Japan's Position Paper for the Report of the United Nations Open-Ended Working Group on "Developments in the Field of Information and Telecommunications in the Context of International Security"

1. General

Japan looks forward to working closely with the Chair for the success of the Open Ended Working Group (OEWG). We hope that our work here, based on the three GGE consensus reports, bears positive fruit, following consensus procedure and consistent with the mandate of UN Resolution 73/27, working in a constructive and complementary manner with the GGE.

From the viewpoint, the consensus report of OEWG should be in line with following points.

i. The important items such as "Existing and potential threats", "International law", "Norms for responsible State behavior", "CBMs", "Capacity-building" and "Regular institutional dialogue" should NOT be omitted and these items should be mentioned in a balanced manner in the report.
ii. The language and description used in the report should be consistent with previous consensus text including GGE reports. For example, discussions on "the application of international law" and "norms" should NOT be confused.
iii. A deeper understanding on the outcomes agreed at the past GGE, based on the recognition that these outcomes are the basis for future discussions, and the necessity of implementing these outcomes is considered to be one of the major achievements of this OEWG.
iv. Regarding issues where the positions of each country differ, the report should mention each position in a neutral manner.

2. Existing and potential threats

To flexibly incorporate the rapid development of information and communications technologies in our lives, and to prevent the damage stemming from malicious cyber acts, we should acknowledge the importance of foreseeing a number of threats in cyberspace and how the international community could be affected by them.

Japan hopes that this working group would provide an excellent opportunity to foster a common understanding of the threats posed by malicious cyber activities.

3. Rules, norms and principles

To ensure the stability and predictability of the international community and cyberspace, we need to implement voluntary and non-binding norms of responsible state behavior in cyberspace. Based on this, 11 norms agreed at GGE must be the foundation for future discussions on this issue.

The speed of the development of cyber technology is extremely fast, and agreeing on legally binding norms takes a very long time, so first of all, it is necessary to steadily advance these practices of norms that are acceptable for every country. We should rather work on the capacity building in parallel, including raising awareness such as promoting understanding of norms.

4. International Law

Cyberspace should not be a lawless zone. Japan recognizes that it is important for us to promote rule of law in cyberspace, and welcomes that it is a common recognition that international law, and in particular the United Nations Charter, applies to cyberspace.

Based on the fact that the speed at which cyber technology develops is extremely rapid and the creation of new legally binding treaties takes a very long time, first, it is necessary to steadily clarify interpretation of existing treaties and content of customary international law.

As an example, Japan recognizes that basic rules on State responsibility including those on countermeasures applies to cyberspace.

In international law, there is no restriction that countermeasures should be limited to the same means as internationally wrongful acts. This is also applicable to countermeasures in cyberspace.

5. Confidence-building measures

It is important to make the overall direction and comprehensive measures for confidence-building agreed in the 2015 GGE Report more effective. We need to deepen discussions on how to steadily implement effective confidence building measures and to make use of the outputs of the discussions for activities within a regional framework.

Japan has been promoting communications with other countries in order to manage the risks caused by cyberattacks. Japan conducts information exchange and policy dialogues in bilateral and multilateral consultations on cybersecurity with a number of countries. Japan additionally took the initiative to establish the intersessional meeting on cybersecurity in the ASEAN Regional Forum, together with Singapore and Malaysia, where we have adopted a set of concrete confidence-building measures.

6. Capacity-building

To contribute to enhancing the international security, reduction of cybersecurity vulnerabilities through the global coordination is needed.

Capacity building is necessary not only from the viewpoint of reducing the vulnerability of international cyber security and reducing the risk, but also from the viewpoint of raising awareness, and promoting the implementation of norms and confidence building measures.

These measures should be based not on a one-fit all approach or a hit-and-away approach, but on a tailor-made approach that takes into account the national situation of the recipient country from the viewpoint of providing effective and efficient support to the recipient countries.

7. Regular institutional dialogue

With regard to the possibility of establishment of regular institutional dialogue, it is necessary to carefully examine the details including its purpose and mandate. Our priority should be steady implementation of the agreed results in the past GGEs.

The GGE and OEWG have been already providing opportunities to deepen the understanding on the agreed results, and guidance for practice, as well as promoting cooperative capacity building, so it is not necessary for us to explore new forums for discussion.

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