Concept-note on the organizational aspects of a Programme of Action for advancing responsible State behaviour in cyberspace

Forty-seven States have co-sponsored the joint contribution entitled “The future of discussions on ICTs and cyberspace at the UN” and call for the creation of a Programme of Action (up-dated joint submission in annex). Several other States and regional groups have expressed their support and their openness to consider this proposal.

In this concept-note, the sponsors would like to highlight some elements that could, in their view, constitute the basis for a PoA, for the consideration of the OEWG delegates. The concept-note is intended only as food for thought and to provide an initial basis for discussions, in particular within the OEWG.

Sponsors acknowledge the appetite and need for a regular institutional dialogue that would give the chance for all States to participate in an inclusive and transparent manner and would provide a strong political commitment toward that end. It is proposed to serve as a permanent, more structured yet flexible solution that allows for consensus driven, action-oriented and transparent regular dialogue between States, more multi-stakeholder engagement and acknowledges the importance of capacity building and reliable coordinated efforts.

I. Organizational issues

Sponsors consider that the PoA should remain a First Committee process and report to the United Nations General Assembly.

Periodicity: taking into account both the need for regular meetings, as ICTs offer a rapidly evolving landscape, the sponsors believe that:

- Review conferences could take place every four years for ten working days (two weeks);
- Follow-up meetings could be held every year for five working days (one week);
- In addition, ad hoc thematic informal meetings could be held through video-conferences as appropriate although in person meeting should be favoured as they permit multilingualism and as they limit disadvantages related to certain time-zones. As the current pandemic evolves, hybrid meetings should also be considered.

Secretariat / Bureau: a bureau could be set up, following the principle of equitable geographical representation in line with established practice. UNODA and / or UNIDIR could provide secretarial services as has been the case for the GGE and OEWG, to the PoA. Member States shall elect a Chair on an annual basis, on the last day of the follow-up or review meeting.

Reports:

1/ States could be encouraged to submit follow-up National implementation Reports on a regular basis. These reports could draw on the Survey of National Implementation proposed by Australia-Mexico and other States and organizations, if the said Survey is endorsed by the OEWG. To avoid over-burdening delegates, States could submit their reports every two
years on a rotating basis. The report should be sent on a voluntary basis with a minimum of one report every 3 cycles (i.e every 6 years). The reports could also follow a harmonized template or implementation matrix.

2/ Each Annual Meeting and Review Conference shall adopt by consensus a Final Report including an outcome document to be submitted to the following session of the First Committee of the General Assembly.

3/ Member States may submit working papers on specific thematic issues to be considered by the annual meetings or the Review Conference.

**The Declaration**: the PoA should be based on a politically binding declaration. The sponsors are of the view that this declaration should be based on the previous GGE reports of 2010, 2013, and 2015 as well as the expected reports of the current OEWG and the 6th GGE. Consensus principles, recommendations and commitments could be added to that declaration, in order for the PoA declaration to be a standalone establishing document. The political declaration and subsequent implementation action should address International Law, Norms, Rules and Principles, CBMs and Capacity Building.

**Decision-making**: The PoA shall function under the rules of procedure relating to the committees of the General Assembly with such modifications as the Member States may deem necessary, and ensure that decisions on substantive issues are adopted by consensus, including the Declaration.

II. **Moving forward**

Sponsors agree that the PoA is a State driven process that should allow broad engagement by the relevant stakeholders. The broad participation and engagement of other stakeholders, without prejudice of States prerogatives should be ensured and encouraged.

To that aim, they suggest that:

- Relevant international and regional organizations, non-governmental organizations, specialized agencies, United Nations organs, as well as any other entities or individual experts, may be invited to participate as observers in the meetings of the PoA meetings.
- Additionnaly, it could be considered that an observer status could be granted on a non-objectition basis to other organizations (NGOs, etc.) upon application (strict criteria will have to be defined by participating States) in order to grant the possibility to attend meeting with limited speaking rights.
- At least one session at every follow-up meeting and every meeting will be dedicated to statements and discussions with the observers and other invited stakeholders.

Sponsors agree that the PoA should give the opportunity to address challenges related to the use of ICTs in the context of international security, facilitate concrete cooperation, improve implementation and coordination and help foster capacity building in the most efficient, predictable and inclusive manner.

To that end they suggest that:
• Thematic informal meeting or other formats could be created in order to analyse and discuss in particular any of the main pillars of the mandate (cooperation, CMBs, capacity building, norms, rules and principles, international law, threat assessment);
• As part of the Follow-up Meeting agenda, States could propose new initiatives limited in time and scope, which would build on the national implementation reports and support further collaboration between States in identified area (cooperation, Confidence Building measures (CBMs), capacity building, norms, international law, threat assessments); Additional areas could be subsequently proposed and agreed to by States during Annual Meetings;
• Meetings with stakeholders could include workshops on capacity building; in order to avoid duplication, this could be done with the help of partner organizations;
• UNODA or UNIDIR could be asked to analyse/synthesize the national reports to identify the core capacity challenges experienced by States in implementing the framework. This could also be presented and discussed in a roundtable with UN organizations, relevant multi-stakeholder platforms and non-UN based aid and development organizations;
• In order to improve information sharing, the PoA should establish a portal where States and other stakeholders can share implementation reports, working papers, research papers, etc. They should also be invited to share links to webinars and other relevant material. The platform should consolidate rather than duplicate the information already available on the UNIDIR and UNODA website. Their expansion should be considered as a first option should the need for adaptation arise;
• Participation in and contribution to capacity building programs and any specific project should be undertaken on a voluntary basis.

III. Making a difference

Sponsors agree that it is now time to provide concrete action oriented proposals to the challenges related to the use of ICTs in the context of international security that States and other stakeholders face and to devote their resources in the most efficient way.

To that end they believe that the PoA should, within its mandate:

• Support the international framework for addressing cybersecurity and the international security aspects of ICTs at the UN;
• Contribute to promoting the implementation of the existing framework and driving the work of the UN forward while avoiding duplication;
• While remaining a first committee process, favour cross-expertise and discussion with other fora in line with its mandate. In particular, the PoA could benefit from the expertise of fora in charge of representing specifically targeted sectors (for example health or finance);
• Encourage a broad participation of experts from various authorities and entities at the national level;
• Aim at providing concrete non-binding guidance on specific issues such as: implementation of norms, rules and principles, threat assessment techniques, cyber-resilience etc.