

Dear H.E. Ambassador Burhan Gafoor, dear participants.

On behalf of Microsoft, I would first of all like to thank you for thinking as creatively as you have over the past few weeks to try and resolve what is apparently, and against our expectations, a very controversial question of multistakeholder inclusion in the Open-Ended Working Group on security of and in the use of information and communications technologies.

I say against our expectations, as while we recognize that including non-governmental stakeholders might add logistical challenges, we see no downside beyond that to their/our inclusion. We have found that discussions that include different perspectives – governmental, civil society, academic, and from the industry produce better results, as we not only have different information and experiences to share, but we all learn more about each other's perspectives and objectives. Again, this is not a question of decision-making, but of having a conversation. It is therefore hard to understand what is objectionable here.

Against that background, while we welcome this informal session, we hope that this issue will be resolved comprehensively by finding a way for non-governmental stakeholders to participate in the substantive sessions of the OEWG.

Moreover, we are concerned about the exceedingly short notice given to non-governmental stakeholders for providing our input. In particular, if the expectation is to have a meaningful discussion with substantive input from this community, we recommend these sessions to be organized on a longer timeline, to ensure the experts in our communities have time available to participate. This is also essential to ensuring that positions can be coordinated within companies, but in particular if you would like to see greater engagement of groups that bring more than one voice to the table - industry associations for example. Moreover, we recommend that these sessions are organized around specific topics or questions and therefore more focused – much as the Member State discussions are.

Since time is short, Microsoft will provide a written submission to you in the coming days, answering some of the questions you posed to the Member States. However, one point needs to be raised. Since the first substantive session, political tensions have worsened following the tragic, unlawful and unjustified invasion of Ukraine. Amongst many other issues, it has highlighted how important international law, and international humanitarian law are, in the kinetic world, but also in cyberspace. While we understand that there are different views on how these might apply to this area, we urge the OEWG to advance that understanding and ensure that those who break it are held accountable.

Thank you.