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Open-ended Working Group on Developments in the Field of Information and Telecommunications in the Context of International Security

Third substantive session

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Compendium of statements in explanation of position on the final report

Note by the Chair

Addendum*

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* The statements contained in the present addendum to the compendium are circulated in the languages of submission only and without formal editing and are reproduced as shared with the Secretariat by the delegation concerned.



Republic of Korea

Third Substantive Session of the Open-ended Working Group on Developments in the Field of Information and Telecommunications in the Context of International Security

<Agreed Conclusions and Recommendations>

Thank you, Mr. Chair,

At the outset, the Republic of Korea would like to express gratitude for the excellent leadership of the Chair, Mr. Ambassador and his team for putting together the First Draft of the Open-ended Working Group (OEWG).

We believe that the First Draft is already serving as a good basis for this week's negotiations and also, a sound foundation for a consensus-based outcome.

Mr. Chair,

As it was mentioned by a number of other delegations including the European Union in the morning, we did not start our discussion from the scratch. Rather, we are building upon the foundations of the previous GGE reports in 2010, 2013 and notably, 2015.

In particular, my delegation strongly believes that each State should faithfully implement the 11 voluntary, non-binding norms agreed upon in the 2015 UN GGE report which plays an important role in promoting responsible State behavior in cyberspace.

In this context, we welcome paragraphs 7 and 8 of the First Draft and we hope to see those paragraphs retained in the final outcome.

In the same context, my delegation also supports the proposal made by the U.S. delegation regarding paragraph 8, which added "building on and reaffirming" this framework at the beginning of the sentence.

Considering that every section in the Draft is related to one another, let me also comment on International Law section and Rules and Norms section.

<International Law>

The ROK believes that international law, in particular the Charter of the United Nations in its entirety and also the International Humanitarian Law (IHL), International Human Rights Law, and the laws of State responsibility are applicable to the ICT environment. We also believe that under customary international law, the responsibilities of States with regard to internationally wrongful acts extend to the State's use of ICTs.

My delegation believes that there is a need to seek common understandings among States on how international law applies to State use of ICTs as stated in paragraph 23. Also, we believe that this "gap", which exists in terms of implementation and interpretation, is mainly caused by rapidly evolving nature of the ICT environment rather than by the lack of relevant international law in the cyberspace. After all, rule-making cannot outpace technological development, which makes the negotiations for a legally binding framework on the ICTs rather unrealistic.

We believe that the best possible way to address the concerns of these States is to seek a shared understanding of international law by voluntary exchanges of national views and practices. In addition, the ROK also strongly supports the importance of capacity building in the areas of international law.

In this context, we highly welcome that paragraphs 23, 26 and 27 are included in the International Law section, and we hope to see those paragraphs retained in the final document.

<Rules, Norms and Principles for Responsible State Behaviour>

Mr. Chair,

Considering the current health crisis caused by COVID-19 pandemic, the ROK also strongly supports paragraph 32 which reiterates the importance of protecting healthcare facilities as part of the norms addressing critical infrastructure. We also welcome paragraph 33 which states the necessity to implement norms at the global, regional and national levels.

<Regular Institutional Dialogue>

Mr. Chair,

Lastly about the Regular Institutional Dialogue, let me make one comment.

As a co-sponsor of the Programme of Action for advancing responsible State behavior in ICTs, the ROK shares position with its other co-sponsors.

We believe that the PoA serves as a practical way forward and a dedicated mechanism open to all Member States to follow up the implementation of existing undertakings. In this respect, the PoA should be further developed under the First Committee of the United Nations General Assembly through discussions in the relevant bodies.

Thank you, Mr. Chair.

Republic of Korea (second intervention)

**Third Substantive Session of the Open-ended Working Group on
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in the Context of International Security**

Thank you, Mr. Chair.

The Republic of Korea would like to commend the Chair and the Secretariat for their continued efforts in preparing the carefully balanced, comprehensive final draft.

The OEWG is standing at a significant juncture where the group is only one step away from producing an outcome for years of interactive and substantive discussions among all UN Member States. It has indeed provided opportunities for States to engage in a democratic, transparent and inclusive platform to discuss the developments in the field of information and telecommunications in the context of international security.

After carefully examining the final draft, the ROK is glad to express our support for the final report in the spirit of consensus.

As we strongly uphold the previous consensus reports of the GGE and the 11 voluntary, non-binding norms of responsible State behavior which were adopted in the 2015 GGE report, we welcome that paragraphs 7, 8, and 24 are retained in the draft.

It is my delegation's view that international law is applicable to the ICT environment, and in particular, we hoped that the principle of due diligence could have been referred more explicitly in the draft. Nevertheless, we genuinely welcome paragraph 31 which can serve as the basis for future discussion and hope to further elaborate and develop the relevant principle.

In a similar manner, although we do not believe that producing legally binding norms is a realistic option, we can accept the draft in an attempt to bring the momentum for a consensus-based outcome.

The Republic of Korea also urges other States to support the document in the spirit of consensus.

Thank you Chair.
