

This non-paper was developed as a result of an informal brainstorming among WGIG Members and includes all points brought into the discussion by one or more Member. It was not conceived as a paper that would reflect a consensus of the Group, but it is to be seen as an input into the discussion on the WSIS criteria and should be read in parallel with the draft working paper on the roles and responsibilities of all actors involved in Internet governance arrangements.

Criteria for the term “transparency, accountability, democracy” with regard to Internet Governance arrangements

Transparency

Governance and statutory requirements

1. The process of establishing the organization is openly discussed and agreed within the stakeholders that the organization is accountable to.
2. The bylaws and mandate of the organization are clearly defined.
3. The list of members of the organization and/or of its constituencies is made public.
4. The structure, procedures and composition of governing bodies of the organization are public and clearly explained on the Web.
5. Any conflict of interest of members of the governing bodies is clearly stated and published.
6. Annual accounts of the organization are published annually and made public.

Meetings

7. Dates and places of meetings are announced and made public well in advance.
8. Meeting agendas reflect the priorities of all stakeholders, and are announced and made public well in advance.
9. Meeting minutes and documentation are published and made public promptly.
10. Any member of an affected stakeholder group is allowed to physically observe meetings where decisions are taken.
11. The most relevant meetings are broadcast freely through the Internet or other widely available media.
12. The most relevant meetings are translated in real time in all U.N. languages¹.
13. Online discussions of official bodies and constituencies are publicly archived (except when discussing individuals or appointments).

Documentation

14. The web site and official documents are made available in all U.N. languages².
15. All documents and information to be made public according to these criteria must be made available in free and easy ways, including the website of the organization.
16. All policies that are binding for stakeholders must be made available in free and easy ways, including the website of the organization.
17. Copyright policies for these documents must not hamper access and distribution to the general public.

¹ It has been suggested that should this not be feasible, the benchmark should be at least three U.N. languages

² See Footnote 1

Accountability³

1. The structure, objectives, mandate and issues on which the organization has the power to make decisions are clearly defined and legally authorized by the stakeholders to which the organization is accountable.
2. The structure, functioning and decision-making powers of the organization are subject to regular review.
3. Important decisions and documents are subject to an open and sufficiently long period of online public comment before final adoption.
4. All comments received during public consultation periods are published online.
5. Stakeholders who cannot attend meetings in person have reasonable opportunities for remote participation.
6. The organization has an ombudsman, appeals committee or other means for stakeholders to appeal against unfair decisions or 'mission creep' by the governing bodies.

Democracy⁴

1. All stakeholders (governments, private sector and civil society) have a clearly identified and generally agreed role.
2. There is no special control link between the organization and a specific stakeholder that could affect its independence.
3. All stakeholders can influence the outcome of the policy-making through a clear and well-defined decision-making process.
4. The representatives of each stakeholder group are freely chosen by the group itself.
5. Any accreditation rules for a stakeholder group are not discriminatory.
6. Inside each stakeholder group, all members are equal.
7. Inside each stakeholder group, decision-making procedures ensure that members that cannot afford to physically attend meetings can equally influence the decisions of the group.
8. Inside each stakeholder group, discussion, decision-making and voting procedures ensure the privacy and freedom of each participant to express a position without being subject to undue pressures by dominant stakeholders.
9. Rules of order for discussions (both online and offline) ensure that no stakeholder can capture or disrupt talks, prevent other stakeholders from talking or stop the reaching of consensus among participants.
10. The representatives of each stakeholder group must have established, proactive procedures to inform and consult regularly their constituencies before taking positions.
11. In the existing intergovernmental governance frameworks, governmental delegations should actively inform and include (or at least consult with) representatives of the other stakeholders before taking positions.
12. Legal, technological, and other relevant expertise must be included within the decision-making process, and must be made public.
13. Members of governing bodies have limited and clearly defined terms, and are selected through rules clearly defined and agreed by the members of the organization, ensuring equal opportunities for participation by developed and developing countries while also ensuring diversity of geography, language and culture, age, professional background, etc.
14. Adequate instruments and facilitations are provided to reach, educate and ensure the participation of disadvantaged stakeholders (developing countries, civil society).

³ Although accountability is not a WSIS criterion, many WGIG members considered that a definition of accountability will assist further discussion of these issues. In any case, these elements would also fit under either one of the transparency or democracy criteria.

⁴ It has been suggested that while items 4,6,7,8 and 10 are important, they don't belong in this list because they involve democracy within the stakeholder groups and are not under the control of the organization itself.

15. The most relevant meetings take place in the same specific place to ensure and facilitate the participation of all stakeholders, mainly from developing countries.⁵

⁵ It has been suggested that this element should be excluded from these guidelines. There are strong arguments to be made for meetings to remain in one place, or to move around the world, or for some mixture of these.