

With reference to the letter of the Chair of the Open-ended Working Group on developments in the field of information and telecommunications in the context of international security (OEWG) dated 11.03.2020 circulating the initial pre-draft of the final report, Egypt would like to submit the following remarks:

- 1- The delegation of Egypt highly commends the Chair's remarkable efforts in leading this historic process in an efficient and transparent manner. We reiterate our full support to ensure that this unique inclusive process produces substantive outcomes, including practical and concrete recommendations that would take forward the United Nations (UN) endeavors in this highly strategic and critical domain.
- 2- We also highly appreciate the dedicated and professional efforts of the United Nations Office for Disarmament Affairs (UNODA) and the United Nations Institute for Disarmament Research (UNIDIR) in supporting this important process.
- 3- The active participation by Member States and the strong engagement by the relevant stakeholders including non-governmental organizations, the private sector, and the academia, have truly made this unique first experience an excellent opportunity for advancing UN efforts on seeking common grounds and mutual understandings on this increasingly strategic topic.
- 4- With this in mind, we welcome the pre-draft as an excellent basis for the discussions leading to the third substantive session of the OEWG and for a final report that contains a meaningful outcome which fulfills the OEWG's mandate. In this context, we would like to make the following preliminary remarks and observations:
  1. General Remarks:
  - 5- The pre-draft managed to capture the discussions of the first and second substantive sessions of the OEWG, as well as the intersessional consultations, in a fairly balanced and comprehensive manner.
  - 6- Many delegations, including Egypt, have expressed aspirations for the operationalization of the existing rules and norms previously endorsed by the UN General Assembly through upgrading their status and making them more binding for all States. These delegations have also expressed their readiness to agree on new rules and norms and highlighted the need for recommending the consideration of a binding instrument that regulates the behaviour of States in the ICT environment.
  - 7- However, we fully realize the difficulty of including recommendations on these elements due to the limitations imposed by the divergent views on several fundamental issues and the lack of appetite by some Member States for the development of any binding rules in this domain at this stage.

## II. The Descriptive Part:

- 8- In our view, the narrative introduction and the descriptive part (sections A to G of the pre-draft) represent a factual, balanced, and comprehensive account of the discussions and the inputs by Member States, including an accurate reflection on both the points of convergence and divergence as well as an excellent coverage of all the aspects of the pillars of the OEWG discussions.
- 9- Therefore, and taking into account that our national positions have been fully expressed in our written submissions and our statements and interventions during the meetings, we prefer to refrain from initiating a lengthy process of proposing edits to this descriptive part of the report which allows for the whole range of views on each topic to be covered in an unbiased manner while not shying away from properly addressing the points of divergence.

## III. The Recommendations Section:

- 10-On the conclusions and recommendations contained in section H, while the adoption of a more ambitious set of binding commitments agreed by Member States, at least on the universal implementation of the 11 norms of responsible State behaviour contained in the 2015 GGE report, would have represented the optimum outcome, we believe that the pragmatic and practical recommendations contained in the pre-draft, taken together in their entirety, represent a significant step in the right direction, especially if they are universally implemented by all Member States.
- 11-The following are preliminary additional recommendations for the consideration of the OEWG (to be included in the placeholders contained in the pre-draft):
  - a. International Law: To complement the steps envisaged in the proposed recommendations (i.e. the exchange of views and information on national policies and practices, the establishment of a repository, and the study by the International Law Commission), Member States should be encouraged to continue to consider the adoption of an agreed common understanding on how international law applies to State use of ICTs in the context of international security and to identify possible gaps that need to be addressed through further rules that take into account the unique attributes of the ICT environment.
  - b. Rules, Norms, and Principles: To complement the steps envisaged in the proposed recommendations:
    - i. Member States should be encouraged to continue to consider as appropriate the possible adoption of a legally and/or politically binding instrument(s) that compiles and streamlines the information presented by Member States on their implementation of international rules and the relevant proposed repository, with a view to regulating specific aspects of State use of ICTs from the international security perspective, taking into consideration that binding and non-binding tracks could be pursued in parallel, and that in the field of disarmament, voluntary measures alone have seldom yielded successful results (as was highlighted in the summary of the intersessional consultative meeting).

- ii. Member States should be encouraged to reach an agreed common definition of what constitutes “critical infrastructure”, with a view to agreeing, as appropriate, on prohibiting any act that knowingly or intentionally utilizes offensive ICT capabilities to damage or otherwise impair the use and operation of critical infrastructure.
  - iii. Member States should be urged to consider the exchange of information on ICTs-related vulnerabilities and/or harmful hidden functions in ICT products and to notify users when significant vulnerabilities are identified.
- c. Capacity Building: the *principles* of capacity building should include the following:
- i. The provision of assistance and cooperation should be demand-driven and made upon request by the recipient State, taking into account its specific needs and particularities.
  - ii. All efforts should be exerted to fully protect the confidentiality of information related to the recipient State’s policies and measures to protect its national infrastructures and the confidentiality of its ICT emergency response plans in order to avoid any possibility of jeopardizing such information or undermining the effectiveness of these measures and plans.
  - iii. The principle of shared but differentiated responsibilities should be applied with regard to the provision of capacity building.
- d. As for the “Regular Institutional Dialogue”, the pre-draft proposes that “the 76<sup>th</sup> session of the General Assembly of the United Nations convene a new open-ended working group..”. We believe that waiting until the 76<sup>th</sup> session may undermine the existing momentum and waste precious time. We prefer such a decision to be adopted at the 75<sup>th</sup> session of the General Assembly.
- e. On a final note, we discourage the repetition of establishing parallel processes that have almost identical mandates. Such a course of action leads to duplication of efforts and waste of scarce UN resources as well as undermining the credibility and consistency of the UN efforts and the Disarmament Machinery.