Romania National Intervention at the

3rd substantive session of the Open-Ended Working Group on security of and in the use of information and communications technologies 2021-2025

26 July 2022

Mr. Chair,

While Romania aligns itself with the statements delivered by the EU and with the statement of the CZ Republic on the subject of multistakeholders, allow me to make some further remarks in my national capacity.

Romania welcomes the proposal to adopt an annual progress report of the second Open-Ended Working Group (OEWG) on developments in the field of Information and Telecommunication (ICTs) in the context of international security. We commend you, Mr. Chair, and your team’s effort for drafting the report and for endeavoring to reach consensus and set a roadmap for the next discussions in this process.

Since the beginning of the work of this group, the cyber threat landscape has changed dramatically and the report should note this evolution, as well as the difficulties that arose in the work of the group in the first year (including in agreeing the modalities).

In this sense, we align ourselves with the remarks from statements delivered by the EU, the US, the Netherlands, the Czech Republic, Poland, Germany and other countries, including today by New Zealand, Ireland, Croatia, Italy and Estonia, in noting the unjustified and unprovoked Russian aggression against Ukraine and support the proposals to reflect the new challenges, in the Threats section, and their impact on the security environment. Not only did we see a hardening of the OEWG process itself, but, we have
witnessed the use of cyberattacks in the context of an armed conflict and, as a neighboring country to Ukraine, we note concerning risks regarding (1) collateral effects of cyber operations; (2) potential cross-border spill-over effects; (3) increased and indiscriminate attacks by politically motivated hacker groups on governmental and private ICT infrastructure.

Now, more than ever, we need to adhere to the framework of responsible state behavior in cyberspace and contribute to its security and stability.

We welcome the focus on practical proposals in the report and the efforts by the Chair and his team to balance the content. However, clear delimitation should be given when reflecting the advancements of the group on consensual issues and the identified commonalities, while proper wording should mark the proposals made only by some states.

With regards to the previous work, as a participating state to the 2021 UNGGE and in the final negotiations of the first OEWG, we underline the importance of preserving the acquis by properly referencing the previous UN work in this field, as a basis for the current OEWG. In this respect, we see appropriate to better underline the importance of the UN framework for responsible state behavior in cyberspace. We support, in this sense, previous proposals made yesterday by the Netherlands, Australia and other countries.

We would like to reiterate Romania’s strong opinion that existing international law equally applies to cyberspace and that there is no need to develop international legal frameworks to distinctively address cyberspace. As such, we believe that the International Humanitarian Law (IHL) applies in the context of cyber operations carried out as part of an armed conflict, and we underline the need to specifically mention IHL in the report, noting that this mention should not be misunderstood as legitimizing the use of
force between States in this domain. We welcome, Mr. Chair, the references to the principles of IHL included in the current draft of the Report.

In reference to the regular institutional dialogue, the wording used in the report regarding the Programme of Action, should not in any way imply that the Program of Action should be created or defined by the OEWG, and the recommendation from the 2019-2021 OEWG should be kept as such. In this respect, the need to avoid duplication of efforts (including with other organizations) should be noted and further discussions on the subject should be welcomed.

I thank you, Mr. Chair