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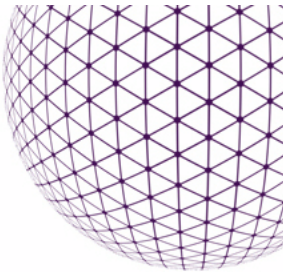

Values, principles and rights in internet governance

Paper for the Freedom of Expression Project

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1. Introduction

The aim of this paper is to explore whether more explicit recognition of the role that values play in policy making might help to build an internet governance regime that supports the public interest. The ongoing development and spread of the internet and mobile phones is opening up new horizons for communication, connecting people around the world to a global network for sharing information and ideas. The internet in particular presents new opportunities for capturing and enhancing the benefits that communication has for humankind, including innovation, creativity, self-expression, collaboration and democratic politics. However, it also presents new opportunities for the erosion of these benefits, for example through facilitating enhanced censorship, surveillance and new architectures of control. The challenge is to ensure that internet-based communications continue to evolve in such a way as to maximise the internet's capacity to support positive social change and minimise its use for negative ends. Put differently, to liberate and empower rather than control people.

This is a considerable challenge, not least because there is no common agreement of what constitutes "positive social change" and "negative ends". Such judgements are value-based. For example, some stakeholders feel that internet censorship can only ever be negative, putting blocks on the desire to share information and ideas that lies at the very core of what it means to be human. Others think that censorship is necessary in specific cases, essential for preserving social stability and peace. This paper argues that all policy making is influenced by values, the activities, phenomena and entities that we feel to be important in life. Policy making translates values into principles or guidelines to influence behaviour and practice relating to certain contexts or issues. The paper discusses whether there is scope for fostering agreement between different stakeholders about the key values that underpin internet governance, and whether these might in turn affect governance principles.

The report also examines the human rights framework as a set of principles to guide policy making and behaviour. As an internationally accepted set of ethical standards, the human rights framework is a useful starting point for defining the public interest, or in other words, what constitutes "positive ends" and "negative ends" in communications policy and practice. However, the applicability of the framework is not accepted by a number of key stakeholders in the internet governance field. We argue that inclusive and broad-based dialogue is needed to reinvigorate the human rights framework, and apply it to the contemporary realities of online life. For example, what do the rights to privacy and freedom of expression mean in the context of online social networking?

This report was commissioned by Global Partners and Associates as part of the Freedom of Expression Project[1], a global analysis of the public interest, or humanistic, dimensions of the

[1] http://www.freedomofexpression.org.uk

global communications environment. The Project has worked with a network of civil society organisations to identify key values that they share relating to the ideal characteristics of communications environments. The group then defined policy principles that would be necessary to realise these values and address pertinent issues that threaten them at each of the "layers" of the communications environment, from infrastructure through to content (Freedom of Expression Project, 2008). Throughout this process, the implications of policy for human rights were considered. The Project is currently working with partners to implement this approach in a number of national contexts. One rationale for writing this paper was to examine some of the assumptions and key concepts underlying the approach in order to further strengthen and develop it.

Other parallel initiatives are also defining and working with rights and principles to guide internet governance processes. For example, 2008 saw the launch of the Global Network Initiative's Principles for Freedom of Expression and Privacy[2] and the establishment of the "Dynamic Coalition on Internet Rights and Principles"[3] (IRP) at the Hyderabad Internet Governance Forum. The Association for Progressive Communications together with the IRP coalition and the wider internet governance community is currently reviewing the Internet Rights Charter[4]. However, confusion remains over what exactly is meant by the terms "principles" and "rights", and how they relate to each other.

There is also disagreement about whether the human rights framework is capable of capturing and implementing a whole range of positive cosmopolitan values that stakeholders would like to see upheld through internet governance. Others are concerned that applying the human rights framework to technology would undermine technological innovation and usability through adding a layer of regulation and standards that companies and users have to comply with. Further complexity lies in the fact that the internet is a global medium in a world that is primarily structured around national rather than international governance institutions. While global treaties have long been negotiated and implemented to address international issues such as sea faring, war and more recently climate change, never before has there been an interconnected global sphere in which billions of individuals act and live professionally, privately as well as politically, bound together by common interests rather than by geography.

This paper aims to provide theoretical and conceptual support for initiatives working with rights and principles for internet governance. After presenting a model for thinking about internet governance from a humanistic perspective, the paper gives a brief overview of the difficulties that arise when trying to connect internet governance policies with human rights. It then moves on to explore whether a return to a discussion of values might help, looking at the relationship between “values”, “principles” and “rights”. The paper concludes with a call for inter-cultural dialogue to identify trans-cultural values to shape public interest policy principles for internet governance.

[2] http://www.globalnetworkinitiative.org/
[3] http://internetrightsandprinciples.org/
[4] http://www.apc.org/en/node/5677

2. Setting the Scene

2.1) Stratifying internet governance

The internet is emerging as the foundation of global communication, with other communications media, from broadcast to mobile phones, gradually converging around internet-based networks. This converging communications sphere can be referred to as the "networked communications environment", a term which encompasses not only communications platforms themselves, but also the social, economic and political processes and actors which create, use and influence these platforms[5]. In all considerations put forward in this report, a people-centered or humanistic conception of the socio-technological online space is taken. This means that neither business interests nor technological feasibility are given priority but rather public interest and the benefit and empowerment of the individual user take central stage. Rickover has expressed this attitude in saying that *"humanistically viewed, technology is not an end in itself but a means to an end, the end being determined by man"* (1964:3). We argue that the discourse about these ends is a discourse on values.

A model of the networked communications environment and the actors and communications platforms within it is illustrated in Figure 1 and further discussed below. Within this model, digital communication platforms are conceived as consisting of four broad and overlapping "layers":

- The infrastructure layer: The physical infrastructure that hosts communications tools and networks.
- The Connectivity layer: The code and protocols that allow communication devices to run programmes and to connect with each other across networks.
- The Applications layer: The software and applications that we use to perform certain communications tasks, such as internet browser interfaces and voice over internet applications.
- The content layer: The subject matter of communication itself, in audio and visual formats.

How the global communications environment is governed and used directly affects the nature of communication that takes place within it, influencing what is and is not possible and shaping the direction of the continued evolution of communications technologies and practices. Figure 1 illustrates how each of the communications layers is influenced by the communication practices and activities of people or users, and how developments in technology, political and regulatory

[5] See Horner (2007) for further discussion and analysis.

activity, and economic forces also act as drivers of change. These dynamics are captured by the term “communications governance”, or in the case of the internet specifically, “internet governance”. The Working Group on Internet Governance has defined internet governance as *“the development and application by Governments, the private sector and civil society, in their respective roles, of* ***shared principles, norms, rules, decision-making procedures, and programmes*** *that shape the evolution and use of the Internet*” (WGIG, 2005).

This paper is primarily concerned with the governance of the internet with a focus on the social aspects, but most of the arguments and issues raised apply also to the wider range of communications platforms and processes that make up the global networked communications environment.

Given the complexity of the internet and interrelations on and within it, it is useful to model and stratify this governance sphere in order to identify specific governance challenges. We have used the term “commons” to capture the way in which the interplay of local and global infrastructure and service providers creates an international, shared space on the internet, most of which is at least in theory accessible to everyone. Four commons spheres can be differentiated (Pavan, Senges, Komaitis, 2009 – See also Figure 1):

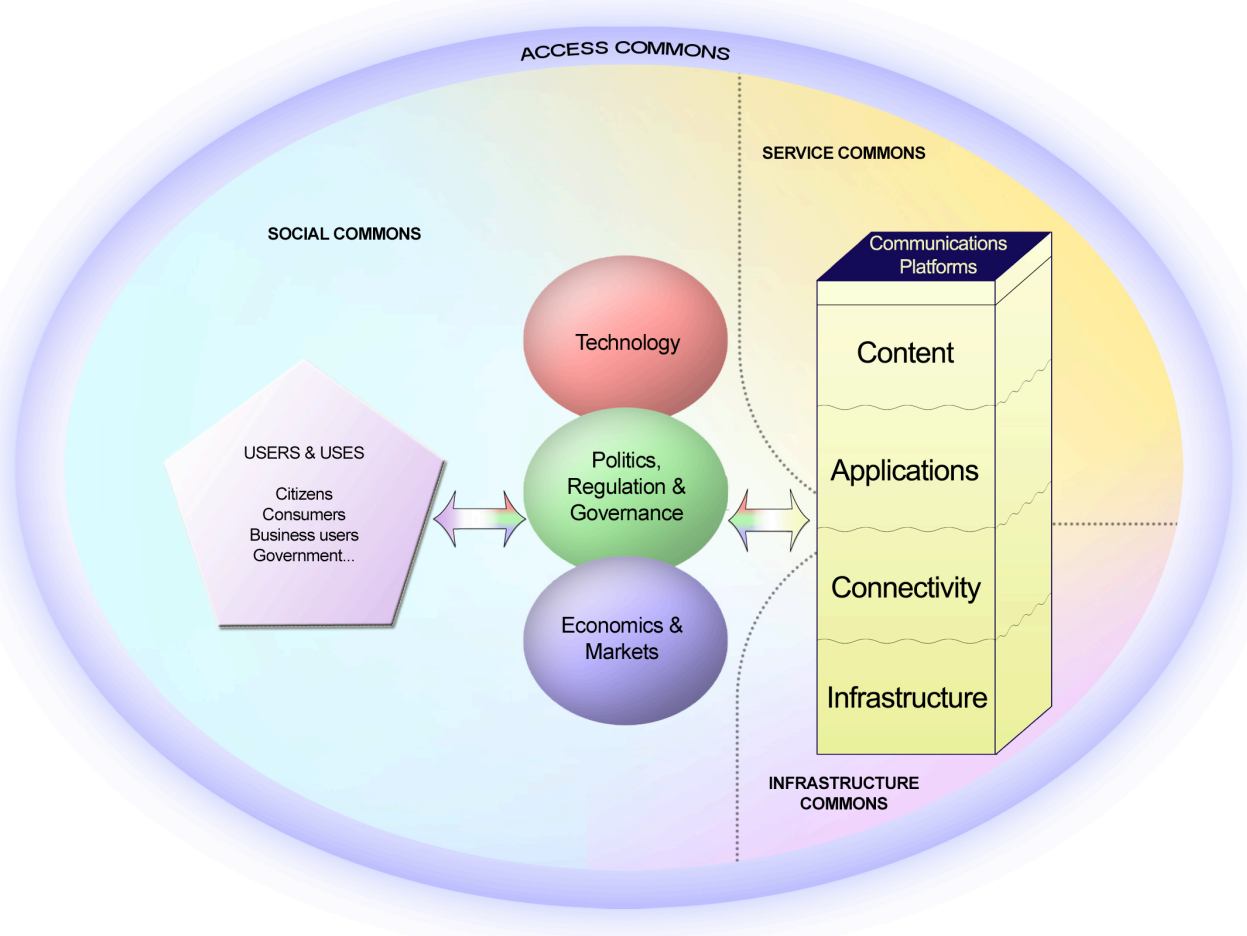

Figure 1 - Model of the Communications Environment and Governance Commons (adapted from Freedom of Expression Project, 2008 and Pavan, Senges and Komatis, 2009)

The **infrastructure commons** contain all hardware and software needed to transport digital signals from one user to another. This commons encompasses both the infrastructure and connectivity layers within the communications environment model.

The **service commons** comprise of all individuals and organisations that provide information or software based services over the internet. This includes actors and dynamics at the applications and content layers of the communications environment, such as the external and internal governance of a private website, a search engine, collaborative encyclopedia, or stock broker.

Social commons or “netiquette” describes the social contract between users. The social commons governance sphere deals with how users interact with each other. For example, acceptable practices in a forum or other discourse environment.

Finally, there are the **access commons**. Access to the global communication environment is increasingly important for participating in public life. For this reason, the international community

has been encouraged to either subsidise the access of those who can not otherwise afford it, or to provide access as a free service for all. Naturally the latter – which has been demanded by some as a new human right (see for example IT for Change, 2008) – would have significant consequences for the infrastructure commons, overhauling the current system of collective financing through payments to individual access providers. In addition to access to communications platforms, it is important to consider levels of access amongst different stakeholders to decision making processes that affect the nature of the environment.

The internet environment is thus complex, multi-layered and multi-dimensional. Activities at each of the different sections of the environment and in each of the commons affect the nature of the environment, and must therefore be considered in any attempt to influence internet governance processes and systems.

2.2) Human rights and internet governance

In a rights-based approach to internet governance, human rights should form the basis of the shared principles and norms governing each dimension of the internet commons. The World Summit on the Information Society put the foundations in place for a rights-based approach to communications and internet governance (Jorgensen and Drake, 2006). Important lobbying and policy work by civil society groups and human rights advocates resulted in the WSIS Geneva Declaration of Principles (2003) reaffirming commitment to building:

"*a people-centred, inclusive and development-oriented Information Society, where everyone can create, access, utilize and share information and knowledge, enabling individuals, communities and peoples to achieve their full potential in promoting their sustainable development and improving their quality of life, premised on the purposes and principles of the Charter of the United Nations and respecting fully and upholding the Universal Declaration of Human Rights*" (Article 1).

Despite this commitment, the relationship between internet governance and human rights has not received much attention at the Internet Governance Forum (IGF). Human rights are usually referred to at the Forum in the context of "openness". This term encompasses human rights such as freedom of expression and privacy, but also covers a wider range of issues such as security, network neutrality and the end-to-end principle of network architecture. Human rights often get lost in the debate during plenary sessions. This may be related to the wide range of issues considered under the banner of "openness", the political sensitivity of the issues, a lack of understanding of the human rights framework and the engagement of technology and trade representatives with the IGF, rather than representatives from media, justice and human rights sectors. Some stakeholders feel that focussing discussions around human rights can make them too legalistic, acting to narrow debates to focus on legal compliance rather than on

opportunities for positive social change[6]. Moreover, the participation of international human rights groups, such as Amnesty International and Article 19, at the IGF has declined over the three years of the Forum.

Within civil society, many agree that there is a need to support and advance human rights within the information society. However, progress is hampered by a lack of understanding and agreement about what this would actually mean in practice. The main disagreements in this area seem to revolve around two main issues. Firstly, there is some disagreement as to whether we need to create new rights for the internet, or whether the rights defined in the UDHR are sufficient and simply need applying to current communications media (see Annex A for further discussion). Secondly, there is argument over the interpretation of existing human rights. For example, there have been hot debates within civil society meetings at the IGF concerning whether it is acceptable to limit freedom of expression in certain circumstances, for example to regulate hate speech or to counter child pornography

Despite these difficulties, there is still broad agreement amongst a wide range of stakeholders working in the internet governance sphere that the humanistic and ethical dimensions of internet governance need to be strengthened. We suggest that progress could be made through identifying the key values that we want to see realised in the internet environment, and then developing policy principles that are required to realise those values. This could help to shift the debate away from a more negative discussion about legal compliance with rights standards, towards a more positive discussion about shaping policy in order to uphold fundamental values. However, in order to make progress in this field, we need to have a clear understanding of the key concepts of “values”, “principles” and “rights” and how they relate to each other.

3. Defining the relationship between the key concepts: Values, rights and principles

The box below gives brief definitions of the terms "values", "principles" and "rights". In a nutshell, values are people's feelings and opinions concerning what they think is important. Principles translate values into action; they are guidelines or a compass to help us determine how we should behave in certain contexts. Rights are a specific kind of principle, usually codified into law to detail what people in a certain jurisdiction are entitled to. Human rights are a specific type of right, codified in the International Bill of Rights[7] and regulated through the international human rights system. The relationship between values, principles and rights is illustrated in Figure 2, and elaborated on throughout section 3.

[6] Personal communication. See also Workshop Report 65, *Mainstreaming human rights in internet governance,* IGF 2008 at http://www.intgovforum.org/cms/index.php/2008-igf-hyderabad/event-reports/72-workshops/326-rights-and-internet-governance-igf-hyderabad-workshop-reports

[7] The IBR is made up of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Values: what people feel to be important. Values are heavily influenced by **culture**, the shared values and practices of a social group (or community of fate).

Principles: political guidelines intended to steer actions and policy development, thereby shaping the environment in which we live. These guidelines are influenced by values.

Rights: codified principles concerning what people are entitled to, often enshrined in law.

When thinking about the relationship between values, principles and rights, it is important to distinguish between the mindsets or beliefs of individuals and codified and informal agreements between groups of people. Values and morals are personal and cultural beliefs that define the mindset or worldview of each individual. Rights and principles on the other hand are politically negotiated texts, designed to address specific issues and to be applicable to all people within a particular jurisdiction. Hence, the actions of an individual are influenced both by their personal values and belief systems, and by external formal and informal codes of conduct.

3.1) Values

Values can be defined as "beliefs and attitudes about the way things should be. They involve what is important to us" (Santrock, 2007). Morals are closely related to values, making up the informal codes of conduct that guide our behaviour and how we interact with each other. Scholars have long reflected on what humans value, and different kinds of value systems have been codified in religious and political rules and symbolic practices. Values also influence what we deem to be a problem, how we frame that problem (e.g. as a member of a religion, political group or age cohort), and subsequently how we identify possible solutions to the problem. They are therefore central components of all governance systems, and must be taken into consideration if we are to build a humanistic, public interest internet governance regime.

Axiology is the academic discipline that investigates and reflects about values in general. It includes non-moralistic, non-judgemental perspectives, such as aesthetics, as well as individual valuation of entities or achievements (for example valuing certain professions above others). In the context of this paper, it is important to make the distinction between intrinsic and extrinsic values, following Plato. Extrinsic value is attached to goods that are instrumental for reaching a higher goal. For example, money or wealth is not valued for what it is itself, but rather what it

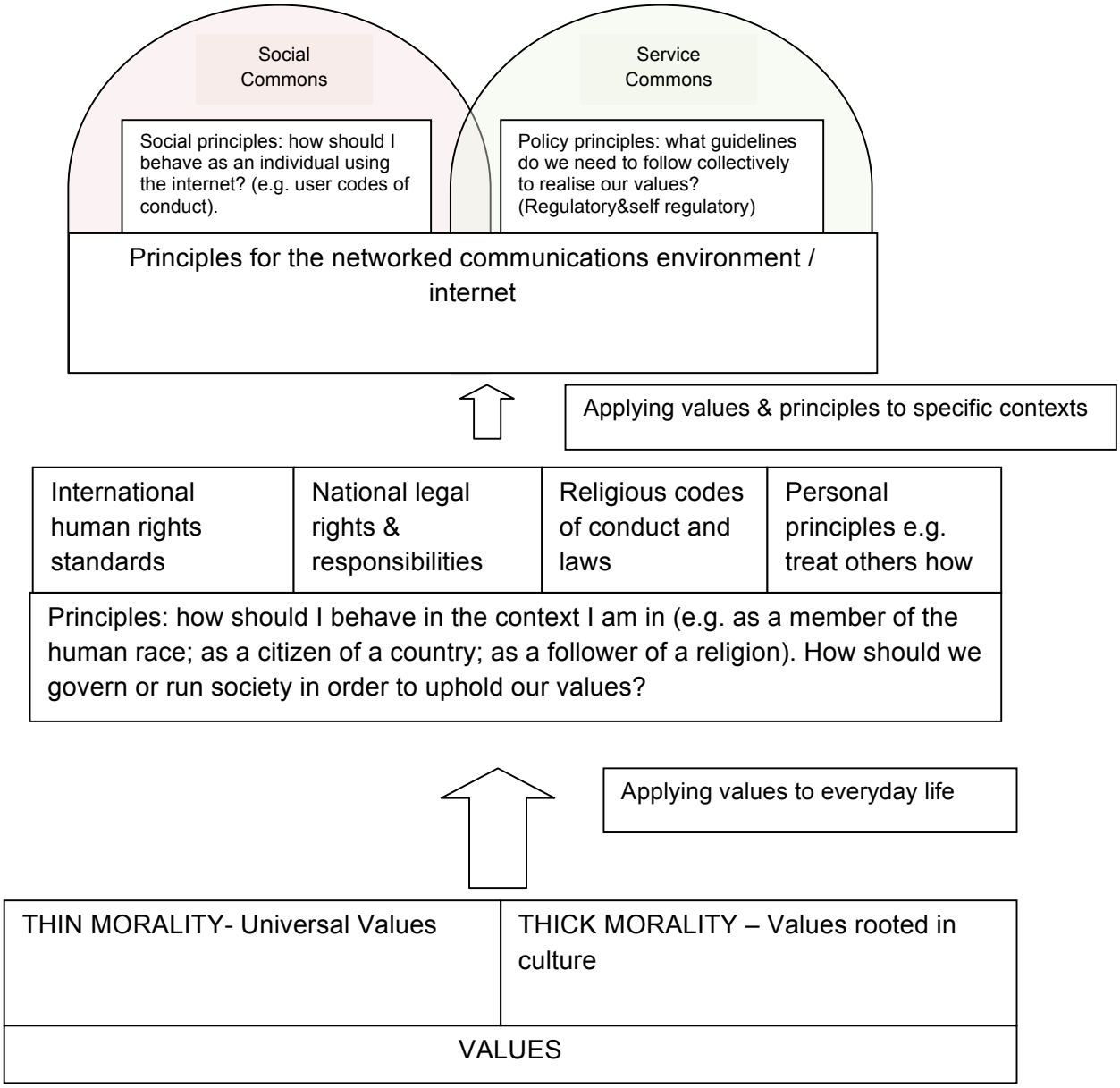

Figure 2 - Model of the relationship between rights, principles and values

enables us to do. Similarly, happiness itself is not a value but rather an effect of successfully performing an act that is valued. We might hold a wide range of values, but only intrinsic values can be translated into morals or guidelines for everyday life. In the context of internet governance, we value the internet, but having access to the internet isn't a value in itself. Rather, we value it for helping us to perform acts and realise qualities that we value. For example, the ability to express our identity, to enjoy cultural diversity, to talk to fellow human beings, to acquire knowledge.

Culture and Cultural Values

Walzer (1994) distinguishes between "thick" and "thin morality". Thin morality refers to universal morals which in theory can apply to all humans. Thick morality takes into consideration how

cultural practices and local history influence values and morals. As Alan Wolfe said, "What do I owe to those around me, those whose history, language, and culture are similar to mine?" (Wolfe, 1994).

The UNESCO Declaration on Cultural Diversity (2001) has defined culture as" *the set of distinctive spiritual, material, intellectual and emotional features of society or a social group...it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs."*

Culture is thus crucial for understanding values. People who share values, attitudes, goals, and practices can be said to have a shared culture. Values are informed by culture, but also in turn form part of culture.

It should be remembered that cultures are not homogenous or static, and that there are no clear borders between them; there are polyphonies inside as well as between cultures (Hoffmann, 2003). Culture and its associated values can also shift over time as social groups undergo different experiences and share ideas with different groups. This process has arguably become more marked over the last century as a result of globalisation, with the boundaries between different cultures becoming even more blurred as geographical and communication barriers break down. Particularly in the industrialised world, values are no longer defined foremost by geographic region. Rather, cultural phenomena and practices have become patchwork values sets, partly influenced by personal heritage, partly by geographic location and partly by faith or spirituality. Held (2002) has coined the term 'overlapping communities of fate' to describe this phenomenon. 'Communities of fate' are groups of people that govern themselves and determine their own fortune and future. Such communities are now increasingly overlapping, binding together the fortune and fate of previously separate groups of people.

The media and communications technologies such as the internet are playing an increasingly important role in mediating between different cultures, and are also giving rise to new, hybrid cultures termed "cults of use" or "cyber tribes" (Sassen, 2005) and accelerating the development of overlapping communities of fate. Globalisation is leading to cultural convergence and standardisation in many aspects of life, but is also giving rise to a counter reactionary movement, sometimes characterised by a rejection of "modern" values and processes. Local culture and politics is combining with global trends and phenomena, giving rise to "glocal" (global/local) cultures and new patterns of social inclusion and exclusion (Robertson, 1992; Agamben, 2002).

If we accept that policy and practice is driven by values and culture, international policy makers and people operating in international spheres such as the internet need to find some way of dealing with this complex and shifting international geography of culture and values. The internet offers vast new opportunities to expand public interest communications and human rights, but is also itself affecting the culture and values that influence how we define the "public interest". In order to realise culturally heterogeneous information societies, a balance needs to be found between ensuring that communities of fate are empowered to define how their practices and identities on the internet are governed, and ensuring that respectful and cross-

fertilising interactions between the communities of fate occur. Identifying common values as a basis for global internet governance could help.

Psychology approach to Moral Foundations

If we are to shape a public interest transnational governance regime for the internet, the issue as to whether it is possible to identify trans-cultural values upon which to build this regime must be addressed. Section 3.3 examines this issue in relation to the human rights framework. However, a number of scholars have been working independently of this framework to assess whether there is such a thing as a "human value", determined by our biological and social status as human beings rather than by relative culture and politics. A group around Prof. Johnathan Haidt (Haidt, 2008) has conducted a large scale research project with the aim to find the least common denominator when it comes to human values especially as they deal with moral/ethical interaction between individuals. Their research has produced a list of five fundamental values which, according to their findings, are present in one way or another in all cultures. These values might represent a fruitful starting point for a dialogue on values that can serve as leitmotiv for internet governance. The five values are[8]:

> 1. Care for others, protecting them from harm. Related to our long evolution as mammals with attachment systems and an ability to feel (and dislike) the pain of others. This foundation underlies virtues of kindness, gentleness, and nurturance.
>
> 2. Fairness, Justice, treating others equally. Related to the evolutionary process of reciprocal altruism. This foundation generates ideas of justice, rights, and autonomy.
>
> 3. Loyalty to your group, family, nation. This dimension, which is also referred to as Ingroup, is related to our long history as tribal creatures able to form shifting coalitions. This foundation underlies virtues of patriotism and self-sacrifice for the group. It is active anytime people feel that it's "one for all, and all for one.".
>
> 4. Respect for tradition and legitimate authority, which is shaped by our long primate history of hierarchical social interactions. This foundation underlies virtues of leadership and followership, including deference to legitimate authority and respect for traditions.
>
> 5. Purity, avoiding disgusting things, foods, actions. This value is shaped by the psychology of disgust and contamination. This foundation underlies religious notions of striving to live in an elevated, less carnal, more noble way. It underlies the widespread idea that the body is a temple which can be desecrated by immoral activities and contaminants (an idea not unique to religious traditions).

These values come of course in very different applications and contexts. For example the value of purity might be expressed through revoking pornography or through revoking fast food and other un-pure groceries.

[8] http://faculty.virginia.edu/haidtlab/mft/index.php

This work suggests that it is possible to identify values that human beings share by virtue of being human. The Universal Declaration of Human Rights was an attempt to translate such values into guiding principles, and a number of Haidt's values are reflected in the rights framework. In the context of internet governance, the challenge is to identify universal or trans-cultural values that we as human beings would like to see the internet enshrine, support or realise. The relation of Haidt's basic values to developing a governance structure for the internet might not be straight forward, but the work nonetheless provides a useful starting point for thinking about trans-cultural values[9].

Value sensitive Technology Design

In order to build a public interest, humanistic internet governance regime, it is important to recognise that communications technologies are not value-neutral. Over the last decade a number of scholars have gathered around the theme of taking values into consideration when designing technologies (Flanagan, Howe, & Nissenbaum, 2008; Friedman, 2004; Friedman, Kahn, & Borning, 2008; Nissenbaum, 2001). This approach asserts that computer and information systems embody values and argues that only a interdisciplinary and multi-methodological[10] effort that considers technological, psychological, political and social perspectives can lead to balanced solutions. Researchers consider questions that indirectly touch upon human values, examining what happens when technology replaces human decision making (and responsibility). For example, when technology is used when prescribing drugs, making investment decisions, or controlling an aircraft. Researchers also work on questions where values drive the development and application of technology directly. For example, how to deal with intellectual property in digital environments that allow for perfect copies at no cost. Privacy is another case where fundamental conditions change in computer and information systems, because user data can be aggregated, mined and analysed in an all encompassing scale which forces us (according to these scholars) to re-examine our privacy definition and practices.

The core message is that designing technology and the governance systems that enshrine core values is not a task we can leave to technical experts or to social science intellectuals. It is a trans-disciplinary challenge we need to tackle and deliberate together.

Nissenbaum (2001) lists a number of questions we should be asking for "any number of devices and systems we encounter at home, work, and play":

- What values do they embody?
- Is their locus of control centralized or decentralized?
- Are their workings transparent or opaque?
- Do they support balanced terms of information exchange?

[9] The researchers have developed a set of questionnaires meant to allow users to explore their personal value mindset. Interested readers can engage in various tests at www.yourmorals.org

[10] as in "integrative and iterative tripartite methodology, consisting of conceptual, empirical and technical investigations" (Friedman et al., 2008)

- Do they unfairly discriminate against specific sectors of potential users?
- Do they enhance or diminish the possibility of trust?

Many involved in the design and trade of communications technology view such questions as a hindrance, putting up barriers to innovation and commerce. However, rather than framing these questions as a constraint on innovation or market development, we should understand these fundamental axiological dimensions as helping to preserve positive social values and to guard against negative press and backlash from the public. Taking such issues into consideration can be framed as a positive marketing and unique selling point for communications technology companies and service providers. Annex B presents a selection of values found by Friedman et al. (2008) that are often implicated in system design.

Summary
This section has argued that values form the bedrock of human societies and individual activity. Values cannot be divorced from culture; they both influence and are influenced by culture. However, culture itself should not be thought of as static and homogenous. Culture and values are fluid, constantly shifting and adapting to changing contexts. This process has been accelerated by globalisation processes, of which internet technologies are key components and drivers of change. Despite this fluidity, research suggests that it is possible to identify common values shared by humans across the world. Technologies themselves are not value-neutral, and in their design and governance, it is important to consider which fundamental human values we want them to embody and uphold. To translate values into technology design and governance, we need guidelines or principles that all stakeholders can understand and follow. How this can be achieved is the subject of the rest of the paper.

3.2) Principles

Principles can be defined as the guidelines or doctrines that help us to translate our values into a form of compass to help us navigate different contexts and make decisions about how to behave. Principles can be personal or designed to apply to groups of people. They can be informal or formal, and can be codified into law. In the context of governance they should guide the policy making and activity of actors. Principles are meant to be universal in their respective scope of the subject matter at hand, but their concrete meaning tends to be needed to be "fleshed out in situated discussion" (Held, 2002). Put differently, there needs to be a "mix of regulative principles and interpretative activity" also known as 'framed pluralism' or 'layered cosmopolitan position' (Tully, 1995). In democratic systems, these interpretative activities should happen in corresponding national and international institutions for public debate, democratic participation and accountability.

Figure 2 illustrates that there are different layers or levels of principles that inform both individual decision making and policy making within governance systems. For example, a government might be faced with the policy issue of whether or not to allow internet service providers to block content from rival communications companies. In addressing this issue, they are likely to take a number of different sets of principles into consideration. These might include national legislation and regulatory principles relating to competition and trade, and international guidelines such as

free trade agreements. Policy makers might also have certain personal principles related to free trade or rooted in values associated with open and unmediated communication. These sets of more general principles are then distilled into policy principles to address the specific issue at hand, for example that networks should be neutral and service providers should not be allowed to block content from their rivals.

Many policy decisions are guided by only a limited number of sets of general principles. In the case of internet governance, these are too often related to issues of market competition rather than social and human interest. In the example above, the policy decision does actually support the human rights principle of freedom of expression, but this was by accident rather than design. But this is not always the case. For example, solely following market and open trade principles can result in companies selling technologies to governments for use in direct censorship or selling and mining the personal data of technology users for marketing purposes.

A challenging but promising approach is to reconcile public and private interests, finding spaces where they complement rather than conflict with each other. For example, when the public understands what is at stake when their privacy is encroached upon online, companies offering better privacy conditions will improve their position on the market, effectively reconciling the public interest with the profit motivation of companies. A potential way forward is to define and promote codes of conduct that frame rights and responsibilities in the light of public interest. The aim would be to promote best practice by individual and corporate actors, allowing them to translate their private interest or "care for the self" (Foucault, 1984) into a key motivator to uphold universal values and rights. The Global Network Initiative is an example of such an approach[11]. Annex C presents ways in which different stakeholder groups use or draw on values and rights in their work.

In order for such initiatives to work, participants need to share a clear understanding of the values that guide activities and policy online. What values does the internet help us to realise, and how can we formulate internet governance policy principles that will help it to do this better? What sets of principles will provide guidelines to help us do this? The next section will examine the utility of the human rights framework as a set of guiding principles to translate values into internet governance policy and process.

3.3) Rights

The term "rights" is used in a wide variety of contexts to refer to the treatment and goods that people can expect to receive when they are a member of a particular jurisdiction. Human rights are a specific type of right relating to how all humans should be treated by the nation states in which they reside. There is often confusion within discussion of rights and the internet as to which types of rights are being referred to, and who has responsibility for upholding and enforcing them.

[11] A multi-stakeholder partnership to protect freedom of expression and privacy online. See http://www.globalnetworkinitiative.org/

All individuals have a wide range of rights, granted to them by a wide range of authorities. For example, as a citizen of a certain country, I may have rights to a range of goods and services provided to me by the state. As an employee of a certain company, I may be entitled to rights such as a certain number of days paid holiday per year and a safe working environment. As a paying member of a club or political society, I may have certain rights bestowed upon me by virtue of my membership. It is not only individuals who have rights. Nation states have certain rights and responsibilities as detailed in a series of international treaties, including the right to sovereignty, self-determination and legal equality. These different types of rights should not be confused with human rights - the rights that all individuals possess by virtue of being human.

In an increasingly globalised world, the question arises as to whether the rights of individuals should take precedence over the rights of the state, or vice versa. This was an issue that the authors of the Universal Declaration of Human Rights faced at the turn of the century. Colonial powers, in particular the UK, were initially reluctant to put the rights of colonised people above the sovereignty and power of the state (De Varennes, 2006). However, human rights go hand in hand with democracy. Democratic states are in theory ruled by the people, and it follows that the rights of the people should take precedence over those of the state. This has important implications for the governance of the transnational medium of the internet, implying that policies implemented in the name of state sovereignty should never undermine the rights of internet users.

Human rights

The idea that all humans hold natural, inalienable rights only entered into national laws in the 18th Century, drawing on Enlightenment period philosophy and the political and legal struggles of 17th Century England[12]. The American *Declaration of Independence* (1776) and the French *Declaration of the Rights of Man and of the Citizen* (1789) were the first constitutional texts to reflect this thinking.

The concept of universal human rights gained international acceptance in 1948 with the approval of the Universal Declaration of Human Rights (UDHR) by the United Nations General Assembly. Building on the foundations laid by rights movements across the world at the turn of the twentieth century, world leaders vowed that injustice and violence on the scale experienced in the Second World War should never be allowed to occur again, and believed that the definition and protection of universal rights were important for this[13]. The Universal Declaration is non-binding, and has been translated into two binding treaties which were agreed on in 1966: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural rights (ICESCR). Together, these three agreements make up the International Bill of Rights (IBR) and form the basis of the international human rights system. States that have ratified the two rights covenants are legally bound to enforce them under international law.

[12] This section draws on Horner (forthcoming).

[13] See Clapham (2006), Ball and Gready (2006) and Waltz (2002) for further discussion.

The international human rights system in effect consists of three overlapping national, regional and global regimes. The IBR forms the basis of the global regime, and has been interpreted at the regional level by a number of regional bodies: the Council of Europe adopted the European Convention on Human Rights in 1950; the Organisation of American States agreed on the American Convention on Human Rights in 1969; the African Union adopted the African Charter of Human Rights and Peoples' Rights in 1981; the League of Arab States adopted the Arab Charter on human rights in 1994. The rights defined in these agreements are in turn codified in national law in many countries.

This patchwork of international, regional and national conventions and laws, coupled with a growing body of international case law, makes up the human rights framework. The framework has practical as well as moral value as it contains guidance on how to interpret rights and balance them against each other. This can help decision makers to manage risk through fairly and objectively mediating between competing claims from individuals, and through balancing the rights of one person against the needs of the wider community. For example, the framework distinguishes between absolute rights (which must be upheld at all times), limited rights (which can only be limited under explicit and finite circumstances) and qualified rights (which can be limited to protect the rights of other people or the public interest, but only for specified legitimate reasons).

Any restriction to limited or qualified rights must be strictly proportionate or, in other words, "don't use a sledgehammer to crack a nut." Public authorities must interfere with the right in question as little as possible, only going as far as is necessary to achieve the desired aim. Under the human rights framework, blanket measures or rules that are meant to address specific issues are discouraged as they do not consider how the rights of others will be affected. The human rights framework can therefore help to ensure that internet governance policy remains accountable to individual service users, targeting interventions in ways that take the rights of all stakeholders into consideration.

In short, the human rights framework's classification of rights, coupled with the notion of proportionality, makes it a useful tool to use when making complex decisions in the internet governance sphere. These might include decisions concerning where to draw lines between individual and public interest when designing policy. This is of particular relevance to debates about how to balance between security and freedom of expression on the internet, and what regulatory measures are acceptable for protecting the public interest. Importantly, the human rights framework can help to ensure that decisions are made objectively and take the effect on all stakeholders involved into account.

Enforcing human rights

The international human rights system encompasses a number of mechanisms to enforce human rights[14]. For example, the UN Human Rights Committee carries out periodic reviews of

[14] See Wilkinson (2008) and Rundle and Birdling (2008) for further discussion.

whether states who have ratified the ICCPR are fulfilling their commitments. The Committee issues observations and recommendations, highlighting areas where states have failed to uphold standards. However, these recommendations are non-binding, and it is at the discretion of states as to whether they take them on board. Citizens of states that have signed the First Optional Protocol to the ICCPR can take complaints of rights violations to the Committee once they have exhausted all domestic and regional legal options. Again, the views issued by the Committee on these cases are non-binding. However, they do have a normative status, and in most instances states have complied with recommendations through, for example, adapting legislation in line with human rights law (Rundle and Birdling, 2008). The UN and a number of other international organisations (OSCE, OAS, ACHPR) have Special Rapporteurs who are mandated to monitor rights in specific countries or thematic areas. Their reports are non-binding but do carry political weight. Rapporteurs of particular relevance in the context of internet governance include those on: the promotion and protection of the right to freedom of opinion and expression; the situation of human rights and fundamental freedoms of indigenous people; and human rights and transnational corporations.

The enforcement mechanisms contained within the international human rights system offer limited scope for redress for individuals who feel that their rights have been violated, and virtually no opportunities for people residing in countries who have not ratified the ICCPR and ICESCR. However, the system does have considerable normative and moral weight, and many states are wary of being accused of violating international human rights standards. The system is also useful as a set of international benchmarks for ethical policy making. Whilst in legal terms the system applies only to the relationship between individuals and nation states, private companies and international institutions who want to act ethically can use the human rights framework to guide their decisions and actions.

Human rights as a policy framework based on trans-cultural values?

The international human rights framework is an attempt to codify universal values about what humanity means and is therefore a form of thin morality which applies to all people, regardless of culture (Walzer, 1994). The key values that underpin the human rights framework include dignity, equality, justice, freedom and respect. Annex D elaborates on the values underpinning human rights in more detail. The UDHR was formulated at a time when the atrocities of war, from World War Two to the Spanish civil war and the Japanese invasion of Nanking in China, were at the forefront of the minds of international leaders (Waltz, 2002). This spurred states who had previously been reluctant to accept ideas of human equality and non-discrimination, including the UK and other colonial powers, to agree to participate in the formulation of a universal declaration of rights (de Varennes, 2006). As the identification of values to underpin the Declaration was influenced by the cultural and political context of the authors of the framework, the question arises as to whether they can be said to be “universal” or “trans-cultural”.

It is often argued that the Universal declaration of Human Rights lacks legitimacy as it was authored by Western states, excluding the global south. Whilst the Declaration's philosophical roots can be traced to Western liberal thinkers such as Rousseau and John Stuart Mill, the text

was the result of a prolonged negotiation between representatives from states across the world (De Varennes, 2006). Of the 58 countries that participated in the creation of the Declaration, 20 were Latin American, 4 were African and 14 were Asian (ibid). The text was initially based on a draft declaration authored by the Chilean lawyer Alvaro Alvarez and presented to the UN by Panama in 1946 (Waltz, 2002). This was expanded and developed through extensive review of country constitutions and consultation with non-state commentators from across the world, including Mahatma Gandhi (Ball and Gready, 2006). The two main intellects who influenced the text during the drafting and negotiation period were purportedly Lebanese and Chinese (Waltz, 2002). A number of scholars have emphasised the important role that non-Western states played in pushing for some of the more progressive elements of the Declaration (De Varennes, 2006; Waltz, 2002; Glendon, 2001). For example, representatives from India and the Dominican Republic were responsible for removing gender bias, arguing that rights should apply explicitly to "all human beings" rather than "all men". Specific social and economic rights in the text were proposed by Syria, Saudi Arabia, the Philippines and China (ibid). In the 1960s, the emergence of a "new majority" of third world countries in the UN following decolonisation helped to break the Cold War stalemate that had delayed the adoption of the legally binding covenants of the IBR, with Ghana and Nigeria playing a particularly active role (Tharoor, 2000).

In section 3.2 we discussed research by Jonathan Haidt (2008) that suggests it is possible to identify values shared by all humans. The research suggests that these include care for others and fairness – values that overlap considerably with those that underlie the human rights framework. However, the research also identified group loyalty and respect for tradition as human values. Whilst these two sets of values are not necessarily in conflict with each other, a number of politicians and scholars have argued that in some cultures values of tradition and loyalty take priority. According to them, the human rights framework cannot claim to have ultimate moral authority as it emphasises individual autonomy and rights over the collective rights of communities and loyalty to the family, community and state. The most famous argument put forward along these lines was that regarding "Asian values", promoted by the leaders of Singapore and Malaysia in the 1990s. Proponents of this argument draw on Confucian philosophy to identify values that purportedly form the basis of Asian society, including obedience to the nation and the willingness to forgo personal freedom in the interests of social stability and prosperity (Ball and Gready, 2006).

Human rights and democracy scholars refute these claims. Perhaps most famously, Nobel Economist Amartya Sen argues that (a) there is no homogenous Asian value system with an explicit set of values, and (b) that most of the so-called western values stem from Enlightenment philosophy and do have universal moral reach (Sen, 1997; 1999). He argues that the values of freedom and tolerance are particularly notable for their universality. Whilst freedom and tolerance of others might not be valued for all members of society everywhere, he highlights that they are valued at least for the privileged sections of society in cultures across the world. Even in a society stratified according to class and caste, freedom is valued for the privileged-such as the Mandarins and the Brahmins-in much the same way that freedom was valued for non-slave men in corresponding Greek conceptions of a good society.

Sen and other analysts such as Simon Leys argue that Confucius did not recommend blind allegiance to the state (Sen, 1997). Confucius is not averse to practical caution and tact, but he does not forgo the recommendation to oppose a bad government. For example, he wrote, "When the [good] way prevails in the state, speak boldly and act boldly. When the state has lost the way, act boldly and speak softly" (ibid). Thus Sen argues that the values underpinning human rights and democracy are not Western constructs and are not in conflict with Asian culture. These arguments can also be applied to other regions and countries, for example in cases in which it is claimed that the violation of women's rights is mandated by culture or religion. The values that underpin human rights can be found in most religious and moral doctrine across the world. However, Ball and Gready (2006) argue against relying too much on this approach of identifying overlaps between different cultures and human rights as it conceives of cultures as static phenomena rather than constantly in flux. As we saw in Section 3.2, cultural values vary over time and space. Most importantly, individuals should be free to choose what culture they subscribe to and what values they hold.

Culture is incorporated in the UDHR as a right in itself, with Article 18 protecting the right to freedom of thought, conscience and religion and Article 27 stating that, “everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.” UNESCO has played a key role in raising awareness about cultural diversity as one of the values that underpins the human rights framework. As the 2001 Declaration on Cultural Diversity states:

“The defence of cultural diversity is an ethical imperative, inseparable from respect for human dignity. It implies a commitment to human rights and fundamental freedoms, in particular the rights of persons belonging to minorities and those of indigenous peoples. No one may invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope” (UNESCO 2001).

If respect for cultural diversity is integral to a human rights approach, it could be argued that that no individual or collective should necessarily feel threatened by the notion of universal human rights. Human rights advocates have arguably fallen behind in demonstrating the universality of human rights principles. As a result, unifying discourse has in many instances been overtaken at the global level by dangerous and divisive discourse, for example based on religious and ideological extremism. Ignoring this problem will not diminish it; it is not realistic to deny that there are in some instances in which there is a disconnect between some human rights standards and culture, whether real or apparent (An-Na’im, 1995). The challenge is to build a shared agreement and understanding about the values that underpin humanity; values that respect and celebrate cultural diversity whilst at the same binding all humans together within the global community of the human race. These cannot be imposed or assumed to be shared by all; the process of dialogue about values is probably even more important as the identification of the values themselves. A commendable effort in this regard is the continuing celebration of the

World Parliament of Religions[15] and their effort to define a world ethos to "confirm and deepen" the Universal Declaration as inspired by Hans Küng (Global Ethic Foundation, 1993)[16].

In the profane political realities the key problem with ethics and values is that there is no unbiased ethical observer or objective, correct solution. Instead, we have to collectively agree on what the best approaches and solutions are. A number of scholars have argued that the only way to do this is through inter-cultural dialogue, with for example Habermas' approach to discourse ethics (Habermas, 1981). Held (2002) argues that we need to foster a "cultural cosmopolitanism", built on common recognition of the interconnectedness of political communities across the world, understanding of the areas in which our collective fortunes overlap, celebration of difference and the ability to reason from the point of view of others. The challenge is to "mediate between national traditions, communities of fate, and alternative styles of life. It encompasses the possibility of dialogue with traditions and discourses of others with the aim of expanding the horizons of one's own framework of meaning and prejudice" (Held, 2002).

So the instruments and enablers of trans-cultural ethics are cultural exchange and practical intercultural discourse. The idea is not to create an international meta-culture or homogenous global regime that is not capable of maintaining cultural heterogeneity. Dialogue should aim to foster cultural identities that reflect and practice their individual cultural traditions, know how to respect and interact adequately with other cultures, and agree to progress and practice a trans-cultural morality or "cultural cosmopolitanism" (Held, 2002). As Capurro (2007) argues, we have to move from comparative ethics, which simply place different value systems side by side, and instead create a trans-cultural ethics: "it is necessary that trans-cultural ethics arise from the intercultural dialogue instead of thinking of itself as universal without noticing its own cultural bias."

The implication is that there is a need for broad-based inter-cultural dialogue about what it means to be a human being living in dignity. The aim is not to create new rights standards, but rather to foster discussion about fundamental values. The results of this dialogue might be agreement around the same values as those that underpin the human rights framework, or different cultural perspectives on human dignity might emerge. However, it is the process of discussion and inter-cultural exchange that is important. Crucially, this dialogue should take place amongst the public rather than solely the political leadership. Just as it was primarily state representatives who led the drafting of the UDHR, it is primarily state representatives who have led protests against it. Dialogue must therefore be inclusive, reaching out to all sections of society in cultures across the world.

In the context of internet governance, dialogue is needed not only to identify trans-cultural values about what it means to be human, but also to understand how the internet can help to uphold these values. For example, the internet helps to realise values of personal and social advancement through enhancing education and giving access to new sources of knowledge.

[15] www.parliamentofreligions.org

[16] For further information see http://en.wikipedia.org/wiki/Hans_K%C3%BCng

The next step is to define policy principles that will maximise the ability of the internet to uphold these values and social goods. For example, no controls should be placed on the flow of information. This general policy will need to be refined to provide relevant, day to day guidance for actors in each of the four commons of internet governance. For example, governments should ensure that regulation, from intellectual property to media laws, support rather than undermine the free flow of information in all of the commons. Internet users in the social commons should agree to abide by certain netiquette standards in order to ensure that people are not put off from expressing themselves by the abusive behaviour of others. Technology companies and standards organisations in the infrastructure commons should agree to consider the implications of their work for access to information and knowledge. Thus, as well as being trans-cultural, the dialogue to foster and realise shared values needs to be multi-stakeholder, involving all actors who have a stake in the evolution of the internet.

Inter-cultural dialogue is also needed so that the policies of countries, companies and individuals whose values may not be in line with human rights principles are at least on the table. One of the problems with many censorship regimes is that people do not know what is deemed to be acceptable speech and what is not. Policy is unclear and ill-defined. This allows for the boundaries of expression to be pushed wider in some instances, but can also result in seemingly arbitrary punishment and create a culture of self-censorship. All actors should be encouraged to be transparent about their policies, and this would in turn allow for a discussion about the boundaries and limits of state sovereignty on the global medium of the internet. Moreover, such discussion might help to identify instances in which certain values and principles might have practical as well as moral benefit. For example, the principle of open access to public information is increasingly seen across the world as yielding positive social and economic benefits, enhancing social stability and helping to build an environment of trust and openness that is conducive to trade and investment. This is reflected in the number of countries with right to information laws increasing from 13 in 1990 to 75 in 2008 (Article 19, 2008), with laws existing or being drafted in a diverse range of countries including Vietnam and China.

4) Conclusions

This paper has argued that it is a promising approach to foster trans-cultural dialogue about what values and principles we want to set at the roots of the emergent internet governance regime. Focusing initial discussions around values would be beneficial on a number of levels. Firstly, it would help to foster dialogue and understanding between different cultures across the world around common values about what it means to be human. Secondly, it would help to build the foundations for a transnational internet governance regime that operates in the public interest to uphold human values. Building agreement around values will in turn help us to take inclusive and positive action to define policy principles to guide the governance and evolution of the internet. In some contexts, this may be preferable to approaches which view human rights in a more legalistic manner, focussing on negative compliance, which can deter stakeholders from participating in rights-based policy discussions. Finally, it would help to reinvigorate and re-legitimise the human rights framework, raising awareness about the values that underpin it

and prompting discussion about how to bring human rights systems and institutions in line with modern realities associated with the internet.

In our globalised world, the need for codified trans-cultural values is more urgent than ever before. However, few policy makers involved in internet governance consider the values and principles perspective when making policy decisions. This may be because they don't make the connection between what they see primarily as trade or technology issues and values, principles and rights. If we are to build a humanistic, people-centred internet, this needs to change.

Human rights are violated around the world in the name of cultural and religious claims. We have argued that the only way to address this issue is to address culture and values directly, including new participants in the dialogue around values, rights and policy principles. The international development and internet governance communities have shied away from debates about values, which has contributed to the rights framework often being dismissed as a western construct. Very little effort has been made to link religious and cultural debate or discourse to human rights. Notwithstanding the positive intentions of the UDHR, Capurro (2007) argues that it is problematic in the Kantian sense. In Kant's analysis problematic concepts do not have a solution, but can only be dissolved, as in 'dealt with well', or in a manner so there is no problem. Therefore, the only way to dissolve the challenge of creating a diverse trans-cultural humanistic internet governance regime is though intercultural ethical dialogue (ibid). The idea is not to disregard or redesign the human rights framework, but rather to use the values that underpin it as a starting point for dialogue about the human values that we would like to see upheld by the internet.

This report therefore promotes a trans-cultural dialogue on two questions:

- Can we maintain cultural diversity while at the same time agreeing to universal values to underpin internet governance?

- Can we translate these values into practical guiding principles for different internet stakeholders, from the technical community through to regulators and users?

This dialogue will be difficult and complex, not least because culture, like most human affairs, is undergoing a rapid process of fragmentation and change as a result of globalisation processes, including the development of the internet. Communities of fate are no longer defined foremost by geographic region, but world cultural phenomena and practices have become patchwork value sets, especially in the industrialised world. To guide the discussion through this complexity, we will need to agree on certain parameters or rules of engagement. Held's (2002) requirements for cosmopolitanism might serve as a good starting point:

- Recognition of increasing interconnectedness of political communities in diverse domains including the social, economic and environmental.
- Development of an understanding of overlapping 'collective fortunes' which require collective solutions - locally, nationally, regionally and globally.
- The celebration of difference, diversity and hybridity while learning how to 'reason from the

point of view of others' and mediate traditions.

In short, a values-based approach might help to build common understanding about the social goods that we value the internet for, and help us to identify the policy principles that will help us to realise those values through internet governance.

Annex A: Do we need new rights for the internet?

The debate over whether it is necessary to define new human rights relating specifically to the internet arose during the CRIS campaign during the WSIS process[17], and is still a hot topic amongst rights advocates in the context of the IGF. The Internet Bill of Rights Dynamic Coalition formed at the first IGF in 2006 in order to explore whether a new statement or declaration is needed to define our rights in the internet age. At the 2008 IGF, a number of advocates called for the establishment of a "right to the internet" (see for example GPA/IBR, 2008; IT for Change, 2008). The argument is that the internet has emerged as a medium that is essential for modern life, and for realising the other range of social, economic and political rights and freedoms that humans are entitled to. If such a right were to be enshrined at the international level, it would place a positive obligation on states to provide universal internet access, hopefully in turn accelerating the spread of the internet to excluded and underserved populations.

It is important to note that the international human rights system is still evolving (Clapham, 2006). Determining how the rights standards laid out in the IBR translate into national law and apply to everyday life is a complex and ongoing process. Many human rights contained in the IBR have been further developed through legally-binding international conventions and treaties, as well as 'soft law' declarations and guidelines. These elaborate on the meaning of the rights in relation to each other and to specific groups within society. For example, the *International Convention on the Elimination of All Forms of Racial Discrimination* (1969) emphasises the universality of human rights, whilst the UNESCO *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* (2005) explores and expands on Article 27 of the UDHR.

Whilst the process of elaborating and interpreting human rights is ongoing, the IBR standards themselves and accompanying treaties and covenants all focus on the human rather than on technologies and tools, and can be applied in a wide range of contexts and scenarios. Creating new human rights at the international level specifically for the internet would instead focus on the technology. Some commentators have argued that this might be misguided as communications technology is constantly evolving; in ten years time, what we today call the "internet" may have mutated or been replaced by an entirely new communications medium. If we create new rights for the internet, they argue, we would have to create new rights for every communications technology that evolves into the future[18].

Human rights scholars have argued that existing rights standards already cover many of the concerns that we have relating to new technologies and human rights. For example, the UDHR already protects our rights to privacy and to freedom of expression, regardless of the communications medium we are using (Article19, 2003). Moreover, free expression as defined in the UDHR is a positive right, encompassing not only our right to be free from censorship, but also our right to access and disseminate information ourselves "through any media, and regardless of frontiers". It therefore applies both to the internet, and to any other

[17] Communication Rights in the Information Society. See CRIS (2005), Article 19 (2003) and Jorgensen and Drake (2006) for further discussion.

[18] Discussion in Freedom of Expression Project partner meeting, April 2008.

communications media that might evolve into the future. The challenge, they argue, is therefore to apply this right to the internet environment, and advocate for the implementation of its positive dimensions. There is also an added concern that the current trend at the international level appears to be the erosion and neglect of human rights relating to communication as a result of security concerns and the increasing relative power of countries that practice extensive political censorship on the global stage. Reopening the debate about fundamental rights, they argue, might result in lowered rather than enhanced rights standards (Ahmed An-Na'im, 1995).

These debates are unlikely to be resolved in the near future. However, whist disagreement exists over language and strategy, advocates on both sides of the debate want to expand internet access in order to realise values relating to social and economic advancement for all human beings. The following section examines whether a return to a discussion of shared values might help stakeholders to identify spaces for cooperation and common approaches for developing the ethical dimensions of internet governance.

Annex B: Human values often implicated in system design

Human Value	Definition
Human Welfare	Refers to peopleís physical, material, and psychological well-being
Ownership and Property	Refers to a right to possess an object (or information), use it, manage it, derive income from it, and bequeath it
Privacy	Refers to a claim, an entitlement, or a right of an individual to determine what information about himself or herself can be communicated to others
Freedom From Bias	Refers to systematic unfairness perpetrated on individuals or groups, including pre-existing social bias, technical bias, and emergent social bias
Universal Usability	Refers to making all people successful users of information technology
Trust	Refers to expectations that exist between people who can experience good will, extend good will toward others, feel vulnerable, and experience betrayal
Autonomy	Refers to peopleís ability to decide, plan, and act in ways that they believe will help them to achieve their goals
Informed Consent	Refers to garnering peopleís agreement, encompassing criteria of disclosure and comprehension (for informed) and voluntariness, competence, and agreement (for consent)
Accountability	Refers to the properties that ensures that the actions of a person, people, or institution may be traced uniquely to the person, people, or institution
Courtesy	Refers to treating people with politeness and consideration
Identity	Refers to peopleís understanding of who they are over time, embracing both continuity and discontinuity over time
Calmness	Refers to a peaceful and composed psychological state

As listed by (Friedman et al., 2008)

Annex C: Comparing Terminology in different professional Sectors

	Values	Rights
Lawyers	No legal relevance, only explanatory.	Civil law & International law: develop laws based on fundamental rights. Especially as leitmotiv for global governance efforts. Common law: Judges interpret rights and created precedents.
Politicians	Are used for positioning and differentiation.	Are “hot topics” and mostly used strategically to criticize others; but there are also some progressive movements for “new rights”
Business Community	Pragmatic relevance for inter-cultural business. Lately also for marketing and corporate social responsibility.	Mainly relevant in the form of consumer rights; Human Rights perceived mostly corporate responsibility but also as risk, obligation and external assessment[iii].
Civil Society (NGOs)	Source of identity and base for political engagement.	Watchdog - Instrument to push for political/legal justice. Many times ‘new rights’, expansions or special applications are demanded[iv].

Annex D: Intrinsic Values and corresponding Rights

Intrinsic Values	Right
Survival	Right to Live Right to Security Right to Safety from Violence Right to health care
Sagacity / Knowledge	Right to education
Justice	Right to Protection from the Law Right to Equality before the Law & Fair Trial Right to not being arrested unless there is reason to think someone has committed a crime
Distribution of Power	Right to participate in government Right to Vote Right to Peaceful assembly Right to Property Right to Freedom of Expression Right to Choose work
Aesthetics / Beauty	Right to Freedom of Expression
Autonomy & Love	Right to Privacy Right to think freely Right that any adults of full age, no matter race, religion or sexuality, can marry.

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