



African Union

The Commission

Strasbourg on 06 June 2012

# Cooperation against Cybercrime

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## The AU Draft Convention on Cybersecurity and e-transactions

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## MANDATE AND CORE FUNCTIONS RELATED TO ICT WITHIN THE AFRICAN UNION COMMISSION

- Coordinating the development and implementation of the Pan-African ICT framework for Action commonly known as the African Regional Action Plan on the Knowledge Economy (ARAPKE).
- Promotion of the use of information communication technologies in the areas of socio-economic and socio-cultural development in Africa
- Enhancing the development of African ICT Networks between and among sub regions and at the international level ( Pan-African e-Network and VSAT projects).
- Establish effective institutional linkages and essential mechanisms for cooperation and coordination in ICT fields.
- Provide AU Member States with the necessary capacity and tools for harnessing the Information Society for continental integration and development.
- Promotion, coordination and harmonization of telecommunication, ICT and Post Policies and Regulation for an inclusive African information society .





- Most of the past development of the Internet standards was aimed at improving performance or introducing new applications. Security has not been a priority.
- the absence of borders facilitates and enhances the risks and attacks.
- old crimes using New Technologies to spread and develop (*theft, fraud, child pornography*).





- Low capacity systems that increases the vulnerability;
- Low technical capacity and human capacity building.
- Systems poorly made and poorly managed.
- Relay for attacks (*bandwidth consumption, server downtime ...*)
- Proliferation of cybercentres without legal framework for users protection (*especially youth against paedophilia*).
- Fear of e-commerce and its impact on the development
- lack of protection mechanisms at local and regional level





## @ Global level

- **CERT** (Computer Emergency response team);
- **FIRST** (Forum of Incident Response and Security Teams)

*about 186 teams in 41 countries*

*[www.first.org/members/map/index.html](http://www.first.org/members/map/index.html)*

- **Internet Governance Forum**

- **European Council**

- ✓ **Convention on Cybercrime**

*[conventions.coe.int/Treaty/EN/Treaties/Html/185.htm](http://conventions.coe.int/Treaty/EN/Treaties/Html/185.htm)*

- ✓ **Additional Protocol to the Convention on cybercrime**, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems

*[conventions.coe.int/Treaty/EN/Treaties/Html/189.htm](http://conventions.coe.int/Treaty/EN/Treaties/Html/189.htm)*





### @ Continental level

- **Many regional conferences, forums and workshops**  
*(i.e. the 1st African regional forum on cybersecurity, Yamoussoukro, 11/2008)*
- **An African convention on cyberlegislation drafted.**





## Legal framework

▪ **The Oliver Tambo Declaration** (Ext/CITMC/Min/Decl.(I) Johannesburg, South-Africa, 5 Nov. 2009)

↪ Adoption of the resolution

▪ **The 14th AU Summit of Head of State and government Declaration** on “Information and Communication Technologies in Africa: Challenges and Prospects for Development” ([Assembly/AU/11(XIV)], Addis Ababa, Ethiopia, 31 January - 2 February 2010)

↪ Endorsement

▪ **The Abuja Declaration, CITMC-3** ([AU/CITMC/MIN/Decl.(III)], Abuja (Nigeria), 03-07 August 2010.

↪ Confirmation

*We, African Ministers in charge of CIT, request the AU Commission to “Jointly finalize with the United Nations Economic Commission for Africa, within the framework of the African Information Society Initiative (AISI), the Draft Convention on Cyber Legislation and support its implementation in Member States by 2012”;*





## Objective and goal

Its objective is to harmonize e-legislation related to e-transactions development, personal data protection, cyber security promotion and fight against cybercrime. Particularly:

- *Define key cyber terminologies in legislation*
- *Develop general principles and specific provisions related to cyber legislation*
- *Outline cyber legislative measures required at Member State level*
- *Develop general principles and specific provision on international cooperation as related to cyber legislation*

Its ultimate goal is eminently protective given that it is geared to protecting:

- *Institutions against the threats and attacks capable of endangering their survival and efficacy;*
- *The rights of persons during data gathering and processing against the threats and attacks capable of compromising such rights.*







# Strategic Orientations

The Convention defines a legal mechanism based on the following five strategic orientations:

- 1. It spells out the options for an African Union wide cyber security policy;**
- 2. It lays the foundations for an African Union wide cyber ethics and enunciates fundamental principles in the key areas of cyber security;**
- 3. It organizes electronic commerce, electronic signature and electronic publicity;**
- 4. It organizes the legal and institutional framework for protection of personal data;**
- 5. It lays the foundation for a penal cyber law and a penal procedure for the treatment of cyber crime.**





## The Convention main parts

*PART I: ORGANIZATION OF ELECTRONIC COMMERCE*

*PART II: PROTECTION OF PERSONNAL DATA*

*PART III: COMBATING CYBER CRIME*

*PART IV: COMMON AND FINAL PROVISIONS*





## Expected results

- ➡ *Definitions on key cyber terminologies in legislation*
- ➡ *Harmonised cyber legislation and provisions for the African Union*



## Implementation status


- ✓ *A draft Convention on Cyber Security has been developed*
- ✓ *Workshops for Member States Experts have been conducted in all the Africa's five regions*
- ✓ *The Draft convention is available on:*

**[www.au.int/en/cyberlegislation](http://www.au.int/en/cyberlegislation)**





## Recommendation

 *Assist the African Union Member States (AU MS) in order to domesticate the AU Convention on Cyberlegislation by setting up an enabling environment for that purpose. By helping the AU MS to draft the own National Cyberlegislation based on the AU Convention on Cyberlegislation, the whole world will benefit from this local measure, taking into account the borderless dimension of the cyber space.*





**THANK YOU FOR YOUR ATTENTION**

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**MERCI POUR VOTRE ATTENTION**

**\*\*\***

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