



KINGDOM OF BELGIUM

Federal Public Service

**Foreign Affairs,
Foreign Trade and
Development Cooperation**

14 April 2023

RE: Contribution of Belgium on the Programme of Action (POA)

Further to Resolution 77/37 of December 7, 2022, further to communication ODA/2023-001/Programme of Action ICT security of December 14, 2022 and further to the extension of the deadline to April 14, 2023, Belgium has the honour to share its views on a Programme of Action to advance responsible State behaviour in the use of ICTs in the context of international security.

Belgium would like to share the following :

1. Rationale

Since 2003, a series of working groups have consolidated a framework for responsible State behaviour in the use of ICTs ("the acquis") which was endorsed by the General Assembly in consensus resolutions (70/237 and 76/19) and reaffirmed in various documents, including the OEWG. The establishment of a "regular institutional dialogue" (RID) was also discussed. As to the normative framework, it has been noted that this framework is cumulative and evolving : new norms could be developed over time.

The added value of a Programme of Action would be to provide a permanent and inclusive institutional mechanism to support and follow-up on the implementation of agreed norms. It should be an action-oriented mechanism.

2. Scope and objectives

The scope of the PoA would be matters related to the use of ICT in the context of international security (First Committee Mechanism). The overarching objective of the Programme of Action would be to contribute to preserving international peace and security and preserving an open, stable, secure, accessible and peaceful ICT environment. The POA would therefore specifically aim at fostering cooperation, stability and global resilience.

The PoA should be based on several key principles :

(1) The PoA should provide a permanent institutional structure to deal with cyber matters, which are now a well-established item under 1st Committee,

(2) The PoA should clearly reaffirm the established framework for responsible State behaviour as the basis for its future work, for example via a founding political document which would recall the relevance of this framework,

(3) The PoA should offer a flexible structure which would allow for the broad participation of States, and would make it possible to deal with new challenges as they emerge. For example, the PoA could hold annual or biannual plenary meetings open to all States, which would make decisions (on implementation, on the further development of norms, etc.) based on the the work done in the intersessional period by technical working groups (some of which could take place in NY and some others in Geneva). Plenary meetings would be able to decide on the creation of new working groups to address new issues;

(4) The PoA should allow for the possibility to update the framework, on the basis of consensus, for example via regular plenary meetings/review conferences which could re-examine the framework and decide to further develop it if appropriate (the works of these review conference could be prepared in the intersessional period by dedicated working groups and the plenary meetings),

(5) The PoA should place a strong emphasis on support for implementation efforts, including via regular voluntary reporting of such efforts which would enable a mapping of the most urgent needs and challenges, actionable recommendations updated on a rolling basis to guide States in their implementation efforts, and support for capacity-building activities,

(6) The PoA should ensure that support for capacity-building within the PoA relates to the mandate of 1C, is relevant to the implementation of the framework, and takes into account existing initiatives in this domain. Coordination with capacity-building activities undertaken in other venues (ITU, etc.) could be explored, bearing in mind the need for each forum to act within the scope of its own mandate,

(7) The PoA should ensure inclusivity, both for States and for the stakeholder community. Regarding stakeholders, the PoA should clearly reaffirm that States bear primary responsibility in matters of international security (and therefore should retain the decision-making power), but its modalities should allow stakeholders to attend formal meetings, make statements and submit written inputs.

3. Legal basis and functioning

- Inspiration for an institutional framework could be found in the structure of the Arms Trade Treaty (ATT), the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines (APMBC) and the Convention on Cluster Munition (CCM).
- The POA could be based on a political document which would reaffirm States' political commitment to the framework for responsible State behaviour, as affirmed in relevant reports and resolutions.
- Such a document would establish a permanent institutional mechanism to :
 - o Review and advance the implementation of this framework (including by supporting States capacities to do so) : the POA would notably encourage regular voluntary reporting of national implementation efforts, by creating its own reporting system or by promoting existing mechanisms (such as the UNIDIR National Survey of Implementation). This reporting would serve as a basis to identify priorities in the area of norms implementation, and map needs in terms of capacity building. POA yearly

meetings would deliver actionable recommendations about the national implementation efforts. Working groups could be created to support these efforts.

- Support tailored capacity-building efforts to address the needs and challenges identified by states in relation to the implementation of the framework. It should also aim to foster the exchange of best practices and transfer of expertise, as appropriate. The PoA should seek cooperation of the multistakeholder community in this area. The POA would also seek to leverage existing efforts and initiatives. A “labelling system” could be developed to endorse activities in line with the objectives. Other organisations could be invited to share their views (ITU, World Bank Cybersecurity Trust Fund...).
- Further develop the framework as appropriate to address new threats and further enhance security in cyberspace. This development could be through yearly meetings and/or review conferences. to the PoA would allow the adoption of new norms on the basis of consensus.
- Foster multistakeholder cooperation in relevant areas : it has been confirmed that the strengthening of the cooperation (when appropriate) with civil society, the private sector, academia and the technical community is valuable. The POA should draft modalities to enable stakeholders to attend formal sessions, deliver statements and provide inputs. A model exists with the Convention on Certain Conventional Weapons (CCW). Other examples exist within the APMBC and the CCM.

The institutional structure would be the following :

- a) Regular meetings : these meetings could be held on a yearly basis (or to any optimal periodicity). These meetings could (i) discuss existing and emerging threats; (ii) consider the implementation of norms, rules and principles, (iii) discuss further how international law applies to the use of ICT, and identify potential gaps, (iv) discuss the implementation of confidence building measures, (v) identify priorities for capacity-building, also on the basis of voluntary reporting, (vi) identify further actions needed and determine the programme of work for intersessional meetings. Yearly conferences could decide by consensus to create technical work streams, open to all States and relevant stakeholders, focused on specific items. Participation by technical and legal experts would be encouraged.
- b) Intersessional meetings : these meetings would advance the programme of work agreed upon by yearly meetings. Their work could be structured in technical work streams focused on specific items, in accordance with the priorities and areas of work identified in the yearly meetings.
- c) Review conferences : these conferences could be held every four years (or another periodicity) to consider whether the framework should be updated, and further develop it if relevant. A dedicated workstream may be created to deepen discussions on how international law applies to the use of ICTs, and assess whether gaps exist in the framework that may call for its further development.

4. Preparation and establishment



- Preparation : on the basis of Resolution 77/37, the elaboration of the POA could be organized via intersessional meetings and dedicated sessions of the OEWG in 2024 and 2025.
- Establishment : UNGA Resolution 77/37 noted an “international conference” as an option to establish the POA (as this was done for example for the POA on small arms and light weapons). If States decide it, such an international conference could be convened in 2025 to adopt the founding document of the POA, on the basis of the preparatory work done in the OEWG 2021-2025.
- This international conference should make decisions on the basis of consensus, at least on matters of substance. It should provide for participation by relevant stakeholders.

