



*Ministero degli Affari Esteri
e della Cooperazione Internazionale*

DIREZIONE GENERALE PER GLI AFFARI POLITICI
E DI SICUREZZA

OEWG INFORMAL SESSION (18-19-22 febbraio 2021) –
Italy's interventions

Ambassador Lauber,

Thank you and your team for your tremendous work. Thank you also for convening us for this additional meeting and for the draft zero report that you circulated as promised at the very beginning of the year. We commend you for including all aspects which have been mentioned by all delegations, it does justice to the richness and length of our debates and helps to highlight the areas on which more work will be needed, possibly for years to come. Definitely, the zero draft it is the basis of our negotiations, precisely because of past discussions.

We are happy about the new structure of the document and we appreciate that this has been done to respond to the call from some delegations, including ours - to reflect the different levels of agreement on different issues. We share your judgment on that, on the other hand, as it has already been highlighted by other delegations, we hope that going forward this will facilitate the process of bringing forward areas of consensus and focus more on recommendations. The choice to structure the document differently should help us in the end to ensure that the Group's recommendations can become more ambitious, that its text may become leaner, but overall that it serves the purpose of

accommodating some of the elements of parallel proposals that have been advanced by other delegations which at this late stage we don't believe would help to facilitate consensus. We like your draft text, precisely because it stems from and is the product of a consensual and inclusive process. All those who are attached to and have advocated for this specific character of the OEWG should be attached to it and defend it as a "common good".

Generally speaking, we continue to approach this negotiation with a very large dose of flexibility and hope that others do the same.

We would like to see more explicit recognition that our work and discussions would not have come all this way if we hadn't had a solid and consensual basis such as the work of the GGE, enshrined in the 2015 report. We have noticed that the draft report has been stripped of many of these references and we believe that there is some room of maneuver to better highlight the impact of the 2015 report.

We are thankful for your decision to insert a reference to the PoA proposal that Italy has decided to co-sponsor. An initiative which we still believe could best serve everyone's interests in continuing our conceptual work whilst at the same time supporting States in implementing the agreed framework and making progress on many practical issues in very concrete terms. We invite all delegations to look at the PoA proposal as an opportunity: a pragmatic, neutral and non-confrontational way forward. Once again, as I did in previous session, let me flag again Italy's willingness and openness to have discussions about this initiative, also on a bilateral level, with the understanding that many issues have been deliberately left open until today to allow the OEWG constituency to shape it.

Chair,

I take the floor again today firstly to align ourselves with Friday's EU statement. Secondly, I wish to flag our availability to postpone our last substantial session, This postponement would allow us to meet in person as well as additional time to increase the momentum of our discussions, deepen our common understanding, maximize convergences and ultimately aim for a more ambitious set of OEWG recommendations. As some colleagues already pointed out, not being able to deliver a Report might also cast doubts on the ability of a new OEWG to carry out its mandate.

The more time we have at our disposal, the greater are the chances of adopting a meaningful consensual report. Less time will probably mean that we might need to sacrifice part of the text because of lack of consensus, which would not be our preferred way forward. Precisely because we share Russian and other colleagues' views that common threats of malicious use of ICTs are pressing, we wish our report to be as incisive and relevant as possible.

On content, I promised a set of more specific remarks on the draft report:

Introduction

Para 11 – we are happy with this paragraph, for it highlights the connection, albeit a distant one at times, that exists between digital divides and security. It is never good when large segments of the world population are left behind on any given development or situation and we hope that our recommendations will contribute to bridge that gap.

Para 13 – International law is not – in our opinion – a framework for State actions, rather one could define international law as the legal discipline of State actions. I think this should be better reflected in the text.

In the same vein, we believe that existing International Law and the UN Charter **in its entirety** (para 37) are applicable to cyberspace. Greater substance could also be introduced in para 38 on peaceful settlement of disputes mechanisms, along the lines mentioned by the EU.

As both the German and Japanese colleagues have mentioned in their interventions, the distinction and order of appearance between International Law in Section C and the Rules, Norms and Principles in Section D of the Report do reflect the substance of the relationship between the two, and should not be altered as others instead suggested last week. In this spirit, we also second the interventions of those who pleaded for clearly signaling the difference of the status of the 11 norms set out in the 2015 GGE Report which was adopted by consensus, with respect to other norms that don't enjoy the same status.

We join all those delegations who have mentioned the opportunity of including a clear reference to the National voluntary survey on implementation of UNGA resolution 70/237 and to make such a proposal as practical as possible, as Mexico mentioned, its template could be annexed to our Report as a concrete deliverable.

On art.79, we second the remark made by Argentinian colleagues to go beyond the donor-recipient dynamic and mechanisms for capacity building, as well as making reference to the Busan principles of inclusivity and shared responsibility as mentioned by The Netherlands. We believe that in the capacity building and CBM sections there are indeed several points of convergence with positions expressed by NAM colleagues that could be taken into account.

On the Regular Institutional Dialogue section, we hear the expectations of many on the possibility that the report notes the new OEWG, whose establishment was voted upon last year. We have also heard the suggestion from our Australian colleague to accommodate Iranian concerns on the PoA by clarifying para

99, simply by quoting language from the non-paper regarding the intention to use the Programme also to discuss and develop new norms over time. We would be delighted to discuss the PoA further to address any additional concerns. We believe that this goal is within reach and can be achieved by placing the PoA firmly within UN structures, with the advantage, among others, of avoiding regular Resolution drafting processes.

Thank you Chair