilience strategies, providing access to relevant technologies, and support to Computer Emergency Response Teams (CERTs)/Computer Security Incident Response Teams (CSIRTs);

9. **Requests** the AU Commission and the Special Rapporteur to circulate and promote the Common African Position on the Application of International Law to the Use of Information and Communication Technologies in Cyberspace, including at multilateral forums on cyberspace, especially at the UN;

10. **Further requests** the AU Commission and the Special Rapporteur to continue to provide technical assistance and capacity-building to Member States on the application of international law in cyberspace; and **emphasizes** that developing the rules of international law that apply in cyberspace is a matter of common interest to all States, and that all Member States have equal rights to participate in the articulation of rules of international law that apply to cyberspace;

11. **Reiterates its encouragement** to all AU Member States which are yet to sign, ratify and domesticate the AU Convention on Cyber Security and Personal Data Protection (Malabo Convention) to do so; and

12. **Decides** to remain actively seized of the matter.