

Mr. Chair,

My delegation is taking the floor on behalf of the delegations of Argentina, Brazil, Canada, Chile, Colombia, the Czech Republic, Estonia, Germany, Indonesia, Japan, Jordan, Mexico, the Netherlands, Republic of Korea, Senegal, Sweden and my own country.

For our delegations, the reaffirmation that international humanitarian law (IHL) applies in cyberspace and the clarification on how IHL applies regarding cyber operations in armed conflicts remain a priority. We wish to make a few comments and proposals in this regard.

In an environment where we witness increasing use of ICTs by State and non-state actors in times of armed conflict, we are concerned about the effective implementation and respect of existing rules and principles of IHL. The adherence to these rules is of paramount importance. It is this branch of international law that offers fundamental protections and reduces risks and potential harm to both civilians and civilian objects – just think of the IT infrastructure of hospitals or schools – as well as combatants from cyber operations in the context of armed conflict.

We therefore see a need to discuss how IHL applies to ICT operations during armed conflicts in the course of this OEWG. This allows us to generate common understandings on how we can best protect civilians and civilian objects, especially critical infrastructure, and attain clarity on what actions are prohibited or unacceptable during armed conflict. It can also help advance key understandings on how fundamental principles of proportionality, distinction, humanity, and necessity are to be upheld in this context. At the same time this effort contributes to maintaining international peace and security.

In our view the OEWG is very well placed to take up a discussion on IHL and its principles and should do so in a timely and focussed manner.

Mr. Chair,

We welcome the action-oriented approach in the draft Annual Progress Report and that it contains a direct reference to IHL as one of the specific topics on which the OEWG could convene discussions. In order to not to limit the discussions on the core principles but to encompass all aspects of IHL we propose the following wording in §9a]: "... and in times of armed conflict international humanitarian law, including the principles of proportionality, distinction, humanity, and necessity."

We encourage you to organise a timely and focussed discussion on IHL during the next sessions of the OEWG and we welcome the recommendation in the draft interim report that these discussions should include briefings from experts.

Thank you.