

The Right To Self-Determination Of The People In The Conditions Of Current Information Environment As A Threat To The Security Of The State

Dr. Ziad Muhammad Alwahshat, Dr. Anna Aleksandrovna Chebotareva, Dr. Vladimir Evgenevich Chebotarev, Dr. Naser Abdel Raheem Al Ali,

Abstract

The Purpose Of The Present Study Is To Analyze The Problems Of Self-Determination Of Peoples In The Modern Information Environment And Ways To Address Them, Necessary For The Fulfillment Of The Tasks Necessary To Improve The Effective System Of Legal Provision Of Information Security. To Achieve This Goal, A Method Of Systematic Analysis Of Existing Approaches To The Legal Provision Of Information Security - Eurasian And Euro-Antilantic.

The Findings Of The Research On The Identified Problem Areas In The Information Security System Provide Informed Conclusions On The Most Effective Approaches To Their Solution. The Study Also Emphasized The Importance Of Attention To The Issue Of Self-Determination Of Peoples In The Context Of The Development Of A Global Information Society.

Key Words: Modern Information Environment, Information Security, Cyber Security, Personal Information Security, Challenges And Threats, International Information Security, Eurasian And Euro-Atlantic Models Of The Legal Provision Of Information Security.

Assistant Professor Of International Public Law
Faculty Of Law/ Ajloun National University – Jordan
Drziad2006@Yahoo.Com

Professor Of Russian University Of Transport (Miit), 127994, Moscow, Obraztsova Str., 9, Bld. 9, Russia
Anna_Galitskaya@Mail.Ru

Associate Professor Of Russian University Of Transport (Miit), 127994, Moscow, Obraztsova Str., 9, Bld. 9, Russia
V.Tchebotarev@Gmail.Com

Associate Professor Of Russian University Of Transport (Miit), 127994, Moscow, Obraztsova Str., 9, Bld. 9, Russia
Drnasernimer@Yahoo.Com

1. Introduction

The Relevance Of The Research Emphasis Lies In The Fact That Making A Crucial Contribution To The Development Of International Relations, The Right To Self-Determination Is Still Significant And Perspective In The Age Of Current Information Environment. The Next Round Of Digital Transformation Of The State, Economy, Society Was Also Marked By A Transition To Solving The Problem, Often Perceived By Modern Society Very Ambiguously - The Implementation Of The Idea Of Forming A Digital Profile. In The Context Of Globalization, Growth Of Information Technologies Of Implementation Of The Right To Self-Determination Is Often A Real Threat To The Security Of States. There Is Relevance In The Conflict Of The Right To Self-Determination Of Peoples And The Security Of The State. And This Threat Is Particularly Relevant In The Context Of Current Communication Capabilities. Solving Problems Of The Self-Determination Right Through The Prism Of Information Security Issue, Stability Of The International Relations System Plays An Important Role.

The Purpose Of The Study Is To Find A Balance Between The Full Freedom Of Self-Determination Of Peoples And The Ability Of Legal Support Of State Security In The Twenty-First Century. The Objectives Would Be To Provide Definition Of A System Of Legal-Regulatory Instruments Of The International Level And To Update International Consolidation In Following To These Acts, In Leveling Threats.

Literature Review.

The Self-Determination Of The People In The Conditions Of Current Information Environment Is Defined And Interpreted Differently.

Information Security Issues Are Generally Treated Differently Today. Moreover, There Are Ambiguous Studies Of Scientists Of Various Humanities – Political Scientists, Sociologists, Culturologists, Historians, Lawyers. Today, The Problems Of The Legal Provision Of Information Security Are Especially Much Of The Attention Paid By Researchers Of International Information Security. E. Zinovieva Notes In His Works¹ The Lack Of Uniform Approaches To The Definition Of Basic Concepts In The Field Of International Information Security. The Problems Of Legal Provision Of Information Security Of The Individual Were Repeatedly Covered In Studies A.

¹ Zinov'eva E. International cooperation in ensuring international information security // Law and management. XXI century. 2014. № 4 (33). P. 45.

Chebotareva.^{2 3} At The Same Time, The Problems Of Self-Determination Of Peoples In The Modern Information Environment From The Point Of View Of Creation Were Not Studied Purposefully.

Results And Discussion.

Among The Third Generation Of Human Rights, According To The Defining Norms Of International Law, The Most Important Is The Right Of Peoples To Self-Determination. The Content Of This Right Is The Main Focuses - On The Free Determination Of Political Status, Rights To Pursue Economic, Social And Cultural Development. The Principle Of Self-Determination Has Been Repeatedly Confirmed In The Charter And Other Un Documents, In Particular In The Declaration On The Granting Of Independence To Colonial Countries And Peoples Of 1960, The Covenants On Human Rights Of 1966, The Declaration On Principles Of International Law Of 1970, The United Nations Declaration On Rights Of Indigenous Peoples (Adopted By General Assembly Resolution 61/295 Of September 13, 2007. United Nations Declaration On The Rights Of Indigenous Peoples As Adopted By The General Assembly, 13 September 2007), Draft Resolution A / 66/461 “Universal Implementation Of The Right Of Peoples To Self-Determination” Of December 19, 2011, Etc.

Study Problems: This Study Raises Several Problems, One Of Which Is That The Right To Self-Determination Is Often A Real Threat To The Security Of States In The Context Of Globalization, Information Technology, And Powerful Development Of Information Technology.

In The Analysis Of The Legal Nature Of The Right To Self-Determination, It Turns Out That The Current Opportunity For Concentration And Expression, As Well As To Bring Together Like-Minded People Not Only Creates Opportunities For Ethnic Groups, But Also A Threat To The Integrity Of The Individual States.

Study Questions:

What Is The Potential Danger Of The Formation And Realization Of The Right To Self-Determination In A Modern Information Environment?

Are There Serious Obstacles To The Implementation Of An Attempt To Secede From The State Legally (For Example, By Holding A Referendum)?

² Chebotareva A. Information society and informatization of the educational space: issues and prospects. The European Proceedings of Social & Behavioural Sciences. 2018-09-02 | conference-paper.

³ Chebotareva A. Communication Society and Security: Current Threats and Legal Maintenance. Digital Communication Management // 2018 | book-chapter.

What Real Possibilities And Mechanisms Does The Modern Information Environment Create For The Free Establishment Of A Political Status, Ensuring Its Economic, Social And Cultural Development?

Methods

The Methodological Basis For The Study Is The General Scientific Methods Of Cognition, Formal Legal, Analysis And Synthesis.

- The Comparative-Legal Method Of Scientific Knowledge Had Been Applied In The Study Of International And Foreign Regulatory Legal And Other Instruments, Forming The Basis For Implementing The Right To Self-Determination.

- Historical-Legal Method Was Used To Study Various Regulatory Legal Instruments And Instruments Of Non-Regulatory Measure In The Dynamics Of Their Development.

In The Current Information Environment, A Nation That Composes Of Individuals And Certain Groups That Are Aware Of Their Right To Self-Determination Can Communicate More Effectively, More Meaningfully, Using All Available Means And Mechanisms Of The Information Environment.⁴ In Consequence There Is Every Opportunity For Concentration And Expression Of One's Opinion, Including On The Issue Of Self-Determination Of Certain Peoples, And This Can Directly Threaten The Security Of States (Catalonia-Spain, Crimea-Ukraine, Puerto-Rico-Usa, Etc.)).

Thus, The Threat To States Is No Longer Potential, But Real. So, If Previously People Living In Different Municipalities, At Considerable Distances From Each Other, Did Not Have Operational Communication Tools, Now These People Can Be Very Easily Combined - With The Help Of Various Social Groups On The Internet, Bloggers Who Unite The Communities Around Them, Including And Influencing Them With Ideas About Self-Determination. Hundreds Of Thousands Of People Are Becoming Followers Of Some Bloggers Who Professionally Influence Those Who Follow Them. People Unite To Realize This Right To Self-Determination In Their Desire. On The One Hand, It Provides Great Possibilities For Peoples, And On The Other, It Creates Threats For Various States. Meanwhile In The Modern Information Society There Are Many Other Serious Problems.

Cyber Crime, Most Apparent I N The Financial And Banking Sector, And Deploying Large-Scale Information Warfare, The Vulnerability Of Personality In Terms Of The Militarization Of The Global Information Space, The Manifestations Of Terrorism, Extremism, Output To A New Level, The

⁴ Francisco Martinez Cruz. The Right to Self-Determination of Peoples: Notes on its Compatibility With Three Models of Global Order// Mex. law rev vol.11 no.1 México jul./dic. 2018.

Question Of The Need To Find Integrated Solutions For Improving The System Of International Information Security And Strategic Partnership.

E. S. Zinovieva Rightly Notes That "Currently, At The International Level, There Is No Consensus On Terminology – There Have Been Discussions Between States Adhering To Different Interpretations Of The Concept Of "International Information Security". Russia Advocates For A Broad Approach To The Definition Of The Term "International Information Security", Including Its Technical Aspects (Safety Of Information Networks And Systems) And A Wide Range Of Political And Ideological Aspects (Manipulation Of Information, Propaganda Via Global Information Networks, Information Exposure). Western Countries, Primarily The United States, Adhere To The Narrow Approach, Limited To The Technical Aspects And Use Different Terminology – "Cybersecurity".⁵

The Report Of The Governmental Experts Group On Developments In The Field Of Information And Telecommunications In The Context Of International Security Shows An Awareness Of The Necessity For Joint Action To Address Threats In The Globalized Information Society, Due To The Formation Of The System Of International Information Security. It Is Important That In His Foreword To The Report Of The Second Gge The Secretary-General Of The United Nations Notes That «In Order To Elaborate General Dialogue Between The Member States Will Have Great Importance».⁶ And That "The Vital Importance Of Practical Cooperation In Order To Exchange Experience And Information And Capacity-Building In Developing Countries And Reduce The Risk Of Misperception, Which Could Limit The Ability Of The International Community To Take Action In Cases Of Serious Incidents In Cyberspace."

It Should Be Noted The Formation In The System Of International Information Security To Date, Two Models: The Euro-Atlantic And Eurasian. Russia, Along With Other States Members Of Sco Consistently Implements The Approaches Of The Eurasian System. In Contrast To The Latter, The Lib's Euro-Atlantic System Is Associated With "Cybercrime" Based On The Norms And Principles Of The Council Of Europe Convention On Cybercrime. The Provisions Of The Convention That Violate The Principle Of The Sovereignty Of States, The Principle Of Respect For Fundamental Human Rights And Freedoms (The Right To Legal Protection Against Possible Abuse Of Law Enforcement Agencies And Special Services Of Foreign States), Issues Of The Possibility Of Interference In The Internal

⁵ Zinov'eva E. International cooperation in ensuring international information security // Law and management. XXI century. 2014. № 4 (33). P. 45.

⁶ General Assembly, Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security, UN document A/65/201, 30 July 2010.

Affairs Of Other States Through Unauthorized Conduct Of Operative-Search Actions In The National
Are Criticized. "Cyberspace."⁷

In Contrast, The Eurasian Model Of International Information Security Is More Consistent In The
Issue Of Compliance With Generally Recognized Principles And Norms Of International Law, As
Evidenced By The Initiatives Taken By The Sco Member States, In Particular, The Introduction Of The
"Rules Of Conduct In The Field Of International Information Security (Un) As An Official Document
In The Un (Iib). "

As Rightly Noted By V.I. Stupakov, "The Key Feature Of The Initiative Of The Sco Member
States On The Content Of The " Iib Rules Of Conduct "Was The " Peacekeeping "Nature Of The
Provisions Of This Document, Which Implies Not Conflict Regulation In The Cyber War, But Conflict
Prevention In The Information Space. It Proposed Consolidating The Following Obligations Of Un
Member States: 1) Not To Use Information And Communication Technologies In Order To Violate
International Peace And Security, 2) Not To Interfere In The Internal Affairs Of Other States To
Undermine Their Political, Economic And Social Stability; 3) To Fulfill Obligations To Abstain From
The Use Of Force Or The Threat Of Force In The Resolution Of International Disputes Arising In The
Digital Sphere. The "Iib Rules Of Conduct" In 2015 Had The Following Fundamentally New Features.
Firstly, They Expanded The Section On Human Rights, Fixing A Balanced Approach To This Issue,
Taking Into Account The Responsibilities Of States In That Area. The Document Noted That The
Information Capabilities And Rights That A Person-User Exercises During Continuous Work Online
Must Be Protected Online, While The Use Of These Rights May Be Subject To Some Restrictions In
Accordance With Art. 19 Of The International Covenant On Civil And Political Rights. Secondly, Due
To The Fact That The Problem Of Providing Iib At The Present Stage Is Inextricably Linked With The
Topic Of Internationalization Of Internet Governance, These Issues Are Included In The "Rules Of
Conduct In The Field Of Iib" As A Separate Item. Thirdly, The Document Focuses On "Capacity
Building" Issues.⁸

⁷ Disarmament. United Nations Publication. Study 33. Developments in the field of information and telecommunications in the context of international security [Electronic resource] // https://unoda-web.s3-accelerate.amazonaws.com/wpcontent/uploads/assets/HomePage/ODAPublications/DisarmamentStudySeries/PDF/DSS_33_Russian.pdf (date of access: 15.05.2019).

⁸ Stupakov V. The initiatives of the Eurasian States in safeguarding international and regional information security // International cooperation of the Eurasian States: Politics, economy, law. 2015. № 3 [Electronic resource] // Access mode: <http://cyberleninka.ru/article/n/initiativy-evraziyskih-gosudarstv-po-obespecheniyu-mezhdunarodnoy-i-regionalnoy-informatsionnoy-bezopasnosti> (date of access: 20.08.2019).

Strategic Objectives Defined By The Russian Federation At The International Level, Development Of Internet And Information Infrastructure, Formulated In The Strategy Of Information Society Development In Russian Federation To 2017 – 2030, Contain A Number Of Important Priorities, Aimed At Promoting Major Initiatives Of The State Concerning The Elaboration And Adoption Of International Legal Acts In Information Sphere And, More Generally, On The Solution Of Problems Of Ensuring Information Security Of The State, Society And The Individual. Among These Strategic Directions, The Assertion Of The Sovereign Right Of A State To Determine The Information, Technological, And Economic Policy In The National Segment Of The Internet; The Conduct Of The Work Against The Use Of The Internet For Military Purposes; The Development Of Humanitarian Values Of The Internet; The Development Of Norms Of International Legal Regulation Related To Safe And Sustainable Functioning And Development Of The Internet, Including Questions Of Jurisdiction And Determination Of Legal Entities, On The Basis Of Equitable Participation Of Members Of The International Community In Managing Global Information Network And Its Resources, Taking Into Account The Uniqueness Of This Sphere; Creation Of New Partnerships, Designed With The Participation Of All Institutions Of Society To Develop A System Of Trust In The Internet, Guaranteeing Privacy And Personal Security Of Users, Their Privacy And Eliminates The Anonymity And Irresponsibility Of The Users And The Impunity Of Offenders In The Internet; Implementation Of Integration Of Russian Standards In The Field Of Information And Communication Technologies In Relevant International Standards And Ensuring Harmonization Of Intergovernmental And National Systems Of Standards In This Area.

There Is A Problem Of Legal Support Of Information Security And The State And The Individual In General And The Growing Insecurity Of Personal Life And Personal Living Space, Referred To By Professor T. A. Polyakova As Threats To Russia.⁹

One Of The Discussed The Russian Draft Laws "On Amendments To Certain Legislative Acts (Regarding Procedures For Identification And Authentication)". According To The Authors Of The Bill, Its Main Task - The Establishment Of Rules And Main Approaches To The Regulation Of Remote Identification And Authentication Of Persons, Bearing The Legally Relevant And Clearly Rise To Legal Consequences In Case Of Legal Relations Are Formed In The Areas Not Related To Public Services And Exercising Public Functions.

However, It Questions The Possibility Of Remote Identification And Authentication Of Individuals Give Rise To Criticism, Often Radical. According To Such Statements Of "Collection

⁹ Polyakova T.A. Digitalization and synergy of legal support of information security // Information Law. - 2019. - № 2 (60). - P. 4-7.

From Law-Abiding Citizens Forced The Data That They Collect From Criminals (Fingerprint, Voice Imprint, Digital Customer Profile, Etc.), The Statutory Transfer Of Information About A Person In Power Structures Deprives The Citizen Of Privacy, Humiliates Him, Infringes On The Rights Of The Individual And Violates The Constitution Of The Russian Federation... The Result Will Be Legitimate A New Product - A Digital Copy Of A Person, Which Is Already Open Talking To People, Promoting A New Digital Project, There Will Be New Market - Trade Digital Copies. Capitalization Data About The Person, Leads To Capitalization Of The Experts Are Already Calling This Phenomenon "Digital Feudalism."¹⁰ Actualizarea This Issue As The Right To Self-Determination Is Correlated With The Concepts To Create Platforms Of Digital Profile?.

What Is The Essential Objective Of Self-Determination? First Of All, This Is The Definition Of Oneself, One's Role, One's Value, One's Status And Place In This World.

For Example, The Buryat People In The Baikal Region Will Be Thinking About Self-Determination - By Joining Mongolia Or By Establishing An Independent State In General. The Real Possibilities And Mechanisms Will Set Up By The Information Environment, Providing Maximum Possibilities For Communication, Association, There Will Be A Leader Who Will Use All The Possibilities, Considering That Every Buryat Has A Gadget, Internet Access, A Telephone That Will Help The Leader To Realize His Motives, And The People To Follow The Line Defined By The Leader. As A Result, There Are No Significant Obstacles To The Realization Of The Attempt To Separate From The State Through Legal Grounds, Through A Referendum, And So On.

The Threat Also Lies In The Fact That If Such A Line Of Behavior Of The People, Consolidation Encounters Serious Resistance From The State (And There Are Such Examples Too), Then This May Already Develop Into A Serious Conflict, Including Armed Conflict.

The Study Of The Issues Of The Legal Support To Security Of States For The Implantation Of The Right To Self-Determination Of The People Allows Us To Suggest The Following Conclusions In The Current Information Environment.

There Is A Potential Risk In The Very Rights To Self-Determination In The Conditions Of The Current Information Environment, The Possibilities Of The Internet. That Is Why The Norms Of International Law Need To Be Deployed In This Direction. Consolidation Of States In These Uniform Rules Is Necessary. And Mandatory Legal Instruments Must Be Based On The Principles Of The

¹⁰ Matyukhina E.N. Russian and German legislation on personal data: a comparative analysis of approaches and application practices // *Lex russica*. 2019 № 4.P. 170 - 178.

Supremacy Of Human Rights, Identifying The Genuine Will Of The People, Taking Into Account The Interests Of The State, As Well As The Interests Of Other States And Peoples.

When Developing And Adopting A Universal International Treaty, A Uniform Approach Is Important To Resolve The Issue Of Recognizing Or Not Recognizing A Newly Established State, Based On The Principles Of The Inadmissibility Of Any Unlawful External Interference And To Solve All Disputed Issues On Terms Of Cooperation And Consolidation Of Efforts Of All States.

2. Conclusion

The Effectiveness Of The Legal System Of Information Security Is Generally Reduced Due To The Lack Of Integration Of The World Community In Solving The Questions Of Optimal Effective Answers To The Challenges And Threats In The Global Information Space. The Solution Is To Develop A Consistent Scenario For Responding To Information Security Issues. In The Case Of Self-Determination Of The People, The Very Principle Of Self-Determination Was Fundamental, While In The Modern Information Environment, The Exercise Of That Right Could Pose A Real Threat To The Integrity And Security Of The State. More Coordinated Action And Elaborate Public Policies From All Countries. In A Very Real Sense, The Legislative Development Processes Of All Countries Is A Prerequisite To Ensure Global Information Security.