German Government Proposal on Global Internet Principles

- Area: SET OF INTERNET GOVERNANCE PRINCIPLES
- Entitled by: Dirk Brengelmann
- Region: Germany
- Organization: Federal Foreign Office, Commissioner for International Cyber Policy
- Sector: Government
- Keywords: Openness, Freedom, Privacy, Global Nature

Abstract

The German government wants to take the opportunity to propose a list of Global Internet Principles regarding the governance of the internet, to be global in reach and supported by all the relevant stakeholders, i.e. governments, civil society, technical community and private sector.We consider these Principles as an overarching term, given the fact that a global citizen can only enjoy freedom, security and well-being if the governance of the internet is in line with the interest of the people.

Document

German Government “Food for thought” Proposal Global Internet Principles

As set out in the goals for this International Multistakeholder meeting on Internet Governance in Sao Paulo, Brazil, on 23/24 of April 2014, the German government wants to take the opportunity to propose a list of *Global Internet Principles* and properties regarding the management and governance of the internet, to be global in reach and supported by all the relevant stakeholders, i.e. governments, civil society, technical community and private sector. There is already a broad range of international documents available that suggest norms, principles and/or guidelines for the management of the internet. However, these are either only supported by some stakeholders or limited in their regional reach.

This Sao Paulo meeting offers a rare opportunity to build upon existing documents, consolidated positions, and shared norms and beliefs and have them agreed by a wider range of stakeholders. We consider these *Global Internet Principles* as an overarching term, given the fact that a global citizen can only enjoy freedom, security and well-being if the governance and use of the internet are in line with the interest of the people. Such a common wide-ranging document may serve as a global reference point to establish political consensus on what is allowed, accepted, and wanted with regard to the use of the internet.

Overall, it is important to clarify that the same rights that people have offline must also be protected online. To this end, it is crucial that the internet retains its open, free and global nature.

Democratically elected governments, as the representative of the people, possess public authority including internet-related public policy issues and are supposed to be the main source for legitimacy and democratic legitimation. Hence they have to respect and protect human rights, ensure that the rule of law is respected and that relevant national legislation complies with their obligations under international law. Moreover, they need to ensure that the appropriate basic conditions both in terms of cyber-security and technical provisions are in place. Civil society serves, and should continue to do so, as a facilitator and notably as a source of empowerment and credibility, especially at community level. The private sector and particularly the technical community significantly influence and encourage the development, distribution and accessibility of the internet, and should continue to do so. In order to fully live up to the potentials for economic growth, innovation, freedom of expression, access to information and ideas and democratic participation in a knowledge society, all stakeholders involved need to work together.

The following list of principles finds its inspiration, among others, in the UN GA resolution on the right to privacy in the digital age (2013), the UN Human Rights Council resolution "The promotion, protection and enjoyment of human rights on the Internet" (2012), the OECD Principles for Internet Policy Making (2011), the Council of Europe Declaration by the Committee of Ministers on Internet governance principles (2011), the G8 Declaration issued in Deauville (2011), the "ROAM"-principles developed by the UNESCO, the COMPACT principles proposed by the European Commission, and the Principles for the Governance and Use of the Internet developed by CGI.br:

(1) The global, open and free nature of the Internet as a single commons has to be ensured. It is a driving force for progress towards development in its various forms including economic growth, encouraging innovation and allowing for creativity. [*adjusted from UN, OECD: open, distributed, interconnected, CoE and G8 similar, also similar ROAM, COMPACT*]

(2) The same rights that people have offline must also be protected online. [*UN*] Consistency and effectiveness in privacy protection have to be strengthened at a global level. Although concerns about public security may justify gathering and protection of certain sensitive information, unlawful or arbitrary surveillance and/or interception of communications, as well as unlawful or arbitrary collection of personal data, as highly intrusive acts, may violate the rights to privacy, freedom of expression and access to information. [*adopted from UN, OECD, similar also UK paper on roles for governments in ITU*]

(3) Access to the Internet should respect the principles of non-discrimination, transparency and openness. [*adjusted from OECD, similar G8; CGI.br, CoE; OECD*]

(4) All stakeholders working together, cooperating in policy development processes and on internet governance arrangements, each in their respective roles and with specific responsibilities, respect these principles and refrain from any measure which may violate human rights, undermine equal and democratic participation, disrespect the rule of law or compromise the global and open nature of the internet. [*adjusted from CoE, similar G8, CGI.br, COMPACT*]

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

(6) Cultural and linguistic diversity can foster the development of local content, regardless of language or script, notwithstanding the universality of human rights. [*adjusted from CoE, similar CGI.br, also UK paper on roles for governments in ITU*]

(7) Individual empowerment is a key resource and further efforts to strengthen it have to be undertaken, not only with regard to education, knowledge, health and infrastructure, but also with regard to an accessible, affordable, stable, reliable and secure digital environment. [*adjusted from OECD, CoE and G8, similar also UK paper on roles for governments in ITU*] To this end, technically advanced states should endeavor to support appropriate capacity building in digitally less advanced states where needed and ensure that exchange is based on locally appropriate approaches. [*adopted among others from G8*]

(8) Decision-taking processes in the realm of Internet Governance need to be transparent and fair and include all stakeholders in their respective role ensuring that decision-makers are held accountable for their decisions. [*adjusted from OECD, similar G8, COMPACT*]

(9) The security, stability, robustness and resilience of the Internet as well as its ability to evolve should be a key objective of internet governance. [*adjusted from CoE, similar CGI.br*]

(10) 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. [*adjusted from CoE*]

For playing around: **UNITED NORMS** of Sao Paulo **U**niversality of Human Rights online as offline **N**o discrimination **I**nclusion and Capacity building **T**ransparency &

Accountability **E**mpowerment **D**iversity **N**eutrality **O**penness **R**ule of Law **M**ultistakeholder Format **S**ecurity and Stability of Sao Paolo