**New Zealand Comments on the ITU Virtual Consultation on the Draft Guidelines on Utilisation of the GCA – discussed on 23 April**

New Zealand welcomes the opportunity to comment on the draft GCA guidelines, and the consultation held on 23 April.

With respect to process, however, we are concerned with the timeframe given to provide comments on the draft guidelines. We do not consider the time provided allows for full, considered and consulted comments from members – especially in the current Covid-19 environment. We are concerned that the instruction from Council to the Secretary General was to develop guidelines “with the involvement of Member States” – and the current process has not allowed for meaningful involvement.

As such, the views we provide here are not New Zealand’s comprehensive position on the draft GCA guidelines – but are some initial reflections.

New Zealand’s comments should be read in conjunction with our earlier comments in response to ITU Circular CL-19/47.

Firstly, we are concerned that the draft guidelines misrepresent the role the ITU plays in international cybersecurity coordination and cooperation. The document does not adequately recognise the breadth of actors and processes responsible for developing and sustaining cyber stability, both within and outside of UN auspices. Within UN auspices, we are concerned that the guidelines do not give due weight to the leadership role that other processes have on issues of responsible state behaviour online (e.g. the OEWG and GGE) and cybercrime (e.g. the CCPCJ). Any guidelines should focus closely on issues central to the ITU’s mandate and, we suggest, could more usefully focus on how the ITU’s work can complement work under way elsewhere.

Secondly, the guidelines propose some significant recommendations to Member States which we consider step outside of the mandate of the task to guide the ITU in its utilisation of the GCA. We recommend the guidelines be refocused on how the ITU can utilise the GCA, rather than to make specific recommendations to Member States (e.g. encouraging Member States to find “common ground on legal measures”).

Thirdly, we are concerned by recommendations in the draft that imply that ITU -T should take a leading role in international cybersecurity standards development and adoption for ITU member states based on specific procedures and measures proffered by individual ITU members. Recommendation 3.12 e in the draft refers. This recommendation is not supported in its current form.

Overall, New Zealand is concerned that the guidelines as drafted do not represent an accurate response to the mandate provided by Resolution 130, nor are they likely to reach consensus in their current form. We recommend that the draft guidance is not presented to Council without resolving these issues, and look forward to engaging further on an updated draft in due course.