Submission by Government of Sweden on Internet Governance Principles

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Abstract

Our core message: we must safeguard a free, open and secure internet and the globalmulti-stakeholder model for internet governance.A global agreement on the following core issues are intended to safeguard the open and secure internet, characterised by freedom and innovation without restrictions, continuously developing through a global multi-stakeholder model for internet governance, with the purpose to ensure continued productivity and global economic growth, social prosperity and benefits for all.

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Human rights and the rule of law

The same rights that people have offline must also be protected online.

Freedom of expression is a cornerstone in a democratic society and its full enjoyment on the Internet is of paramount importance. The right to share opinions on the Internet forms an essential part in increasing individuals' ability for effective participation in public as well as private discourse.

Internet governance arrangements must ensure the protection of all fundamental rights and freedoms and affirm their universality, indivisibility, interdependence and interrelation in accordance with international human rights law. They must also ensure full respect for democracy and the rule of law and should promote sustainable development. All public and private actors should recognise and uphold human rights and fundamental freedoms in their operations and activities, as well as in the design of new technologies, services and applications. They 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.

The rule of law must be the foundation for legislation and normative development for all conduct online. States must ensure full compliance with their obligations under international law.

Government surveillance of electronic communication must be carried out with respect for

human rights at all times and in line with a body of fundamental principles including legality, legitimate aim, necessity, proportionality, judicial authority, transparency and public oversight.

Multi-stakeholder governance

The development and implementation of Internet governance arrangements should ensure, in an open, transparent and accountable manner, the full participation of users, civil society, the private sector, the technical community and governments. The development of international Internet-related public policies and Internet governance arrangements should enable full and equal participation of all stakeholders from all countries.

Responsibilities of states

States have rights and responsibilities with regard to international Internet-related public policy issues. In the exercise of their sovereignty rights, states should, subject to international law, 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 of fundamental rights should comply with all obligations in international law and in particular be based on law, be necessary in a democratic society and fully respect the principles of proportionality and the right of independent appeal and surrounded by appropriate legal and due process safeguards.

Empowerment of Internet users

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

Universality of the Internet

Internet-related policies should recognise the global nature of the Internet and the objective of universal access. Policies should not adversely affect the unimpeded flow of transboundary Internet traffic.

Security of the Internet

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

Security concerns must be addressed from a growth- and freedom-oriented, participative, bottom-up perspective that has human rights at its core. Security and freedom should be seen as mutually reinforcing concepts, not as a balancing act.

Decentralised management

The technical community as well as the private sector should retain their leading role in the day-to-day management of technical and operational matters in the management of the Internet, decentralised in character.

Architectural principles

The open standards and the interoperability of the Internet as well as its end-to-end nature should be preserved. These principles should guide all stakeholders in their decisions related to Internet governance. There should be no unreasonable barriers to entry for new users or legitimate uses of the Internet, or unnecessary burdens which could affect the potential for innovation in respect of technologies and services.

Open Internet

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. Traffic management measures which have an impact on the enjoyment of fundamental rights and freedoms, in particular the right to freedom of expression and to impart and receive information regardless of frontiers, as well as the right to respect for private life, must meet the requirements of international law on the protection of freedom of expression and access to information, and the right to respect for private life.

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 and international co-operation, as well as in the development of new technologies.