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Statement by
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On “Applicability of International Law”
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In the Name of God, the Compassionate, the Merciful

Mr. Chair,

As explained previously, the major task before us in this OEWG is to first determine “to what extent” and “how” the existing international law can be applied to the ICT environment. The second task before us is to facilitate and assist the process leading to an optimal legally binding instrument.

The well-established principles of international law, including principles of the UN Charter, encompass respect for sovereign equality, the settlement of international disputes by peaceful means, non-aggression, the prohibition of the threat or use of force in any manner inconsistent with the purposes of the UN, respect for human rights and fundamental freedoms as well as non-intervention and non-interference in the internal affairs of States apply in the ICT environment.

What is left is a legally binding instrument that may lead to more effective global commitments and a strong basis for holding actors accountable for their actions. The most appropriate setting in which to put the language and compliance mechanisms that enable fully effective rights and responsibilities is the legally binding form.

The I.R. of Iran, as a victim of the first well-known cyber weapon called Stuxnet and as a Country constantly experiencing cyber-attacks against its critical infrastructure, supports
the development of an international legally binding instrument tailored to the attributes of ICTs to ensure the prevention of the use of ICTs, including the internet, for malicious purposes. Therefore, the existing international law should be adjusted in a way applicable to the ICT environment.

In its Working Paper[1] submitted to the first OEWG, the Non-Aligned Movement also acknowledged the need to identify legal gaps in international law through the development of an international legal framework specific to the unique attributes of the ICT environment.

The I.R. of Iran believes that the territorial sovereignty and national jurisdiction of States should be extended over cyberspace and all its elements. Any coercive use of cyber tools with physical or non-physical effects -or having such potential- which poses as a threat to the national security or may lead to political, economic, social and/or cultural destabilization, constitutes a violation of state sovereignty whether committed by states or other actors. Therefore, States should ensure appropriate measures with a view to making the private sector with extra-territorial impacts accountable for their behavior in the ITC environment.

There is no doubt that the principle of non-intervention is a principle of customary international law and any cyber measures aimed at, inter alia, political regime change is a serious breach of this principle.

The path towards an ICT-specific applicable international law may need to engage relevant bodies within the UN. The International Law Commission can contribute to these efforts.

The ICT environment, including the internet as a whole, is the result of the accumulation of science, knowledge, innovation, investment and techniques developed by all nations throughout recent history. As such, it is a common heritage of mankind. And as another common heritage of mankind, the envisaged international law should address, among others, its non-appropriation and shared governance; its integrity and states’ intrinsic right to access; its preservation and utilization for peaceful purposes; the fair distribution of resources, including through multilingualism; and commitment to transfer of technology.

States have primary international responsibility for the national and international activities of their private sectors and platforms under their jurisdiction or control with extraterritorial impact to ensure that those activities are carried out with the required authorization and supervision of the State and do not undermine national security, identity, integrity, culture and values as well as public order of other states.
Thank you.