

German Statement at the March OEWG, Agenda Item 5e)

(How international law applies)

Honorable Chair,

In view of Russia's war of aggression against Ukraine, which is also fought by means of cyber and online information warfare Germany would like to recall that the principle of a State's territorial sovereignty as enshrined in international law applies fully in cyberspace.

Due to the rootedness of all cyber activities in the actions of human beings using physical infrastructure, cyberspace is not a detrterritorialized forum.

In this regard, Germany underlines that there are no independent 'cyber borders' incongruent with a State's physical borders which would limit or disregard the territorial scope of its sovereignty.

Within its borders, a State has the exclusive right – acting within the framework of international law – to fully exercise its authority. This includes the protection of cyber activities, of persons involved in cyber activities as well as cyber infrastructures against cyber and non-cyber-related interferences attributable to foreign States.

With regards to next steps to be taken in this working group, Germany supports the establishment of platforms for sharing of national positions on how international law applies to cyber space. This could take the form of a database as suggested by the US. Germany has published its national position paper in 2021 and would be happy to contribute this to the exercise.

Germany would also welcome the compilation of a matrix showing areas of convergence and divergence in national positions as recommended by India.

Germany endorses Japan's recommendation to hold scenario-based discussions in the margins of OEWG to further our joint understanding of how international law applies.