

1st Session of UN Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies (ICTs) for Criminal Purposes.

[28 February 2022]

Remarks by Indian Delegate Ms. Muanpuii Saiawi, Joint Secretary (Cyber Diplomacy) under Agenda Item 3: General Debate

Madam Chair,

I would like to convey my appreciation for your leadership and untiring efforts in convening in the midst of such challenging times, the first session of the UN Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies (ICTs) for Criminal Purposes. This is a momentous opportunity in which the Member States of the United Nations can agree to work together to collectively face one of the most pressing challenges of our times.

2. The use of ICTs has grown by leaps and bounds in the last decade and will continue to accelerate as it integrates with new and emerging technologies. Individuals, societies and governments increasingly depend on ICTs to deliver valuable services to people across the world. However, this very dependence on ICTs brings with it, its unprecedented malicious use as has been witnessed during the COVID-19 pandemic. The anonymity and transnational nature of the use of ICTs have resulted in crimes of such magnitude, scale and complexity for which existing conventions do not provide adequate provisions, nor are we equipped to fully address.

3. India attaches great importance to maintaining an open, inclusive, free, fair, transparent, secure, stable and accessible cyberspace. India is at the forefront in using digital technology for inclusive empowerment, connectivity and delivery of benefits and welfare to its citizens. We are building the world's most extensive public information infrastructure and over 1.3 billion Indians have a unique digital identity. At the same time India is facing an exponential increase in cybercrimes, raising new issues

and challenges for its law and law enforcement agencies (LEAs). Indian LEAs are grappling with enormous delays to Mutual Legal Assistance Treaties requests on cybercrimes over issues of jurisdiction. It is therefore imperative for India that the Member States of the United Nations achieve a practical and effective outcome document which will truly serve to promote international cooperation in preventing and combating the use of ICTs for criminal purposes.

4. Another important aspect which the Committee must address is the misuse of information and communication technology for terrorist purpose. We are witnessing the sophisticated use of information and communications technologies (ICTs) such as internet, social media platforms, artificial intelligence such as deep fakes by terrorists around the world to broaden their appeal, spread virulent propaganda, misinformation and disinformation campaigns, false narratives, incite hatred and violence, and recruitment of cadre. The risk has further exacerbated as terrorists increasingly turning towards technologies such as virtual private networks, encryption message services, dark web, as well as blockchain technologies, exploiting the anonymity offered by them, and remain under the radar of law enforcement agencies. Already, crypto currencies, virtual assets, crowdfunding platforms are helping terror financing. Combatting misuse of ICT by terrorist must be one of the major objectives of the convention on cybercrime.

5. In digital space where the majority of data is in cloud, the cyber infrastructure and sources of information are spread over multiple locations, which results in a jurisdictional ordeal for LEAs in both investigation and judicial processes. In this scenario it has become an increasingly complex exercise to ascertain the jurisdiction of the data on the basis of existing classical territorial models. Hence it is necessary to address the fundamental question of jurisdiction in contemporary cyber affairs.

Madam Chair,

6. India believes that an effective convention functions as a living entity with in-built flexibility to adapt to new challenges, resolve differences,

foster international cooperation, contribute to Member States' capacity building, integrate with relevant international and regional organizations, include effective response mechanisms for Member States, guide in improvising existing cybercrime procedures, build a common understanding and keep upgrading itself to meet the aspirations of the international community. Towards that end, India is ready to engage constructively in these deliberations.

7. Member States do not have equal capabilities in the field of ICTs. Cyber criminals are exploiting vulnerabilities and capability inadequacies wherever these exist around the world. It is imperative that this convention builds a mechanism to increase capacity building in the field of ICTs among developing nations to counter the malicious use of ICTs for criminal purposes. Indian philosophy believes in "*Vasudhaiva Kutumbakam*" i.e. "the world is one family" and in this spirit is willing to share its expertise in the field of ICTs with Member States that require capacity building bilaterally or multilaterally.

Thank you Madam Chair.