

Mr. Chair,

For Switzerland, an open, free, accessible and secure cyberspace is of prime importance.

Switzerland took part in the fifth UN GGE.

During its participation, Switzerland advocated for the promotion of a cyberspace based on the application of international law, voluntary norms, rules and principles of responsible state behavior, confidence building measures and capacity building.

From the outset of the UN GGE, Switzerland stressed the importance of the progress and validity achieved by the previous groups which resulted in the three consensus reports of 2010, 2013 and 2015. The 2013 and 2015 consensus report stated and confirmed the applicability of the existing body of international law to the activities of states in cyberspace.

Against this backdrop, Switzerland deeply regrets that this year's UN GGE was unable to adopt a consensus report submitting substantive recommendations to the UN General Assembly.

While the group was able to make significant progress regarding the recommendations on existing and emerging threats, norms, rules and principles for responsible state behavior, confidence building measures and capacity building, it failed to fulfil its mandate with regard to the application of international law to the use of ICTs. Since the UN General Assembly endorsed the consensus report 2015, and bearing in mind that the G-20 leaders as well as the G-7 foreign ministers explicitly supported the 2015 report, we regard the fifth UN GGE's outcome as a setback.

We are concerned about the hesitation of certain states to recognize the crucial role of international law in promoting a peaceful and cooperative approach in cyber security.

With regard to the current and prospective challenges in cyberspace we first and foremost have to affirm that the relevant existing international law applies in cyberspace. The cyber domain is not a new area of operation that is void of any norms and rules. International law sets the legal framework for state action and thus applies to states' use of ICTs. States have to comply with their obligations under the UN Charter and other international law – inside and outside of cyberspace.

This includes the prohibition of the use of force, the peaceful settlement of disputes, due diligence, the respect for human rights and fundamental freedoms both online and offline as well as the inherent right of states to act in self-defense in response to an armed attack. Furthermore, states have to comply with their obligations under international humanitarian law, including the principles of precaution, distinction, proportionality, necessity and humanity. Building on the consensus of 2013 and 2015, Switzerland looks forward to deepening and expanding the discussion on how principles of international law apply to cyberspace.

We underscore the important role the UN continues to play in contributing to international peace and security also by means of cyber security. Thus, the UN should play an active role in helping to further elaborate on the crucial role of international law, including international humanitarian law, in assuring a peaceful and cooperative approach to cyber security. Moreover, the UN should provide practical guidance to states on steps they could take to operationalize and implement the recommendations of 2015, including the norms, rules and principles of responsible state behavior.

Besides, the future format dealing with international cyber security needs to accommodate the wider UN membership, become more representative and allow for a broader and more

inclusive state participation. In addition, the international cooperation would benefit from the involvement of non-state actors, such as the private sector and civil society. In developing a future regime for international cybersecurity, we could also draw inspiration from already existing UN bodies, such as COPUOS.

Thank you.