Open-ended Working Group on developments in the field of information and telecommunications in the context of international security (OEWG)

[Informal virtual consultations, 18-22 February 2021]

<u>India's remarks/comments on the OEWG Zero draft</u>

Mr. Chair,

First of all, my delegation would like to thank you for your leadership on steering the OEWG discussions. During the three-day deliberations from 18-22 February 2021 over virtual mode, my delegation has made general remarks as well as specific para-wise comments on the zero draft. We also thank the Chair, Ambassador Lauber and his UNODA team/secretariat for bring out a comprehensive draft report of the OEWG capturing various elements of the discussions held since September 2019.

2.   My delegation was wondering when and how would we do the logical text-based negotiations of the report given the short time available with us. Discussions on significant language suggestions, edits, etc. would become critical for bringing consensus.

3.   Our delegation has proposed some changes/edits/proposal on the zero draft to improve the draft and refine further for wide acceptability to achieve a consensus on the report. The suggestions on the draft are made with due diligence and keeping in mind the national interest on the development in the field of ICT in the context of International security.

4.   For instance, on the structure of the draft there are two divisions, one is 'Conclusions and Recommendations' and other is 'the OEWG recommends that', where we propose to combine / merge into one.

5.   I also thank the Chair & the UNODA Secretariat for incorporating our contributions. While capturing elements from our contribution, some critical areas have not been suitably reflected, which can be addressed. Some of the many, my delegation pays more attention to the phrases "trust and trusted sources" in particular focus on the supply chain, which has been highlighted by us earlier. On the 'Trust', focusing on the risk that it can pose inherently or otherwise, backdoor entry in the ICT items and systems including the CII/ CI, the lack of integrity of supply chains and use of harmful hidden functions can affect the entire ICT systems and potentially threaten the security of a State. In this regard, we propose to insert 'State should use trusted products and should recognize the need to establish national measures for acquiring such items from trusted suppliers'.

6.   Under the introduction para, the expression 'radical transformation' does not exactly capture pioneering work that was done by the United Nations since its establishment. We request to use an alternative expression in place of 'Despite radical

transformations'. A word that reflects progress, reform and development-approach of the UN may be considered as right expressions. We would also like to propose to delete the phrase 'unite their strength' in the last part of last sentence of the paragraph-1. It would read as 'States resolved to unite themselves to ensure international peace and security'.

Mr. Chair,

7.   While some of our preliminary comments/ edits/ proposals in the form of track-change-mode on the zero draft are attached for Chair's consideration, some of our edits are given below as well.

8.   In paragraph-2, the first line reads as 'Development in information and communications technologies (ICTs) have implications…..'. The word 'have implications' in the first sentence can be replaced with 'impacts' three pillars of UN'…. We are also not clear about the usage of expressions 'global connectivity' and 'common good of humankind'; and hence request for deletion.

9.   In paragraph-3, the expression 'digital'; we are of the understanding that the draft meant it 'ICT environment' or 'ICT domain'. In Paragraph-4, the expression 'human-centric approach' needs to be replaced with 'peace and stability' as these terms are commonly understood and used in the other UN documents.

10.   In paragraph-5, a line reads as 'the dissemination and use of ICTs affect the interests of the entire global community'. How exactly the 'use and dissemination' affect the global community. This para does not fit well, hence may be deleted. Similarly, in the ninth paragraph, the phrase 'inter-governmental organizations' and 'technical community' were used, which donot convey any specific meaning for us.

11.   The paragraph 15 again refers to 'digital domain' and we understand that it refers to ICT/ Cyberspace and may need to be changed accordingly for uniformity in the document. At the same time, the paragraph is actually generic in expression and moving it to the introduction chapter of the document would make the draft more structured and coherent.

12.   In the paragraph 16, under 'Discussions', it is important to incorporate the word 'malicious use' of the ICT capabilities for military purpose.

13.   We would like to propose an extension to the paragraph 24 that reads as 'Due to on-going covid pandemic, new vulnerable sections like Children who are the potential entities of Cyber threats have emerged due to increased online dependence, including for education. States agreed that lack of integrity of supply chains and use of harmful hidden functions can affect entire ICT systems and potentially threaten the security of a State.'

14.   In paragraph 26 under International Law, there is no mention of UN Charter and we would like to request to mention a reference to the same. This para requires major edits. We may insert, "states acknowledged the need for further discussions to have common understanding on how international law applies to cyberspace".

15.   In Paragraph 31 that talks about attribution of an ICT activity to a State, may need further elaboration as it is not clearly conveying the way forward in addressing the gap in attributing the ICT activity.
We propose that paragraph 32 should be retained.

16.   In paragraph 45 under Section D: Rules, Norms and Principles for Responsible State Behaviour. It reads as "Voluntary, non-binding norms of responsible State behaviour play an important role in increasing predictability and reducing risks of misperceptions". As this would not help to predict certain activity in the ICT environment, the word 'predictability' can be deleted.

17. In para-49, we propose to delete the phrase 'non-discriminatory'.

Mr. Chair,

18.   We strongly propose that paragraphs 51 and, 52 and 87 can be deleted.

19.   In Paragraph 59, under 'The OEWG recommends that' section needs further refinement. We propose to delete the last line of the paragraph that reads as 'States in a position to contribute expertise or resources to the development and dissemination of such guidance be encouraged to do so.'

20.   In paragraph 66, we would like to add a line at the end of the paragraph that reads as 'CBMs can be developed to discuss, exchange and develop common understanding on what is Trust, whom to trust and how much to trust for identifying the Trusted Sources.' to complement the existing language in emphasizing the importance of CBMs.'

21.   On the capacity building section, we may also capture, in addition to others some vulnerable groups like children. In this regard, in paragraph 79, we would like to add a line Capacity building in New and Emerging areas of ICT amd Children and for promoting overall cyber hygiene.'

Thank you Mr. Chair.

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