

## Himes, Westmoreland, members of Cybersecurity Subcommittee call for cyberwarfare rules

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WASHINGTON, DC—Today, Congressman Jim Himes (CT-4), ranking member of the House Permanent Select Committee on Intelligence's NSA and Cybersecurity Subcommittee, along with Subcommittee Chairman Lynn Westmoreland (GA-03) and other Subcommittee members, sent a bipartisan letter to Secretary of State John Kerry and National Security Advisor Susan Rice asking them to begin the process of clarifying international law and regulations around cyberwarfare and cyberattacks.

"The headlines are full of stories about cybersecurity breaches," said Himes. "These can range from corporate espionage or the actions of a few rogue individuals all the way to organized, state-sponsored and sanctioned attacks from our geopolitical rivals. But, as we stand now, neither the US nor the global community has clear guidance on how we should differentiate between these various threat levels and how we should appropriately and legally defend ourselves. It's time to create a binding set of international rules to provide that guidance."

The letter references the Geneva Conventions, which govern the conduct of war, as inspiration for the new rules of cyber conduct, or *E-Neva Convention*. The international community has recently made progress in this area including a nonbinding consensus among twenty nations that international law, including the United Nations Charter, applies in cyberspace. The letter encourages Secretary Kerry and Ambassador Rice to build on this progress as an effort to contain and curtail future cyberattacks.

Also signing the letter are Representatives Patrick Murphy (FL-18), Mike Quigley (IL-05) and Jackie Speier (CA-14).

The text of the full letter is below.

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Dear Secretary Kerry and Ambassador Rice:

We write today to urge you to accelerate and to promote U.S. leadership in establishing comprehensive international principles of conduct in cyberspace. The U.S. should lead the international community to create clear definitions, norms and enforceable guidelines in this developing arena.

Today, at least 29 countries currently dedicate full military and intelligence units to cyber warfare. Intelligence and technology analysts have warned repeatedly about the potential devastation of a "Cyber Pearl Harbor" – an attack on national infrastructure that could cause massive economic damage and leave millions of citizens exposed.

In modern history, the international community has acted collectively to confront such global challenges. The Geneva Conventions of 1864, 1906, 1929 and 1949 were established to govern specific conduct during war. The United Nations Charter was concluded in 1945 in order to suppress aggression and to block the unjustified resort to force. Nonproliferation agreements were negotiated to curtail the exponential growth of nuclear weaponry during the second half of the 20th Century. Now is the time for the international community to seriously respond again with a binding set of international rules for cyberwarfare: an *E-Neva Convention*.

Some important strides have been made already. In July, the United Nations Group of Governmental Experts on Information Security reaffirmed a nonbinding consensus among twenty nations that international law, including the United Nations Charter, applies in cyberspace. These nations also agreed to a set of significant peacetime norms, including the protection of critical infrastructure.

More recently, President Obama and Chinese President Xi Jinping announced an unprecedented bilateral agreement regulating cyber activities, though it focused specifically on cyber theft of intellectual property and trade secrets for commercial gain.

We applaud these achievements. International agreement on any matter, particularly with our geopolitical rivals, is difficult, and the United States has shown leadership in these efforts.

An international cyber agreement won't stop all cyberwarfare and bad behavior, and it won't be easy, especially with non-state actors able to acquire and use offensive cyber tools. It is in the best interest of all nations, however, to establish comprehensive, official norms for cyberspace. We applaud your work to date and call on you to forge further ahead with the world's first *E-Neva Convention*.