Mr. Chairman,

Let me begin by expressing appreciation for your kind efforts. I divide my intervention in two parts. First, I will present a written statement to share our views on the issue of International Law. Then, I will share with you and distinguished delegates some specific proposals on the paragraphs under section “International Law” of pre-draft. I will also try to respond to the questions attached to your letter.

1. International law presumably promotes international peace and security as well as economic development and prosperity of our nations, as principles of the UN Charter allude to. With the same logic, it should regulate use of ICTs by states and other actors, especially those who have dominance in the cyberspace. As cyber-enabling behaviour differs from behaviour in physical world, the international law applicable to the use of ICTs should be different. However, as we emphasized in our submissions before, nothing prevents application of noble principles of the UN Charter in the ICT environment. What is left is a legally binding instrument to fill the legal gaps arising from unique features of ICTs, including the wider possibilities for its use and misuse, from one side, and from the other side, the limitations of existing international law.

All in all, the first and foremost goal is to maintain the peaceful nature of the ICTs. The envisaged international law should support regional and international cooperation to disseminate fairly and effectively the ICT-based
opportunities and interests as well as its development dividends among nations.

2. A major task before us in OEWG and mechanisms as such is to first determine “to what extent” and “how” the existing international law can be applied to ICT environment; and second, facilitate and assist the process leading to an optimal legally binding instrument. The envisaged cyber specific body of law should not be open to manipulation and biased interpretation by those who have dominance in ICT environment, especially states with offensive cyber strategies and capabilities. To this end and among other confidences to be built, these states should unilaterally declare that they refrain from offensive use of ICTs and avoid weaponization of cyberspace. This is a fundamental prelude towards development of a shared understanding and a peaceful ICT discourse within the UN.

3. We would also like to see in the international law section of the draft report a clear reference to the prohibition of intervention and interference or attempted threats and coercive measures against political, economic, social and cultural systems of other states as specified by UNGA resolution 2131 of 21 December 1965.

A clear reference should also be made to the responsibility of states towards activities of companies and platforms under their jurisdiction, which undermine national security, identity, integrity, culture and values, and public order of other states.

4. The path towards an ICT specific applicable international law may need to engage relevant bodies and committees within the UN, as raised by the Chair in his questions for this meeting, or establishment of subsidiary bodies to OEWG. The International Law Commission can also contribute to these efforts. We also see some merits in duplicating the path followed in decades within the UN aimed at regulating peaceful nature of the outer space.

Mr. Chairman,

5. A regards your question on “voluntary guidance notes on how international law applies to the use of ICTs by states” we believe that the manner international
law is applied in ICT environment also deserves due attention. The enforcement of the envisaged applicable international law in the use of ICTs should be guided by prerequisites and qualifications such as integrity; progressive development; equity; ethics; non-discrimination; inclusiveness; fair and balanced distribution of benefits; states’ inalienable right to choose their own models for development, governance and legislation; balance between individual rights and public interests; prohibition of digital sanctions and digital unilateralism; fair and transparent internet governance; common but differentiated responsibilities; etc.

As regards your question on capacity building in relation to international law, we have already shared our views on capacity building in general. Capacity building needs to be demand-driven and under UN auspices involving relevant UN bodies. The International Law Commission may also contribute.

Concluding remarks

Mr. Chairman,

- We learned a lot from statements by delegations in the last three days. Encouragingly, we noticed that a consensus is emerging on the imperative of peacefulness of cyberspace and the desire to avoid cyber conflicts. Increasing number of countries are now subscribing to a peaceful paradigm for cyberspace. We expect this paradigm be properly reflected in the OEWG Report to the General Assembly.

- There are some proposals put forward by some states, including the China’s initiative on data protection, plan of action by France, and the draft resolution by Russian Federation. We appreciate efforts by these delegations.

- We welcome China’s global initiative on data protection which we found it stimulating and useful.
• On proposed plan of action, we believe in need for a *programme of work* than a plan of action. We reiterate our support for continuation of the work of OEWG. We propose that Chair may prepare a time-framed *programme of work* for the next steps as an annex to the OEWG Report to General Assembly. This programme of work should also foresee commencement of negotiations on a legally binding instrument.

• We welcome draft resolution by Russian Federation which proposes reconvening another OEWG with a five-year mandate. To ensure continuity of work, the General Assembly is better to extend the mandate of the current OEWG instead of establishing a new one. Besides and as of 2021, the OEWG may submit annual progress report to the General Assembly.

• In the last virtual meeting, we requested for putting an end to the ongoing parallelism in terms of two groups (OEWG and GGE) and two resolutions. We agree with Australia that we have to go back to one track as of 2021. In our view, the OEWG as the most inclusive existing mechanism should continue to implement its mandate while commissioning some technical parts of the mandate to relevant UN bodies or some sub-groups. GGE can also be mandated by OEWG to do specific jobs.

**Specific comments on the section C (International Law) of the second pre-draft of the OEWG Report**

- The *Chapeau* part seems to reflect a non-consensual conclusion. There is no need for such *chapeau* (also in other sections) and Report should only include numbered paragraphs.

- *Paragraph 26* seems to reflect part of the views rather than views of all states. As the first paragraph in the Section C, it should not imply wrong impression. To rectify this and for instance, the last part of *paragraph 31* (starting with “At the same time” to the end of paragraph) may be moved to the end of *paragraph 26*. 
- We would like to see as new paragraph **27bis** reference to the prohibition of intervention and interference or attempted threats and coercive measures against political, economic, social and cultural systems of other States as specified by UNGA resolution 2131 of 21 December 1965.

- There are some paragraphs addressing international humanitarian law (including 28, 29 and second part of 32). We propose to merge them in one paragraph.

- Paragraph 30 should also acknowledge the accountability of companies and platforms for their activities in other countries and the responsibility of the states towards activities of companies and platforms under their jurisdiction, which undermine national security, identity, integrity, culture, values and public order of other states. This may also come as separate paragraph 30bis.

- As I mentioned above, we believe that *the manner* international law is applied in ICT environment should be given due attention. This may be inserted in paragraph **35** highlighting prerequisites and qualifications such as integrity; progressive development; equity; ethics; non-discrimination; inclusiveness; fair and balanced distribution of benefits; states’ inalienable right to choose their own models for development, governance and legislation; balance between individual rights and public interests; prohibition of digital sanctions and digital unilateralism; fair and transparent internet governance; common but differentiated responsibilities; etc.

- **Paragraph 36** includes a reference to Security Council as a mechanism for peaceful settlement of disputes in cyberspace. The context we are discussing here is a legal context which requires legal mechanism for dispute settlement. This is why we request to avoid mentioning Security Council here.

  **I thank you Mr. Chairman.**