

## **STATEMENT BY THE REPRESENTATIVE OF AUSTRALIA TO THE SECOND SUBSTANTIVE SESSION OF THE OPEN ENDED WORKING GROUP ON SECURITY OF AND IN THE USE OF ICTS (MARCH 2022)**

### **Opening Statement**

Australia is committed to an open, free, secure and peaceful cyberspace.

We are committed to promoting and progressing cyber peace and stability through discussions and forums such as this Open-Ended Working Group.

But we cannot ignore the global context of the time in which we meet.

It is with a heavy heart that I join my voice with those who have spoken before me -

And reiterate, unequivocally, that Australia condemns in the strongest possible terms Russia's unprovoked, unjust and illegal war.

We call on Russia to immediately withdraw its forces from Ukrainian territory, consistent with the legally binding decision of the International Court of Justice.

The international community must not tolerate Russia's misuse of cyberspace to undermine Ukraine's national security, sovereignty and territorial integrity by seeking to disrupt essential services, businesses and community confidence.

Such behaviour undermines trust, confidence, and all diplomatic efforts.

Engagement in discussions to promote international peace and security in cyberspace requires a degree of confidence that all other parties are committed to upholding the rules-based order online, just as we do offline.

Russia's wholesale breach of international law, including the UN Charter, calls into question how trivially Russia might treat any recommendations we could negotiate and agree in this forum.

My genuine question for everyone here today: how do we make progress on responsible state behaviour in cyberspace, when one of the OEWG's most vocal participants, and original sponsor, is flagrantly acting so irresponsibly?

Russia's true motivations for seeking to lead cyber discussions at the UN are called into question by Russia's misuse of cyberspace to undermine Ukraine's national security, sovereignty and territorial integrity.

Australia rejects the narrative that raising the invasion of Ukraine in this forum politicises the OEWG.

We cannot ignore the direct link between a cyberattack on Ukraine's critical infrastructure forming a key part of Russia's hybrid warfare strategy.

Ignoring acts irresponsible behaviour in cyberspace calls into question the legitimacy of this Open Ended Working Group – and undermines our mandate to promote an open, secure, stable, accessible and peaceful cyberspace.

Now, more than ever, it is imperative that this Group focuses at its very core on the upholding of international law, the rule of law, and the promotion and protection of human rights.

Now, more than ever, this process must prove its inclusivity and transparency.

Non-government entities play a unique and vital role in the technical management and governance of cyberspace.

However, we have yet to agree modalities for their participation and engagement in our discussions.

Cyberspace is unique; well-informed discussions and effective outcomes for this process will require meaningful engagement with the multistakeholder community, including civil society, the technical community, academia, industry and intergovernmental bodies.

The multi-stakeholder community can provide perspectives that help us better understand emerging cyber threats, their impacts, and how to address them.

That role should be recognised in the discussions of the UN OEWG, to help us come to our consensus decisions, as states.

And I thank you Chair for your efforts to include stakeholders informally in our discussions, both last Thursday, and as planned to form part of our discussions this week during informal consultations on Thursday afternoon.

Australia supports a mechanism that facilitates meaningful dialogue between all parties, that is inclusive, transparent, coordinated, impactful, and maximises the time that we have together during formal sessions.

We are disappointed that such a mechanism remains elusive for this group.

I note the request of the United States for this second session of the OEWG to take place on an informal basis because the OEWG's modalities and program of work remain unsettled.

Australia supports this a proposal to shift to an informal meeting until these procedures are settled.

We would hope that this group can, in the meantime, continue substantive discussions in an informal setting, as we did in the previous OEWG via informal virtual meetings throughout 2020 and 2021 when we could not meet in-person. I also support the suggestion from Canada to promote inclusivity of

these discussions by continuing to broadcast the meeting on UNTV while in informal mode.

Australia believes in the importance of maintaining forums like this one where we can openly exchange views on difficult topics – and echo Under Secretary General Nakimitsu's comment this morning, that it is not in spite of, but because of, the global context of the time in which we meet, that continuing these discussions are so important.

I sincerely hope that the future of this process, the spirit of consensus, and our collective commitment to promoting international peace and stability in cyberspace prevails.

Thank you.