IGF 2020
Best Practice Forum Cybersecurity

Feedback on Draft outputs and Call for contributions

The Best Practice Forum on Cybersecurity is calling for input for its 2020 effort. Input will feed into the BPF discussions, the BPF workshop during the virtual IGF2020 and this year's BPF output report.

Introduction

The IGF Best Practice Forum on Cybersecurity is a multistakeholder group focusing on identifying best practices in Cybersecurity.

Last year, the BPF published research to identify best practices related to the implementation, operationalization, and support of different principles, norms, and policy approaches contained in these international agreements and initiatives by individual signatories and stakeholders. Amongst others, these agreements include the Paris Call for Trust and Cybersecurity in Cyberspace, the Tech Accord, the Agreement on cooperation in ensuring the International Information Security between the Member States of the Shanghai Cooperation Organization and the 2015 UNGGE proposed norms. **In 2020, the BPF Cybersecurity is building on its 2019 report by focusing on identifying additional international agreements and initiatives on cybersecurity, and performing a deeper analysis of a narrower set of agreements.** In this deeper analysis, we're looking specifically at whether the agreement includes any of the UN-GGE consensus norms; and whether any additional norms are specifically called out. The narrower set of agreements is focused on those that are specifically normative, rather than having directly enforceable commitments.

For a better understanding of the types of agreements we are investigating, we recommend reading the research paper prepared by the BPF's workstream 1: Exploring Best Practices in Relation to International Cybersecurity Agreements (.pdf).

If you're interested in the broader topic of norms development and norms assessment in global governance, we recommend the excellent background paper 'What Cybersecurity Policymaking Can Learn from Normative Principles in Global Governance' (.pdf) published by the BPF's workstream 2.

Contribution received from *Duncan Hollis*

1) In terms of the Annex A existing list, I wonder if there's any reason you didn't include the norm proposals implicit in the OSCE Confidence Building Measures or some of the other G7 Statements other than the one at Charlevoix? Here's a few excerpts from these that might be worth of the BPF's attention?

- OSCE Confidence Building Measures (2016), **No 15**: "Participating States, on a voluntary basis, will encourage, facilitate and/or participate in regional and subregional collaboration between legally-authorized authorities responsible for securing critical infrastructures to discuss opportunities and address challenges to national as well as trans-border ICT networks, upon which such critical infrastructure relies. Collaboration may, *inter alia*, include:

– Sharing information on ICT threats; – Exchanging best practices; - Developing, where appropriate, shared responses to common challenges …"

- [OSCE Confidence Building Measures](#) (2016), **No 16**: "Participating States will, on a voluntary basis, encourage responsible reporting of vulnerabilities affecting the security of and in the use of ICTs and share associated information on available remedies to such vulnerabilities, including with relevant segments of the ICT business and industry, with the goal of increasing co-operation and transparency within the OSCE region."
- [G7 Declaration on Responsible States Behavior in Cyberspace](#) (2017): "We also reaffirm that the same rights that people have offline must also be protected online and reaffirm the applicability of international human rights law in cyberspace, including the UN Charter, customary international law and relevant treaties"
- [G7 Declaration on Responsible States Behavior in Cyberspace](#) (2017) (quoting 2015 G20 Communique ¶26)

2) In terms of the background paper on norms, thanks for citing my article with Marty. Another good article to consider would be the 2016 one by Carr and Erskine that differentiates (i) true "norms" where the behavior is internalized and members of the community largely conform from (ii) "quasi-norms" that are norm candidates but not yet sufficiently distributed/internalized within the community (see https://www.semanticscholar.org/paper/Beyond-%E2%80%98Quasi-Norms%E2%80%99%3A-The-Challenges-and-Potential-Erskine-Carr/3908179c38427aa372cadee6e221cf8cea50c75c?p2df). It seems like much more of what we see in cyber is in category (ii) versus category (i).

3) The background paper seems to conflate norms with international law hierarchies (e.g., jus cogens). I think of these as two separate concepts. Norms are social constructs that derive from common expectations of a given community; laws like jus cogens are legal constructs that may involve such common expectations but also may not (consider laws on copyright protections online where the law does not align with norms of streaming videos regardless of copyright etc). So, I guess I'd just urge a bit more care in being clear that norms/law are overlapping but distinct concepts? Note, moreover, that when international lawyers like Lobel use the term "norms" they are not using it in its social science sense.   Otherwise, though, I'm largely in alignment with your views on ways norms form (think though about what makes an actor "powerful" in the cyber context -- certainly it's those States with capacity, but other actors may have leverage b/c of their techncial capacities (e.g., Google) or credibility within the community (e.g., CitizenLab, the ICRC). I didn't have as much time to read this carefully as i'd like, but on the whole I really like the back half of the paper and its move to analogize to past areas of successful norm development. Well done there!

4) Similar kudos for the draft BPF report - Charts I & II are super-interesting and I look forward to flagging them for others when they're finalized! Great comparative work. My one big comment there is sometimes in the individual agreement analyses, the formatting is off and instead of listing 11 principles, the list is, say 1-5, and then a)-f) (see the first two agreements listed on pp. 13-15).   Note though I didn't have time to go through the content of all the annotations of each agreement so can't verify how accurate these are but assume there are enough other sets of eyes to keep it honest in terms of confirming/denying each agreement's incorporation of anything along the lines of the 11 norms under study.