# ІНСТИТУЦІЙНО-ПРАВОВИЙ АСПЕКТ МІЖНАРОДНОЇ СПІВПРАЦІ У ФОРМУВАННІ ЄВРОПЕЙСЬКОГО ІНФОРМАЦІЙНОГО СУСПІЛЬСТВА, ГАРАНТУВАННІ ЙОГО ЕФЕКТИВНОГО ФУНКЦІОНУВАННЯ ТА БЕЗПЕКИ

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Висвітлено актуальну проблему формування, ефективного функціонування Європейського інформаційного суспільства, створення системи безпеки та протидії негативним інформаційно-психологічним впливам. Наголошено, що Європейське інформаційне суспільство є невід'ємною частиною глобального інформаційного простору, важливою інформаційно-комунікативною складовою міжнародної співпраці, створення ефективних інституційних механізмів та розроблення нормативно-правової бази – пріоритетне завдання суб'єктів як європейського, так і світового політичних процесів.

Розглянуто концептуальні документи, які становлять нормативно-правову основу Європейського інформаційного суспільства; особливу увагу зосереджено на інституційному вимірі його функціонування та досліджено роль міжнародних організацій у втіленні стратегічної моделі розвиненого безпекового інформаційного суспільства Європи.

У результаті комплексного дослідження інформаційної політики регіональних європейських й міжнародних інститутів, урядових міжнародних організацій та низки неурядових об'єднань обґрунтовано, що визначальна роль у формуванні нормативно-правової бази, регулюванні інформаційних відносин належить ООН, Раді Європи та ЄС; активізація міждержавної співпраці в інформаційній сфері, реалізація демократичних цінностей – стратегічне завдання ЮНЕСКО; пріоритетна функція Міжнародного Союзу електрозв'язку – технічне забезпечення розвитку інформаційної сфери на міжнародному та європейському рівнях; домінантним інституціями у формуванні європейської інформаційної безпеки, боротьбі з кібератаками – є НАТО, ОБСЄ. Крім того, (у контексті активізації інформаційної агресії з боку Російської федерації) значно посилилась роль Європейського союзу у протидії пропагандистським негативним інформаційно-психологічним технологіям. Обґрунтовано визначальну роль Європейського союзу в інтенсифікації конструктивного міжнародного та регіонального інформаційного співробітництва

**Ключові слова:** *Європейське інформаційне суспільство; інформаційна безпека; нормативно-правова база Європейського інформаційного суспільства; інформаційна політика ООН, ЮНЕСКО, ЄС, Ради Європи, НАТО, ОБСЄ; EastStratCom Team.*

## INSTITUTIONAL AND LEGAL ASPECT OF INTERNATIONAL COOPERATION IN THE FORMATION OF THE EUROPEAN INFORMATION SOCIETY, ITS EFFECTIVE FUNCTIONING AND SAFETY PROVIDING

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The article is dedicated to the topical problem of formation, effective functioning of the European Information Society, creation of security system and counteraction to the negative information and psychological influences. It is emphasized that the European Information Society is an integral part of the global information space, important

**information and communication component of international cooperation and the creation of effective institutional mechanisms and the development of a legal and regulatory framework that are the priority purpose of the subjects of both European and world political processes.**

**The article deals with conceptual documents that form the legal basis of the European Information Society; special attention is focused on the institutional dimension of its functioning; the role of international organizations in the implementation of the strategic model of the developed security information society of Europe is explored.**

**As a result of the integrated study of information policy of regional European and international institutions, governmental international organizations and a number of non-governmental associations, it is substantiated that the UN, the Council of Europe and the EU have a decisive role in shaping the regulatory framework, regulation of information relations; the intensification of interstate cooperation in the information sphere, the realization of democratic values – the strategic task of UNESCO; the priority function of the International Telecommunication Union – technical support for the development of the information sphere at the international and European levels; the dominant institutions in the formation of European information security, in fighting against cyberattacks are NATO and the OSCE. In addition (in the context of the intensification of information aggression on the part of the Russian Federation), the role of the European Union in counteracting propaganda negative information and psychological technologies has actively intensified.**

**Key words:** *European Information Society, information security; the legal basis of the European Information Society; UN, UNESCO, EU, Council of Europe, NATO, OSCE, EastStratCom Team.*

*Topicality of the problem.* In the modern system of international relations, where information is a dominant driver of society functioning and of intergovernmental interactions, where the role of media resources, information and communication technologies is rapidly increasing, and the factor of states information power in the regional and global information space plays a key role, the effective functioning of the European Information Society (as an integral part of the global information society) becomes a priority. Formation of the European Information Society, ensuring its effective functioning and security, countering negative informational and psychological influences – is a challenge for the international community and presuppose the creation of appropriate institutional mechanisms, the formation of a regulatory framework and its harmonization with the national information strategies of the states of European space.

*Analysis of the researches and publications in which the problem solving was initiated.* The topicality of the issue was determined by the considerable interest of scientists in the topic of the formation and functioning of the European Information Society. Particular aspects of the international and regional organizations (in particular, the EU) role in shaping the European space were investigated by such domestic scholars as Y. Makarenko in the works "European information policy" "The European Information Society: challenges of the 21st century for the countries of Central and Eastern Europe" [Макаренко 2000, 2002, 2006], N. Belousova in the work "Evolution of development and peculiarities of formation of the European Union information policy" [Бєлоусова 2013], N. Masnyuk ("Structure of the European Union information policy") [Маснюк 2010], A. Shynkaruk and others [Шинкарук, Парфенюк, Кац 2013]. Some aspects of the UN role in the formation of the European Information Society have

become the subject of Stepko O. M. studies [Степко 2004]. Partially, the problem of the European information space formation was reflected in the studies of foreign scientists: M. Gable, L. Mills, S. Meyer, H. Palmer. However, the works of the above-mentioned scholars do not contain a comprehensive, coherent analysis of the role of international governmental and non-governmental institutions in shaping the regulatory framework of the European Information Society, in its effective functioning and security ensuring. In addition, it should be noted that the object of scientific research, for the most part, was a global information space.

Topicality of the research topic, the lack of scientific development of the problem led to the determination of the *purpose* – to comprehensively and coherently explore the role and significance of the international community (in particular, international organizations) in shaping the legal and regulatory framework of the European Information Society, ensuring its effective functioning, implementation of democratic values and principles of the European Information Society model and in development of effective mechanisms for creating an information security system and counteraction to information and communicative influences and cyberthreats.

The harmonized information and communication policy of modern European countries and international and regional organizations has become a prerequisite and factor of the European Information Society, its legal and regulatory framework formation. The basis of the strategic model of the developed European Information Society – the domination of democratic values and ideals, transparency, free functioning of information, pluralism, information security, harmonized regulatory standards.

The document "An Information Society for All" (1996), adopted by the 29th session of the General

Conference of UNESCO became the first decisive conceptual document outlining the strategy for the formation and functioning of the global information society as a whole, and the European one, in particular. The main idea of the document is the need to comprehend the new, information stage of civilization existence.

The Okinawa Charter of the Global Information Society, adopted on July 22, 2000 by the leaders of the G8 [Хартія глобального інформаційного суспільства: Окінава, 2000 ] became a notable and defining regulatory document for regulating international interactions in the creation of an information society (both at global and at European levels). The charter emphasizes the right of all citizens to access information and communication networks.

At the European level, the Report of Martin Bangemann (1994) became the first document in the field of regulation of information relations. The main idea of the document is the formation and development of an information society based on the process of European integration and the development of the latest information technologies [Ліпкан, Максименко, Желіховський 2006 a]. The strategic vectors for the development of the European Information Society are specified in the legal documents "Europe's Way to the Information Society" (1994), "eEurope – Information Society for All" (2000), "White Paper on a European Communication Policy" (2006).

Such international organizations as the UN, UNESCO, the Council of Europe, the European Union, NATO, the OSCE and non-governmental international associations capable of responding promptly to current information challenges and threats play a decisive role in intensifying constructive international and regional cooperation in developing the legal and regulatory standards for the functioning of the European information space, the formation of the European information security system.

The directions of information and communication activities of international and regional organizations are aimed at the following objectives: solving the European Information Society security problems; the legal basis creation; increase in the regional telecommunication networks capacity [Ошитко 2011]; formation of intellectual information potential and the use of the latest information and communication technologies, ensuring of regions communicative development.

The functioning of the *United Nations (UN),* which has always made information issues topical, contributed to the development of information and communication technologies, is essential for the formation and effective functioning of the European

Information Society. The basic principles of the UN information and communication policy are enshrined in the Charter of the Organization (Article 1). In addition, the UN has adopted a number of international instruments that regulate the information activities of both the international and European community. The UN General Assembly, in one of its first resolutions (1946), noted that freedom of information and free access to it belong to basic human rights. The Universal Declaration of Human Rights (1948) justifies the right to seek, access, receive and disseminate information. The International Covenant on Civil and Political Rights (1966) enshrined the right to freedom of information and information relations [Степко 2004].

In the context of the European Information Society formation, as a part of the global information space, the main directions of the modern information strategy of the UN include: the ensuring of human rights in the field of information; preservation of cultural identity in the conditions of information expansion; use of the latest communication technologies for the progress of civilization; promotion of "free flow of information" and elimination of obstacles to free competition in the information services market [Проценко, Слободяник 2006].

*UNESCO* is a significant contributor to the development of the international and European Information Society. In 2000, UNESCO initiated the adoption of the "Information for All" program, which became the basis for international forums devoted to the problems of global information society creation, preservation of information sovereignty of the European space, and for the preparation of projects aimed at providing universal access to information for all citizens [Проценко, Слободяник 2006].

The technical development of the information sphere at the global and European levels is ensured by the International Telecommunication Union (ITU), whose functions are solving cybersecurity problems, protection of computer networks from cyberattacks, and the security of European and global information societies preservation.

The formation of the information security system of the European space, the counteraction to negative informational influences and the protection of the European information space from cyberattacks and cybercrime are related to the sphere of *NATO's (North Atlantic Treaty Organization)* and *OSCE's (Organization for Security and Cooperation in Europe)* authority.

The Organization for Security and Cooperation in Europe (OSCE) forms and successfully implements an information concept in the field of preventive diplomacy, conflict and crisis resolution in the information sphere,

termination of information wars, access to objective information in the European information space, promotion of professional information activities and improving the working conditions of journalists, protecting the information rights of national minorities and ethnic communities. The OSCE information strategy is successfully implemented in the East of Ukraine in the area of antiterrorist operations and consists of collecting, analyzing and disseminating objective, truthful and up-to-date information about the situation and events in the area of hostilities.

*NATO*, besides the OSCE, is the determining factor in European regional information security. Information activities of the North Atlantic Alliance are aimed at establishing a new type of European information society and ensuring its informational sovereignty and security; fighting cyberthreats and cyberattacks; protection of computer networks and systems from the potential use of information weapons; search for common solutions to counter information threats; creation of information search systems in the context of conflicts and their use; multifunctional distribution of (non-secret) information of defense purposes; active informing of the public; information support of political consultations and negotiation processes during conflicts and in the post-conflict period; information flows and databases management in military zones [НАТО: україномовний модуль веб-сторінки (2017)].

The legal regulation of the information sphere at the European regional level takes place, to a large extent, within the framework of the work of the *Council of Europe (CE)*, which adopts the largest number of normative and legal documents in the field of regulation of information and communication relations on the European continent. On April 11, 2000 the Committee of Ministers of the Council of Ministers adopted the "Information Strategy" (2000), the main purpose of which is to ensure the transparency and effectiveness of information activities of the member states of the Council of Europe [Требін 2013]. In order to intensify international cooperation in combating crimes in the field of information and communication, the Council of Europe in Budapest in 2001 adopts a "Convention on Cybercrime" focusing on types of cybercrime and methods of combating them [Про кіберзлочинність в Рамках Ради Європи: Конвенція 2001].

The priority objective of the Council of Europe in the field of information is the realization of democratic values: the protection of human rights in the online environment, the prevention of state and private censorship, strengthening the guarantees of access to information freedom, promotion of freedom of speech,

guaranteeing the right of access to public information. These standards and values of the Council of Europe are embodied in such normative documents as the "Declaration on freedom of communication on the Internet" (2003); "Declaration on Human Rights, Rule of Law in the Information Society" (2005); "Council of Europe Convention on Access to Official Documents" (2009) "Declaration on the Protection of Freedom of Expression of Opinion and Freedom of Assembly and Association in the Field of private Internet Platforms and Internet Providers" (2011); "Guidelines on Human Rights for Internet Users" (2014) [Пазюк 2014].

*The European Union (EU)* plays a key role in building up the European Information Society, in forming a new information order, and adopting a large number of legal documents, implementing around 500 programs and projects aimed at developing the information sector in Europe and introducing innovative IT technologies.

The main documents adopted by the EU in the field of the Information Society establishment are: "Europe and the Global Information Society" (1994), "Europe's Way to the Information Society" (1994), "Inclusion of the Information Society in the policy of the European Union. Action Plan" (1996), annual "Reports of the European Commission of the Information Society Forum" [Ліпкан, Максименко, Желіховський 2006 b]. The ideas of the intensive development of IT technologies as the foundations of the European Information Society are defined in "Declaration on European Policy in the Field of New Information Technology" (Budapest, 1999).

A significant role in the development of the European Information Society pertains to the Forum established by the European Commission in February 1995 to discuss the general problems of building an information society. At its second meeting in Prague in September 1996 the Forum adopted a document entitled "Towards an Information Society in Eastern and Central Europe: thirty Ideas for a European Initiative Action Plan" [Ліпкан, Максименко, Желіховський 2006].

In order to develop the European Information Society, the EU is initiating the distribution of the latest information technologies. In December 1999 the European Commission launched the "Electronic Europe" ("eEurope") initiative, which was later supported by the European Council in Lisbon in March 2000, adopting the "eEurope – Information Society for All" document. Key ideas of the document are to ensure the availability of digital technologies and the Internet to every citizen and to overcome the digital "illiteracy" in Europe. To accomplish these tasks, the European Commission adopted in May 2000 the "eEurope 2002 Action Plan".

[Міхейченко, Сєров, Прокопенко, Сергєєв (ред.) 2015: 247-258].

The European Union pays special attention to the legal regulation of public relations in the sphere of the Internet use and recognizes it as a new and one of the most important and topical factors of the modern world.

At the same time, the EU is striving to combat illegal online activities through programs and social projects such as "Safe Internet", "Child Protection in the Digital World", "The Open Internet: A Case for Net Neutrality". The European Community "Safe Internet" program (2009) aims to improve the safety of children in the online environment [Пазюк 2014].

An important step towards the active development of the European Information Society was the implementation of the provisions of the "Europe-2020" program, in which special attention is paid to the introduction of the latest information technologies in the public administration of European countries; activation of e-government processes.

The conceptual framework of the EU information policy aimed at developing the European Information Society is reflected in the "New EU Strategy for the Information Sphere 2014-2020" and in the "Digital Agenda for Europe" initiative [Міхейченко, Сєров, Прокопенко, Сергєєв (ред.) 2015: 257].

The intensification of information aggression on the part of the Russian Federation greatly enhanced the role of the European Union in countering the propaganda negative information and psychological technologies and in fighting against cyberthreats. In order to protect the European information space, to counteract various types of propaganda, on November 23, 2016 the European Parliament adopted a Resolution "EU Strategic Communication to counteract Propaganda by Third Parties". The document states that propaganda is a part of the "hybrid war" and aims at weakening the strategic unity of the EU and its North American partners, paralyzing the decision-making process, discrediting EU institutions and the transatlantic partnership [Стратегічні комунікації ЄС як протидія пропаганді третіх сторін: Резолюція 2016]. It is believed in Brussels that propaganda, to a large extent, comes from the Russian Federation. Among other sources of information propaganda are such terrorist groups as Al-Qaeda and the Islamic State.

The counter propaganda information technology and institutions system as a means of countering propaganda and negative informational and psychological influences, as a reaction to the campaign of misinformation from Russia, has been developed and effectively operating in the European Union. In particular, according to a decision taken by the European Council in March 2015 an operational working group, East StratCom, was created.

The purpose of East StratCom – the opposition to propaganda and negative informational and psychological influences; strengthening the media space in the East Partnership countries and the EU member states, ensuring freedom of the media; exchange of the best practices in the field of strategic communications, access to objective information in the Eastern Partnership [East StratCom Team 2015].

The institutional component of international legal regulation and functioning of the European information space is the work of non-governmental international organizations. The International Information for Development Association, the Information Society Institute, the International Institute of Communication, the International Center for the Control of Censorship, the International Federation of Journalists Reporters without Borders actively operate in the field of information and communication.

*Conclusion and perspectives of further researches.* The international organizations and some non-governmental international institutions play a decisive role in intensifying constructive international and regional cooperation in building the European information society. In particular, the legal regulation of information and communication relations at the European regional level takes place within the framework of the activities of the United Nations, the Council of Europe, and the EU. The formation of the information security system of the European space, the counteraction to negative informational influences, the fight against cyberthreats, the protection of computer networks and systems is the competence of NATO, the OSCE and ISE. In addition (in the context of the modern information war on the part of the Russian Federation), the European Union plays an active role in countering propaganda, eliminating information threats.

The problem of the formation of the security of the European information space and the development of effective tools and mechanisms for combating information propaganda, misinformation and cybercrime is the *prospect for further researches.*

СПИСОК ЛІТЕРАТУРИ

Бєлоусова, Н. Б. (2013). Еволюція розвитку та особливості формування інформаційної політики Європейського Союзу. *Гілея,* 70 (№ 3), 828–832;

Конвенція про кіберзлочинність в Рамках Ради Європи: Конвенція (2005). Отримано з: http://zakon3.rada. gov.ua/laws/show/994_575;

Ліпкан, В. А., Максименко, Ю. Є., Желіховський, В. М. (2006 а). Безпека інформаційного суспільства Європейського Союзу. *Інформаційна безпека України в умовах Євроінтеграції.* Отримано з: https://textbook.com.ua/ politologiya/1473452007/s-12;

Ліпкан, В. А. Максименко, Ю. Є., Желіховський, В. М. (2006 b). *Інформаційна безпека України в умовах євроінтеграції.* Отримано з: https://textbook.com.ua/ politologiya/1473452007/s-12;

Макаренко, Є.А. (2000). *Європейська інформаційна політика.* Київ: Наша культура і наука;

Макаренко, Є. А. (2000). Європейське інформаційне суспільство: виклики XXI століття для країн Центральної та Східної Європи. *Вісник Київського університету (Серія "Міжнародні відносини"),* 17, 64–77;

Макаренко, Є. А. (2002). *Міжнародні інформаційні відносини.* Київ: Наша культура і наука;

Макаренко, Є. А. (2006). *Європейське інформаційне право.* Київ: ІМВ;

Макаренко, Є. А. (2006). *Європейські комунікації.* Київ: Центр вільної преси;

Маснюк, Н. (2010). Структура інформаційної політики Європейського Союзу // *Вісник ЛНУ ім. І. Франка,* 27, 378–383;

Міхейченко, М. А., Сєров, В. С., Прокопенко Л. Л., В. С.Сергеєв (ред.). (2015). Інформаційна політика ЄС як інструмент впливу на світову громадськість. *Європейський союз у сучасній системі міжнародних відносин,* 247–258. Д.: Інновація, 2015;

НАТО: україномовний модуль веб-сторінки (2017). Отримано з: https://www.nato.int/cps/uk/natohq/index.htm;

Ошитко, О. (2011). Нормативно-правове регулювання інформаційних відносин у Європі. *Віче,* 10. Отримано з: http://veche.kiev.ua/journal/2565/;

Пазюк, А.В. (ред.). (2014). *Інтеграція України в Європейський інформаційний простір: виклики та завдання.* Отримано з: https://rm.coe.int/168044e7c6;

Проценко М. Б., Слободяник М. С. (2006). *Міжнародна інформація.* Отримано з: http://helpiks.org/1-54854.htm;

Степко О. М. (2004). *Інформаційна діяльність ООН.* (Дисертація канд. політ. наук: 23.00.04). Київ: Нац. ун-т ім. Т.Шевченка;

Стратегічні комунікації ЄС як протидія пропаганді третіх сторін (2016). Отримано з: http://tyzhden.ua/News/179176;

Требін, М. П. (2013). Інформація у системі міжнародних відносин. *Сучасний політичний процес: стан та перспективи розвитку: матеріали міжнар. наук.-теорет. конф. "XXVI Харківські політологічні читання"* (с. 137–140). Харків: ХАП, НУ "Юридична академія України імені Ярослава Мудрого", НДІ державного будівництва та місцевого самоврядування НАПрН України;

Хартия глобального информационного общества, Окінава, 2000: Хартія (2000). Отримано з: http://studies.in.ua/inform-pravo-shporu/2201-oknavska-hartya-globalnogo-nformacynogo-susplstva.html;

Шинкарук, А.Л. Парфенюк, В.М., Кац, Е.Я (2013). *Європейські публічні комунікації: культура, політика, технології.* Рівне;

East StratCom Team (2015). *Vilna Entsyklopediia.* Received from : https://en.wikipedia.org/wiki/East_ StratCom_Team;

## REFERENCES

Belousova, N. B. (2013). Evolution of development and peculiarities of formation of the information policy of the European Union. *Hilea,* 70 (№ 3), 828–832;

Charter of the Global Information Society, Okinawa, 2000: Charter (2000). Retrieved from: http://www.studies.in.ua/inform-pravo-shporu/2201-oknavska-hartya-globalnogo-nformacynogo-susplstva.html;

Convention on Cybercrime in the Council of Europe Framework: Convention (2005). Retrieved from: http://www.zakon3.rada.gov.ua/laws/ show/994_575;

East StratCom Team (2015). *Free Encyclopedia.* Retrieved from: https://en.wikipedia.org/wiki/East_StratCom_ Team;

EU strategic communications as a resistance to third-party propaganda (2016). Retrieved from: http://www.tyzhden.ua/News/179176;

Lipkan, V. A., Maksymenko, Yu. Ye., Zhelikhovskyi, V. M. (2006 a). *Security of the Information Society of the European Union. Information security of Ukraine in the conditions of Eurointegration.* Retrieved from : https://www.textbook.com.ua/politologiya/1473452007/s-12;

Lipkan, V. A. Maksymenko, Yu. Ye., Zhelikhovsky, V. M. (2006 b). *Information security of Ukraine in the conditions of European integration.* Retrieved from: https://www.textbook.com.ua/politologiya/1473452007/s-12;

Makarenko, Ye. A. (2000). *European information policy.* Kyiv: Our culture and science;

Makarenko, Ye. A. (2000). The European Information Society: challenges for the 21st Century for Central and Eastern Europe. *Bulletin of the University of Kyiv (Series "International Relations"),* 17, 64–77;

Makarenko, Ye. A. (2002). *International information relations.* Kyiv: Our culture and science;

Makarenko, Ye. A. (2006). *European information law.* Kiev: IMV;

Makarenko, Ye. A. (2006). *European communications.* Kyiv: Free Press Center;

Masniuk, N. (2010). Structure of information policy of the European Union // Bulletin of the Ivan Franko LNU, 27, 378-383;

Mikheychenko, M. A, Serov, V. S, Prokopenko L. L., Serheyev V. S. (ed.). (2015). EU information policy as an instrument of influence on the world community. *The European Union in the Modern System of International Relations,* 247–258. D: Innovation, 2015;

NATO: Ukrainian-language module for the website (2017). Retrieved from: https://www.nato.int/cps/uk/natohq/index.htm;

Oshytko, O. (2011). Normative legal regulation of information relations in Europe. *Viche.* Retrieved from: http://www.veche.kiev.ua/journal/2565/;

Paziuk, A. V. (ed.) (2014). *Integration of Ukraine into the European Information Space: challenges and objectives.* Retrieved from : https://www.rm.coe.int/168044e7c6;

Protsenko M. B, Slobodianyk M. S (2006). *International information.* Retrieved from: http://www.helpiks.org/1-54854.htm;

Shynkaruk, A. L., Parfeniuk, V. M., Katz, E. Ya. (2013). *European public communications: culture, politics, technology.* Rivne;

Stepko O. M. (2004). *United Nations information activities.* (Thesis for a candidate of political sciences: 23.00.04). Kiev: T. Shevchenko National University;

Trebin, M. P. (2013). Information in the system of international relations. *Contemporary political process: the state and prospects of expansion: materials of international theoretical scientific conference "XXVI Kharkiv Political Science Reading"* (p. 137–140). Kharkiv: HAP, NU "Yaroslav the Wise Law Academy of Ukraine", NRI of State Construction and Local Self-Government of NAPrN of Ukraine.