BACKGROUND

THE UN Open-ended Working Group on developments in the field of information and telecommunications in the context of international security (OEWG), established pursuant to General Assembly resolution 73/27 has endorsed modalities on participation of stakeholders in the process to foster international community’s shared aspiration and collective interest in a peaceful and secure ICT environment for all and their resolve to cooperate to achieve it inclusively with all member states.

Third Eye Legal, Inc. represents the private sector and is very grateful to the Chair of the UN Cyber OEWG for granting accreditation. Third Eye Legal Consultancy specializes in cyber aspects of International Law and seeks to contribute and collaborate with UN Cyber OEWG on developments in the field of information and telecommunications in the context of international security including key aspects of the annual report emanating as a result of the deliberations that fosters international cooperation as the key pillar in establishing international peace, stability and security in the deployment of ICTs.

Of particular importance to us are the aspects of international law, rules, norms and principles for responsible state behavior as well as confidence building measures. Third Eye Legal affirms recommendation that help enable states to develop their own understandings of how international law applies to the use of ICTs by States, and to contribute to building consensus within the international community taking into account the proposals on norms made at the OEWG and contribute to formation of additional norms that could be developed.

Specific principles of the UN Charter highlighted in the discussions in the OEWG include among others state sovereignty; sovereign equality; the settlement of international disputes by peaceful means in such a manner that international peace and security and justice are not endangered; refraining in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations; respect for human rights and fundamental freedoms; and non-intervention in the internal affairs of other States.
It was recalled that international law is the foundation for stability and predictability in relations between States. In particular, international humanitarian law reduces risks and potential harm to both civilians and civilian objects as well as combatants in the context of an armed conflict. At the same time, States underscored that international humanitarian law neither encourages militarization nor legitimizes resort to conflict in any domain.

Some States expressed the view that due to the quickly evolving nature of the threat environment and the severity of the risk, an internationally agreed legally-binding framework on ICTs is needed. It was also suggested that such a binding framework may lead to more effective global implementation of commitments and a stronger basis for holding actors accountable for their actions especially with regards to threats to critical infrastructure and critical information infrastructure. Third Eye Legal Consultancy recommends that states agree to customary international law on cyber leading to a binding framework.

In order for all States to develop their own understandings of how international law applies to the use of ICTs by States, and to contribute to building consensus within the international community, States agreed that there was a strong need for additional neutral and objective efforts to build capacity in the areas of international law, national legislation and policy. To this effect Third Eye Legal Consultancy seeks to contribute to and collaborate with UN Cyber OEWG.

In this regard, the Programme of Action should be further elaborated through annual discussions, such as within a dedicated annual session of the Open-Ended Working Group process established pursuant to General Assembly resolution 75/240.

Multi-stakeholder initiatives, through the development of principles and commitments, establishes new networks for exchange, collaboration and cooperation, that can be instrumental in implementing the programme of action as iterated in the informal discussions in UN OEWG on Cyber. For instance, accountability of national implementation of international law principles can be informed by stakeholders especially the private sector of which Third Eye Legal is a part of, in line with the 2030 Agenda for Sustainable Development.

Third Eye Legal Consultancy can assist states in making informed choices in the voluntary national implementation surveys which will compensate for the lack of expertise if any that may delay the achievement of national, regional and global implementation goals. Stakeholder capacity can be harnessed by making the resources available at the relevant UN bodies accessible in an inclusive and non-discriminatory manner. Coordination among states and stakeholders should be formulated in an actionable manner addressing capacity issues and filling the gap where necessary. POA as a complementary initiative to the OEWG will be a key enabler in realizing peaceful, secure and stable cyber space.

Third Eye Legal participated in the first, second and third substantive sessions informal meetings of the UN Cyber OEWG - virtually. Third Eye Legal Consultancy also participated
in Cyber Tech Accord’s Programme of Action session held in 2021 and UN Programme of Action Workshop organized in 2022.

OBJECTIVES

Third Eye Legal Consultancy will assist states in ensuring that international law principles and any deliberations of a binding framework emanating from proposals at UN Cyber OEWG and GGE are transposed to national laws, strategies and policies as suggested in the background of the proposal. Assistance to states shall include advice and recommendations as well as in making informed choices in the implementations of voluntary implementation surveys available at the UN Disarmament Cyber Policy Portal.

Such implementation efforts will assist states in safeguarding respect of human rights (fundamental freedoms including privacy, data protection, civil liberties) as well as in legal developments in Artificial intelligence, IOT, Cyber Security and so on - ensuring security for peaceful use of ICTs through collective efforts of stakeholders in cross cutting domains which include legal, technical, economic social and political especially with regards to the framework of responsible State behavior in the use of ICTs.

In order to inform UN Cyber OEWG, Third Eye Legal seeks potential collaboration with relevant stakeholders to develop comprehensive best practices on the classification and protection of Critical Infrastructure (CI) and Critical Information Infrastructure (CII) along with suggesting measures and initiatives to strengthen data security as alluded to in the Zero Draft of the Annual Report.

EXPECTED RESULTS

The positive achievement of stated objectives in tandem with the UN Cyber OEWG goals will result in a more peaceful, resilient and sustainable global cyberspace and ICTs especially with earnest respect to the rule of law.

INTENDED BENEFICIARIES

Beneficiaries include all member states and relevant stakeholders in the ICT sphere including civil society and private sector among others.

STAKEHOLDER CAPACITY

Stakeholder capacity can be harnessed by making the resources available at the relevant UN bodies accessible in an inclusive and non-discriminatory manner. Coordination among states and stakeholders should be formulated in an actionable manner addressing capacity issues and filling the gap where necessary. Third Eye Legal Consultancy as a stakeholder seeks to formulate coordination mechanisms within the UN framework to achieve the goals.
of capacity building. In order to accomplish the stated objectives - all necessary sustainable financial and operational support would ensure deliverables meet the agreed upon criteria.

**DURATION**

Third Eye Legal Consultancy seeks to achieve the objectives on agreed upon framework under the mandate of accreditation to the UN Cyber OEWG 2021-2025.

Finally, Third Eye Legal Consultancy looks forward to the final draft of the annual report, its successful adoption and to work on future collaborations.