

**Ninth International Forum  
«State, Civil Society and Business Partnership  
on International Information Security»**

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Garmisch-Partenkirchen, Munich, Germany  
Venue: Atlas Posthotel**

**THE ROLE OF CIVIL SOCIETY IN FURTHERING CONFIDENCE BUILDING MEASURES  
(CBMS) IN CYBERSPACE**

Dr. Daniel Stauffacher President, ICT4Peace Foundation



# *The Role of ICTs in Preventing, Responding to and Recovering from Conflict*

*WSIS Tunis 2005  
ICT4Peace/UN ICT Task Force  
(<http://bit.ly/1bR0yPI>)*

## **Information and Communication Technology for Peace**

**The Role of ICT in Preventing,  
Responding to and Recovering  
from Conflict**

Preface by  
**Kofi Annan**

Foreword by  
**Micheline Calmy-Rey**

By **Daniel Stauffacher, William Drake,  
Paul Currian and Julia Steinberger**



# The UN World Summit on the Information Society (WSIS) in Tunis 2005

- Paragraph 36 of the World Summit on the Information Society (WSIS) Tunis Declaration (2005):

- *“36. We value the potential of ICTs to promote peace and to prevent conflict which, inter alia, negatively affects achieving development goals. ICTs can be used for identifying conflict situations through early-warning systems preventing conflicts, promoting their peaceful resolution, supporting humanitarian action, including protection of civilians in armed conflicts, facilitating peacekeeping missions, and assisting post conflict peace-building and reconstruction.”* between peoples, communities and stakeholders involved in crisis management, humanitarian aid and peacebuilding.



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14 Jan 2014

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14 Jan 2014

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## 2013 and ICT4Peace: Year

Getting down to business: Realistic goals for the promotion of peace in cyber-space



See Article by Barbara Weekes et al (2011): "Getting down to Business – Realistic Goals for the Promotion of Peace in the Cyberspace: <http://ict4peace.org/getting-down-to-business-realistic-goals-for-the-promotion-of-peace-in-cyber-space/>  
See list of articles by ICT4Peace on rights and security in the cyberspace: <http://ict4peace.org/?p=1076>.



# The Cybersecurity Challenge

- Numerous states are pursuing military cyber-capabilities: UNIDIR Cyber Index: **more than 114** national cyber security programs world-wide, more than **47** have cyber-security programs that give some role to the armed forces.
- Cyber capabilities are **not limited to great military powers**. They transcend lines of state-centered warfare: **A private** cannot usually obtain, train and use weapons of war. In the electronic world they can.
- The **step from common crime to politically motivated acts, even terrorism**, is not far.

# Cyber Capabilities and traditional security calculus

- An exclusive, all-out cyber-war **has not happened yet**, but attacks have happened as part of conflicts: 2007 against Estonia, 2008 against Georgia, 2010 against Iran, 2013 against South Korea. In the context of the Syrian war, denial-of-service attacks have been reported.
- Cyber action can also **create real damage in the physical world**. The Stuxnet virus resulted in the destruction of equipment; Destruction of a country' certain critical infrastructure: power, transport, financial sector etc. is feasible.
- However, Cyber Capabilities **do not fit traditional security strategies** (deterrence, denial), because:
  - Problem of attribution of an attack
  - Rapidly evolving technology produced and in the hands of the private sector
- **Arms control agreements (so far) unrealistic** for cyber capabilities
  - Multiple actors, both state and non-state actors
  - No commonly accepted definition of a cyber weapon so far

# Erosion of Trust

**Trust between states and between state and citizens** is increasingly **eroding** by a range of state practices, including with regard to the **negative uses of information communications technologies and related capabilities to advance political, military and economic goals.**

The interest in these state practises have inadvertently also been **stoked** by developments such as:

- The role ICTs have played recently in **the Middle East and North Africa;**
- The alleged state use of sophisticated malware such **as Stuxnet** to achieve foreign policy goals;
- and Edward Snowden's disclosures on **the monitoring and surveillance practices.**

Despite a range of domestic and diplomatic efforts **initiated to curb such practices, many states have rushed to develop these same capabilities** to use not only against other states but against their own citizens, which further undermined confidence and trust between states, and between states and citizens.

# “The Cyber Security Challenge: What Can be Done?”

- These scenarios show that Civil Society and Private Sector need:
  - to engage in an international discussion on **the norms and principles of responsible state behavior in cyber space**, including on the conduct of cyber warfare, and its possible exclusion or mitigation (Tallinn Manual a beginning)
  - ,we need to **turn to the United Nations** (such as UN GA, UNGGE, WSIS Geneva Action Line 5)
  - To **prevent an escalation** we need to develop **Confidence Building Measures CBMs** (e.g. Bilateral Agreements, OSCE, ARF, UN GGE)
  - Continue **the London – Budapest – Seoul – The Hague Conferences** Process on Cyberspace to **create political awareness** and reach out to other regions and actors (through inter alia training)

## **WSIS 2003 Geneva Plan of Action**

### **Follow-up towards 2015, MDGs and beyond**

#### **Action Line C5. Building confidence and security in the use of ICTs**

- **12.** Confidence and security are among the main pillars of the Information Society.
- Promote cooperation among the governments at the United Nations and with all stakeholders at other appropriate fora to enhance user confidence, build trust, and protect both data and network integrity; consider existing and potential threats to ICTs; and address other information security and network security issues.
- Governments, in cooperation with the private sector, should prevent, detect and respond to cyber-crime and misuse of ICTs by: developing guidelines that take into account ongoing efforts in these areas; considering legislation that allows for effective investigation and prosecution of misuse; promoting effective mutual assistance efforts; strengthening institutional support at the international level for preventing, detecting and recovering from such incidents; and encouraging education and raising awareness.
- Governments, and other stakeholders, should actively promote user education and awareness about online privacy and the means of protecting privacy.
- Take appropriate action on spam at national and international levels.
- Encourage the domestic assessment of national law with a view to overcoming any obstacles to the effective use of electronic documents and transactions including electronic means of authentication.
- Further strengthen the trust and security framework with complementary and mutually reinforcing initiatives in the fields of security in the use of ICTs, with initiatives or guidelines with respect to rights to privacy, data and consumer protection.
- Share good practices in the field of information security and network security and encourage their use by all parties concerned.

# Confidence Building in Cyberspace: Constructive work by UN experts

United Nations

A/68/98\*



**General Assembly**

Distr.: General  
24 June 2013

Original: English

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**Sixty-eighth session**

Item 94 of the provisional agenda\*\*

**Developments in the field of information and  
telecommunications in the context of international security**

**Group of Governmental Experts on Developments in the  
Field of Information and Telecommunications in the  
Context of International Security**

**Note by the Secretary-General**



**Organization for Security and Co-operation in Europe  
Permanent Council**

PC.DEC/1106

3 December 2013

Original: ENGLISH

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**975th Plenary Meeting**

PC Journal No. 975, Agenda item 1

## **DECISION No. 1106**

# **INITIAL SET OF OSCE CONFIDENCE-BUILDING MEASURES TO REDUCE THE RISKS OF CONFLICT STEMMING FROM THE USE OF INFORMATION AND COMMUNICATION TECHNOLOGIES**

The OSCE participating States in Permanent Council Decision No. 1039 (26 April 2012) decided to step up individual and collective efforts to address security of and in the use of information and communication technologies (ICTs) in a comprehensive and



## UN GA THIRD COMMITTEE APPROVES TEXT TITLED 'RIGHT TO PRIVACY IN THE DIGITAL AGE' \*\*

- It calls on states to **review procedures, practices and legislation on communications surveillance and "to establish or maintain existing independent, effective domestic oversight mechanisms capable of ensuring transparency, as appropriate, and accountability for State surveillance of communications, their interception and collection of personal data."**
- It also asks U.N. human rights chief Navi Pillay to present a report to the U.N. Human Rights Council and the U.N. General Assembly on the protection and promotion of the right to privacy in domestic and extraterritorial surveillance and the interception of digital communications and collection of personal data, including on a mass scale.
- The difficult political and legal questions underlying references to “unlawful interference with privacy” and constraints on “extraterritorial surveillance” will keep lawyers and diplomats busy for months if not years to come.
- At the same time, the challenge of reconciling the occasionally conflicting imperatives of ensuring national security and respecting human rights cannot be ignored by governments or citizens alike. At the multilateral level, the UN will have to begin to address the cyber security issue in a more coherent fashion.
- The General Assembly can ill afford to have two deliberative streams (i.e. the First and Third Committee) acting in ignorance of one another. The airing of declaratory policy at the annual General Assembly sessions should not substitute for purposeful action by states in more operational forums to tackle the pressing problems raised by destabilizing state conducted cyber operations.

(\*\*See also Paul Meyer: <http://ict4peace.org/cyber-security-takes-the-un-floor/>)

## Where are we at today regarding CS Participation?

**Over the past decades, there has been an increasing acceptance by governments of the principles of transparency, participation and accountability in international policy making.**

**However, to date, business and civil society participation (whether direct or indirect) in the development of national cybersecurity strategies or in regional and international cybersecurity processes has been minimal, despite the fact that citizens, civil society organisations, as well as business and academia are a core link in the ICT value chain. Also, Civil society and academic expertise/ knowledge is fundamental to resolving many of the core technical problems inherent in the ICT.**

**Even international Conferences on Cyberspace** such as the series launched in London in 2011 and continued in Budapest in 2012 and Seoul in 2013, aimed specifically at broadening the cybersecurity dialogue beyond government participants, **have been taking off only with the recent Conference in The Hague.**

**However and at the same time**, it is important to acknowledge also, that to a large extent, **civil society organisations came into the game rather late**, only making links between the international security dimensions of ICTs, and human rights, development and governance issues in recent years.

## Where are we at today regarding Civil Society Participation?

**In 2013, the role of Civil Society and Industry** was officially recognised in the **UN GGE Report** in the area of building cooperation for a peaceful, secure, resilient, and open ICT environment. More specifically: **Art. 11 acknowledges that ‘while States must lead in addressing these challenges, effective cooperation would benefit from the appropriate participation of the private sector and civil society’.**

Moreover, the **report’s section on CBMs and Exchange of Information** also acknowledges a role for civil society, specifically noting in **Art. 27** that ‘while States must lead in the development of confidence building measures, their work would benefit from the appropriate involvement of the private sector and civil society’.

**But** then, when we look at **the OSCE’s Decision 1106 on an ‘Initial Set of CBMs to Reduce the Risks of Conflict Stemming from the Use of ICTs’** adopted in December 2013, **no mention of civil society is made throughout the document. However,** this does not necessarily mean that civil society should not play a role in implementing the initial set of CBMs. **Indeed, the OSCE’s own Guide on CBMs stresses how CBMs should ideally involve both government structures and civil society, with the latter also reaching out to broader society.**

## **WHAT ROLE FOR CIVIL SOCIETY AND INDUSTRY IN FURTHERING CYBERSECURITY-RELATED CBMS, PARTICULARLY GIVEN THE UN GGE AND OSCE BREAKTHROUGHS?**

Proposed areas of work for business and civil society: **i) Transparency and Accountability; ii) Participation; and iii) Deepening the Knowledge Base.**

### **i) Transparency and Accountability**

Until very recently, **very little information regarding international, regional and bi-lateral processes on cybersecurity was in the public domain.** To a large degree, many of these discussions have received limited scrutiny from traditional sources of checks and balances, including business and civil society. **In this regard, business and civil society organisations can:**

- Develop tools to monitor their own government's role in international, regional and bi-lateral CBM and norm discussions.**
- Make knowledge regarding progress or setbacks in international and regional CBM and norms processes readily available to the public and organise public discussions around them.**
- Monitor budgetary expenditure in the field of cybersecurity to ensure an adequate balance of investment between security, governance, development and human rights).**

For example, in 2014, **ICT4 Peace published its first annual Baseline Review of ICT-related events and processes** that have implications for international peace and security -



# **BASELINE REVIEW**

## **ICT-RELATED PROCESSES & EVENTS**

IMPLICATIONS FOR INTERNATIONAL AND REGIONAL SECURITY  
(2011-2013)

Camino Kavanagh, Tim Maurer and Eneken Tikk-Ringas

## Role for Civil Society and Industry (continued)

### ii) Participation

**While legitimate national security concerns have been raised concerning the non-public aspect of CBMs, norms and other related processes, there are sufficient examples** of how governments and international and regional organisations have taken steps to make them more inclusive.

Business and Civil Society organisations can and should therefore:

- **Lobby for their direct or indirect participation in CBMs, norms and other cybersecurity-related processes** as per the related provisions in the 2013 GGE report. For instance, **civil society representation can and should be included in government delegations** to CBM and norm discussions.
- **Where the latter is not possible, hearings with governments and civil society organisations** should be organised, before and after government participation in CBMs, norms and other cyber-security-related processes. This is done in other areas pertaining to international peace and security, and there is no reason it cannot be done with regard to cybersecurity.

Global Conference on CyberSpace 2015 | 16 - 17 April 2015 | The Hague, The Netherlands

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17 04 2015

### Outcome of the Conference

An important outcome of the conference is the Chair's Statement...

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19 Apr

During the conference, the Global Forum on Cyber Expertise was launched. Learn more [youtube.com/watch?v=KRG54r...](https://youtube.com/watch?v=KRG54r...) #GCCS2015 [pic.twitter.com/rrbvB76FPu](https://pic.twitter.com/rrbvB76FPu)  
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19 Apr

Thursday evening, a dinner was organized for special guests of #GCCS2015. The dinner took place in the 'Ridderzaal': [pic.twitter.com/2EVuzfvBZL](https://pic.twitter.com/2EVuzfvBZL)  
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# A Comprehensive Normative Approach to Cyber Security

Presented at GCCS 2015



## International norms

Legal (binding) norms		Political (non-binding) norms	
Hard law	Soft law		Non-legal norms
Binding norms (treaties, custom, general principles)	Binding norms with a soft dimension*	Non-binding norms of legal relevance*	Non-binding or voluntary norms (e.g. CBMs)

\* See Fabien Terpan, *Soft Law in the European Union—The Changing Nature of EU Law*, European Law Journal, Volume 21, Issue 1, pages 68–96, January 2015

## Role for Civil Society and Industry (continued)

### iii) Deepening the Knowledge Base

Enhancing knowledge and sharing information is core to building a secure and resilient ICT environment, and for strengthening trust and confidence.

To this end civil society can:

Work more closely with the private sector and academia to ensure **that evidence-based research is made available to government representatives in CBMs** and norm discussions on the one hand; and made accessible to the broader public on the other.

For example, in June 2013, **ICT4Peace organised a workshop ETH Zurich on CBMs** and options for international and regional cybersecurity.

The workshop's combination of civil society, government, academia and business from different regions brought valuable perspectives from their own institutional experience within their own regional realities. The workshop participants drew up an exhaustive list of potential **CBMs across core areas: transparency measures; cooperative measures; communication and collaborative mechanisms; restraint measures; and compliance and monitoring measures for dealing with today's ICT-related challenges.** All of this information and analysis was pulled together in the ICT4Peace report on the workshop proceedings, copies of which I have with me here today, in case you are interested.

# ICT4Peace Report on Transparency and Confidence Building Measures (TCBMs)\*\*



\*\* see Report by Camino Kavanagh, Senior Advisor ICT4Peace:

<http://ict4peace.org/what-next-building-confidence-measures-for-the-cyberspace/>

ICT4Peace workshop at ETH Zurich June 2013 with the Support of the Swiss Ministry of Foreign Affairs

## Role for Civil Society and Industry (continued)

### iii) Deepening the knowledge base

Civil Society and industry should develop stronger ties with academia and policy think tanks to identify knowledge gaps or deepen the knowledge base. For example, a number of **policy think tanks and civil society** organisations - including ICT4 Peace - are **supporting Track 1.5 consultations** in this field (i.e. consultation between Governments on Cybersecurity issues with the inclusion of academia, think tanks).

Civil Society should work with government, academia and industry to ensure **the inter-linkages between different policy areas, namely security, governance, development and human rights are understood and taken into account in negotiations**. As noted above, the ICT4 Peace Review of ICT-Related Processes and Events has played an important role in this regard.

**Finally, civil society can help deepening understanding of regional and cultural dynamics and differences as a means to build trust in cyberspace** and with regard to different cybersecurity challenges. Indeed, **significant misunderstandings (many of them cultural) still remain in the area of cybersecurity, which can lead to heightening of tensions between states, and between states and citizens if left unresolved**.

# ICT4Peace has launched a new Cybersecurity diplomacy capacity building project with different regional organisations.

The Government of Kenya and ICT4Peace Foundation co-organize the first Regional Training Workshop in Africa on International Security and Diplomacy in Cyberspace



The ICT4Peace Foundation is honored to have been invited by the Government of Kenya to co-host the first regional training workshop in Africa (2 to 3 March 2015) on International Security and Diplomacy in Cyberspace with over 30 participants (Diplomats, Legal, Security and Technical Staff) from 12 African Countries, the African Union, and Civil Society Representatives. The workshop was co-chaired with Dr. Katherine Getao, Secretary, ICT Authority of Kenya. The Governments of Kenya, the UK, Germany and Switzerland supported the workshop course financially and with lecturers.

This new cyber security capacity building program was developed by the ICT4Peace Foundation as a direct follow-up to some of the recommendations tabled in the 2013 Report of the "UN Group of Governmental Experts on



# ¿UN PAPEL PARA LA SOCIEDAD CIVIL?

TIC, NORMAS Y MEDIDAS DE CONSTRUCCIÓN DE  
CONFIANZA EN EL CONTEXTO DE LA SEGURIDAD  
INTERNACIONAL

Camino Kavanagh y Daniel Stauffacher

GINEBRA 2014  
ICT4Peace Foundation

**THANK YOU**  
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