

Chile's comments and suggestions on the Zero Draft of the first annual progress report of the Open-Ended Working Group on security of and in the use of information and communications technologies 2021-2025 (OEWG)

Chile considers that the draft report is a good starting point for the discussion during the Third Session of the OEWG. In this regard, Chile thanks and appreciates the excellent work done by the Chair of the OEWG and the UNODA Secretariat.

Regarding the whole draft, and as a general comment, Chile suggests to use the language of “some States” and “all States” when it comes to proposals that enjoy consensus, and which not.

A. Introduction

Chile suggests the inclusion of a reference about gender. In this regard, Chile believes that it is possible to use the same language that in paragraph 12 of the “Introduction section” of the OEWG final 2021 report (A/75/816): “The OEWG welcomes the high level of participation of women delegates in its sessions and the prominence of gender perspectives in its discussions. The OEWG underscores the importance of narrowing the “gender digital divide” and of promoting the effective and meaningful participation and leadership of women in decision-making processes related to the use of ICTs in the context of international security.”

B. Existing and Potential Threats

- Chile suggests the inclusion of a reference regarding the implications of the “malicious use of ICTs for the maintenance of international peace and security, and subsequently for human rights and development. There are potentially devastating security, economic, social and humanitarian consequences of malicious ICT activities on critical infrastructure (CI) and critical information infrastructure (CII) supporting essential services to the public. Malicious ICT activities against CI and CII that undermine trust and confidence in political and electoral processes, public institutions, or that impact the general availability or integrity of the Internet” (A/75/816). Malicious ICT activity affecting the integrity of health sector entities. (A/76/135).

- Chile also suggests mentioning some specific threats, for example, ransomware.

C. Rules, Norms and Principles of Responsible State Behaviour

Regarding the phrase “States proposed that additional norms could continue to be developed over time...” (Paragraph 4 b) Chile suggests using “some States”, as it recommended before. In this matter, Chile believes that there is a need to focus for the time being on the implementation of the eleven agreed UN GGE norms.

On the recommended next steps, point 1, when it refer on “including best practices in this regard”, Chile suggests a reference regarding the regional organizations efforts and practices.

D. International Law

- Chile suggests including a simple mention of International Humanitarian Law (IHL) in paragraph 5 a).
 - Regarding the sentence “as well as the possibility of additional legally binding obligations” (paragraph 5 a) Chile believes that this subject does not enjoy consensus.
-

E. Confidence-Building Measures

- Chile understands there was consensus on recognizing that the OEWG is a confidence-building measure itself. In that regard, Chile suggests to include a reference to this regard.
- Chile suggests including a general reference to the support of the regional organizations in confidence building measures. In particular, on point 6. a), when it refers to “provide point of contact (PoCs), regional organizations play a key role in coordination and there are some efforts regarding these actions at this level, so it would be important to not duplicate and ask for further support. This, even though it does not mean States may, on voluntary basis, provide PoCs.

F. Capacity-Building

Chile suggests the following:

- In paragraph 7, to include this sentence “f) Capacity-building should respect human rights and fundamental freedoms, be gender sensitive and inclusive, universal and non-discriminatory”.
- As it mentioned on the CBM section (discuss CBMs with regional organizations intersessionally), Chile suggests recommending the same approach regarding capacity building. Regional organizations play a key role on this subject and Chile believes that an intersessional meeting could be a great opportunity for to exchange points of view, information and lessons learns about regional organizations programs on capacity building.
- Regarding the sentence “permanent mechanism for exchanging views and ideas related to capacity building” (paragraph 7 c) there is a need of clarification about what kind of mechanism is this about (UN, PoA, other?). As Chile has stressed before, the Global Forum on Cyber Expertise is already performing an important role on capacity building. The UN could coordinate with the GFCE plans and strategies for cooperation, assistance, and capacity building. In paragraph 7 d), there is a reference about “multi-donor trust funds”. Is this proposal linked with the GFCE?

G. Regular Institutional Dialogue

- Regarding the phrase “States underlined the centrality of the OEWG as the negotiation mechanism within the United Nations on the security of and in the use of ICTs.” (Paragraph 8 a), Chile believes that this sentence does not enjoy consensus.
 - Chile also believes that sentences describing the PoA just as a mechanism focused on capacity building does not reflect the purpose of the PoA, which is in essence the implementation of agreed framework in successive GGE reports and 2021 OEWG report. In that sense, Chile believes that is possible to use the language from 2021 OEWG report for the PoA reference.
-