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PEACE AND SECURITY COUNCIL
1120TH MEETING

9 NOVEMBER 2022
ADDIS ABABA, ETHIOPIA

PSC/PR/COMM.1120.1 (2022)

COMMUNIQUÉ



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Adopted by the Peace and Security Council (PSC) of the African Union (AU) at its 1120th meeting, held on 9 November 2022, on the Inaugural Engagement between the Peace and Security Council and the AU Commission on International Law:

The Peace and Security Council,

Recalling the AU Convention on Cyber Security and Personal Data Protection (Malabo Convention) and Communiqué [[PSC/PR/COMM.1097.1 \(2022\)](#)], adopted at its 1097th meeting held on 4 August 2022, on Emerging Technologies and New Media: Impact on Democratic Governance, Peace and Security in Africa; Decision [[Ext./Assembly/AU/Dec/\(XVI\)](#)] adopted by the 16th Extraordinary Session of the AU Assembly of Heads of State and Government on Terrorism and Unconstitutional Changes of Government held on 28 May 2022, in Malabo, Equatorial Guinea, as well as all its previous decisions and pronouncements on cyber-security;

Deeply concerned about the malicious use of information and communication technologies and increasing incidents of hostile cyber-activities undertaken by state and non-state actors in times of peace and during armed conflicts, including the targeting of government institutions and public infrastructure; the spread of misinformation and disinformation, subversive activities and interferences with national government processes such as elections, the promotion of ideologies of hate and hate speech;

Mindful 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 made by H.E. Ambassador Emilia Ndinelaio Mkusa, Permanent Representative of the Republic of Namibia to the Africa Union and Chairperson of the PSC for November 2022, and the statement by Dr. Al Haji Sarjo Bah on behalf of H.E. Ambassador Bankole Adeoye, Commissioner for Political Affairs, Peace and Security; **also noting** the statement by Dr. Guy-Fleury Ntwari, the AU Legal Counsel; the statement by Professor Hajer Gueldich, Chairperson of the AU Commission on International Law and the presentation by Professor Dr. Mohamed Helal, member of the African Union Commission on International Law and Special Rapporteur on the Prohibition on Intervention in the Internal and External Affairs of States; and

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

1. **Welcomes** the convening of the inaugural engagement with the AU Commission on International Law and **underscores the importance** of regularizing the engagements;
2. **Emphasizes** that cyberspace and information and communication technologies are essential for promoting peace, security, stability and development in all countries and regions;

3. **Acknowledges** the application of international law to cyberspace, and **stresses** that the prohibition on the threat or use of force, the prohibition on intervention in the internal or external affairs of states, and the inviolability of the political independence, territorial integrity, and sovereignty of states are foundational rules of international law;
4. **Underlines the urgent need** for a Common African Position on the application of international law on cyberspace, as well as the need for Africa to actively engage in the process of articulating the rules of international law in this regard;
5. **Acknowledges** that basic human rights and fundamental freedoms, especially the principles enshrined in the African Charter on Human and Peoples' Rights, and the fundamental principles of international humanitarian law are also applicable to cyberspace;
6. **Requests** the AU Commission on International Law to prepare a draft statement on the Application of International Law to Cyberspace to be submitted to Council for consideration, as well as to circulate to all Member States the background note and questionnaire prepared by the AU Commission on International Law on the application of international law to cyberspace, and **encourages** Member States to expeditiously respond to the questionnaire;
7. **Also requests** the AU Commission, working in close collaboration with the AU Commission on International Law, to organize consultations with relevant stakeholders, on the application of international law to information and communication technologies and cyberspace and to provide the required technical support to Member States; and
8. **Decides** to remain actively seized of the matter.