

ITU/GCA France's Contribution

France welcomes the work conducted in drafting guidelines to support the implementation of the Global Cybersecurity Agenda, and the desire of the ITU to factor in current legal and technological developments into its action.

The March consultation on this document highlighted a set of points that today seem partially resolved in this new version of the document. Nevertheless, several points are still not adapted to the use envisaged for this document and the ITU's mandate.

Overall, France would like to recall that the ITU should work on proposals that are clearly in line with each of the pillars defined in the GCA and in its initial mandate. The guidelines should recognize the role and the achievements of other working groups in UN institutions including the OEWG and the GGE on cybersecurity issues in First Committee and not duplicate work and discussions, nor anticipate positions that could be adopted there.

Section 1, which introduces the document, seems too long and corresponds more to the analysis of the utilization of the GCA that had also been requested from the ITU. This section does not seem necessary to the technical use that should be made of this document. Contrary to the information mentioned in point 1.26, France considers that this document should not formulate recommendations to ITU members but rather that its purpose is to guide its action. We think this point could be deleted.

Section 2 of the document concerns Pillar 1: Legal Measures of the Agenda. Overall, with regard to this Pillar, France would like to recall that although related, cybersecurity and cybercrime issues are different and have different challenges. Nuances should be provided to differentiate the two issues.

Concerning 2.5 (a) on cyberattacks, France considers that the wish to harmonize national legal measures between States is not justified because legal contexts can be very different. However, the need for a national legal framework is real. In addition, the reference mentioned in the footnote to justify this argument seems to concern cybercrime and not cybersecurity.

Point 2.5 (b) on criminal behaviours on social media focuses on the issue of content disseminated on these networks and not cybercrime and cybersecurity issues. We think this reference should be deleted.

In point 2.9, France would like recommendations to focus on ITU work and not on States. Recommendation (e) does not seem appropriate as many countries, including France, consider that international law already applies to cyberspace and new legal measures do not need to be agreed upon. States should concentrate their efforts on achieving a better understanding and interpretation of existing international law. Finally, we believe that recommendation (h) on the interception of encrypted data is not in the scope of this document and should be deleted.

Section 3 on Pillar 2: Technical & Procedural Measures seems appropriate overall. However, in point 3.9, recommendation (e) does not seem relevant in that it is addressed directly to States. Also, it covers two dimensions: States' efforts to come up with a joint vision of

cybersecurity, and the ITU's work to become a centre of excellence in areas relating to its mandate. This recommendation should therefore be reformulated.

France has no comments on Section 4 on organizational structures.

In Section 5 on Pillar 4: Capacity Building, point 5.4, the statement that “International standards can only contribute to identifying the key global and generic issues related to a cybersecurity culture, as cultures mainly rely on local and temporal factors that respond to the multitude of end-user backgrounds, points of views and needs for this purpose” seems to focus on behavioural standards and not technical standards. If that is the case, France does not share this viewpoint and wishes to reaffirm that international standards can also respond to cybersecurity issues. If not, it is important to specify that the standards mentioned are technical standards.

Likewise, the statement that “A collective response to protect digital infrastructures is important” should be explained further. The nature of this response needs to be specified. In addition, France considers that the national and possibly regional level is the most appropriate for protecting digital infrastructures.

Concerning Section 6 on Pillar 5: International Cooperation, France regrets that the work conducted in UN bodies, particularly in working groups stemming from UNGA resolutions, is not mentioned. With regard to cybersecurity, the role of the Group of Governmental Experts was vital in helping to develop international cooperation mechanisms, including confidence-building measures, and this should be underlined. In point 6.8, France recognizes the importance of bilateral dialogues, but does not think it is necessary to incorporate references to the bilateral dialogues given. Finally, in the recommendation section, France thinks that proposal c should be deleted. Many multi-stakeholder formats exists, including under the aegis of the United Nations, and work should be conducted within existing formats.