

Mr Chairman,

Sweden fully align itself with the statement by the EU.

Sweden welcomes this opportunity to address how international law applies to the use of information and communications technologies.

The applicability of existing international law, including the UN Charter, in cyberspace have now been unequivocally confirmed by states. State behaviour based on compliance with international law fosters stability in international relations.

Sweden supports the sharing of national views on the topic of how international law applies in cyber space and will present its own position later this year. Sweden also encourages other states to do so. A better understanding of how international law applies in cyberspace contributes to the strengthening of an open, secure, stable, accessible and peaceful cyber environment.

The Open Ended Working Group (OEWG) offers an important opportunity to clarify the application of international law in cyber space. Basing itself on the existing *aquis*, the OEWG could explore the application particular areas of international law in cyber space. One of those areas is International Humanitarian Law (IHL). A topic specifically addressed by the Group of Governmental Experts (GGE) in its report of 2021.

Mr Chairman

Sweden is of the view that IHL applies to cyber operations during armed conflict. An armed conflict may be of an international or non-international character. The application of IHL is not limited to kinetic force and includes the use of cyber as a means of warfare. However, to fall within the scope of IHL, a cyber operation must show a sufficient nexus with the armed conflict.

IHL is not concerned with the legality of war and does not as such legitimise the use of force between States. IHL aims to regulate the conduct of hostilities and to protect those who are

not, or no longer, participating in hostilities, thereby reducing risks and potential harm to civilians and civilian objects as well as persons recognised to be *hors de combat*. Existing IHL, particularly its fundamental principles, places important limits on cyber operations in the context of an armed conflict.

Current events make the need to address the application of IHL in cyber space particularly clear.

Sweden looks forward to coming discussion on how of international law applies in cyber space during this and coming sessions of the OEWG.

Thank you, Mr Chairman