Brazil’s views on the future regular institutional dialogue on information and communication technology in the context of international security

Introduction

Brazil favours a regular, open and inclusive dialogue on international security related to the ICTs. The discussion on the regular institutional dialogue should take place in the current Open-Ended Working Group on security of and in the use of information and communications technologies (OEWG 2021–2025), as per its mandate contained in UN General Assembly Resolution 75/240. This would avoid duplication of work and the establishment of competing processes, which would be detrimental to our common goal of achieving an open, secure, stable, accessible and peaceful cyberspace.

2. Any regular institutional dialogue should be based on the necessity of upholding the hard-won framework of common understandings (“acquis”) on principles, norms and rules of responsible State behaviour in cyberspace and on the application of International Law in cyberspace. These stem from the work of the six Groups of Governmental Experts (GGEs), the first OEWG and the related UN General Assembly resolutions. The future process must consolidate and reaffirm the “acquis”, and promote its continuous, incremental development.

3. The proposals put forward for a regular institutional dialogue should be considered on their own merits, regardless of the format in which they are presented. Member States should avoid prejudging the result of negotiations in this regard.

Principles and parameters

4. For Brazil, any regular institutional dialogue under the auspices of the United Nations should observe the principles of transparency, openness, continuity and incrementalism. It should be voluntary, inclusive, multilateral and intergovernmental. In other words, States should remain the main actors in the process. Nonetheless, the mechanism should provide for broad and continuous engagement with relevant stakeholders, including from the private sector, academia
and civil society. Given the interconnected and interdependent nature of ICT technologies and systems, the mechanism should contemplate a multi-stakeholder approach, in which non-governmental entities could contribute with their specific expertise and insights.

5. The mechanism should be permanent and flexible, fit to adapt its work in the face of new technological developments and emerging threats. Its modalities/methods of work should also avoid stagnation of the process (e.g., possibility of [use of the consensus rule as] a de facto veto power), as experienced, for example, by the Programme of Action on small arms and light weapons for a long period. The future mechanism would provide recommendations to the UN General Assembly, which may adopt or endorse them (normative role).

**Scope**

6. The understandings reached by the current OEWG and the previous one (OEWG 2019-2021), the GGEs and the related UN General Assembly resolutions, should constitute the basis of the regular institutional dialogue. It should aim at the continuity of the incremental process of promoting common understandings on international security related to the ICTs. Given the fast pace of technology development and the constant emergency of new threats, the future mechanism should have broad mandate to cover different relevant aspects of international security related to the ICTs.

**Goals**

7. The promotion of international security related to the ICTs requires upholding as well as developing of the current framework of common understandings regarding the principles, norms and rules of responsible State behaviour in cyberspace. In this light, the main goals of the future regular institutional dialogue should be threefold:

   (i) Focus on the implementation of the “acquis”;
   
   (ii) Mapping and addressing challenges in implementing the “acquis”;
   
   (iii) Promote the continuous discussion and further development of the “acquis”.
8. These goals are closely interrelated and should be treated on an equal footing in order to create a virtuous, self-reinforcing cycle.

9. The sustainable, long-term implementation of the current framework depends, on the one hand, on the promotion of a suitable environment, conducive to fomenting mutual trust between States. Therefore, the future regular institutional dialogue should also support the development and implementation of confidence-building measures (CBMs).

10. On the other hand, the overall implementation of the “acquis” hinges on the ability of States to do so. Given the long-standing adverse effects of the digital divide, in its many aspects, there is ample room for international cooperation and capacity-building initiatives to assist developing countries in implementing the framework. This assistance should be aligned with the principles stated in paragraph 56 of the OEWG (2019-2021) final report. Fit-for-purpose support would help States strengthen resilience, bridge digital divides and foster global security in the realm of the ICTs. It would also highlight where there might be a need for further development of the “acquis”.

11. In fact, in order to preserve the “acquis”, it is not enough to uphold it. Instead, States must keep addressing and developing the current framework. Any proposal on regular institutional dialogue should aim at creating a dynamic for the gradual and incremental advance of our common understandings on existing norms (new layers), on identification of possible gaps (new norms) and on how International Law applies in the cyberspace. However, the normative role should continue to be performed by the UN General Assembly — as it has up to today, by adopting the reports of the GGEs and of the OEWGs.

12. The continuous promotion of common understandings would in itself be a confidence-building measure and could reinforce the other goals in a holistic and sustainable way. States should not lose sight of the overall objective of these efforts, which is to support multilateralism and promote international peace and stability in cyberspace.

13. In this light, it is of utmost importance to avoid any prospect of creating parallel tracks of discussions, which would result in competing processes, duplication of efforts, and the creation of echo chambers. This would prove to be both a burden for delegations, especially from
developing countries, and detrimental to our common goal of promoting transparency, trust and stability among States in the cyberspace. Confidence building is only useful when aimed at building bridges between those who disagree.

**Lessons learned and synergies**

14. When detailing the future regular institutional dialogue, Member States should take into account lessons learned from past and ongoing United Nations mechanisms, not exclusively in the security realm, in order to avoid pitfalls and ensure the best possible dynamics to achieve the abovementioned and other possible goals. Brazil hopes that the Secretary-General report requested in paragraph 3 of the UN General Assembly Resolution 77/37 will cover lessons learned from other UN mechanisms of regular institutional dialogue.

15. In the same vein, the future mechanism should promote coherence with the work undertaken in other related UN processes and reinforce synergies with international, regional and national initiatives.

**Establishment**

16. As mentioned, discussions on the future regular institutional dialogue should not occur in parallel to the OEWG, but should remain within it, as per its mandate, and be an integral part of its work. There is, however, a legitimate concern that, once the OEWG’s mandate finishes in 2025, there would be a period of time without an established UN process to continue discussions on international security in relation to ICTs until the future mechanism will be established and functioning.

17. In order to avoid discontinuation of work between the current OEWG and the future regular institutional dialogue, Member States could consider the following procedure:

- The OEWG could reflect, in its final report, the main parameters for the creation of the future regular institutional dialogue;
The report could recommend the UN General Assembly to start a negotiating process with a clear plan of meetings to take place throughout 2026, culminating in a high-level meeting to endorse a document (e.g., a high-level political declaration) that would (a) consolidate and reaffirm the “acquis” and (b) establish the modalities of work of the regular institutional dialogue.

18. This setting would avoid creating, during the mandate of the OEWG 2021-2025, a parallel process that could interfere with the workings of the OEWG. On the contrary, the proposed procedure would strengthen the role of the OEWG in establishing the main parameters of the future regular institutional dialogue, as per its mandate. Furthermore, it would provide opportunities for Member States to continue engaging in focused discussion on the regular institutional dialogue after the conclusion of the OEWG, thus avoiding interruption of the multilateral work on international security related to the ICTs.

**High-level political document**

19. The document to be approved must, in its political part, include the understandings stemming from the final reports of the GGEs and both OEWGs and the related UN General Assembly resolutions. On the modalities of work, the mechanism should foresee, as a minimum, its creation under the UN auspices; voluntary participation opened to all UN Member States; broad mandate to cover different relevant aspects of international security related to the ICTs; galvanize consensus, while avoiding the possibility of de facto veto power; outline implementation and follow-up methods, while keeping a flexible structure of work; provide for action-oriented as well as normative discussions; promote development and implementation of confidence-building measures; foment assistance and cooperation between States, including capacity-building programmes; maintain the primacy of the State while provide for broad participation of stakeholders.