The Past Achievements and Future Directions of the UN GGE in Information Security

YOO Dae-jong   Eneken TIKK-RINGAS   PARK No-hyoung   Mika KERTTUNEN   John C. MALLERY   William BOOTHBY

Ministry of Foreign Affairs (MOFA) / Korea University Cyber Law Centre

Moderator   **YOO Dae-jong** Director-General for International Organizations, MOFA

Presenter   **Eneken TIKK-RINGAS** Senior Fellow, International Institute for Strategic Studies

Discussant   **PARK No-hyoung** Professor, Korea University School of Law

     Mika KERTTUNEN Director of Studies, Cyber Policy Institute

     John C. MALLERY Research Scientist, MIT Computer Science & Artificial Intelligence Laboratory

     William BOOTHBY Former Deputy Director of Legal Services, Royal Air Force

Rapporteur   **PARK Joo-hee** Researcher, Korea University Cyber Law Centre

This session held a discussion on the achievement of the Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security (UN GGE) and its prospects, as well as its implications for Korea.

■ UN GGE Discussion: 2009-2015

• In 2003, Russia proposed a gathering of a group of government experts to cope with international peace and security issues in the context of Information Communication Technology(ICT). The group is operated on the basis of the agreement of its members. The chair country of the first UN GGE from 2004 until 2005 was Russia. But no agreement was reached. Russian Ambassador to the UN GGE, Andrey Kurbsky, said, "It is hard to reach an agreement as all the member countries have different backgrounds and interests, using different languages."

• In the UN GGE conference in 2010, 15 countries reached an agreement. In the conference, they agreed that the risk in the field of information security might be most serious threat in the 21st century. They also noted that the misuse of ICT, which assists e-commerce, may threaten world peace and national security. In 2010, the UN GGE advised that the countries focus their efforts on confidence-building measures and cyber security capacity building. There was an opinion that called for additional measures on the norm for the use of ICT by the states, but they failed to discuss the norm in the conference, because Russia and China opposed it on the grounds that there were not enough standards for it, while the U.S. and countries which shared views with the U.S. claimed that existing international law can be applied to ICT.

• The discussion on the norm started at the conferences of the UN GGE in 2012-2013. The article 19 of the 2013 report contained the experts' conclusion that the international laws, particularly the UN Charter, are applicable to ICT, and vital for creating an environment for the peaceful use of and open and safe access to ICT. In article 16 of

the report, they also concluded that there should be joint research on how the norm should be applied to the use of ICT by states and additional norms might be set in consideration of the unique characters of ICT. Also, there was a heated discussion on the possibility of the application of the International Humanitarian Law to the norm. The U.S. tried to conclude that the agreement on the application of the international laws to the norm covers the International Law of Armed Conflicts, but Russia and China cast doubts if such an interpretation was compatible with the deliberations of the expert group.

- Finally, the 2013 UN GGE report divided the discussions on the responsible action of the states into two categories, with the first category on how to apply international laws to the use of ICT, and the second on the issue of how to develop additional non-binding norms in consideration of the complexities and uniqueness of ICT.

- The discussions of the UN GGE in 2014-2015 paved the way for a discourse on international law and norms on the use of ICT. The discourse on the norms and rules for responsible acts of the state confirmed the need for voluntary agreement on non-binding norms for security and safety of the global ICT environment. The discussions were designed to deal with the norms, rules and principles that do not check or ban the activities incompatible with international law. As to the application of international law, the 2015 report illustrated numerous existing norms and rules whose application to ICT use of the states is under the deliberation of the expert group.

■ Prospects for the UN GGE

- The discussions of cyber powers indicate the agenda of future UN GGE sessions.
- As for one issue, cyber stability, the U.S. understands that it refers to an environment in which all states can enjoy the benefits of cyberspace – the space in which every state is given the incentive to cooperate and avoid clashes and has no need to sabotage and attack other states.
- The countries sharing views with the U.S. proposed that the discussion focus on the norms on sovereign rights and state responsibility, called

peacetime norms. However, China refused the additional discussion on International Humanitarian Law, and Russia, while agreeing to the discussion on rules of engagement, called for the discussion to focus on prevention of cyber accidents, instead of the discussion on Clause 4 in Article 2 and Article 51 of the UN Charter, thus adding uncertainty to the next UN GGE conference. As to the non-binding norms, the Netherlands calls for a norm on inviolability of the Internet infrastructure and more detailed discussion on the duty of due diligence.

■ Implications for the Republic of Korea

Korea should maintain a balance between international and domestic norms, rules and principles on cyber security and discuss due diligence procedures.

PARK No-hyoung

In the third UN GGE, an agreement was reached that existing international laws (including the UN Charter) are applicable to cyberspace, and in the fourth UN GGE, discussions were focused on how to apply international law to cyberspace. Though the GGE of the UN GGE means governmental group of experts, the UN GGE session is seen more as a discussion among government agencies than among experts. The fourth UN GGE was joined by 20 countries, but part of the discussions went awry as some participants had no expertise in cyberspace. After the fourth UN GGE, the membership countries increased from 20 to 25, raising the possibility of a third voice which might influence the activities of the UN GGE.

Mika KERTTUNEN

I would like to discuss three tasks of the UN GGE. First is the issue of exclusion. The membership countries expanded to 25 from 20. Amid the growth of this organization as a regional one into an international one, however, there is controversy over which country is entitled to membership. Second is the representation issue. The UN GGE should cope with the issue of how to address civic affairs and how to deliver conclusions to each country. Third is the exhaustion issue. The procedure

of making a draft at the UN GGE is too long, and it would take too much time to implement the UN GGE agreement in each country.

Lastly, I would like to make a suggestion to Korea. The UN GGE is not about legal affairs but a venue for political discussion. A country's dream has to be identified, first, and legal, political and technological objectives should be set based on that dream. As a think tank, the UN GGE also has to maintain neutrality.

John C. MALLERY

The cyber infrastructure is mostly in the charge of the private sector. There are few incentives to have business enterprises strengthen the cyber security. Therefore, it may lead to crimes using ICT. In the case of Korea, there is the possibility of a cyber attack by North Korea via China. How to deal with this kind of case and how to reduce the risks should be discussed at the UN GGE. Also, considerate decisions should be made as the countries have different cyber systems and different anti-cyber attack systems. I think it would be difficult to discuss how to reduce the criminal use of ICT using the private sector, because the UN GGE is an inter-state organization.

William BOOTHBY

The primary considerations of the next UN GGE conferences are as follows. First, it should look forward, instead of the past. Second, the UN GGE agenda needs more detailed discussion. More detailed agreement is required on the application of international law to the use of ICT. Third, the UN GGE should listen to the membership countries, including the voices opposing a certain issue.

Eneken TIKK-RINGAS

I would like to answer the question asking about the possibility of a third voice amid the expansion of the UN GGE membership from 20 to 25 and how such a voice would affect the UN GGE activities. The third voice will not be raised by a single country, only, and there will also be other countries to oppose it. Through the expansion of the UN GGE membership, it may secure an opportunity to augment its rationale.

We operate the discussion with patience, as the cyber security requires inter-state understanding. The UN cannot settle all issues. More discussions among the expert groups are required.

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Policy Implications

- South Korea should foresee the agenda of the UN GGE, set up its positions and prepare for the agenda. According to the overall views of the experts who joined the UN GGE forum, there is a possibility that its next session would deal with accountability of a third party and due diligence procedure.

- South Korea should prepare a measure to cope with a possible cyber attack by North Korea via a server in China and present its opinions about such a case at the next UN GGE session.