

General Comments by delegation of the Islamic Republic of Iran

On the

The Revised “Pre-draft” of the report of the OEWG on developments in the field of information and telecommunications in the context of international security

OEWG informal virtual meeting-15 June 2020

Mr. Chairman, distinguished participants

This is indeed my pleasure to participate on behalf of the Islamic Republic of Iran in this round of OEWG virtual exchanges. I hope OEWG membership and chairmanship can both take advantage of this opportunity. While expressing appreciation for the work done since the beginning of the OEWG process, I would like to share with you and with our fellow participating delegations the following points:

1. The current state of play in OEWG process proves that its establishment was the right choice made by Member States through Resolution 73/27. As indicated by its mandate in paragraph 5 of the Resolution, OEWG is in place to remedy the previous less “democratic, inclusive and transparent” processes. The two versions of pre-draft of OEWG report show that we need to work further patiently and seriously to fulfill and respect the full Group’s mandate. This will be realized to the extent that the views of all interested Member States are treated in a fair and equitable manner.
2. The second pre-draft is unnecessarily overwhelmed by excessive references to GGE reports and findings, as was the case in the initial

pre-draft. We would like to remind that this is OEWG process not GGE process. GGE could be present in our work to the extent it is incorporated into Resolution 73/27.

3. The “common understanding” is key to OEWG success. There are concepts in the text which are open to different interpretation and definitions. This should be avoided. OEWG needs to produce an agreed terminology. A sub-group may work on terminologies.
4. The pre-draft provides a basis for continued exchange of views. It stimulates discussions. When we turn into negotiating mode, there should be extensive improvement in the text to make it a good basis for negotiations.
5. The introductory part of the text needs to reflect solely a brief background to establishment of OEWG, its important role to play, its clear mandate as described in paragraph 5 of the Resolution 73/27, etc. the “Introduction” shall avoid any judgment or evaluation which affects the main part of the report, namely the six pillars of the mandate.
6. The six main parts of the report should clearly indicate the areas of existing consensus, the areas where consensus building is possible during this tenure of OEWG, and the areas where more work and patience necessitate extension of OEWG mandate for extra years. The second pre-draft apparently lacks such clear picture.
7. The Islamic Republic of Iran presented its views on **existing and potential threats** emanating from malicious and irresponsible use of ICTs in its written submissions as well as its oral contributions during the OEWG substantive sessions. They included, among others, *use of force in ICT environment; interference and ICT's abuse for*

illegitimate goals; unilateral coercive and other measures in ICT environment; threats arising from “contents”; hostile Image-building and fabricated attribution in ICT environment; imbalance between role and responsibility of states and those of private sector; abuse of emerging technologies; and abuse of ICT supply chains.

It seems that the drafting team have preferred not to expand on these kind of existing and imminent threats in the pre-draft. Instead, there are some new inputs in the second pre-draft with no clear clue from which country's contribution they are borrowed. The text also has extracted some conclusions from these inputs which may not conform to the *raison d'etre* intended by the proposing country.

8. The text reflects some agreed assumptions which do not really exist, including application of international law, including IHL and international human rights, and the Charter in its entirety; a set of agreed norms and the guidelines for their operationalization; etc. This shall be avoided at this stage. The OEWG needs to allocate more time and resources during its envisaged extended tenure, to continue to discuss these very important issues with a view to arriving at consensual arrangements.
9. The second pre-draft does not properly and adequately reflect some ideas raised so far. As regards those raised by my delegation and some other delegations, I can refer to issues such as threats emanating from existing monopoly in internet governance and the need for a new architecture; anonymity and its associated risks and threats; responsible behaviour and accountability of private sector and social platforms; the limiting and blocking and other coercive measures by countries who have dominant positions in ICT environment against target countries; excessive and politically

motivated and fabricated attribution of attacks; the need for a legally binding international instrument to regulate states and other stakeholders' behaviour in ICT environment;

10. The second pre-draft contains concepts and issues such as involvement of Security Council in settling cyber disputes (P. 36); "verification efforts" (P.66); "dual use technologies" (P.5); "conflicts between states" (P.18); and "gender digital divide" (P.13) which may leave improper connotations. The OEWG should avoid these issues in its current focus.
11. Overall, the text does not represent the political will of a majority of the UN Member States who sees cyberspace as a peaceful domain with huge potential benefits for their economic and social development. The final report should be drafted in a manner to avoid any direct or indirect impression which labels cyberspace as a new arena of battlefield. This certainly requires those countries with offensive cyber strategies to make commitments to refrain from offensive use of ICTs.
12. The revised non-paper on additional proposed norms alludes to the incomplete work done by GGE on norms. Even some Member States who voted against Resolution 73/27 have come forward with new proposed norms. While Resolution 73/27 made some changes and additions to the 11 identified norms, it also authorizes OEWG to make changes and additions to 13 norms under its paragraph 1. We are hopeful that some of these new proposals in the non-paper can be agreed at this stage. The remaining relevant ones may need further time and work when OEWG's mandate is renewed. A range of proposed guidance/guidelines are also contained in the non-paper. Without any judgment on their substance and merits, we

believe discussions on guidelines for implementation of the norms should follow when a concrete list of norms is agreed.

13. We appreciate OEWG Chair's assessment of the impact of the covid-19 pandemic on the work of the Group. We would be ready to consider his proposed scenario for the OEWG work before submission of its report to General Assembly. We believe that in-person meetings should be organized when negotiating draft is on the table. Moreover, we do not support the idea that submission of the OEWG report be delayed until 76th GA session. We are confident that the Group will be able to submit, as scheduled, its report (a progress report, perhaps) to the 75th GA session where OEWG tenure needs to be renewed, for two years or longer, to fulfil its mandate completely.

I thank you for your attention.