Open-ended Working Group on security of and in the use of information and communications technologies

Third Substantive Session

CHECK AGAINST DELIVERY

Statement by
Mr. Amir Sagie
Cyber Affairs Coordinator, MFA, Jerusalem

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Thank you, Mr. Chairperson for giving us the floor.

At this point we wish to share our concrete positons and suggestions on the remaining sections of the revised zero draft report.

On section C Rules, Norms and Principles for Responsible state behavior section:

Referring to paragraph 8 B – We wish to join the US delegation’s position, as well as others, and say that Israel believes that a more cautious approach is warranted with respect to norms. As things currently stand, there is a lack of certainty as to the manner in which existing norms are being implemented and interpreted. The 2015 GGE norms are voluntary and nonbinding, and do not detract from or extend beyond international law. They are meant to signal expectations of the international community regarding appropriate state behavior, and from what we have seen thus far, their implementation has been at best uneven. Before embarking on a project of developing new norms, it would be more appropriate, in Israel’s view, to focus on those norms that currently exist, to assess whether and how they are being understood and applied, ensuring that there exists a common language when referring to these norms. Once this is done, we as a community can begin to consider if there is a need to
clarify, enhance or even to reconsider the original norms. Only then we can assess whether there exists a need for additional norms.

Moreover, the way in which this paragraph is articulated implies that the need for additional norms is a stated fact accepted by all States. This despite the fact that it has been suggested only by some of them. We therefore suggest omitting this paragraph altogether.

As for paragraph 8 C we wish to echo other delegations that have raised some questions for having this issue mentioned here. We are not opposing the suggestions themselves but we don’t believe they belong to the “Rules Norms” section and should be moved to the CBM’s or Capacity building sections of the report.

Mr. Chair,

On section D on Int. Law Israel welcomes the statements, made by governments across the world, presenting their views on the application of international law to the field of ICTs. This contributes to our mutual understanding, and creates a positive starting point for discussions.
We think that the current approach, of encouraging States to submit their views on a voluntary basis, is the most appropriate course of action for the OEWG to take. Going forward, we would welcome intersessional discussions in which academics and experts could be heard – to provide different perspectives on some of the issues. This will assist states in formulating their positions going forward. Given that many states have already presented their views on topics such as nonintervention, proportionality, distinction, and human rights, and there is already much academic writing on these issues, we suggest that the use of the OEWG’s time could be best used after we have identified specific topics that could benefit from additional input of outside experts. We do not think it appropriate or necessary to mention any particular body or set of experts at this stage – this can be determined based on needs and relevant expertise.

Furthermore, we have strong reservations regarding the reference in Paragraph 9 A – in the phrase “additional legally binding obligations” – in Israel’s view, current international law provides the normative framework for the discussion, and the focus should be on understanding how the current framework applies rather than on creating new rules. Therefore, we suggest changing the paragraph as follows:
a) The OEWG could convene discussions on specific topics related to international law. This may include briefings from academics and experts, to provide their perspectives on this subject. A non-exhaustive list of topics proposed by States for further discussion under international law can be determined, taking into account that States have already expressed their positions on various topics of international law, and based on whether there is a need for additional discussions at this stage.

Mr. Chair, as for the section on CBM’S. In general we are pleased with the way this section is crafted. We would like to emphasize, based on our experience and knowledge, the importance of creating mechanisms for information sharing in an efficient and confidential manner. Since we are dealing with sensitive information we can suggest looking into tried and tested methods like the Traffic light Protocols or emulating the “Cybernet” info sharing system, we use in our national framework, on the global arena.

In addition we wish, as member of the cross regional group on CBMs, to express our satisfaction that many of the group’s practical suggestions were taken up by the chair and were
incorporated into the text of the zero draft report and its revised version.

Thank you Mr. Chair and we will be submitting to the secretariat our suggestions for language also in a written format.