

Australia's statement on the OEWG Zero Draft - check against delivery

Delivered by Johanna Weaver, Special Adviser to Australia's Ambassador for Cyber Affairs and Critical Technology at the OEWG virtual informal meeting 19 February 2021

Australia would like to thank Chairs Lauber and Patriota, and the Secretariat/Support Team that support both the OEWG and GGE. These processes were always going to be a marathon; its safe to say that, due to the COVID-19 pandemic, they have turned into an ultra-marathon.

On the question of postponement of the final OEWG meeting, Australia stands ready to proceed as planned. That said, we note advice from the Ambassador Lauber that the hybrid format would be limited, as well as advice that many delegations will not be able to travel. Therefore, if it is the will of this group, Australia would support postponement. We thank Ambassador Patriota for confirming he would then explore options to also postpone the GGE.

We request the issue of postponement be resolved quickly. If the final OEWG meeting is postponed, we should use the time productively; for example, with specific drafting sessions focused on recommendations and conclusions. If we do go ahead in March, we need to use the limited time we have left to focus on the substance of the report, not debating postponement.

Australia read with interest Russia's alternative draft circulated this week. Australia could draft its own report (and enjoy the creative writing exercise of doing so). But this is not Australia's process, any more than it is Russia's process. Our final report must be a product of the views and input of all the countries. We have entrusted the Chair and Secretariat with the difficult task of reflecting the productive discussions and outcomes from 18 months of deliberation among all UN member states. Accordingly, it is the Zero Draft – produced by Chair and Secretariat - that must form the basis of our discussions.

We welcome the comments of all delegations, including the Russian delegation, on the Zero Draft. We can't help but notice that many of the Russian comments on the Zero Draft seem to be deliberately divisive (especially when compared to its approach vis-a-viz the alternative draft report put forward by Russia). Russia spoke yesterday about the need to focus on areas of convergence. However, by making suggestions it knows will not receive consensus support, its actions differ from its words.

In its intervention yesterday, the Russian delegation noted that the Zero Draft "fails to provide logical bridge from this OEWG to the next". Others have suggested that, if the OEWG cannot meet in March, we could produce a procedural report and roll over our discussions into the new OEWG.

The new OEWG is a fact; Australia acknowledges this (and we would support a noting reference to this effect in this OEWG's report). However, it is also a fact that General Assembly Res 75/240 established a new OEWG, not an extension of this OEWG. Australia's good faith engagement in the new 5-year OEWG cannot be taken for granted. Good faith runs two ways. Australia is actively engaging in good faith in this OEWG. Australia will review our position on the new OEWG after the conclusion of this OEWG; one determinative factor will be whether Russia engages in the conclusion of this OEWG in good faith.

Regardless of the outcome of this OEWG, Australia is committed to ongoing, inclusive dialogue under UN auspices. As Romania noted yesterday, the POA has been subject to discussion in this OEWG (whereas the establishment of the new OEWG was not). But POA and new OEWG should not be cast in competition with each other. They do not have to be mutually exclusive. To build the bridge between them, will require good faith – not just in words, but also in action.

In many ways, this OEWG is an experiment. To the question of 'will this format work?' we can answer yes on account of our very productive and inclusive discussions. But the real proof of concept will come in producing a consensus report; the Zero Draft provides a firm basis for this.

Turning to the Zero Draft. To the delegations that have observed that many of their proposals are not reflected; Australia notes that no proposals are reflected in full. For example: the sentiment of NAM proposals – if not the verbatim wording - is reflected in many parts of the report (including, for example, para 16, 28, 36, 49 and 50). Australia commends the Chair and Secretariat for how well you have captured the breadth of views and plethora of suggestions.

Australia can support every conclusion and recommendation in the Zero Draft with very little comment. Like Egypt, we see value in retention of the discussion section - but Australia would need to insert additional text to ensure balanced representation of our views. Conscious of time, we will provide those comments in writing.

At the same time, we have also heard many delegations express concern about the length of the report, and the “some states” construction of the discussion section. Indeed, it is a rare occasion that US, Russia, UK, China are all in agreement: that we should focus on areas of convergence. In light of this, to focus our discussion, Australia would support transferring sentences/paragraphs from the discussion section that have the possibility of receiving consensus support to the relevant conclusion sections, and deleting the remainder discussions section. I emphasise that, while we would prefer to not delete discussions section, we do not want to retain it at the cost of running out of time to agree conclusions and recommendations.

I will now highlight specific paragraphs that could be moved from discussion section, plus key Australian comments on the Zero draft [*see: Australia's comments on Zero draft provided separately*].

Finally, Australia associates itself with the statement delivered yesterday by South Africa on behalf of the Survey co-sponsors. In closing, Australia reiterates our commitment to the successful conclusion of this process. Cyber threats are real and growing. The credibility of the UN as a forum that can make progress on this issue is at stake. These issues are of growing importance to every country every day. We have collectively put in a lot of hard work; Australia looks forward to this being reflected in our final consensus report.