DRAFT V.2.0

Internet Governance Principles

This document contains a proposal by the Council of Europe Ad Hoc Advisory Group on Cross-border Internet for a draft Council of Europe Committee of Ministers Declaration on Internet Governance Principles. The members of the Ad Hoc Advisory Group on Cross-border Internet are: Mr Bertrand de la Chapelle, Mr Wolfgang Kleinwächter, Mr Christian Singer, Mr Rolf H. Weber and Mr Michael V. Yakushev.

1. The Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights – ETS No. 5) and other Council of Europe standards apply to the Internet and, more generally, to the information society as a whole in the same way as they apply to offline activities. All Council of Europe member states have undertaken to secure to everyone within their jurisdiction the rights and freedoms protected by the European Convention on Human Rights and Fundamental Freedoms in application of article 1 of this Convention.

2. The protection of human rights and fundamental freedoms, participatory and democratic processes, transparency and accountability are all essential principles for, and intrinsic to, good governance. This is valid in respect of national and international regulatory activities as well as in the context of local and transnational, bottom-up, Internet-related policy-making, which may have an impact on the public interest.

3. The Internet enables individuals to have access to information and services, to connect, and to communicate, as well as share ideas and knowledge, globally. It provides essential tools for participation and deliberation in political and other activities of public interest.

4. As a consequence, the Internet can significantly enhance the exercise of most human rights and fundamental freedoms, and, in particular, the right to freedom of expression, a right which includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media, and regardless of frontiers, as well as the right to education, the right to assembly and association, and the right to free elections. However, the Internet may also be used in a way which threatens these rights and freedoms as well as the right to private life and secrecy of correspondence, and affronts human dignity.

5. The impact of the Internet on society as a whole has been impressive. Through offering possibilities for autonomous entrepreneurial creativity, the Internet has become a powerful engine for technological innovation and economic growth. In addition, it provides a wide range of opportunities for preserving and promoting cultural diversity and multilingualism as well as advancing developmental goals.

6. People increasingly rely on the Internet for their everyday activities and to ensure their rights as citizens. They have a legitimate expectation that Internet services will be accessible and affordable, secure, reliable and ongoing. The Internet is, similarly, a critical resource for numerous sectors of the economy and public administrations.

7. These expectations of society require states to carefully preserve the general public interest in Internet-related policy making. Indeed, many countries have recognised the public service value of the Internet, whether in their national policies or legislation or in the form of political declarations, including in international fora.

8. Moreover, in a cross-border context, states have mutual expectations that other states will make every effort to preserve and promote this public service value of the

Internet and to duly acknowledge their corresponding shared and reciprocal responsibility to take reasonable measures to avoid any adverse impact on each other's ability to access and benefit from this common resource.

9. In a people-centred approach to the information society, human rights and fundamental freedoms must be recognised by all stakeholders as fundamental values when developing and applying shared principles, norms, rules, decision-making procedures and programmes which shape the evolution and use of the Internet.

10. The nature of the Internet as a transboundary network that is managed by very diverse and globally-distributed entities precludes a single, centralised authority but calls for consistency in the approaches of different actors. In order to preserve it as a global platform for access to information, communication and innovation, the relationship between local Internet-related policies, on the one hand, and the global Internet, on the other hand, should therefore be based on a set of guiding principles. These principles should embody and uphold the basic tenets of the Internet which led to its exceptional success as we know it today. They should also form the basis for any future engagement of all stakeholders in international Internet-related public policy-making.

11. In view of the above, the Committee of Ministers of the Council of Europe:

  – welcomes the Internet governance principles progressively developed by stakeholders in various policy processes and which, for the purpose of this document, are articulated in the form set out below;

  – declares its firm commitment to these principles and underlines that they should be upheld by all member states in the context of developing national and international Internet-related policies;

  – encourages other stakeholders to embrace them in the exercise of their own responsibilities.

INTERNET GOVERNANCE PRINCIPLES

1. Human rights, democracy and rule of law

Internet governance arrangements must ensure the protection of fundamental rights and freedoms, in accordance with international human rights law. They should also ensure full respect for democracy and rule of law. Fundamental rights and freedoms should be upheld in the design of new technologies, services and applications. All stakeholders should be aware of developments leading to the enhancement of, as well as threats to, fundamental rights and freedoms, and fully participate in efforts aimed at recognising newly-emerging rights.

2. Multi-stakeholder governance

The development and implementation of Internet governance arrangements should ensure, in an open, transparent and accountable manner, the full participation of governments, the private sector, civil society and the technical community, taking into account their specific roles and responsibilities. The development of international Internet-related public policies and Internet governance arrangements should enable full and equal participation of all countries.

3. Responsibilities of states

States have rights, but also responsibilities, in Internet-related public policy. In the exercise of their national sovereignty rights, states should refrain from any action that would directly or indirectly harm persons or entities outside of their territorial jurisdiction. Furthermore, any national decision or action amounting to a restriction to fundamental rights should comply with international obligations and, in particular, be based on law, necessary in a democratic society, and fully respect the principles of proportionality and right of independent appeal surrounded by appropriate legal safeguards.

4. Empowerment of Internet users

Users should be fully empowered to exercise their fundamental rights and freedoms, make informed decisions and participate in the information society, in particular in governance mechanisms and in the development of Internet-related public policy, in full confidence and freedom.

5. Global nature of the Internet

Internet-related policies should recognise the global nature of the Internet and the objective of universal access. They should not adversely affect the global, unimpeded flow of cross-border Internet traffic.

6. Integrity of the Internet

The Internet's stability, robustness and resilience should be the key objectives of Internet governance. In order to preserve the integrity and ongoing functioning of the Internet's infrastructure as well as users' trust and reliance on the Internet, it is necessary to promote international multi-stakeholder cooperation.

7. Decentralised management

The decentralised nature of the responsibility for the day-to-day management of the Internet should be preserved. The private sector should retain its leading role in technical and operational matters while ensuring transparency and accountability to the global community for those actions which impact on public policy.

8. Open architecture

The design principles of the Internet, that is, its openness, interoperability and end-to-end nature should be preserved. These principles should guide all stakeholders in their decisions related to Internet governance. Internet governance arrangements should avoid creating unnecessary burdens which could affect the potential for innovation in respect of technologies and services.

9. Network neutrality

Users should have the greatest possible access to Internet-based content, applications and services of their choice, whether or not they are offered free of charge, using suitable devices of their choice. Any traffic management measure or privilege should be non-discriminatory, justified by overriding public interest, and must meet the requirements of international law on the protection of freedom of expression and access to information.

10. Cultural and linguistic diversity

Preserving cultural and linguistic diversity and fostering the development of local content, regardless of language or script, should be key objectives of Internet-related policy, international cooperation and in the development of new technologies.