



Reykjavik, 29 May 2009

Resolution

Internet governance and critical Internet resources

The ministers of states participating in the 1st Council of Europe Conference of Ministers responsible for Media and New Communication Services, held in Reykjavik on 28 and 29 May 2009, adopt the following resolution:

1. Fundamental rights and Council of Europe standards and values apply to online information and communication services as much as they do to the offline world. This stems, *inter alia*, from Article 1 of the European Convention on Human Rights whereby member states undertake to “secure to everyone within their jurisdiction” the rights and freedoms protected by the Convention (without the online/offline distinction). This approach has been confirmed in a number of Council of Europe standard-setting instruments.
2. Member states can be held to account for the rights involved before the European Court of Human Rights. The very nature of the information society and, to an even greater extent, of the Internet, has significant cross-border implications. Article 10 of the European Convention on Human Rights is especially relevant in this respect given that the rights and freedoms protected therein are guaranteed “regardless of frontiers”.
3. The question of fundamental rights online is compounded by users’ significant reliance on the Internet as an essential tool for their everyday activities (communication, information, knowledge, commercial transactions, leisure). As recalled in paragraph 5 of the preceding political declaration, this has led the Committee of Ministers of the Council of Europe to recognise the public service value of the Internet. People have a legitimate expectation that Internet services should be accessible and affordable, secure, reliable and ongoing. The notion of positive obligations developed in the case law of the European Court of Human Rights is particularly relevant in this context.
4. Various entities and persons, some state but mostly non-state actors, have contributed over the last few decades to shaping the development and use of the Internet. Their goodwill and ongoing efforts to promote the universality of the Internet and to ensure the robustness and resilience of its networks should also be acknowledged and welcomed. They are contributing to the Internet’s safety, stability and continued functioning while helping to unleash economic potential and develop democratic processes.
5. The Internet relies on a variety of resources which are indispensable for its functioning and which, because of their very nature, can at any one time have a considerable impact on the ability of large numbers of users to access or fully benefit from the Internet. These critical resources include, for example, 13 so-called “root servers” (which permit the routing of most information and communications on the Internet) and the Internet’s backbone structures (large-scale channels for data

transit) which are controlled by a variety of government authorities, including re-designated defence agencies, academic institutions and private/business entities.

6. The Internet Corporation for Assigned Names and Numbers (ICANN), a not-for-profit entity established in 1998 under the laws of the State of California, in the United States of America, is also a key component in managing the technical management of critical Internet resources worldwide. Although its constitutional documents and by-laws require it to co-operate with relevant international organisations and to carry out its activities in conformity with relevant principles of international law and applicable international conventions and local law, there are no related formal accountability arrangements.

7. The borderless and universal nature of the Internet depends, *inter alia*, on arrangements that ensure full compatibility or interoperability. The use of different alphabets should not represent an obstacle to the enjoyment of the rights and freedoms protected under Article 10 of the European Convention on Human Rights "regardless of frontiers". Equally, choices made in respect of Transmission Control Protocols/Internet Protocols (TCP/IP) should not lead to fragmentation or barriers to seamless communication.

8. Council of Europe member states share the responsibility to take reasonable measures to ensure the ongoing functioning of the Internet and, in consequence, of the delivery of the public service value to which all persons under their jurisdiction are entitled. Interstate co-operation and solidarity is of paramount importance to the proper functioning, stability and universality of the Internet. By working together, member states can help each other to prevent or manage events, including malicious acts, falling within their jurisdictions or territories, which could block or significantly impede Internet access to or within fellow members of the international community. Such events may have significant implications on Article 10 of the European Convention on Human Rights.

9. In their standard-setting work, member states are inspired by the Tunis Agenda for the information society and the United Nations-led Internet Governance Forum (IGF) which facilitates the development and application of shared principles, norms, rules, decision-making procedures and programmes that shape the evolution and use of the Internet by governments, the private sector and civil society in their respective roles. Internet governance is an example of organisational innovation and mutual adaptation between society and technology around the world in pursuit of the objective of ensuring the openness and neutrality of the Internet.

10. Pan-European discussions on Internet governance are also important for member states. European Union directives and communications on information society matters, including the European Parliament Resolution on the second Internet Governance Forum, held in Rio de Janeiro from 12 to 15 November 2007, which encourages the organisation of a "European IGF", provide an important starting point for such dialogue. Among other initiatives, the European Dialogue on Internet Governance (EuroDIG) is a welcome arrangement that responds to this need.

11. We therefore:

Support Pan-European efforts for enhanced co-operation on Internet governance, having due regard to the Council of Europe's values and standards on human rights, democracy and the rule of law, and the need for a multi-stakeholder approach to it;

Welcome, in this connection, the steps taken by the Council of Europe to facilitate, in co-operation with other stakeholders, the organisation of IGF-like meetings at the pan-European level and ask the Council of Europe to make more lasting arrangements for dialogue on Internet governance;

Call on all state and non-state actors to explore ways, building upon current arrangements, to ensure that critical Internet resources are managed in the public interest and as a public asset, ensuring the delivery of public service value, in full respect of international law, including human rights law;

Call also on these actors to ensure full compatibility and interoperability of TCP/IP so as to guarantee the ongoing universal nature and integrity of the Internet;

Invite the Council of Europe to explore the feasibility of elaborating an instrument designed to preserve or reinforce the protection of the cross-border flow of Internet traffic;

Undertake to explore further the relevance of Council of Europe values and, if necessary, ways in which to provide advice to the various corporations, agencies and entities that manage critical Internet resources that have a trans-national function in order for decisions to take full account of international law including international human rights law and, if appropriate, to promote international supervision and accountability of the management of those resources.