



The second draft proposed, with regard to the positions of participating parties, by the Forum for 21st Century for the purpose of the conference on the Global Cybersecurity issues held by The Forum for 21st Century on 29 November 2011:

The Forum for 21st Century would like to thank participating parties for their in-depth analysis of the first draft reflected in their first positions. By summarizing the key issues, the Forum would like to evaluate the current situation and propose additional topics for further discussion. The participating parties came into common agreement in several proposed issues; therefore Forum for 21st Century would like to annotate them thereafter.

Notes:

- ❖ In the last decade we have witnessed increasing level of misuse, theft, modification or unauthorized access to sensitive information for various economic or political purposes. In the wake of mentioned reasons, the cyberattacks, which often take place to reach destabilization of international relations, should be understood as one of the major threats. Safety, protection of international cyberspace as well as the importance of international cooperation in risk management of cyberattacks should become the basic challenge and priority for international society in up-coming decades.

The informational and communicational systems are understood by the participating parties to be the main driving force of the global development and thereupon the security and protection of the national as well as the international cyberspace is strongly required by global society. The majority of participating parties expresses the full support in cybersecurity protection and equally underlines the significance of the international cooperation and common approach in establishing the secure global cyberspace.

- ❖ By requiring certain limits in anonymity of internet users as well as their actions, we intend to decrease the risk of unprecedented cyberattacks and cybercrimes and will further provide an open arena for handling inter-state cyberconflicts and cyberterrorism which can't be settled currently because of technical uncertainty and lack of legal regulation. The general idea is to defend the country's values, citizens, property and national interest in compliance with basic ethical standards and to elude possible unnecessary clashes with other countries.

As results of the proposed position papers, the anonymity of internet users is considered to be a sensible issue. However, the global society agrees that the specific



limits in anonymity shall be proposed in compliance with basic ethical standards and fundamental rights and freedoms, such as privacy, free diffusion of information, free searching for and acquiring of information on the premise of complying with the state's laws and regulations. In the mentioned context, Forum for 21st Century would like to propose further discussion on the determination of inappropriate, illicit and illegal Internet content and the possibility of its governmental or international regulation, as far as the state laws in proposed issues slightly differentiate or even don't exist.

- ❖ To ensure peaceful environment for next generations, Forum for 21st Century is aware of the necessity to discuss proposed Cybersecurity topics and reach common understanding.

Proposes

- ❖ Forum for 21st century calls for a creation of legal basis and terms with respect to usage and control of the Internet and local intranets (governmental, corporate and others). We propose a definition of subjects on the Internet, their rights, commitments and sanctions for criminal acts which would be accepted by the represented parties and would serve as a basis in resolving international cybernetic crimes and conflicts.

In line with the structural concept of creating basic foundations for International Cyberlaw, proposed by the Forum for 21st Century and various positions issued, we would like to broaden the Universal Declaration of Human Rights and outline a new document called Basic Cyberspace Principles. We are convinced the current Declaration didn't expect the creation of a wholly new environment with different rules and character. The above-mentioned enhancement would create a basic legal layer and would serve as a control mechanism to various regulations in this field. Forum for 21st Century proposes following principles to be included:

- All Member States will pledge themselves to enact their national legislatures based on the newly created International Cyberlaw.
- No one shall be arbitrary deprived of having access to the Cyberspace.
- No one shall be subjected to arbitrary interference with his internet privacy. Everyone has the right to the protection of the law against such interference.

Nowadays, many non-state actors have access to vast databases of personal data and consequently to the privacy of internet users. The operators of social networks and search engines can strongly influence our everyday lives only by



accidentally or purposefully, as a part of their marketing policies, usage and even publication of our personal information.

Notwithstanding possible consequences, many of these companies, which profit from personal data collecting, use this valuable information for their own interests. Therefore, the Forum firmly believes that companies in question should be either supervised by state representatives and representatives of NGO's (multi-stake holding model) or strictly regulated and controlled.

Forum for 21st century is convinced that only bodies empowered by the government should have the right, under certain circumstances known to the subjected entity, to use and gain access to data of personal character for the public security. Without the approval of subjected entity any other subject should be restricted from the usage of personal information for their own interests. Forum for 21st Century proposes hard sanctions for malevolent misuse of personal data for politic and economic reasons not only by the government but by non-state actors and corporations as well. This includes wiretapping, blackmail, illegally collecting data and using them for own benefit (social networks, search engines, marketing research and others). Otherwise there will be more cases as was that of the famous misuse of wiretapping by the News Corp. in Great Britain as well as in other parts of the world.

- Everyone has the right to freedom of opinion and expression in the Cyberspace. This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.
- In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

➤ Moreover, Forum for 21st Century sees a joint agreement on the idea of creating a definition of Cyberspace as well as on distinguishing possible sanctions, which is unmistakably crucial for further negotiations. The Forum proposes following:

- Cyberspace is the electronic medium of computer, mobile and landline networks, in which communication takes place. This includes both the Internet and intranets.



- We suggest to differentiate sanctions in accordance with the type of criminal or illegal activity conducted, such as sanctions targeting organized crime, terrorist acts and groups and penalties for small crimes. This typology could be further used for the Joint Cybercriminal Database. Within this typology sanctions on different scale of punishment would be agreed. All parties should pledge to abide this joint agreement of typology.

- ❖ The institutional framework which would arch over agreed legal framework shall be equally developed by international society in cooperation with private sector and hence the Forum for 21st Century suggests for further discussion on the creation of Joint Criminal Database.

We suggest establishment of CYBERPOL, which would be a twin-organization to the current Interpol. As a highly apolitical international organization with second biggest membership, Interpol could be a suitable example on how to deal with sensible data and simultaneously act as a crucial instrument in handling international criminal activities. Cyberpol won't only have direct access to its sister organization Interpol, it will have a separate Joint Cybercriminal Database as was agreed by the parties involved. If there is a criminal activity recorded on national level, member states will pass this information to the database. This database will include also data on malevolent IP's, which could be banned by the member states or be used to inform proprietors of these IP's about their mischievous nature.

Moreover, member states could benefit from Best Practice Sharing, which would encompass various techniques or even mechanisms of other member states in tackling the international cybercrime. This is a great opportunity for IT corporations which could be of crucial help with their experience in prevention of cyberattacks.

In addition we suggest introduction of voluntary Internet ID Numbers for individuals, which would provide them more internet security (in case of strange activity on their PC they could ask for a service like activity tracking or even security checks) and help governments as an anticriminal or even counterterrorist measure.

- ❖ Additionally, we still underline the significance of the destructive force of certain attacks on national defense systems and government bodies. Even though the act of aggression has been proposed by one of the negotiating parties to be dismissed from the agenda, the Forum for 21st Century perceives the necessity to discuss the topic with respective leaders as far as the common agreement hasn't been reached in the position papers. The Forum proposes further discussing the specification of procedures taken in the case of occurred cyberattacks which would be considered by concerned parties as an act of aggression. As was already outlined, terrorist activity



The Model Conference

Global Security Issues

Faculty of International Relations, University of Economics in Bratislava



Modelová konferencia

Bezpečnostná sekcia

Fakulta medzinárodných vzťahov, Ekonomická univerzita v Bratislave

which targets state's infrastructure, property or even citizens, should be dealt with effectively and decisively.

- Furthermore, Forum for 21st Century would like to introduce the topic of cyberarmies, paramilitary hacker organizations and hacktivists. We would like to set a clear distinction between defensive military units and organized individuals conducting political, reconnaissance or even military operations. We suggest cooperation in prosecution of illegal paramilitary or terrorist activity and groups and exposure of individuals behind hacktivism.