

Statement by Mr. AKAHORI Takeshi, Ambassador for United Nations Affairs and  
Cyber Policy of the Ministry of Foreign Affairs of Japan, on the adoption  
of a consensus report by the Sixth GGE on Cybersecurity

May 28, 2021

On behalf of the Government of Japan, I would like to express my deep appreciation to Ambassador Guilherme Patriota, Chair of the Group of Governmental Experts on Advancing responsible State behavior in cyberspace in the context of international security (GGE on Cybersecurity), for guiding us through the difficult negotiation process and preparing a report rich in content. I also express gratitude to Under Secretary-General Izumi Nakamitsu and all the members of the UN Secretariat and support team who accompanied our process in challenging circumstances.

On behalf of the Government of Japan, I support and welcome the adoption by consensus of the report.

This comprehensive report, building upon and reaffirming the three consensus reports from past groups of governmental experts (GGEs) provides many valuable conclusions and recommendations further promoting a free, fair and secure cyberspace.

With regard to norms of responsible State behavior, the report offers an additional layer of shared understanding to the 11 norms included in the 2015 GGE report by clarifying the expectations and providing examples of implementations for each norm. While all 11 norms are important, I will underline the value of clarifications on some norms.

First, it is clarified that a State should not knowingly allow States or non-State actors to conduct an internationally wrongful act using ICTs from or through its territory and that it should take appropriate and reasonable steps to address the situation if it is aware of or if notified of the act.

Second, it is clarified that States should respect and protect human rights and fundamental freedoms both online and offline. In that regard, the report indicates that arbitrary or unlawful mass surveillance may have negative impacts on the enjoyment of

human rights. The commitment of States to respect human rights and fundamental freedoms was also reaffirmed in the international law section.

Third, it is clarified that a State should not conduct or knowingly support ICT activity intentionally damaging critical infrastructure. Examples of critical infrastructure are provided with particular emphasis on health care and medical infrastructure. At the same time, the report underlines that it is up to each State to determine which infrastructure is critical.

Fourth, concrete examples of steps to ensure the integrity of the supply chain are provided, including national mechanisms for supply chain risk management, measures to prohibit hidden functions and exploitation of vulnerabilities, policies to promote good practices by suppliers and vendors, and international cooperation.

On international law, Japan recognizes the importance of the reaffirmation by the Group that international law, and particularly the UN Charter in its entirety, is applicable in the ICT environment. The group had extensive discussions on how international law applies in the use of ICTs. I am pleased that those discussions, which were in themselves confidence building in nature, took place and that common understanding developed in the group. I welcome that the Group was able to offer an additional layer of shared understanding on several points compared to the 2015 report. I will mention some of them.

First, it is further clarified that internationally wrongful acts attributable to a State will entail the international responsibility of the State.

Second, together with the prohibition of the threat or use of force, and peaceful settlement of disputes including by means provided in Chapter 6 of the UN Charter, the Group noted the inherent right of States to take measures recognized in the Charter. While it goes without saying that a non-legally-binding document cannot alter international law, in particular any inherent right of States which the Charter itself did not impair, the recognition in the GGE report of the inherent right of self-defense is valuable in deterring malicious acts of States using ICTs.

Third, the applicability of international humanitarian law is expressed in a clear manner. This reinforces the international community's common objective of protecting civilians and civilian objects from malicious ICT activities during armed conflict.

International law and norms work together to prevent internationally wrongful acts using ICTs and to promote responsible State behavior in cyberspace. In the event of an illegal or irresponsible act, they provide tools of response to the victim State. The clearer the tools, the stronger the deterrence. I take this opportunity to note that while some of the 11 norms are related to international law, they do not alter any rights and obligations under international law. At the same time, lack of mention in this report does not mean that international rights and obligations not covered in the document are not applicable in cyberspace. This is clear from the nature of this document. Having said that, Japan agrees fully with the recognition in the report that continued discussions on how specific rules and principles of international law apply to the use of ICTs by States is essential for deepening common understandings, avoiding misunderstandings and increasing predictability and stability. Japan will continue to participate actively in such discussions in the UN and elsewhere.

During the past two years, the situation surrounding cybersecurity has unfortunately deteriorated. The COVID-19 pandemic which accelerated mankind's dependence on ICTs only helped accentuate the problems. More than ever, States need to act. That is why Japan is a cosponsor of the Program of Action. I welcome the inclusion of this initiative in the future works section of the report. Japan looks forward to contributing to its elaboration and implementation like it did with the PoA on Small Arms. Implementation will include confidence building measures and capacity building measures. Japan welcomes that this report contains numerous concrete and meaningful recommendations in those two sections.

It has been a real honor and pleasure for me to participate in the Sixth GGE on Cybersecurity. I express gratitude to Secretary-General Guterres for including Japan and myself among the 25 members. I sincerely hope that I was able to contribute to the discussions and the successful outcome with my knowledge and experience in international law and international security. I thank all colleagues and the experts

supporting the Governmental experts for their constructive engagement and hard work. I really enjoyed working together with all of you.

I end my statement by expressing my sincere hope that this report will serve to promote a free, fair and secure cyberspace which is essential to vibrant economic development and international peace and stability.

I thank you.