

ITU/GCA Contribution Switzerland

Switzerland welcomes the activities undertaken by ITU to develop guidance on the utilization of the Global Cybersecurity Agenda. We acknowledge the work on the newest version of the document since the March consultations.

We nevertheless would like to specifically comment on the following points:

In general, the document seems to omit the recognition that international law applies in cyberspace, as recognized by the 2015 Report of the Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security (GGE), which has been endorsed by the UNGA. In addition, cybercrime and cybersecurity and the legal measures thereof are two different issues and the frontiers between both in the document are very unclear.

Under Section 2 – Pillar 1: Legal Measures:

In our opinion, clause 2.9, point e is not appropriate, since we consider that international law already applies to cyberspace. Hence, there is no need to agree on new legal measures. Rather, we are working on a common understanding of how international law applies in cyberspace. This should allow for greater common understanding of the implementation of the already existing legal framework. Furthermore, point e duplicates other on-going discussions and mixes cybersecurity with cybercrime, which are discussed in different fora internationally.

Clause 2.9 point f lacks reference to the 2015 GGE report endorsed by the UNGA, for example norm 13.g.

Furthermore, we believe that point h of 2.9 on encrypted data should be deleted, since we do not support the endorsement of lawful access to the content of communications implied in this statement.