

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

Third Substantive Session

CHECK AGAINST DELIVERY

Statement by

Israel delegation to the OEWG

United Nations, New York

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Israel's final Remarks on the 2022 OEWG annual progress report

Mr. Chairperson,

The Israeli delegation wishes to express our gratitude and commend you personally, together with your excellent team and the secretariat, for your hard work and relentless efforts leading us through the OEWG process and especially in crafting this final annual progress report.

Reading the final version of the report, shows that some of the positions, as well as reservations expressed by Israel during the negotiating process, remain unanswered, and unfortunately not all our concerns were fully addressed. However, in the spirit of consensus, wishing to express our positive attitude, and in light of the constructive cooperation presented through the last few days by so many delegations, we understand the need for a certain degree of flexibility. Israel stands ready to join other delegations and support this report. We can assure you that the Israeli delegation remains committed to work with other states and to continue to present a constructive approach and advance the dialogue in the OEWG.

That being said, it is very important for us at this point to raise and clarify our positions regarding few key points in the report:

Regarding section B paragraph 12 – we acknowledge that this paragraph is based on agreed language taken from paragraph 17 of the OEWG 2021 consensual final report. However, in our view it needs to be noted that voluntary norms, international law and CBMs, from a legal stand point, are not on an equal footing and cannot, strictly speaking, be all characterized as “obligations”. Norms and CBMs are voluntary measures and we believe that the text should have reflected that difference in legal standing. We therefore suggest that in future references the word “obligations” would be omitted.

In addition, in this section dealing with existing and potential threats we were disappointed to see that there was no reference to the threat of ransomware. Ransomware is an example of cybercrime which increasingly crosses the threshold of impacting international peace and security and

Israel believes that specific attention should be given to it. This issue was flagged by multiple delegations, including our own, as an issue which should have been clearly reflected in our report.

Regarding section C paragraph 14 (b) - We wish to clarify and reiterate that while some states held the view that further development of norms and the implementation of existing norms could take place in parallel, Israel's view is that it would be more constructive to reach high level of implementation of existing norms before moving to developing new ones. 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 developing new norms, it would be more appropriate to focus on those norms that currently exist, to assess whether and how they are being properly 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.

With regards to section D paragraph 15 (b) – On the matter of International 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 as a community, 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 to first identify specific topics that could benefit from additional input of outside experts, and afterwards engage in discussion of these issues. The set of experts who will be invited to address our intersessional meeting can be decided once we have determined on the issues, and the relevant expertise required.

Furthermore, per paragraph 15 (b) (i) - We would like to emphasize that the language used in this paragraph does not reflect an international agreement regarding the need for additional legally binding obligations in the sphere of ICTs. As we and many other states have stated, there is no consensus over the need to develop additional legally binding obligations at this time and this should be clearly stated in this report. To the extent that this paragraph is read as an international consensus to develop at this stage a legally binding instrument, Israel wishes to disassociate itself from this position. This passing year has demonstrated the heightened responsibility of governments to provide security and protect state interests. This requires strict application of agreed principles, confidence building measures, inter-State cooperation, and capacity building. As we have stated in the past, Israel stands ready to share its know-how, further develop bilateral and multilateral collaborations, and take other pragmatic steps to improve cybersecurity across the globe.

In conclusion, Israel joined the consensus and hopes that the adopted progress report can serve as a roadmap for the continuation of our discussions and we wish that our perspectives and concerns will be taken in account and reflected in a better way in the future work of the OEWG.

Thank you Chair.