

**Colombia's comments on the initial "Pre-draft" of the report  
of the OEWG on developments in the field of information and  
telecommunications in the context of international security**

April 16<sup>th</sup>, 2020

Colombia welcomes the initial pre-draft of the report of the United Nations Open-Ended Working Group (OEWG) on developments in the field of information and telecommunications in the context of international security, circulated by the Chair, Ambassador Jürg Lauber.

The Pre-draft is an excellent and comprehensive document, that summarizes the principal discussions and contributions of the participants. However, Colombia wants to submit the following general comments, and respectfully asks the Chair that they could be considered for the final report:

First, it should be noted that the OEWG's work must not exceed or limit the scope of the Resolution that determined its mandate, which decides to act on a consensus basis. That is why it is important that the agreements, and the language used in the final report, especially in the recommendations section, clearly reflects the common positions expressed by all delegations in order to be able to reach consensus.

Colombia considers that general provisions and principles of international law could also apply to cyberspace and, at the moment does not foresee the need to initiate negotiations for a new legally binding instrument on the subject.

Colombia supports the view that current provisions of international law (including the specialized regimes of international humanitarian law, international criminal law, international human rights law, among others) complemented by voluntary, non-binding norms that reflect consensus among States, could be entirely applicable for the use of ICTs, and the efforts should therefore be directed to reaching common understanding on how this framework applies and can be operationalized in this area.

Rather than establishing a new set of legally binding rules of international law, discussions should focus on the interpretation of these rules in the cyber context and on the question of how to apply these obligations. Colombia agrees that the first step to further develop common understandings could be to increase exchanges on how international law applies to the use of ICTs by States.

Furthermore, Colombia expresses its concerns on how customary international law would be identified, since some States are still developing their national positions. Therefore, the discussions should focus on national views and not on State practice.

Colombia highlights the importance to focus on the implementation and operationalization of the set of international rules, norms and principles of responsible State behaviour, in accordance with the reports of the Group of Governmental Experts (GGE) on Developments in the Field of Information and Telecommunications in the Context of International Security.

For example, discussions regarding attribution of cyber-attacks at the UN level are welcome, in order to increase accountability for malicious cyber activities, and to determine the international responsibility of the States for their internationally wrongful acts in the use of ICTs.

The inherent right of individual or collective self-defense as recognized in the Charter of the United Nations is essential to maintaining peace and stability in the ICT environment, as it was confirmed by the 2015 GGE report.

State Sovereignty must not be used as a pretext to violate human rights and freedoms, or tighten control over citizens. It is essential to maintain an open, secure, stable, accessible, and peaceful ICTs environment.

Colombia considers that the recognition of the gender digital divide and the need to strengthen the link to the Women, Peace and Security agenda, is an issue that needs to be taken into account in the report.

Colombia also supports the stakeholder's participation, based on the GGE 2015 report, adopted by the Resolution 70/237.

Likewise, Colombia supports the recommendation on enhancing the coordination with regional organizations, in order to exchange experiences at the UN level, on the development and operationalization of the confidence building measures and capacity building efforts.

Finally, Colombia expresses its intention to continue with its participation in the discussions, and is looking forward to reaching consensus on the recommendations to be included in the final report.

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