



PERMANENT MISSION  
OF THE PRINCIPALITY OF LIECHTENSTEIN  
TO THE UNITED NATIONS  
NEW YORK

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

### **Explanation of Position on the Report of the Open-ended Working Group 12 March 2021**

Chairperson,

I am taking the floor in explanation of position on the report of the Open-ended Working Group. If we are in a position to do so today that is primarily to the credit of the Chairperson's unwavering commitment to bringing our fruitful discussions to a substantive conclusion, against the difficult odds of a pandemic, a heavily polarized political landscape and serious limitations in the intergovernmental mandate. Liechtenstein thanks the Chairperson and the Secretariat for their tremendous efforts leading us to an outcome. The discrepancy between the content of the intergovernmental discussions and the substantive results of the Open-ended Working Group does not reflect a lack of effort. It is rooted in the format of this process and its decision-making modalities which favor containment over progress and minority restraint over majority aspiration. Unfortunately, the intergovernmental mandate for the next iteration of the Open-ended Working Group is even more affected by these flaws, pointing to the conclusion that the process in this form may have outlived its purpose.

Chairperson,

Liechtenstein regrets that the report falls short in a number of ways. While the report reaffirms the *acquis* of past agreements, it fails to adequately reflect the fact that cyberspace is governed by international law, including the UN Charter in its entirety, international human rights law and international humanitarian law. The future of warfare will be increasingly characterized by its cyber dimension and it is undeniable that cyber warfare can have very significant humanitarian consequences. The Open-ended Working Group has benefitted from expert opinions on that matter, in particular from the ICRC. That it should not be possible to adequately reflect the applicability of international humanitarian law to cyberspace in its report undermines the credibility of our collective effort. It is also regrettable that the obvious problem of ensuring accountability for violations of international law in cyberspace, both from a perspective of State and individual criminal responsibility, and linked to it the inherent challenges of attribution, are missing from the report. That these questions could not be identified as future areas for discussion also points to the limits of the process. Liechtenstein reiterates its position that it sees no need to elaborate additional legal obligations, in particular as long as our discussions on how to apply existing international law does not advance.

Chairperson,

Consensus should always be the aspiration in our multilateral engagement, but to equate it with a universal veto power is a conceptual aberration that future discussions on cybersecurity need to steer clear of. In addition, these discussions should be conducted on the basis of the best available knowledge, for which the meaningful engagement with civil society, academia and the private sector is indispensable. On this basis, Liechtenstein will reevaluate its future engagement in the framework of the Open-ended Working Group. Liechtenstein supports the initiative for a Programme of Action and considers it an alternative to advance cyber security that can be commensurate to the aspirations of a broad majority in the membership to make tangible progress towards compliance with international law and increased collective security, and to sustain an inclusive dialogue with all relevant stakeholders to that effect.

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