



Conclusions of the Chair of the Steering Committee on the Media and New Communication Services

On behalf of the Steering Committee on the Media and New Communication Services, I would like to express appreciation for the constructive multi-stakeholder dialogue which took place during the conference.

The Committee attaches great importance to the protection of freedom of expression in a cross-border Internet context and is eager to receive feedback from this conference.

General considerations

Safeguarding fundamental rights and freedoms on the Internet, in particular freedom of expression, is crucial for the direction that our democracies and societies will head to in the future. If we do not have freedom of expression online, we will not have it offline.

Concerns for the protection of freedom of expression and free flow of information across borders relate to actions not only of governments but also of private sector actors.

Governments in Council of Europe member states, but not only in those countries, have a duty to guarantee freedom of expression through regulation and also through positive action and interaction with other stakeholders.

The private sector is developing new mechanisms to exercise its social responsibilities as regards freedom of expression and data protection on the Internet. The Global Network Initiative has created a cooperation framework for businesses and civil society.

Internet operators have a legitimate expectation that governments will develop clear standards and that, as far as possible, there will be a globalisation of the Internet's rules.

The main goal for all stakeholders remains to ensure a sustainable and open platform for access to and free flow of information across borders without interference, which underpins human rights protection, education, trade and innovation.

It is important that issues of Internet openness and sustainability are part of a global debate.

The principle of multi-stakeholder governance is important for democracy and the creation of a knowledge-based society. Legitimacy of representation and coordination of activities are key elements for multi-stakeholder governance. Open procedures are

needed so that stakeholders can contribute to, and fully play their roles in, multi-stakeholder governance.

While the notions of governance and multi-stakeholdersim intertwine, we should not allow the concept of multi-stakeholderism to be used to bypass the rule of law or mystify power relationships.

Internet governance principles

There seems to be a high degree of awareness that there is a need to consolidate the principles on Internet governance which are in the process of being developed in different Internet communities. In order to make sure that Internet governance arrangements preserve the promises, and maximise the opportunities, of the Internet for access to information, freedom of expression, citizens' participation in matters of public interest, people empowerment, development, economic growth and innovation, we should affirm the core values and the guiding principles of Internet governance.

The Steering Committee on the Media and New Communication Services will be satisfied to note that the Council of Europe was referred to as a leading organisation in connection with standard-setting for human rights protection in the information society.

The Internet governance principles developed by the Council of Europe expert group reflect, perhaps in different words, the spirit of the principles developed so far by the Internet communities.

For some, those principles should articulate more clearly the public service value of the Internet. They should speak not only to governments but also to Internet communities. A question we should be addressing is whether stakeholders should be invited to sign up to the principles or should the principles be considered merely a starting point for a culture of cooperation.

Internet's resilience and stability

There is no Internet freedom without Internet integrity and sustainability. A collective approach is necessary to address issues related to the Internet's integrity and sustainability.

The Internet is global in nature and is a common global resource. The threats are also global.

Governments feel responsible to make sure that the Internet is fully operational within their countries and that it is not tampered with. Although the Internet is borderless, the notion of nation states still remains valid. There are cross-border threats to the Internet and network interdependencies, as well as malicious activities taking place in one country which have an impact on Internet access in another.

We should reflect more on the borderlessness of the Internet and on what this means for public policy. In respect of the issue of Internet resilience and stability, more efforts need

to be made in order to facilitate international dialogue and increased awareness of end-users.

As regards international policy-making on the Internet, the question of how to ensure that websites are not thrown off the Internet without due process, as in the Wikileaks case, should be considered. Thought should also be given to how national policies recognise the global nature of the Internet and actors can be made aware of the potential for cross-boundary impact on Internet access.

Co-operation between computer emergency response teams already exists informally, on a trust basis. Inter-state cooperation happens on a diplomatic level.

However, fostering cross-border cooperation between computer emergency response teams in different countries remains a challenge and gentlemen's agreements cannot always be relied upon. Coordinated response and sharing of expertise should be enhanced.

There should be an instrument that addresses issues of cross-border Internet interdependencies not from a criminal justice perspective but from one of solidarity and mutual assistance.

The proposals of the Council of Europe working group on interstate commitments for the protection and promotion of the Internet's integrity, universality and openness were generally supported. Soft law, such as recommendations, would be an adequate response. Caution was expressed in respect of moving towards a treaty framework at this stage.

However, the above does not preclude exploring alternatives whereby all stakeholders commit themselves to upholding good governance principles. In relation to this, France did not rule out the possibility that this could be done through a multi-stakeholder treaty. Whether it is a covenant or a social contract, the name of the instrument is probably not that important.

Issues such as legitimacy, shared goals, and process-serving rules, are key to constructing an architecture for genuine multi-stakeholder participation. In this regard, there is no one-size-fits-all model.

The Steering Committee on the Media and New Communication Services will continue to work on these issues and will consider the valuable views brought together by this conference.

The Council of Europe will continue to broaden discussion on these issues with all concerned stakeholders at the European Dialogue on Internet Governance and the Internet Governance Forum.