

## ANNEX A:

### Checklist for developing a national position

*This checklist offers a non-exhaustive list of considerations that may assist States in developing or reviewing a national position on the application of international law to cyber activities. It is organised in line with the structure of the Handbook and is intended as a practical reference tool to help guide internal planning, coordination, and decision-making. Not all points will be relevant in every context and their sequence may need to be tailored to fit national requirements.*

#### **Motivations (for more information, see Chapter 2)**

- ☐ Identify the principal motivations for developing a national position.
- ☐ Consider what functions the position should serve (e.g. communicative, transformative, preventative).
- ☐ Outline the respective aims and expected outcomes of the national position.
- ☐ Identify possible risks, constraints, or sensitivities, including those related to disclosure, operational flexibility, available capacity or lack of internal consensus.
- ☐ Decide whether to develop a national position.
- ☐ Consider whether to proceed with a public, partial, or internal-only position, and how best to manage strategic omissions if needed.

#### **Process (for more information, see Chapter 3)**

- ☐ Consider national specifics to tailor the process and the order of steps.
- ☐ Secure a mandate to initiate the process.
- ☐ Map relevant stakeholders across government and other sectors.
- ☐ Determine the lead agency and coordination mechanisms.
- ☐ Appoint one or more penholders and, if possible, a multidisciplinary drafting team.
- ☐ Develop a plan and timeline for the process, including major milestones. Consider using the 5W&H framework (*Who? What? Why? When? Where? How?*).
- ☐ Identify capacity-building needs and consider how these can be addressed (e.g. through partnerships, training, or external support).
- ☐ Consult relevant national and international stakeholders, including technical and operational agencies, legal advisors, and, where appropriate, the general public or civil society.

- ☐ Conduct desk research and gather reference materials from existing national positions, multilateral fora, academic sources, and domestic documents.
- ☐ Select a drafting approach (deductive, inductive, or hybrid).
- ☐ Draft the position through an iterative process, including an appropriate number of stages of internal review, consolidation, and refinement.
- ☐ Prepare for formal adoption in line with domestic legal or procedural requirements.
- ☐ Plan for future review, updates, or follow-up based on developments in law or policy.

#### **Substance (for more information, see Chapter 4)**

- ☐ Determine the desired breadth and depth of analysis, based on national interests and priorities.
- ☐ Consult existing national positions and other relevant resources such as the *Cyber Law Toolkit*, the *Oxford Process*, and the *Tallinn Manual 2.0*.
- ☐ Identify the key rules and principles of international law to be included (e.g. sovereignty, due diligence, non-intervention, prohibition of the use of force).
- ☐ Decide whether to include views on specialized regimes of international law (e.g. IHL, international human rights law, international criminal law).

#### **Format and Dissemination (for more information, see Chapter 5)**

- ☐ Choose an appropriate format (e.g. speech, submission to a multilateral forum, academic article, or standalone written document).
- ☐ Structure the document clearly and consider using headings, summaries, and numbered paragraphs.
- ☐ Determine the appropriate tone and level of technicality for the intended audiences.
- ☐ Consider including practical scenarios or real-world examples to illustrate key points.
- ☐ Review the consistency of terminology and framing across all topics.
- ☐ Ensure accessibility, including potential translations into other languages and the use of visual aids if relevant.
- ☐ Develop a dissemination strategy, including options for launch, such as a public event or online announcement.