

United States remarks for March 2022 session of the OEWG,
as prepared

On the provisional programme of work

- I come here today with shaken faith and a heavy heart.
- Member States established the Open-Ended Working Group to improve international stability in cyberspace. This goal is laudable, but it presumes that member states want to act responsibly. It presumes that states want to avoid conflict and prevent civilian suffering stemming from the use of cyber tools in conflict when it occurs. We would like to believe these are universal goals.
- Of course, hope is not a strategy and principles without good faith partnership can only take us so far. Russia has made a mockery of its pretensions to lead on cyber issues at the UN. As we speak, it is carrying out a premeditated, unprovoked, and unjustified war against Ukraine, violating international law, and creating a humanitarian crisis the likes of which we haven't seen in Europe for decades.
- The United States has seen numerous credible reports of indiscriminate attacks and attacks deliberately targeting civilians, as well as other atrocities. Russia's forces have destroyed apartment buildings, schools, hospitals, critical infrastructure, civilian vehicles, shopping centers, and ambulances, leaving thousands of innocent civilians killed or wounded. Many of the sites Russia's forces have hit have been clearly identifiable as in-use by civilians. In one case, Russia's forces struck a building marked in letters visible from the sky with the Russian word for "children".
- The international community is rightly holding Russia accountable for its shocking behavior in Ukraine.

- This situation is horrifying. It is not something I expected to witness in today's world.
- UN member states have worked for more than two decades on conflict prevention in cyberspace. In the last decade, we achieved hard-won consensus affirmation of the applicability of international law, including the UN Charter, to state behavior in cyberspace. We have developed a comprehensive framework to guide states in their behavior in cyberspace.
- Based on its unprovoked and unjustified attack on Ukraine, its flagrant violations of international law, and its use of cyber tools in the context of that conflict, we can only conclude that Russia's true goal for this process is to create a framework all other states abide by but which it will ignore.
- This process does not belong to Russia. It belongs to every member state that seeks to preserve stability in cyberspace. It belongs to every stakeholder that benefits from an open, interoperable, secure, and reliable Internet for all. It belongs to every one of us who has engaged in good faith and contributed ideas to this process. It remains my belief – and my hope - that most states want to be responsible actors in cyberspace. The work we've done in the UN for the last two decades is incredibly valuable in that regard.
- The universally affirmed framework for responsible state behavior in cyberspace, articulated in the GGE and OEWG reports, enables us to better hold irresponsible states accountable for their cyber behavior. I've come here this week to work with all states who want to improve international cyber stability. We must continue our work, even though our faith may be shaken.
- Turning to the specific issue of the program of work, the United States once again supports the UK's objection to the adoption of

the program because the issue of the group's modalities has not been settled.

- The program of work was not adopted in December, nor did we have agreed modalities, yet substantive discussions occurred. I and others were confused about the status of that meeting.
- As a matter of principle, I believe this group must resolve modalities before moving to formal substantive discussion. To proceed without such resolution would set a harmful precedent. To date, we have not seen one iota of compromise from Russia on this issue and it is doubtful that will change any time soon.
- Member states know U.S. views on the importance of multistakeholder participation and many have intervened to express their commitment to ensuring stakeholder voices are heard.
- Multistakeholder participation is not simply a matter of principle; it's also essential to our shared purpose. The vast majority of ICT infrastructure is owned and operated by the private sector, and it is non-governmental organizations that ensure the functioning of cyberspace. They play an integral role in implementing our decisions. And they bring valuable insight and expertise to bear on our discussions.
- The modalities used last time resulted in the exclusion from formal sessions of all 18 requesting stakeholders not accredited to ECOSOC. That exclusion was based on four States anonymously vetoing stakeholders, whatever their relevance or competence. One of those states was Russia, which vetoed all stakeholders who applied.
- If states object to certain participants, their objections should be transparent. To do otherwise is to encourage injudicious use of the veto power. In fact, on several occasions, Russia has said it has no intention of using an anonymous veto judiciously.

- Our active and constructive participation in the OEWG thus far shows that we have no desire to delay our discussions. We are ready to address these urgent issues. But we must, as in all UN processes, settle modalities before moving to formal substantive discussion.
- Therefore, the United States objects to the adoption of the provisional program of work. The United States wants to participate in these urgent substantive discussions but in the current circumstances we are only willing to do so on an informal basis. Modalities need to be resolved before the group formally proceeds. Otherwise, we will be operating in an unclear limbo that will be detrimental to our work and UN processes as a whole.