

The “Zero Draft” of the report of the OEWG on developments in the field of information and telecommunication in the context of international security

General comments of the Islamic Republic of Iran

18 February 2021

The Islamic Republic of Iran appreciates the efforts by the OEWG Chairman Ambassador Lauber and his team for preparing the zero draft report of the OEWG which was circulated by the Chair on 19th January 2021. After last virtual consultation in early December 2020, we were eagerly waiting to see how different and very divergent views reflected in the text of the zero draft.

After careful examination of the zero draft in terms of structure as well as substance, in our view, zero draft is still zero draft and not much different from pre-draft upon which numerous virtual informal meetings called for delegations to address their comments in order that the pre- draft to be further improved by Chair.

Comments of our delegation despite the fact that we have documented all our submissions, statements and proposals with much hope that our views would be taken into account, have been disregarded. The same applies to the NAM proposals which are belonging to a large group of States. Therefore, zero draft is yet far from consensus, and all non-consensual parts are kept almost unchanged in the text.

The zero draft text is thus, distant from its final expectations to be a balanced, final consensual text. Too much unresolved issues remained that require painstaking face to face and margin negotiation between delegations. So, how chair would manage to finalize it and States under extreme time pressure with just one month ahead to come up with final compromise outcome, would be a

challenging and difficult task for all. In our view to ensure a successful OEWG process, this is crucial that all states join consensus.

Substance wise, large number of paragraphs started with wording: “States recalled or agreed” which may have been perceived, as agreed, are yet non-consensual and have to be negotiated to be resolved. Those in the text that have been symbolized as some states expressed concerns or noted, etc. ,shows evidently that these parts are still contentious and divisive. Moreover, In particular, on regular institutional dialogue section, the zero draft has no even single reference to the new established OEWG, which is mandated to continue the work of the current OEWG from 2021-2025 pursuant to the UNGA resolution 75/240.

As we have explicitly stated in our last statement on IRD that the establishment of the new OEWG has been widely welcomed by UN member states and given the varied scope and diversity of the mandate, the new OEWG needs to continue its work as a single UN regular institutional dialogue forum to fulfill its mandate. Consequently, we expect the draft report of the current OEWG gives due recognition to the new OEWG and distinguished OEWG chair, to present as part of his report to 75th UN GA, a road map for next OEWG to continue deliberations.

The lesson learned and given the experience gained in the current OEWG, we are confident that collective and dynamic participation of UN member states will continue in the new OEWG process. New OEWG would have sufficient opportunity to continue to fulfill its mandate, to establish if it deems necessary, thematic subgroups to have detailed discussion on all proposals and initiatives addressed by member states.

The reference to Program of Action (POA) for advancing States behavior in cyberspace is unacceptable by my delegation as for, it has not been thoroughly considered, since it was presented almost at the end of the OEWG’s mandate. Its substantive content is yet ambiguous and vague, so far as it is unclear that by whom, how and when and at what platform the program will be elaborated. If the assumption is that the POA will be implementing the GGE recommendations, we

are not in a position to sign up to such challenging proposal, which has to be discussed in depth along with other proposals and initiatives in the new OEWG.

The same applies to the political recommendations such as creation of so-called “repositories (databases) as half measures which is not suitable for sensitive issues related to national security. The same applies to the proposal of national survey as a basis to implement norms grounded on the recommendation of the GGE. While a lot of issues and discussions are yet premature and certainly need further in depth discussions, the hastiness of some delegations by singling out POA as concrete proposal, devalues all work done by states over the past two years.

This proposal is interpreted as a way to return the UN discussion on ICTs in the context of security to a single track format of GGE to give no possibility to further rule-making such as negotiation of legally binding instrument in the field of ICTs that would allow no room for misinterpretations.

The zero draft is not consistent with UNGA Resolution 73/27 mandate in further development of rules, norms and principles of responsible behavior of States that the norms preceded by the Section of International Law, in which, the draft emphasizes the voluntary, non-binding and norms in relation to international law, taking in to account the importance of legally binding instrument needed in terms of international law.

The section on international law, retains various proposals which confirms the full applicability of international law, including its branches to the use of ICTs despite the absence of consensus on this matter and in this regard, chair’s proposals to promote CBMs in the area of International Law is contested, unless to be discussed in a universal legal approach.

Regrettably, the section on norms reduced to the operationalization of 11 norms, contested from the 2015 GGE report, and proposals of a number of states on new norms including our delegations views totally ignored, including them partly in a

separate unofficial (non-paper) which has no status. This undermines the significance of the state's efforts in this area.

On Existing and Potential Threats, as we have mentioned in our submissions, a more comprehensive analyses of the threats to the ICT in the context of International Security require contemplating on a range of existing and potential threats which in one way or another put at risk the peaceful, human and secure nature of ICT environment. We emphasized that the threats already identified by other fora, should be re-visited.

In this connection, we have identified including inter-alia 8 kind emerging threats as: threat or use of force in ICT environment, interference and ICT's abuse for illegitimate geopolitical goals, unilateral coercive and other measures in ICT environment, threats arising from "content", hostile Image-building and fabricated attribution in ICT environment, imbalance between role and responsibility of states and those of private sector, abuse of emerging technologies, abuse of ICT supply chain, with detailed elaboration of each. We are of the firm view that these identified emerging threats should be discussed thoroughly.

The importance of a multi-stakeholder approach including the role of private sector, to ensuring international security is overestimated in zero draft, as they should observe rules, norms and policies of states where they operate. States should be seen to consider ways and means to hold them responsible.

ICT environment as we have stated in our submissions, monopoly (in management) and anonymity of persons and things) are the main source of mistrust in internet, which necessitates relevant CBMs. The shortfalls and down sides of the current internet governance system to establish fair internet governance has not been reflected in CBM section.

ICT related capacity building in zero draft has also yet to be further elaborated to make it a balanced, non-discriminatory and demand –driven approach. There is a need for concrete measures to remove the existing restrictive / blocking /limiting measures against countries and their possibility in future.

Finally, Mr. Chair, we are ready to continue substantive negotiation on the zero draft, while insisting that fundamental views of all states, in particular group of countries including NAM proposals to be fully taken into account and views of some states not taken for granted as such to be imposed to others. We have all our documented detailed and almost line by line amendment to the zero draft addressing the text. We will address and present those written amendments and proposals in due time.

Last but not least, the zero draft needs serious reconsideration and has to be painstakingly negotiated in order to convert it to an acceptable consensus document. Otherwise, if this objective could not be achieved, by very time limit reaming until the last meeting of the OEWG, we recommend to the distinguished chair, to provide us with simple, shorter, factual and non-confrontational report by which the continuation of discussion would be transferred to the new OEWG to finish its mandate. Of course, we are open to in depth consideration of all initiatives and proposals presented, in the new OEWG. But we cannot subscribe to the process towards just singling out one initiative in final report of current OEWG.

I thank you Mr. Chairman