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PEACE AND SECURITY COUNCIL
1196TH MEETING

29 JANUARY 2024
ADDIS ABABA, ETHIOPIA

PSC/PR/COMM.1196 (2024)

COMMUNIQUÉ



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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.

The Peace and Security Council,

Recalling the AU Convention on Cyber Security and Personal Data Protection (Malabo Convention) entered into force on 8 June 2023, the Digital Transformation Strategy for Africa (2020-2030) and the outcomes of the 4th Ordinary Session of the African Union Specialized Technical Committee on Transport, Transcontinental and Interregional Infrastructure, and Energy (STC-TTIE) held on 12-15 September 2023 in Zanzibar, United Republic of Tanzania;

Further recalling previous decisions and pronouncements on Cyber Security in Africa and related themes, particularly Communiqué [PSC/PR/COMM.1171 (2023)] adopted at its 1171st meeting held on 24 August 2023, Communiqué [PSC/PR/COMM.1148 (2023)] adopted at its 1148th meeting held on 13 April 2023, and Communiqué [PSC/PR/COMM.1120 (2022)] adopted at its 1120th meeting held on 9 November 2022;

Cognisant of the deliberations and outcomes of the United Nations (UN) Group of Governmental Experts on Advancing Responsible State Behavior in Cyberspace in the Context of International Security and the UN Open-Ended Working Group on Developments in the Field of Information Telecommunications in the Context of International Security;

Noting the opening statement by H.E. Ambassador Amma A. Twum-Amoah, Permanent Representative of the Republic of Ghana to the African Union and Chairperson of the PSC for the month of January 2024, and the presentation of the report by Mr. Kwasi Asante, Minister Plenipotentiary and Deputy Head of Mission of the Republic of Ghana and Chairperson of the PSC Committee of Experts for the month of January 2024, which reviewed the draft Common African Position on the Application of International Law in Cyberspace;

Reaffirming the AU's commitment to deal with the multifaceted challenges confronting the Continent and its peoples in an ever-changing world;

Acting under Article 7 of its Protocol, the Peace and Security Council:

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 Communique [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.

2024-01-29

Communiqué of the 1196th Meeting of the Peace and Security Council held on 29 January 2024 on the Common African Position on the Application of International Law to the Use of Information and Communication Technologies in Cyberspace.

Peace and Security Council

African Union Commission

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