

Ireland's observations on the pre-draft of the report of the OEWG on developments in the field of information and telecommunications in the context of international security

Ireland thanks the Chairman of the OEWG on developments in the field of information and telecommunications in the context of international security, his team, the United Nations Office for Disarmament Affairs (UNODA) and the United Nations Institute for Disarmament Research (UNIDIR) for their work to date. We value the opportunity presented by the Chairman to comment on this comprehensive initial pre-draft report. This approach reflects the fairness, transparency and inclusivity that have been key features of the OEWG since the first substantive meeting in September 2019. This has encouraged strong engagement from Member States and promoted extensive discussion, facilitating greater mutual understanding on core issues; in this regard the pre-draft report correctly recognises (para 43) that the OEWG could be considered to be a confidence-building mechanism in its own right.

Ireland recognises the immediate and urgent need for Member States to focus on the unprecedented challenges currently faced by the global community in the face of the COVID-19 pandemic. We look forward to future engagement with the Chairman and other Member States to support and advance the OEWG process.

Ireland supports the submission from the European Union (EU) on the pre-draft report and would also like to make the following initial general observations on elements of the report in advance of the next meeting of the OEWG:

Stakeholder engagement

The participation of a broad range of key non-Governmental stakeholders has also been an important and welcome component of the OEWG process to date and the critical and multi-faceted role played by these stakeholders in promoting a safe and stable cyberspace is evident throughout this pre-draft report. Ireland values the engagement of non-Governmental stakeholders in its work in all UN fora. The OEWG intersessional stakeholder meeting that took place from 2-4 December 2019 (which Ireland was delighted to sponsor), and other stakeholder participation, have greatly enriched discussions at the OEWG. Ireland considers that enhanced participation by stakeholders in future OEWG meetings is necessary and should be formalised. Ireland also suggests that the valuable stakeholder input to OEWG discussions to date could be more strongly reflected throughout the pre-draft report. References to the different roles played by key stakeholders (civil society, academic, technical and industry) in promoting a safe cyberspace would also be welcome. We suggest that consideration be given to incorporating the summary report of the December OEWG intersessional meeting into the pre-draft report or annexing it. We would also propose that the pre-draft report include a reference to the calls made by Ireland and other Member States during interventions for greater stakeholder engagement at OEWG meetings.

A. Introduction

Ireland welcomes the introduction, including the references (paragraph 5) to the OEWG building on the consensus achieved in earlier reports. We support the emphasis placed in the introduction on the urgent need to address the digital divide and digital gender divide and the recognition that “developments in ICTs have implications for all three pillars of the United Nations’ work: peace and security, human rights and sustainable development”.

B. Existing and Potential Threats and Challenges

Ireland supports the recognition in the pre-draft report that measures to promote responsible state behaviour in cyberspace should remain technology neutral and human-centric. This section of the report could highlight more explicitly that the focus of the OEWG should be on actor behaviour and the responsible use of technology, rather than the technology itself.

While recognising the challenges highlighted in paragraph 19 regarding categorisation, Ireland attaches a high priority to the protection of critical infrastructure, and the human costs of malicious cyber activity against critical infrastructure including during global crises. In this regard, we note with concern reports of cyberattacks against health, medical and related services during the current pandemic.

The recognition that a multi-fora, multi-stakeholder approach to addressing threats and challenges is welcome but we suggest that this be given greater prominence in this section.

C. International Law

Ireland believes strongly in the applicability and centrality of international law, including the Charter of the United Nations, international humanitarian law (IHL), and international human rights law, to cyberspace. Ireland supports the reference in paragraph 25 of the pre-draft report that recalls the view that IHL is fully applicable in cyberspace and that IHL applicability in cyberspace should not be misunderstood as legitimizing the use of force between States in this domain. Ireland also supports the references in paragraph 26.

Ireland notes the intention to reflect and record the important contributions made by all Member States during OEWG meetings in this pre-draft report. During the first and second OEWG meetings, Ireland and the majority of other Member States (and most stakeholders during the intersessional meeting) outlined their reservations on proposals to adapt existing international law and the drafting of a new legal instrument. The next draft of the report could seek to better reflect the levels of consensus (or disagreement) on this and on other areas of discussion.

D. Rules, Norms and Principles for Responsible State Behaviour

Ireland welcomes the acknowledgement in the opening paragraph of this section on the importance of norms and the consensus agreed by the General Assembly that all states should be guided in their use of ICTs by the 2015 report of the Group of Government

Experts (GGE), which delineated eleven voluntary, non-binding norms of responsible state behaviour. Ireland would welcome the elaboration of guidance in the next draft of the report, including based on discussions at past and future OEWG meetings, on how these existing norms, endorsed by consensus by all Member States, could be implemented and operationalised.

Ireland agrees that gender perspectives should be mainstreamed into norm implementation (paragraph 34).

E. Confidence-building measures (CBMs)

Ireland recognises the very extensive work undertaken by regional organisations and stakeholder initiatives in promoting trust and confidence and broadly welcomes the proposal to establish a mechanism to share best practices on CBMs to support future initiatives.

F. Capacity-building

Ireland welcomes the emphasis in the pre-draft report on how effective capacity-building should support peaceful outcomes and can build resilience and underpin other areas of the OEWG's agenda including adherence to international law, the voluntary non-binding norms of state behaviour, and CBMs. Ireland welcomes the acknowledgement of the value of existing guiding principles (including the Busan Principles) and the importance of stakeholder engagement in developing and implementing successful and sustainable capacity-building. Ireland would support greater linkage and integration with the UN Sustainable Development Goals. Ireland also strongly supports efforts to tackle the gender digital divide and in this regard, would welcome stronger direct linkage with the Women, Peace and Security agenda. Ireland also supports the recommendation to build capacity to strengthen resilience and better protect critical infrastructure.