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Réunion en formule Arria (VTC)

Cyber-Attacks Against Critical Infrastructure

New York, le 26 août 2020

Déclaration de la Suisse

Mr. President,

I am **honored to take the floor on behalf of the Group of Friends of the Protection of Civilians in armed conflict** (PoC): Australia, Austria, Belgium, Brazil, Canada, Dominican Republic, France, Germany, Indonesia, Ireland, Italy, Ivory Coast, Kuwait, Japan, Liechtenstein, Luxembourg, Netherlands, Norway, Poland, Portugal, Sweden, United Kingdom, Ukraine, Uruguay and Switzerland. We thank the Permanent Missions of Indonesia, Belgium, Estonia and Viet Nam for organizing today's discussion. We also thank today's briefers for their insightful comments.

We would like to concentrate on opportunities and challenges with regard to cyber security in the humanitarian domain, and in particular health care in armed conflict. These issues are obviously of particular relevance during this pandemic, but **cyber-attacks on health infrastructure were already a worrying trend before COVID-19, and risk remaining one after the pandemic**.

We would like to emphasize that **objects indispensable for the survival of the civilian population, which goes well beyond medical infrastructure, are protected by international humanitarian law in armed conflict**. Already in 1998, the Security Council issued a Presidential statement regarding "the unacceptability of the destruction or rendering useless of objects indispensable to the survival of the civilian population, and in particular of using cuts in the electricity and water supply as a weapon against the population".

Healthcare in armed conflict is protected by international humanitarian law and member states recognized in 2015 that international law is applicable in the area of information and communication technology. The Council reaffirmed as well the importance of the protection of the medical mission in its resolution 2286 of 2016. We emphasize that the fundamental value and obligation of protecting the wounded and sick, medical infrastructure, personnel and transports, must be upheld in all circumstances. We also emphasize that malicious cyber operations on medical facilities, as currently experienced throughout the COVID-19 pandemic, can neither in times of peace nor armed conflict, be considered acceptable.

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While technological developments have helped to better protect and care for the wounded and sick in armed conflict, we have also witnessed an increase in cyber-attacks with consequences for healthcare that go well beyond financial loss and breach of privacy.

The trust of the people they serve is the currency of humanitarian organizations. This trust is a precondition for humanitarian action. Therefore, we, **as Members States, must create an environment, including a safe information infrastructure that allows humanitarian organizations to successfully carry out their mandate**. The Resolution on Restoring Family Links adopted at the 33rd International Conference of the Red Cross and Red Crescent in 2019 constitutes an important step in this direction.

More generally, we call upon every State to protect their critical infrastructure and to contribute to the protection of critical infrastructure of all states.

Mr. President,

Allow me to say a few words in my national capacity.

Switzerland actively engages in the two UN General Assembly processes pertaining to international cyber stability in order to ensure an open, free and secure cyber space. Both processes provide an important opportunity to drive progress to protect critical infrastructure from malicious cyber-activities.

Such operations have far-reaching consequences for the population in terms of safety, economy or public health. They have also **aggravated the risk of instability and conflict worldwide** and can constitute a threat to international peace and security. We therefore welcome today's informal discussion in the framework of the Security Council.

Two points are particularly important in this context:

First, international law applies to the activities of States in cyberspace. This was concluded by past Groups of Governmental Experts. While international law provides rules that protect critical infrastructures in times of peace, **international humanitarian law (IHL) applies to cyber operations in armed conflict** regardless of the legality of such a conflict. IHL, notably its fundamental principles of distinction, proportionality and precaution, imposes important limitations for conducting cyber operations in armed conflicts, including against critical infrastructure. In addition, data that has been collected exclusively for humanitarian purposes must be respected and protected. We must foster further dialogue amongst States on how IHL exactly applies to cyberspace.

Second, international cooperation and transparency are key in protecting critical infrastructure. The **voluntary norms on responsible behavior of States in cyberspace established by the 2015 Group of Governmental Experts** provide guidance to protect critical infrastructure from malicious cyber-activity. With the Swiss National Cyber Security Centre, we have a good example on how to provide technical support to other States in case of an incident, and proactively shares data and information about possible threats.

Mr. President,

Enhancing dialogue among States and developing a common understanding of how international law and norms protect critical infrastructure from malicious cyber-activities are crucial to international cyber stability. Switzerland will continue to contribute to this common endeavor.

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I thank you.

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