## Sweden's comments on the Initial "Pre-draft" of the report of the UN Open Ended Working Group

We thank Ambassador Lauber and the Secretariat for the Initial Pre-Draft of the OEWG report. Our initial and non-exhaustive general comments and feedback as follows:

### Introduction/general

- The COVID-19 crisis underlines our dependence on secure digital communications and networks, and the shared responsibilities of states in this regard. Open source reports indicate an increase in malicious cyber activities. The report of the OEWG could give additional weight to respect for norms, confidence building measures and capacity building during periods of global crisis and preparedness to handle possible future crises.

- While the focus of the OEWG is and should be responsible state behaviour, the report must also reflect the fundamental fact that security in the digital era is a joint and multi-layer effort where states, civil societies, enterprises and individuals are all exposed and dependent on cooperation. We underline the importance of non-governmental stakeholders, from industry to civil society, including human rights defenders. We welcome references within the report on the engagement with stakeholders. The importance of multi-stakeholder involvement (and feed-back from the session held in December 2019) could be given even further emphasis in the report, including regarding Regular Institutional Dialogue and Conclusions and Recommendations.

- We welcome a focus on digital divides. Actions to bridge the digital divides, including the gender digital divide, and to enhance the use of information and communications technologies, in order to ensure everyone's full enjoyment of their human rights and sustainable development, could be even further elaborated and included.

- The established consensus following the 2010, 2013 and 2015 GGE reports, including application of international law in its entirety (including human rights and IHL), could be even further emphasized as the core premise for discussions and conclusions.

- We acknowledge and support the aim to reflect different views expressed during discussions. However, we believe that language and wording reflecting either consensus, or majority views, or minority positions, could be made more exact and stringent. It needs to be made clear if some proposals lack support from the majority.

## Existing and potential threats

- The threat section summarizes the potential risks and security impacts of new technologies and digital connectivity. However, we believe that reduction or disruption of connectivity itself deserves attention as well. The ongoing tendencies towards regionalization and fragmentation of cyberspace ultimately threatens to harm global development. This could be further highlighted, also in the threat section of the report.

- We believe that the use of technologies rather than ICT's themselves should be the focus of the report. The report should emphasize upholding and adhering to international law and voluntary norms, rules and principles while using and applying technologies, regardless of context or application (eg. civil or military). We underline that measures to promote responsible state behaviour in cyberspace should remain technology neutral.

## International law

- Existing international law, including the UN Charter, international humanitarian law and human rights law, provides an established and

adequate framework for state conduct in cyber space. We do not see a need for an additional legally binding instrument.

- Human rights, including freedom of expression, opinion and information, freedom of assembly and association, and privacy, as well as democracy and the rule of law must be respected and secured by states, and form a base for all standards and regulations for cyberspace, including the work of the OEWG. This is a prerequisite for all cyber security work. We underline the importance of ensuring a human rights-based approach. This could be even further highlighted in the report.

- The sharing of best practice could help support a more precise interpretation of international law and how it may be applied in cyber space. This could primarily be through the suggestion that Member States be invited to submit, on a voluntary basis, national views and practice on how international law applies to State use ICTs to the Cyber Policy Portal of the United Nations Institute for Disarmament Research.

## Norms, Rules and Principles of Responsible State Behaviour

- We stress that voluntary norms do not replace obligations under international law and welcome that this is made clear in the report.

- A strong and concrete commitment towards implementations of existing voluntary norms, which have previously been endorsed by all UN Member States, would be a key component of a report. Implementation of norms in the 2015 GGE report could therefore be even further specified, in relation to individual norms. Sweden supports the specific proposals submitted by Canada (*proposed norms guidance text to include in para 37*). We believe that the inclusion of these proposals would significantly add value to the report and contribute to implement existing norms, rules and principles of responsible state behaviour.

- We particularly underline the need for gender perspectives to be mainstreamed into norm implementation.

**Confidence-building measures**

- We particularly underline the need to build on experiences form regional and sub-regional cooperation, including through cross-regional and inter-organizational exchanges. We would welcome more elaboration on the issue of universalisation of regional CBMs, including in the context of the proposed global CBM repository.

**Capacity-building**

- We stress the need for accepted principles, shared responsibilities and multi-stakeholder approaches.

- Strongly support the call for specific attention to the "gender digital divide" and the need for specific measures at both national and international levels.

- We support proposals to integrate the link between capacity building at the UN Sustainable Development Goals.

**Regular Institutional Dialogue**

- We underline need to build on existing structures and avoid duplication of efforts. Regular institutional dialogue should be consensus driven and able to take forward agreements in practical and tangible ways.

- Conclusions on any regular institutional dialogue will require further discussion, reflecting the outcome of the current OEWG and as well as the ongoing UN GGE-process.