

NAM Working Paper for the Second Substantive Session of the Open-ended Working Group on developments in the Field of Information and Telecommunications in the Context of International Security (OEWG)

I. Remarks on the Pre-Draft Circulated by the OEWG Chair

1. NAM commends the efforts of the Chair in leading this first inclusive process and takes note of the initial pre-draft circulated by the Chair which represents a sound basis for the discussions among Member States leading to the third substantive session of the OEWG and for the final report.
2. NAM is of the view that the descriptive part of the initial pre-draft (sections A to G) represents an accurate account of the discussions and the inputs by Member States, including reflections on both points of convergence and divergence. NAM prefers, at this stage, to refrain from initiating a lengthy process of proposing edits to this descriptive part of the report.
3. On the Conclusions and Recommendations Section (section H), NAM believes that the recommendations contained in the initial pre-draft should be further reviewed and improved upon by the OEWG, taking into account the Resolution 73/27 of the United Nations General Assembly.
4. These are preliminary additional recommendations by NAM for the consideration of the OEWG to be included in the placeholders contained in the pre-draft:
 - a. International Law: Member States should be encouraged to continue to consider through multilateral cooperation under the UN auspices on how international law applies to the use of ICTs by States in the context of international security and to identify possible gaps that need to be addressed through furthering the development of international rules that take into account the unique attributes of the ICT environment.
 - b. Rules, Norms, and Principles:
 - i. Member States should be encouraged to compile and streamline the information that they presented on their implementation of international rules and the relevant proposed repository, with a view to regulating specific aspects of State use of ICTs from the international security perspective and identifying areas of mutual concern.
 - ii. Member States should not conduct or knowingly support any ICT activities that intentionally damages or impairs the use and operation of critical infrastructures of other Member States in contravention of international law.
 - iii. Member States should be urged to consider the exchange of information on ICTs-related vulnerabilities and/or harmful hidden functions in ICT products and to notify users when significant vulnerabilities are identified.
 - iv. Member States should also take into account the Resolution 73/27 of the United Nations General Assembly in the conduct of all ICT related activities.
 - c. Confidence-Building Measures: Member States should be encouraged to address the issue of mistrust related to malicious use of ICTs and the Internet governance by enhancing its fairness, transparency, and inclusiveness.

d. Capacity Building:

- i. The provision of assistance and cooperation should be non-discriminatory, unconditional demand-driven and made upon request by the recipient State, taking into account its specific needs and particularities.
 - ii. All efforts should be exerted to fully protect the confidentiality of information related to the recipient State's policies and measures to protect its national infrastructures and the confidentiality of its ICT emergency response plans in order to avoid any possibility of jeopardizing such information or undermining the effectiveness of these measures and plans.
 - iii. The principle of shared but differentiated responsibilities should be applied with regard to the provision of capacity building.
- e. Regular Institutional Dialogue: NAM believes that the existing momentum of discussion should be maintained given the high relevance and rapid development of the issue. Therefore, NAM urges that the 75th session of the General Assembly should consider the continuation of the mandate of the current OEWG.

II. Positions on the Six Pillars of the OEWG Deliberation

NAM would like to put on record and provide the following positions presented by NAM delegations since the beginning of the OEWG, and are based on the principles and objectives of NAM.

Existing and potential threats

1. NAM expresses concern over malicious use of ICTs for purposes that are inconsistent with the objectives of maintaining international stability and security and may adversely affect the integrity of the infrastructure of States to the detriment of their security in both civil and military fields.
2. NAM recognizes that illicit or malicious use of ICTs could have a detrimental impact on Member State's critical infrastructure, national security, and social affairs and systems, as well as economy and stresses the urgent need for international efforts to address this issue.
3. NAM also expresses its concern regarding the weaponization of cyberspace through the development of cyber offensive capabilities and operations by States and non-State actors which undermine international peace and security.
4. NAM underscores that the misuse of ICTs can exacerbate international conflicts, covert and illegal operations, through the intentional targeting of the critical infrastructure facilities of other States.
5. NAM calls for an immediate end to the misuse of media platforms, including social networks, for inciting and launching campaigns against any States, including, inter alia, the hostile use of radio and electronic transmissions contrary to the principles of the International Law, as well as the dissemination of discriminatory and distorted information of events, and campaigns that defame and incite hatred against religions, cultures and symbols.

6. NAM stresses that the most effective way to prevent and address emerging threats in the ICT sector is through mutual cooperation among all States. In this regard, NAM underscores the importance of recognizing the global security implications of existing and potential cyber threats and reaching consensus to prevent and combat those through further multilateral cooperation under the UN.
7. NAM expresses its concern regarding the potential use of ICTs in international conflicts, covert and illegal operations, and attacks on third countries by States and non-state actors through the use of computer systems of other nations, and also expresses its concern on the expressed ability of some Governments to respond to such attacks with conventional weapons and reiterates that the most effective ways to prevent and address these new threats is through the joint cooperation among all States, and preventing the cyberspace to become a theater of military operations.

International Law

8. NAM stresses the importance of ensuring that the use of ICTs is fully in accordance with the principles of international law and the purposes and principles of the UN Charter especially sovereignty, sovereign equality, non-interference in internal affairs of States, refraining from the threat or use of force in international relations, settlement of international disputes by peaceful means, and peaceful coexistence among States, which provides a fundamental and essential framework in guiding States in their use of ICTs.
9. NAM calls all States to take steps to avoid and refrain from taking any unilateral measures not in accordance with the Charter of the United Nations and international law that impedes the full achievement of economic and social development by the population of the affected countries and that hinders their well-being.
10. NAM underscores that differences among Member States should not prevent the OEWS from further developing specific recommendations on what States shall and shall not do in the ICTs environment with a view to preventing conflict and enhancing cooperation and mutual trust.
11. NAM stresses that the development of any international legal framework to address issues related to the use of ICTs with implications on international peace and security should take into account the concerns and interests of all States, and be based on consensus, and pursued within the UN with the active and equal participation of all States. NAM highlights the central role of governments in areas related to public policy aspects of ICTs security.
12. NAM further underscores that such a legal framework, together with a multilateral inclusive institutional platform dedicated to international cooperation on safeguarding the peaceful uses of ICTs, will represent a major contribution towards increasing stability and security in cyberspace through the prevention of conflicts thereby promoting the settlement of international disputes by peaceful means and the peaceful uses of ICTs.

Rules, norms and principles

13. NAM reiterates its strong concern at the growing resort to unilateralism, and in this context, underlines that multilateralism and multilaterally agreed solutions, in accordance with the UN Charter, provide the only sustainable method of addressing international security issues.
14. NAM reiterates that all States should refrain from the threat or use of force against the territorial integrity or political independence of any state within and through ICTs environment.

15. NAM calls for the intensification of efforts towards safeguarding cyberspace from becoming an arena of conflict and ensuring instead the exclusive peaceful uses which would enable the full realization of the potential of ICTs for contributing to social and economic development.
16. NAM underscores the importance of avoiding undue restrictions, including through unilateral coercive measures, on the peaceful uses of ICTs, international cooperation or technology transfer.
17. NAM emphasizes that States have the primary responsibility to maintain an open, secure, stable, accessible and peaceful ICTs environment.
18. NAM stresses that all States should not knowingly conduct or support ICT activity in contrary to their obligations under international law that intentionally damages or impairs the use and operation of critical infrastructures.

Confidence-Building Measures

19. States should focus on cooperating to prevent conflicts in cyberspace from erupting in the first place.
20. In line with the principle of transparency, States are encouraged to make public their policies or doctrines with regards to the use of ICTs in the context of international security. This will provide better understanding and confidence among States.
21. NAM notes the need to address the issue of mistrust related to malicious use of ICTs and the Internet governance by enhancing its fairness, transparency, and inclusiveness.
22. NAM calls for responsible use and treatment of information by the media. Media in all their forms have an important role in the Information Society and ICTs should play a supportive role in this regard. NAM reaffirms the necessity of reducing international imbalances affecting the media, particularly as regards to infrastructure, technical resources and the development of human skills.
23. NAM recognizes the importance of continued and inclusive dialogue on cyber security issues through multilateral platforms such as the OEWGs as a confidence building measure among all stakeholders.
24. NAM recognizes the importance of raising awareness about the detrimental impacts of existing and potential cyber threats as a contributory factor to confidence building measures.

Capacity Building

25. NAM calls upon developed countries and relevant international entities to provide to the developing countries upon their request with assistance and cooperation, including through financial resources, capacity-building and technology transfer in ICT areas while taking into account specific needs and particularities of each recipient State.
26. NAM reaffirms that in order to transform the digital divide to digital opportunities, these activities should ensure the imperative of universal, inclusive and non-discriminatory access to information and knowledge related to ICTs, and should result in supporting national efforts in developing countries in the area of building, improving and strengthening capacities to facilitate their genuine involvement in all aspects of the information society and knowledge economy.

27. NAM calls to immediately withdraw any coercive unilateral measures that prevent universal access to the benefits of ICTs or restrict or deny, in any manner whatsoever, developing countries of the ICTs-related science, know-how, technology and services in all its aspects for peaceful purpose.
28. NAM stresses that international cooperation for capacity building should be targeted, needs based and nationally driven.

Regular Institutional Dialogues

29. NAM reiterates the central and leading role of the UN in promoting dialogue on the security aspects on the use of ICT by States and it should be the main platform for regular institutional dialogue with inclusive participation.
30. A multilateral inclusive institutional platform dedicated to international cooperation on safeguarding the peaceful uses of ICTs, will represent a major contribution towards increasing stability and security in cyberspace through the prevention of conflicts.
31. NAM underscores that an inclusive, multilaterally-agreed, and consensus-based process within the UN System represents the best way to ensure that arrangements in this field address the concerns of all States, and are thus equitable, comprehensive and effectively implemented.
32. The United Nations, as the embodiment of multilateralism, should be the main platform for regular institutional dialogue with the participation of all UN Member States, and ensure close engagement with civil society, academia, industry, and regional organizations, also with clear mechanism and working method. While focusing on international security aspects, such institutional dialogue should also have close coordination with relevant UN processes, to address the cross-cutting issues of cyberspace.
33. NAM further underscores that a multilateral inclusive institutional platform dedicated to international cooperation on safeguarding the peaceful uses of ICTs, will represent a major contribution towards increasing stability and security in cyberspace through prevention of conflicts thereby promoting settlement of international disputes by peaceful means and peaceful uses of ICTs.
34. NAM strongly supports the OEWG's important role as the inaugural multilateral and inclusive intergovernmental body to address the subject of developments in the field of information and telecommunications in the context of international security. It should continue its work with full support by the whole UN system until another agreed inclusive multilateral body is established by the UN Member States.
35. On the future of the OEWG, NAM urges that the 75th session of the General Assembly should consider the continuation of the mandate of the current OEWG so that it can serve as a regular institutional dialogue mechanism. The Working Group mandate going forward should be targeted at reflecting on the cumulative nature of discussions. To this end, OEWG should deliberate on the proposed new threats and norms, and also discuss mechanisms to mitigate the gaps identified in the substantive sessions. OEWG may take necessary measures to facilitate and expedite the implementation of its mandate.