

**Japan's submission
to the UNSG report mandated by UNGA Resolution 77/37**

1 Introduction

- Japan supports establishing a Programme of Action (PoA) to advance responsible State behaviour in cyberspace. Japan believes that the PoA is the very right forum to continue our discussions on responsible State behaviour in cyberspace. The PoA, as an action-oriented framework, should serve as a platform to support the efforts of each country to implement the agreed norms and principles for responsible State behaviour by encouraging the sharing of best practices, and mapping specific challenges which each country faces.
- The PoA shall be the single follow-up mechanism of the current Open-Ended Working Group (OEWG 2021-2025) and become operational to implement the results of the OEWG after completion of the latter's mandate. The PoA will be established after the mandate of the ongoing OEWG (2021-2025) and will not be a dual track.
- Japan would like to make utmost contributions to discussions, bearing in mind that the PoA will serve as a hopeful format for actual implementation of the internationally agreed norms and principles.

2 Scope/Objectives

- The purpose of the PoA is contributing to maintaining peace and stability and promoting an open, secure, stable, accessible and peaceful information and communications technology environment.
- To that end, the PoA should seek in particular to achieve the following objectives;
 - (i) provide recommendations to guide national efforts to implement the norms and principles of responsible State behaviour;
 - (ii) encourage voluntary reporting on national practices in order to identify the needs and challenges of each Member State;
 - (iii) support capacity building tailored to the needs and challenges requested by recipient countries;
 - (iv) be inclusive ensuring broad Member States and Multi-stakeholders participation.
- Moreover, the PoA shall constitute the permanent platform for advancing recurrent items, by facilitating discussions on existing and emerging threats, and elaboration of CBMs, as well as on how existing international law applies to cyberspace.

3 Structure and Content

(1) Structure to advance the implementation of the framework

- In specifying the scope, structure, and content of the PoA, the efforts of the Small Arms PoA can be used as a reference. As indicated in the 2001 launch resolution, the Small Arms PoA provides specific measures at the national, regional, and international levels, and then each country submits a voluntary report on its legal and institutional development and other practices, and holds an annual review meeting.
- In the cyber PoA, the voluntary report should include a checklist on the status of implementation of the norms in each country, such as the status of efforts to develop policies, laws, and guidelines for critical infrastructure protection, and the status of incident response in each country or region. It would be meaningful if each Member State would also specify and include what kind of capacity building is necessary. This exercise should facilitate providing a framework to support the national practice to implement the norms in each country.
- The structure and modalities of the PoA should include annual conferences to be held at UN. The PoA yearly conferences would be able to adopt, and regularly update, actionable recommendations for national implementation efforts. For example, a yearly conference may identify a thematic priority for the implementation of the framework, such as the implementation of a given norm, existing and emerging threats, protection of critical infrastructure, etc.
- To further exchanges on this topic, the yearly conference may decide to create a dedicated workstreams which would take place in the intersessional meetings of the PoA yearly conferences and would submit its conclusions to the following yearly conference.

- The global POC directory to be established by the current OEWG (2021-2015) would constitute an integral part of the PoA to implement and further elaborate CBMs.

(2) Capacity Building

- The PoA would support capacity building efforts in relation to implementation of the framework, ensuring Multi-Stakeholders involvement.
- It would be meaningful for the PoA to identify the gaps in Member States' capacity to implement the framework and leverage existing capacity building initiatives so that the gaps can be filled.
- During the PoA meetings, briefings could be delivered by representatives of other organizations (e.g., ASEAN-Japan Cybersecurity Capacity Building Centre, International Telecommunication Union, World Bank Cybersecurity Trust Fund), to ensure coordination and complementarity between capacity-building activities taken by each structure.
- The PoA should function as a platform under the auspices of the UN to synergize and leverage the existing efforts implemented by other regional organizations rather than conducting capacity building programs by itself.

(3) International Law and Norms

- In May 2021, Japan submitted and published the Basic Position of the Government of Japan on International Law Applicable to Cyber Operations, and reaffirms that existing international law, including the UN Charter in its entirety, is applicable to cyber operations, and states its present position on how existing international law applies to cyber operations focusing its views on the most important and most basic matters. Japan continues to hope that the announcement of basic positions on international law applicable to cyber operations by the governments of various States and the application of international law in international and domestic courts and tribunals will deepen the shared international understanding on how international law applies to cyber operations under the PoA.
- The PoA would also encourage voluntary reporting of national implementation efforts, either by creating its own reporting system or by promoting existing mechanism (e.g., UNIDIR's National Survey of Implementation, or national reports to the UNSG). This reporting would serve as a basis to identify priorities regarding implementation of the framework, and map needs in terms of capacity building.
- The yearly PoA conference could discuss to deepen the understanding of application of international law in cyber space. A dedicated workstreams could also be created to advance exchanges on how existing international law applies to cyber operations.

4 Preparatory work and Modalities for the establishment of a PoA

- Japan supports further focused discussions in the 2021-2025 OEWG to further elaborate the PoA.