Indonesia’s Response on the Pre-Draft Report of the UN OEWG on the developments in the field of ICT in the context of international security

General Remarks

Indonesia applauds the work of the Chair for having circulated the OEWG pre-draft Report in a timely manner. Indonesia takes note with appreciation of the pre-draft Report, as an organized, neutral and balanced document that is useful in charting our future deliberations. It has also comprehensively reflected views that emerged in the first and second consultative sessions, as well as the informal consultation sessions with industry, academia, think tanks and civil society.

Indonesia would like to focus on the conclusion and recommendation with a view to providing way forward for the OEWG.

Following are Indonesia’s views and proposals to be reflected, as part of the OEWG Report:

a. Existing and potential threats

1. Indonesia views that Point 14 of the pre-draft Report should acknowledge that threats and attacks using ICTs are targeting not only government infrastructure, but also private and business infrastructure. Such attacks, especially those on critical sectors also pose serious threats to people’s livelihood.

2. With regard to Point 16 of the pre-draft Report, Indonesia underlines the need to acknowledge that different capacities in each state and region, including the lack of awareness and technical capacity on cybersecurity across all ICTs users, also pose challenges and threats to cybersecurity.

3. Indonesia appreciates that Point 18 of the pre-draft Report has made reference to the advancement of new technologies such as Artificial Intelligence (AI), cloud computing and the Internet of Things (IoT). In this regard, we underline the that new technologies do not represent a threat to international peace and security by themselves, but rather their misuse and irresponsible behavior of state and non-state actors in using ICTs.

a. International law

4. Indonesia underlines the importance of principle of sovereignty, and considers that it should be reflected in Point 23 of the pre-draft Report.

5. As a general observation regarding this issue, Indonesia views that:
a. Referring to Point 27 of the pre-draft Report, “automatic” application of existing law without examining the context and unique nature of activities in cyberspace should be avoided. In this regards, practical adjustment and possible new interpretations are needed, while the gap of the un governed issues in cyberspace also needs to be addressed.
b. Voluntary and non-binding norms serve as a valuable framework of responsible state behavior in the use of ICTs. However, rapid ICTs development, which also poses increasing threats to international security, requires an established rules-based international regime.
c. Development of any legal framework on state behavior in the use of ICTs should be crafted not to impair new innovation and development of technology.

b. Rules, norms, and principles

6. Indonesia wishes to highlight the central role and contribution of regional organizations in supporting the efforts to implement norms of state behavior in cyberspace. Indonesia, together with fellow ASEAN members, is ready to share ASEAN’s best practice in this regard.

7. Indonesia provides the following for recommendation:

a. OEWG should continue the discussion on implementing norms, including possible additional norms, and encourage states to create state and customary practices, with a view to gradually developing binding international norms. Existing and binding legal instruments can be early references and foundations.
b. OEWG or the United Nations General Assembly should explore a collective declaration of all states to refrain from militarization of cyberspace that may undermine international peace and security, and contrary to state’s rights and obligations under international law.

c. Confidence-building Measures (CBMs)

8. Indonesia underlines the importance of close cooperation among regional organizations, not only related to implementation of norms, capacity building and CBMs, but also to share best existing practices on those issues. Indonesia considers that it will be useful for the Report to acknowledge efforts made by regional organizations, including ASEAN, in promoting CBMs in the field of cybersecurity.

d. Capacity Building

9. Indonesia considers the importance of developing specific focus and needs assessment for capacity building programs of the Point of Contacts (Point 44 of the Pre-draft Report).

10. Indonesia underlines the importance of widening of understanding, awareness and engagement, especially for regions and sub-regions that have yet to partake in cyber security discourse.
11. Indonesia would like to provide its proposal on the principles that should guide capacity building as follow:
   a. Demand-driven;
   b. Coordination and non-overlap;
   c. Non-discrimination and non-conditionality.
   d. A multi stakeholder approach with involvement of private sector, businesses, think tanks and CSO.

e. Regular Institutional Dialogue

12. Indonesia proposes that the elements of dialogue mechanism should comprise:

   - Regular, institutional, inclusive and broad participation, under the UN auspices;
   - With a number of mandates, among others,
     o to discuss the norms pertaining to State use of ICTs, to reduce collective risk and protect critical national and international infrastructure. Also discuss implementation of norms.
     o to develop common understanding on the application of international law and norms of responsible state behavior.
     o to encourage regional efforts, promote confidence-building and transparency measures, support capacity-building and the dissemination of best practices.

13. Indonesia views that priority should be given to the existing vehicle without inventing a new body while taking into account existing resources and current mandates. Indonesia underlines the importance of:

   - to avoid overlap and duplication between existing institutions’ mandates, as well as additional financial strain on the UN system.
   - to build synergies with other UN bodies where crosscutting cyber issues have been discussed.
   - to also facilitate multi-stakeholder engagement, accommodating interaction between states, regional organizations, industry and civil society, with clear mechanism and working method.

14. Indonesia would like to provide its proposal on the recommendation as following:
   a. The General Assembly of the UN should ensure that establishment of regular institutional dialogue should avoid overlapping mandates or duplication of efforts.
   b. Building on the current OEWG, the 75th General Assembly of the United Nations should consider the re-establishment of an inclusive dialogue platform, acting on a consensus basis to continue the consideration of development in the field of ICT in the context of international security.
   c. States be encouraged to consider establishing sponsorship programmes and other support mechanisms to ensure broad participation. States in a position to support such
programmes and mechanisms are encouraged to do so. Such program should be demand-driven.

d. On the possible establishment of a new GGE, Indonesia’s view is that its inclusion at this stage should be considered in due course taking into account the results of current UNGGE and other relevant developments.

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