

**CUBA'S CONSIDERATIONS ON THE INTERNATIONAL LAW SECTION OF THE PRE-DRAFT 2 OF THE REPORT OF THE OPEN-ENDED WORKING GROUP (OEWG) ON DEVELOPMENTS IN THE FIELD OF INFORMATION AND TELECOMMUNICATIONS IN THE CONTEXT OF INTERNATIONAL SECURITY.**

**Second round of Informal Meetings, 1 October 2020**

- We ask for the floor a second time to share with you some comments on the discussion in this round of informal consultations.
- While the resolution A/RES/70/237 of the General Assembly adopted in 2015 reflect that the International Law and the purposes and principles of the UN Charter is applicable to the ICT space, it is also clear that there is no consensus on how or when they are applied.
- That is where our efforts should be focused.
- We must remember that both in the aforementioned resolution A/RES/70/237, and in resolution A/RES/73/27 that created the OEWG, the mandate in relation to this issue is precisely to continue to study, with a view to promoting common understanding, how international law applies to the use of ICTs by States.
- Affirming that International Law and the UN Charter apply to the use of ICT is not enough if the how and when is not clarified, since such application would be open to different interpretations.
- The report cannot, under any circumstances, affirm the automatic application of International Law and the UN Charter in its entirety.

- It is necessary, when discussing the application of International Law to the field of ICT, to take into account the particularities of this field, such as the difficulty (compared to the conventional world) in attributing those responsible for the incidents.
- Therefore, it is necessary to accept the possibility that gaps will be identified in the International Law existing today. And, if this is the case, it will be necessary to discuss and decide what is the way to fill in those legal gaps. We reiterate the need for a legally binding international instrument that addresses these existing gaps.
- It is foreseeable that the present working group will not have the time necessary to discuss in depth and move towards a consensus on this difficult issue.
- Therefore, we support Russia's proposal to extend until 2025 the work in this open, transparent, inclusive format.

\*\*\*