

The norm-making challenge

A Universal Order of Cyberspace: a
necessity prerequisite for Cyber Stability
and Cyber Peace

However, the dream of a comprehensive
codification of universal application not
practicable.

Concentrate efforts for global law-making
on central area of international law and law
of conflicts

Beyond that, move from the idea of unique
central law-making to specific, partial

The norm-making challenge (2)

- From “straight law” in many areas to elaboration of codes of conduct, consensus rules of digital behavior, standards, confidence-building measures, involving a multitude of dispersed law-makers
- Quest to make this heterogeneous universe of incipient norms coherent and effective

Sequences of project work

- Fact-finding phase
- Comparative analysis of norm-making already achieved
- Identification of lacunae and loop-holes, setting priorities
- Recommendations

Criteria and Requirements

- Universality of application where desirable and feasible
- Possibilities of harmonization of norms
- International compatibility
- Scalability, i.e. possibility of extension to other jurisdictions
- Coverage
- Effectiveness in terms of application and law enforcement, including trans-frontier

Personal priorities

- In a comprehensive normative order of cyberspace all elements are important, but some stand out as specifically relevant
- The international law of conflict needs special attention in the face of the alarming military options and increasing armament of cyber, and more legal constraints have to be developed to limit an unbridled digital arms race with unforeseeable consequences
- The protection of national critical infrastructures is ever more urgent, given the apocalyptic consequences an all-out attack e.g. on electricity grids could cause
- Completing the incipient international order of digital penal law and law enforcement is vital to close loopholes and criminal opportunities
- The protection of freedom of opinion on the Internet, and the protection of personal data become ever more urgent in an age of unconstrained *data mining*, to preserve acceptable standards of privacy and human rights









