

Concept paper on a permanent decision-making Open-ended Working Group on security of and in the use of information and communications technologies

Cosponsored by the Republic of Belarus, Burkina Faso, the Republic of Burundi, the Republic of Cuba, the Democratic People's Republic of Korea, the State of Eritrea, the Republic of Mali, the Republic of the Union of Myanmar, the Republic of Nicaragua, the Russian Federation, the Syrian Arab Republic, the Republic of Sudan, the Bolivarian Republic of Venezuela and the Republic of Zimbabwe

Discussions at the UN Open-ended Working Group (OEWG) on security of and in the use of information and communications technologies (ICTs) 2021-2025 have demonstrated a growing demand of the global community for a permanent decision-making mechanism on these issues under the UN auspices. In our view, the OEWG that has proved in practice its efficiency and relevance is the most appropriate format for such a mechanism.

The mandate of the future permanent decision-making OEWG should be focused on further promoting an open, secure, stable, accessible and peaceful ICT environment through practical implementation of the agreements reached by the OEWG 2021-2025. Items to be included in the mandate:

- further development of legally binding rules, norms and principles of responsible behavior of States and creation of effective mechanisms for their implementation, as elements of a future universal treaty on ensuring international information security;

- development of a common understanding of how international law applies in the use of ICTs and how the existing norms could be adapted to the specifics of information space (transborder nature, anonymity, possibility of imbedding harmful hidden functions);

- development and implementation of confidence-building measures and mechanisms for practical cooperation between States, including through established channels of interaction between authorized agencies/bodies and the global intergovernmental directory of points of contact, in order to counter threats to security

of and in the use of ICTs and to prevent interstate conflicts in the global information space;

- establishment of mechanisms/programmes to assist States in boosting their capacities to protect national information resources, taking into account their specific needs.

The work of the future permanent OEWG should be based on the following principles:

- openness, inclusiveness, transparency, democratic nature;
- leading role of States in fostering dialogue on security in the use of ICTs under the auspices of the First Committee of the UN General Assembly;
- compliance with the principles of the UN Charter (sovereign equality of States, non-use of force or threat of force, peaceful settlement of international disputes);
- decision-making by consensus, and exclusively by States;
- avoiding duplication of international efforts aimed at ensuring security of and in the use of ICTs within different negotiating platforms;
- continuity in terms of the consensus outcomes and recommendations of the previous OEWGs and groups of governmental experts;
- flexibility and evolutionary development in line with the changing needs of States and the emergence of new tasks in the field of ensuring security in the use of ICTs.

Procedural matters:

- any decisions within the permanent OEWG should be made by consensus of States (this parameter should be clearly set out in the UNGA resolution establishing a permanent OEWG);
- working schedule: the permanent OEWG should start its activities upon conclusion of the term of the current OEWG and hold two substantive sessions per year at the UN Headquarters in New York (all Member States without exception are represented);

- forms of reporting: progress reports to the UN General Assembly adopted by consensus once in two years;

- structure: as needed, UN Member States may decide to create subsidiary subgroups for more detailed, in-depth consideration of specific aspects of the mandate; meetings of such subgroups should not be held in parallel so as to ensure full participation of all delegations;

- chairmanship: the activities of the permanent OEWG should be managed by a bureau composed by the chair, two vice-chairs, a rapporteur and, if needed, by chairs of subgroups (in the status of vice-chairs); the composition of the bureau is approved by consensus of States once in two years basing on fair geographic representation and rotation among regional groups.

It would be reasonable to provide the permanent OEWG with the authority to formalize decisions as soon as they are agreed upon (on the non-objection basis, to be further formalized at a next session). Practical steps should be taken to maintain a continuous exchange of information among States through an appropriate e-portal.

It seems useful to enable interaction of the permanent OEWG with relevant regional organizations and associations – through consultations of the Chair with groups of countries, as well as inter-sessional meetings with their representatives held once a year.

Participation of non-state actors (non-governmental organizations, businesses and academia) in the work of the permanent OEWG should be strictly consultative and informal – for example, within intersessional meetings held once a year. Only accredited (agreed by States) non-state actors should be allowed to participate in the official events as observers.