



EUROPEAN UNION

**OSCE Permanent Council N° 1192
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**EU Statement in Response to Vice President of Microsoft
Corporate, Mr. John Frank, on the Digital Geneva
Convention, with a special focus on the Cybersecurity
Tech Accord**

The European Union welcomes Mr. John Frank, Vice President of Microsoft Corporate, to the Permanent Council, and thanks him for his interesting presentation.

We thank the Italian Chairmanship for providing an opportunity to hear from the private sector, particularly in such a dynamic and topical area as cyber security. Over the last couple of months, we have had several meetings, devoted to developments in the area of cyber security, for instance with our Partners for Cooperation. We also look forward to the September meeting of the Security Committee, which will address public-private partnerships for enhancing cyber security, as well as to the Chairmanship Conference on Cyber/ICT Security in Rome at the end of September.

Cyber security provides an important and interesting new area for co-operation with a variety of stakeholders. Information and Communication Technologies connect us all – they can be used both in positive and negative ways, contributing to transparency, stability and confidence but also to potential tensions and the risk of conflict.

Due to the interconnected and complex nature of cyberspace, joint efforts by governments, private sector, civil society, technical community, users and academia are required in order to address the challenges. All stakeholders need to take their specific responsibilities to maintain a free, open and secure cyberspace.

We would like to recall that States retain a specific responsibility with regard to international security, which they cannot delegate to private actors. At the same time, other stakeholders have their own responsibilities.

The European Union strongly believes that a strategic framework for conflict prevention, cooperation and stability in cyberspace is based on three pillars:

- The application of existing international law, and in particular the UN Charter in its entirety, in cyberspace.
- Respect for universal non-binding norms, rules and principles of responsible State behaviour.
- The development and implementation of regional confidence-building measures (CBMs), some of which also are aimed at cooperation with the private sector.

With regard to these pillars, and as outlined in the Council Conclusions on the Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace (11357/13, 25 June 2013) and Council Conclusions on Cyber Diplomacy (6122/15, 10 February 2015), "the EU does not call for the creation of new international legal instruments for cyber issues".

Notwithstanding the interesting potential of "Cybersecurity Tech Accord" there is a concern that the proposed "Digital Geneva Convention" risks undermining the stability of cyberspace by undermining existing efforts carried out by States and non-State actors to ensure the applicability of existing international law to cyberspace. We believe that Governments can protect both security and fundamental rights through well-designed legislation produced in a manner that is transparent and open to public scrutiny, which incorporates robust independent oversight with clear avenues for legal remedy.

As a regional organisation, the OSCE is leading the way on how to implement and operationalise normative standards set by the UN. We have taken the cumulative reports by the UN Group of Governmental Experts, as recognised by the UN General Assembly, as the point of departure.

In the OSCE, we are now focusing more and more on implementation. Within the IWG established by PC.Decision 1039, many steps have been taken towards meaningful implementation of the agreed CBMs. In addition, we believe that the CBMs could provide a source of best practice for other partners. Recently, OAS and ARF have agreed on their first regional CBMs, joining the OSCE in this endeavor.

Apart from these governmental efforts, we welcome dialogue aimed at further strengthening private sector commitments in that field.

We reaffirm our commitment to cooperate to help make the online world a truly free, open and secure space.

The Candidate Countries the FORMER YUGOSLAV REPUBLIC OF MACEDONIA*, MONTENEGRO*, SERBIA* and ALBANIA*, the Country of the Stabilisation and Association Process and Potential Candidate BOSNIA and HERZEGOVINA, and the EFTA country ICELAND, member of the European Economic Area, as well as UKRAINE, the REPUBLIC OF MOLDOVA, GEORGIA, ANDORRA and SAN MARINO align themselves with this statement.

* The Former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.