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Finland's national submission to the Secretary-General's report on the Programme of Action to advance responsible State behaviour in the use of ICTs in the context of international security.

I – Introduction/general rationale for the Programme of Action

- Finland shares the concern of many Member States over malicious and harmful cyber operations that pose a threat to international peace and security.
- Finland welcomes the progress made by the previous and current Open-Ended Working Group (OEWG ICT) on security of and in the use of information and communications technologies and the UN Groups of Governmental Experts (GGE) through producing important assessments and recommendations, and particularly by affirming the applicability of international law in cyber space and elaborating a framework for responsible State behaviour in the use of information and communications technologies, endorsed by the General Assembly by consensus in resolutions 70/237 and 76/19 notably.
- As captured in the final report of the 2019-2021 OEWG ICT, Member States have “concluded that any future mechanism for regular institutional dialogue under the auspices of the United Nations should be an action-oriented process with specific objectives, building on previous outcomes, and be inclusive, transparent, consensus driven, and results-based.”¹ States have also underlined the “utility of exploring mechanisms dedicated to following-up on the implementation of the agreed norms.”² The Programme of Action (PoA) should therefore place a strong focus on supporting and following up on the implementation of the existing normative framework for responsible state behaviour in the use of ICTs.
- Meanwhile, States have also observed that the normative framework is “cumulative and evolving” in nature, and that additional norms could be developed over time, if any gaps in the existing framework are identified. Finland does not see any need for a new international binding instrument on the topic. However, while supporting implementation of the existing agreed framework, the PoA should allow for the potential further development of said framework, especially as new threats and challenges may arise.
- In this context, the establishment of a PoA would provide a permanent and institutional mechanism to follow-up on the implementation of the existing framework, by providing and regularly updating sets of actionable recommendations and supporting or promoting relevant capacity-building projects. Meanwhile, the PoA would be flexible to enable the further development of the framework, if appropriate

II – Scope/objectives

¹ Final report of the 2019-2021 OEWG, paragraph 74.

² Final report of the 2019-2021 OEWG, paragraph 73.

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- The PoA's overarching objective would be to contribute to the maintenance of international peace and security, by preserving an open, stable, secure accessible and peaceful ICT environment.
- To that end, the PoA should seek in particular to achieve the following objectives :
 - *Cooperation* : to reduce tensions, prevent conflicts and promote the use of ICTs for peaceful purposes through a cooperative approach in dealing with cyber threats, and inclusive dialogue among States as well as with relevant stakeholders, including civil society, private sector, academia, and technical community;
 - *Stability* : to advance stability in cyberspace, by supporting the implementation, and further developing if appropriate, the framework for responsible State behaviour based on international law, including international humanitarian law and human rights, norms of responsible State behaviour, confidence-building measures and capacity-building;
 - *Resilience*: to contribute to the reduction of digital divides, especially the gender digital divide, and the strengthening of global resilience in relation to the implementation of the framework for responsible State behaviour.

III – Structure and content

- The PoA would serve as a permanent platform for regular institutional dialogue that would be inclusive of all States and relevant multi-stakeholders, and operate in a transparent and results-based manner, through a consensus-driven process.
- The establishment of the PoA could reaffirm Member States political commitment to the framework for responsible State behaviour, provide a platform to promote the implementation of this framework, further develop the framework if needed, and foster multi-stakeholder cooperation.
- The structure of the PoA could be informed by other relevant examples, such as the Arms Trade Treaty, and hold yearly meetings to review the work of technical working groups that meet during the intersessional period.
- The yearly meetings would adopt decisions and recommendations by consensus, on the basis of the work conducted in the intersessional period by technical working groups dedicated to specific issues, such as specific norms and the implementation of those norms, and on discussions regarding how international law applies to the use of ICTs.
- The PoA and its technical working groups would be inclusive and enable the broad participation of all States that wish to join. Participation from relevant governmental experts would be encouraged. Participation by relevant stakeholders would also be possible and encouraged (see below for modalities).
- Yearly PoA meetings could create new technical working groups, to address emerging issues or new priorities.

Advancing the implementation of the framework

- The PoA would encourage voluntary reporting of national implementation efforts, either by creating its own reporting system or by promoting existing mechanisms, including UNIDIR's 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 could adopt, and regularly update, actionable recommendations for national implementation efforts.
- The PoA would support capacity-building efforts in relation to implementation of the framework, and seek to enhance multi-stakeholder cooperation in this area as well as coordination with other relevant initiatives. Moreover, the PoA would be a platform to share lessons learned and experiences in capacity-building support, to support mobilization of resources and pairing available resources with demand for capacity-building assistance.

- The PoA should also provide opportunities for strengthening complementarity between existing actors, processes, and mechanisms, including at the international and regional levels, and have focused discussions with relevant representatives from relevant organizations.

Developing the framework if appropriate

- Yearly meetings or review conferences could adopt new norms, on the basis of consensus, if appropriate.

Multi-stakeholder involvement.

- “States bear primary responsibility for the maintenance of international peace and security”³ and would therefore have the central and decisionmaking roles in the PoA.
- Meanwhile, the value of further strengthening collaboration with civil society, the private sector, academia and the technical community, is critical for advancing responsible state behaviour in cyberspace. Previous working groups have repeatedly emphasized strengthening multi-stakeholder collaboration,⁴ both because cooperation with these stakeholders is essential for States to implement their commitments under the framework, and because stakeholders themselves “have a responsibility to use ICTs in a manner that does not endanger peace and security.”⁵ Multi-stakeholders can also contribute to capacity-building efforts.
- Modalities for the proceedings of PoA meetings and working groups should therefore enable stakeholders to attend formal sessions, deliver statements and provide inputs, as is the case in other First Committee processes where their expertise has proven to be useful, such as the GGE on lethal autonomous weapons systems convened within the Convention on Certain Conventional Weapons (CCW).

IV – Preparatory work and modalities for the establishment of a PoA

Preparatory work:

- The final reports of the 2019-2021 OEWG and 2029-2021 GGE have recommended that the PoA should be further elaborated including at the 2021-2025 OEWG process. The Annual progress report of the current 2021-2025 OEWG also calls for focused discussions on the PoA.
- UNGA Resolution 77/37 also foresees that the UN Secretary-General’s report on the PoA should be submitted to the General Assembly and serve as a basis for further discussion within the OEWG.
- Therefore, intersessional meetings and dedicated sessions of the OEWG should be organized in 2024 and 2025 to continue elaborating the different aspects of the PoA, draft its founding document, etc.

Establishment:

- UNGA Resolution 77/37 noted an “international conference” as an option to establish the PoA, as was done for example for the PoA on small arms and light weapons.
- Such an international conference could be convened, in 2025-26, to adopt the founding document of the PoA, on the basis of the preparatory work done including in the 2021-2025 OEWG.
- This international conference should provide for participation by relevant stakeholders, accredited with modalities close to those adopted via resolution 75/282.

³ Final report of the 2019-2021 OEWG, paragraph 10.

⁴ Final report of the 2019-2021 OEWG, paragraph 22.

⁵ Final report of the 2019-2021 OEWG, paragraph 10.