

United States Response to the April 23, 2020 Open Consultation on the Draft Guidelines For Utilization of the Global Cybersecurity Agenda

The United States thanks Secretary General Zhao for holding the April 23, 2020 Open Consultation on the Draft Guidelines for Utilization of the Global Cybersecurity Agenda (herein referred to as the “draft GCA guidelines”) and the opportunity to provide feedback on the draft. Please note this submission does not constitute the entirety of the United States’ comments or prospective edits to the Draft Guidelines. Rather, it is a summation of the United States intervention during the April 23, 2020 Open Consultation with our overarching points for feedback, and we will review any forthcoming drafts for more specific comments or suggested edits.

The purpose of the draft GCA guidelines document is to improve how the ITU utilizes the GCA in its work. However, we note the following ways in which the current draft takes a much broader approach than the mandate from Council and raise concerns.

First, the draft overstates the role of the ITU in some global cybersecurity activities including, but not limited to, combatting cybercrime. Many actors have various competencies in the wide breadth of cybersecurity issues that are mentioned in the paper; however, the paper does not adequately reflect the various competencies and initiatives of those actors nor, in some cases, that the role the ITU plays is just one of many stakeholders. We would posit that any guidelines should focus on those activities clearly within ITU's mandate and core competencies and should avoid trying to opine on activities discussed or addressed by other stakeholders.

Second, Council instructed that the guidelines elaborate on the manner in which the ITU utilizes the GCA framework in its work. Instead, in the current draft, several recommended guidelines appear to be directives to Member States rather fulfilling the mandate from Council. As a result, it appears that the draft attempts to establish policy proposals that have not been agreed by the Member States

Third, the Annex 1 on "Some Regional and Global Developments since 2008," is sweeping in its coverage, and we have questions as to its applicability and utility. As drafted, it is incomplete and even could be interpreted as selective. Since it does not reflect the ITU’s discrete work and would engender significant review and editing for compilation and context that would likely be unsatisfactory, the guidelines should not include an annex.

Proposals to revise the GCA at the 2018 Plenipotentiary Conference (PP-18), even after lengthy discussion, were not adopted, and the present exercise should not be used to potentially circumvent that decision. There was some acknowledgement at PP-18, however, that the ITU could better utilize the GCA framework in its own activities. In 2019, Council decided that the ITU Secretary-General should provide two complimentary products for the Council's consideration: (1) how the ITU is currently using the GCA, and (2) draft guidelines for how the ITU can better utilize the GCA.

We welcome the most recent report provided by the ITU on its utilization of the GCA. However, as we and several other Member States have proposed revisions and considerations for the draft GCA guidelines, it is clear the document is not ready for approval by Council. In fact, the work of the ITU is well covered in its report and the work of the Union is guided by the relevant resolutions, so such new guidelines may not be necessary. The United States stands ready to review a new draft for consideration by Council with a view to its utility for the ITU's work.