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Open-ended Working Group on Developments in the Field of Information and Telecommunications in the Context of International Security

Third substantive session

8–12 March 2021

Compendium of statements in explanation of position on the final report

Note by the Chair

1. The Open-ended Working Group on Developments in the Field of Information and Telecommunications in the Context of International Security met against the background of a serious and unprecedented health crisis that made it necessary to take important measures to safeguard the health and safety of delegates and the staff of the Secretariat, while fulfilling the responsibilities attributed to the Working Group.

2. The physical distancing guidelines and constraints related to the coronavirus disease (COVID-19) pandemic had an impact on the logistical resources available for the work of the Working Group, with a decrease in the number of in-person meetings and meeting hours, and thus alterations to its programme of work.

3. As a result of these circumstances, and in order to make it possible for all delegations to express their views on the final report of the Working Group ([A/75/816](#)), the Chair proposed to Member States that, without setting any precedent, written submissions in explanation of position on the final report* would be included in the present compendium, to be issued as an official document of the Working Group.

* The statements contained in the present compendium are circulated in the languages of submission only and without formal editing, and are reproduced as shared with the Secretariat by the delegation concerned.



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Algeria

Open-Ended Working Group on the Developments in the Field of Information and
Telecommunication in the Context on International Security

Third Substantive Session
Statement of Mr. Nazim Khaldi,
First Secretary

Final Comments - Negotiation on the final report

Thank you Mr. Chairman,

Allow me to add my delegation's voice to sincerely thank you Amb. Lauber for your constant dedication and the transparent and communicative leadership you have stewarded with the work of this OEWG ever since the commencement of its activities in 2019. We also extend our gratitude to your support team and the UN-ODA Secretariat for the enormous efforts deployed during this process.

You have all brilliantly demonstrated a high sense of professionalism, flexibility and openness during our exchanges and the various phases that led to the production, thanks to your patience and commitment, of a fair final report.

Mr. Chairman,

Undoubtedly, we have all benefited from the rich contributions and the active engagement of all delegations on this important topic, as it constituted an opportunity to have a better grasp of the critical issues at hand. It is after all the first inclusive process which allowed all Member States to bring their concerns and visions to the table. My delegation have participated in a positive fashion to this process and we welcome the high level of engagement shown by delegations throughout the three sessions and beyond.

The draft final report is indeed not a 100% satisfactory report, but it has the merit of accommodating constructively most of the concerns raised by the UN Member States, while paving the way for the continuation of our common efforts to reach the ultimate goal of ensuring a safe and secure cyberspace. From our perspective, you have diligently brought different voices together and reached balanced agreements. Therefore and in a spirit of compromise we are also pleased to join the consensus to adopt the final report, this afternoon.

We remain confident that the adoption of this report will significantly enhance our future collective endeavors to promote cooperation on the developments of Information and Communications Technologies (ICTs) in the Context of International Security. And Algeria looks forward to continue our collective efforts in particular during the next OEWG.

In the end, I can't fail the opportunity to pay tribute to your hard work and the elegance you have imprinted on this process and to wish you a safe return to Geneva while hoping that we will get another opportunity to benefit in the future from your wisdom and savoir-faire.

Thank you again Mr. Chairman

Argentina

Intervención de la República Argentina -Explicación Posición frente a Informe Final
3° Sesión formal del Grupo de Trabajo de Composición Abierta sobre los avances
de las TIC en el contexto de la seguridad internacional

Sr. Presidente, todos sabemos lo difícil que es conseguir el consenso en un formato abierto y presencial, sobre temas sensibles y con posiciones encontradas, que se agrandan con formato híbrido. Para ello se requiere del compromiso, flexibilidad y buena fe de los participantes, y en particular, el manejo transparente, la dedicación, el liderazgo y destreza de la Presidencia con su equipo. Hemos sido testigos de todo ello. Por ello, son merecidas todas las felicitaciones y reconocimientos que usted, su equipo y la Secretaría han recibido, y a la cuales nuestra Delegación se suma de manera decidida.

Desde nuestra perspectiva el Informe final contiene los elementos centrales y refleja de manera equilibrada y con el tono preciso los acuerdos posibles en esta etapa, surgidos de los casi 2 años de deliberaciones, y en el cual han participado buena parte de los miembros de las Naciones Unidas.

Confirmamos que apoyamos el informe.

Consideramos este paso significativo que confiamos daremos hoy, como un punto de inflexión en el proceso empezado hace casi 2 décadas de construcción de acuerdos y entendimientos, relativos al comportamiento responsable de los Estados en el ciberespacio y la ciberseguridad internacional. Este proceso no se agota hoy y continuará en el futuro.

Es una inflexión porque muestra, a nuestro juicio, que las plataformas abiertas, transparentes e inclusivas, son las vías adecuadas para abordar de aquí en más las cuestiones relativas al comportamiento responsable de los Estados en el ciberespacio y la ciberseguridad internacional, para mantener un ciberespacio abierto, libre, estable, seguro y pacífico. Asimismo, el éxito de este proceso es una muestra más del rol único que tienen las Naciones Unidas y el multilateralismo para avanzar hacia soluciones concretas a los problemas y desafíos globales actuales.

Merece señalarse que los acuerdos que alcanzamos hoy no se hubieran logrado sin los consensos alcanzados por los GGE de 2010, 2013 y 2015, y confiamos que el actual GGE también contribuirá con sus importantes aportes.

Me referiré brevemente a algunos aspectos que queremos destacar en particular del Informe ya que ya hemos señalado aquellos, que a nuestro juicio, nos hubieran gustado que contaran con otra redacción o que por falta de consenso, no se incluyeron.

Rescatamos fundamentalmente la reafirmación de que el derecho internacional es de aplicación en el ciberespacio; un mayor entendimiento acerca del alcance de las normas, reglas y principios de comportamiento responsable del Estado; la reafirmación del *acquis*; la protección de los Derechos Humanos y las libertades fundamentales; el reconocimiento de la importancia de reducir la brecha digital entre los países y la brecha digital de género; los principios que deben guiar los esfuerzos de creación de capacidad; los avances en cuanto a medidas de confianza;

el reconocimiento al rol que tienen las organizaciones regionales; y la mención al modelo de informe para la presentación de informes nacionales sobre la implementación de la Resolución 70/237 por parte de los Estados, iniciativa que ha sido apoyada por mi país.

Valoramos especialmente la mención al Programa de Acción. Creemos que es una valiosa propuesta que se ha abordado en este Grupo y que ha recibido un importante número de apoyos, con miras a establecer un foro permanente, abierto, flexible, programático y en el marco de las Naciones Unidas, lo que es esencial para generar mayor previsibilidad, transparencia y estabilidad en el ciberespacio.

Con relación al orden de las secciones en el informe, coincidimos con lo expresado por otras delegaciones respecto de que el orden en que aparecen en el informe no debe ser interpretado como indicando una relación de jerarquía de las normas, reglas y principios, por sobre el derecho internacional, que es la base y el marco en el cual éstas son generadas.

Entendemos, también, muy importante que la sección de discusiones haya sido retenida, aun cuando sea bajo un documento del Presidente, ya que las cuestiones, ideas y propuestas que recoge dicha sección son importantes para la continuidad de las discusiones, así como para la transparencia del proceso.

Queremos asimismo aprovechar para felicitar a los países que han tenido la excelente iniciativa de lanzar el “Women in Cyber Fellowship”, el cual ha posibilitado la participación de un importante número de mujeres de diversas regiones en este Grupo y creemos que ha sido un aporte valioso al proceso.

Una mención particular merece la participación de los diversos actores de la sociedad civil, el sector privado, la academia y la comunidad técnica, que sin duda han aportado conceptos y visiones valiosas, enriqueciendo y ampliando nuestro entendimiento de las complejas cuestiones involucradas. Estamos convencidos que el futuro de las discusiones debe ser un ejercicio conducido por los Estados con una adecuada participación de los otros actores mencionados.

Entendemos que este Grupo ha constituido una medida de confianza mutua de alcance global, la primera de este tipo, con amplia participación de Estados de todas las regiones y visiones. El éxito de su conclusión es una señal positiva respecto del valor que tienen el diálogo y la diplomacia para conocernos, entendernos, abordar nuestras diferencias, enriquecer nuestras visiones, y crear condiciones para un mundo más pacífico, seguro, con más oportunidades desarrollo y equidad, en beneficio de las generaciones presentes y futuras.

Gracias Sr. Presidente.

Australia

Statement by Johanna Weaver – Special Adviser to Australia’s Ambassador for Cyber Affairs (Note: a truncated version of this statement was delivered orally before adoption of the final report; the full statement is provided for the record)

Chair, distinguished colleagues

In July 2019 – 21 month ago - we embarked on a joint endeavour; to explore if it would be possible for all UN member states to come together, to exchange views, and agree concrete recommendations to reduce the risk of conflict in cyberspace, and in the world.

Today, Australia is pleased to join consensus on the final OEWG report.

It is testament to the tenacity of our Chair, the importance all of our governments ascribe to this issue, and the joint commitment of each delegation, that we have maintained momentum in our discussions notwithstanding a global pandemic.

Our final week of meetings is conducted in a hybrid format. Many delegations are participating from afar. Australia would particularly like to recognise those delegations – including my own back in Australia – that have participated stoically and enthusiastically notwithstanding the significant time zone challenges (this week, and in the 5 weeks of informal meetings that came before).

This week, the good faith and dedicated engagement from all delegations has shone through each intervention; be they delivered in-person, in the virtual room, or in the physical or virtual margins.

Today, in our final day of meetings, we have before us a report – a report balanced on a knife’s point.

A report that offers the possibly of something so incredibly precious – especially in multilateral negotiations with 193 countries: consensus.

Like many, there are parts of this report with which Australia is uncomfortable. And there are things many things that would have liked to have been included that are not.

However, Australia is unwavering in our believe that our Chair – Ambassador Lauber – and his extraordinary support team - has produced for us the best, most carefully balanced report possible.

It is now incumbent on each of us, colleagues, to do all within our power to preserve that balance and support this report.

Australia urges all those with concerns about this report, to use these statements as an opportunity to put those concerns on the record. But to join with us in supporting consensus, and in doing so adding another layer to the foundation of what comes next.

In this vein, Australia offers the following non-exhaustive explanation of position.

Australia welcomes the unequivocal reaffirmation of the framework of responsible state behaviour (international law, norms, confidence building measures and capacity building) as endorsed by all countries in General Assembly Resolution 70/237 (pp7-8). As well as recognition that each of these elements is interrelated and mutually reinforcing (pp13).

Australia welcomes the re-affirmation that international law, and in particular, the UN Charter, applies to States' activities in cyberspace (p34). As well as recognition that States' need to deepen their understanding of how particular principles of international law apply to the use of ICTs, and, in turn, the emphasis on the importance of capacity building to ensure all countries can contribute to building consensus and deepening common understandings (pp36-37;39-40; 54; 59-60).

Australia welcomes the Report's clarity on the relationship between international law which is binding, and non-binding norms (p24-25); in particular, in paragraph 25 that "norms do not replace or alter States' obligations or rights under international law" ... "but rather provide additional specific guidance on what constitutes responsible State behaviour" in cyberspace. Consistent with this, we understand the reference to "obligations" in paragraph 17 to refer to international legal obligations.

Australia regrets that the order of the international law and norms sections was reversed in the final report (at request of the Chinese delegation); given international law is binding, and norms are voluntary, Australia would have preferred the international law section to have preceded the norms section – but not at the cost of consensus.

Australia welcomes the call for countries to refrain from use of ICTs not in accordance with international law and the norms for responsible state behaviour (pp24, pp34). In this regard, Australia understands "international law" to be the entire corpus of international law, and "the norms" to be the 11 norms consensually endorsed in General Assembly Resolution 70/237.

Australia welcomes that the OEWG has added to previous agreements by confirming the UN Charter obligation to settle disputes by peaceful means applies in cyberspace (pp35). We regret that a small number of delegations continued to resist specific acknowledgement in the report that international humanitarian law (IHL) applies to cyber activities in armed conflict. Australia understands that these delegations did not object to the application of IHL per se, but rather objected to inclusion of such a reference in the report on the basis that such a reference would encourage militarisation of cyberspace. In this regard, Australia recalls the position taken by the ICRC that recognition of the application of IHL neither encourages militarisation, nor legitimises resort to conflict in any domain.

We note also acknowledgment in the report that "the use of ICTs in future conflict between states is becoming more likely" (pp16). While Australia regrets its absence in the Substantive Report, we nevertheless welcome references to IHL in the Chair's Summary (especially those in pp12).

Australia welcomes confirmation that the healthcare infrastructure is considered critical infrastructure for the purpose of the existing critical infrastructure norms (p26). In this regard, Australia understands the "existing critical infrastructure norms" to be norms at paragraph 13 (f) and (g) of the 2015 GGE Report (A/70/174) as consensually endorsed in General Assembly Resolution 70/237. Typographical note: the full stop in the penultimate line of p26 should be a comma.

Australia welcomes reaffirmation of all norms in the 2015 GGE Report (A/70/174) as consensually endorsed in General Assembly Resolution 70/237 (pp28). We would have preferred the remainder of paragraph 28 to have reflected existing consensus language.

Australia welcomes the Report's recognition of the high level of participation by women delegates and the prominence of gender perspectives in the discussions (pp11). In this regard, Australia recognises in particular the contributions of the Women in International Security and Cyberspace Fellows: your participation enriched the process, and improved our joint outcome.

Australia also welcomes, with appreciation, the important contribution of the multi-stakeholder community throughout this process, and recognition in the report of the importance of further strengthening this collaboration in future processes (p10; 22; 72).

Australia welcome the strong emphasis on the importance of capacity building throughout the report, as well as agreement to a set of principles to guide these efforts (pp56).

Australia welcomes the call for countries to survey implementation and share national views and best practices with respect to norms (pp30), international law (pp38), confidence building measures (pp48) and capacity building (pp64), as well as agreement to use on a voluntary basis the model "National Survey of National Implementation of United National General Assembly Resolution 70/237" (pp65). Australia will work with other co-sponsors of the Survey proposal to make the survey available online shortly.

Australia reaffirms our commitment to inclusive and transparent discussions under UN auspices on ICTs in the context of international security, including but not limited to the new OEWG established pursuant to General Assembly resolution 75/240 (pp75). In this respect, we underscore that the reference to avoiding duplication of existing UN mandates at paragraph 72 applies to existing mandates outside of the UN First Committee auspices.

Australia welcomes the very careful and nuanced way the report refers to proposals under consideration for future regular institutional dialogue, including recognition that the Program of Action should be further elaborated (pp77). Australia understand that the new OEWG established pursuant to General Assembly resolution 75/240 is one forum – among others – at which such elaboration could occur. We look forward to further updates from the POA sponsors in that regard. Typographical note: there should be a comma before "including" in line 6 of paragraph 77.

Australia welcomes that the "Discussion section" of the previous draft has been retained and annexed to the final report as a non-consensus Chair's summary. To ensure our positions are accurately reflected, Australia will submit written comments on the Chair's Summary and request they be made available on the OEWG's website.

Australia underscores – as reflected in paragraph 80 of the report - that there was no agreement among states on the need for additional legally binding obligations. Australia's position, as previously expressed in this forum, is that existing international law and the agreed norms provide a comprehensive and robust

framework to address the threats posed by state-generated or state-sponsored malicious cyber activity. However, this framework will only be effective when it is implemented, adhered to and enforced. Therefore, rather than negotiating additional legally binding obligations, Australia's priority is on increasing implementation, adherence and enforcement of the existing framework.

In a similar vein, Australia underscores that the proposals in the document annexed to the Chair's summary "Specific Language proposal under agenda item "Rules, norms and principles" from written submission by Delegations" did not enjoy consensus support from delegations (p80; see also p33). Australia looks forward to further discussion of these proposals at appropriate forums going forward.

In closing, Australia empathises with those who wanted more from this report. We hope that you will also empathise with us because Australia, too, wanted more.

We recognise, however, that this report is not the end of our work.

By joining with consensus today, we add another layer of foundation; upon which our future work can build.

Australia also looks forward to the successful conclusion of the concurrent Group of Governmental Experts; the work of which will complement the report of this group.

The report before us is the joint product of our collective labour; it is worthy of our adoption.

I have said many times to you all over the past 2 years that Australia is committed to a successful outcome at the OEWG.

It is with pleasure, and not without nostalgia, that I say for the last time: Australia supports the Chair; Australia supports consensus; Australia supports the adoption of this report. We urge others to do the same.

Thank you Chair.

Austria

Statement by Austria on the adoption of the Final Report

Open-ended working group on developments, in the field of information and telecommunications in the context of international security
Third Substantive Session
12 March 2021

(check against delivery)

Mr. Chair,

As we approach the finish line of the marathon that this Open-Ended Working Group has been, my delegation would like to thank you and your team for guiding us through the group's deliberations in a transparent and well-structured manner, including by taking into account the views of a wide array of stakeholders from the public sector, academia, and civil society. Your efforts, spanning two years and emanating from two continents, deserve the highest praise.

We align ourselves with the statement delivered by the European Union. In my national capacity, I would like to add the following remarks:

As the High Representative mentioned at the beginning of this session, more than 140 delegations participated in the OEWG and made their voices heard during the course of its elaborations. This is an accomplishment in itself. The draft sends a clear signal that multilateralism can be effective in the field of international peace and security. It is our hope that this signal will be seen in other processes in this field that have suffered from blockades for far too long.

Mr Chair,

I am pleased to inform you that Austria intends to join the consensus on the draft report. We welcome the unequivocal statement that the 2015 GGE Report consolidated the initial framework for responsible state behaviour in the use of ICTs – this report reaffirms this framework once more and builds on it by providing recommendations to be taken forward. Furthermore, we welcome the emphasis on capacity building and confidence-building measures, where regional organisations are playing such a valuable role.

At the same time, consensus always means compromise. We are ready to walk the talk and be very flexible, even on issues that are very important to us, confident that others will follow this example, knowing that in some areas, we tried hard to achieve more substantial progress.

This, in particular applies to the section on international law, where we would have liked to see a clearer reaffirmation of existing obligations. While the UN Charter, applicable in its entirety, forms the foundation of the international legal framework, there is no doubt that International Humanitarian Law also fully applies to ICT activities in order to minimize harm to civilians in the case of armed conflict. Furthermore, the full enjoyment of human rights and fundamental freedoms in cyberspace is essential to ensure that all of us can reap the benefits of ICT technology. Rest assured that Austria will continue to act based on these convictions and will promote them in future deliberations in the field of ICTs.

Mr. Chair,

Almost exactly one year ago, the UN had to shut its doors temporarily due to the COVID-19 pandemic, relegating much of our work into cyberspace, thereby vastly increasing the significance of an open, free, stable and secure cyberspace. Looking into the future, its importance will only continue to grow, making our quest even more significant.

The report with its conclusions and recommendations provides us with a significant stepping stone from which to proceed – we look forward to building on these recommendations in an action-oriented and inclusive way when we address the Programme of Action and the new OEWG.

Mr. Chair,

Your compatriot Roger Federer once said, “we can’t always agree on everything” – and I think it is fair to say that this statement has at times applied to this group. But thanks to your guidance and the hard work by all delegations, we are confident that this afternoon, we can agree to adopt this group’s report.

I thank you!

Bangladesh

Statement by Bangladesh on the adoption of the final report of the Open-ended Working Group on developments in the field of information and telecommunications in the context of international security (“OEWG”)

12 March 2021 (virtual)

Mr Chair,

At the outset, we would like to express our deep appreciation to you, for leading this process despite the challenges posed by the pandemic. We also thank UNODA and the Secretariat who have supported this process.

We welcome the progress made in addressing one of the biggest challenges of our time, which is to ensure a safe, open and secured cyber space for all. The OEWG provided the opportunity to all member states and stakeholders to engage in a consultative and transparent manner to produce the report before us.

Mr Chair,

Bangladesh believes that the final draft is well balanced and represents an important development in this regard. The draft final report and the annex containing the chair’s summary of the group’s work over the past two years, should serve as a good basis to guide our future work. Bangladesh is ready to adopt the draft as presented. We must now move forward and build upon the progress that we have made together.

Mr Chair,

Finally, we wish to congratulate you on your successful steering of the work of this open-ended working group.

I thank you, all.

Belarus

Distinguished Chair,

We fully support the final report and the willingness of States to move forward to achieve mutual understanding, and we hope that consensus will be reached.

The pandemic has made its own adjustments to the work on the document. We believe, many will agree that this has become a difficult task due to a lack of personal meetings and the lack of "chemistry" of interpersonal communication. However, we profoundly grateful to all delegations and, first of all, to Mr. Lauber, for the outstanding work.

For our part, we would like to draw attention to the fact that today small and medium-sized countries are not always able to ensure full protection of their cyberspace. Therefore, it is vital for Belarus to reflect the proposals of States in a more substantive way in the section of the report devoted to the consolidation of norms and principles of responsible behavior in cyberspace, including but not limited to previously developed rules.

What would allow us to move forward? From our point of view, more attention should be paid to the scientific perspective on issues related to the development of ICT, which would give us a chance to "catch" the growing priority of modern relations in the ICT sphere. Subsequently, we will propose to consider the possibility of a series of conferences involving the UN fora or structures.

What we lacked was the dynamics. We are moving towards consensus, and this is encouraging. At the same time, the ICT sphere is moving ahead for progress, brining new threats in ICT and opening up new opportunities for information security. We are still building a global information security system, while it is time to apply it.

In this regard, we attach high expectations to the work of the new OEWG.

Mr. Chairman, once again we express gratitude for your many years of efforts and the work of your team.

Belgium

Déclaration nationale de la Belgique 12 mars 2021

Monsieur le Président,

Permettez-moi tout d'abord d'exprimer notre appréciation pour vos efforts inlassables, dans un esprit de compromis et de transparence remarquable. Je remercie aussi votre équipe, le secrétariat de l'ONU et l'ODA.

La Belgique souscrit pleinement aux déclarations faites au nom de l'Union européenne et ses Etats membres. Permettez-moi de compléter ces déclarations par notre vision nationale.

Nous espérons que nos efforts collectifs aboutiront à une adoption du rapport dans un esprit de compromis. C'est dans cet esprit que nous abordons cette session et que nous pouvons joindre le consensus.

La Belgique souhaite souligner le caractère inclusif de nos travaux et la richesse des discussions. Mon pays a participé pour la première fois et s'est impliqué de bonne foi dans ces discussions sur le cyberspace et le comportement des Etats qui se sont ouvertes il y a maintenant plus de deux ans. Comme beaucoup d'Etats qui ne sont pas ou n'ont pas été membre de GGE, nous avons dû investir du temps et de l'énergie pour participer à ces discussions et nous avons dû en même temps développer et affiner notre compréhension des enjeux, des défis et des questions de relations internationales que pose l'utilisation des technologies de l'information par les Etats dans le contexte de la paix et de la sécurité. Ce trajet sera probablement familier à plusieurs Etats qui participent aujourd'hui.

Nous soulignons que les Etats ne partaient pas de zéro, qu'il existait un « acquis » et que les conclusions des rapports des GGE de 2010, 2013 et 2015 constituaient une base solide, consensuelle, reconnue par tous les Etats membres des Nations unies à travers l'adoption de résolutions à l'Assemblée générale des Nations Unies, notamment dans la résolution 70/237. Pour mon pays, très attaché au système multilatéral, cet acquis est extrêmement important. Il est important qu'il soit réaffirmé dans le rapport.

La Belgique a toujours soutenu et continuera à soutenir un système multilatéral fort et efficace qui repose sur des règles de droit. Le droit international est notre point de départ, en ce inclus la Charte des Nations Unies dans son entièreté, le droit international humanitaire, les droits humains et les libertés fondamentales. En matière de droit international et de normes de comportement des Etats dans le cyberspace, notre position est bien connue : le droit international s'applique au cyberspace, dans son entièreté. Néanmoins, le dialogue doit se poursuivre pour affiner notre compréhension commune de cette application dans le cyberspace.

C'est la raison pour laquelle la Belgique soutient fortement tous les efforts pour clarifier comment le droit existant s'applique au cyberspace, y compris la proposition conjointe de plusieurs Etats que chacun tente sur une base volontaire de partager son niveau de mise en œuvre national de la résolution 70/237 de l'AG. C'est aussi la raison pour laquelle nous croyons qu'il est important de se focaliser dans nos débats entre Etats sur la mise en oeuvre concrète de toutes ces normes, principes et règles, de nous assurer que tout le monde dispose également des capacités afin de

pouvoir les appliquer et de veiller à ce que ces règles soient respectées. La mise en œuvre de ces normes agréées et des mesures de confiance ont un rôle essentiel à jouer dans la prévention des conflits.

La Belgique n'est cependant pas convaincue de la nécessité ou de la plus-value d'entamer des préparatifs pour développer un nouvel instrument contraignant. Cela serait prématuré ; le plus urgent consiste à renforcer les capacités des Etats et se mettre d'accord sur la mise en œuvre concrète des normes déjà agréées. Ceci nous permettrait par ailleurs de mieux identifier les manques et les besoins actuels.

Mon pays est attaché aux approches pragmatiques et au concept d'efficacité dans les débats onusiens : nos discussions sur le comportement responsable des Etats dans le cyberspace doivent nous permettre de faire des choses ensemble. Là où nous pensons avoir des normes universelles et consensuelles, nous pouvons approfondir notre coopération et bâtir des cadres communs, voire prendre des engagements. Nous sommes persuadés que le Programme d'Action proposé par l'Egypte et la France constitue la bonne structure pour réaliser cette vision. Nous sommes très fiers de soutenir cette initiative ensemble avec 50 autres pays, et nous espérons que beaucoup d'autres Etats qui comme nous attendent des résultats des efforts investis dans ces discussions, seront convaincus de l'utilité d'un Programme d'Action dans le domaine du cyber.

Mon pays plaide pour une vision partagée d'un cyberspace global, libre, ouvert, stable, pacifique et sûr, où les droits humains et l'état de droit sont respectés. Cette vision partagée, nous la construisons sur base d'une approche inclusive, où toutes les parties prenantes, y compris le secteur privé, la société civile et le monde académique, sont écoutées et entendues. Pour mon pays, un processus inclusif implique tous les pays membres des Nations Unies d'une part et toutes les autres parties prenantes d'autre part dont la plus-value n'est pas seulement réelle mais surtout incontournable lorsqu'on parle du monde numérique. L'implication du secteur privé, de la société civile et du monde académique sont absolument nécessaires si nous voulons délivrer un rapport ou un résultat légitime et crédible.

Jusqu'à décembre 2020, mon pays était membre non-permanent du Conseil de Sécurité. En tant que membre non-permanent, la Belgique a co-sponsorisé une réunion Arria du Conseil de sécurité sur les cyberattaques contre les infrastructures critiques. Cette réunion s'est tenue en août 2020, en pleine pandémie du virus COVID-19. En effet, des systèmes de soins de santé et des institutions médicales de par le monde ont été visés par des cyberattaques alors qu'ils étaient à leur point le plus vulnérable, ce qui mettait en jeu la vie de patients. Mon pays considère les institutions et services médicaux comme des infrastructures critiques et condamne toute attaque dirigée vers les infrastructures critiques des Etats.

En matière de menace pour la paix et la sécurité que pourraient poser les nouvelles technologies et les technologies de l'information, mon pays préconise une approche équilibrée. Les Etats doivent relever le défi de la régulation sans freiner l'innovation et les opportunités qu'offrent les nouvelles technologies. Le respect des droits humains et du droit international constituent notre boussole et notre ligne rouge absolue dans les questions éthiques et de droit que soulèvent certains usages des technologies numériques.

Enfin, j'aimerais terminer cette déclaration par ce qui jusqu'ici ont constitué les éléments les plus consensuels de nos discussions sur le comportement responsable

des Etats dans le cyberspace : les mesures de confiance et la nécessité de renforcer les capacités des Etats.

On ne saurait sous-estimer l'importance des mesures de confiance et mon pays salue les efforts des différentes organisations régionales à cet égard. En particulier, mon pays est familier des travaux de l'OSCE en matière de mesures de confiance, qui montrent qu'il est possible d'avancer ensemble à un niveau concret et opérationnel. De tels mécanismes concrets d'interaction interétatique sont clé pour établir la confiance mutuelle entre Etats.

Enfin, en matière de renforcement des capacités, les besoins sont importants, urgents ; ils ont été soulignés à de nombreuses reprises lors de nos discussions. Des possibilités existent déjà, au sein des programmes de coopération de l'UE par exemple, ou à travers des organisations comme le Global Forum on Cyber Expertise. Ce type d'initiatives sont peut-être sous-utilisées ; elles sont peut-être insuffisantes. Si cela est le cas, rien n'empêche les Etats de créer dans un cadre à portée universelle, qui permettrait de lancer de nouvelles initiatives de renforcement des capacités. Ici aussi, un Programme d'Action dans le domaine cyber pourrait se prêter au lancement de ce type d'initiatives. La Belgique y est favorable. Car il est de notre intérêt partagé de renforcer la résilience globale aux menaces cyber.

Monsieur le Président,

Ce rapport est une étape sur un long chemin mais nous espérons qu'il sera également un tremplin. Nous souhaitons tous un internet et un cyberspace plus sûrs et plus stables. C'est pourquoi nous estimons que l'action et la mise en œuvre effective doivent à présent guider nos priorités et que le Programme d'Action, inclusif, ouvert à tous et respectueux de tous les Etats, est la voie à suivre.

Je vous remercie.

Brazil

Open-ended Working Group on developments in the field of information and telecommunications in the context of international security Third Substantive Session

New York, 8-12 March 2021

FINAL Statement by the Delegation of Brazil

Thank you, Mr. Chairman.

At first, the Delegation of Brazil wants to thank you for the preparation of the second draft. It must have been extremely difficult for you and your team to navigate around so many opposing and mutually-excluding positions expressed by Delegations over the course of this week. But we firmly believe that your text will bring us all to the safe harbor of consensus. Therefore, I want to congratulate you for your seafaring skills, which are even more impressive given that you come from a landlocked country.

I am pleased to say that we are ready to support your text. That said, please allow us to point out three elements of particular interest - and concern - to my country in the second draft.

First, we noticed the new draft did not take on board Brazil's proposal to include on paragraph 36 a reference to the 2015 GGE Report as a baseline for further discussions on the applicability of international law in cyberspace. We would like to recall that paragraph 28 of the GGE Report included a non-exhaustive list of views on how international law applies to the use of ICTs by States. The report has been endorsed unanimously by the UN General Assembly, so that list of common understandings cannot simply be thrown overboard.

Second, we regret that our proposal to bring para 84 of the first draft (on international humanitarian law) to the section on conclusions and recommendations, which garnered widespread support, was not transhipped to the second draft. It is regrettable that a body of law that enjoys nearly universal support and that has contributed so much to minimize harm to civilians in conflicts around the world, and whose principles were nominally referred to in the 2015 GGE report, is now being treated as a stowaway.

Fortunately, these two gaping holes in the section on international law are plugged by the clear and unequivocal reaffirmations of the *acquis* of common understandings we have adopted by consensus thus far, and in particular the 2015 GGE Report, elsewhere in the text.

Lastly, we welcome that the second draft has included in paragraph 7 an indirect mention to the ongoing GGE, by means of a reference to resolution 73/266, which established it.

Brazil, along with many other delegations, has been consistently striving for convergence and complementarity between the current OEWG and the GGE, like two ships sailing together to the same destination. We are however disappointed that the very existence of the GGE is barely recognized in the draft OEWG report.

There are at least two paragraphs where a reference to the ongoing GGE would be particularly useful: the first is paragraph 33, on the development of new norms, and the second is paragraph 36, on the need to deepen common understandings on how international law applies to State use of ICTs. Both are precisely the main points of the mandate given by the UN General Assembly to the ongoing GGE.

But, as the country whose expert is chairing the current GGE, we will interpret the reference on para 7 as a faint but recognizable radio signal indicating that both our ships are on the right course.

The section on regular institutional dialogue gives an indication of the route ahead, with the necessary flexibility that will allow all of us to adjust course and avoid any possible navigational hazards and areas of doldrums that we may encounter.

Above all, we hope that the adoption of this report by consensus, together with the report of the ongoing GGE, will lead to the return of a unified, universal, collaborative, constructive and consensus-based dialogue process within the United Nations.

All delegations will owe a debt of gratitude to you and your team for your dedication, hard work and competence, but also to each other, for the substantive contributions made throughout the process and for the flexibility that hopefully all of us will be demonstrating at this crucial juncture.

That said, Mr. Chairman, Brazil, for its part, stands ready to welcome its adoption by consensus with a salute.

Thank you, Mr. Chairman.

Canada

Canada's remarks: March 12 final OEWG meeting

- Chair, I want to begin by thanking you for guiding us adeptly through this nearly two-year long process.
- Now that we have a final report on the table, I also want to stress how much we have appreciated the efforts that you and your team have made to try and conciliate the diversity of positions and perspectives that all of us here have brought to these discussions.
- Before I delve into our comments on specific elements of the text, let me begin by providing our overall views on the report.
- If I had to summarize our position, I would say that this text contains several elements that make us uncomfortable. It also lacks some elements that we would have liked to see articulated more strongly or forcefully.
- But this report is also an important step forward. It reaffirms the framework of responsible State behaviour in cyberspace, including the applicability of international law, the 11 voluntary norms, as well as the importance of CBMs and capacity building for maintaining peace, security and stability in the ICT environment.
- And, most importantly, it is the outcome of discussions and exchanges that have included all UN member states. This by itself is a major milestone for all of us.
- In the spirit of consensus, we are prepared to support its adoption.
- I am pleased to see that all those who took the floor before me have done so, and would urge that others adopt a similar approach, so that we can take this process to the finish line.
- Chair, Canada has engaged as constructively as we could in this process.
- We proposed text on norms guidance, on gender and on international law capacity building, among other issues.
- We would have like to see our norms guidance included into the final report, as we see it as a concrete contribution to strengthening stability in cyberspace.
- However, we will have to be content with only seeing it reflected in the Chair's summary.
- These are the types of compromises Canada is willing to make to ensure the adoption of a report.
- We are pleased to see that the importance of gender perspectives has rightfully been recognized in the report. While we would have liked to stronger language, we accept this compromise as a first step to reinforcing our current and future work on the use of ICTs in the context of international security.

- I would like to echo my Australian colleague regarding how pleased and impressed we were with the positive contribution to our discussions made by the women in cyber fellows.
- We would also have liked to see stronger reference to the importance of multistakeholder approach, particularly given the essential contribution that they make.
- As mentioned previously, we are pleased to see the acquis of past GGEs and the framework for responsible state behaviour reaffirmed in this text.
- The text also allows us to re-affirm our shared commitment to respect international law. We would have liked to make even more progress on this issue, including on international humanitarian law, the law of state responsibility, on human rights and of self-defence.
- But we are prepared to say “good enough” in the interests of consensus.
- On the future institutional mechanism, Canada is a co-sponsor of the Program of Action or PoA proposal.
- References to the PoA in this text fall short of what we hoped, but again, they are minimally sufficient to meet our objective of working with other PoA co-sponsors to continue developing this proposal.
- There are also several other elements in the text that we would have liked to see removed. In particular, Canada does not adhere to the reference to additional legally binding obligations in paragraph 80.
- Chair, on balance, we feel that the report takes us forward. We agree with you that it strikes a careful yet fragile balance. In the spirit of consensus, we are prepared to support its adoption and will not be asking for any changes to avoid upsetting the delicate balance you have been able to achieve.
- We hope that others will adopt a similar approach.
- We think it is very important that we should have something to show for all our hard work. This first success would be auspicious for our future work.
- Chair,
- Congratulations again for steering this process skillfully through sometimes-troubled waters these past few months.
- I would like to thank the Secretariat, your staff, as well as my colleagues who are present virtually and in person today.
- It has been a pleasure working with all of you over the past couple of years.
- Thank you.

Canada

Remarques du Canada : Réunion finale du GTCNL le 12 mars

- Monsieur le Président, je tiens à commencer en vous remerciant de nous avoir guidés adroitement au cours de ce processus de près de deux ans.
- Maintenant que nous avons un rapport final sur la table, je tiens également à souligner à quel point nous sommes reconnaissants des efforts que vous et votre équipe avez faits pour tenter de concilier la diversité de positions et de perspectives que nous avons tous présentées au cours de ces discussions.
- Avant d'aborder nos commentaires sur des éléments particuliers du texte, permettez-moi de présenter notre opinion générale sur le rapport.
- Si je devais résumer notre position, je dirais que ce texte contient plusieurs éléments qui nous rendent mal à l'aise. Il y manque également certains éléments que nous aurions aimé voir formulés avec plus de force ou d'intensité.
- Toutefois, ce rapport est également un pas important en avant. Il réaffirme le cadre pour un comportement responsable des États dans le cyberspace, y compris l'applicabilité du droit international, les 11 normes volontaires de comportement étatique, ainsi que l'importance des mesures de renforcement de la confiance et du renforcement de la capacité pour maintenir la paix, la sécurité et la stabilité dans l'environnement des technologies de l'information et des communications (TIC).
- Il est aussi le résultat de discussions et d'échanges qui ont inclus tous les États membres des Nations Unies. Ceci est en soi une réalisation importante.
- Dans l'esprit du consensus, nous sommes prêts à appuyer son adoption.
- Je suis heureuse que tout ceux qui ont pris la parole avant moi ont fait de même.
- Nous espérons que les autres adopteront une approche semblable, afin que nous puissions finaliser ce processus.
- Monsieur le Président, le Canada a participé aux discussions de la façon la plus constructive possible dans ce processus.
- Nous avons présenté du texte sur les orientations en matière de normes, sur les genre et sur le renforcement de la capacité du droit international, entre autres sujets.
- Nous aurions aimé voir nos orientations en matière de normes incluses dans le rapport final, car nous les considérons comme une contribution concrète pour renforcer la stabilité dans le cyberspace.
- Cependant, nous devons nous contenter de les voir mentionnées dans le résumé du président.
- Il s'agit du type de compromis que le Canada est prêt à accepter pour assurer l'adoption du rapport.
- Nous sommes heureux de voir que l'importance des perspectives sexospécifiques a bien été reconnue dans le rapport. Bien que nous aurions aimé voir une formulation plus ferme, nous acceptons ce compromis comme une première étape pour renforcer nos travaux actuels et futurs concernant l'utilisation des TIC dans le contexte de la sécurité internationale.

- J'aimerais appuyer les propos de ma collègue australienne concernant la contribution positive faite par les récipiendaires des bourses pour les femmes dans le domaine de la sécurité et du cyberspace. Nous sommes impressionnés par la qualité de leurs contributions à ce processus.
 - Comme nous l'avons mentionné, nous nous réjouissons de voir les acquis des GEG antérieurs et le cadre pour un comportement responsable des États réaffirmés dans ce texte.
 - Le texte nous permet également de réaffirmer notre engagement commun à respecter le droit international. Nous aurions aimé voir encore plus de progrès sur cette question, y compris concernant le droit humanitaire international, le droit de la responsabilité des états, ainsi que sur les droits humains et l'auto-défense.
 - Néanmoins, nous sommes prêts à dire « c'est suffisant » dans l'intérêt du consensus.
 - Quant au mécanisme institutionnel futur, le Canada est un coparrain de la proposition de Programme d'action, ou PoA.
 - Les mentions du PoA dans ce texte ne répondent pas à nos attentes, mais, de nouveau, elles sont suffisantes pour atteindre notre objectif de travailler avec les autres coparrains du PoA afin de continuer à élaborer cette proposition.
 - Il y a également plusieurs autres éléments dans le texte que nous aurions aimé voir supprimés, y compris la référence à d'autres obligations contraignantes sur le plan juridique au paragraphe 80.
 - Monsieur le Président, dans l'ensemble, nous estimons que le rapport nous permet d'avancer. Nous sommes d'accord avec vous qu'il atteint un équilibre judicieux, mais fragile. Dans l'esprit du consensus, nous sommes prêts à appuyer son adoption et ne demanderons aucun changement afin d'éviter d'ébranler l'équilibre délicat que vous avez réussi à établir.
 - Nous espérons que les autres adopteront une approche semblable.
 - Nous croyons qu'il est très important que nous ayons quelque chose à montrer pour l'ensemble de notre travail acharné. Cette première réussite serait de bon augure pour notre travail futur.
 - Monsieur le Président, nous vous félicitons de nouveau pour avoir guidé ce processus avec adresse dans des eaux parfois troubles au cours de ces derniers mois.
 - Je tiens à remercier le secrétariat, votre équipe ainsi que mes collègues qui sont présents virtuellement et en personne aujourd'hui.
 - Ce fut un plaisir de travailler avec vous tous au cours des dernières années.
 - Merci.
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Chile

Grupo de Trabajo de Composición Abierta sobre los Avances en la Esfera de la Información y las Telecomunicaciones en el Contexto de la Seguridad Internacional
Tercer período de sesiones sustantivo

(8 a 12 de marzo de 2021)

Discurso de la Delegación de Chile

Adopción del Informe Final

(12 de marzo de 2021)

Sr. Presidente, Embajador Lauber,

Chile, quisiera agradecer y reconocer el enorme trabajo que Ud., su equipo y la Secretaría han realizado durante estos casi dos años, y que ha traído como resultado este informe final.

Tal como otras delegaciones lo han manifestado, nuestro país no está del todo satisfecho con el presente texto, lo cual demuestra que el mismo es el resultado de un consenso, donde todos hemos tenido que ceder. Hay ciertos elementos que consideramos esenciales y fundamentales en el entorno de las tecnologías de la información y la comunicación que no quedaron del todo recogidos en este informe. Por lo mismo esperamos que sí puedan parte de discusiones y trabajos en el futuro. Por mencionar algunos de estos elementos:

- El reconocimiento de la aplicabilidad del derecho internacional humanitario y el derecho internacional de los derechos humanos,
- la aplicabilidad de la Carta de las Naciones Unidas en su integridad,
- el artículo 51 sobre el derecho inmanente a la legítima defensa,
- la importancia de una aproximación de multistakeholders para la participación en las discusiones y procesos multilaterales,
- y referencias más sustantivas al trabajo actual del GGE.

Por otro lado, destacamos que el informe deje claramente establecido (en particular en su párrafo 7) el trabajo esencial y fundacional que han realizado los GGE desde el año 2003. Tal como se señala específicamente, los informes de consenso de los años 2010, 2013 y 2015 son de carácter acumulativo.

Para Chile esa referencia es fundamental pues consideramos que debemos construir sobre la base del trabajo realizado con anterioridad. Así como hace ya más de tres décadas el entorno de las tecnologías de la información y la comunicación se ha construido y desarrollado de manera acumulativa, es esencial que los acuerdos alcanzados para su gobernanza sean también de esa naturaleza.

De la misma forma, celebramos las menciones realizadas en el informe final sobre brecha digital, y muy en particular, el reconocimiento a la participación y el liderazgo de las mujeres en los procesos de toma de decisiones relacionados con el

uso de las TICs en el contexto de la seguridad internacional. También nos complace la mención a la Encuesta Nacional sobre la aplicación de la resolución 70/237 de la Asamblea General de las Naciones Unidas, así como las referencias a las medidas de fomento de la confianza y la creación de capacidades.

Asimismo, nuestro país reconoce positivamente la mención al Programa de Acción. Creemos que se trata de una iniciativa valiosa y que permitirá continuar avanzando en el logro de entendimientos, así como en medidas concretas, algo tan necesario en la actualidad. Chile apoya decididamente esta iniciativa y estima que constituye el siguiente paso natural para nuestras discusiones en el futuro

En ese sentido señor Presidente, es muy grato para Chile sumarse al consenso en la adopción de este Informe Final, una decisión que es fiel a nuestra tradición de apoyo al multilateralismo, y a los procesos internacionales que buscan establecer medidas para la construcción de la paz y estabilidad global. Esperamos en ese sentido que los resultados que sean han podido acordar puedan proyectarse en las agendas y trabajos futuros en organismos y foros regionales, y sub-regionales.

Chile está comprometido en avanzar y construir junto a otros países, y particularmente en nuestra región, para avanzar hacia un ciberespacio abierto, seguro, estable, accesible y pacífico.

Muchas gracias, Sr. Presidente.

China

Remarks by Chinese Delegation at Final Session of OEWG (March 12th, 2021)

Mr. Chair,

It looks very likely that we will reach consensus on the final report today. To start with, China would like to thank Mr. Chair for your efforts and coordination in drafting the report and building consensus among all States. We would also like to express our gratitude to the Secretariat and all delegations for your contribution. Thanks to our wisdom, hard work and persistence, we are finally able to reach consensus at this difficult time of the pandemic. What we have achieved sends out a positive signal that the international community can stand together against the challenges of information security.

The OEWG, the first transparent, democratic and inclusive multilateral process on information security for all UN members to participate on an equal footing, is of great historical significance. The OEWG final report has reaffirmed the centrality of the UN, and reached common understanding on the framework for responsible State behaviour on the basis of previous GGE reports. We should fully respect this important consensus, and make sure any reference to this be accurate and complete. We have also agreed through the report to continue discussions under the new OEWG framework, ensuring a sustaining and inclusive process within the UN that is dedicated to building an open, secure, stable, accessible and peaceful ICT environment.

It is China's priority to formulate new norms in light of new developments in the ICT environment. During the current OEWG discussions, China has put forward specific proposals on formulating new rules on data security. We stand ready to Exchange views and accumulate consensus with all parties in this regard in the new OEWG process.

To conclude, we'd like to once again express our heartfelt thanks to Mr. Chair and the Secretariat for your conscientious efforts to make this meeting a full success amid the current global health crisis. Thank you.

Colombia

DECLARACIÓN DE COLOMBIA
TERCERA SESIÓN SUSTANTIVA
GRUPO DE COMPOSICIÓN ABIERTA SOBRE DESARROLLOS EN LA
INFORMACIÓN Y LAS TELECOMUNICACIONES EN EL CONTEXTO DE LA
SEGURIDAD INTERNACIONAL
Nueva York, Marzo 12 de 2021

Señor Presidente:

Colombia desea reiterarle a Usted, a su equipo, y a la Secretaría su agradecimiento por su excelente labor, su dedicación y trabajo durante estos dos años. De manera especial destacamos su liderazgo en la conducción de las deliberaciones y sus esfuerzos por lograr consenso.

Resaltamos su capacidad de traducir las diferentes propuestas y posiciones en un texto que, pese a las divergencias, permite avanzar en la consideración de los desarrollos de la información y las telecomunicaciones en el contexto de la seguridad internacional.

La creación de este Grupo de Composición Abierta tiene como base el trabajo previo realizado por más de veinte años, las recomendaciones generadas por el estudio juicioso del tema por parte de los Grupos de Expertos Gubernamentales, y las decisiones consensuadas respecto a ellas adoptadas por la Asamblea General, en especial la Resolución 70/237. Sin ese camino previo recorrido no estaríamos hoy aquí. Su reconocimiento es la base de la Resolución 73/27.

La labor del Grupo de Expertos Gubernamentales, incluido el que sesiona actualmente, ha sido y es fundamental para la consideración de este tema de creciente y primordial importancia para el mantenimiento de la paz y la seguridad internacionales.

En ese sentido, coincidimos con lo expresado en el numeral 43 del Resumen del Presidente, en el que se deja constancia del deseo de la comunidad internacional de retornar a un único proceso basado en el consenso. Pero al tiempo anota que, los diferentes formatos de dialogo propuestos, pueden ser complementarios y capitalizarse según sus características propias, y reducir la duplicación de esfuerzos.

De otra parte, no debemos olvidar, que la base de nuestra presencia en Naciones Unidas, y de las discusiones en este Grupo, es el Derecho Internacional, y en particular la Carta de Naciones Unidas, que aplica a las diferentes esferas de las relaciones internacionales, incluido el ciberespacio.

Como muestra de flexibilidad, no nos oponemos al cambio de orden de las secciones de Derecho Internacional y de Normas, Reglas y Principios. Sin embargo, reiteramos el carácter vinculante del derecho internacional y que ninguna norma voluntaria que sea desarrollada le puede ser contraria, sino que debe estar en conformidad con éste.

Es fundamental mantener el diálogo multilateral sobre la forma cómo aplica el Derecho Internacional en el ciberespacio y avanzar en la operacionalización de las normas, reglas y principios que han sido consensuados. A la vez que se discute el

desarrollo de nuevas normas a ser requeridas. Este es un proceso continuo, que se construye paso a paso, y que requiere avances ante las crecientes amenazas y desafíos.

Contamos con una muy buena base para continuar las discusiones, pero puede no ser suficiente para las particularidades del escenario de la seguridad en las Tecnologías de la Información. Por eso es relevante la formación de capacidades en la materia, y fortalecer y ampliar los esfuerzos en ese sentido, incluido el apoyo que las Organizaciones Regionales pueden brindar según los diferentes contextos.

En este campo, destacamos y agradecemos los esfuerzos realizados por los países patrocinadores del Programa de “Mujeres y seguridad internacional en el ciberespacio”, como un aporte para cerrar la brecha de género en estos diálogos multilaterales.

En cuanto a la iniciativa del Programa de Acción (PoA), consideramos que es un escenario cuyo ámbito de focalización deberá ser determinado por todos los Estados y en el que también se podrá considerar la posible discusión de los avances en derecho internacional.

Señor Presidente:

Mi Delegación valora el ejercicio de discusión que hemos llevado a cabo de manera amplia, participativa, inclusiva y transparente en este Grupo de Composición Abierta. Este, en sí mismo, es un logro, un avance que merece ser reconocido y sumado a los esfuerzos previos. Si bien existen divergencias en la discusión de este tema, son muchas las coincidencias y, lo más importante, compartimos un objetivo común: la promoción y mantenimiento de un ciberespacio abierto, seguro, estable, accesible y pacífico.

Hemos escuchado con beneplácito las intervenciones de hoy de las distintas delegaciones y su disposición de unirse al consenso. Deseamos agradecer a todas las delegaciones sus esfuerzos y flexibilidad, y nos unimos al consenso.

Colombia ha participado constructivamente en este proceso y seguirá apoyando el multilateralismo, con voluntad política para lograr avances significativos en temas fundamentales para el bienestar, la paz y la seguridad internacional.

Muchas gracias.

Croatia

Open-Ended Working Group on developments in the field of information and telecommunications in the context of international security

Third substantive session, 12th March 2021

FINAL STATEMENT – CROATIA

Mr. Chair, Croatia would like to align itself with the statement of the European Union and share some thoughts about the final report.

We welcome the reaffirmation of existing *acquis* as basis on which we build our current and future work. We would like to reconfirm that the application, also in cyberspace, of the international law, including the United Nations Charter in its entirety, the International Humanitarian Law and respect for human rights and fundamental freedom as well as endorsement of GGE reports are crucial steps towards the better mutual understanding and ensuring the peace and stability not just of the ICT environment but also of our societies at large. We believe that these could be better reflected in the final report.

We are grateful for the emphasis on capacity building which should be the core of our efforts to bridge digital and gender divide, strengthen sustainable development and promote technology transfer. Here we would also like to underline once more the neutrality of the technology as a main principle when we talk about the ICT and the international security.

We are glad that the Programme of Action is reflected in the report since it could contribute to concrete and action-oriented cooperation between States, as well as with other stakeholders such as civil society, private sectors, technical and academia and enhance international security and stability in cyberspace.

As many other States we share concerns about the Paragraph 80 since part on legally binding obligations is not a result of consensus among States, which rest of the report is.

Despite some concerns, Croatia would like to support the outcome and thank all delegations for their dedicated engagement and valuable contribution to the discussion. We believe that all of us have learned something new from each other and have built more trust and understanding. Our common goal should be ensuring open, secure, stable, accessible and peaceful cyberspace.

We are glad that multi-stakeholders have actively contributed to the negotiations and their voice has been heard and we hope that cooperation will continue also in the future.

As many colleagues already said, this report is a clear sign of multilateralism and therefore a milestone towards the sustainable international security. Hence Croatia, in the spirit of compromise, can agree on the report.

Thank you, Mr. Chair.

Cuba

STATEMENT BY THE CUBAN DELEGATION AT THE FINAL SESSION OF
THE OPEN-ENDED WORKING GROUP OF THE GENERAL ASSEMBLY ON
DEVELOPMENTS IN THE FIELD OF INFORMATION AND
TELECOMMUNICATIONS IN THE CONTEXT OF INTERNATIONAL
SECURITY, 12 MARCH 2021.

Mr. Chairman,

We have arrived at the last day of the final session of this long journey that we embarked upon, in 2018. Today, we would like to acknowledge the efforts made by you and your team to lead us along the best possible path, as well as the Secretariat for its valuable support. Likewise, we would like to thank Russia, a country which heeded two years ago the call of a significant number of countries to convene an Open-Ended Working Group that has given us the possibility to have a unique, historic, inclusive and transparent process in place, where all Member States can participate on an equal footing in the discussions of a topic that is becoming increasingly relevant internationally.

We appreciate your efforts to try to find a delicate balance that will allow us to reach a consensus. Our delegation has been engaged since the beginning of the process by actively participating in all of the Group's sessions and consultations, and we have contributed positively and actively with many substantive proposals both in a national capacity and through the NAM.

In relation to the draft report presented to us, we would like to highlight the following aspects:

While we recognize the flexibility and commitment shown by most delegations, and the effort carried out by the Chairman to try to accommodate all the views, we cannot fail to note that the report presented does not cover all our objectives.

We take note of the changes in paragraphs 3, 7 and 9 on the complementarity of the specialized fora and the recognition of the fundamental responsibility of States in paragraph 10 of the introductory section. We appreciate the inclusion of references to the development of military ICT capabilities in paragraph 16 of the Existing and Potential Threats section, however we consider that this is an issue that can be better reflected in future documents, as it poses a real and potential threat.

With respect to rules, norms and principles for responsible state behavior, we give high priority to the development of new norms. We note that in some parts of the report the issue of implementation is overemphasized. The development of ICTs and the growing threats associated with their misuse, recognized in the draft report itself, show the need for the regulatory framework to advance parallel to the technological progress, with binding commitments and obligations.

In the International Law section, we appreciate the prevalence of the approach on the need for common understanding as a basis for consensus-building. However, we feel disappointed with the deletion of the only mention, in the text, of the purposes and principles of the UN Charter. In considering the application of International Law to the use of ICTs by States, we recall that even the 2015 GGE report which

has been so often mentioned by many delegations, identified as of central importance the commitments of States to the following principles of the Charter and other international regulations: sovereign equality; the settlement of international disputes by peaceful means in such a manner that international peace and security and justice are not endangered; refraining in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations; respect for human rights and fundamental freedoms; and non-interference in the internal affairs of another State.

While we appreciate the efforts in paragraph 34 to call on States to refrain from taking any action which is not in accordance with International Law and the UN Charter, we would have been pleased if the report had made specific reference to unilateral coercive measures in this section, which is a reality many of our countries face.

We note the changes made at the proposal of China, Iran and Cuba in the section on Confidence-Building Measures. We also recognize the inclusion of legally binding obligations in the concluding remarks, although we would have preferred this to be reflected in the section on International Law. This is undoubtedly one of the aspirations of many Member States that we will be able to discuss in depth in the new OEWG.

Notwithstanding the changes made in the section on capacity building, which includes the addition of paragraph 58, we observe that the proposals made by the NAM member states are not included, despite the fact that their membership comprises a majority of developing countries and the majority of the members of this organization. In this regard, capacity building and cooperation, without discrimination and with full respect for the sovereignty of States, becomes a priority for developing countries.

With a view to future negotiations in the new OEWG, we must strive to recognize the interests and demands of all countries in their true proportion and make conscious efforts in this regard. To this end, it will be essential to resume the practice of paragraph-by-paragraph negotiation, which will effectively facilitate consensus-building in the Working Group established pursuant to resolution 75/240.

Once again, our delegation wishes to thank all delegations for their valuable performance during this week and the Chairman for having guided us through such a complex path. We reiterate our commitment to the work of the Group and to a final outcome by consensus.

Thank you very much.

Czechia

Statement by
Mr. Richard Kadlčák
Special Envoy for Cyberspace
(check against delivery)
at the 3 rd substantial session of the
Open-ended Working Group on developments in the field of information and
telecommunications in the context of international security
of the First Committee of the
the General Assembly of the United Nations
12 March 2021

Mr. Chair,

We wish to join previous speakers in thanking you for your implacable leadership throughout this process and assure the UNODA support staff of our gratitude for their tireless work. We also wish to express our appreciation to colleagues from across all Continents for their flexibility, constructive proposals, and commitment to achieving a consensus outcome, which we very much hope will be adopted later today.

As for the content of the final report, we would very much prefer to see stronger reaffirmations in the international law section, particularly on the international humanitarian law, and the need to respect human rights and fundamental freedoms in cyberspace.

We firmly believe effective global action on ICT security must integrate views of all stakeholders and be firmly rooted in respect for the rules-based international system, international law, and a human-centric approach to ICT technologies.

However, we are ready to join consensus, not only because global compromise on ICT security among all of us would be a historic milestone and a testament to effective multilateralism, but - more importantly - because our agreement is urgently needed. This sense of urgency is reflected in many concrete and actionable recommendations, which we cannot afford to lose, including those on:

- protecting critical infrastructure, including medical facilities;
- implementing Confidence Building Measures (CBMs);
- stepping up coordination and facilitation of global capacity building efforts;
- establishing a permanent and inclusive UN mechanism open to all states to facilitate our future work.

However, our ultimate success will depend not only on the report itself, but equally on our collective determination to implement the commitments we are making today. To that end, the Czech Republic pledges to proactively contribute to global efforts on critical infrastructure protection, CBMs, and capacity building, hopefully facilitated within the framework of future Programme of Action referenced in the report. We are ready to partner with other stakeholders to share our lessons learned, including at the UN level, including on measures we have taken to protect our healthcare sector and other critical infrastructure from ICT threats.

Finally Mr Chair,

We truly appreciate the report's resounding affirmation we are not starting from zero, and our resolve to continue to move forward together on the basis of consensus of past GGEs.

Thank you.

Ecuador

Declaración final del Ecuador en la Tercera Sesión Sustantiva del Grupo de Trabajo de Composición Abierta sobre los avances en la esfera de la Información y las Telecomunicaciones en el Contexto de la Seguridad Internacional.

12 de marzo de 2020

Gracias Señor Presidente,

1. Inicio mi intervención expresándole el aprecio y reconocimiento del Ecuador a Usted y su equipo, por el tino, transparencia, ambición y equilibrio con los que condujo las sesiones de este primer Grupo de Trabajo de Composición Abierta sobre los avances en la esfera de la Información y las Telecomunicaciones en el Contexto de la Seguridad Internacional.
2. El Ecuador aprecia también las contribuciones de todas las delegaciones y de los múltiples actores interesados.
3. Si por un lado mi país nunca contó con un miembro en uno de los Grupos de Expertos Gubernamentales, el formato del Grupo de Composición Abierta nos ha ofrecido la oportunidad de participar.
4. Ciertamente, reconocemos el valioso aporte de las labores originales del los GGE en particular con las 11 normas de comportamiento voluntario, e incluso reconocemos el aporte de sus miembros que participaron también en este Primer Grupo de Composición Abierta.
5. Con este Grupo, en los últimos 18 meses, la Misión del Ecuador ante la ONU, mi Cancillería y mis instituciones nacionales han acelerado el desarrollo de criterios, de posiciones, y la comprensión que tenemos en mi país sobre el ciberespacio en el contexto de la paz y la seguridad internacional.
6. Hemos aprendido de todas las delegaciones, y hemos tenido el privilegio y la oportunidad de contribuir a un proceso clave gracias también a su liderazgo inclusivo.
7. En ese sentido este primer Grupo de Composición Abierta cuyo mandato el Ecuador apoyó en la Primera Comisión de la Asamblea General, constituyó por sí mismo un mecanismo de fomento de capacidades, e incluso un mecanismo de fomento de la confianza.
8. Por ello el informe y los documentos que estamos adoptando esta tarde, corresponden a resultados orientados al futuro, pero también reflejan desde ya resultados que como Organización de las Naciones Unidas hemos logrado en lo inmediato.
9. Estamos saliendo de a poco de la pandemia del Covid-19, que aceleró la ampliación y desarrollo del mundo virtual y por tanto el uso del ciberespacio. El Ecuador habría querido ver en el informe final una conclusión sobre la necesidad de preservar el uso exclusivamente pacífico del ciberespacio; asimismo, habríamos querido ver amplio lenguaje sobre la importancia de prevenir la militarización del

mismo. También reconocemos que el Derecho Internacional Humanitario aplica en el ciberespacio sin que aquello signifique que la militarización del mismo es aceptable o legítima. En el informe final habríamos querido ver también una referencia más amplia al Programa de Acción del cual somos copatrocinadores.

10. Reconocemos sin embargo, que el consenso al que estamos llegando en esta tarde revitalizará el multilateralismo, y con ello la paz y la seguridad internacionales.

11. El Ecuador espera que en el próximo Grupo de Composición Abierta podamos profundizar aún más la perspectiva de género y la necesidad de reducir brechas digitales entre países y al interior de los mismos.

12. Para concluir debo señalar que las perspectivas de avanzar hacia un instrumento internacional jurídicamente vinculante; las de avanzar en el desarrollo de normas de comportamiento voluntario; las de desarrollar guías de implementación y las de avanzar en la implementación del marco existente, no son mutuamente excluyentes.

13. Por el contrario el Ecuador apoya esas perspectivas y objetivos de manera simultánea y consideramos que se refuerzan mutuamente. Por esa razón aunque hay delegaciones que se sienten en igualdad de condiciones insatisfechas, el Ecuador es más bien una de las muchas delegaciones que se siente en igualdad de condiciones satisfecha con el informe final.

14. Por todo lo anterior mi delegación apoya y se suma al consenso.

Muchas gracias

Egypt

THE ARAB REPUBLIC OF EGYPT

EXPLANATION OF POSITION

ON THE ADOPTION OF THE FINAL REPORT OF THE OPEN-ENDED WORKING GROUP ON DEVELOPMENTS IN THE FIELD OF INFORMATION AND TELECOMMUNICATIONS IN THE CONTEXT OF INTERNATIONAL SECURITY (UNGA A/RES/73/27)

Counselor Bassem Hassan

Mr. Chairman,

Once again, my delegation wishes to commend you and your team for your remarkable and tireless efforts throughout this historic process. We also highly appreciate the professionalism and dedication of the United Nations Office for Disarmament Affairs in support of these important negotiations on such a strategic and complex topic under the unprecedented circumstances of a global pandemic.

Mr. Chairman,

It has been a long journey to get to the point that we have reached today. The Final Report represents a very delicate and well calibrated balance. We fully acknowledge that in such an inclusive and democratic process that has witnessed the active participation of almost all the 193 Member States, it is almost impossible to imagine that each delegation will achieve all its aspirations. Consensus means that all delegations will have to collectively compromise on some of their positions and aspirations. And this is what Egypt intends to do today.

We continue to have some concerns regarding a few notions contained in the report. And we note that, due to the positions of some Member States, the report did not reflect some of the demands and concrete proposals that had been put forward, especially on the weaponization of ICTs and the need to consider legally binding obligations. Nevertheless, Egypt is pleased to join consensus if this spirit of compromise and flexibility is reciprocated by all delegations.

Egypt views this report as a significant and concrete step towards a more comprehensive and action-oriented effort by the United Nations towards securing our common future through addressing the international peace and security aspects of Information and Communication Technology and preventing an arms race using ICTs, implementing the agreed outcomes, and the development of new rules.

This report represents the beginning of a new chapter in our collective endeavors towards a more secure cyberspace, a more responsible behavior by States in their use of ICTs, protection of Critical Infrastructure, strengthened capacity building for developing countries, and, hopefully, an end to the arms race in the ICTs domain.

The clear conclusions and recommendations of the report, together with the annex containing the Chair's Summary of the Group's rich deliberations for two years, represent a solid foundation that will guide the relevant discussions and efforts for

years to come. This legacy will be picked up and further developed by our successors in the processes to follow, in an inclusive manner that addresses the concerns of all Member States. We sincerely hope that all delegations will exert their utmost flexibility and constructiveness to preserve the intensive efforts that have been invested in this journey and the valuable elements contained in the report.

Finally, Mr. Chairman, regardless of the outcome of today's meeting, which we hope would be the endorsement of the final report as it stands by consensus, we wish to congratulate you on your professionalism, impartiality, dedication, and leadership throughout the work of this OEWG and we assure you of our sincere appreciation and full support.

Estonia

Statement by the Republic of Estonia on 12 March 2021
at the United Nations Open Ended Working Group
on Developments in the Field of Information and Telecommunications in the
Context of International Security (OEWG)
Third substantial session, 8-12 March 2021

Dear Chair, Esteemed colleagues,

We are standing today at an important crossroads. We are completing nearly two years of hard work and rich discussions with a report in front of us that does not reflect all of our views but is good enough to go forward.

Our discussions have been valuable for exchanging views with each other and the multi-stakeholder community, in an inclusive and transparent manner, and we also believe that we owe it to ourselves and the global cyber community to conclude the Open-Ended Working Group with a report.

That is not to say that there were not some parts in the final text which in our view could have been expressed even more clearly, such as the applicability of international humanitarian law, or the human rights impact stemming from the misuse of cyberspace. But as many others, I would like to stress that sometimes compromise and moving the process forward are more important than a perfect report.

Indeed, what we have before us could be seen as a solid consensus report at this particular stage of global cyber discussions. It leaves us all equally dissatisfied but hopefully also proud of overcoming our differences for the sake of a successful outcome. That is why, in the spirit of compromise, Estonia is prepared to support the text before us.

As expressed in the EU statement that we fully align ourselves with, the report would be a milestone and a collective reaffirmation of the achievements of past UN Groups of Governmental Experts.

In that regard, it is especially important that the report reaffirms the existing cyber stability framework based on the 2010, 2013 and 2015 GGE consensus reports and the UN General Assembly resolution 70/237 agreed by consensus by all UN Member States. Paragraphs 7 and 8 are particularly important for us for this reason.

The reaffirmation of a universal cyber stability framework can only be grounded in existing international law. This includes the Charter of the United Nations in its entirety, customary international law, human rights law and international humanitarian law, all of which apply in cyberspace. Paragraph 34 is significant in this regard.

It is imperative that States deepen the common understanding on how existing international law applies in cyberspace. For this reason, we encourage States to develop and share their national positions, including with the UN Secretary General. Our discussions have also showed that there is a strong need and desire for capacity building on how international law applies in cyberspace. In this respect, we are especially fond of paragraphs 37 and 38 of the report.

We would here also like to reiterate our fundamental position that what we need is a clear understanding on how to implement the existing international law further. A new binding instrument would not make cyberspace more secure and stable. The legal obligations described in existing international law provide a sufficient framework for state conduct in cyberspace.

Norms provide additional specific guidance on what constitutes responsible State behaviour in the use of ICTs, and we therefore support the proposals to survey and support the implementation of the 11 voluntary non-binding norms from the 2015 GGE consensus report. We were one of the co-sponsors of the voluntary “National Survey of Implementation of UN General Assembly Resolution 70/237”, included in paragraph 63, and believe it is a great practical outcome of our work.

The report currently being prepared by the current Group of Governmental Experts is also set to be a very important additional tool for normative guidance of state behaviour in cyberspace. We expect the GGE process to come to a successful culmination soon.

The Open-Ended Working Group has shown that States and the multi-stakeholder community have a clear desire for more practical steps and additional capacity building. The CBM and capacity-building sections in this report are very positive for that reason. However, we need to do even more under the auspices of the UN.

That is why one of the most positive and practical ideas to emerge from this First Committee process is the proposal for a permanent Programme of Action (PoA). Currently co-sponsored by 51 States, the PoA will offer the international community the opportunity to develop, jointly, an action-oriented process that builds on previous outcomes, and the outcome of today. It is tangible, action-oriented and flexible. As such, it is set to be an effective mechanism for our further efforts in the UN First Committee.

Dear colleagues,

We would like thank all of you for the valuable contributions, interesting discussions and the spirit of flexibility you have displayed throughout this process.

Most of all, we would like to thank our esteemed Chair, his team and the Secretariat for the extraordinary leadership in getting us to this moment.

The road has not always been easy but Estonia – as I am sure all other delegations – has always felt confident that Ambassador Lauber would act in our global collective interest and make sure that we do not take any steps back from past achievements but instead build on the strong foundation we already have.

To conclude, we want to echo something our honourable Chair said on Monday. He reminded us that we did not start from scratch and the work will continue after we adopt a report but that the result of this Open-Ended Working Group will still be a step forward and an important contribution to international peace and security.

Thank you.

France

Monsieur le Président, chers collègues

J'ai entendu plusieurs fois citer cette semaine ce grand diplomate français qu'était Talleyrand et je voulais ajouter une dernière phrase : « Oui et non sont les mots les plus courts et les plus faciles à prononcer, et ceux qui demandent le plus d'examen ». Cette semaine, nous avons pris le temps d'examiner ce rapport qui conclut un an et demi de travail et, vous le savez depuis la déclaration de l'Union Européenne, la France souhaite dire oui.

Nous disons oui à ce rapport, non pas parce que nous sommes complètement d'accord, mais parce que pour la première fois 140 États reconnaissent les acquis des 20 dernières années et se donnent la possibilité d'envisager ensemble les suites de ces acquis. La France souhaite dire oui parce que, si l'OEWG n'a pas en lui-même rendu le monde plus sûr, il ouvre la possibilité de s'engager activement pour que ce soit le cas demain.

Aujourd'hui, chers collègues, les internautes du monde entier célèbrent les 32 ans du web, inventé et offert à l'humanité par un Anglais qui travaillait en Suisse, au CERN, mais dont le bureau, disent les Français, était sur le territoire français. 32 ans c'est l'âge de la maturité. Nous nous réjouissons que la communauté internationale emprunte le chemin de la coopération pour préserver ce merveilleux acquis que nous avons en commun : un Internet libre, ouvert, unifié et sûr.

Nous remercions encore une fois le Président de l'OEWG et son équipe, qui ont su trouver à travers ce rapport un équilibre entre beaucoup de points de vue et de propositions. La France ne sous-estime pas l'effort et l'engagement que cela représente. Simone de Beauvoir disait qu'entre deux individus, l'harmonie n'est jamais donnée, elle doit indéfiniment se conquérir – c'est dire le travail nécessaire pour accorder les quelque 140 États qui ont participé à l'OEWG.

Merci Monsieur le Président.

Germany

Statement by Germany on the adoption of the OEWG Final Report

Chair, Colleagues,

you will know that Germany is a soccer nation. Soccer – football – is not only about winning or losing for us, but also our classroom, our playbook, and much wisdom has developed and is shared around this sport.

Therefore, I would like to quote a famous, historic coach – Sepp Herberger – who said:

“After the match is before the match.”

These negotiations were extraordinarily inclusive and open and therefore also quite tough. We have come up with a report which reaffirms the acquis and covers some new ground.

Let me mention three points:

- Hearing and recording the voices of all States which the Chair and his team have supported in a thorough and faithful manner.

We have proven that such a complex multilateral format has the capability to act.

- We have established a basis for capacity-building, which will guide us in our future work.
- And we welcome the recommendation for a voluntary “National Survey of Implementation of Resolution 70/237”.

However, we find ourselves not only after a match, but before the next.

I would like to highlight some issues which have not yet been sufficiently solved. Therefore we must pick them up in the next round:

1. Human rights, fundamental freedoms and international humanitarian law. This is the UN and the Charter makes it very clear that we have to achieve international cooperation in this field. It has been left out of this report, but this is not satisfying.
2. State responsibility and due diligence. These are key concepts under international law and Germany would like to continue and deepen the discussion about their application to cyberspace.
3. Implementation of norms: this is one of our biggest challenges. What worth is a norm if it is not implemented? Germany has high hopes as to the Programme of Action, the Cyber PoA, in this regard. We will have to do this together and with more ambition than in the past.

One last point: we have made good experiences with multistakeholder engagement and I think we should continue with this.

To conclude: Germany aligns itself with the EU statement. We are ready to agree on the report as it stands now.

India

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

Third Substantive Session [8-12 March 2021]
India Statement by Dr. S. Janakiraman,
Joint Secretary [Cyber Diplomacy]
12 March 2021

Mr Chair,

and distinguished colleagues,

We are in the cusp of taking a decision on the OEWG's report. On the final hour of our substantive session, my delegation thanks the Chair wholeheartedly for bringing us to this final leg of our journey. We also thank the Secretariat for its tireless work and facilitating the process, despite the challenges posed by the COVID pandemic. We had to adapt and innovate our working methods to ensure that the desired result is achieved in this important Working Group.

Gratitude to also to the member states for their patience and consideration of others views as well as for their significant contributions to make the report balanced and worthy. The process helped to hear diverse views and observations of the Member States and understand the sensitivities of the countries with respect to evolving nature of the cyberspace. My delegation tried our best to contribute to the process in every way possible so that both the developing and developed countries voices are heard in right spirit.

Let me offer a few specific comments on the Final report:

- Concerns were raised during the discussions regarding the placement of the International Law section. The placement of the International Law section after Norms section in the final report is acceptable to us.
- On International law section, the States raised the issue of having a common understanding of applicability of International Law to ICTs. The recommendation part in para 40 has taken this issue into consideration.
- The recommendation in para 77 also paves a way for furthering discussions on Program of Action, including under the new OEWG. This is a welcome development.

- We also welcome the recommendation in para 33 about the further elaboration of rules, norms and principles of responsible behaviour of States in the future OEWG on security of and in the use of information and communications technologies 2021 - 2025

Mr. Chair,

We have held a number of informal and formal consultation since September 2019. My delegation has put forward matters of substantial importance by way of verbal and written contribution keeping mind overall hygiene of cyberspace and international security. The most important one is the supply chain and associated risks. We underlined the critical importance of ‘trust and trusted sources’ when it comes to preferring suppliers of ICT products and systems. This is of significance to not just us but to the international community at large.

We also made a statement regarding the way forward on Regular Institutional Dialogue with an interplay of the Program of Action and the new Open-Ended Working Group on Security. Along with these, we have submitted number of written recommendations to the Chair that are importance for the OEWG procedure. We are disappointed to see that these submissions do not find a place in the final report.

Many Member states, who made statements and interventions in the last two years, also share our disappointment as we did not get opportunities to debate on these language proposal and nuances of it. My delegation had requested for a shortened version of the discussions Section. But in the final draft the whole ‘Discussions’ section is taken out and modified under Chair’s summary. Nevertheless, I am happy to hear that the disappointments did not affect the consultation process per se and the consensus.

Mr. Chair,

Like the colleagues who spoke before me, we too have mixed feelings about the final outcome. The report is not a true reflection of the hard-work that all of us had put in this process. Though the report does not meet our expectations, we are extending our support to the final report and to the Chair in the larger interest of all member states that have partnered in the OEWG process.

Our support is a mark of respect for all the members who have invested and contributed in the process since last two years. We have to remember that this is the first stepping stone in the long journey of ensuring safety and security in the cyberspace. The final report marks the international community’s first leg of the long way in cyberspace.

Thank you Chair and thank you colleagues.

Indonesia

STATEMENT OF THE DELEGATION OF THE REPUBLIC OF INDONESIA CONSIDERATION OF THE FINAL REPORT OF THE OEWG ON ICT

12 March 2021

Mr. Chair,

My delegation wishes to reiterate Indonesia's deep appreciation to you for your leadership of this complex process through the challenging limitations of the pandemic. Our appreciation also goes to your able team, UNODA, and the Secretariat for their dedication.

We are at a historical juncture in our long journey where we may be able to produce a report which addresses an incredibly significant global issue of our time. A report that is resulting from the active engagement of 193 member states in this democratic, transparent and inclusive platform that belongs to all of us.

This final draft of the OEWG substantive report is the fruition of our deliberation for the past two years.

During our journey, we have listened to different positions, interests and dynamics which enriched our understanding of the issue of cyber security in the context of international security. It shows that we have a common goal: to create a safe, peaceful, and open cyberspace for all.

We note the reservations that were raised cannot be all resolved now. We are aware that the report may not perfectly capture the full spectrum of our discussions and that not all key positions of all delegations, including ours, can be reflected in the draft.

At the same time, the draft has highlighted significant elements pertaining to consensual provisions that will inform our future endeavors.

Various proposals and views of Member States have been carefully represented and configured in the draft.

Mr. Chair,

Indonesia is of the view that the final draft has achieved a well-crafted, delicate balance, and represents significant steps in the right direction. The draft should serve as our map as we continue this historic journey.

Therefore, Indonesia is ready to adopt the draft as presented.

It is time for us to move forward and continue this significant progress that we achieved together. Our priority now is to follow-up the agreements, conclusions, and recommendations in the report. In so doing, we need a platform whereby we can enhance our partnership with regional organizations and relevant stakeholders.

Thus, a successful ending of this process will maintain this positive momentum for this multilateral and inclusive platform that we have nurtured together. It will open the path for us to further address, in the next OEWG, the differences that we are yet to settle this time as well as to review what we have agreed.

We therefore call on all delegations to extend their utmost flexibility to allow the adoption of the draft by consensus.

Again, we thank you and your team.

Islamic Republic of Iran

Final Statement by Delegation of
the Islamic Republic of Iran
At the third substantive session of
the Open-Ended Working Group
on developments in the field of information and
telecommunications in the context of international security

New York, 8-12 March 2021

Mr. Chair,

Almost close to the end of the current OEWG on ICTs since September 2019 and to inaugurate the next one for five years, my delegation would like to take the opportunity to express its sincere appreciation to you, the secretariat, and all delegations for all the support and contribution extended to this first-ever multilateral, inclusive, unique, democratic and historical process regarding developments in the field of information and telecommunication in the context of international security.

The Islamic Republic of Iran has been whole-heartedly advocating this process against any limited club which has ended up with great failure and political tension. It is six years now that the latter has not been able to produce any result and even its previously adopted reports are being repeatedly contested. It had been tasked to study the threats posed by the use of ICTs in the context of international security and how these threats should be addressed. However, deficiencies of this exclusive approach led the countries to overwhelmingly supported the proposal in 2018 to establish a new inclusive process.

With the strong conviction that the new process should lead us towards safe and secure cyberspace, the delegation of the Islamic Republic of Iran entered to discussions of the OEWG with a very constructive approach. Therefore, since its first substantive session and through the inter-sessional process up until the third and last session, Iran presented its written submissions while explaining the rationale behind its proposals. During this process, Iran specified its genuine concerns and therefore, itemized the redlines including, respecting the sovereignty of states, non-inference in the internal affairs of the states using ICTs, accountability of platforms and transnational corporations, avoiding action-oriented recommendations without due attention to the said principles, the need to codifying and implementing a legally binding instrument and developing the current international law as well as further norms of responsible state behavior, the non-compulsory designation of repositories, applying ethics and justice to the ICTs, responsible behavior of non-state actors including digital platforms, to ensure and facilitate the cooperation of the related digital platforms and transnational corporations with the states, application of ICTs exclusively for peaceful purposes and rejecting justification of threat or use of force using ICTs, and last not the least, equal status of all national initiatives within the next OEWG. On several occasions, we specified that crossing these redlines would never be admissible by Iran.

Now after a thorough consideration of all of the drafts submitted to us by the distinguished Chair, it is regrettable to state that despite our numerous calls on the necessity of reflecting the views of all, and not only a group of the member states, the drafts did not cover our views and demands. Even our alternative language was not used that would build a common ground for consensus. And to our further surprise, the final draft, although contains a few editorial changes suggested by Iran or a few proposals supported by the like-minded group, in some parts, contravene with our red lines; let alone the new changes based on the latest proposals of some of the delegations, which has further diluted the content of the report. Besides, the report is being aggravated when the proposals of some member states contradict the mandates of the OEWG. The section on Norms, Principles, and Rules is just an example in this regard.

Distinguished delegations are kindly reminded that the operative paragraph 5 of the Resolution 73/27, as the founding document of this OEWG, has requested it to further develop the rules, norms, and principles of responsible behavior of States, and if necessary, to introduce changes to them or elaborate additional rules of behavior. However, it is regrettable that the objection of some countries has been influential in drafting the report at the cost of ignoring and deviating from the mandate of the group. The delegation of the Islamic Republic of Iran attaches great importance to follow the mandate and act consistently with the said mandate.

Given all these problems, unfortunately, it is very sad to say that, our voices were not heard and our written submissions were not noted in drafting the report. It is the case with the NAM proposals, submitted on behalf of its 120 member states. This process should be adequately representative both in the format and substance; listening to only some outspoken member states is not justifiable at all.

It is worth mentioning that, among other causes, the lack of text-based negotiations and sufficing only to deliberations and discussions has a share in ignoring the views expressed. This working method has resulted in a partiality that should not be precedent-setting and should not happen again.

Whereas we are approaching the beginning of the work the next OEWG, and to ensure its success can benefit the whole membership, these problems should be dealt with in a timely and proper manner.

It is our wish that the report of the OEWG could satisfy all of the member states and garner an unquestionable consensus. In the same vein, viewing the situation from a strategic and long-term perspective, the Islamic Republic of Iran, while disappointed with the unacceptable parts of the report, will not be pleased to witness the failure of or a deadlock to this global process.

Therefore, after extensive consultations with many delegations and especially to meet the sincere calls of friendly countries, my delegation after formally registering its objection to certain parts of the report and expressing grave concern over the causes of this unacceptable situation, and as a sovereign country in a world of sovereign states, would like to make it clear that the Islamic Republic of Iran does not block consensus on the report.

However, given the unacceptable content of certain parts of the report, it has no choice but to disassociate itself from any part of the report that does not match its positions as described in the deliberations of the current session of OEWG. Therefore, the Islamic Republic of Iran is not obliged with any term, content, paragraph, conclusion, and recommendation of the report that is not in line with its principled positions.

Preparation for the next OEWG to discuss and reach a collective agreement on all of the referred issues is a priority for us.

We remain hopeful that our constructive approach will be duly reciprocated by other member states and we are eagerly waiting to work with all to arrive at a fair and reasonable consensus aiming at achieving a secure cyberspace for all.

Thank you, Mr. Chair!

Ireland

Informal meeting of the Open Ended Working Group (OEWG) on developments in the field of information and telecommunications in the context of international security

22 February 2021

I would like to thank you Ambassador Lauber and your team for continuing the Open Ended Working Group process despite the very challenging circumstances, and for working to promote open, inclusive and transparent discussions both in the approaches taken at meetings since September 2019 and to building consensus on the final report.

Ireland aligns itself with the statement delivered by the European Union last Friday (19 February 2021).

Like colleagues from many states who have spoken before me, Ireland supports this zero draft - we consider it a strong basis for the group's final report on which we hope to achieve consensus. The draft reflects the diversity of views expressed at this OEWG, and does so in a balanced way.

We welcome the references highlighting the value of stakeholder engagement throughout the text including the informal meeting in December 2019 that provided substantive insights and perspectives that have helped to better inform our subsequent discussions.

A few observations on the current zero draft report;

The inclusion of references (paragraphs 21 and 22) in the Threats Section of the zero draft report to the consequences of malicious cyber activity against essential operators, including the health sector particularly during this time of global pandemic is welcome, as is the text on threats including to the general availability or integrity of the public core of the Internet.

The reaffirmation that a universal cyber security framework can only be grounded in existing international law, including the Charter of the United Nations in its entirety, international humanitarian law and international human rights law, is also welcome (paragraph 27)

We consider that references to the consensus reached by the respective UN GGEs, and endorsed by the UN General Assembly, could be further emphasised in the conclusions and recommendations section of the pillar on international law.

Similarly, during our meetings many states reaffirmed the importance of the eleven voluntary, non-binding norms of responsible State behaviour contained in the 2015 UN GGE report and adopted by consensus (Resolution 70/237). This was strongly acknowledged during previous OEWG meetings and should be acknowledged as such in the report.

We support the reference in the Confidence Building Measures (CBMs) section to the valuable work undertaken by regional organizations and the initiative to

exchange best practices on CBMs, in coordination with interested regional and sub-regional bodies.

The focus on Capacity-Building throughout the text is welcome and highlights the pressing need for enhanced efforts to tackle the digital divide including by building resilience and promoting a greater shared understanding of key issues, including how international law applies to cyberspace.

The report highlights capacity building underway by state and non-state actors worldwide and in this regard, the point encouraging greater coordination and avoiding duplication is well made (paragraph 82).

Ireland also strongly supports the inclusion of the reference to narrowing the gender digital divide and strengthening linkages with the WPS agenda.

Like colleagues from many other states who have spoken over the past few days, Ireland welcomes the reference in the draft to the Programme of Action (PoA) including based on discussions at previous OEWG meetings. Openness and inclusivity have been hallmarks of our discussions at the OEWG over the past 18 months, and in this regard, we believe that a PoA with state and multi-stakeholder participation can provide a strong forum for ongoing discussions on more effective coordination in areas including capacity building, norms implementation to support and promote responsible state behaviour, and CBMs.

Ireland supports the request made by South Africa last Thursday and today to include the proposal for Member States to voluntarily survey their national implementation of UNGA resolution 70/23 into the final report.

It has been just over a year since we last met together in New York and we share your view on the value of an in-person meeting to discuss the final report. Unfortunately, as with many others, the outlook for international travel over the coming weeks remains challenging and for this reason a postponement of the meeting in March to a later date would be welcome to allow us to meet together in person again. However, we are open to hearing the views of other states on this issue and regardless of the future meeting format, please be assured Ambassador Lauber, of Ireland's continued commitment to the OEWG and to agreeing a consensus-based final report.

My thanks to you and your team again.

Israel

12 March 2021 (check upon delivery)

Israel's Remarks on the OEWG final report

Good Morning and best greetings from Jerusalem, Thank you chair for giving us the floor.

Mr. Chair, the Israeli delegation wishes to express our gratitude and commend you personally, together with your excellent team and the secretariat, for your hard work and relentless efforts leading us through the whole OEWG process and especially in crafting this final report.

Some of our reservation still remain unanswered, and unfortunately not all our concerns were fully addressed in the final report. However, in the spirit of consensus, wishing to express positive will, and in light of the constructive cooperation presented through the last few days by so many States, we understand the need for a certain degree of flexibility. Thus, Israel stands ready to join other delegations and support this report. We can assure you that the Israeli delegation remain committed, as you, to work with other states and to continue to have a constructive approach and advance the dialogue.

That being said, it is very important for us at this point to raise and clarify our position regarding few key points:

Par. 24 – As it is not specified otherwise we would like to assert that it is our understanding that in the final sentence of this paragraph the word norms refers to the 11 voluntary norms as they were developed and adopted by the 2015 GGE.

Par. 29 – We wish to clarify that while some states held the view that further development of norms and the implementation of existing norms could take place in parallel Israel's view is that it would be more constructive to reach high level of implementation of existing norms before moving to developing new ones.

Par. 76 – It is important to emphasize that based on the current mandate and practice of this OEWG process and the mandate of the next OEWG the principle of Consensus-Based discussions and negotiations will continue to govern the process. That principle should have been explicitly written in the language of this report.

Par. 77 –while not specifically mentioned in this para the principle of consensus based discussions should also be kept regarding the POA and in any other future regular institutional dialogue.

Par. 80 – We would like to highlight and emphasize that the language used in the first part of this paragraph reflects deep disagreement and is far from being agreed. As we have stated and we recall many other states also clearly underscoring that there is no consensus over the need to develop additional legally binding obligations at this time and this should be stated in a clear way in this report. We strongly

disagree and wish to make sure that Israel is disassociating itself from any reference to an allegedly need to develop at this stage a legally binding instrument.

This passing year has demonstrated the heightened responsibility of governments to provide security and protect state interests. In our view, we are skeptical that this can happen through the introduction of new and untried principles. Rather, it requires cautious application of time proven principles, confidence building measures, inter-State cooperation, and capacity building. As we have stated in the past, Israel stands ready to share its know-how, further develop bilateral and multilateral collaborations, and take other pragmatic steps to improve cybersecurity across the globe.

We will hand over to the secretariat our remarks in a written form after the conclusion of this session and wish to see them included in the official record of the OEWG, to be issued as document [A/AC.290/2021/INF.2].

Thank you Chair.

Italy

DIREZIONE GENERALE PER GLI AFFARI POLITICHE DI SICUREZZA
OEWG FINAL SESSION (12 March 2021) – Concluding
remarks from Italy

Chair, Dear Ambassador Lauber,

Let me begin by wholeheartedly thanking you for having led the OEWG along the very fine line of consensus throughout our almost two years of work. I take this opportunity also to pay tribute to the Secretariat and to the entire team that has accompanied us, all along this difficult journey, characterized by the extraordinary circumstances linked to the pandemic. Like others, I am particularly happy to have witnessed the presence and great contribution of so many women delegates in this process, it's a very positive and energizing message for our future.

Chair, Italy aligns itself to the EU statement.

Having heard previous interventions, it really seems that we are about to achieve collective success, tangible proof that multilateralism is alive and kicking also because of its inclusiveness, and that the UN is the ultimate forum where it manifests itself. We are convinced that what we might achieve today will keep the necessary momentum to continue working in the coming months, neatly closing this chapter of our work. Italy is therefore ready to join consensus on the Report as it stands now.

As highlighted by others, the Final Report we have in front of us is a very finely calibrated compromise and, as such, we all know that it makes us all equally unhappy.

No secret, we would have preferred to keep the order of the chapters as in the first draft of the report, as well as a clear reference to human rights and international humanitarian law, and, as the EU said, we don't think that para 80 represents a balanced final observation.

Having said that, we are pleased that the Report reaffirms the normative framework that exists, with resolution 70/237, the applicability of International Law (which in any case consists of International Human Rights Law, International Humanitarian Law too), the Charter of the UN in its entirety and the three consensual GGE reports.

Also, together with 50 other sponsors, we have proposed the establishment of a permanent Programme of Action (PoA) to Advance Responsible State Behaviour in Cyberspace and are glad to see it reflected in the recommendations of the report. To conclude and summarize, we are glad that future discussions will be brought forward on the basis of the *acquis* that we are likely to be reaffirming today.

Chair, mindful of the magnitude of the challenges we are all facing, that can only be overcome through dialogue and cooperation, we have approached this negotiation with a very large dose of flexibility. So have many others, which is one of the reasons why we are so close to achieving our goal, and why we are joining consensus asking others to do the same.

Thank you Chair.

Japan

Statement by Mr. AKAHORI Takeshi, Ambassador for Cyber Policy of the Ministry of Foreign Affairs of Japan,
at the third substantive session of the OEWG on ICTs
(Explanation of Position before adoption)

March 12, 2021

The Government of Japan would like to express its deep appreciation and great respect to Ambassador Jurg Lauber, Chair of the Open-ended working group on developments in the field of information and telecommunications in the context of international security (OEWG), for preparing the draft Final Substantive Report before us. Japan also expresses its gratitude to Under-Secretary-General Nakamitsu and all the members of UN Secretariat and support team who supported our process in difficult times.

Japan supports the adoption of the draft as a Final Substantive Report.

As mentioned in the draft, the OEWG conducted its work building upon and reaffirming the framework provided by the three consensus reports of the groups of governmental experts (GGEs) and succeeded in reaching certain conclusions and recommendations to promote an open, fair and secure cyberspace.

Japan kept its promise made at the first substantive session of the working group and participated actively and constructively in all formal and informal sessions and multi-stakeholder events. Japan also provided various proposals to help build additional layers of understanding among States on cybersecurity. The joint proposal on medical services and medical facilities and its own proposal on a guidance to the existing norm on supply chain integrity are only some examples.

Our support for the adoption of the draft does not mean that Japan is satisfied with the draft in its entirety. Japan strongly prefers to see more detailed language supported by many delegations in the International Law section of the report. From the beginning of the process, Japan has been proposing to include language explicitly affirming the applicability of State responsibility for internationally wrongful acts, the inherent right of self-defense recognized in the UN Charter, and International Humanitarian Law. While I heard some delegations claiming that there is a lack of consensus on how international law applies in cyberspace, I have not heard convincing arguments explaining why those principles or areas of international law are not applicable in the ICT environment. On the contrary, for example, we had rich inputs on why we should affirm the applicability of International Humanitarian Law from various stakeholders including ICRC and academia.

Japan is not happy that the draft, which was purported to include only consensus language, includes in paragraph 80 one perspective which was quite controversial. The idea of the possibility of additional legally binding obligations was strongly opposed by many delegations including mine and should have been left in the Chair's summary of discussions, if at all.

Japan urges States putting forward the idea of new binding obligations to thoroughly consider how international law applies in cyberspace before making proposals. To give just one example, a new legally binding instrument would have no meaning without reaffirmation that international customary law on State

responsibility applies to acts of States using ICTs. Claiming that State responsibility is not applicable to acts of States using ICTs is the equivalent of saying that internationally wrongful acts will not have legal consequences in cyberspace. Then what would be the use of negotiating new legal obligations? Treaties bind only States parties. Taking into account the very nature of cyberspace, international cooperation must be broad. Those who propose new legally binding obligations still have a lot of explaining to do.

Japan supports the adoption of the draft despite these caveats because it will have positive impact. Japan highlights the importance of confirming the *acquis* explicitly in a process open to the direct participation of all UN Member States.

The section on International Law recognizes the 2015 GGE report and explicitly reaffirms that international law, and in particular the Charter of the United Nations, is applicable in the ICT environment. While in the past the affirmation was indirect, in the form of General Assembly resolutions adopted by consensus endorsing GGE reports, this time, the affirmation by all the UN Members is direct. In future discussions on how international law applies, including in the new OEWG, we all will be able to refer to and build upon the whole section 6 and particularly paragraph 28 of the 2015 GGE report which “offers non-exhaustive views on how international law applies to the use of ICTs by States.” We would like to further advance discussions on how international law applies, based on the *acquis*.

The inclusion of the Programme of Action in the recommendations is also positive. As a cosponsor, Japan looks forward to participating actively in the elaboration of the programme. We also have good content in the draft on capacity building and confidence building measures.

Let us all support the draft and take a joint step forward to promote an open, fair and secure cyberspace.

I thank you.

Liechtenstein

Open-ended Working Group on Developments in the Field of Information and
Telecommunications in the Context of International Security
Explanation of Position on the Report of the Open-ended Working Group
12 March 2021

Chairperson,

I am taking the floor in explanation of position on the report of the Open-ended Working Group. If we are in a position to do so today that is primarily to the credit of the Chairperson's unwavering commitment to bringing our fruitful discussions to a substantive conclusion, against the difficult odds of a pandemic, a heavily polarized political landscape and serious limitations in the intergovernmental mandate. Liechtenstein thanks the Chairperson and the Secretariat for their tremendous efforts leading us to an outcome. The discrepancy between the content of the intergovernmental discussions and the substantive results of the Open-ended Working Group does not reflect a lack of effort. It is rooted in the format of this process and its decision-making modalities which favor containment over progress and minority restraint over majority aspiration. Unfortunately, the intergovernmental mandate for the next iteration of the Open-ended Working Group is even more affected by these flaws, pointing to the conclusion that the process in this form may have outlived its purpose.

Chairperson,

Liechtenstein regrets that the report falls short in a number of ways. While the report reaffirms the acquis of past agreements, it fails to adequately reflect the fact that cyberspace is governed by international law, including the UN Charter in its entirety, international human rights law and international humanitarian law. The future of warfare will be increasingly characterized by its cyber dimension and it is undeniable that cyber warfare can have very significant humanitarian consequences. The Open-ended Working Group has benefitted from expert opinions on that matter, in particular from the ICRC. That it should not be possible to adequately reflect the applicability of international humanitarian law to cyberspace in its report undermines the credibility of our collective effort. It is also regrettable that the obvious problem of ensuring accountability for violations of international law in cyberspace, both from a perspective of State and individual criminal responsibility, and linked to it the inherent challenges of attribution, are missing from the report. That these questions could not be identified as future areas for discussion also points to the limits of the process. Liechtenstein reiterates its position that it sees no need to elaborate additional legal obligations, in particular as long as our discussions on how to apply existing international law does not advance.

Chairperson,

Consensus should always be the aspiration in our multilateral engagement, but to equate it with a universal veto power is a conceptual aberration that future discussions on cybersecurity need to steer clear of. In addition, these discussions should be conducted on the basis of the best available knowledge, for which the meaningful engagement with civil society, academia and the private sector is indispensable. On this basis, Liechtenstein will reevaluate its future engagement in the framework of the Open-ended Working Group. Liechtenstein supports the initiative for a Programme of Action and considers it an alternative to advance cyber security that can be commensurate to the aspirations of a broad majority in the membership to make tangible progress towards compliance with international law and increased collective security, and to sustain an inclusive dialogue with all relevant stakeholders to that effect.

Malaysia

THE OPEN-ENDED WORKING GROUP ON DEVELOPMENTS IN THE FIELD
OF INFORMATION AND TELECOMMUNICATIONS IN THE CONTEXT OF
INTERNATIONAL SECURITY
12 MARCH 2021

Mr. Chair,

Today is a culmination of our extensive work, engagement and investment for almost two (2) years.

Clearly there are areas within the final draft report which delegations would prefer to have either slightly more emphasis or slightly less reflection.

It is impossible for us to have a document that perfectly reflects all of the priorities and concerns of every UN Member State.

That is why we need a continuation into the future, as our work does not stop today.

Adopting the final report does not mean that we disregard our issues and concerns.

And adopting the final report does not mean that we are changing the policies or positions of any particular country, in any way.

Rather, our adoption of the final report today will give the much-needed momentum for all UN Member States to continue working together moving forward.

We believe that the proposition of having a legally-binding instrument guiding States' use of ICTs in the context of international security is worth exploring in the future.

Mr. Chair & Distinguished Delegates,

After all, this OEWG is unprecedented. This is the first time that all UN Member States are deliberating and negotiating together in the same room, physically and virtually.

As such, today, we are presented with a historic opportunity to continue the important engagements and negotiations in the future. Malaysia will join the consensus adoption of the final report.

Adopting a consensus substantive report will inject more stability and predictability to the process.

It will also give us hope that this new invention of an all-inclusive platform open to all UN Member States is indeed workable.

My delegation has benefited tremendously from the opportunity to listen directly to the clear articulations of positions and arguments by distinguished delegates.

Along the way, surely we have increased the comfort level among all of us, in terms of discussing issues of divergence,

Our deep appreciation, of course, is to you Ambassador Lauber for your skillful leadership and composure throughout the process.

Also to your very capable Team and the Secretariat who are always diligent in their supporting role.

Malaysia stands ready, as always, to continue the engagement with its constructive approach moving forward.

Mexico

Mensaje
de la Delegación de México ante el Grupo de Composición Abierta
(sobre los Avances en la Esfera de la Información y las
Telecomunicaciones en el Contexto de la Seguridad Internacional
Comentarios sobre Adopción del Informe Final

Gracias señor Presidente,

Comienzo por reconocer en nombre del gobierno de México los enormes esfuerzos encabezados por usted, por su equipo de apoyo y por el Secretariado, es claro que su incansable, incluyente y transparente labor nos han colocado en un camino muy claro hacia el acuerdo, y el entendimiento.

El Informe Final que nos ha circulado, es para México un documento que reafirma la confianza en el multilateralismo y en el rol principal de las Naciones Unidas. Si bien se trata de un documento perfectible a los ojos de cada delegación, incluyendo México, es un documento integral, equilibrado y que recoge de manera general las deliberaciones e insumos que hemos aportado en lo individual y en conjunto. Para mi país es grato observar también señor Presidente, que ciertas experiencias y preocupaciones compartidos por actores de sociedad civil, del sector privado de otros organismos internacionales y de la academia han sido tomados en cuenta.

México respalda la adopción del proyecto de Informe Final y de los documentos que lo acompañan. Efectivamente tenemos frente a nosotros una oportunidad para devolvernos a nuestras sociedades con un resultado tangible, un resultado que se construye a partir de los trabajos previos, que promueve los usos pacíficos, que contribuye a prevenir conflictos, a que reitera y avanza nuevos compromisos hacia un ciberespacio libre, seguro, accesible, estable y que favorece el desarrollo sostenible y el ejercicio y protección de los Derechos Humanos.

Ha quedado claro, señor Presidente, que este proceso multilateral, de OEWG, nos pertenece a todos y cada uno de los 193 Estados de las Naciones Unidas, y así debe seguir siendo en los trabajos futuros. Este Informe y sus anexos nos marcan un camino para seguir encauzando nuestras deliberaciones Sabemos ya con claridad dónde están los puntos de convergencia y dónde los puntos que tenemos que seguir discutiendo.

Nos entusiasma observar la nutrida y plural participación en estos trabajos de los países de nuestra región, Latinoamérica y el Caribe, y estamos seguros, señor Presidente de que retomaremos este Informe para seguir avanzando nuestros trabajos regionales y Hemisféricos.

Finalmente, señor Presidente, mi delegación se reitera convencida de que el espíritu de las intervenciones que hemos escuchado nos coloca en un camino de confianza y entendimiento para alcanzar resultados igualmente relevantes en las próximas deliberaciones del GGE un formato, por cierto, mandatado por la Asamblea General y por ende, por los 193 Estados.

Muchas gracias Presidente.

Netherlands

Open Ended Working Group in the Field of Information and Telecommunications in
the Context of International Security
Statement by H.E. Nathalie Jaarsma
Ambassador-at-Large Security Policy & Cyber
of the Kingdom of the Netherlands to the United Nations

NEW YORK, 12 March 2021

Thank you Mr Chair.

Dear Chair, dear colleagues, we have never been so close to reaching consensus. Having 193 states agreeing to this report would be a major milestone for multilateralism and we are satisfied to join the consensus. For nearly two years, we have witnessed and actively participated in this inclusive and transparent forum. We have seen engagement of all to build upon the existing acquis and to create a greater common understanding of what responsible state behavior means in cyberspace.

We have not stepped away from past agreements reached in the previous GGEs and endorsed by the UN General Assembly. Moreover, not only is this report reaffirming the acquis but also it provides further “clarity” on certain already agreed norms. Indeed, a year after the beginning of the pandemic, it was important to further develop our framework in light of the malicious cyber activities we have seen. We therefore welcome the inclusion of the health sector as critical infrastructure. As we rely more and more on being digitally connected, the Netherlands warmly welcomes the inclusion of protecting the general availability and integrity of the Internet, what we see as the Public Core of the Internet, as well as the recognition of threats against electoral processes. Moreover, we welcome the reference to the importance of closing the digital divide and the recognition of principles to guide capacity-building activities. We also firmly echo the conclusion that further common understandings need to be developed on how international law applies to State use of ICTs. A great step has been taken on reaffirming the need for states to peacefully settle disputes in cyberspace.

It will come to no-one's surprise that we think the report could have reaffirmed the commitment of the international community to upholding human rights more clearly, than with just a reference to the application of international law. We also would have liked for the report to be clearer in advocating for the important role that other stakeholders are playing in the field of ICT security. The linkage between a more stable cyberspace and the achievement of the Sustainable Development Goals could have been further elaborated in the final report. Moreover, we think that the role of other organizations could have been highlighted: organizations at regional and sub-regional level as well as of existing and vibrant multistakeholder platforms, such as on CBMs and on capacity building like the GFCE. However, we do understand that none of us can get their entire wish-list ticked. We all find something to be unhappy about in this report. But overall my disappointment is counter-balanced by the fact that we are all willing to compromise, and put some of our differences aside to advance our discussions for a more stable cyberspace.

And maybe all these areas, where we do not feel fully comfortable with, give us greater reasons to continue our discussions within the UN. We are hoping and hopeful that our work over the past nearly two years will pave the way for a permanent, inclusive, open, transparent and consensus-driven process with the proposal for a Programme of Action. It will give us the opportunity to work on the implementation of agreed work and engagement towards an open, **free**, safe and secure internet that benefits us all. In the meantime, the Netherlands is hopeful that we will further elaborate on the acquis to ensure stability in cyberspace in the Group of Governmental Experts and can count on a similar spirit of consensus in future endeavours.

My final words will go to the Chair and his team, to the consultants and the Secretariat, to thank them for all the hard work and for leading us to what could, and hopefully will be, an agreed and fine-balanced consensus report. You have conducted your work in an inclusive, balanced and transparent manner, setting an example of what great chairmanship in the UN entails. So thank you and congratulations.

New Zealand

Thank you chair.

E nga mana, e nga reo, e rau rangatira ma, tena kotou, tena kotou, tena kotou katoa.

Firstly let me echo the thanks of others for your sterling work throughout this process. We could not have asked for a more capable or wise chair to steer us through what have been unexpectedly challenging waters given the limitations imposed by COVID. Thank you and your team for your dedication and professionalism.

Throughout the OEWG process New Zealand has viewed the Working Group as an opportunity to develop practical, concrete and meaningful action to enhance peace and stability in cyberspace.

We believe that this report in front of us today has achieved that. It represents a fair and balanced reflection of what has been almost two years of hard work. We believe it is a good outcome for all.

We will be supporting its adoption. This is done in the spirit of collaboration and with a view to producing consensus on what are important issues. We are not 100% happy with every element, but that is what international compromise feels like.

The OEWG has provided all UN member states an opportunity to increase our familiarity with the work undertaken to date on peace and security in cyberspace. As a small state, New Zealand is a strong supporter and a beneficiary of the international rules-based order. This is especially true with respect to trans-boundary threats. Our geographical isolation does not protect us from cyber threats.

We therefore appreciate the engagement of all member states in these discussions, which have been rich and detailed. These discussions have helped us all deepen our understanding of the issues, and of our respective views on them. This alone has been highly valuable.

New Zealand has been further heartened at interest shown by an extremely broad range of member states. Peace and security in cyberspace do affect us and it is encouraging to see such a wide range of states engaged in efforts to address challenges stemming from them. It bodes well for the future. Adopting a consensus report is an important symbol of the value of these exchanges.

But the report is not just symbolic. From New Zealand's perspective, the report achieves a number of things. It highlights:

- the critical importance of the agreed framework of responsible state behaviour online, notably in paragraphs 7 and 8;
- the criticality of abiding by our obligations under existing international law, of implementing the norms of responsible state behaviour online, of broadening and deepening our endeavours on Confidence Building Measures, and of redoubling our capacity-building efforts;

- the importance of continuing to deepen our understanding of how international law applies in cyberspace; and
- that we cannot immediately solve all the issues at hand in this report, but that we will seek to do so collectively in the future.

As with any consensus text there are things we are not as happy with, several things requiring clarification, and indeed a number of things that we are sorry aren't reflected in the report. These include:

- We would have preferred that the order of the 'norms of behaviour' and the 'international law' sections be reversed. Voluntary, non-binding norms, whilst important, do not replace or alter States' binding obligations under international law. These legal obligations are the foundation on which everything else is built, and in our view should therefore also be the foundation of this report.
- In paragraph 17 we read the reference to "obligations" as not applying to every element of the framework listed in the paragraph, but rather only to the obligations imposed by international law, as norms of behaviour are voluntary.
- We are disappointed to see that paragraph 35 no longer specifically articulates the principles of international law that apply online. We thought this was very useful, and reaffirmed paragraph 28 of the 2015 UNGGE report. For New Zealand it is particularly important to reaffirm: that customary international law on State responsibility already provides a clear existing framework for the legal attribution of malicious State activity; that international law principles regulating the use of force, self-defence, prohibited interventions, and sovereignty apply in cyberspace; and that international humanitarian law applies online, as does international human rights law.
- With regard to paragraph 80, it is worth underscoring that the reference to "the possibility of additional legally binding obligations" does not reflect consensus, and indeed many States including New Zealand have consistently underscored that this is neither necessary, nor would it be helpful. As we have said repeatedly, it is a better use of time and delivers more meaningful outcomes to focus on consolidating the progress we have already made, and on supporting states in understanding how international law applies online and to implement the norms we have all agreed.

Despite these issues, we are, in the spirit of compromise, prepared to join consensus on the report.

We look forward to continuing these important discussions – and tackling some of the issues in more detail – within the UN, and in other fora. As others have said this is not the end, but rather a beginning of something new. But to move to our next phase we must adopt the report today.

We encourage all delegations to approach this final report with a spirit of consensus. As we say in New Zealand, *Nāku te rourou nāu te rourou ka ora ai te iwi* (with your basket and my basket the people will thrive).

Thank you

Pakistan

Final Statement by Pakistan

Third Substantive Session of the Open-Ended Working Group on Developments in the Field of Information and Telecommunications in the Context of International Security

New York, 8-12 March 2021

Mr. Chairman,

We join other delegations in commending you for steering the work of this process in a transparent and effective manner.

We thank the Secretariat and the support team for its dedication and hard work. We also appreciate all the delegations for their valuable contributions and commitment throughout the OEWG process.

Mr. Chairman,

The OEWG represents the first multilateral process under the UN framework which discussed the critical issue of ICT-security in a transparent, inclusive and democratic setting, and in which all Member States participated on an equal footing.

A consensual adoption of the report would thus be of historic significance in supporting the global efforts towards the common goal of creating a safe, secure, stable and peaceful ICT-environment.

It would also be a strong reaffirmation of the international community's ability to come together to address key global challenges in the most difficult circumstances, such as the pandemic.

Allow me to briefly highlight some of the points which Pakistan considers important in the final report:

- The report recognizes the leading role of the United Nations in promoting dialogue on the use of ICTs by States.
- It also recognizes the threat posed by the development of ICT-capabilities for military purposes and on their likely use in future inter-State conflicts.
- The report reaffirms the need for the development of additional norms given the unique attributes of ICTs.
- Importantly, the report gives a clear mandate to the new OEWG to ensure continuity of the inclusive and transparent negotiation process which is dedicated to building an open, safe, secure, transparent, accessible and peaceful ICT environment.
- The imperative of bridging the digital and gender divide as well as the need to transform “digital divide” into “digital opportunities” has also been recognized, which is of crucial importance for developing countries.

Mr. Chairman,

While we understand that the report does not address the concerns of all Member States, my delegation considers it important to consolidate the progress that has been achieved thus far and to maintain the momentum for continuing this inclusive and transparent process.

Pakistan joins consensus on the report and hopes that all delegations will demonstrate flexibility with a view to preserving the efforts that have been invested in this process.

We look forward to our future deliberations in the inclusive platform provided by the new OEWG.

We reiterate our gratitude to you and your team and all the efforts to facilitate consensus on the outcome.

Thank you

Peru

TERCERA REUNIÓN SUSTANTIVA DEL OEWG – ADOPCIÓN DEL INFORME INTERVENCIÓN DEL PERÚ

(12 de marzo de 2021)

Señor Presidente,

Deseo en primer lugar transmitir el agradecimiento del Perú por su liderazgo y el permanente trabajo de su equipo y de la Secretaría a lo largo de estos dos años, que harán posible que el día de hoy, en unas horas, adoptemos un informe sustantivo, completo y equilibrado, que el Gobierno del Perú respalda.

Si bien en el cuerpo del informe sustantivo no se pudo recoger, como es comprensible, las aspiraciones de todos los Estados miembros, es en circunstancias como éstas en las que debemos hacer gala de nuestra flexibilidad, con miras a un objetivo común mayor, que es garantizar un entorno abierto, seguro y pacífico de las tecnologías de la información y las comunicaciones.

Todos somos conscientes de los avances y beneficios de las TIC, así como de las amenazas y la inestabilidad que se generan por su uso malicioso, en particular en el contexto actual de crisis sanitaria.

Por ello, respaldamos la primacía de la Carta de las Naciones Unidas y la aplicación del derecho internacional en el uso de las TIC y en el ciberespacio, así como el futuro establecimiento de obligaciones jurídicamente vinculantes.

Con este fin, para el Perú la promoción de medidas de fomento de la confianza y transparencia y la creación de capacidades, el intercambio de información y la divulgación de las mejores prácticas resultan fundamentales.

Del mismo modo, apoyamos que se promueva un diálogo institucional regular, bajo los auspicios de las Naciones Unidas, reconociendo al nuevo Grupo de Trabajo de Composición abierta 2021-2025, en cuyo marco se podrán desarrollar otras propuestas como el Programa de Acción.

Señor Presidente,

En nombre del Perú le reiteramos nuevamente nuestro agradecimiento y felicitamos los logros del Grupo de Trabajo de Composición Abierta, que se verán materializados en el informe que adoptaremos hoy.

Gracias.

Philippines

Open-ended Working Group on Developments in the Field of Information and
Telecommunications in the Context of International Security

8 to 12 March 2021

United Nations Headquarters, New York

PHILIPPINE EXPLANATION OF POSITION

The Philippines is pleased to join the consensus on the adoption of the report of the Open-Ended Working Group on developments in the field of information and telecommunications in the context of international security. Many of the suggestions and ideas may not have enjoyed consensus, but we view the final report as sufficiently effective and balanced.

The National Cybersecurity Plan 2022 of the Philippines mandates securing critical ICT infrastructure while ensuring personal data privacy and confidentiality. It is important that our information infrastructure or “infostructure” is resilient, robust, and secure against cyberthreats. While building our own national capacities and human resource competencies, we are therefore pleased to have participated actively in and contributed to this important OEWG process that emphasizes the importance of international cooperation in addressing cross-border cybersecurity issues and their complexities.

This historic document, negotiated by Member States, builds on the momentum that leads the way to an open, secure, stable, accessible, and peaceful ICT environment.

We particularly highlight the importance for the Philippines of the sections on capacity-building which is very critical in the current and future ICT environment, especially for developing countries.

We also place importance on the National Survey of Implementation (NSI), as it will assist Member States in the assessment of national take-up of active recommendations from the 2015 Group of Government Experts (GGE) report.

We also support the importance of the protection of critical ICT infrastructure from cyber-attacks and each State’s prerogative to determine what constitutes critical infrastructure or infostructure to be prioritized.

The Philippines supports the idea that the work of the OEWG is a confidence-building measure in itself, and therefore the Philippines is pleased to have joined the 119 Member States who voted in favor of the creation of this Group through the UN General Assembly resolution 73/27 in 2018. We also look forward to the negotiations in the new OEWG on security of and in the use of information and communications technologies 2021-2025 established through resolution 75/240, particularly on important proposals put forward, which did not enjoy consensus such as the Programme of Action (PoA) and possibilities for legally-binding obligations, among others.

Finally, the Philippine Delegation highly commends the Chair of the OEWG, Ambassador Jürg Lauber, and his team for successfully steering the work of the OEWG for the past two years.

Poland

STATEMENT BY
H.E. TADEUSZ CHOMICKI
AMBASSADOR FOR CYBER & TECH AFFAIRS
MINISTRY OF FOREIGN AFFAIRS
THIRD SUBSTANTIVE SESSION
OF THE OPEN-ENDED WORKING GROUP ON DEVELOPMENTS IN THE
FIELD OF INFORMATION AND TELECOMMUNICATIONS
IN THE CONTEXT OF INTERNATIONAL SECURITY
12TH MARCH 2021

Mr. Chair,

On behalf of the Government of Poland let me express our gratitude to you, Ambassador Lauber, and the UNODA team for your hard work and tireless efforts to navigate the OEWG process towards this day. Especially given these extraordinary circumstances due to the COVID-19 pandemic. It was truly not an easy task, but thanks to you and your team's commitment and professionalism we are here today, just one step from a historic moment – hopefully. Once again, thank you and best of luck in all your future endeavors.

Mr. Chair,

Dear Colleagues,

It is no secret that Poland did not support the creation of this Group in 2018. Nevertheless, ever since we have actively participated in the meetings and discussions. Why? Because we believe in multilateralism and we have a strong conviction that cybersecurity issues urgently require our attention. This process is a starting point for our further work within the UN framework towards a safe and stable cyberspace for all. And yes, our positions on some issues differ, sometimes profoundly, but the good news is that today we have this consensual product before us – a compromise which hopefully we all agree upon in mere hours. Let me just stress that adopting a consensus report on a very complex matter in the format of an open-ended working group is a success in itself, but also doing so for the first time via digital meetings and negotiations is a significant achievement in the history of the UN diplomacy.

As for the substance of the report, Poland adheres to the statement delivered by the European Union. I do not want to repeat myself in an effort not to take too much time from colleagues wishing to speak today. We all know our positions very well by now. Let me just say that I am truly content that the report acknowledges some important issues. Just to name a few - it confirms the current *acquis* as endorsed by all Member States and also recognizes the Programme of Action which is an important, inclusive and result-oriented project to be further developed under the First Committee of the United Nations General Assembly. Of course, some things in the report could have reflected our views and wishes better, but we believe the spirit of compromise for achieving consensus of all participating states on the key elements is of a greater importance now.

As for the future, Poland will strive towards ensuring international security in cyber space by pursuing ideas, values, projects and proposals which in our view can

contribute to achieving this goal. Implementation of the elements we are agreeing upon today will be a challenge and will take time, so it is crucial that we stay committed, constructive and determined to provide effective and full security in cyber space – for the good of us all.

Thank you, Mr. Chair.

Romania

Statement of Romania on the draft report of the OEWG 12 march, 2021

Thank you, Chair,

I want to note that we fully align to the statement delivered on behalf of the EU and its member States. I will just make a few brief comments in my national capacity.

We join the consensus on the text you have presented to us, due to our sincere intention to contribute to the consolidation of international peace and security through an open and inclusive multilateral approach, which requires us to act in the spirit of compromise and to agree, by consensus, on key issues of common interest.

It is this rational and responsible exercise of the spirit of compromise that motivates our attitude and determines our position on the report, chair, even though this text, with all its significant added value, does not fully reflect all the aspects that we had intended to contain – including more consolidated references to the applicability in cyberspace of the UN Charter in its entirety, or a strong emphasis on the issue of Human Rights and Fundamental Freedoms, alongside the other issues we have mentioned throughout our session.

However, we are confident in your wisdom and expertise, in that of your team, of High Representative Nakamitsu, and of all the involved branches of the Secretariat, which contributed to this compromise solution after 2 years of work, and we are willing to accept it. We salute your effort – which resulted in this outcome, and call upon all UN MS to join us in this approach.

We salute the value of precedent of the consensual decisions of this group within the framework of the other negotiation formats going on on the cyber files at the moment within the UN system.

Thank you.

Russian Federation

12 марта 2021 г.

Уважаемый господин Председатель,

Уважаемые коллеги,

Мы находимся в шаге от формализации консенсуса как результата практически двухлетней деятельности Рабочей группы ООН открытого состава (РГОС) по международной информационной безопасности (МИБ).

Это – первый в истории Организации опыт работы в ее системе такого подлинно демократичного и инклюзивного переговорного механизма по одной из самых актуальных проблем современной глобальной повестки дня – обеспечение МИБ.

Я приветствую усилия и самоотверженность нашего Председателя Ю.Лаубера. Он проделал потрясающую, исторически значимую дипломатическую работу. Благодарю заместителя Генерального секретаря ООН, Высокого представителя по вопросам разоружения И.Накамицу за постоянную заботу о процессе РГОС.

Несмотря на сложность темы, различие позиций, трудности, вызванные пандемией, и новый виртуальный формат переговоров, мы, в конечном счете, выходим на весьма содержательный итоговый доклад Группы, который отражает ключевые консенсусные элементы состоявшихся дискуссий. Мы все понимаем, что он носит компромиссный характер. Выражая свое отношение к документу, хочу процитировать представителя ЮАР, который на днях дал прекрасную формулу его оценки: «доклад не делает нас счастливыми, но вызывает удовлетворение».

Главная значимость итогового проекта заключается в том, что он нацеливает международное сообщество на сохранение и активизацию переговорного процесса по МИБ под эгидой ООН и закрепляет формат РГОС на перспективу. Тематика МИБ в нем рассматривается в соответствии с мандатом через призму повестки дня Первого комитета Генассамблеи ООН – вопросов международного мира и безопасности.

Россия, будучи инициатором РГОС как абсолютно нового переговорного формата по МИБ под эгидой ООН, считает возможным поддержать консенсус по докладу.

Не могу при этом не отметить, что далеко не все предложения моей страны в полной мере отражены в документе. В этой связи заранее хотел бы предупредить, что Россия продолжит активно отстаивать свои интересы и интересы своих друзей в будущем переговорном процессе по данной теме, в какой бы форме и на какой бы площадке он ни осуществлялся.

Спасибо за внимание.

Russian Federation

12 March 2021

Distinguished Mr. Chair,
Distinguished colleagues,

We are one step away from formalizing consensus as a result of almost two-year activities of the UN Open-ended Working Group (OEWG) on developments in the field of information and telecommunications in the context of international security.

This is the first experience in the UN history of organizing within its system a truly democratic and inclusive negotiation mechanism on one of the most pressing issues of today's global agenda which is ensuring international information security.

I welcome the effort and devotion of our Chair Ambassador J.Lauber. He has done a fabulous and historically important diplomatic job. I would like to thank Under-Secretary-General and High Representative on Disarmament Affairs Ms. I.Nakamitsu for her constant care and attention to the OEWG process.

Despite the complexity of these issues, diverging positions, difficulties caused by the pandemic, as well as the new virtual format of negotiations, we have, in the end, come to quite a substantive final report of the Group that reflects the main consensual elements of the discussions that took place. We all understand that the report is a compromise in nature. Expressing my attitude to the document, I would like to quote a representative of South Africa who gave a beautiful formula for assessing it: "the report does not make us happy, but it gives satisfaction".

The crucial importance of the final draft consists in aiming the international community at maintaining and intensifying the negotiation process on ICT-security under the UN auspices and fixes the OEWG format for the future. Issues related to ICT-security are considered in it, as mandated, through the lens of the First Committee agenda, which is international peace and security.

Being the initiator of the OEWG as an absolutely new negotiation format on ICT-security under the UN auspices, Russia considers it possible to support consensus on the report.

I cannot help mentioning that not all proposals of my country have been fully reflected in the document. In this regard, I would like to stress in advance that Russia will continue to actively promote its interests, as well as the interests of its friends in the future negotiation process on ICT-security, independently of its form and of the platform at which it takes place.

Thank you for attention.

Slovenia

Open-ended Working Group on Developments in the Field of Information and Telecommunications in the Context of International Security, March 12, 2021

H.E. Tadej Rupel, Ambassador
National Coordinator for External Aspects of Digitalization, AI & Cyber Security

Mr. Chair, Ambassador Lauber,

Slovenia did not take the floor in the previous discussions because all of our concerns were expressed by the EU statements.

We are taking the floor today to thank and express our gratitude to you Mr. Chair and your team for enormous efforts you have made to navigate and bring us to the Final report which is in front of us. We have come a long way. It was a bumpy road, and it will continue to be, but for now we are all still walking, and that is quite an achievement.

Going through the report and listening to the concerns of delegations in the discussions, I believe that the final report does not make all of us happy, and the emphasis is on "all of us". However, this OEWG is consensus driven and everyone has to sacrifice something with the goal of everyone being happy in the end.

Of course, we would be happier if more of the proposals that are important for Slovenia and the EU had been included in the Final report. Understanding what is at stake, Slovenia can as a matter of compromise agree to a consensual report.

However that does not mean we agree with every aspect of the report. On the contrary, we still feel that we have jointly lost by not reaffirming that international law, in particular the Charter of the United Nations, in its entirety, is applicable.

We regret the omission of International Humanitarian Law, as well as human rights law. And we are concerned about the balance in the final observations. We would be also happier to have stronger emphasis on the gender perspective.

Mr. Chair,

We welcome the part on confidence building measures and cyber capacity building, as well as the inclusion of the Programme of Action into the way forward. There is a very delicate balance in the text that we hope to maintain. For us, the PoA is an initiative that was presented during the OEWG and deserves a thorough consideration under the UN framework. We hope it will evolve further with the participation of all UN member states.

Slovenia will continue to work step by step for the broader recognition and acceptance of mentioned views for a global, open, free, stable and secure cyberspace in the context of the international security.

Mr. Chair,

Slovenia hopes that we can reach a consensus - a point where we are all equally satisfied or dissatisfied with the text of the Final report. We see the hard work and the outcome with a final report as a historic achievement of all 193 members of the United Nations – achievement of the reaffirmation of the aquis.

Thank you again Mr. Chair and the Secretariat for your hard work and efforts.

I am glad Slovenia can support the adoption of the report.

Thank you.

South Africa

Draft Statement by South Africa on the Final Day of the Open-ended Working Group on Developments in the Field of Information and Telecommunications in the Context of International Security

Third substantive session

8–12 March 2021

Chairperson,

First and foremost, my delegation wishes to commend you and your team for taking on the herculean task of attempting to bring together divergent views on a matter as complex and nuanced as our work in this Open-ended Working Group. We believe that you have risen to the task and delivered well on expectations given the inordinate constraints.

It is clear that many delegations aimed at an ambitious outcome and we might not have met the highest expectations, but we have indeed before us a balanced and fair representation of our discussions that draws on the past and starts to plot the way forward. We must maintain momentum on this process, and only consensus can give us the impetus needed to achieve progress on mapping out the challenges and way forward on information and telecommunications in the context of international security.

Chairperson,

Allow me at this stage, to highlight what my delegation believes are some of the gains we have made and that are of particular interest to South Africa:

The text reflects on the benefits of ICT during challenging times such as the pandemic ensuring business continuity, access to information, e-commerce and e-learning. However, it has also highlighted more starkly the risks posed by malicious use of ICTs.

We have also acknowledged that the participation of all stakeholders in ICTs are important given their respective roles and responsibilities.

Importantly for my delegation, we have recognized the need to bridge the digital and gender divides, as well as the transformation of the digital divide into digital opportunities, which is most welcomed for developing countries.

The increasing sophistication of harmful ICT incidents, however, are a concern for developing countries such as South Africa.

Chairperson,

South Africa is also glad to see that the text recognizes that identification and designation of Critical Infrastructure and Critical Information Infrastructure is a national competence and recognizes the growing threat of cyber attacks on these infrastructures.

We would also like to highlight that the text emphasizes the positive economic and social opportunities that can be derived from ICTs and that it is the misuse of such technologies, not the technologies themselves, that is of concern.

Chairperson,

South Africa has long been advocating for the implementation of the existing norms which will help us identify our capacity building needs. While the

parallel process of implementing existing norms and developing new ones will put strain on our resources, we hope to find a way around this constraint.

My delegation further welcomes the capacity building guiding principles outlined in the text and we believe they provide clarity for both State and other stakeholders in the provision of capacity building programmes. South Africa believes that capacity building is critical in bringing States on par for the betterment of the security of global cyberspace, which we are glad the text recognizes.

Finally, Chairperson,

South Africa also believes that the text provides a clear mandate to the new OEWG to ensure continuity in the immense work undertaken by the current OEWG. We just have to state, however, that it is important that we understand that any process going forward outside of the new OEWG might not enjoy the full prioritization of the South African delegation given capacity constraints in following multiple processes. That is why we suggested that the OEWG be the primary forum to ensure full participation.

Nevertheless, we are grateful for your efforts to bring about consensus and we would like to join consensus on the outcome of this process and look forward to our future endeavors in this regard.

I thank you.

Suriname (on behalf of the Caribbean Community (CARICOM))

Intervention on behalf of the CARICOM, at the 3rd Substantive Session the OEWG
on developments in the field of ICTs in the context of international security

12 March 2021

Mr. Chair,

I am taking the floor on behalf of the fourteen Member States of the Caribbean Community (CARICOM). Our delegations commend you, Ambassador Lauber, and your team for your effective leadership and guidance during the historic process of the first Open-Ended Working Group. We also express appreciation to all who made it possible for us to come together in this final substantive session. Convening the session in a hybrid format has proven to be an excellent solution, as we faced constraints with the conduct of our meetings.

Mr. Chair,

CARICOM joins consensus on the adoption of the Report.

Given the importance of ICTs in the context of international security, and the rapid development of such technologies, the existing momentum of the discussion on ICTs should be sustained. Our deliberations in a democratic, inclusive and transparent way, focused on issues that are of equal importance to all of us -- in terms of how our societies are designed and interconnected -- have demonstrated the need to continue the open-ended process. We hope that this can be further strengthened in the next phase.

CARICOM expresses gratitude for the willingness of all delegations to participate in good faith and to remain flexible, as we leveraged creative solutions in order to reach consensus.

Mr. Chair,

We look forward to fruitful discussions and consideration of the outstanding proposals in the OEWG mandated for the period 2021-2025.

Thank you.

Sweden (on behalf of the Nordic countries)

Nordic statement at OEWG final meeting, March 21, 2021

Mr. Chair,

I'm speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and my own country, Sweden). The EU member states among us align with the EU statement.

We appreciate the hard work and dedication by you, Ambassador Lauber, and your team. Having a final report in front of us is a testimony to your skill and tenacity. It is no small feat to have managed to shepherd these UN negotiations to a successful conclusion.

The current text represents a balanced compromise. That means none of us will be fully satisfied. There are many elements that the Nordic countries would have wanted to see in the final text.

These include stronger language on international law, including human rights and fundamental freedoms and international humanitarian law. All human rights are equal and indivisible. We would also have preferred the original ordering of the report, with the section on international law preceding rules, norms and principles.

We note that the current text clearly states that there is no consensus for discussing new international legally binding instruments. For this reason, we would have preferred to keep this topic entirely out of the report and only reflected in the Chair's summary.

Despite this, we see a value in this report as a whole, which is greater than the sum of its parts. The Nordic countries will support the adoption of this report.

The report demonstrates the commitment of all Member States to enhance trust and cooperation and reduce the risk of conflict in cyberspace.

All UN members have now unequivocally reaffirmed the applicability of international law in cyberspace. This is a resounding reconfirmation of the *acquis* of the past GGEs. Based on this shared framework, we can now look toward the future.

Chair, Technology is moving forward fast, and international diplomacy needs to keep up. The Nordic countries are ready to engage constructively and in good faith in future processes.

We believe that the agreement on this report paves a way for more concrete and tangible results. We see the Programme of Action as an inclusive mechanism for achieving this.

It is the next logical step in the evolution of multilateral governance for cyberspace, and firmly places the UN at the centre of a truly multilateral, inclusive process.

Again, Mr. Chair, thank you to you and your team.

Switzerland

Groupe de travail à composition non limitée de l'ONU sur les progrès de l'informatique et des télécommunications dans le contexte de la sécurité internationale

Virtuel, le 12 mars 2021

Déclaration prononcée par la cheffe de la délégation, l'Ambassadrice Nadine Olivieri Lozano,

Cheffe de la Division Sécurité internationale

Monsieur le Président,

Cette dernière semaine de négociations a une nouvelle fois mis en évidence votre engagement à mener un processus ouvert et transparent qui a permis à toutes les délégations de contribuer à un résultat commun. Nous tenons à vous remercier ainsi que votre équipe de soutien et le secrétariat, pour les efforts extraordinaires que vous avez déployés pendant une période très difficile. Le processus du groupe de travail est tombé en plein milieu de la pandémie mondiale de COVID-19 et grâce à votre ouverture et votre flexibilité, ainsi que celle de toutes les délégations, nous avons pu exploiter les opportunités qui se sont présentées.

Monsieur le Président,

Nous saluons le projet final du « groupe de travail à composition non limitée » et nous le soutenons. Il s'agit d'un véritable produit de compromis et, bien que la Suisse soit à la fois satisfaite et insatisfaite de son contenu, nous soutiendrons l'adoption de ce rapport.

Nous saluons en particulier l'importante réaffirmation de l'acquis ainsi que la clarification de la relation entre le droit international et les normes facultatives. Nous saluons également la recommandation d'élaborer d'avantage le programme d'action. Bien que nous aurions souhaité que le droit international humanitaire soit inclus dans le rapport, nous pouvons, dans un esprit de compromis, accepter qu'il soit mentionné uniquement dans le résumé du président.

La Suisse ne voit pas la nécessité de développer des obligations juridiquement contraignantes et estime qu'il faut d'abord approfondir la compréhension commune de la manière dont le droit international existant s'applique au cyberspace. Néanmoins, dans l'esprit du consensus, nous sommes prêts à accepter le langage du para 80. Enfin, nous aurions souhaité une reconnaissance plus claire de l'importance d'une approche multi-acteurs.

Nous appelons toutes les délégations à ne pas mettre en péril l'équilibre délicat que nous avons tous réussi à trouver.

Monsieur le Président,

La Suisse salue vos efforts qui ont permis à la communauté internationale de parvenir à un résultat concret dans ce format. Il s'agit d'une étape importante qui

reconnait le rôle crucial de l'ONU pour les discussions sur les TIC dans le contexte de la paix et de la sécurité internationales.

Il est dans notre intérêt commun que le cyberspace soit régi par l'État de droit et utilisé de manière pacifique. Veiller à ce que les règles du droit international et les normes volontaires existantes soient appliquées et respectées dans le cyberspace reste donc une priorité essentielle pour maintenir la paix et la sécurité internationales dans le cyberspace. La Suisse a participé au « groupe de travail à composition non limitée » de manière constructive et dans cet esprit. Elle continuera à le faire dans les discussions en cours et futures et exprime l'espoir que le groupe d'experts gouvernementaux aboutira également à un résultat consensuel.

Merci.

Unofficial translation

Mr. Chair,

This final week of negotiations has again highlighted your commitment to leading an open and transparent process that allows all delegations to contribute to a shared outcome. We would like to extend our appreciation to you, the support team and the UN secretariat for your extraordinary efforts during a very challenging time. The OEWG process fell in the middle of the global COVID-19 pandemic and thanks to your and all delegations openness and flexibility, we were able to harness the opportunities this presented.

Mr. Chair,

We welcome the Final Draft of the OEWG and support it. It truly presents a product of compromise and, while Switzerland is the right amount of satisfied and unsatisfied with its content, we support adoption of the report.

We particularly welcome the important reaffirmation of the acquis as well as the clarification of the relationship between international law and voluntary norms. We also welcome the recommendation to further elaborate the Programme of Action. While we would have wanted to see international humanitarian law included in the report, we can, in the spirit of compromise, accept that it was only possible to mention this important topic in the chair's summary.

Switzerland does not see a need to develop legally binding obligations and holds that there is a need to deepen the common understanding of how existing international law applies to cyberspace first. Nevertheless, in the spirit of consensus, we are willing to accept the language of paragraph 80. Finally, we would have liked a clearer recognition of the importance of a multi-stakeholder approach.

We call on all delegations not to jeopardize the delicate balance that we have all managed to strike.

Mr. Chair,

Switzerland salutes your efforts that allowed the international community to come to a concrete outcome in this OEWG format. This is an important milestone that

acknowledges the crucial role of the UN for discussions on ICTs in the context of international peace and security.

It is in our common interest that cyberspace is governed by the rule of law and is used in a peaceful way. Ensuring that existing rules of international law and voluntary norms are applied and respected in cyberspace therefore remains a key priority to maintaining international peace and security in cyberspace. Switzerland has participated in the OEWG in a constructive manner and in this spirit. It will continue to do so in the ongoing and future discussions and expresses the hope that the Group of Governmental Experts will also reach a consensus outcome.

Thank you.

Thailand

Thailand's General Statement at the Third substantive session of the OEWG on developments in the field of information and telecommunications in the context of international security

Thailand would like to express our gratitude to the Chair and the Secretariat for their efforts in preparing the [Final Draft of the Report], which we consider a balanced and action-oriented outcome. We would also like to thank all OEWG colleagues for their constructive contributions throughout this process. Thailand reiterates our full cooperation towards the successful adoption of the Report.

As we are approaching the end of our current OEWG process, Thailand would like to address a few important points to reiterate our positions on the issues of ICT and international security.

First, Thailand would like to stress the importance of the protection of critical infrastructures (CI) and critical information infrastructures (CII), especially medical and healthcare facilities during such a time as the current global health crisis. Considering their grave humanitarian impacts, this issue requires priority attention and cooperation at the global scale.

Second, while States generally agree that international law, including the UN Charter, is applicable to the use of ICTs by States, Thailand is of the view that there remain questions as to how international law applies, as well as whether gaps exist. In this regard, we must continue to work together in order to achieve a common understanding of these issues.

Third, Thailand recognises the need to further develop guidance and recommendations on how to operationalise the norms of responsible State behaviour, including the 11 voluntary, non-binding norms reflected in the 2015 GGE report. We would also like to note that, while recognising the importance of these norms, they shall neither hinder economic development and transfer of ICT technology for peaceful purposes, nor shall they pose an excessive burden on States.

Lastly, Thailand would like to stress the important role of the UN in developing global CBMs, as well as ensuring sustainable, demand-driven capacity-building programmes. Thailand encourages States with capacity to do so to assist others in addressing such issues of critical importance.

Thailand recognises that the OEWG presents a historic opportunity for all States to engage within the framework of the UN on the issue of cybersecurity. We hope that our hard work in the past two years will pave the way for the development of common understanding in areas of divergences among States. Thailand strongly encourages all States to show their flexibilities in this process. We look forward to seeing the successful outcome of this Working Group, and to further engaging in the dialogue with other States on this matter.

Turkey

Mr. Chair,

I would like to join previous colleagues in voicing thanks and appreciation for all the valuable efforts you and your team have exerted so far that brought us close to a historic milestone.

Without your dedication and hard work we could not have achieved this, especially given the challenges that the pandemic posed to our work during the past year.

We also agree that the final substantive report of the OEWG strikes a careful balance among diverging views that were presented during our deliberations.

We are ready to further our discussions under the UN auspices, in order to achieve tangible and practical outcomes towards an open, secure, stable and peaceful cyber space. The Chair's summary provides a good basis in this regard.

In the final report, Turkey particularly welcomes the recognition and reaffirmation of the existing body of work in the field of ICTs in the context of international security, which is embodied in the previous GGE reports.

We also reiterate our support for the applicability of international law, in particular the UN Charter in the cyber space.

The importance of capacity building for the implementation of international law and the voluntary, non-binding norms of responsible state behavior in cyber space and the need for effective international cooperation is adequately highlighted in the final report. We gladly note that concrete proposals such as the "National Survey of Implementation" is referenced in the report.

In conclusion, Mr. Chair, as has been highlighted previously, the transparent and inclusive OEWG discussions were significant and a confidence building measure in itself.

We are pleased that now we are about to conclude this process with a concrete outcome, which will guide the future processes in the ICT discussions.

Turkey therefore joins the consensus on the final report.

Thank you.

Ukraine

Statement by the delegation of Ukraine at the Third session of the Open-Ended Working Group on
ICT in the field of International Security
(12 March 2021, New York)

Mr.Chair,

Ukraine aligns itself with the statement delivered by the European Union.

We would like to make a statement in our national capacity.

Ukraine welcomes the successful adoption of the substantive report of the OEWG.

We thank the Chair and his team for the excellent work which they have been doing throughout almost two years of extensive and rich deliberations and negotiations.

We also welcome the active involvement of the civil society in our discussion as well as for sharing their contributions and views on the use of ICTs in the context of international security.

In our view, the report is a solid and action-oriented document that reflects consensus-based deliberations, as well as a significant number of recommendations and proposals submitted during the work of the OEWG, however lacks some important provisions.

In this context, we would also like to make a few brief comments on the Sections of the report.

In particular, on **Threats**, we welcome the conclusion that there is an increase concern about the development and implications of the malicious use of ICTs for purposes that undermine international peace and security, including that a number of States are developing ICT capabilities for military purposes.

We have taken note of the fact that substantive discussions on which the consensus was not reached were reflected in the Chair's summary. We would indeed prefer to see them contained in the substantive report, however we understand that in the spirit of reaching consensus between Member States they have been included in the summary instead.

On **Norms**, we believe that this particular section adequately reflects the extensive discussion in the OEWG.

On **International law**, we welcome the consensus on the application of existing international law, including the UN Charter in cyberspace. However, it would have been our strong preference to see the notion that certain cyber operations might trigger by a State of its inherent right to self-defense in accordance with Article 51 of the UN Charter in the recommendations and conclusions, as well as on the recognition of the application of international humanitarian law as well as human rights law.

Ukraine has been consistent in its call on reaching the progress in the implementation of the existing international law in cyberspace and against

negotiation of different controversial initiatives, which are not balanced and do not have sufficient support in general, such as the legally-binding instrument or new legal obligations on ICT in the field of international security. In this regard, we share the concern of the EU and a number of States that paragraph 80 contains such controversial issue.

On **Confidence-building measures and capacity building**, we do not have any specific comments, as, notwithstanding that all sections of the report are equally important, we believe that these two particular sections are duly reflected in the document in general.

On **regular institutional dialogue**, as a co-sponsor, Ukraine welcomes the inclusion of the reference to the Programme of Action on the Responsible State Behavior in Cyberspace in the report. We look forward to further discussion on this matter which should pave the way to its establishment. In this regard, we encourage States, who have not done so, to support this initiative during the upcoming discussions on ICT in the field of international security under the auspices of the United Nations.

Thank you, Mr. Chair

United Kingdom of Great Britain and Northern Ireland

UK Explanation of Position 12 March 2021

OEWG: Developments in the Field of ICTs in the Context of International Security

On behalf of the UK delegation, I want to thank Ambassador Lauber, UNODA and the Secretariat for your tireless efforts in getting us here today, particularly through the challenges of virtual and hybrid meetings, and multiple time zones. From New York, I want to acknowledge colleagues around the world who have joined us outside of their working day. Our commitment demonstrates the importance of these discussions to international peace and security in cyber space.

As we set out at the start, the UK has engaged constructively throughout this Open Ended Working Group. We strongly support an inclusive process that represents the diverse views of all Member States and other stakeholders. We are proud to have contributed to the increased participation of women through the Women in Cyber Fellowship programme and must redouble our efforts to ensure a diverse range of perspectives are heard.

The United Nations General Assembly has already made important progress on our approach to cyberspace. This has been an opportunity for all Member States to build on the three consensus Groups of Government Experts (GGEs) reports of 2010, 2013 and 2015, which affirmed that international law applies to cyberspace and established a framework of responsible state behaviour consisting of a set of voluntary and nonbinding norms and confidence building measures, underpinned by capacity building. We welcome that the *acquis* has been reaffirmed by all Member States today.

We have a collective commitment to maintain international peace and security, and to promote and respect human rights and fundamental freedoms for all. We also have a shared commitment to uphold international law, which applies in cyberspace just as it applies to activities in any other domain. The General Assembly endorsement of this in 2013 and 2015 was an important anchor to help frame our developing conversation.

While the UK would have liked to see more progress in the international law section, we welcome the reaffirmation that international law is applicable and essential to peace, security and stability in the ICT environment. We also note the delicate relationship between international law and norms, and welcome paragraph 25 in this regard.

The UK welcomes the support for capacity building in the report. The UN can use its convening power to raise the profile of cyber security capacity building and encourage coordinated good practice. But others have a role to play. The GFCE is already an effective coordination mechanism for capacity building. Independent capacity review tools, best practice guides and organisations, like FIRST in the CSIRT community, are important contributors to this objective.

Like many represented here today, the UK is a cosponsor of the proposal for a Programme of Action, to facilitate inclusive regular institutional dialogue on responsible state behaviour in cyberspace at the UN. We are clear that the reference

in this report to the Programme of Action supports further work to elaborate and establish this proposal. We hope more Member States will join us.

On the reference to supply chains in paragraph 28, it will be important to work through the practical steps, and to do so in the relevant fora with responsibility for these issues. We believe the best way to achieve trust and confidence in the use of ICT products is to engage users and developers, public and private, to champion cyber hygiene, cyber security and resilience in end-to-end product development.

We acknowledge that the Chair's summary reflects a range of views expressed during discussions. Differences over international law were strongly expressed. The UK is clear that only the text of the report itself represents the consensus views of states.

Finding consensus was never going to be easy. And the report we have is not perfect, which reflects the difficult balance the Chair has struck. However, we recognise others have been flexible, and in return, we are willing to compromise for the sake of a consensus approach. Recognising what this report does achieve, the UK is content to support adoption today. We urge others do the same.

The UK will continue to engage with all Member States and stakeholders, to protect and promote a free, open, peaceful and secure cyberspace.

Thank you Chair.

United States of America

United States explanation of position at the conclusion of the UN Open Ended Working Group, delivered by U.S. Head of Delegation Michele Markoff

March 12, 2021

As Prepared

First, I wish to thank Ambassador Lauber, Under Secretary General Nakamitsu, the Secretariat, and the support team for their tremendous efforts over the last two years of this Open Ended Working Group (OEWG). The United States is pleased to join consensus on the final report of the OEWG.

Although the United States voted against General Assembly Resolution 73/27 that established the OEWG, we participated in this OEWG because we welcome opportunities for international dialogue with other member states on matters of international security in cyberspace. Building on the work of previous Groups of Governmental Experts (GGE), and working in parallel with the current GGE, we have engaged in good faith and with a sense of urgency to universalize the emerging framework of responsible state behavior in cyberspace that was articulated in the three consensus GGE reports of 2010, 2013, and 2015 and affirmed by the UN General Assembly in 2015.

This final report is not perfect in our opinion. And we continue to have reservations about the need for the new OEWG to run until 2025. However, we recognize that we are not alone in our disappointment; many states have said they wanted to see more issues important to them addressed in the report. We therefore support the initiative to share a two-part chair's summary on the extent of our discussion and the many proposals from member states.

As we have indicated throughout our negotiations, the United States cannot subscribe to calls for new legal obligations. If some states refuse to explicitly affirm essential elements of existing international law and are unwilling to comply with the affirmed voluntary norms, what possible confidence could we gain from negotiating a new treaty instrument? We remain of the view that ICTs are simply not susceptible to traditional arms control arrangements. It would be futile – and a tremendous distraction – to spend a decade or more negotiating a new legally binding instrument.

In the end, however, we think the report is a step forward, and we are pleased to join consensus on it. All UN member states are making a clear affirmation that international law applies in cyberspace, and that states should be further guided by a set of non-binding, voluntary norms of responsible state behavior in cyberspace. Furthermore, all UN member states recognize the important role of capacity-building and confidence-building measures to improve international cyber stability.

Above all, we have been heartened by the level of engagement from member states, the quality of participants' contributions and, ultimately, the hard work we all did to reach a consensus outcome. Our hope is this report's adoption will usher in a return to consensus-based action and collaboration toward mutually-beneficial outcomes

that build on the existing framework of international law, voluntary norms, and confidence building measures.

Finally, we express our deep appreciation to the Chair and the Secretariat, who have done a fantastic job throughout this process. And we are encouraged by the collaborative and serious dialogue among member states and with the whole international community. We look forward to continuing our discussion of these issues in the next GGE meetings in April and May toward a positive conclusion of that process and further opportunities for engagement with all member states and other stakeholders.

Uruguay

Señor Presidente,

Uruguay se congratula de la adopción por consenso del Informe del Grupo de Trabajo de Composición Abierta sobre los avances en el tema de la informatización y las telecomunicaciones en el contexto de la seguridad internacional, que constituye sin dudas un fortalecimiento del multilateralismo en la consideración del uso de las tecnologías de la información (TIC) en el contexto de la seguridad internacional;

Uruguay quisiera reconocer el liderazgo del Presidente del Grupo, Embajador Jurg Lauber, quien demostró enorme capacidad en la conducción de este proceso. Del mismo modo, destacamos el compromiso, la buena fe y la flexibilidad demostrados por los Estados miembros a lo largo de las negociaciones, lo que nos permitió concluir este proceso de manera exitosa.

Es importante para mi delegación destacar que este informe constituye una nueva etapa de entendimientos y de acuerdos entre los Estados miembros sobre la temática. Reconocemos el camino ya recorrido desde años anteriores, inclusive a través de los Grupos de Expertos Gubernamentales (GGE) –siendo que el actual GGE (en el que Uruguay participa) aún se encuentra sesionando ya en su etapa final- y que esperamos, todos los entendimientos alcanzados sirvan de base para futuras deliberaciones.

En tal sentido, y tal como mencionado en el informe, esperamos que los Estados Miembros apuesten a continuar con un proceso de negociaciones inclusivo y transparente sobre las TIC en el contexto de la seguridad internacional en el marco de las Naciones Unidas, inclusive a través del nuevo Grupo de Trabajo (OEWG) para el período 2021-2025 establecido por la Resolución 75/240 de la Asamblea General y otras iniciativas, particularmente el Programa de Acción.

Finalmente Uruguay desea asegurar que continuará participando activamente y contribuyendo en estos asuntos, para que la comunidad internacional siga sumando acuerdos y entendimientos.

Muchas gracias.

Venezuela (Bolivarian Republic of)

Tercera sesión sustantiva del GTCA sobre los avances en el ámbito de la información y las telecomunicaciones en el contexto de la seguridad internacional

REPUBLICA BOLIVARIANA DE VENEZUELA

Nueva York, 12 de marzo de 2021

Señor presidente:

La delegación de Venezuela le agradece a Ud. y su equipo las gestiones para facilitar las negociaciones del Grupo de Trabajo en un ambiente de cordialidad, inclusividad y transparencia. Al mismo tiempo, agradecemos a la Secretaría por el apoyo ofrecido.

Los trabajos iniciados en 2018 y que hoy concluimos, han demostrado que el Grupo de Trabajo de Composición Abierta ha servido como plataforma democrática e inclusiva para avanzar en las discusiones sobre la información y las comunicaciones en el contexto de la seguridad internacional de forma transparente y en igualdad de condiciones.

Aunque en calidad nacional y como Estado miembro del Movimiento de países no alineados hemos participado constructivamente en este proceso, entendemos las dificultades que supone encontrar un balance entre las posiciones de la membresía. No obstante, el texto final presentado a la consideración y que probablemente sea aprobado, no incorpora diversos puntos de vista sugeridos a lo largo de las rondas de consultas.

En relación a algunas cuestiones específicas nos gustaría señalar lo siguiente:

- En el párrafo 16 de la sección titulada “Amenazas existentes y potenciales” el tema del desarrollo de capacidades militares de las TIC, pudo obtener un tratamiento más apropiado.
- Al abordar el tema de la información y las telecomunicaciones en el contexto de la seguridad internacional y entendiendo las amenazas que representan el uso malicioso de las TIC’s, seguimos siendo de la idea, según la cual, nuevas normas y principios para el comportamiento responsable de los Estados deben ser desarrolladas, y ellas deberán concebir compromisos y obligaciones vinculantes.
- Lamentamos que el documento no incluya una referencia a los principios y propósitos de la Carta de Naciones Unidas. En una época en que la comunidad internacional intenta construir normas de comportamiento en el ciberespacio, la aplicación del Derecho Internacional al uso de las TIC por parte de los Estados no puede estar desvinculado de varios principios, entre otros, la igualdad soberana de los Estados; la solución pacífica de controversias, la abstención de la amenaza o el uso de la fuerza contra la integridad territorial o la independencia política de cualquier Estado y la no intervención en los asuntos internos de los Estados. Ello constituye un punto básico que deberá ser tratado en el futuro.

□ Observamos con preocupación que desde que iniciaron los trabajos del grupo, las medidas coercitivas unilaterales relacionadas con el uso de tecnologías de la información y la comunicación se han incrementado en todo el mundo. Ello lejos de facilitar un ambiente pacífico en el ciberespacio, alimenta nuevas escaladas de sanciones. Es por ello que nuestra delegación lamenta que, pese a las reiteradas peticiones de diversos Estados en esta materia, el proyecto de informe no incluye ninguna mención específica al uso de medidas coercitivas unilaterales.

Sr. Presidente,

Reconocemos que ningún balance es perfecto. Entendemos que todas las partes hubiesen preferido algo más. Y estamos conscientes de que todas las proposiciones no podrían estar recogidas en el documento. Es por ello que, sin arriesgar nuestra posición de principio, compartida por varias delegaciones, nos sentimos comprometidos con un resultado orientado al consenso y en esa dirección, esperamos trabajar en el Grupo de Trabajo establecido en virtud de la resolución 75/240.

Muchas gracias, Sr. presidente.

Third substantive session of the OEWG on developments in the field of information and telecommunications in the context of international security

BOLIVARIAN REPUBLIC OF VENEZUELA

New York, 12 March 2021

Mr. Chairman:

The Venezuelan delegation thanks you and your team for your efforts to facilitate the Working Group negotiations in an atmosphere of cordiality, inclusiveness and transparency. At the same time, we thank the Secretariat for the support offered.

The work that began in 2018 and that we conclude today has demonstrated that the Open-Ended Working Group has served as a democratic and inclusive platform to advance discussions on information and communications in the context of international security in a transparent and equal manner.

Although in our national capacity and as a member state of the Non-Aligned Movement we have participated constructively in this process, we understand the difficulties that are involved in finding a balance between the positions of the membership. However, the final text submitted for consideration and likely to be adopted does not incorporate a number of views suggested throughout the rounds of consultations.

Regarding some specific issues we would like to make the following remarks:

□ In paragraph 16 of the section entitled "Existing and Potential Threats", the issue of developing military ICT capabilities could have been addressed more appropriately.

□ In addressing the issue of information and telecommunications in the context of international security and understanding the threats posed by the malicious use of ICTs, we remain of the view that new norms and principles for responsible behavior by states should be developed, and that these should conceive binding commitments and obligations.

□ We regret that the document does not make reference to the principles and purposes of the UN Charter. At a time when the international community is trying to build norms of behavior in cyberspace, the implementation of international law on the use of ICTs by states cannot be detached from several principles, among others, the sovereign equality of states; the peaceful settlement of disputes, refraining from the threat or use of force against the territorial integrity or political independence of any state and non-intervention in the internal affairs of states. This is a basic point to be addressed in the future.

□ We note with concern that since the work of the group began, unilateral coercive measures related to the use of information and communication technologies have been on the rise around the world. Far from facilitating a peaceful environment in cyberspace, this is feeding new escalations of sanctions. That is why our delegation regrets that, despite repeated requests from various States in this area, the draft report does not include any specific mention of the use of unilateral coercive measures.

Mr. Chairman:

We recognize that no balance is perfect. We understand that all parties would have preferred something more. And we are aware that not all the proposals could be reflected in the document. That is why, without jeopardizing our position of principle, which is shared by several delegations, we feel committed to a consensus-oriented outcome and in that direction we hope to work in the Working Group established pursuant to resolution 75/240.

I thank you very much, Mr. President.

International Committee of the Red Cross

Open-ended working group on developments in the field of information and telecommunications in the context of international security
Third Formal Meeting – Final Statement
ICRC statement
March 2021

Ambassador Lauber, excellencies,

The International Committee of the Red Cross would like to commend your exceptional leadership, Ambassador Lauber, in steering this process towards agreeing on a final substantive report despite the unprecedented challenges caused by the COVID-19 pandemic. We hope that the Open-Ended Working Group will be in a position to adopt the report by consensus.

In our view, this Open-Ended Working Group has seen rich, open, and frank discussions.

As emphasized throughout the process, the ICRC believes that it is important to recognize – as done in the report – that ‘a number of States are developing ICT capabilities for military purposes’ and that ‘the use of ICTs in future conflicts between States is becoming more likely’. In today’s and in future armed conflicts, not only States but also non-State armed groups will use ICT capabilities. This trend brings about new risks of harm to civilians and civilian infrastructure.

The ICRC shares the concern – as emphasized in the report – about the ‘potentially devastating ... humanitarian consequences’ of ICT activities against critical civilian infrastructure that supports essential services. As we stressed throughout the discussions and already prior to the COVID-19 pandemic, the risk of harm to human beings is particularly important when medical facilities are targeted. In this respect, the ICRC welcomes the OEWG’s emphasis on the importance of respecting and protecting medical facilities as part of every State’s critical infrastructure, guided by the ‘rules, norms and principles for responsible state behaviour’ and, importantly, in accordance with State’s obligations under international law.

Excellencies, Chair,

In light of the agreed Conclusions on the development of ICT capabilities for military purposes and their potential humanitarian impact, the ICRC believes that discussions on how international humanitarian law limits the use of ICT capabilities during armed conflict need to continue. These limits are essential reduce risks and potential harm to both civilians and civilian objects as well as combatants in the context of an armed conflict. We believe that the Chair’s Summary presents important milestones in this regard and can be built on, in particular in any future processes for regular institutional dialogue under the auspices of the United Nations. The ICRC also stands ready to lend its expertise to such discussions, as States deem appropriate.

Thank you.