Pakistan's Interventions during the 5th Substantive Session of the UN Open-Ended Working Group (OEWG) on Security of and in the Use of Information and Communication Technologies (ICTs) in the Context of International Security

(24 – 28 July 2023)

Overview &Existing & Potential Threats

Chair,

At the outset, Pakistan would like to express its utmost appreciation for the remarkable efforts made by you and your team in compiling the 2nd Annual Progress Report, especially its revised version 1,in a balanced manner especially the sections related to CBMs and capacity-building.

However, Pakistan believes that still there is room for further improvement in the APR to make it more balancedby incorporating the views of all Member States on critical issues pertaining to the use of ICTs and their impact on global security.

Chair,

I'm also aware that the primary goal of the 5th Substantive Session of the OEWG is the adoption of the 2nd APR within 5 days. Therefore my intervention will be succinct.

Chair,

Turning to the Overview part of the APR, Pakistan agrees with the language except one amendment in line 11 of paragraph 3 which could be read as "*and called for discussions on the formulation of a legally-binding instrument to ensure the responsible uses of ICTs*". This amendment is inline with Pakistan's consistent position that the formulation of a legally-binding instrument is essential to ensure responsible uses of ICTsfor a safe, secure and stable cyberspace.

Chair,

Section B of the APR rightly takes stock of the existing and potential threats posed by the malicious uses of ICTs by both States and non-State actors. Pakistan agrees with the assertion given in the APR that the military applications of ICTs have significantly accentuated the threats to international and regional security in recent times.

Pakistan endorses the incorporation of language expressing concern over the rising trends of the use of ICTs for attacks on critical infrastructure,

misinformation and disinformation campaigns, the exploitation of vulnerabilities, and supply-chain related attacks.

However we have a proposal for amendments as well.

In paragraph 10 quarter, we would like to propose an amendment in the first line which could be read as "*States expressed concerns regarding misinformation, fake news and disinformation………..*".Pakistan proposes the addition of word fake news in the first line as we believe that the malicioususes of ICTs, especially for spreading disinformation, misinformation and fake news, by States and Non-State Actors,not only jeopardize regional and global peace and security but also give rise to social unrest in certain countries as well.

In paragraph 11, Pakistan would like to propose the addition of language in the fourth line which could be read as "*the growth of illegal markets in Dark Web and open sources offering access to, inter alia, software vulnerabilities ……*".We believe that States must discuss means and methods to curb the illegal activities in the Dark Web thathas become a heaven for cybercriminals.

Chair,

In the end, I would like to reiterate Pakistan's full support for the with consensus adoption of the 2nd APR.

I thank you Chair,

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Development of Norms, Rules and Principles of Responsible State Behaviour

Chair,

For Pakistan, the development of rules, norms, and principles of responsible State behaviour is an important topic for regulating the conduct of States in cyberspace. Concerning the formulation of language 2nd APR, Section C, Pakistan considersit exhaustive and comprehensive.

Pakistan supports paragraph 22 (a) which underlines the importance of the protection of Critical Infrastructure (CI) and the prohibition of ICT activity that intentionally damages Critical Infrastructure that provides essential services to the public.

In addition to this, Pakistan acknowledges the proposal relating to timely disclosure and sharing of information about hardware/ software vulnerabilities, including the formulations of the glossary of technical ICTsrelated terms and terminologies.

However, owing to the critical importance of cross-border exchange of data and the growing incidents of data theft, Pakistan would like to propose an amendment as sub part (e) of the paragraph 22 which could be read as "*States, in view of rising trends of data theft and the misuse of personal data, acknowledged the importance of data security and placed strong emphasis on the need for measures to guarantee the safe and secure cross-border data exchanges. States also proposed that discussions on data security may include States, private sector, academia and civil society*".

Chair,

Pakistan acknowledges the importance of non-binding voluntary norms, including the development of new norms, to ensure a secure and stable cyberspace. However,at the same time, we firmly assert that non-binding norms cannot serve as a substitute for a legally binding instrument and lays stress on discussions on the formulation of a legally-binding instrument.

I thank you Chair,

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Application of International Law in Cyberspace

Chair,

Pakistan believes that the foremost task of the OEWG is to generate consensus on defining how the international law including the International Humanitarian Law (IHL) applies in the use of ICTs and in cyberspace. Considering the growing challenges emanating from cyberspace and the malicious uses of ICTs, Pakistan maintains that global peace and security rests on the formulation of a legally-binding mechanism to regulate the behaviour of States and non-State actors in their utilization of ICTs by holding them responsible for their acts, and forbade the use of cyberspace for destructive purposes.

Chair,

As mentioned in paragraph 28 (a) of the 2nd APR regarding the applicability of the UN Charter in cyberspace and in the use of ICTs, Pakistan's position on this topic has remained consistent. Pakistan believes that the principles of non-use of force, sovereign equality, non-interventionism, and peaceful settlement of disputes also apply to the use of ICTs like in the physical world. However, considering the unique nature of the global internet, there is need to discusses technical means and methods to determine how UN Charter in totality could be applied to the cyberspace.

Moreover, Pakistan also acknowledges the fact that considering the unique attributes of cyberspace and the transnational nature of the internet, international law has certain gaps, which has been acknowledged by the 2nd APR in para 28 (a). For this purpose, Pakistan submitted its position paper during the 4th Substantive Session in March. The paper, in detail, articulates our position regarding the application of international law in cyberspace from political and technical aspects.

Pakistan is of the view that there is a need for further neutral and objective debate on this topic to build a common understanding among States on how international law applies in the use of ICTs, including the formulation of a legally-binding instrument.

Chair,

Lastly, Pakistan considers that the OEWG must discuss and find ways to address the intricate matter of cyber attribution. We would like to highlight the importance of discussions on cyber attribution in view of the reference to State Responsibility and Due Diligencein paragraph 28 (a) of the APR. Pakistan believes that if this issue remains unsettled, all the efforts to apply international law in cyberspace including determining the State Responsibility and ensuring due diligence shall remain futile.

I thank you, Chair.

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Confidence Building Measures (CBMs)

Chair,

Pakistan welcomes the formulation of language relating to Confidence Building Measures in the 2nd APR. Pakistan considers CBMs extremely important for fostering trust, cooperation, transparency, and predictability among the Member States and to avert misunderstanding and escalation of the conflict in case of ICTs related incidents. Therefore, we welcome the emphasis in the APR, on the early operationalization of the global directory of PoCs to deal with crisis situation.

Furthermore, Pakistan also called for the adoption of the document entitled "*Elements for the Development and Operationalization of a Global, Intergovernmental Points of Contact Directory*" which alongside the operationalization of the POCs Directory, stresses upon the importance of fostering cooperation among global, regional, and sub-regional Computer Emergency Response Teams (CERTs). This collaboration shallbe instrumental ineffective investigation of cybercrimes as well as overcoming technical obstacles hindering cyber attribution processes.

In addition to this, Pakistan also welcomes the mentioning of the timely disclosure of ICT vulnerabilities,as CBM in paragraph 35 (d) of the APR,and would support further discussion on this topic within OEWG.

Lastly, Pakistan acknowledges the Initial List of Voluntary Global Confidence-Building Measures, contained in Annex B of the APR. However, we would like to propose a minor amendment in CBM 2 part (b) which could be read as "*States voluntarily engage in transparency measures by sharing relevant information including best practices with regards to CI protection and recovery from ICT incidents involving CI…..*"

I thank you Chair,

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Capacity Building

Chair,

Pakistan believes that capacity building has a crucial role to play in effectively responding to current and potential cyber threats. Moreover, the need for capacity building becomes more important because of the large gap in terms of capacities and skills between States to deal with the threats emanating from cyberspace. In this regard, the role cyber fellowships like the one offered by the Republic of Singapore and the European Union is crucial in the capacity building of the Member States.

Coming to the 2nd APR's capacity-building part, Pakistan welcomes it and considers it as action oriented. Pakistan acknowledges that report is cognizant of the need to narrow the digital divide andwelcomes the capacity-building proposals such as short-term and long-term capacity building programmes to address urgent threats, structural requirements and to ensure sustainability through South-North cooperation.

Pakistan fully supports the proposal of surveying capacity-building gaps among States. However, we believe, that while doing such surveys, there is also need to identify obstacles in way of fair, equitable and unconditional access to capacity-building opportunities. Therefore, Pakistan is proposing the addition of language in line number four sub para (c) of APR's paragraph 40 which could be read as "*through tools and surveys, to identify impediments in way of fair, equitable and unconditional availability of capacity-building opportunities, and facilitating access by States to capacity-building programmes*".

Pakistan also supports the need to consider and determine the additional avenues of funding. This will be instrument in building a resilient cybersecurity ecosystem in developing counties.

Chair,

Pakistan is in agreement with the principles of capacity-building outlined in Annex C of the APR. Pakistan has consistently maintained that the capacity-building should be sustained, demand driven and corresponding to needs and priorities identified by the States. In this regard, Pakistan specifically welcomes the inclusion of language which states that capacity-building process must be politically neutral, transparent, and accountable and without conditions. This is in alignment with our position of fair, equitable and unconditional access to cyber technologies and products necessary for developing a robust cyber ecosystem in developing countries.

I thank you, Chair.

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Regular Institutional Dialogue

Chair,

Pakistan has anunambiguous and consistent position regarding the scope, structure and format of future mechanism of regular institutional dialogue which will be established after the conclusion of the existing OEWG in 2025. Pakistan maintains that the future mechanism must be based upon the principles of inclusivity, consensus-driven decision-making, multi-stakeholder participation, global collaboration, and sustainability. Pakistan also asserts that thefuturemechanismmust encompass discussions on the topics of capacity building, norms development, and deliberations on the application of international law in cyberspace in including discussions on the formulation of a legally-binding instrument. Moreover, we firmly hold the position that such dialogue should be conducted under the auspices of the United Nations and the ongoing OEWG (2021 – 2025) is the most suitable and the only forum for all discussions related to future mechanism of regular institutional dialogue.

Chair,

Keeping all this in mind, Pakistan is proposing the inclusion of language relating to Regular Institutional Dialogue. We propose that the para 49 (a) of the APR may be amended with the inclusion of an additional sentence at the end of the para which could be read as "*and for all the discussions on scope, structure and content of any future mechanism for the regular institutional dialogue*".

Similarly, in the third line of sub para (d) of paragraph 49 Pakistan would like to insert the word "with consensus" after which the line could be read as "*States could identify , with consensus, some common elements that could underpin the development of any future mechanism for regular institutional dialogue………….*",

Chair,

Pakistan agrees with the common elements of any future mechanism for regular institutional dialogue outlined in the para 51 of the APR such as a State-led, single track process that is inclusive, transparent, sustainable, consensus-driven and established under the auspices of the UN.

Lastly, I would like to renew Pakistan's support for this intergovernmental process for safe, secure, and stable cyberspace for all. We believe that the success of the OEWG process depends upon equal and all-inclusive participation of all Member States.

I thank you, Chair.

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Establishment of PoC Directory

Chair,

Pakistan views the Revised Version 4 of the document, which outlines the "*Elements for the Development and Operationalization of a Global, Intergovernmental Points of Contact Directory*" as balacned. Additionally, we would also like to extend our appreciation for the inclusion of the amendments suggested by Pakistan.

Pakistan,as mentioned in the document,supports the establishment of the Directory that is voluntary and neutral in nature and developed in alignment with the principles of sovereignty, sovereign equality, thesettlement of disputes by peaceful means, and non-intervention as enshrined in the UN Charter. Moreover, its purpose will be to enhance interaction and cooperation between States, and to facilitate coordination and communication between States in an event of ICT related incident.

We also endorse that the intended purposesof the Directory is to serve as a CBM, in itself, and also provide a framework for the implementationof other CBMs that could help to promote an open, secure, stable, accessible and peacefulinformation and communications technologies (ICT) environment

I would also like to express my gratitude for accommodating the amendment proposed by Pakistan that explicitly mentions in para 10 that "*notifying a State that its territory is being used for a wrongful act doesn't, of itself, imply that it is responsible for the act itself*" in para 10. It is in line with Pakistan's position that Directory should not be used for any political and technical attribution of ICTs related incidents. Moreover, Pakistan agrees with the roles of Diplomatic and Technical PoCs in para 9.

Chair,

Pakistan supports the mechanism defined under Modalities section pertaining to Access and Participation, Directory Specifications, Directory Maintenance, Sharing of Information etc. However, Pakistan would like more details relating to Information Protection as stated in para 7(b) considering the fact that the information contained by the Directory will be of sensitive issue.

Most Importantly,Pakistan highly appreciates the detailed road map presented oncapacity-building section defined in the document, especially the proposals like the development of e-learning modules and tabletop exercises. However, it is necessary to put into action these proposals as soon as possible.

Chair,

Coming to the Future Work, Pakistan is open to constructively taking part in discussions on finalizing the different technical aspects of the Directory and would like to urge upon the other Member States to make an enabling environment for the early finalization of Key Elements document and to progress towards the practical execution of the Directory.

We need to be aware of the fact that the actual operationalization process will be time consuming and shall involve detailed discussions ondifferent technical aspects of the Directory such as the selection of appropriate Communication protocols, measures for the proper handling of information exchanged and its security, development of templates and interaction procedures and the formulation of SOPs.

In the end, I would like to once again, renew Pakistan's commitment for early establishment of the PoC Directory.

I thank you, Chair.

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