Working-paper by Egypt on the scope, structure, and content of the proposed United Nations (UN) Programme of Action (PoA) to advance responsible state behaviour in the use of information and communication technologies (ICTs) in the context of international security

I. Introduction:

1. Member States share the growing international concerns regarding the proliferation of malicious uses of ICTs and the excessive development by a number of States of ICT capabilities for purposes that are inconsistent with international law and with the objectives of maintaining international stability and security and that may adversely affect the integrity of the infrastructure of other States, to the detriment of their security in both civil and military fields.

2. The UN has already made progress towards addressing these concerns through the assessments and recommendations of the 2010, 2013, 2015, and 2021 Groups of Governmental Experts (GGEs), as well as those of the 2021 Open-ended Working Group (OEWG) on Developments in the Field of Information and Telecommunications in the Context of International Security¹, thereby establishing a cumulative and evolving framework for responsible State behaviour in the use of information and communications technologies, elaborated by these processes.

3. Member States have been called upon to be guided in their use of information and communications technologies by the 2010, 2013, 2015, and 2021 reports of the GGEs and the 2021 report of the OEWG. Moreover, this agreed framework has stressed that international law, and in particular the UN Charter, is applicable and essential to maintaining peace and stability and promoting an open, secure, stable, accessible, and peaceful ICT environment.

4. The existing framework of norms, rules and principles of responsible State behaviour in the use of ICTs can reduce risks to international peace, security, and stability, without limiting or prohibiting actions that are otherwise consistent with international law.

5. The proposed PoA aims at building on the acquis and the existing framework that has been endorsed by the General Assembly by consensus.

6. The establishment of the proposed PoA does not in any way undermine the need for the continuation of elaborations by the OEWG(s) or any other UN process on the conceptual aspects related to the applicability of international law, or the need for elaborating new rules and legally binding obligations in this domain.

II. Objectives and Scope of the UN PoA

7. Serve as a regular institutional dialogue platform that would allow the participation of all States in a permanent, inclusive, transparent, action-oriented, results-based, and consensus-driven process that builds on the existing framework through following-up

on the latter’s implementation, identifying the gaps, tailoring capacity-building programs, and promoting international cooperation and transparency.

8. Function as an action-oriented platform under the auspices of the United Nations that aims to:

1) Periodically assess the implementation of the agreed framework by Member States through reviewing their voluntary National Implementation Reports which could follow an agreed harmonized reporting template.

2) Identify the gaps and the diverse challenges faced by Member States in their implementation of the framework and promote relevant actionable recommendations to respond to these challenges, thereby advancing the implementation of the agreed framework.

3) Take practical steps to promote international cooperation and periodically assess whether additional actions are needed to respond to the current and emerging challenges, taking into account the rapidly evolving ICT environment.

4) Elaborate concrete guidance to support Member States in their implementation of the agreed norms, rules and principles.

5) Exchange information on best practices that can be implemented at the national, regional, and international levels (including the legislative and administrative frameworks as well as the measures taken towards protecting critical infrastructure).

6) Facilitate direct communication between national focal points through a dedicated Global Directory (it could benefit from / or rely on the establishment of the Cyber PoCs Directory (if decided by states)).

7) Create a portal for States and other stakeholders to share their relevant positions and proposals.

8) Provide concrete support for capacity-building based on the recipient State’s own needs assessment and in accordance with the capacity-building principles contained in Document A/76/135. A dedicated funding mechanism under the PoA could be envisaged, including the possibility of relying on existing or new instruments, such as the World Bank Cybersecurity Multi-Donor Trust Fund.

9) Prevent conflicts arising from the use of ICTs and seek the settlement of relevant disputes by peaceful means.

10) Promote the use of information and communication technologies for peaceful purposes.

11) Coordinate with other relevant regional initiatives as appropriate.

III. The Establishment of the PoA:

9. The views and contributions submitted by Member States in the framework of the ongoing OEWG on the PoA proposal, and the Secretary-General (SG) Report pursuant to UNGA Resolution 77/380, as well as the relevant possible recommendations contained in the 2021-2025 OEWG reports, shall represent the basis for the establishment of the PoA in terms of its scope, structure, and modalities.

10. States should continue its active participation in the ongoing OEWG established pursuant to UNGA Resolution 75/240 with a view to reaching consensus reports, including recommendations on the establishment of the PoA.
11. PoA should be further elaborated and developed within the current OEWG (2021-2025), in a manner that avoids any duplication of efforts or the creation of competing processes and preserves the consensual spirit in addressing the international security aspects of ICTs within the UN.

12. PoA would be established after the conclusion of the current OEWG’s mandate in 2025 through a consensual UNGA resolution based on inclusive and transparent consultations and preparations. The option of convening a dedicated conference on the establishment of the PoA depends on the views of Member States and the assessment by the SG on whether such a conference is deemed necessary. Member States may agree within the ongoing OEWG to establish the PoA through a political declaration that could be endorsed by a UNGA resolution, including the suggested modalities of the PoA.

IV. **Structure and Possible Modalities:**

**Periodic Meetings:**

13. The PoA should convene a Review Conference every six years, that would focus on the following:

   a) examining and reviewing the implementation of the PoA, identifying the main priorities for action in the following years, and consequently adopting a Programme of Work for subsequent meetings.

   b) considering whether additional norms, rules, principles, or binding obligations should be developed on a consensus basis to update the framework.

14. The PoA should convene regular biennial meetings to implement the Programme of Work adopted by the Review Conference and follow-up on the implementation of the agreed norms, rules, and principles by the Member States through reviewing their periodical National Implementation Reports.

15. The Chair of each session shall convene preparatory consultative meetings prior to each Review Conference and follow-up biennial meetings.

16. The PoA may decide by consensus to hold intersessional meetings or to establish informal working groups to focus on specific related issues.

**Reports:**

17. Under the PoA, Member States would be encouraged to voluntarily submit their National Implementation Reports every two years on a rotating basis, with a minimum of one report every 3 cycles (every 6 years). This process could be guided by the model “National Survey of implementation of UNGA resolution 70/237”. Member States may also wish to include in their National Implementation Reports a section that elaborates their priorities and needs in the area of capacity-building.

18. Each biennial meeting and Review Conference shall adopt a final report by consensus, including an outcome document to be submitted to the following session of the First Committee of the General Assembly for its consideration and endorsement.
**Decision Making:**

19. The PoA shall adopt its decisions on substantive issues by consensus.

**Secretariat:**

20. UNODA should provide Secretariat services for the PoA.

**Participation of Stakeholders:**

21. The PoA is an inter-governmental process in which negotiation and decision-making are exclusive prerogatives of Member States.

22. The PoA will be committed to engaging with the relevant stakeholders in a systematic, sustained, and substantive manner.

23. Relevant non-governmental organizations in consultative status with the Economic and Social Council in accordance with Resolution 1996/31 would inform the Secretariat of their interest in participating in the work of the PoA.

24. Other interested non-governmental organizations relevant and competent to the scope and purpose of the PoA should also inform the Secretariat of their interest in participating by submitting information on the organization’s purpose, programmes and activities in areas relevant to the scope of the PoA. These organizations would accordingly be invited to participate, on a non-objection basis, as observers in the formal sessions of the PoA.

25. Accredited stakeholders will be able to attend the formal meetings of the PoA, make oral statements during a dedicated stakeholder session, and submit written inputs. Member States shall be encouraged to utilize the non-objection mechanism judiciously, bearing in mind the spirit of inclusivity.

26. Where there is an objection to a non-governmental organization, the objecting Member State will make known its objection to the Chair of the PoA and, on a voluntary basis, make known to the Chair the general basis of its objections. The Chair will share any information received with any Member State upon its request.

27. The Chair will organize informal consultative meetings with stakeholders during the inter-sessional period.

28. The PoA may facilitate coordination with the relevant regional and sub-regional initiatives including through their possible participation and contributions.