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**National Statement to the Open Ended Working Group on Developments
in the field of information and telecommunications in the context of
international security**

**Statement by Johanna Weaver – Special Adviser to Australia’s
Ambassador for Cyber Affairs and Representative to the UNGGE**

Mr Chairman

Australia welcomes the establishment of this inaugural Open Ended Working Group (OEWG), as well as the concurrent sixth Group of Governmental Experts (GGE) – both of which will focus on fostering responsible state behaviour in cyberspace.

Mr Chairman

As many others have noted, we are not starting from scratch.

Previous GGE reports – all of which have been endorsed, by consensus, by the UN General Assembly (UNGA) – provide our starting point.

Australia reaffirms our commitment to act in accordance with these reports in their entirety.

These reports set out the international community's expectations by providing a framework for what countries should and should not do in cyberspace (Framework).

But the reports are not just a set of directions, imposed top-down by the UN. The reports capture best practice: most countries are already implementing some elements of these reports – in some cases perhaps without even consciously linking their implementation to the GGE reports:

- For example, most countries recognise the need to protect their critical infrastructure from cyber threats – which is a key recommendation in previous reports.

What is missing – what we are hearing that countries are looking for - is guidance on “how” to implement the Framework.

Providing this practical guidance, backed up by coordinated capacity building, so that all countries are in a position to implement the agreed Framework, should be the focus of both the OEWG and GGE.

Mr Chairman

This group is focused on responsible state behaviour in cyberspace.

Of concern to Australia, a small number of countries continue to conduct malicious activities online that are inconsistent with the Framework of responsible state behaviour endorsed at the UNGA.

Australia recognises the legitimate right of countries to develop offensive cyber capabilities. To do otherwise would be hypocritical.

Indeed, Australia is one of a few countries that has publicly declared that we develop, and use, such capabilities.

But let me be unequivocal. Regardless of the context, Australian cyber operations are conducted in accordance with international law – including the UN Charter in its entirety - as well as the norms of responsible state behaviour agreed here at the UN.

Australia made the decision to be transparent about our capabilities, not because we want to encourage militarisation of cyberspace, but because – as many other delegates have observed today - we know many countries already have, and many more are in the process of developing, these capabilities.

In disclosing our capabilities, we seek to bring them out of the shadows and foster a more mature conversation about the rights and obligations that govern their use – and, in this respect, we look to the Framework for responsible state behaviour as articulated in the cumulative GGE reports and as endorsed by the UNGA.

We encourage other countries to likewise be transparent and unequivocal in their commitment to act in accordance with the agreed rules of the road: transparency breeds accountability, predictability and stability.

To foster deeper understanding, Australia's National Paper, which will shortly be available on PaperSmart and the website of the working group, details how Australia observes and implements each of the key pillars of the agreed UN Framework, including:

- Australia's views on how particular principles of existing international law apply to state conduct in cyberspace,

- as well as information on how Australia implements the agreed norms, CBMs and capacity building.

We hope that these practical examples will demonstrate implementation is not impossible and that, with support, all countries can likewise implement the Framework.

Mr Chairman

The OEWG and the GGE have separate mandates and must operate independently. However, both have short timeframes and a shared objective of advancing responsible state behaviour in cyberspace.

With this in mind, Australia has considered how to best harness the two groups.

Our thoughts are set out in full in our National Paper.

However, in summary, recalling that in resolution 70/237 the UNGA has called on all states to be guided in their use of ICTs by the 2015 UNGGE report, the OEWG could:

- seek an update from all states on measures they are already taking consistent with the 2015 GGE report, as well as ask

states to identify gaps in implementation and (if applicable) capacity required to fill those gaps,

- taking into account the digital divide among states, the OEWG could consider how to better facilitate delivery of global capacity building so that all countries can address these gaps in implementation.

To complement this, the GGE, drawing on its 'experts', could provide guidance on how to implement the norms and CMBs, as well as further studying how international law applies.

The end result would be two independent, but complementary reports that – when read together – would provide an implementation tool kit for all countries, regardless of size and capacity.

Australia stands ready to assist, including through our \$34 million cyber capacity building program.

We also welcome – and encourage – the active participation and contribution of NGO's, civil society and industry in this process.

Australia will also take steps to ensure the active and effective participation of women in these discussions. In this regard, I observe that of the 35 or so delegates to speak before me, only 3 were women.

Mr Chairman

The international community – as evidenced by the level of interest in these two processes – has sent a clear message that cyber issues are no longer technical niche issues – rather, state conduct in cyberspace is a strategic foreign policy issue, of urgent concern to all countries.

While two concurrent groups may present some challenges, many of our colleagues working on others issues within the UN, are envious of the attention this issue is – rightly – receiving.

It behoves us not to squander this attention – and seize this opportunity to deliver a report that provides practical guidance, and coordinated support, to implement the UN Framework of responsible state behaviour, as set out in the cumulative reports of the GGE and repeatedly endorsed by the UNGA.

Mr Chairman, Australia stands ready to support you in achieving this shared goal.