

United States Response to the March 1, 2021 Second Open Consultation on the Draft Guidelines For Utilization of the Global Cybersecurity Agenda

The United States thanks the Secretary-General and the ITU Secretariat for holding the March 1, 2021 Second Open Consultation on the Draft Guidelines for Utilization of the Global Cybersecurity Agenda by the ITU (herein referred to as the “draft guidelines”) and the opportunity to provide feedback on the draft.

The current draft guidelines do not adequately address significant concerns raised by the United States throughout this process. In three written submissions and statements in the open consultations, the United States has consistently raised concerns regarding the need for the ITU to remain within its mandate in drafting the guidelines, that the draft guidelines be focused on how the ITU implements the GCA framework, and that the ITU focus on its core competencies, finding synergy not duplication with others working within the field of cybersecurity.

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. During the Second Open Consultation, some delegates suggested that GCA itself is under review, which is not the case. Proposals to revise the GCA at the Plenipotentiary Conference 2018 (PP-18) were not adopted after lengthy discussion, and the present exercise should not be used to circumvent that decision or undermine the existing resolutions agreed by PP-18.

Instead, the purpose of the draft guidelines is to improve how the ITU utilizes the GCA in its work. However, many of the recommended guidelines still appear to be directives to Member States rather fulfilling the mandate from Council. As a result, it appears that the draft guidelines attempt to establish policy proposals outside the scope of this exercise and beyond the role of Council on cybersecurity related issues.

The United States is particularly concerned with attempts in the text and in others' proposals to suggest a broader role for the ITU in considering new international instruments on cybersecurity and cybercrime. These issues are most properly within the remit of the UNGA and its subsidiary bodies. Duplicating their on-going efforts under the aegis of the ITU is unproductive, creates confusion within the international community, and is inconsistent with the mandates established in PP-18.

Finally, 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 and unsatisfactory debate, any draft guidelines should not include such an annex.

Both Open Consultations have shown that there continue to be strongly divergent views about both what the guidelines are meant to achieve and, indeed, even their scope. The ITU Member States are well informed by the annual report on the utilization of the GCA and the work of the Union is well-guided by the relevant resolutions. Given that the ITU already has guidance on this matter and consensus is elusive, this exercise has become counterproductive.