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The future of discussions on ICTs and cyberspace at the UN

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Summary of the Proposal: explore establishment of a Programme of Action for advancing responsible State behaviour in cyberspace with a view to ending the dual track discussions (GGE/OEWG) and establishing a permanent UN forum to consider the use of ICTs by States in the context of international security.

The Covid-19 pandemic has underlined our reliance on information and communication technologies to maintain social cohesion and to continue certain essential economic activities. Several cyber-attacks have shown that resilience is essential and that no region of the world is immune. **We, France, Egypt, Argentina, Canada, Colombia, Ecuador, Gabon, Georgia, Iceland, Japan, Lebanon, Montenegro, Morocco, Norway, Salvador, Singapore, the Republic of Korea, the Republic of Moldova, the Republic of North Macedonia, the UAE, the United Kingdom, the EU and its member States (Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.) stress the urgent need for the international community to address the use of ICTs in the context of international peace and security. The ongoing discussions at UN level are therefore more topical than ever.**

Tremendous progress has been made in the last decade by five GGEs that have managed to define norms of responsible behaviour, to provide a framework for developing confidence building measures (CMBs) and to recognize the full applicability of International Law to cyberspace. **Those achievements were universally endorsed by States thanks to the resolution 70/237. We underscore that the United Nations should play a leading role in promoting dialogue among Member States.**

Since 2018, two working groups and many initiatives have started under the auspices of the UN. We welcome the willingness of the international community to engage, and recognize that each of those initiatives has its own merits and specificities. Yet, they aim at tackling the same issues: advancing norms of responsible behaviour, understanding how international law concretely applies to cyberspace, developing CBMs and fostering capacity building. We consider that this situation, although evidencing the growing commitment of the international community to dedicating time and resources to the matters at hand, creates redundancies and, at times, can be counter-productive. It is therefore a cause for concern.

We believe that it is now time to go beyond our divergences and to work toward one long-term, inclusive, progress-oriented format that will enable us to continue the work undertaken, notably during the six GGEs and the OEWG and to build upon the *acquis*.

We acknowledge the appetite for a regular institutional dialogue that would give the chance for all States to participate in an inclusive manner and would provide a clear political commitment. Some believe that a long-lasting solution is needed; many call for more multi-stakeholder engagement; all acknowledge the importance of developing more capacity building programs and coordinating our efforts.

We believe that to build on past achievements and to overcome our differences of opinion, States should work on a Programme of Action for Advancing responsible State behaviour in cyberspace, as we did several years ago when creating the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA)¹. We propose that the creation of this new Programme of Action should be stated in the reports of the OEWG and of the 6th GGE.

The modalities would be subject to further discussion. However, it is envisaged that this new PoA, while laying the foundation for action at the global level and remaining flexible, would provide us with several opportunities to:

1/ Create a framework and a political commitment based on recommendations, norms and principles already agreed. The OEWG and 6th GGE could work to agree the modalities of a Programme of Action, and implementation and follow-up measures that could then be endorsed by a UNGA resolution. States have already agreed on an international framework by endorsing the GGE reports. The initial framework and commitments could be based on UNGA resolution 70/237 (endorsed by consensus, by all countries), but could be updated following UNGA consensus endorsement of future recommendations (for example: following consensus UNGA endorsement of the forthcoming OEWG and GGE reports), or by consensus agreement at PoA Review Conferences (see point 4 below).

2/ Have regular working-level meetings, focused on implementation. Our discussions at OEWG and GGE this year have shown that implementation is currently one of our biggest challenges. Such meetings could be organized once a year. The National Survey of Implementation of United Nations General Assembly Resolution 70/237 (being the UNGA resolution that endorsed the 2015 GGE report) proposed by several states during our work this year at OEWG could be used as a tool by States to support their participation in these meetings.

3/ Step up cooperation and capacity building, building on the implementation meetings, by defining what the most urgent needs are and by fostering coordination between States when relevant. We believe that capacity building will be crucial to ensure the success of a PoA.

4/ Have regular Review conferences to make sure that the PoA is still fully adapted to needs and threats in a rapidly evolving technological landscape. Such meetings could be organized every five years, following the same model as the SALW PoA and be consensus-driven. Given the unique attributes of ICTs, these review conferences could consider if additional norms could be developed over time.

¹ <https://www.un.org/disarmament/convarms/salw/programme-of-action/>

5/ Organize consultations with other stakeholders (private companies, NGOs, civil society...), regional organizations, representatives of other UN processes, and relevant multi-stakeholder initiatives dealing with cyber-related issues in the context of international security. During the OEWG as well as during other initiatives such as the High Level Panel Working group on “trust and security”, the benefit of conversation with all stakeholders has been largely recognized – ICTs and critical communication infrastructures often being partly managed by non-State Actors. We intend to maintain regular institutional dialogue with broad participation under the auspices of the United Nations.

We are convinced that such a Programme would be one step further toward an open, secure, stable, accessible and peaceful cyberspace.

We support the establishment of a PoA for Advancing responsible State behaviour in cyberspace and undertake to proactively engage in further defining its modalities with a view to securing consensus among all UN Member States.