At the outset, the Venezuelan Delegation would like to express its appreciation for the efforts made by Ambassador Jurg Laubert, in his capacity as Chair of the United Nations Open-Ended Working Group on developments in the field of information and telecommunications in the context of international security, to circulate this initial pre-draft.

The Venezuelan Delegation considers that said document represents a comprehensive text and an important basis for substantive and productive negotiations. Venezuela considers, nonetheless, that this text could be further improved and strengthened to ensure the most accurate account of the views expressed by all participating States, enabling a consensual final report. For this reason, we would like to submit hereby the following considerations:

1. Venezuela supports the positions expressed in the Working Paper submitted by the Movement of Non-Aligned Countries as an important contribution to strengthen this initial pre-draft.

2. Venezuela reaffirms the role of the Open-Ended Working Group as the main and sole inclusive intergovernmental body in the United Nations for the conduction of all discussions in order to prevent technological advances in the field of Information and Communication Technologies (ICTs) from being used against the maintenance of international peace and security. The mandate of this Working Group derives exclusively from UN General Assembly resolution 73/27. For this reason, we consider this, together with the norms established in that resolution, must be reflected in the document.

3. Venezuela recognizes all efforts made in the context of the Group of Governmental Experts’ (GGE) reports, particularly the set of international rules, standards and principles for responsible behavior of States in this field, as enshrined in the 2015 reports of the GGE. However, Venezuela recalls that the GGE is selective in its composition and does not reflect all the potential views of UN Members States. The future development of international standards and regulations applicable to Information Technology and Telecommunications in the field under consideration by the UN Working Group should be the result of the agreement of all States, in accordance with the legitimate interests and concerns of all parties involved (as universally as possible), and not only of those countries with a higher level of economic, technological and industrial development, however legitimate they may be.
4. Venezuela considers that the Final Report to be submitted for the approval of Member States must reflect, in a broad and inclusive manner, the views of all interested parties, with the objective of constituting a basic proposal that will serve as a guide for all States and reflect the plurality and diversity of political, economic and social systems, on the basis of the purposes and principles enshrined in the UN Charter, with a view to preserve and guarantee the integrity of international norms that regulate the peaceful coexistence of States, based on international law.

5. Venezuela recognizes in a positive way the inclusion in the document of references to the gaps in access to technology and on the high level of vulnerability faced by many States on their critical infrastructure. This question must be reflected in a very specific way: that the malicious and illegal use of ICT’s could represent a threat to the critical infrastructure, national security, economic and social welfare of States.

6. Venezuela reiterates that the use of ICT’s must be fully consistent with the purposes and principles of the UN Charter and international law, in particular the principles of sovereign equality, peaceful settlement of international disputes, refraining in international relations from the threat or use of force against the territorial integrity or political independence of any State, and non-intervention in the internal affairs of other States.

7. Venezuela considers that the main objective of the OEWG, according with the mandate establish in the General Assembly resolution 73/27, should be focused in the formulation of rules, norms and principles of responsible behavior of States in the field of information, establishing effective institutional arrangements to address this problem within the United Nations; and that it may reach a common international understanding on existing and potential threats in the field of information security and possible cooperative measures to address them; how international law applies to the use of information and communications technologies by States; and confidence-building and capacity-building measures. For this purpose, and for the basis of its work, the Group should preserve its decision-making process by consensus.

8. Venezuela deems of great importance to reflect in this document, in a clear manner, the threat posed by the promulgation and application of unilateral coercive measures against some States and its detrimental impact in the technological capabilities to face the threats derived from the malicious uses of ICTs. The document should also contemplate a reference to the monopoly in internet governance, anonymity of persons, and aggressive cyber strategies which clearly affect the capacities of States.
9. Venezuela considers that it is important to avoid any reference that could be perceived as a validation of cyberspace as a military space or a battlefield. In this regard, our delegation recommends to avoid the mention made in paragraph three to the military use of cyberspace, and to abstain from making references to the application of international humanitarian law in this context, as said branch of international law is exclusive to armed conflict, as reflected in paragraphs 24 and 25.

10. Venezuela would like to see reflected a clear condemnation of the militarization of cyberspace and the covert and illegal use of computer systems to attack other States, as well as the proliferation of cybercrime and cyberterrorism, and an acknowledgement that further efforts are needed to promote an open, secure, stable and peaceful cyberspace from which all States can benefit, as well as effective and urgent measures, within the framework of international cooperation, to counter, by peaceful means, existing threats.

11. Venezuela considers that this document should include a reference to the role of digital platforms, companies and States in assuring a responsible behavior that could prevent actions and/or attacks against the territories and critical infrastructure of other States, with a view to avoid the misuse of ICT’s for hostile propaganda; interference in the internal affairs of States; violating the national sovereignty, security, public order and health systems of States; discriminatory treatment of information contents and/or disinformation; misuse for criminal and terrorist purposes.

12. Venezuela considers in a positive way the divergence reflected in paragraph 27, and reaffirms the need of adapt the international law to the context of the ICT’s, considering the legal gaps that exist. However, it is necessary to clarify that International Public Law cannot be directly applicable to cyberspace, since there are paragraphs that denote this possibility.

13. Venezuela does not accept the use of the term political “attribution” of cyberattacks, as it considers that, at the time being, no procedure has been yet established, neither a scientific, nor a technical or legal one, to determine and adjudicate responsibilities of cyberattacks or any other such incident to State or non-State actors.

14. Venezuela considers that the OEWG should be renewed for the next period of sessions of the General Assembly, in order to continue serving as a platform for regular intergovernmental dialogue on ICT’s in the context of international security, and for policy and decision making in cyber-related issues, as established by the United Nations. Also, we would like to support the proposal made by some delegations that the OEWG should be able to
establish subsidiaries bodies to look in a specific manner the different issues related to the development and enforcement of norms and rules of responsible behavior of digital platforms and companies, and define agreeable terminologies.

15. Venezuela supports the inclusion of the proposal made by some delegations regarding the creation of a global directory of Points of Contact (PoC), as it considers that this is fundamental to promote the assistance and coordination between governments and CERTS (Cybersecurity Emergency Response Teams).

16. Venezuela considers that language on the importance of international cooperation, capacity-building, especially in developing countries, for addressing the threats derived from the malicious use of ICTs, should be strengthened in the draft document.

17. Venezuela reiterates the importance of preserving the nature of the document exclusively on cyberspace in the context of international security, refraining from proposing synergies and links that may be counterproductive or redundant according to the tasks and responsibilities of other bodies and ongoing processes of the United Nations.

18. Venezuela reiterates its commitment to strengthen a joint approach, oriented to find a language of consensus that will allow all Member States to advance in the formulation of an applicable legally-binding framework that guarantees the responsible use of ICTs by all actors, and also reiterates the importance of ensuring that this United Nations Open-Ended Working consolidates itself as a permanent forum for dialogue, consultation and cooperation among Member States, including in relation to matters of capacity-building and technical assistance to developing countries in the area of ICT security.