

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-17 June 2020

Intervention by delegation of the Islamic Republic of Iran

On

Norms, rules and principles for the responsible state behaviour

Mr. Chairman,

A range of additional proposed norms in the non-paper is a manifestation that we have long way ahead. This also shows that how crucial ICT responsible behaviour is for a sound, safe and secure ICT environment. The GGE report 2015, and the more recently Resolution 73/27 identified some norms, rules and principles which would help international community in its efforts to restore peaceful nature of ICTs.

As regards Part D of the pre-draft, we appreciate your effort Mr. Chairman to reflect views of the Member States in the text. However, we request that the Part D of the text clearly highlights that *a conflict-free, development-oriented, transparent, fair, moral, and peaceful cyberspace* will not be guaranteed only through a set of voluntary, non-binding norms. It requires *a legally binding instrument* which would, among others, specify commitments and responsibility of those States who have dominance in technology and cyber-related resources vis-a-vis their own behaviour as well as behaviour of companies and platforms registered under their jurisdiction. Those countries who tries to legitimize a weaponized nature for cyberspace shall be taken responsible and accountable for ongoing recurrence of malicious and criminal behaviour in ICT environment.

We have also the following procedural and substantive points as regard part D of the pre-draft and the non-paper:

1. Resolution 73/27 has modified the 11 GGE-identified norms into 13 norms, and this is still unclear for us why pre-draft is unwilling to acknowledge it. A vague reference in paragraph 39 does not serve this purpose. The paragraph 39 of the text should clearly highlight that OEWG discussions on norms is based on *the 13 identified norms in paragraph 1 of the Resolution 73/27*, in full conformity with its mandate under Paragraph 5 where OEWG is requested to further develop these 13 norms and make necessary changes and additions to them¹. The OEWG needs to consider and discuss proposals, if any, on the necessary changes to 13 norms. Iran is ready to submit few proposed changes in writing.
2. As regards implementation of the identified norms, and against the above backdrops, this is premature for OEWG to engage in discussions on guidance or guidelines. We need first to finalize *a balanced and comprehensive list of norms*. Equally important is the pending issue of *terminology*. Absent common understandings of terms and concepts, any arrangement for implementation may prove ineffective. Besides and more importantly, absent *a legally binding instrument* regulating behaviour of state and non-state actors in cyberspace, implementation of voluntary norms will not help as expected. We request paragraph 41 be redrafted accordingly.
3. We appreciate reference to resolution 2131 of 1965 in paragraph 40. One distinguished delegation argued that that resolution is too old and irrelevant to OEWG. We totally disagree. Age does not matter. This Declaration is among the most relevant existing agreed documents related to our work in OEWG. It contains consensual norms on behaviour as regards non-intervention and protection of interdependence and sovereignty of States. I refer colleagues to the ILC and ICJ practices as regard the Declaration contained in Resolution 2131 (XX).

¹ Resolution 70/237 welcomed the 11 norms and UN membership had no chance to discuss GGE 11 norms. The first chance for member states was resolution 73/237 where they modified 11 norms into 13 norms.

4. The non-paper contains a range of proposed additional norms covering issues of importance to Member States. This includes good proposals, some of them overlapping, addressing important issues such as non-weaponized nature of ICTs; protection of critical infrastructures and information infrastructures (CI and CII); non-intervention and respect for sovereignty; the need for accountability and responsibility of private sector and digital platforms; prohibition of unilateral and other coercive measures; the security and safety of supply chains; anonymity and false attribution. We support the ideas behind these proposals and are ready to engage in detailed discussions with a view to making consensus on a set of concrete norms out of non-paper. It seems also there is sufficient room to incorporate some of the ideas contained in non-paper into 13 already identified norms.

Mr. Chairman,

We also fully support any proposal which strengthen cooperation among states in the time of crises, including the current covid-19 pandemic. All six proposed norms by my country which are reflected in non-paper support this approach.

The current pandemic revealed very clearly how destructive could be the irresponsible behaviour of state and non-state actors, including the platforms, for the individual and collective attempts by crisis-affected countries. A range of *limiting and blocking measures and other coercive measures* by those states and platforms who have dominance in ICT environment and internet management have been in place for years targeting critical sectors such as energy, transport and banking. The limiting and blocking measures are continued in the time of pandemic against Iranian public and private sectors, medical institutions, medias, universities and research institutes, banking and telecommunications companies and operators; etc., totally in violation of international law, principles of the Charter, and human rights, including right to development.

These measures include, among others, removal by certain social platforms of locally developed applications, including those used in fight against covid-19; banning the implementation of already concluded contracts between Iranian companies and foreign companies through extraterritorial application of national law of a third country; denying access by public to the most frequent visited pages of popular artists and figures who had honored national heroes and values, a clear violation of freedom of expression; denying access by users to software and their associated services and updates; denial of IP and domain registry; etc.

We are ready to submit a larger list of these limiting and blocking measures to the secretariat which may assist your team when drafting the next version of the text.

To conclude Mr. Chairman, I would like to refer to the working paper issued earlier by Non-aligned Movement. It seems that while drafting the second pre-draft and the non-paper, the least attention has been made to this important working paper representing the views of a large group within the UN membership. In the second part of the NAM working paper, the Movement has clearly articulated its positions on all 6 issues under discussions in OEWG, including norms. While Secretariat is drafting the next version of the texts, due attention may be made to this helpful document as well.

I thank you for your attention.