Denmark’s submission to the UN Secretary General’s call for contributions to a report under resolution 78/237 “Developments in the field of information and telecommunications in the context of international security” adopted by the General Assembly on 22 December 2023 (note verbale of UNODA: ODA/2024-002/)

Denmark considers the implementation of the UN framework of responsible state behavior in the use of ICT pivotal to ensuring a global, open, stable and secure cyberspace. The international community recognizes that existing international law and the Charter of the United Nations in its entirety is applicable in the ICT environment, and Denmark remains committed to the implementation of this framework in regards to cyberspace.

Over the past 20 years, significant progress has been made in developing a consolidated framework for responsible behavior of States in cyberspace, including the application of international law, voluntary norms, capacity building and confidence building measures. The framework has repeatedly been endorsed by consensus by the General Assembly, most recently in the 2023 consensus Annual Progress Report of the OEWG 2021-2025 cycle. Denmark, together with the EU, finds that parts of resolution 78/237 “Developments in the field of information and telecommunications in the context of international security” adopted by the General Assembly on 22 December 2023 is based on non-consensual text. More specifically, PP16 and OP5 is based on proposals merely supported by a limited group of states. Denmark is concerned that this could lead to a re-interpretation of existing consensual documents. Therefore, Denmark was not able to support resolution 78/237.

Regarding request pursuant to operative paragraph 8 of the resolution:
The United Nations has repeatedly called for a permanent UN mechanism on cyber issues in the context of international security. With the UN General Assembly decision in October 2023, to establish a Programme of action to advance responsible State behavior in the use of information and communication technologies in the context of international security (PoA), we have delivered on the aforementioned call.

Significant progress has been made in discussions on the future mechanism, and Denmark would like to express the following additional views concerning the future regular institutional dialogue.

This institutional dialogue should focus on supporting the implementation of the normative framework, as was also made clear by the 2019-2021 OEWG, which concluded that future
institutional dialogue should be “an action-oriented process with specific objectives, building on previous outcomes, and be inclusive, transparent, consensus driven, and results-based”\(^1\).

The PoA should provide a permanent and institutional mechanism to follow up on the implementation of agreed norms, support and promote capacity-building, and provide and regularly update recommendations. At the same time, the PoA should be flexible and allow further development of the framework, based on lessons learned during the implementation of the existing commitments.

Denmark finds it crucial to acknowledge that all stakeholders have a meaningful role in shaping the future of cyber security. To ensure an inclusive dialogue, it is essential to allow relevant stakeholders, such as businesses, non-governmental organizations, and academia, to formally participate in consultations and continuously share their views. This demonstrates a commitment to harnessing the collective wisdom of diverse perspectives. This inclusivity is vital for creating effective and comprehensive dialogue that address the multifaceted challenges of cyber security.

The PoA could hold annual formal meetings and allow for technical meetings, working groups focusing on relevant aspects to meet throughout the year. The future mechanism should convene periodic review conferences to review the framework for responsible State behaviour, to update the framework as necessary, and to provide strategic direction for the mechanism’s work.

In the remaining part of this OEWG cycle, time and effort should be dedicated to further elaborating on aspects of the PoA. To ensure a smooth transition to the PoA, it is relevant to discuss the budgetary implications of a permanent mechanism and identify relevant actors in the UN to carry out these functions moving forward.

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\(^1\) Final report of the 2019-2021 OEWG, paragraph 74.