

# In 2018 listen to...

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## A Geneva Convention or Declaration for Cyberspace

Cyberspace as the fifth common space, after land, sea, air and outer space, is in great need for coordination, cooperation and legal measures among all nations. It is necessary to make the international community aware of the need for a global response to the urgent and increasing cyber threats.

A global framework in the geo-political cyber situation of the world today make it necessary for a Geneva Convention or Declaration for Cyberspace. This would be a contribution for peace, security and justice in cyberspace, and prevent conflicts and maintain focus on cooperation among all nations.

Switzerland is a unique country with many United Nations Institutions. Geneva is a very special United Nations city, and has named several previous Geneva Conventions and Declarations.

### Listen to...

President and Chief Legal Officer Brad Smith, Microsoft, USA, has made a proposal:<sup>1</sup>

Just as the Fourth Geneva Convention has long protected civilians in times of war, we now need a Digital Geneva Convention that will commit governments to protecting civilians from nation-state attacks in times of peace. And just as the Fourth Geneva Convention recognized that the protection of civilians required the active involvement of the Red Cross, protection against nation-state cyberattacks requires the active assistance of technology companies. The tech sector plays a unique role as the internet's first responders, and we therefore should commit ourselves to collective action that will make the internet a safer place, affirming a role as a neutral Digital Switzerland that assists customers everywhere and retains the world's trust.

Chief Judge Stein Schjolberg, Norway, has made a proposal:

Cyberspace has created new opportunities for global cyberattacks on the infrastructures of sovereign states and other serious global cybercrimes. The global cyberattacks may even constitute a threat to international peace and security, and need a global framework to promote peace, security and justice, prevent conflicts and maintain focus on cooperation among all nations. International law is necessary to make the global society able to respond to cyberattacks. Dialogues and cooperation between governments on norms and standards in cyberspace must best be achieved through a United Nations framework. Regional and bilateral agreements may not be sufficient. In order to reach for a common understanding, a proposal for a United Nations Convention or Declaration for Cyberspace that includes solutions aimed at addressing the global challenges has been presented.<sup>2</sup> The most practical alternative in the world's geo-political cyber situation may be a Geneva Declaration.

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<sup>1</sup> <http://www.geneve-int.ch/brad-smith-takes-his-call-digital-geneva-convention-united-nations>

<sup>2</sup> Stein Schjolberg and Solange Ghernaouti: *A Geneva Convention or Declaration for Cyberspace*, VFAC Review, No. 12, October 2016, Korean Institute of Criminology, see <https://eng.kic.re.kr> and [www.cybercrimelaw.net](http://www.cybercrimelaw.net)

### **Listen to...**

- Listen to the WannaCry ransomware cyberattacks on May 12, 2017, that globally affected vital governmental and private sector infrastructures and services. The development of such cyberattacks leading to 4.000 ransom cyberattacks a day, have been shutting down critical infrastructures and crippling governmental networks, as explained by the Europol Director at a conference in Lisbon, November 8, 2017.
- Listen to the problems of buying adds on Facebook, Google and other social media, with the intention of harmful activities against other countries, possible both in the US election of 2016, the French election of 2017, and lately in the Catalonia crisis in Spain as explained at a European Union meeting in Brussels, November 2017.
- Listen to the Deputy Attorney General, US Dept. of Justice, on October 4, 2017: *“We in law enforcement have no desire to undermine encryption, however, the advent of warrant-proof encryption is a serious problem.”*
- Listen to the new FBI Director on October 22, 2017: *“FBI has only been able to access encrypted communications in half of the mobile phones in the investigations. To put it mildly, this is a huge, huge problem. It impacts investigations across the board – narcotics, human trafficking, counterterrorism, counterintelligence, gangs, organized crime, child exploitation.”*

### **Proposal for standards on...**

Norms, rules, and standards in a Geneva Declaration for Cyberspace may avoid fragmentation and diversity at the international level, and be a global framework on cybersecurity. It should seek to build on existing national and regional initiatives to avoid duplication of work and encourage collaboration among all relevant partners. Cybersecurity is one of the most profound challenges of our time. The rapid growth of cyberspace has created new opportunities to exploit online vulnerabilities and attack countries' critical infrastructure.

Standards should develop strategies and recommendations for addressing the wide range of challenges relating to global cybersecurity. Standards in a Geneva Declaration for Cyberspace that should be discussed includes:

- *Standards for international cybersecurity measures* - a framework for international cooperation aimed at proposing strategies for solutions to enhance confidence and security in the information society;
- *Standards for legal measures* – to develop advices on how criminal activities committed in cyberspace could be dealt with through legislation in an internationally compatible manner;
- *Standards for international coordination and cooperation on investigating* - serious global cybercrimes through INTERPOL;
- *Standards for global public – private partnerships* –through INTERPOL to establish partnerships with key stakeholders in the private sector seeking the most efficient assistance and partnership from experts in the global private sector, academia, and non-governmental organizations;
- *Standards for an International Criminal Court or Tribunal for Cyberspace;*