Norms of Responsible State Behaviour

Chair, Colleagues

I want to use my time this morning to talk to you about an initiative that Australia believes advance our implementation of the norms and the additional layer of understanding of the norms elaborated in the 2021 GGE report, which can provide the basis for concrete, practical steps this OEWG can take towards implementation.

I would like to take the opportunity to talk a little bit more fulsomely about the background, and purpose, of the **National Survey of Implementation of United Nations recommendations on responsible use of ICTs by states in the context of international security.**

The framework of responsible state behaviour in cyberspace, that forms the foundation of our work, was developed through the cumulative reports of the 2010, 2013, 2015 and 2021 Groups of Governmental Experts and 2021 Open Ended Working Group.

It is clear that the international community expects countries to act consistency with their commitments to the framework of responsible state behaviour in cyberspace,

A core part of implementation of the norms of responsible state behaviour is not only sharing understandings of how to implement its recommendations, but to also self-assess what actions each of us have taken towards implementation, and what actions are still required to implement them fully.

In the previous OEWG, Mexico, Australia and other states identified a gap – we were lacking a simple way for states to self assess their progress against implementation of the framework, and of the norms in particular.

Together, Argentina, Australia, Canada, Chile, Denmark, Estonia, France, Indonesia, Kenya, Mexico, the Netherlands, New Zealand, Pacific Island Forum member states, Poland, and South Africa collectively put forward a proposal for a survey -

Recalling that UNGA Resolution 70/237 called on all Member States to be guided in their use of ICT's by the 2015 GGE Report, the Survey asks Member States to:

- o take stock of steps taken to implement the recommendations listed in the 2015 GGE report, as expanded upon by the 2021 OEWG and GGE reports and

- o identify barriers to implementation and/or specific gaps in capacity limiting implementation.

 The Survey was drafted impartially, drawing directly from the 2015 GGE report – which all countries have endorsed by consensus.

The current version also draws directly from the 2021 OEWG and GGE reports – also endorsed by consensus by the UNGA.

We then worked with you all to develop recommendations in the 2021 OEWG and GGE reports towards adopting this survey.

This work was recognised by the reports of those groups, which recommended, at paragraphs 30 and 65 of the OEWG report, and paragraphs 21 and 89 (h) of the GGE report: that

> States, on a voluntary basis, survey their national efforts to implement norms, develop and share experience and good practice on norms implementation, and to compile and streamline the information they present using tools like this Survey, and

> Encouraged states to use the voluntary Survey of National Implementation as a means to assess their own priorities, needs and resources, and to share information on lessons learned, to further strengthen international cooperation and assistance in ICT security and capacity building

The structure of the Survey itself is very simple – one by one, it goes through each recommendation of our acquis, and asks a small set of questions about that recommendation.

So, for example, for each norm, the text of the norm is set out, along with the relevant extracts of the consensus reports to provide context. The survey then asks:

- - Whether your government has taken action consistent with this norm?
- - If so, whether further details of specific measures and/or public documents or statements can be provided
- - Whether you have identified any challenges that inhibit the implementation of this norm; For example:
  - o Political barriers (e.g. the issue is not considered priority on the political agenda)

o Structural/Organizational barriers (e.g. unclear lines of responsibility or ownership of the issue)
o Personnel barriers (e.g. not sufficient human resources available)
o Knowledge barriers or
o Financial barriers

A similar structure is applied for all our consensus recommendations, on international law, norms, CBMs and capacity building.

The survey therefore provides a template – a simple, voluntary, easily followed and objectively drafted step-by-step process for states to self assess their progress towards implementation.

But the Survey does not stop at self assessment.

Countries are encouraged, on a voluntary basis, to share their responses to the Survey, including through our voluntary annual reporting the Secretary General

– our 2021 resolution (and previous resolutions) encourages Member States to continue to inform the Secretary-General of their views on international law, norms, confidence building measures and capacity building in the context of international security in cyberspace. (I believe this years inputs are due in May)

Sharing responses serves a number of purposes:

It collates national take-up of the UN recommendations with a view to assisting assessment of their further development and implementation

It allows regional organisations and others to conduct analysis of the responses to the Survey to help develop targeted capacity building programmes which address any challenges to implementation or gaps in capacity that are identified, providing an evidence base which has been provided by the state itself, of the particular needs of the state;

It also provides a basis and a mandate for which we can, right now, begin work on a global points of contact directory.

This is because the Survey has been recommended by the GGE and OEWG reports, and those recommendations have been endorsed by the general Assembly.

And the Survey, as recommended, asks countries how they have implemented the recommendations of the framework – including recommendations, under confidence building measures, to develop a global POC directory,

[in paragraphs 16 (a) of the 2015 GGE report, paragraph 51 of the 2021 OEWG report, and paragraphs 76 and 77 of the 2021 GGE report]

So why, you might be asking, am I talking about this Survey today, when it was developed and adopted over a year ago, and included as a recommendation for states in both the 2021 OEWG and GGE reports?

Because we also know that a tool that is buried in a document in the depths of a UN website (no offense meant to the UN document system) is unlikely to garner the uptake, and day-to-day use, which is required for the Survey's value and usefulness to be most apparent.

Instead, Australia has worked closely with UNIDIR to provide a user-friendly and easily accessible online platform for the Survey, through the UNIDIR Cyber policy portal, that States can easily use to self-assess progress towards implementation of the framework of responsible state behaviour in cyberspace.

[I am looking forward to UNIDIR's presentation tomorrow, but in the meantime commend everyone who hasn't to look up and have a play with UNIDIR's cyber policy portal – it is an excellent and very well designed tool]

The survey will therefore be online, easily accessible, and able to have responses – if a country so wishes – directly added to their entry on the cyber policy portal.

At lunch time today, UNIDIR will be presenting the online survey tool, providing an overview and demonstration of the online survey tool,

-   including the collation of a global POC directory through the online Survey.

The survey is not an end in itself – it is tool to help each of us determine, for ourselves, how we implement the norms and the Other pillars of our framework

it is also improved when we all to do what we say will want to do – share information, share best practices, share our priorities and also the gaps we identify in our implementation.

And it is a way to collect a reliable and valuable evidence base for our future work – to make progress towards further development and implementation.

Australia proposes that this OEWG recommend that:

-   states, on a voluntary basis, use the Survey, to self-assess national take-up of the recommendations of the 2015 and 2021 reports
-   states, on a voluntary basis, use the Survey to provide information about dedicated Points of contact at the policy, diplomatic and technical level, to be compiled into a point of contacts directory

- request Member States to encourage regional organisations and other stakeholders to conduct analysis of the responses to the Survey with a view to developing targeted capacity building programmes which address any challenges to implementation or gaps in capacity so identified;
- encourages development of capacity building programs, in accordance with the national policies and priorities defined by Member States, with a view to assist Member States' completion of the Survey upon their request;
- notes that the Survey may be expanded or updated in the event that the UNGA, by consensus, endorses and calls on Member States to implement the recommendations of a report of the OEWG, or other UN mechanism or body mandated to study existing and potential threats in the sphere of information security and possible cooperative measures to address them.

Before concluding, I want to briefly call attention to the report, released last week, from the Australian Strategic Policy Institute (ASPI)'s International Cyber Policy Centre: 'The UN norms of responsible state behaviour in cyberspace: Guidance on implementation for Member States of ASEAN'

this report is the outcome of a multi-year cyber capacity building project initiated by ASPI, , in partnership with the United Kingdom's Foreign Commonwealth and Development Office, and the Australian Government's Cyber and Critical Tech Cooperation Program following the 2018 decision by the ASEAN ministers to subscribe in-principle to the 11 norms, and to focus on regional capacity-building in implementing these norms.

the report offers practical advice on how governments can demonstrate implementation of the 11 norms of responsible state behaviour in cyberspace.

A part of that project also included making the norms more accessible for us all to understand and recall, including translation into ASEAN languages, and I offer a small stack of these very helpful bookmarks produced by APSI to those who like to have the norms at their fingertips.

Thank you Chair.