

Notes on the need for a cyberpeace treaty

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These notes present some considerations regarding the need for a treaty to restrict cyberwar and to ensure that networks, and in particular the public Internet, are not used for offensive military purposes.

Why is such a treaty necessary

Cyberspace is being increasingly used for offensive military operations, often covert, often directly against states that are not engaging in conventional military operations. That is, a state might be subject to a cyberattack even if it has not itself engaged in any kind of military offensive.

The most powerful and richest nations are devoting increasing resources to both defensive and offensive cyberwarfare capabilities, often in secret. This creates an imbalance of power and can encourage those powerful states to engage in offensive cyberattacks, which might have unforeseen consequences, including conventional retaliation or retaliation by guerrilla tactics (including what is commonly referred to as terrorism).

What is already in place and what is missing

There are essentially no existing international agreements that would restrain cyberwarfare. The ITU's 2012 treaty on International Telecommunication Regulations include an article calling for cooperation to improve network security, but this treaty has not been signed by most developed countries (including in particular the USA). Such cooperation could conceivably act as a restraint on some types of cyberattacks, but the scope of the ITU is limited to peaceful use of telecommunications, so it is not clear whether any ITU instrument could in fact constrain cyberwarfare.

Proposals for such a treaty or other agreement

Various proposals for a treaty, or a non-treaty-level agreement, have been made since 1998. Some of those proposals have been discussed in the First Committee of the UN General Assembly (on International Disarmament and Security). But there has been little agreement, with states divided into two camps: those that favor such an agreement and those that oppose it. The US has consistently opposed any such agreement.

In her UN speech in 2013, Brazilian President Dilma Rousseff signalled that the problem of cybersecurity "affects the international community itself and demands a response from it. Information and telecommunication technologies cannot be the new battlefield between States. Time is ripe to create the conditions to prevent cyberspace from being used as a weapon of war, through espionage, sabotage, and attacks against systems and infrastructure of other countries. The United Nations must play a leading role in the effort to regulate the conduct of States with regard to these technologies." However, the NetMundial meeting called by the Brazilian government to address such issues came up against a new refusal to even include a mention of cyber warfare and weapons in the final document.

References:

Tikk-Ringas, Eneken, 2012. *Developments in the Field of Information and Telecommunication in the Context of International Security: Work of the UN First Committee*, ICT4Peace <http://www.ict4peace.org/wp-content/uploads/2012/08/Eneken-GGE-2012-Brief.pdf>

Just Net Coalition: www.justnetcoalition.org/