

THE VALUE OF INTERNATIONAL COOPERATION IN CYBERSPACE: LESSONS FROM THE UNGGGE PROCESS

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HISTORICAL CONTEXT

- The Secretary General of the United Nations may appoint a Group of Governmental Experts (GGE) to undertake a study on issues of concern and report findings at the UN General Assembly.
- Cybersecurity became an agenda item for the United Nations General Assembly (UNGA) in 1998. The UNGA passed resolution [53/70](#), “Developments in the Field of Information and Telecommunications in the Context of International Security” recognizing the benefits of scientific and technological advancement in information security, while noting its potential use for malicious purposes.

HISTORICAL CONTEXT CONT...

- UNGA Resolution [58/32](#) in 2003 requested that the Secretary-General consider existing and potential threats in the sphere of information security and possible cooperative measures to address them
- The Assembly also requested the Secretary-General to conduct a study of relevant international concepts aimed at strengthening the security of global information and telecommunications systems, with the assistance of a group of governmental experts (GGE), and to submit a report on the outcome of the study to the Assembly.
- There have been five Groups of Governmental Experts that have examined the existing and potential threats from the use of information and communication technologies by States, possible cooperative measures to address them, and the appropriate application of international law.

HISTORICAL CONTEXT CONT...

- The Secretariat of the UNGGE ... was provided by the United Nations Office for Disarmament Affairs and was, on occasion supported by various consultants including consultants from UNIDIR (United Nations Institute for Disarmament Research)
- Meetings were held at UN meeting rooms in New York and Geneva. On a few occasions there were preliminary meetings or workshops held at other venues.

PROCESSES

- 2004 The first 15-member GGE on Information Security could not agree on a substantive report, but released a brief [report](#) on procedural matters.
- 2010 A second 15-member GGE on Information Security was formed in and released a consensus report ([A/65/201](#)) in 2010 which urged cooperation and collaboration among states, the private sector, and civil society to increase cybersecurity, and included specific recommendations to reduce the risk of misperception resulting from ICT disruptions. These included confidence-building and risk-reduction measures; information exchanges on national legislation, policies and best practices; and capacity building in less developed countries.

PROCESSES CONT...

- 2012/2013 This was one of the most successful groups and was able to raise the issue of the applicability of international law to cyberspace as well as introducing some practical measures such as the desirability of national CERTs.
- The group was expanded to 20 members including 3 African countries: Egypt, Ghana and Kenya. This group built on the work of previous groups: introduced specific norms, rules and principles of behavior in cyberspace and was more specific on the applicability of international law. The work of the group was acknowledged by the General Assembly which adopted the reported and called on member states to implement its recommendations. Previous reports had merely been “noted” by the GA.

PROCESSES CONT...

- 2016/2017 The group was further expanded to 25 members including Botswana, Egypt, Kenya and Senegal from Africa. This group was unable to reach a consensus and no report was presented to the General Assembly. The most notable differences arose in the matters of International Law where several members were extremely uncomfortable with the provision of a “right to retaliate.”

SUCCESSSES

- The UNGGE brought together Governmental legal, diplomatic and technical experts from all continents and there was profound and honest discussion on a broad range of matters touching on information security;
- It provided a focal point and many private sector and civil society actors made presentations to the group and its members on the sidelines of the formal process;
- The group was able to create an agenda of key issues under the areas of discourse identified by the Secretary General, namely: Existing and emerging threats; norms, rules and principles of responsible behavior of states; confidence-building measures; international cooperation and assistance in ICT security and capacity building, How international law applies to the use of ICTs, conclusions and recommendations for future work

SUCSESSES CONT...

- The UNGGE grappled with the knotty issue of the applicability of International Law and was able to recognize the UN Charter and International Humanitarian Law as guiding frameworks for ICT law
- The group discussed difficult issues such as the law of conflict, the difficulties of attribution and roles of non-governmental actors such as the private sector.
- The group was a wonderful, capacity-building opportunity for members from developing countries. We learned a lot during the sessions.

CHALLENGES

- The size of the group: many countries were interested in participating – 70 applied for the 2016/17 group! However, larger groups had more difficulty in maintaining focused discussions and reaching consensus
- Ideological and technical differences in definitions and principles
- Differences in capacity (combining technical, legal and diplomatic capacity), application of and interest in ICTs
- Leadership and regional alignments
- Geopolitical issues happening outside the group

OPPORTUNITIES AND LESSONS FOR AFRICA

- Recommendations from the 2013 and 2015 reports are useful for implementation in Africa and would strengthen information security e.g.
 - Points of contact (diplomatic and technical)
 - CERTs
 - Critical Infrastructure Protection etc.
 - Capacity building and support for regional processes.
- Africa should consider supporting regional processes similar to the GGE. It would be an opportunity for countries to build each others capacity to consider and reach consensus on cross-cutting issues: policy, research & capacity building and technical and diplomatic incident response.

OPPORTUNITIES AND LESSONS FOR AFRICA CONT...

- A number of processes have “emerged” from the UNGGE such as the Global Forum for Cyberexpertise in which African countries can freely participate
- The diplomatic corps in Africa need to be empowered to take their place in the Cybersecurity domain – the AU is commended for the current initiatives
- Senegal made a useful proposal during the 2016 group that Africa should form a joint international organization to support the technical needs of African countries in this domain
- Building on Senegal’s proposal Kenya will be hold a conference this year and is also proposing to start a Cybersecurity Research Institute to support the needs of the continent

THANK YOU FOR YOUR ATTENTION

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