

DECLARATION BY MIGUEL RODRÍGUEZ, REPRESENTATIVE OF CUBA, AT THE FINAL SESSION OF GROUP OF GOVERNMENTAL EXPERTS ON DEVELOPMENTS IN THE FIELD OF INFORMATION AND TELECOMMUNICATIONS IN THE CONTEXT OF INTERNATIONAL SECURITY. New York, June 23, 2017.

The representation of Cuba in this Group of Governmental Experts has been actively working towards the fulfillment of the important mandate entrusted to us by the UN General Assembly under resolution 70/237.

Our participation and the proposals that we have presented as a contribution to the work of the Group have been guided by the Proclamation of Latin America and the Caribbean as a Zone of Peace, formally subscribed by the Heads of State and Government of Latin America and the Caribbean. Caribbean, held in Havana, Cuba, on the occasion of the Second Summit of the Community of Latin American and Caribbean States (CELAC), in January 2014.

Information and telecommunications should be tools to promote well-being, knowledge and human development, based on strict respect for the UN Charter and International Law. They should be instruments to promote peace, not to promote war, the use of force, interventionism, destabilization, unilateralism or terrorist actions.

Urgent action is required within the framework of the United Nations to prevent the covert and illegal use by individuals, organizations and States of the computer systems of other nations to attack third countries for their potential to provoke international conflicts.

We regret that it was not possible to reach a consensus in this Group to submit substantive recommendations to the UN General Assembly.

I must register our serious concern over the pretension of some, reflected in paragraph 34 of the draft final report, to convert cyberspace into a theater of military operations and to legitimize, in that context, unilateral punitive force actions, including the application of sanctions and even military action by States claiming to be victims of illicit uses of ICTs.

We consider unacceptable the formulations contained in the draft, aimed to establish equivalence between the malicious use of ICTs and the concept of “armed attack”, as provided for in Article 51 of the Charter, which attempts to justify the alleged applicability in this context of the right to self-defense.

To establish as a precedent this dangerous reinterpretation of the norms of international law and the Charter of the United Nations would be a fatal blow to the collective security and peacekeeping architecture established in the Charter of the United Nations. The “Law of the Jungle” cannot be imposed, in which the interests of the most powerful States would always prevail to the detriment of the most vulnerable.

The final draft also made reference to the supposed applicability in the context of ICT of the principles of International Humanitarian Law. We cannot accept such affirmation, since it would legitimize a scenario of war and military actions in the context of ICT.

We have consistently emphasized in this Group the priority of initiating, without further delay, a negotiating process within the framework of the United Nations, to adopt an international legally binding instrument to respond effectively, on the basis of cooperation, to the significant existing legal gaps in the context of cybersecurity and the growing challenges and threats we face in this area. This very important element was absent in the draft.

The time constraints prevented the Group from considering in depth the question of future work and the follow-up mechanism. We reiterate our position that, because of its high relevance to all Member States, the issue of information and telecommunications in the context of international security should be considered in a Working Group of the General Assembly open to all States, to ensure full transparency and inclusiveness and participation in equal rights in discussions and decision-making. We hope that this year the UNGA First Committee will take the decision to convene this Open-ended Working Group.
