

## **Whose Information Society? A civil society perspective on the WSIS.**

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### **Introduction**

In December 2003 Geneva played host to the World Summit on the Information Society (WSIS), a United Nations intergovernmental conference in two stages.

For civil society organizations involved with the first phase of the WSIS it has been an extraordinarily intense process that highlighted major fault-lines in global debate on the human communications environment. An enormous amount of email traffic has been exchanged daily by leading civil society organizations in the communications field over more than 18 months. This has been punctuated by meetings where working relations developed, differences were debated and consensus positions articulated.

Many leading civil society actors in the communications field have taken part. The final Civil Society Declaration, its strengths and its flaws, is a remarkable panorama of the issues at stake. During the process, civil society actors worked closely with government delegations, lobbying on some points of drafting, advising on others. Despite the holding of some key intergovernmental sessions behind closed doors, civil society participants gained a high level of insight into government positions on the issues. They were also able to influence those positions, in some cases to significant effect.

The second WSIS is to be held in Tunis in November 2005. At its inception, the WSIS was based on the idea that information and communication technologies could contribute to “development for all” and specifically the goals of the United Nations Millennium Declaration. This paper, based on the author’s involvement as a civil society activist in the WSIS process, examines the first phase of Summit in the context of its development mandate and asks what role for civil society in the Tunis phase.

### **The development mandate**

The idea of having a World Summit on the Information Society can be traced back to the growing economic importance of the global information and communication industries and the opening of the Internet to private commercial use accompanied by a United States vision, articulated by Al Gore, of a global “information superhighway”. The European counterpoint, under the leadership of European Commissioner Martin Bangemann, spoke of the “information society” backed up by a social as well economic analysis, even including one paper with the title “People First in the Information Society”.

The US and Europe built consensus in Japan at the G8 meeting in Okinawa, July 2000, which agreed the Okinawa Charter on the Global Information Society and established the G8 Digital Opportunities Task Force with the objective: *"To promote international co-operation with a view to fostering policy, regulatory and network readiness; improving connectivity, increasing access and lowering cost; building human capacity; and encouraging participation in global e-commerce networks."*<sup>i</sup>

The Okinawa Charter was drafted at a time of economic optimism in the prospects of information technology driven economic growth. Stock markets were at the peak of the speculation fueled dot-com boom. The Okinawa Charter and the follow-up report of the G8 Digital Opportunities Task Force strongly influenced the drafting framework for the WSIS and particularly the emphasis in the Action Plan on network infrastructure and the promotion of national "e-strategies", a term which first appears in the Charter.

At the same time, there were moves within the United Nations system to develop a strategic approach to information and communication technologies. The International Telecommunications Union (ITU) had tabled proposals as early as 1998 for a World Summit on the Information Society. In 2001 the United Nations Secretary General, at the request of Heads of State, launched the UN ICT Task Force *"to lend a truly global dimension to the multitude of efforts to bridge the digital divide, foster digital opportunity and thus firmly put ICT at the service of development for all"* <sup>ii</sup>.

When the UN General Assembly in January 2002 adopted a resolution endorsing a framework from the ITU for a World Summit on the Information Society (WSIS), it was in recognition of: *"The urgent need to harness the potential of knowledge and technology for promoting the goals of the United Nations Millennium Declaration and to find effective and innovative ways to put this potential at the service of development for all."* <sup>iii</sup>

In contrast to the G8 position, the UN mandate was explicitly development oriented. The Millennium Declaration<sup>iv</sup> is an ambitious blueprint setting out key challenges and targets to be achieved for peace, security and disarmament, development and poverty eradication, protecting the environment, human rights, democracy and good governance, protecting the vulnerable, and meeting the special needs of Africa. It was adopted by all 189 member states of the UN General Assembly in what has been described as a defining moment for global cooperation in the 21<sup>st</sup> century. <sup>v</sup>

The ITU was mandated to take the lead within a "multi-stakeholder" framework. It was agreed the Summit would take place in two phases, Geneva in 2003 and Tunis in 2005. A WSIS Secretariat was established to support the first phase in Geneva and this included, from the start, a Civil Society Division to facilitate civil society participation.

For civil society groups working on a diverse range of issues in information and communications WSIS presented a unique opportunity to engage with and raise awareness among governments and multilateral agencies and to strengthen civil society alliances and common positions. Civil society groups organized around WSIS from the earliest stage and have been vigorously present at all official preparatory meetings. Structures were evolved to draft civil society position statements backed up by an active and extensive network of regional and thematic civil society caucuses.

The civil society approach to WSIS was based on critical engagement but, as the Geneva Summit approached, the prospects of WSIS making an effective contribution to the achievement of internationally agreed development goals appeared to be receding. At the Third Preparatory Committee Meeting of the Summit held in Geneva, in September 2003, civil society organisations expressed grave concern at the latest results after 15 months of official meetings to develop a Draft Declaration:

*"It lacks any vision that is people and citizen centred: there is little or no mention of the poor, workers and marginalized groups including indigenous people, refugees, people*

*with disabilities. The emphasis on diversity of people, cultures and ways of living is still far from sufficient. Our contributions ...have not been given serious consideration."*<sup>vi</sup>

By the time of the Geneva Summit itself, the civil society sector had withdrawn from collective input into the intergovernmental drafting process and decided to concentrate on drafting a civil society statement to address the issues on which governments were perceived to be failing. At the top of the civil society issues was specifically the development mandate against which the WSIS results must be measured.

The divergence between the inter-governmental results and the civil society perspective can be traced back to two points of origin. The first is the concept of the "information society" itself, the second is a contested vision of development goals and priorities.

### **Information societies**

From an early stage in the WSIS process civil society statements rejected any singular concept of the "information society" arguing for a pluralistic approach and talking of "information societies" but also stressing the importance of "communication" as a human societal process rather than privileging "information" over other economic forms. The concept of an "information society" was thus seen as intrinsically flawed.

The term Information Society is generally used to signify the emergence of an increasingly knowledge based economy and the growing influence of information and communication technologies on culture and society. In this respect the idea that we are in an Information Society can help to build understanding of the associated challenges and opportunities and to gain consensus where action is needed.

There was among WSIS civil society participants a high degree of recognition of development potential in the combination of knowledge and technology. But the Information Society on which the World Summit has been premised, draws heavily on a more narrow understanding in which information and communications technologies (ICTs) are generally taken to mean telecommunications and the Internet. There was therefore good reason for civil society skepticism about the concept and its application.

Much is promised by this Information Society - access to vital knowledge for health and education, better information from governments and corporations, electronic democracy, global trade and exchange, up to the minute news. But the world's poorest communities face the danger of being left out. This danger is often called the "digital divide" by those who choose to frame the debate in terms of telecommunications and the Internet.

In reality it is not a digital divide but rather a "communications divide" characterised by the unequal access of poor people to the means of communication and to freedom of information and of expression. In a society in which wealth is generated from knowledge and information the "communications divide" reinforces social and economic inequality.

In the narrow vision of the Information Society the solution to the "digital divide" is simple. It is essentially a matter of rolling out the network infrastructure so that everyone in the world can have access to the Internet. This vision was explicit in the G8 Okinawa Charter on the Global Information Society adopted in July 2000 at the G8 Summit. It is a political-economic perspective which underpins the early WSIS texts and which in effect gives priority to building the infrastructure and the consumer base for global e-commerce

over the public interest in communications for development. It does so by claiming that the former will lead to the latter without providing supporting evidence for its case.

One early draft of the WSIS Declaration described the Information Society as "a new and higher form of social organisation where highly developed ICT networks and ubiquitous access to information... improve quality of life and alleviate poverty and hunger".<sup>vii</sup>

Others have argued compellingly that giving universal access to the Internet will cost a lot and accomplish little. Bill Gates, speaking in October 2000 at a Seattle conference on the "digital dividend", famously argued that investment in health and literacy is more important for poor people than providing access to PCs and the Internet.<sup>viii</sup>

Charles Kenny, an economist with the World Bank, has estimated that the worldwide subsidy needed for everyone living on \$1 a day to get one hour of access a week might reach \$75 billion - considerably more than the global total of aid flows each year.<sup>ix</sup>

Rejection of the narrow vision of the Information Society and its assumption that ICT networks and access to information will automatically lead to the alleviation of poverty creates a serious dilemma for WSIS but one which was left unresolved at the conclusions of the Geneva Summit. This is the necessity, if WSIS is to fulfil its mandate, that there be sufficient analysis of the proposed actions to reasonably conclude that they would indeed (a) make a net positive contribution to the agreed development goals; and (b) that the resources so deployed would be not be more effectively used elsewhere.

### **Development paradigms**

To understand how and why the first phase of WSIS failed to effectively come to grips with its own mandate it is necessary to examine the competing paradigms for development and poverty reduction. Broadly speaking the accepted paradigms fall into four camps that can be summarized as the two contrasting economic strategies of market-oriented growth versus the redistribution of wealth, the social economic model of sustainable development and the perspective of human rights.

The dominant perspective in the WSIS process has been market-oriented growth building on the formulations of the Okinawa Charter and the G8 Digital Opportunities Task Force. This calls for market freedoms and pro-competition policies but also includes limits on freedoms and rights where this serves the interests of corporate stability and growth e.g. intellectual property, proprietary software, security, internet governance, spectrum planning and licensing. This approach, building on the previous consensus within the G8, was consistent with the core demands of the private sector.

Civil society rejected this as the basis for negotiation and emphasized the centrality of human rights and sustainable development, arguing for a people centred approach. Within civil society there was a tension between the human rights approach that stressed formulations of principle based on the United Nations Bill of Rights and other human rights law and the priority of south centred civil society organisations to bring sustainable development to the fore. In the end civil society succeeded in articulating a position based on human rights principles and sustainable development priorities.

The redistribution model received scant attention with the exception of a late proposal from African governments to establish a Digital Solidarity Fund. Donor governments of

the north were resistant to this arguing that existing international funding vehicles were sufficient. In the absence of consensus among governments the proposal was deferred to a UN Task Force on Financing later set up by the UN Secretary General.

The fault-lines between the competing development paradigms can be seen in the tangible outcomes of the Geneva Summit - the two official documents, consisting of the Declaration of Principles and the Plan of Action, and the Civil Society Statement.

The Declaration of Principle shows considerable civil society influence and particularly the opening four paragraphs which are firmly couched in the language of human rights and of sustainable development. This is a fairly remarkable achievement and reflects, in part, the considerable input from civil society into the WSIS process and effectively shifting the core paradigm of the debate. It seems we all now agree on the vision.

The remainder of the text of the Declaration achieves something of a balance between the different development paradigms. On a rough assessment of the text against the positions in the Civil Society Statement, civil society organizations might regard the Declaration as 50 per cent good, 25 per cent bad and 25 per cent neutral. Differences emerge on issues such as public domain versus information as property, governance of the Internet, security and privacy, communication rights and freedom of expression

In contrast the Plan of Action is framed primarily in the market oriented growth paradigm. The trajectory is clear and explicit in the opening statement (emphasis added):

*“The common vision and the guiding principles of the Declaration are translated in this Plan of Action into concrete action lines to advance the achievement of the internationally-agreed development goals, including those in the Millennium Declaration, the Monterrey Consensus and the Johannesburg Declaration and Plan of Implementation, by promoting the use of ICT-based products, networks, services and application, and to help countries overcome the digital divide”<sup>x</sup>.*

The opening statement of the Action Plan contains no mention of people as actors or of any actions lines with obvious social impact. Indeed it is a statement that could sit well in the promotional literature of any global ICT corporation. The Action Plan goes on to set out the basis on which countries should adopt national e-strategies in conformity with the vision of a world wired-up to a single global information infrastructure.

Absent from the Action Plan is any clear linkage between the actions to be taken and the internationally agreed development goals on which the WSIS mandate is based and which figure prominently in the Declaration of Principles. For the Tunis phase of the WSIS this presents a serious dilemma both for governments and for civil society. For governments it puts the WSIS at risk of failing in its purpose. For civil society it presents a challenge of whether and how to engage further without endorsing the Action Plan.

### **The Tunis phase**

The second phase of the WSIS is scheduled to end in a Summit in Tunis from 16-18 November 2005. There is to be a further series of preparatory meetings leading up to the Summit. The main focus of the second phase is intended to be the implementation and monitoring of the Action Plan. There are also two high level task forces under the patronage of Kofi Annan, the UN Secretary General. One of these is to deal with the

contested issue of Internet governance. The other will examine the African proposals for a Digital Solidarity Fund and the wider context of financing ICTs for development.

During the Geneva phase civil society's role has been to bring critical and independent voices to the debate and where those voices have themselves been able to find a common position through their own dialogue, to articulate that collectively to those in government. The main focus of the Geneva phase was clear – the political process leading to the intergovernmental Declaration of Principles and the Plan of Action.

In parallel, however, were a wide range of WSIS related activities and outcomes. For civil society these included meetings, conferences, announcements, partnership-based initiatives, publications and exhibitions through to counter-actions and demonstrations.

For the Tunis phase the extent and the nature of civil society engagement is likely to be significantly different. The focus of the Tunis phase is more diffuse. Governments have agreed the Tunis Summit should lead to a “political and operational statement” to “reaffirm and enhance the commitments undertaken in the Geneva phase”<sup>xi</sup> but there is reluctance to re-open the terms of the Declaration or the Plan of Action.

Having formally rejected the intergovernmental texts from the Geneva Phase and with fundamental differences with governments on the framing of the Plan of Action, civil society actors who have played a lead role in the Geneva phase are not in a position now to “reaffirm” the validity of governmental commitments which they have rejected.

At the same time there is wide expectation that Tunis will provide a less supportive environment for civil society. Several civil society actors have drawn attention to serious human rights violations in Tunisia and media groups have been particularly concerned with Tunisia's poor record on freedom of expression. In this respect civil society actors may well be in a defensive role with regard to Geneva commitments on human rights.

The first Preparatory Committee (Prepcom 1) meeting of the Tunis phase did not auger well. Civil society meetings were overwhelmed by the physical presence of large numbers of Tunisian government sponsored “non-governmental” organizations. On the first day of Prepcom 1 governments accredited 87 new non-governmental organisations of which 33 were Tunisian “NGOs”. Of 227 civil society participants representing 95 organisations, almost 50 per cent (97) were Tunisian individuals from 17 organisations. Three Tunisian organisations accounted for almost 25 per cent of total individual civil society participants: Association tunisienne d'Internet et multimedia (13), Association tunisienne des mères (16) and Association tunisienne de la communication (24).

At the first speaking slot reserved for civil society interventions, Tunisian “NGOs” acted quickly to block the nomination of a respected Tunisian human rights activist as a civil society speaker creating an impasse which was only resolved by the direct intervention of the President of the Prepcom. The holding of the remaining two Prepcoms in Geneva may reduce such difficulties but the vulnerability of the consensus-oriented WSIS civil society meetings to disruption and paralysis was made plain at Prepcom 1.

In addition to the drafting of a “political and operational statement” for the Tunis Summit, governments have committed to a “stocktaking” exercise, the results of which may provide a more substantive tool for measuring the effectiveness of WSIS in contributing the development goals. The stocktaking exercise is to gather a broadly representative

body of information on actions being taken by governments, private sector and civil society in furtherance of the commitments to harnessing ICTs for development. The framework explicitly requires respondents to describe the contribution that projects and actions are making to achievement of internationally agreed development goals. In this respect the results could provide a useful empirical base against which the effectiveness of WSIS commitments can be further monitored and evaluated.

Alongside the preparatory process for the Tunis Summit, two high level task forces will address the unfinished business of the Geneva phase – Internet Governance and Financing for Development. It would seem, in these fields at least, that the role and interest of civil society will continue albeit with different rules of engagement.

The establishment of the task forces by the UN Secretary General takes these fields partly outside of the WSIS process. In the case of the Financing for Development Task Force, in particular, there have already been civil society concerns expressed at the lack of transparency in the process and the absence of mechanisms for participation. The Task Force on Internet Governance has adopted a more open and participatory methodology but there may be reluctance to open the agenda beyond a fairly narrow set of technical parameters such as the international domain name and numbering system.

### **Conclusions and priorities for civil society**

From the above it should be clear that the Tunis phase of WSIS does not have a single central focus but offers multiple points of intervention. This presents both difficulties and opportunities for civil society. In the absence of a clear external focus and goal around which to organize, civil society engagement in WSIS may itself become more fragmented. A number of factors come into play that may lead to dissipation of civil society engagement and poor follow up to the achievements of the Geneva phase.

First of these could be described as “WSIS fatigue”, an effect which has both individual (psychological) and institutional (economic) aspects. The first phase of WSIS was an extraordinarily concentrated effort of global civil society collaboration with a clear end result but which gave little attention to follow-through within the WSIS framework. It is unlikely that the same level of individual commitments and institutional resources mobilized in the Geneva Phase can be found for continuing engagement in WSIS.

The second and related aspect is the political environment for WSIS 2, specifically the location in Tunisia, which has already demonstrably shown the difficulties for civil society collaboration when conditions are not conducive to consensus building, respect for the pluralism of civil society opinion and for the freedom of expression. In these conditions the defence of human rights principles may become the central pre-occupation.

The third challenge for civil society is the focus in the Tunis phase on action and implementation in the face of a Plan of Action over which civil society has had little influence and whose priorities are substantially at odds with those set out in the civil society statement at the Geneva Summit. How should civil society actors involved in the Geneva phase continue to work in the context of outcomes they have rejected?

One possibility is that civil society actors who have played a lead role in the Geneva phase may simply pull back leaving new civil society actors to occupy the political space

of WSIS. The resulting civil society input would probably be less critical of government and perhaps more ready to accept and work within the market-driven growth paradigm.

The alternative is for civil society to “reaffirm and enhance” the civil society commitments made in the Geneva phase by building an alternative agenda to the WSIS. The best prospects for this lie with those civil society organizations and activists who have worked together in or with the campaign on Communication Rights in the Information Society, a network established in response to the WSIS to broaden and deepen the WSIS debate.

This approach would need to have an intrinsic commitment to sustained partnership and action after the completion of the Tunis phase of the WSIS. Building on the principles and priorities articulated in the Civil Society Declaration of the Geneva phase we might call this the Communication Rights Agenda. Its focus would be on building civil society knowledge, networks and advocacy in the communications field with a priority given to research, advocacy, campaigning and capacity building in those areas WSIS has shown to be of critical importance. It would need to work both within and outside WSIS including engaging with other critical spaces of debate on global communications governance.

Some of the headline issues would include media diversity and freedom of expression; Internet governance and Internet rights; surveillance, privacy and the security state; public domain and information property; financing communications for development.

During and up to completion of the Tunis phase of WSIS and in relation to the WSIS process itself, the following would be some suggested priorities for action:

1. Development of a Communication Rights Charter, building on the civil society statement at the Geneva Summit and articulating human rights principles and sustainable development priorities in the communications environment.
2. Civil society led independent research based on the WSIS stock-taking exercise and examining and reporting on correlations and divergencies between WSIS related actions and the WSIS development mandate.
3. Civil society engagement with the Task Force on Internet Governance with particular attention to building perspectives on freedom of expression, privacy rights, sustainable development and poverty reduction.
4. Civil society engagement with the Task Force on Financing ICTs for Development with particular attention to traditional as well as new communication tools and structural instruments for resource redistribution.
5. A country focus and campaign on communication rights in Tunisia and especially freedom of opinion and expression, media pluralism, Internet freedom, access to information, privacy rights and freedom of association.

Alongside engagement in the second phase of WSIS, civil society actors organizing around the Communication Rights Agenda should seek to identify and highlight other spaces of engagement at the international, regional and country level including, for example, current debates in the World Intellectual Property Organisation (WIPO) and elsewhere on information property and the public domain; work taking place within UNESCO on a cultural diversity treaty; and examination of the impact on communication rights of WTO policies on trade. Such engagement would then provide a basis for continued action-oriented networking after the completion of the Tunis Summit.

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