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CONSTITUTIVE CHARTER

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UNITED NATIONS MULTI-STAKEHOLDER PARTNERSHIPS AGENCY - UNMSP -

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Partnerships for a New World

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Preamble :

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As an outcome of the **World Summit on the Information Society (WSIS)**, it is established the **United Nations Multi-Stakeholder Partnerships Agency (UNMSP)** as a specialized agency within the terms of Article 57 of the Charter of the United Nations. to empower all stakeholders to become partners in order to build together a new world that shall be open, inclusive and equitable.

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In recognition of the fact that worldwide Multi-Stakeholder Partnerships cannot exist and operate efficiently without a suitable legal framework, a legal structure shall be provided that permits the creation of Multi-

Stakeholder Partnerships with international recognition, approval and support.

5 Considering that the WSIS Action Plan is constituting one of the major challenges at the dawn of the XXIth century, and therefore no pathway to implement its recommendations can be left unexplored or underutilized.

10 Considering that creation of multi-stakeholder partnerships is recommended in many occasions in the Action plan of the WSIS, for example ;*"All stakeholders have an important role to play in the Information Society, especially through partnerships"* and in the Action Lines : *Each country is encouraged to establish at least one functioning Public/Private Partnership (PPP) or MultiSector Partnership (MSP), by 2005 as a showcase for future action."* and in the conclusion ; *"Follow-up and implementation of the Geneva Plan of Action at national, regional and international levels, including the United Nations system, as part of an integrated and coordinated approach, calling upon the participation of all relevant stakeholders. This should take place, inter alia, through partnerships among stakeholders."*

20 Considering that the search for mechanisms allowing the creation of multi-stakeholder partnerships is also recommended in the Action Lines of the Action Plan of the WSIS : *"Identify mechanisms, at the national, regional and international levels, for the initiation and promotion of partnerships among stakeholders of the Information Society"*

30 Considering that multi-stakeholder partnerships may provide a framework for existing entities or new entities in the context of the governance of many domains of the Information Society.

35 Considering that multi-stakeholder partnerships may provide a framework for existing entities or new entities that are gathering local authorities that are eager to contribute to the implementation of the WSIS action plan.

35 Considering that multi-stakeholder partnerships may provide a framework for constructive, efficient, inclusive and transparent contributions from the Private Sector and the Civil Society.

Considering that multi-stakeholder partnerships may provide a framework

for existing entities or new entities that could contribute to implement much needed new financial mechanisms.

5 Considering therefore that it is urgent that such mechanisms at international level be identified, discussed in an inclusive manner between all stakeholders, and finally be adopted by the WSIS, as a logical outcome.

10 Considering, in general, that mechanisms allowing for the creation of multi-stakeholder partnerships, are also of interest to all the current and future actions of the United Nations, its agencies and other entities.

15 Considering that such mechanisms must allow permanent, structured and constructive dialogs between all potential partners within the framework of assemblies, fora or conferences.

20 Considering that such permanent assemblies, fora or conferences are better convened within a dedicated, specific, and efficient international organization that could interact inclusively with all the components of the United Nation system, as well as all other potential stakeholders.

25 Considering that new information and communication technologies offer affordable and inclusive tools, which in an essential way, allow to establish multi-stakeholders dialogs, virtual fora and conferences on a planetary scale.

30 Considering the strong wish of United Nations Secretary General towards a Reform of the United Nation System, and considering that new information and communication technologies allow to establish a leaner, more flexible, and less costly delocalized agency structure, when this is conceived at the onset and embodied in its constitutive charter.

35 Considering that the structure of a new United Nation agency, the first to be created in the XXIth century, in the new era of the Information Society, should be innovative in many ways, not only concerning technological means but also in fostering inclusive dialogs, and in conceiving an efficient legal framework for partnerships.

40 Accordingly, our respective Governments, members of the United Nations, through their representatives assembled during the preparatory process of the World Summit of the Information Society have agreed to the present Charter and do hereby establish the United Nation Agency to be known as the

United Nations Multi-Stakeholder Partnerships Agency (UNMSP) with the motto :"**Partnerships for a New World**".

PURPOSES and PRINCIPLES

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Article 1. The purposes of the United Nations Multi-Stakeholder Partnerships Agency are :

1. To provide a legal framework to the effect of creating Multi-Stakeholder Partnerships that are endorsed by the United Nations and recognized by its members (UNMSP-endorsed MSPs).
2. To provide a convening framework allowing constructive and structured dialogs between all stakeholders in order to foster the creation of said endorsed partnerships.
3. To help the United Nations, all its agencies and other UN entities, in implementing their recommendations by creating,coordinating and inciting actions to stimulate the formation of specific multi-stakeholders partnerships.

ORGANS

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Article 2: Are established as principal organs of the agency : a General Assembly of the States, an Intergovernmental Organizations Forum, a Multi-Stakeholder Partnerships Forum gathering UNMSP-endorsed MSPs, a set of family-based Conferences to gather all stakeholders, a set of theme-based Conferences to gather all stakeholders according to topics, a Secretariat headed by a Secretary-General assisted by Special Secretaries, an High Level Advisory Council, A Commission is established for each endorsed multi-stakeholder partnership. Subsidiary organs that would reveal to be required for performing its missions may be created in accordance with the present charter.

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Article 3: The seat of the Organization is located in (*various possibilities currently under consideration, in alphabetical order : Bamako (Mali) , Geneva (Switzerland), Paris (France), Tunis (Tunisia)).*

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Article 4: During the first five years of the Agency, the official languages of the Organization are as follows: Arabic, Chinese, English, French, Russian, Spanish. After that period, every effort shall be made to add progressively more official languages. In the event of an interpretation

conflict of the text of this Charter in various languages, the Secretary-General decides which interpretation is to be retained. The working languages of the Agency are determined by the Secretary-General on a case by case basis, depending on the topics and the availability of translators.

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GENERAL ASSEMBLY

Article 5: The General Assembly may discuss all questions or matters referring to the capacities, functions and performance of any organ of the Agency.

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Article 6: The General Assembly may initiate studies and make recommendations in order to develop Multi-Stakeholders Partnerships in all fields, and to encourage the progressive development of an inclusive corpus of international law in this field, without distinction of race, sex, language or religion, and while protecting humans rights, fundamental freedoms, cultural and linguistic diversity.

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Article 7: The General Assembly examines and approves the budget of the Organization. In its examination, the General Assembly shall check that was implemented, according to freely inter-operable formats, norms, standards, innovating new information technologies, even of those that are in a experimental phase, in the operation of the Organization and UNMSP-endorsed Multi-Stakeholder Partnerships. In particular awareness shall be raised among all concerned stakeholders of all the possibilities that are offered by Free Software, Open Source software and low-cost proprietary software.

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Article 8: The General Assembly shall check that the use of new information technologies has allowed and shall allow to avoid the creation of units and administrative positions whose functions are obsolete and has made it possible to maintain structural costs at a reasonable level taking into account the innovating and freely inter-operable techniques that have been used.

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Article 9: The expenses of the Organization is supported partly by the mandatory contributions from the States, partly by the voluntary or mandatory contributions of the IGO Forum, partly by the voluntary or mandatory contributions of some Family-based Conferences, and partly by the mandatory contributions from each multi-stakeholder partnerships sponsored by the Organization. The amounts of those contributions and their apportions are

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determined by the General Assembly.

5 Article 10: With the agreement of the Secretary-general, one contributor can propose to fulfill completely or partially its contribution by offering a logistic and financial support for the organization of an Assembly, a Forum or a Conference. The evaluation of the logistic contribution shall not be done only according to strict accounting criteria but also taking also into account effective services. This evaluation shall be made public. If this proposal comes after the budget approval by the General Assembly, and cannot wait, 10 by reasons of schedule, for yet another General Assembly, the Secretary-General may authorize the implementation of such a proposal whose financial evaluation still remains to be approved by the next General Assembly.

15 Article 11: Any stakeholder is encouraged to address suggestions to the Secretary-General concerning very innovating and freely inter-operable technologies when said stakeholder is ready to contribute to its implementation within the Organization.

20 Article 12: The Organization may receive gifts, donations and subsidies of governments, public or philanthropic institutions as well as from private individuals. All gifts, donations and subsidies cannot be linked to any obligation of result, and any obligation of means which would be attached there must be in agreement not only with the resolutions of the Assembly but 25 also with its recommendations.

Article 13: Resolutions of the General Assembly are decisions of the General Assembly which concern not exclusively: rules of procedure, the endorsement of a new multi-stakeholder partnership, charters and organizations of endorsed multi-stakeholders partnerships, admission of a 30 new member State which is not a UN member, suspension of the rights and privileges of a member, exclusion of a member, budgetary matters and any questions within the scope of the present Charter. Resolutions apply in an immediate and binding way to all multi-stakeholders partnerships that have 35 been endorsed by the Organization.

Articles 14: Recommendations of the General Assembly are non-binding declarations or advices which are addressed to all current or potential partners of multi-stakeholders partnerships.

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Article 15: Vote of the General Assembly:

1. Each State, member of the Assembly shall have one vote.

2. Resolutions of the Assembly shall be taken by a two thirds majority of the members present and voting.

5 3. The decisions on other questions, including the determination of new categories of issues to be decided by a two thirds majority, shall be made by a majority of the members present and voting.

4. Recommendations shall be taken by a majority of the members present and voting.

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Article 16: A State member of the Organization which is in arrears in the payment of its financial contributions to the Organization shall have to participate to the work of the Organization if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a member to participate if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

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Article 17: An intergovernmental organization, an endorsed multi-stakeholder partnership, a conference bound to a mandatory contribution, which is in arrears in the payment of its contribution to the expenditure of the Organization shall have no longer be able to participate to the activities of the organization if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding year. The General Assembly may, nevertheless, permit such an entity to participate if it is satisfied that the failure to pay is due to conditions beyond the control of the entity.

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Article 18: The General Assembly elects a Chairman for each session.

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Article 19: Is admitted automatically on simple request as member of the General Assembly, a Member of the United Nations. A State which did not make a request for admittance, may attend the General Assembly as an observer.

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Article 20: Are admitted automatically, on simple request, as associate members in the General Assembly, having the right to propose resolutions and recommendations, to declare support or to declare an unfavorable mention without value as votes: intergovernmental organizations represented

at the UN, including the UN itself, the Presidents of the various Conferences of the Civil Society and the Private Sector, and the Commissioners of the UNMSP-endorsed multi-stakeholders partnerships.

5 Article 21: Are admitted as observers, after accreditation, having the right to assist to General Assemblies and to submit proposals of recommendations and resolutions, the members of the various Conferences of the Civil Society and Private Sector. Observers are not authorized to present proposals of which they are not directly the authors, in this case, recommendations must
10 then be obligatorily presented either by the president of a Conference, or by a State who wants to ensure its transmission, without automatically assuming its responsibility and giving its support.

15 Article 22. To the attention of the Civil Society and Private Sector, it is established, a Drafting Help Desk concerning resolution and recommendation proposals.

20 Article 23: Members of the Drafting Help Desk are designated by the Secretary-general, on proposition of the Secretary for Legal Affairs. The Drafting Help Desk receives its instructions from the Secretary for Legal Affairs, after approval by the Secretary-general.

25 Article 24: A draft Resolution and recommendation worked out in the name of a Conference or a Forum is presented by the president of the concerned Conference or Forum.

30 Article 25: In order to preserve the diversity of speakers, draft Resolutions and recommendations proposed by an accredited entity, must be presented directly by their authors. If this proposal benefits from the support of a Conference or a Forum, this support shall be mentioned.

35 Article 26. Any draft recommendation or resolution coming from a Conference must be presented to Drafting Help Desk which may suggest style and formal amendments, so that the text of the proposal is in conformity with the customs and habits of international courtesy. If the text of the proposal does not appear in conformity with these customs and habits, the Drafting Help Desk must fill an unfavorable report. The refusal must be explained and must include a text rewritten by the Help Desk which could
40 have been accepted.

Article 27. Any draft recommendation or resolution coming from a Forum may be presented to the Drafting Help Desk for consultative advice.

Article 28. The Drafting Help Desk must alert the session Chairman, if the proposals by their obviously excessive numbers, could retard the good course of the session. In this case, the Chairman may ask the General Assembly to be authorized to present only a part of the recommendations and resolution proposals. Proposals presented in the name of a Conference have first priority and then come proposals approved by a Conference.

Article 29. The Drafting Help Desk must alert the Secretary for Legal Affairs if an accredited entity of the Civil Society or the Private Sector, repeatedly, does not manage to write proposals in conformity with the customs and habits of international courtesy, or is guilty of obstructing actions. The Secretary for Legal Affairs, after approval by the Secretary-general may withdraw to this entity, the right to submit proposal either temporarily or permanently.

Article 30: Resolutions and recommendations proposals which have not received an unfavorable report may be presented to the General Assembly.

Article 31: Resolutions and recommendations proposals presented in the name of a Conference and which received an unfavorable report, are submitted to the Special secretary relevant to this Conference. If, after negotiation and modification, the Special secretary delivers a justified favorable opinion, the proposal may be presented to the Chairman, whom may accept the proposal presentation. The Chairman must justify his/her refusal. This procedure must remain exceptional.

Article 32rA: Resolutions and recommendations proposals which received an unfavorable report, but which obt

Secretaries and the Chairman, the Secretary-general may decide that this procedure may be implemented only for a limited number of requests per session.

5 Article 34: As proposed by the Secretary-general, and according to a resolution of the General Assembly, it shall be proceeded to the election of an Executive Bureau. The Swiss Confederation, Mali and Tunisia are *ex officio* members of the Executive Bureau.

10 Article 35: The Executive Bureau of the General Assembly shall take care of determining the dates and places of ordinary and extraordinary Assemblies, of proposing internal rules of procedures and of deciding on any question of protocol.

15 Article 36: The Executive Bureau of the Assembly shall be chaired by the Secretary-General. The Special secretaries shall attend Executive Bureau meetings as observers. On invitation by the Secretary-General, representatives of other Intergovernmental Organizations may attend Bureau meetings as observers.

20 Article 37. The Executive Bureau shall be take its decisions by a two thirds majority of the members present and voting.

25 Article 38. The Executive Bureau shall meet in Geneva or Tunis in offices kindly provided by the governments of the Swiss Confederation or Tunisia. On decision of the secretary-general, meetings of the Executive Bureau could be held taking advantage of meetings of the United Nations system, and in particular meetings of the World Summit on the Information Society.

30 Article 39. During the process of the World Summit on the Information Society, members of the WSIS Executive Bureau shall also be members of the UNMSP Executive Bureau.

35 Article 40 The General Assembly shall hold a regular annual session and, when circumstances require extraordinary sessions. They are convened by the Secretary-General.

40 Article 41. Upon decision of the Executive Bureau, ordinary or extraordinary general assemblies shall be able to be held each year, jointly with Fora and Conferences of the Civil Society and the Private Sector, either in Geneva, or

in Tunis, in facilities kindly provided by the governments of the Swiss Confederation or Tunisia, or in other locations taking advantages of meetings or facilities of the United Nations system, and in particular meetings of the World Summit on the Information Society. If a General Assembly is organized partially or entirely with the help of information and communication technologies, servers and network access shall be considered as part of the facilities that are provided.

Article 42. The General Assembly shall establish its own internal rules of procedures, starting from the UN rules of procedures, for all questions not mentioned in the present charter.

FORUMS of INTERGOUVERNEMENTAL ORGANIZATIONS and of ENDORSED PARTNERSHIPS

Article 43: It is established a Forum for each of the following families :

- (1) Intergouvernemental Organizations
- (2) Multi-Stakeholders Partnerships that have been endorsed by the Organization

Article 44: It is established the position of president for each Forum whose task is to coordinate the Forum et to represent this Forum within the Agency.

Article 45: Under the guidance of the Secretary-General, each Forum shall propose a set of internal rules of procedure to be approved by a resolution of the General Assembly.

Article 46: Each Forum elects a president and possibly an executive bureau according to those internal rules of procedure.

Article 47: Each Forum shall give to the Organization a financial contribution whose amount shall allow to pay for the salaries and expenses of its president and assisting personnel, if they are not volunteer.

Article 48: Each Forum may approve, by consensus or according to its internal rules of procedures a recommendation or resolution proposal written by one of its member to the intent of the General Assembly.

Article 49: Each Forum may write, in the name of the Forum, a

recommendation or resolution proposal that is presented to the General Assembly by the President of the Forum.

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CONFERENCES of the CIVIL SOCIETY and the PRIVATE SECTOR

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Article 50: It is established a conference for each of the following families :

- (1) Regions, Provinces & non sovereign states
- (2) Larges Cities
- (3) Small & Medium-sized Cities
- (4) Rural Districts
- (5) Private sector & Business associations
- (6) Associations of Members of Parliaments & National Assemblies
- (7) Trade Unions
- (8) People-oriented Organizations
- (9) Religious and Philosophical Organizations
- (10) Theme-centered Organizations
- (11) Foundations et Philanthropic Organizations
- (12) Academia, Research Institutes, Universities & Schools
- (13) Media

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The first five above-mentioned conferences (1),(2),(3),(4),(5) are bound to pay a mandatory contribution. On proposal of the Secretary-general, creation, suppression or regrouping of the above categories, as well as the mandatory or voluntary mode of their contributions must be approved by a resolution of the General Assembly.

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Article 51: It is established a Conference for each of the following themes :

- 1 Linguistic and Cultural diversity
- 2 e-Administration
- 3 e-Education & Distance Learning
- 4 Scientific Information
- 5 Environment and ICT
- 6 Health and ICT
- 7 Patents & Copyright and Trademarks

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- 8 Disabled persons & ICT
- 9 Privacy and Security
- 10 Human Rights & ICT
- 11 Electronic Commerce
- 5 12 Sustainable Development
- 13 E-employment
- 14 E-agriculture

10 Article 52: None of the Thematic Conferences is liable to a mandatory contribution.

15 Article 53: The Secretary-General determines, according to their respective field of expertise, the conferences that each Special secretary should take care specifically.

Article 54: It is established, for each Conference, the position of president whose task is to coordinate the Conference activities and to represent the Conference within the Organization.

20 Article 55: Under the guidance of the secretary-general, each Conference may propose a set of internal rules of procedure to be approved by a resolution of the General Assembly.

25 Article 56: Each Conference elects a president and possibly an executive bureau according to those internal rules.

30 Article 57: In the case a Conference has not determined a set of internal rules that has been approved by the General Assembly, the Special Secretary in care of a Conference shall appoint directly a President of this Conference, or shall designate the members of an Executive Bureau, comprising at most eleven persons, that elect a President among the members of the Conference.

35 Article 58: Each Conference shall give to the Organization a financial contribution whose amount shall allow to pay for the mission expenses of its president and assisting personnel, as well as salaries if they are not volunteer. The contribution of each Conference shall be borne by its members as apportioned by the internal rules of procedures. However, because of severe financial difficulties, upon recommendation of its Special Secretary, the Secretary-General may decide that a Conference President or the member of
40 an Executive Bureau of a Conference that is unable to contribute may

become an international agent of the Organization paid completely or partially with the general budget of the Organization.

5 Article 59: The Secretary-General, upon proposal of one the Special Secretary may create any new Family-based or Thematic Conference that fits with social or technological evolution. Deletion and regrouping of Thematic Conferences may be decided by the Secretary-General with the agreement of all Special Secretaries. Deletion and regrouping of Family-based
10 all Special Secretaries and shall be approved by a resolution of the General Assembly.

15 Article 60: A Special Secretary may bring directly before the General Assembly a resolution proposal concerning the creation, regrouping or deletion of a Conference.

20 Article 61: In order to maintain a most flexible evolution capability, in addition to the Conferences above-mentioned, a Special Secretary may create within a Conference, some related sub-conferences, delete them or regroup them. These Sub-Conferences have only an advisory capacity with respect to the Conference from which they originate.

25 Article 62: Each Conference may approve, by consensus or according to its internal rules of procedures, a recommendation or resolution proposal written by one of its members, to the intent of the General Assembly.

30 Article 63: Each Conference may write, in the name of the Conference, a recommendation or resolution proposal that is presented to the General Assembly by the President of this Conference.

35 Article 64: Any Conference or sub-conference that wish to organize a conference or a gathering where participants are physically present, must send a proposal to the Special Secretary for Events, at last three months in advance, The conference shall find its own financial resources to organize such gatherings, while benefiting from the general in-kind assistance and infrastructure of the organization. However, upon recommendation of its Special Secretary, the Secretary-General may decide to give a special financial assistance to a specific gathering.

40 Article 65: Any entity of the Civil Society or the Private Sector that wishes

to become member of a Conference must make an accreditation request to the Special Secretary in charge of relations with Civil Society or the Private Sector or Local Authorities.

5 Article 66: Are automatically accredited, upon simple request, any entity that is already accredited to the Economic and Social Council of the United Nations, any specialized agency of the United Nations as well as the World Summit on the Information Society.

10 Article 67: Any accredited entity shall make a request for admittance to the President of one of the Family-based Conference. If an accredited entity does not find any Conference that wish to accept this entity, the Special Secretary for relations with the Civil Society or the Private Sector shall include the said entity in the Family that fits best.

15 Article 68: Any accredited entity that wishes to transfer from one Family to another one is automatically authorized to do so, if the two Presidents of the related conferences agree. If only one of the President of the related conferences agree, the Special Secretary for relations with the Civil Society or the Private Sector shall decide include the said entity in the Family that fits best. If none of the Presidents of the related conferences agree, the transfer shall not be authorized.

20 Article 69: Any accredited entity may register in the Thematic Conferences of its choice

25 Article 70: After an uncivilized behavior, upon proposal of the President of a Conference, after agreements of the relevant Special Secretary, the Special Secretary for relations with the Civil Society or the Private Sector and the Secretary-General, an entity member of a Conference may have its accreditation temporarily suspended for the duration of a session.

30 Article 71: Accreditation criteria may be temporarily revised at any time, but never retroactively, by the Secretary-General upon request of either the Secretary for relations with the Civil Society or the Secretary for relations with the Private Sector. In order to become permanent, such revision of accreditation criteria shall be approved by a resolution of the next General Assembly.

35 Article 72: Any state or Intergouvernemental Organization is admitted as

observer to all Forums and Conferences.

Common Rules for the Assembly, Forums and Conferences

5 Article 73 : The internal rules of procedure of a Forum or a Conference may provide the possibility of proposing and approving binding resolutions or non-binding recommendations that apply to the members of a Forum or a Conference.

10 Article 74 A member, an associate member or an observer at the General Assembly, a Forum or a Conference is regarded as present whenever its delegation is physically present or that its delegation takes part interactively thanks to information and communication technologies. By decision of the Secretary-General Forums and Conferences may be organized entirely or
15 partially with the help of information and communication technologies provided and managed by the Organization. By decision of the Executive Bureau of the General Assembly, the General Assembly may be organized entirely or partially with the help of information and communication technologies. A General Assembly must be a synchronized meeting, of
20 limited duration. By decision of the Secretary-general, a Conference or a Forum may be a desynchronized and permanent meeting

Article 75: The delegation of each participant to the General Assembly, a Forum or a Conference may include at most five members

25 Article 76: In order to organize all of its meetings, the Organization is obliged to use information and communication technologies that are implemented with the help of servers using Free Software with Open Interoperable non-patented standards that can be freely and without fees, mirrored
30 in every country. Open Specifications must be made available in order to implement clients with either proprietary or free software which fits the needs and requirements of all users, in an inclusive way.

35 Article 77: The Organization shall be bound only to offer live human translation only during the General Assembly with the three official languages : English, French and Spanish, however the Organization shall make it best efforts to provide translations in many languages. The Organization may use certified United Nations translators provided for free by the United Nations or the host organizer, but the Organization may

manage its own team of translators chosen according to criteria set by the Secretary-General. In particular, using information and communication technologies, remotely-located paid or volunteer translators may offer live translations. The Organization may offer several translation channels concerning the same language so that each participant may choose the channel that best fits their expectations.

Article 78: In order to bridge the linguistic and digital divide, each member state is encouraged to implement one or several mirrors of the Assemblies, Forums, Conferences et Sub-Conferences on high bandwidth, easily accessible to all citizens, in particular at public access points. If a state implements mirror sites sites, this state is bound to translate those mirror sites in all its official languages and encouraged to do so in other regional languages. In this case, and only in this case, a state is allowed to edit and format those mirror sites in respect to cultural and religious traditions and to restrict its citizens to access only to those mirror sites in order to save international bandwidth, while said mirror sites shall be freely accessible to all its citizens at public access points. If no national mirror sites are implemented, each member state shall guarantee free and unedited access to all the sites managed by the Agency.

Article 79: Each participant to Assemblies, Forums or Conferences that are using Information and Communication Technologies shall take care of implementing his/her own client software and connection fees. The Organization shall not be held responsible for any problem resulting from the implementation of Information and Communication Technologies.

Article 80: The president of an Assembly, Forum or Conference may decide to collect, edit and publish the contributions of a meeting in a book of proceedings.

Multi-Stakeholder Partnerships

Article 81: A Multi-Stakeholder Partnership shall include at least two States members of the General Assembly and at least two members from Conferences and/or Forums. A Multi-Stakeholder Partnership shall be only composed with members and associate members of the General Assembly, and with duly-accredited entities.

Article 82: Any proposal for a Partnership must include a Charter that has previously been accepted and signed by those members of the Conferences and Forums that will form the partnership.

Article 83: One of the criteria that a Partnership must comply with, is that the Partnership Charter shall be coordinated by a Commission that is empowered with sufficient authority to effectively manage the Partnership. The commission members are agents of the Organization.

Article 84: According to circumstances, it is suggested that a Commission might be organized in one of the two following ways :

- (1) A single Commissioner, that shall not belong to the Agency Secretariat ;
- (2) Four Commissioners, amongst which one is Head Commissioner, having double voting power. In such a structure, votes are won through a simple majority. Only one member amongst these four Commissioners, excluding the Head Commissioner, may be a Member of the Secretariat.

Article 85: A Partnership Proposal must list the names of all the Members of its Commission.

Article 86: Every partnership Charter shall include an article that obliges the Partnership to pay a mandatory annual fee to the Organization, the amount of which must be sufficient to cover at least the salaries of the non-volunteer members of the Partnership Commission and Representation Bureaus, agents of the Organizations. The partnership shall directly cover the travel and local expenses of Commission members and Representation Bureaus. Possible assistants or other personnel of Partnership Commission and Representation Bureaus are not Agents of the Organization unless such empowerment is specified in the Partnership Charter.

Article 88: While being a member of a Partnership, Member States of the General Assembly may either play a fully active role or may give mere encouragements to the creation of the Partnership. Member States do not need to sign the Partnership proposal beforehand.

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Article 89: Within the confines of the Partnership Charter, Member States of the General Assembly may limit their liability only to actions under their immediate control. In the case of mere encouragements, they are alleviated from any liability or responsibility.

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Article 90: A Proposal for Partnership shall feature a complete description of the project, including the Partnership Charter. This material must be submitted by at least one of the partnering States to the Secretary General, all Special Secretaries, and all Conference Presidents who then may submit observations and comments within a maximum of three months upon receipt. Upon reviewing such comments and observations, the Secretary General may request, only if needed, that an Examination Committee shall further audit the project and may request a hearing of the members of the Partnership Commission before an Examination Committee. The members of the Examination Committee are chosen by the Secretary General amongst the Special Secretaries and the Presidents of relevant Conferences. The Examination Committee may conduct its inquiry as needed, may retain external experts and may proceed to further hearings, even on site. The Examination Committee shall subsequently present a report to the Secretary General, all Special Secretaries and Conference presidents within six months at most for further comments. All expenses and disbursements of the Examination Committee shall be paid by the parties soliciting the Partnership creation. The Examination process is open to all accredited entities.

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Article 91. Partners shall then submit their Partnership proposal to the General Assembly for approval by the way of a resolution through the intermediary of a least one of the partnering State. The proposal shall feature a detailed description of the proposal including the Partnership Charter and all observations, comments made by the Secretary General, the Special Secretaries, the Conference Presidents, as well as the report, if any, of the Examination Committee.

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Article 92: During the process of the partnership approval before the General Assembly, other States and Inter-Governmental Organizations may

become also part of the proposed Partnership by a simple statement before the Assembly. By voting in favor of the proposal, the States members of the proposed Partnership are formally and definitively committed to the project as soon as it is approved by the General Assembly.

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Article 93: A Partnership is immediately effective upon its approval by a resolution of the General Assembly.

10 Article 94: A Multi-Stakeholder Partnership is fully empowered to conclude any agreement and/or contract necessary to fulfill its mission, with Civil Society and Private Sector entities.

15 Article 95: After explicit approval by the Secretary-General, any Multi-Stakeholder Partnership may be entitled to establish, under the aegis of the Organization, autonomous and specific representation offices in locations where it is needed to facilitate the implementation of the Partnership's mission.

20 Article 96: Any Multi-Stakeholder Partnership is fully empowered to conclude any agreement necessary to fulfill its mission with States and Inter-Governmental Organizations that may either be associate Members or Observers in the General Assembly. In the event that such implementation may require establishing an agreement with other State or Inter-Governmental Organizations not complying with those criteria, special permission must be requested from the Secretary General prior to any agreement. The Secretary General may bring the matter before the General Assembly to be decided by a resolution of the General Assembly. In the absence of any reply within six months of submitting this request to the Secretary General, the request is deemed to be denied.

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Article 97. Any Multi-Stakeholder Partnership considering a possible agreement with a Government or a Local Authority must file beforehand one month in advance, the agreement proposal to the relevant Special Secretary and the Secretary General for information.

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Article 98. Any endorsed Multi-Stakeholder Partnership is held accountable for its activities before the General Assembly and must fill an accurate and faithful annual report of its activities to the relevant Special Secretary that shall communicate the report with comments and observations to the General Assembly.

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Article 99. Upon reviewing a Multi-Stakeholder Partnership report, any State representative, or Forum or Conference president may request from a Multi-Stakeholder Partnership any further information that should be made public.

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Article 100. Any Conference or Forum President, after formal approval by the related Conference or Forum, may submit to the session Chairman of the General Assembly a documented request for re-examination, of the endorsement of a Multi-Stakeholder Partnership endorsed previously, that might be possibly decided by a resolution of the General Assembly.

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Article 101. The States by a resolution of the General Assembly may decide to establish a re-examination Committee to proceed with any inquiry that is needed concerning a Multi-Stakeholder Partnership.

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Article 102. Unless directly designated in the re-examination resolution, the Secretary-General appoints the members of the re-examination Committee among State and other accredited entities representatives.

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Article 103. If an unethical or inequitable conduct is dully verified, if acts that are not authorized by the Partnership Charter are verified by the re-examination Committee, the States may decide, by a resolution of the General Assembly to terminate the Multi-Stakeholder Partnership.

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GENERAL SECRETARIAT

Article 104: The Secretary-General is the highest ranking personnel in the Organization and it presides over the Executive Bureau of the General Assembly. The Secretary General represents the Organization and signs all international agreements.

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Article 105: The Secretary-General is elected by the General Assembly.

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Article 106: A High Level Advisory Council (HLAC), composed with eminent persons, is established to provide strategic advice to the Secretary General.

Article 107: Members of the High Level Advisory Council are proposed by

the Secretary-General and are elected by the Executive Bureau of the General Assembly.

Article 108: The Secretariat also includes the following Special Secretaries:

- 5 1 - Legal Affairs
- 2 - Diplomatic Relations
- 3 - Relations with Local Authorities
- 4 - Relations with Civil Society other than Local Authorities
- 5 - Relations with the Private Sector
- 10 6 – Events
- 7 - Science and Academia
- 8 - Technology & Engineering (excluding ICTs)
- 9 - Information and Communication Technologies
- 10 - Education
- 15 11 - Language and Cultural Diversity
- 12 - Financial Mechanisms
- 13 – Governance of communication networks

20 Article 109: The Secretariat is legally based at the Organization Headquarters.

Article 110: The Legal Affairs Special Secretary shall write opinions regarding the interpretation of this present Charter or of any Partnership Charter at the request from the Secretary General, a Special Secretary, a Partnership Commissioner, a State representative, a Conference President or a Forum president. The Legal Affairs Special Secretary may also accept to write a legal opinion at the request of a duly accredited member of the Civil Society or Private Sector. Such Opinions are brought forth in the next General Assembly where they are approved, modified, or rejected by a resolution. If approved, such legal opinion is subsequently appended to the present Charter and possibly to the Charter of the concerned partnership.

35 Article 111. The Legal Affairs Secretary does not handle any national laws dispute with third-parties pertinent to the management of the Agency, and in particular to the organization and management of events that shall be dealt with by the legal counsel of the Special Secretary for Events.

40 Article 112: The Special Secretaries may interact directly among themselves, with States representatives, with Conferences or Forum Presidents, with accredited entities, with Commissioners for Multi-Stakeholder Partnership,

or in general with any party that is relevant to their missions.

Article 113: The Special Secretaries are appointed by the Secretary-General.

5 Article 114: The Secretary General may establish new Special Secretary positions in order to fulfill the needs of the Organization.

10 Article 115: In the event of a leave of absence or temporary incapacity of the Secretary General, the Legal Affairs Special Secretary takes on the functions of the Secretary General. In the event of a permanent vacancy, the Special Secretary for Legal Affairs must convene an extraordinary General Assembly without delay.

15 Article 116: The Secretary General is responsible for the administrative and financial management of the Organization. Notwithstanding specific definitions in this Charter, the Secretary General selects and appoints all personnel of the Organization.

20 Article 117: The Secretary General is invested with the authority to create any *ad-hoc* advisory body as suits the purpose of the Organization.

KNOWLEDGE-SHARING

25 Article 118: Any and all documents produced by the Organization, whether studies, reports or other, shall be made freely available on-line as Open Access documents. Nonetheless, the Organization reserves all exclusive rights to sell printed versions.

30 Article 119: Upon decision of the Secretary-General, the Organization may create or support the creation or maintenance of any Open Access journal, in particular if the publishers, editors and redactors-in-chief include the Secretary General, a Special Secretary, a Conference president, a Partnership Commissioner. The Organization further reserves all exclusive rights to sell
35 printed versions of any such publication.

Article 120: Is established an Open Access journal featuring Conference Proceedings and Accounts of General Assembly and Conference meetings, including scholarly papers of comments.

5 Article 121: Upon proposal of a Special Secretary and after approval by the
Secretary-General the Organization may lend its financial and in-kind
support to existing open-access journals, particularly in the domains of
6 science, technology, economics, law, and culture, with the agreement that the
Organization may host mirror sites for these journals and distribute digital
copies of said journals throughout the world as it sees fit. In the case that a
printed edition is already being sold by the Open Access publisher, whether
on paper or on another medium, the Organization may sell such issues on
10 behalf of the publisher at the public price. As long as the above-mentioned
publishers are not selling printed editions, the Organization retains all
exclusive rights to produce a printed edition and to sell it.

15 Article 122: The Organization maintains exclusive rights for the audio-visual
broadcasting of all its events, Broadcasting rights shall be granted for free by
the Secretary General to all non-commercial television channels and internet
sites upon recommendation by a Special Secretary or a Commissioner, if
these are deemed of cultural interest. (*text to be improved*)

20 **PERSONEL STATUS**

Article 123: The operational staff of the Organization is composed with
international Agents.

25 Article 124: Said Agents, whether appointed or elected to their positions, in
the performance of their duties shall not seek or receive instructions from
any government or from any other external authority. They shall refrain from
any action which might contradicts with their position as international agents
responsible only to the Organization. Each State member of the
30 Organization, as well as any accredited entity, undertakes to respect the
exclusively international character of the responsibilities of the Secretary-
General and the staff and not to seek to influence them in the discharge of
their responsibilities. All Agents shall act impartially, objectively, and with
the highest level of transparency and equity.

35 Article 125: Agents of the Organization may be volunteers, meaning that
they perform their duties for the Organization without any financial
compensations. Such positions may be of a fixed or indefinite duration, and
their engagements may be full-time or part-time. In the event of a specific

mission, the Organization shall cover all associated costs.

5 Article 126: An Agent may be employed by a private company, by a public institution, by a non-profit entity that offers such manpower to help the Organization. In this case, the employee/agent remains on his employer's payroll and this kind of position affected to the Organization is of a fixed duration, such task may be part-time or full-time.

10 Article 127: An Agent may be an employee dispatched to serve the Organization by his/her employer. In such a case, the agent is paid by the Organization, but his/her career profile, retirement pension rights, and all social benefits, including health insurance, remain covered by his/her employer. This kind of position dispatched to the Organization is of a fixed duration and it may be full-time or part-time.

15 Article 128: An Agent may be an employee who is fully detached to the Organization, such that the Organization pays the employee's salary directly but that the employee has reached an agreement with his/her former employer ensuring his/her reinstatement at his/her former position under specified conditions. Such a detachment may be of fixed or unlimited duration and it may be full-time or part-time.

20 Article 129: An Agent may be also a full and direct employee of the Organization. In such a case, the Organization pays the salary of the employee and administers all said employee's career, retirement plan as well as all other social benefits in agreement with the rules governing the status of United Nations system personnel. In case of conflict between those status rules with articles of this Charter, the Charter shall prevail. Such a position may be permanent or temporary and it may be on a full-time or part-time basis.

25 Article 130: An elected Organization Agent shall either serve as a volunteer or shall be on a detached or direct employee positions. In all cases, the duration of the position is that stipulated in the Agent's mandate. Said position may be full-time or part-time.

30 Article 131: Are considered as Agents of the Organization:
- The Secretary General, his/her clerk office assistants, including the accounting office.
40 - Members of the High Level Advisory Council;

- Special Secretaries and their clerk assistants, if any;
- The financial comptroller and his/her assistants;
- Partnership Commissioners and their assistants, if any;
- Members of Multi-Stakeholder Partnerships and any Heads of associated representation bureaus, whether autonomous or dependent from the Partnership;
- Personnel of the Drafting Help Desk at the General Assembly;
- Presidents of Forums and Conferences and any assistants;
- Members of the Executive Bureau of Forums and Conferences.

Article 132: Members of the High Level Advisory Council of the Organization are volunteer Agents.

Article 133: Notwithstanding the previous Article, the Secretary General determines, whether a position requires a full-time or only a part-time appointment, whether it should be filled by a volunteer or by an employee, and all the general conditions. Such determination is made on a case by case basis considering the qualifications of the candidate and their relevance in a global context, and not exclusively with consideration to rigid requirements related to the position itself.

Article 134: The Secretary General further establishes whether a position requires any assistants; such determination is based on the workload associated with the position and whether the Agent occupying said position is doing so on a full-time or a part-time basis. In this consideration however, the Secretary General shall not take into account whether the Agent occupying the position is a volunteer or whether said Agent is on the organization payroll. Therefore; a part-time volunteer Agent may be assisted by a full-time employee of the Organization.

Article 135: The Organization pledges to do everything in its power to implement the recommendations of the WSIS within its own operations, in promoting "teleworking to allow citizens, particularly in the developing countries, LDCs, and small economies, to live in their societies and work anywhere, and to increase employment opportunities for women, and for those with disabilities"

Article 136: The Organization's Agents, although not required to live in the same city as the Organization headquarters, must nonetheless have at their

disposal a permanent network connection within their office, with sufficient speed and bandwidth to ensure that they can perform their work in efficient and reliable conditions and that they can be promptly contacted. All employed Agents of the Organization shall take care of installing and maintaining their own network connection for which the Organization shall indemnify them with a fixed amount compensation. The Organization, however, shall cover directly the expenses of providing and maintaining full-time high-speed connections in their homes and in their offices for all its volunteers, at their request.

Article 137: Any Agent may be required by the Secretary-General to physically or remotely attend to General Assemblies, meetings of the Executive Bureau, all general or partial meeting decided by the Secretary General, and in general to any meeting required to fulfill his/her mission

Article 138: Maintaining communication trust and security in such a decentralized structure is so vital that all Agents and any other personnel working for the Organization must abide to the strictest communication protocols and rules established by the Organization, particularly concerning the software being used, under penalty of an immediate dismissal, temporary or permanent from the Agency.

Article 139: The Salaries of Agents of the Organization shall not be adjusted for the local cost of living since the Organization does not constrain them to reside in any specific country. This situation must distinguished from the status of local technical, clerical & janitorial personnel working at the Organization headquarters and Partnerships offices.

Article 140: Except for the material produced in the specific fulfillment of their mission (including texts, programs, and software), all other intellectual material produced by agents cannot be attributed to the Agency and remains the full property of its author.

Article 141: All Agents of the Organization must abide by the Rules of the Organization charter, furthermore, Commissioners must abide by the specific rules of their Partnership charters that take precedence. They shall not engage in any act that may conflict with their statute of Agent of the Organization, to the articles of the Charter, and possibly to their Partnership Charter.

Article 142: Every Member State of the Organization pledges to treat Agents and representatives of the Organization with the most favorable status, privileges, exemptions and immunities that they grant to Agents of the United Nations or any of its program or specialized agencies.

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Article 143: The paramount consideration in selecting volunteers and recruiting employees and in the determination of the conditions of service shall be to ensure that the Organization and its activities are supported by enthusiastic persons with a high capacity for work, knowledgeable about the latest ICTs and able to be kept updated on their own, fluent in at least two or three of the Organization's official languages, with a high level of expertise if possible, associated with concrete experience, the highest level of integrity, and a profound dedication to open-access to knowledge, to sustainable development and human solidarity.

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Article 144: No person may hold a plurality of Special Secretary positions. No person may hold both a Special Secretary and a Conference President position. No person may occupy more than three positions as members of various Partnership Commissions. Special and personal exemptions to the latter rule concerning Partnership Commission members may be granted within a resolution of the General Assembly.

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Article 145: The limitations of concerning the plurality of positions as stated in the above Article are suspended during the first two years of existence of the Organization, allowing some schedule flexibility for the selection of highly qualified personnel. Positions occupied on a temporary basis must include the specific mention "by temporary appointment."

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Article 146: The afore-mentioned Articles do not apply to low-level local positions that do require any mobility. In this regards, the Secretary-General and Partnerships Commissioners shall hire such a personnel, for the Secretariat and possible representation offices, according to local economic and legal conditions.

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