

## The African Union Commission Workshop on Cyber-Diplomacy at the IGF 6<sup>th</sup> to 10<sup>th</sup> December 2021, Katowice, Poland

Cyber Diplomacy in Africa - Policy and Regulation Initiative for Digital Africa (PRIDA).

### Background Information

Is Cyber Diplomacy the bridge to Digital transformation in Africa? The workshop seeks to explore the role of cyber diplomacy in transforming Africa's digital landscape. The Workshop is based on the AUC work in the Policy and Regulation Initiative for Digital Africa (PRIDA) project, in the broader theme of **trust, security and stability**. PRIDA is a joint initiative of the African Union (AU), the European Union (EU) and the International Telecommunication Union (ITU). The project aims at enabling the African continent to reap the benefits of digitalization.

Cyber-diplomacy is diplomacy in the cyber domain or the use of diplomatic resources and the performance of diplomatic functions to secure national interests with regard to the cyberspace. Cyber Diplomacy includes a wide range of interests in cyberspace including Cybersecurity, Internet freedom, Internet governance, military uses of the Internet; and innovation and economic growth. Cyber diplomacy issues cut across social economic and cultural dimensions of development and needs to be well addressed and taken into account in the implementation of African Union's digital transformation strategy. Building trust and secure infrastructure and boosting confidence in the cyber space would be a prerequisite to realization of cyber stability and ultimately, digital transformation in Africa.

Just as in other diplomatic endeavours Cyber diplomacy works by building strategic partnerships with other countries around the world and engaging bilaterally and multilaterally to enhance collective action and cooperation against shared threats, assembling like-minded coalitions on vital policy issues, sharing information and national initiatives and confronting unprincipled actors. Cyber Diplomacy also plays a vital role in ensuring the long-term stability of cyberspace itself, in the face of increasing threats from state and non-state actors, through ensuring equal benefits from cyberspace and deterrent of disruptive behaviour from any stakeholder within the context of international law.

The seventh key action in the UN road map for digital cooperation is promoting trust and security in the digital environment. To promote trust and security in the digital environment, there is a need to focus on Stability in Cyberspace through compliance to the Norms and Principles of Responsible state behaviour including emphasis on Confidence Building Measures (CBMs) in the broader subject of Cyber Diplomacy. CBMs, which comprise of transparency, cooperative and stability measures can contribute to preventing conflicts, avoiding misperception and misunderstandings, and the reduction of tensions. In 2014, the African Union Commission adopted the Malabo Convention on Cyber Security and Personal Data Protection to provide fundamental

principles and guidelines to ensure an effective protection of personal data and create a safe digital environment for citizens' security and privacy of individuals' online data. This is considered an important first step in establishing a uniform system of data processing and determining a common set of rules to govern cross-border electronic transactions and transfer of data to avoid divergent regulatory approaches between the African Union Member States and ensure a safe digital space for Africans. This will also facilitate any data transfer agreements involving other continents/states.

The UN Open Ended Working Group (OEWG) adopted its final report in March of this year during the group's final substantive session, confirming the results of the previous reports of the Group of Governmental Experts (GGE), as well as that international law, and in particular the Charter of the UN, is applicable to cyberspace. Norms do not replace or alter states' obligations or rights under international law – which are binding – but rather provide additional and specific guidance on what constitutes responsible state behaviour in the use of ICTs.

The report also urges that states voluntarily identify and consider confidence building measures (CBMs) appropriate to their specific contexts, and cooperate with other states on their implementation. The report also outlines comprehensive capacity building measures in the field of ICT security.

***Intended agenda for the session -The session will focus on Cyber Diplomacy for Africa's Senior' Leadership***

This workshop will be a forum to discuss Cyber Diplomacy in the context of emerging technologies and how well Africa is positioned to adverse her course in addressing global challenges and opportunities in cyberspace. Africa's senior' leadership including lawmakers and enforcement officers will benefit from this session. For instance, despite the high-level political momentum around the AfCFTA, its ultimate success depends on African states ratifying a legal instrument to govern data flow, electronic transaction and cybersecurity towards the fulfillment of the untapped potential of AfCFTA. The Malabo Convention shall be discussed and the role of African leadership in hastening ratifications by member states highlighted.

The workshop will highlight the challenges and opportunities presented by the digital space and the role of cyber diplomacy in navigating through the public and private sector, media, academia and the civil society to ultimately create a safe and trusted online space for all to flourish.

The session will attempt to answer the following questions

- 1) Are African Diplomats and senior leadership including parliamentarians well informed on the role of Cyber – Diplomacy in enriching their work in their respective mandates? What opportunities does Cyber-Diplomacy present?
- 2) To date, only 10 African countries have ratified the Malabo Convention on Cyber Security and Personal Data Protection. Less than 10 countries have established the office of the national data commissioner, a critical office under the Malabo Convention. Could cyber diplomacy be the panacea to unlock this ratification that ultimately aims at continental harmonization of related strategies, regulations and policies that would promote and support the African Continental Free Trade Area (ACFTA) and African Single Market (ASM)?
- 3) How should the UN Frameworks for Responsible State Behavior and CBMs in Cyberspace be implemented in the African context which has diverse digital development status.
- 4) Are African states ready for regulation of digital space through International law?
- 5) The role of capacity development in building trust and confidence in the field of ICT. What kind of capacity development programs should Africa be focusing on?

### ***Facilitation of discussions during the session***

This will be a 90 minutes' panel discussion. There will be five panelists and two moderators. The main moderator will have 5 minutes to introduce the session. After which each panelist will be given 5 minutes to make introductory remarks that will be focused towards broad issues highlighted. The moderator will then ask specific questions to the panelists that will take 15 minutes. The floor will be opened to the public for a Q&A session that will take 35 minutes. The panelist will then have 10 minutes to make closing remarks. It is approximated that the session will have close to 100 participants

### ***Issues, challenges or opportunities to be addressed in the session***

The session will create awareness on cyber diplomacy issues and how best Africa should position herself to reap the full benefits of digital transformation. The session will highlight the challenges of African senior leadership in engaging in cyber diplomacy and the opportunities presented though fully engaging and taking a lead in the digital space. This is in consideration of digital development in the continent including the fact that trading under the African Free Trade Agreement (ACFTA) started on 1 January 2021. This calls for awareness creation and capacity development in the area of Digital trust and cyber security; Cross border data flow; Data management; and Governance practices all of which will unleash the African digital economy.

### ***Expected outcomes and specific outputs from the session***

1. The workshop deliberations shall inform African National, Regional and Continental IGFs and PRIDA capacity building initiatives across the continent.
2. Through the workshop, awareness will be created on the role of Cyber Diplomacy in hastening the ratification of the Malabo convention by Members states.
3. Good practices, opportunities and challenges of cyber diplomacy in modern times shall be explored.

### ***Relevance to Internet Governance***

The workshop will contribute towards strengthening the African voice in the global debate on Internet governance, making African issues a priority which in turn has the potential to make global Internet policies and standards more appropriate to the African context. This would create a more viable and conducive environment for digital cooperation, bilateral and multi-bilateral engagement. embrace

### ***Relevance to Thematic Trust, security and stability***

Diplomacy in the digital space is eminent in the current digital era where social, political and economic activities have gone to cyber. Effective and efficient cyber operations, management and governance to support the ongoing digital transformation in Africa can only happen in a trusted, secure and stable cyber space. Successful implementation of Agenda 2030 Sustainable Development Goals (SDGs) and AU Agenda 2063 aspirations calls for sufficient trust, security and stability in the digital space. In particular, goal 9 focuses on building resilient infrastructure, promoting inclusive and sustainable industrialization and fostering innovation, goal 10 focus on reduced inequalities within and among countries, goal 16 focuses on promotion of peace, justice and strong Institutions while goal 17 focuses on strengthening the means of implementation and revitalizing the Global Partnership for Sustainable Development. For justice, peace and global stability to flourish, cyber diplomacy has a great role in ensuring informed confidence with the security of infrastructure and integrity of the processes to ensure that data and information derived along value chains is trustworthy. Moreover, exposing African leadership to cyber diplomacy will ensure effective and efficient engagement in the digital space, using digital technologies as tools and/or means of cooperation and inclusion, ultimately ensuring equality for all.

### ***Diversity approach***

The panel is made of eminent person including representatives from outside of Africa. The panel has representatives from different stakeholder groups that includes intergovernmental organization, private sector, and academia. The panel has also ensured gender parity. The session aims at attracting as many parliamentarians as possible hence diverse political views are expected as well.

### **Workshop Proposers**

- 1) *Dr. Margaret Nyambura Ndung'u*
- 2) *Mr. Adil Sulieman*

### **Workshop Co-Organizers**

- 1) *Mr. Adil Sulieman*
- 2) *Dr. Margaret Nyambura Ndung'u*
- 3) *Ms. Rakotondrainibe Harimino Lalatiana*

### Proposed panelists/speakers.

1. Mr. Abdul-Hakeem Ajjola - Chair of AUCSEG and former commissioner, Global Commission on the Stability of Cyberspace (Private sector)
2. Mr. Moctar Yedaly - African representative – GFCE
3. Dr. Nnenna Ifeanyi-Ajufo - Vice chair of AUCSEG, Senior lecturer Law and Technology at Swansea University, UK (Academia)
4. Mr. Vladimir Radunović – Diplo Foundation
5. Representative – African Continental Free Trade Area (AfCFTA) (Lady)

### Workshop Moderator(s)

- 1) *Mr. Adil Sulieman*
- 2) *Dr. Margaret Nyambura Ndung'u*

### Workshop Rapporteurs(s)

1. *Ms. Rakotondrainibe Harimino Lalatiana*