

International Conference on Cyberlaw, Cybercrime & Cybersecurity

OUTCOME DOCUMENT

OF THE



INTERNATIONAL CONFERENCE ON CYBERLAW, CYBERCRIME & CYBERSECURITY 2020

ADOPTED BY THE PARTICIPANTS OF THE INTERNATIONAL CONFERENCE ON CYBERLAW, CYBERCRIME & CYBERSECURITY

25TH – 27TH NOVEMBER, 2020

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PREAMBLE

RECOGNIZING that Cybercrime is complex, given that there are no geographical boundaries in the cyber world. Actions on the internet have quick and far reaching consequences. Anonymity awarded by the cyber space complicates matters further;

MINDFUL of low digital literacy and less knowledge about online crimes, scams, security breaches are taking place due to the lack of a diffuse culture of cybersecurity and IT policies;

REALIZING that abundant availability of internet bandwidth and growth of 5G will enable newer engagements through higher data transmission rates, lower latency and increased capacity to provide new confidentiality-critical services potentially subject to cyberattacks;

REITERATING the strong need for appropriate comprehensive cybersecurity awareness programmes, that will create a critical “security-first culture”;

WITNESSING that the importance of capacity building in cyberspace is increasingly acknowledged by governments, international organisations and the private sector;

RESTATING the fact that cyber security breaches are likely to impede the growth of any nation economically, politically and otherwise. A surge in security breaches during the COVID-19 period is mainly due to substantial increase in usage of the Internet to: work remotely, buy goods and entertain;

UNDERLINING that by working on capacity-building and confidence-building measures, cyber norms can be better realized and a consensus could emerge on areas of regional commonality with the cascade of norm adoption from the less contentious to the more contended norms;

NOTICING that digital justice is cheaper, faster and traceable, besides addressing locational and economic handicaps;

ACCEPTING that the potential applications of smart contract technology are essentially

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limitless and could extend to almost any field of business;

SPOTTING that one of the most problematic results of the internet age has been identity security;

BEING AWARE of the ground reality that it is difficult for one country to derive and extract useful practices from a much more advanced country. Guidance and promising practice must therefore be rooted in an understanding of the progress to date of any country;

MENTIONING that Machine learning (ML) & Artificial Intelligence (AI) are rapidly developing technologies that impacts almost every aspect of a business and citizens' daily lives;

OBSERVING the potential impact of technologies on the horizon including Quantum Computing and Machine Learning, which could completely change the manner in which humans interact digitally;

DECLARING that cyber security breaches have the ability of prejudicially impacting not just the commercial and business interests of legal entities but also the sovereignty, security and integrity of nations;

KNOWING that encryption is vital and privacy and cyber security must be protected;

ALARMED that the advent of darknet is increasingly presenting new challenges to the law enforcement agencies, which are currently new emerging regulatory frontiers to address;

NOTING that trustworthy Artificial Intelligence requires algorithms to be secure, reliable, verifiable and robust enough to deal with inconsistencies during all life-cycle stages of an AI system;

STATING that there is a need for creating appropriate institutional mechanisms to ensure that AI doesn't invade personal privacy or become a tool for discrimination and surveillance;

EMPHASIZING that the safety and wellbeing of citizens is one of the primary responsibilities of the government but they must also respect the privacy of citizens unless they have just and

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probable cause;

KNOWING that no cohesive international steps and endeavours have been taken at a global level so as to deal with on the intersection of Cyberlaw, Cybercrime & Cybersecurity;

WARMLY THANKING the supporters and participants of this Conference, because of whose support, International Conference on Cyberlaw, Cybercrime and Cybersecurity, 2020 could be successful, eventful and prolific;

PROMISING that the International Conference on Cyberlaw, Cybercrime and Cybersecurity will continue to provide an international platform for fruitful dialogue amongst various stakeholders in cyberspace and endeavouring to devise legal models for the development of cyberspace and to address cybercrimes and cyber security emerging challenges.

KEY RECOMMENDATIONS

THE PARTICIPANTS OF THE INTERNATIONAL CONFERENCE ON CYBERLAW, CYBERCRIME AND CYBERSECURITY HEREBY CALL UPON THE INTERNATIONAL CONFERENCE ON CYBERLAW, CYBERCRIME AND CYBERSECURITY

1. To become a catalyst for discussions on the key aspects of Cyberspace, and its future trends and impacts, including legal, ethical, social, policy and regulatory issues thereof and present an integrated, holistic and strategic view of the issues therein, whilst recognizing that there is an urgent need for effective global cooperation on cyber issues amongst all stakeholders;
2. To identify a global definition of cyber-sovereignty to be adopted by nations;
3. To discuss that Cyber warfare is becoming more prominent and frequent than ever before in the international arena. Struggle for hegemony, influence and power pushes international actors, mainly states, into developing their cyber capabilities to spy, sabotage and influence, mainly through fake news, target state citizens or other actors;
4. To discuss upon binding norms or laws regarding cyber operations, and since it is

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extremely difficult to attribute a cyber-attack with a specific attacker, traditional military or economic punishment is difficult to justify;

5. To catalyse technological and regulatory change as cybercriminals are exploiting the vulnerabilities in the security protections of medical facilities, homes and factories;
6. To create a critical security-first culture, starting from kids education., thereby contributing to creation of a progressive digital culture;
7. To call upon tech companies to work with governments and find solutions to ensure the safety and security of citizens, without eroding user privacy or cyber security;
8. To tackle cyber risks thanks to risk analysis and mitigation actions;
9. To establish and maintain a robust and properly implemented cybersecurity awareness program, and ensuring that end-users are aware of the importance of protecting sensitive information and the risks of mishandling information;
10. To provide a catalogue of security related institutional legal controls to meet current information protection needs and the demands of future protection needs based on changing threats, requirements and technologies;
11. To provide strategic leadership and coherence across Governments to respond to cyber security threats against identified critical information infrastructure (CII);
12. To perform an overall risk analysis encompassing natural and human disasters on critical infrastructure identifying countermeasures and mitigation policies;
13. To coordinate, share, monitor, collect, analyse and forecast, national level threats to CII for policy guidance, expertise sharing and situational awareness for early warning or alerts;
14. To engage in the risk analysis process, and related mitigation or counteraction strategies;

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15. To assist in the development of appropriate cybersecurity plans, adoption of standards, sharing of best practices amongst national and international stakeholders;
16. To make sure that an AI system does not hamper fundamental rights, thanks to various strategies including certification, tests, periodic checks, open source code analysis;
17. To ensure support for appropriate privacy and personal data protection and to work towards safeguarding personal data and privacy in the age of the internet, promoting awareness both of technologies and potential risks;
18. To explore and analyse the various regional and national legislations on data protection and privacy and their contribution to strengthening the secure digital environment;
19. To work towards decentralized data transparency, and legal foundations for peer-to-peer currency exchange, smart programmable contracts and for regulating crypto assets;
20. To find solutions to current issues related to data privacy, data harvesting and data farming including the legal, policy and the regulatory nuances accruing therefrom;
21. To identify and highlight the legal nuances and challenges raised by fake news globally and encourage the crystallization of appropriate legal response to deal therewith;
22. To identify, though an interdisciplinary approach, the future possibilities, scope and impact of emerging technologies such as IoT, Artificial Intelligence and Machine Learning;
23. To identify future emerging technologies (FET) and the legal, policy and regulatory issues related therewith;
24. To collaborate with various international, regional and national stakeholders to work together in the development of legal jurisprudence on cyberspace;
25. To strengthen the cooperation on Cybersecurity law, by creating more opportunities for

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governments, private sector, civil society, the technical community and academia from various regions of the world to engage and develop innovative and effective legal frameworks, to address the truly global challenge of Cybersecurity;

26. To increase the awareness about Cyberlaw, Cybercrime & Cybersecurity and to encourage discussions, debates at national, regional and international levels so that the emerging challenges concerning Cyberlaw, Cybercrime & Cybersecurity can be effectively discussed by various stakeholders.

THE PARTICIPANTS OF THE INTERNATIONAL CONFERENCE ON CYBERLAW, CYBERCRIME AND CYBERSECURITY HEREBY *FURTHER CALL UPON UNITED NATIONS AND ITS VARIOUS AGENCIES INCLUDING ITU, UNESCO, WIPO AS WELL AS ALL INTER-GOVERNMENTAL ORGANIZATIONS (IGOs) & NGOs*

1. To ensure compliance with minimum standards of regulations and best practices at international, regional and national levels concerning cyber sovereignty, security, resilience and reliability of cyberspace;
2. To contribute to the evolution and crystallization of acceptable cyberspace norms and behaviours in cyberspace, in order to promote cyber legal regime on the Internet and to further regulate cybercrime and promote Cybersecurity;
3. To provoke nation states to find solutions to multi-dimensional challenges, arising out of varied cyberspace based transactions and to educate all stakeholders about the regulation of cyber space at national, regional and international levels;
4. To encourage the negotiation of such multipartite agreements which ensure peaceful relations and international cooperation among nations, in order to have maximum transparency and cooperation, when it comes to dealing with cyberspace issues;
5. To formulate policies and strategies basing on the principles enshrined in UN Charter, for the evolution and development of more universal international principles concerning acceptable norms and behaviour in cyberspace;

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6. To consider making data as the basis of data sovereignty in cyberspace;
7. To enhance the holistic understanding of problems, arising out of online transactions;
8. To introduce legal, policy, administrative changes on a priority basis towards establishing a safe and secure cyberspace and use of ICTs for sustainable development;
9. To define minimum elements of cyber-war on an international level and appropriate legal principles and mechanisms to prevent cyber war and enhance cyber peace.

THE PARTICIPANTS OF THE INTERNATIONAL CONFERENCE ON CYBERLAW, CYBERCRIME AND CYBERSECURITY HEREBY CALL UPON NATION STATES, EDUCATION & RESEARCH INSTITUTIONS, PROFESSIONAL ASSOCIATIONS, MEDIA INSTITUTIONS, CULTURAL & SOCIAL INSTITUTIONS AND ORGANIZATIONS, NETWORKS, BUSINESS, CORPORATE & INDUSTRY SECTORS AS WELL AS ALL RELEVANT STAKEHOLDERS:

1. To stay prepared and course correct existing Digital Strategies by plugging the gaps, wherever needed;
2. To stay prepared to sustain the Business Continuity amidst Covid-19 induced lock down, social distancing and other challenges, as well as to identify, evaluate and have the right mix of online collaboration tools to be able to work remotely in future;
3. To streamline cyber issues into foreign policies of nations, adopting cyber strategies and appointing designated diplomats to pursue these strategic objectives, as Cyberspace has become a major locus and focus of international relations;
4. To construct a cyber-international society, bridging the national interests of states with world society dynamics;
5. To focus on the implementation of existing norms at regional levels as the lack of a breakthrough in the implementation of global cyber norms highlights the need of the same;

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6. To provide the ideal platform for consolidating efforts in capacity-building and confidence-building;
7. To reinforce efforts in cyber norm implementation at the regional level with a multi-stakeholder approach;
8. To diagnose the state of peace and conflict in cyberspace and to work towards establishing internationally agreed indicators in this regard;
9. To apply principles of international law to cyberspace;
10. To actively encourage international coordination and approaches on how multiple sovereign governments can and should address questions of Internet Governance that cannot be solved by or within a single state;
11. To take great care to ensure a golden balance between the safety of citizens and their right to privacy;
12. To set up specialised tribunals or regulators at global level that improve recourse for internet users against the actions of intermediaries;
13. To explore the need for new international cooperation mechanisms, to deal with rise in complex cybercrimes and data breaches;
14. To find innovative solutions to tackle the rapid increase in the nuisance of cybercrime, especially fake news, hate speech and spread of misinformation;
15. To regulate the unregulated nature of the internet which is responsible for the popularity of dark web related activities among fraudsters and criminals;
16. To increase bilateral relations among countries in aspects of Cyberlaw and to take effective steps to curb the nuisance of Cybercrime;
17. To increase 360 degrees' security for critical infrastructure from cyberattacks, natural and human disasters, and to address the human element as fundamental to a secure workforce, by looking at challenges such as insider threats and social engineering by malicious actors;

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18. To increase multilateral relations among all countries and to work towards increasing agreements on international standards for Cyberlaw, Cybercrime and Cybersecurity;
19. To encourage the implementation of strong and conclusive Cyberlaw regimes around the world and to promote and ensure Cybersecurity;
20. To foster the culture of cyber security and awareness on cyber related risks through aimed actions, addressing citizens from kids to seniors;
21. To work towards international policy and regulatory approaches and responses to the legal challenges presented by emergence of Cryptocurrencies;
22. To cooperate on the complex legal, policy and regulatory challenges of newly emerging technologies like Artificial Intelligence, Blockchain, IoT, Machine Learning and Quantum Computing and to explore ways, mechanisms and processes as to how these emerging technologies could be used constructively to enhance a cyber secure ecosystem, whether through legal, policy, process approaches or otherwise;
23. To appropriately encourage dealing with the complex legal, policy and regulatory challenges of newly emerging technologies in an enabling manner, in the legislative framework of various States, while ensuing the protection and enjoyment of basic human rights;
24. To regulate the commercial use of IoT, and other emerging technologies in order to ensure consumer-safety;
25. To work for effective and sustainable protection of Intellectual Property in cyberspace;
26. To reinvent themselves by defining their desired role in the data economy through an evaluation of their engagement in these ecosystems;
27. To work together towards evolving increasing international cooperation to deal with the legal challenges presented by cyberspace in a time-bound manner;

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28. To spread public awareness on issues concerning Cyberlaw, Cybersecurity and Cybercrime;
29. To setup appropriate platforms which can provide for education and training in the fields of Cyberlaw and Cybersecurity.

We, ICCC participants, urge that joint efforts need to be taken by all relevant stakeholders to maintain the intrinsic character of cyberspace which is safer, more resilient, and remains the major driver of sustainable economic development and growth for years to come.

We reiterate that stepping forward in a new era of digital and cyber workspace, we all need to be safe, secure and diligent, while encouraging further advancement in cyberspace as well as information and communication technologies (ICTs).

We, the participants of the International Conference on Cyberlaw, Cybercrime and Cybersecurity, approve and adopt the above Outcome Document.

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