German Statement at the March OEWG, Agenda Item 5a)

(Further develop the rules, norms and principles of responsible behavior of States and the ways for their implementation and, if necessary, to introduce changes to them or elaborate additional rules of behavior)

Honorable Chair,

Germany is fully aligned with the statement of the EU and wishes to add the following points in a national capacity.

The consensus reached in the GGE and OEWG reports sets a strong foundation for the international framework for responsible state behavior in cyberspace.

Germany believes that discussions in this OEWG should be used to expand and deepen the existing UN framework of responsible state behavior by means of mutual exchange and with a view towards building a stronger joint understanding of how international law applies to the use of ICTs by States.

However, in the light of Russia’s war of aggression against Ukraine, which has seen a blatant violation of the already agreed norms of responsible state behavior efforts to strengthen norm implementation gain new relevance.

As part of the EU-statement we have already underlined Russia’s breaking of UN norms in the context of the current war against Ukraine including the UN norms on protection of critical infrastructure, on the obligation not to allow a country’s own territory to be used for wrongful acts and on respect for human rights online in particular the right to the freedom of expression.

These recent breaches of UN norms and international law provide a powerful reason why Germany sees the most urgent focus of work under this agenda item in the area of advancing norm implementation in order to strengthen cyber-stability.

The proposed UN Program of Action can be understood as an inclusive and transparent platform in this regard as the PoA seeks to address
States’ most urgent needs to help them implement their commitments and contribute to peace and stability in cyberspace.

Another avenue towards strengthening norm implementation is via practicing confidence building measures, which Germany will expand on further under the dedicated agenda item.

Germany welcomes existing practical measures advancing norm implementation such as the National survey of implementation as outlined by Australia. UNIDIRs role in facilitating use and sharing of the survey is an excellent example of how trusted UN institutions can play a key role in assisting member states with norm implementation.

With regard to future work of this group, Germany supports the suggestion made by the Republic of Korea to further spell out ways for the implementation of the due-diligence principle as captured by UN norm 13c. Germany fully endorses the strong call delivered by Portugal in this regard.

In implementation of the voluntary UN norms Germany has taken the following recent steps:

- Germany has put in place an updated national cyber security strategy to inter alia improve the protection of critical infrastructure,
- strengthened investment protection laws in order to protect the integrity of supply chains and
- Germany has contributed to the attribution of recent cyber-attacks against European targets at the EU level and has publicly attributed cyber-attacks against German democratic processes acting on the basis of solid technical evidence in all cases.

On this exact topic, Germany welcomes the recommendation made by Kenya to do further work on how to conduct attribution of cyber incidents in this working group in order ensure that all states wishing to do so can fully implement UN cyber norm 13a). Attribution is a key instrument to uphold international law and to prevent the erosion of norms. As a country that has recently adopted a more active stance on
attribute, Germany is happy to support measures for norm implementation in this regard.

Thank You.