



**COUNCIL OF EUROPE  
UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE  
ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS**

**CONSULTATION ON A DRAFT CODE OF GOOD PRACTICE ON INFORMATION,  
PARTICIPATION AND TRANSPARENCY IN INTERNET GOVERNANCE**

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**BACKGROUND**

The Council of Europe, UNECE and APC have been reviewing the arrangements for information and participation in entities concerned with Internet governance since the Rio de Janeiro meeting of the Internet Governance Forum in 2007. The work resulting from this study has included an initial discussion paper, presented at an open workshop during the Hyderabad IGF in November 2008, and a second paper which mapped experience with information and participation in major Internet governance entities, which was discussed at an open meeting during the May 2009 IGF consultation in Geneva. Wide-ranging discussions have also been held with prominent participants in different entities concerned with Internet governance.

The aim of the CoE/UNECE/APC project is to consider whether there is scope for developing a code of good practice on information, participation and transparency in Internet governance. Such a code, if developed, could include principles and practical guidelines. It could build on existing Internet governance experience and the principles concerning Internet governance which were adopted at the World Summit on the Information Society,<sup>1</sup> and could reflect and respond to growing interaction between the Internet and other spheres of public policy. In considering such a code of practice, the project sponsors have also reviewed practice in other public policy spheres, notably the UNECE Aarhus Convention which has introduced an inclusive approach to information, participation and transparency in environmental decision-making within the UNECE region.

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<sup>1</sup> The "WSIS principles" are summarised as follows in para. 29 of the *Tunis Agenda for the Information Society*: "The international management of the Internet should be multilateral, transparent and democratic, with the full involvement of governments, the private sector, civil society and international organizations. It should ensure an equitable distribution of resources, facilitate access for all and ensure a stable and secure functioning of the Internet, taking into account multilingualism."

The organisations involved in this project hope that a code of good practice on information, participation and transparency in Internet governance can secure agreement and adoption within the Internet community, and thereby

- a) provide stakeholders who have an interest in Internet governance with guidelines they can use in their efforts to improve information, participation and transparency; and
- b) maintain and enhance inclusive engagement with Internet governance as the Internet becomes increasingly important in society and increasingly interconnected with other public policy spheres.

This document includes a first draft text for such a code. The draft text which follows has emerged from the project's research into existing Internet governance practice and from public and private discussions with a variety of actors and stakeholders, concerning what such a code of practice might contain. It is put forward for consultation within the Internet community in the run-up to the Sharm el-Sheikh meeting of the IGF which is to be held in November 2009, where it will be discussed at a workshop that is scheduled on the IGF programme. The views of Internet governance actors, from all stakeholder groups, will help to inform further debate on the draft code and ways in which it might be used.

### **Why a code of good practice?**

The Internet is increasingly important in most aspects of all societies. By its nature, it is in constant change and development. Issues concerned with Internet governance have become increasingly significant in public discourse about the Internet as it has become more important in society and as the range and number of stakeholders concerned with the Internet has grown.

Internet governance was defined by the World Summit on the Information Society 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.' These norms, rules and processes address a variety of challenges including technical standards, coordination, administration and interactions between the Internet, other communications media and areas of public policy.

Different Internet governance entities have established diverse governance arrangements which have served them well as the Internet has evolved. These arrangements are generally more transparent and inclusive than their counterparts in other public policy spheres.

Most entities concerned with Internet governance share a commitment to transparency and information sharing, to multistakeholder participation, and to open discussion and decision-making. The draft code of good practice in this document presents a framework which those concerned with Internet governance can use to enhance and maintain this commitment as the Internet continues to evolve.

It is hoped that those concerned with Internet governance will use this code of practice in three ways:

- a) to review their experience, current arrangements and practices, from first principles, to ensure that they continue to meet their commitment to transparency, information and participation;

- b) to consider and compare their experience, arrangements and practices with those in other Internet governance entities, to see if there are ways of working in other entities that they might usefully import into their own arrangements; and
- c) to provide a framework through which entities concerned with Internet governance can develop their arrangements and practice as the Internet continues to grow in terms of technology, applications and user communities.

In addition, as the Internet becomes increasingly important in society, economy and culture, it intersects more and more with other spheres of public policy, which are the responsibility of governance entities that have developed and adopted different – often less inclusive - arrangements and practices for transparency, information and participation. It is hoped that this code of practice will help entities concerned with Internet governance to negotiate appropriate information and participation arrangements in these increasingly complex and important areas of intersection with other public governance entities.

### **The present consultation**

A draft code of good practice along the lines described above is set out in the following pages. Comments on this draft code are invited from all within the Internet community and beyond who have an interest in public policy inclusiveness and engagement.

In addition to comments on the text itself, the project sponsors would welcome views from within and beyond the Internet community on the wider implications of a code of practice of this kind. In particular, they would welcome comments in three broad areas.

1. the operationalisation of the draft code of practice, including ways in which its implementation and impact might be monitored and evaluated over time;
2. the applicability of the draft code of practice at national as well as international levels of Internet governance; and
3. the implications of wider challenges facing Internet governance as a result of continued growth in the Internet's technology, applications and user communities, and its increasing impact on wider public policy.

# DRAFT CODE OF GOOD PRACTICE ON INFORMATION, PARTICIPATION AND TRANSPARENCY IN INTERNET GOVERNANCE

## Introduction

The Internet is increasingly important in all aspects of human society. It is continually developing - in technology, in access and participation, and in its impact on many different spheres of life. The development and governance of the Internet have been largely built upon principles of transparency and information sharing, multistakeholder participation and open discussion and decision-making. These principles have contributed greatly to the Internet's dynamism and inclusiveness.

This code of good practice builds upon the experience of the many entities concerned with Internet governance to reinforce transparency, information and participation, and to establish a framework which can help them to maintain and develop transparency and inclusiveness as the Internet continues to grow in range and diversity, and to extend its influence and impact.

In this code of practice, the term "Internet governance" is understood to mean '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,' as it was defined in the Tunis Agenda on the Information Society, agreed at the World Summit on the Information Society in 2005.

In this code of practice, the term "decision-making" is understood to mean the entirety of the processes involved in deliberating and determining policies, standards, coordination and administration concerning the Internet and its interactions with other public policy spheres, from agenda-setting to implementation, including the development, discussion and endorsement of principles, norms, rules, decision-making procedures and programmes that shape the evolution and use of the Internet.

## Principles of Internet governance

Entities concerned with Internet governance share a commitment to transparency and information sharing, multistakeholder participation and open discussion and decision-making. This commitment is spelt out in the "WSIS principles", included in the Tunis Agenda outcome document of the World Summit on the Information Society, which declare that "The international management of the Internet should be multilateral, transparent and democratic, with the full involvement of governments, the private sector, civil society and international organizations. It should ensure an equitable distribution of resources, facilitate access for all and ensure a stable and secure functioning of the Internet, taking into account multilingualism."

1. The development of the Internet has balanced the involvement and requirements of different stakeholder groups - notably governments, business, civil society and the Internet professional community. Multistakeholder participation has become and needs to remain a generally accepted norm for Internet governance.

2. The development of the Internet is highly important to all societies. It is therefore important that stakeholders from all societies, with their different social, economic and cultural experiences, are involved in its development.
3. The development of the Internet requires the engagement of all types of internet participants, including both Internet professionals and end-users, and needs to reflect the values, concerns and needs of these diverse groups. As well as Internet professionals and users, it needs also to engage and reflect the values, concerns and needs of those who do not directly use the Internet (but are affected by it) and of future users.
4. The development of the Internet requires issues to be debated, policies developed and decisions implemented at a variety of levels, from global to local. The quality of decision-making depends on the engagement of diverse stakeholders at all these levels.
5. The increasing importance of the Internet means that it interacts with many other areas of governance. It is important both for the Internet and for society as a whole that those who are primarily concerned with policy areas other than the Internet - such as social and economic development, the environment and human rights - can contribute to policy development and decision making across traditional policy boundaries, and that robust technical and inclusive institutional interfaces are developed to enable these interactions.
6. Well-informed individuals and organisations provide the basis for an open and inclusive global Internet. Access to information and opportunities to participate in decisions concerning the Internet and its relationship with other aspects of society are essential if these principles of engagement are to be achieved.

### **Guidelines concerning information**

In this code of practice, the term “information” is understood to mean both:

- a. background information which enables decision-making processes and materials to be interpreted by participants and potential participants in decision-making, by other stakeholders and by the wider public; and
- b. materials (agendas, background documentation, information about decision-making processes, minutes, resolutions etc.) which form part of a decision-making process.

1. Internet policy, standards development, coordination and administration, and the internal governance and decision-making processes of entities concerned with Internet governance, should be - and be seen to be - open, transparent and inclusive.
2. All information which is concerned with Internet governance and decision-making, or which concerns the work of Internet governance entities, should be publicly available and readily accessible online and, where required for transparency

and inclusiveness, offline. Exceptions should be subject to open discussion and public explanation.

3. Entities concerned with Internet governance should actively facilitate access to information and foster knowledge within the Internet and wider communities about the issues with which they are concerned, the decisions which are being made, and the processes through which decisions will be reached.
4. To facilitate inclusiveness and engagement, Internet governance entities should produce and disseminate information materials which summarise their work in general, specific decision-making issues and processes, and the processes through which decisions will be made.
5. The information resources produced by Internet governance entities should include materials which are written so as to be readily understood by those who do not have specialist knowledge or expertise. These should seek to enable understanding and informed choice by users.
6. Internet governance entities should strive to make information available in diverse languages, formats and standards in order to facilitate inclusiveness of all potential user communities.
7. Internet governance entities should provide accessible points of contact, including offline points of contact, for accessing further information about their work, about specific decision-making issues and processes, and about the processes through which decisions are reached.
8. Internet governance entities should seek to extend these information principles and practices into areas of dialogue and joint working with other governance bodies, including those whose concerns lie primarily outside the Internet.

### **Guidelines concerning participation**

<p>In this code of practice, the term “participation” is understood to mean the opportunity which is made available for those who wish to do so to contribute to a decision-making process which (they believe) affects them (or in which they believe they should be heard), and to the mechanisms which enable them to make a contribution.</p>
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1. Internet governance entities and processes should enable and encourage all those who wish to participate in decisions concerning Internet governance to contribute, with the expectation that their views will be considered.
2. Any individual or organisation should be able to initiate ideas for policy, standards development, coordination or administration of the Internet, and for the governance of Internet governance entities, and should be able to take part in discussions concerning Internet policy, standards development, coordination and administration.

3. Opportunities to participate in the work of entities concerned with Internet governance should be widely publicised, with the aim of ensuring that all those who wish to participate are made aware of them.
4. Internet governance entities should actively foster participation in their work by all those who are or may be affected, or consider themselves affected, by the decisions that they make, including individuals and organisations, from all stakeholder communities and world regions.
5. Internet governance entities should strive to include within their deliberations those who are currently under-represented, including non-users, and recognise the needs of future users of the Internet.
6. To facilitate inclusiveness and engagement, Internet governance entities should produce and disseminate clear information about modes of participation in their policy, standards, coordination and administration processes, and should offer welcoming induction activities for new participants in both physical and online meetings.
7. Internet governance entities should strive to make participation in decision-making independent of physical location, ability to travel to physical meetings and financial resources. This should include offline and other mechanisms that meet the needs of particular communities, as well as remote online participation.
8. Internet governance entities should seek to extend these principles into areas of dialogue and joint policy-making with other governance bodies, including those whose concerns lie primarily outside the Internet.

### **Monitoring and review**

Entities concerned with Internet governance should regularly review their information, participation and governance arrangements, in the light of this code of practice, with the aim of using the outcomes of such reviews to improve inclusiveness, the quality, transparency and timeliness of decision-making, and the cohesiveness of Internet development. This should include the opportunity for participation by all stakeholders, and may include opportunities for peer review and other shared assessment methods. Internet governance entities should make public the outcomes of such reviews.