



**Comments of the Czech Republic**  
**on the ITU Draft Guidelines of the Global Cybersecurity Agenda**  
**March 10, 2021**

Further to the document C20/65-E published on May 5, 2020 by the ITU Secretary General containing the Draft Guidelines of the Global Cybersecurity Agenda (GCA), and following the Second Online Open Consultation on the Draft guidelines held virtually on March 1, 2021, the Czech Republic submits the following national contribution with inputs and comments to inform the drafting process.

**General Comments**

In view of the [contribution](#) of the European Union and its Member States from February 16, 2021, the Czech Republic recognizes the added value of the GCA framework, which is designed to serve as a tool for a range of stakeholders, ITU included. The Czech Republic takes note of the Draft Guidelines published by the ITU Secretariat but stresses the need for further consultations on the document to integrate input from all stakeholders and avoid duplication of work with existing UN workstreams.

In particular, the Czech Republic highlights that cybersecurity is a cross-cutting agenda touching multiple UN workstreams, including those on international peace and security, human rights and fundamental freedoms, as well as sustainable development. In this regard, the Czech Republic stresses the importance of considering the issue of cybersecurity through a holistic and human-centric approach, with due regard for respect for human rights and fundamental freedoms.

In view of this, the Czech Republic recalls the original request of the ITU Council was for the Secretariat to “*develop appropriate guidelines for utilization of the GCA by the ITU*”, rather than issuing broad behaviour-setting recommendations for the ITU Member States (see for example C20/65-E). The Czech Republic therefore proposes to delete a number of elements from the draft guidelines, notably those that could encroach upon existing UN mandates and/or prejudice ongoing discussions and outcomes in several high-level UN processes, including, but not limited to, the ongoing processes under the UN General Assembly.

## **Pillar 1: Legal Measures**

The Czech Republic shares the view of the majority of states that international law fully applies in cyberspace as affirmed by consecutive reports of the UN Group of Governmental Experts (GGE), and emphasized repeatedly during the ongoing negotiations within the United Nations Open-Ended Working Group on developments in the field of ICTs in the Context of International Security (OEWG). In the same way, the Czech Republic reaffirms that the Budapest Convention is the most suitable, strong and comprehensive framework for international cooperation and capacity building in the field of cybercrime.

Therefore, the Czech Republic does not see the need for developing principles for formulating a new international legally-binding framework for cyberspace since existing international law applies in its entirety to the online world, as much as it applies to the offline world. In this respect, the point 2.4 and point 2.9 in Recommendation (e) should be deleted.

Furthermore, the Czech Republic considers that Recommendation (h) on the interception of encrypted data falls outside the scope of the ITU mandate and goes beyond the request of the ITU Council to develop appropriate guidelines developed for utilization of the GCA by the ITU. We therefore suggest to delete Recommendation (h) in its entirety.

## **Pillar 2: Technical and Procedural Measures**

The Czech Republic is particularly concerned with the “*normative efforts*” outlined in Pillar 2. The term “*norms*” remains ambiguous in the context of the Draft Guidelines and should be either further explained or deleted. “*Norms*” in the context of cyberspace relate to the framework of responsible State behaviour in cyberspace adopted by consensus by the UN General Assembly in resolution A/RES/70/237. This consensually agreed normative framework affirms the applicability of international law to state-on-state behaviour, and includes a set of voluntary, non-binding norms of responsible state behaviour in cyberspace as well as recommendations regarding the development and implementation of practical confidence building measures and capacity building.

In the view of the Czech Republic, the Draft Guidelines would therefore benefit from including a reference to the outcomes of past GGEs and ongoing efforts at the UN level in this respect, including in the current iteration of the GGE and the OEWG. Consequently, the idea of the ITU becoming a “*global centre of excellence*” for norms should be omitted as it would inevitably result in duplication of work with the existing workstreams, notably with those under the First Committee of the UN General Assembly.

## **Pillar 4: Capacity Building**

The Czech Republic is of the view that any capacity building efforts undertaken by the ITU should focus on technical standards within the mandate of the ITU and not behaviour-setting standards. Therefore, the Czech Republic suggests that closer alignment of Pillar 4 with the ITU core mandate is needed, including by adding the qualifier “technical” in the appropriate places.

## **Pillar 5: International Cooperation**

The Czech Republic would like to reaffirm its belief that any global framework for cybersecurity cooperation should be inclusive, transparent and multi-stakeholder in nature. The current structure of Pillar 5 omits the ongoing OEWG and the consensually adopted acquis of the UN GGEs. Therefore, the Czech Republic supports the inclusion of explicit reference to the outcomes and the current work of these UN fora, as the primary high-level frameworks within the UN concerned with ICTs in the context of international security.

For the above-mentioned reasons, the Czech Republic cannot support the idea of ITU and/or WSIS to play a leading role in setting up a global framework for cybersecurity cooperation. We therefore suggest that point 6.6 should be revised accordingly and recommendation 6.17 (c) deleted in its entirety.

### **Conclusion**

The Czech Republic looks forward to further discussions on developing appropriate Guidelines for the utilization of the GCA by the ITU in line with the request of the Council with a view of creating an added-value tool for the ITU that neither duplicates existing UN workstreams nor encroaches upon the existing mandates of the UN General Assembly and its subsidiary organs.