ICT for peace foundation

Mr. Jürg Lauber
Ambassador
Permanent Representative of Switzerland
Chair of the Open-ended Working Group

Geneva, 27 March 2020

Comments on the Initial "Pre-draft" of the report of the OEWG on developments in the field of information and telecommunications in the context of international security
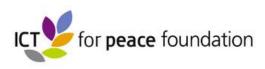
Dear Ambassador Lauber,

Many thanks for the kind opportunity to comment on your Initial "Pre-draft" of the report of the OEWG on developments in the field of information and telecommunications in the context of international security.

First, and while recognizing the challenges of integrating views from a diversity of stakeholders, we would like to see the report display a higher level of ambition overall.

Although in para 7 of the "Pre-draft" the OEWG acknowledges that it has benefited from exchanges with non-governmental stakeholders, there seems little reflection of their views in the text as it stands.

Several principal themes expressed at the 2-4 December 2019 multi-stakeholder session (and captured in the Chair's summary report of that session) fail to appear in the "Pre-Draft". In particular we would flag the absence of the "human centric" approach that was well-expressed in the report's reference in para 14 to the requirement for "a human-centric, rights-based approach that also emphasizes shared responsibility and accountability."

Indeed, the crucial concept of accountability does not figure in the text, despite the fact that the report of the December discussions devoted a whole section to it (paras 57-60). References to the idea of a "Peer Review Mechanism" raised by several representatives in December and which would be one manner of addressing accountability are also absent. ICT4Peace has already submitted a specific suggestion for a Cyber Peer Review Mechanism which builds on an earlier Mexican proposal to require state reporting on implementation of norms.

Beyond having the Secretary General compile future inputs from states or regional organizations, it will be important for the OEWG report to provide more guidance as to how agreed norms of responsible state behaviour can best be operationalized and promoted. In this regard, the norm of non-targeting critical infrastructure is of prime importance. ICT4Peace's proposal for states possessing offensive cyber operations to proactively confirm that they will respect this constraint at all times is one concrete way of demonstrating that commitment (para 41 of the December report refers).

At this juncture in global cyber security activity, we consider simply extending the two existing processes is an inadequate response to the challenge of ensuring a regular and rationalized institutional dialogue on this subject matter in the UN context. The time has come to signal that a dedicated inter-governmental forum with secretariat support is required by the UN.

ICT4Peace believes that the OEWG exercise could benefit from reflecting in its outcome document more of the input of civil society and private sector stakeholders, which would impart greater credibility to its eventual recommendations."

Sincerely,

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