Visions in Process

**World Summit on the Information Society
Geneva 2003 – Tunis 2005**

Editor's note

Articles and quotations of this publication reflect the state of official documents after the PrepCom 3 of the WSIS, which was held in Geneva from 15 to 26 September, 2003.
Some articles also provide a reference to the non-paper by the President of the WSIS, Mr. Adama Samassekou, dated October 24, 2003.

This non-paper was introduced to the resumed session of PrepCom 3 which was not able to agree on a final version of the Summit Declaration. A high level resumed session of PrepCom 3 will take place from 5 to 6 December, 2003.

This publication can be downloaded via
http://www.worldsummit2003.de/download_de/Vision_in_process.pdf

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Preface

For at least two years international civil society has put significant efforts into the preparation of the first part of the UN World Summit on the Information Society (WSIS) that will take place in Geneva in December 2003.

The WSIS is devoted to the development of a vision of a global society and to finding ways to realise that vision through the use of information and communication technologies (ICT). Such technologies, if properly deployed, have the potential to contribute to the solution of the planet's most pressing problems. These problems and aims were agreed upon by the international community in the Millennium Declaration of 2000, which declared as its highest priorities: the fight against hunger and poverty, the improvement of health services and of the education system, and the promotion of environmental sustainability. However, the world has changed since 2000. Conflicts between North and South – as well as between countries of the respective regions – have increased considerably. This has resulted in frictions during WSIS negotiations that are similar to those that emerged during, and led to the failure of, the WTO talks in Cancun in September of this year. Different paths of development always pose the question of whether or not the high-tech societies of the West, along with their social systems and values – free markets, technology as intellectual property, individualism, and consumerism – may become globalised.

Civil Society members from all over the world welcomed the WSIS as an opportunity to meet the challenge and worked together on contributing their share to a common vision for the Information Society. Civil society's approach encompasses a broader reflection of the potential inherent in the combination of technology and knowledge. It aims at shaping the common vision of a Knowledge Society which
– recognises that knowledge is the heritage and the property of humanity and thus a "common good" that must be accessible for all under fair conditions and that must be preserved in all media formats for future generations;
– denies the privatisation and commercial exploitation of the knowledge commons and knowledge and which encourages instead the sharing of knowledge as a means to achieve sustainable development and societal innovation fostering people's creativity and the public domain worldwide;
– empowers all people, especially women and marginalised, to participate in public affairs, communicating self-determined and freely and having the right to inform themselves through all public resources and independent media without interference, manipulation or control;
– offers equal opportunities to all to access to education as well as access to all media and ICTs enabling a self-determined life based on and assuming responsibility for human rights, a lived democracy, and sustainable development.

Civil society's input has had no essential impact though. Now, that the end of the official negotiations is drawing near, civil society is forced to acknowledge that governments have been reluctant to consider essential proposals and marginalised

key issues. At the present stage of negotiations even the governments amongst themselves seem unable to agree on taking necessary measures for bridging the digital divide. Moreover, they are unwilling to agree upon rights and values the international community had endorsed in various international conventions and declarations in previous years. Any expectations that the World Summit would develop a broader vision towards an inclusive, sustainable and people-centred society, have proven to be too ambitious. Faced with this situation, international civil society groups have opted to voice their own ideas by presenting an alternative vision at the World Summit.

At least some procedural progress has been made in WSIS. New ways of participatory political action have been promoted; for the first time, a multi-stakeholder approach through the inclusion of all stakeholders, the private sector as well as civil society is being implemented. This is no small step. The postulation that information society should be inclusive implies that the means to that end must also be inclusive. Obviously we are still at the beginning of a long process. The difficulties and the disappointments that have hitherto emerged in the preparations of this summit make clear that we are in the very early stages of a possible transformation of the UN decision-making procedure, of the possible development of a new model of global governance which could have repercussions on national politics.

Although there has been much controversy between governments and international civil society, there have been some positive examples, too. Some European governments, e.g. those of Switzerland, Denmark Germany and Finland, have exhibited an openness to a dialogue with civil society; and they did include observers of civil society, along with those from industry, in their delegations. Still, official documents of the WSIS show very little impact of the ideas and demands of civil society.

This publication compiles contributions presenting the civil society approach on key issues of the WSIS Declaration drafts. The authors from Germany, Denmark, and Switzerland have participated since the beginning in the preparatory process and in the national and international debates of civil society. Contributions were solicited from German industry and the German government, too.[1]

WSIS will not end in 2003. This publication wants to summarise arguments and points of disagreement in order to further the debate on the path to Tunis 2005.

Ralf Fücks, Executive Board
Olga Drossou, Senior Officer New Media Desk
Heinrich Böll Foundation
Berlin, November 2003

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[1]   The promised contribution of the German Government did not arrive unfortunately in time for publication.

The Charter of Civil Rights for a Sustainable Knowledge Society – A Vision with Practical Consequences

By Rainer Kuhlen

The information society needs to become a sustainable knowledge society where the objectives of inclusiveness, fairness, and justice can be achieved. A knowledge society calls for the unhampered and non-discriminatory use of knowledge and information based on the principle of sustainability.

This is the main message of the *Charter of Civil Rights for a Sustainable Knowledge Society* that, after a long, intensive debate at meetings and in discussions forums among members of different German civil societies groups was passed as of early summer 2003.

The charter is the essential contribution of *German civil society* to the World Summit on the Information Society (WSIS) and a major step towards a *vision* which is needed to bring together the heterogeneous interests, needs, and wishes of people and states in the world.

A vision for the information society

The two official documents of WSIS, the "Declaration" and the "Plan of Action," can only expect to gain broader acceptance of people worldwide through a comprehensive, critical, and positive vision of what information society should become.

It is the *people* who have the right to decide in which society they and future generations want to live, and it is the governments' duty to bring these dreams and visions into reality. It is only *civil society*, i.e. *those* who live in the new electronic environments and who have the knowledge and the skill and the moral legitimacy to build the information society, that is capable to formulate the vision for the information society.

We therefore hand this "Charter of Civil Rights for a Sustainable Knowledge Society" to the governments of the world and expect them to transform the ideas, rights, and freedoms embedded in this charter into real plans of action. Whatever will be planned, whatever will be done as an outcome of WSIS needs to be justified according to the principle of sustainability.

We accept that not everything is feasible in a short period of time but, having based this charter on the principle of sustainability, we see the development of information society in a broader perspective. The WSIS 2003 in Geneva is only the beginning of a long process.

Main focus – the idea of a sustainable knowledge society

The charter is coherent in its message. It has as its focus the idea of a sustainable knowledge society. It is this focus that can bring together the different and, on face value, conflicting interests. The following sums up the main characteristics of a sustainable knowledge society.

Basic rights

The charter combines *nine basic rights and values* that are fundamental to a people-centred information society, i.e. one that reflects the interests and needs of the people.

With respect to the *principle of free access*, the charter holds that knowledge must remain permanently accessible to the public. Knowledge is a common good and has, in the hierarchy of social values, a higher status than the protection of private claims – albeit the latter, insofar as they mind social responsibilities, are of course also legitimate.

Access to knowledge must be possible for present as well as for future generations, for all peoples, at all times, in all places, and under fair conditions. The one universal human right of an information society is the principle of universal access to knowledge and information; from this right all other rights can be derived, such as, among others:

– *the right to privacy* in the use of knowledge and information,
– *the right of citizens to gain information through publicly available resources*, the right of unhampered, unfiltered access to documents of public organisations
– *the right that human dignity will be protected in work environments* where access to information and communication systems of organisations must be provided for all employees
– *the right and the duty to preserve and promote the heterogeneity of cultures and languages* as a precondition for the individual and social development of present and future generations
– *the right to freedom of communication* as the right to participate in all kinds of communication processes
– *the right to free and open software development* and self-determined communication

Practical consequences

Such a view of information society has practical consequences.

– What is needed is a reform of the framework of the media. Public service media and public access points, controlled by democratic institutions, will have to play an important role, both in developing and developed countries.
– What is needed are new co-operative forms and new organisational models for the production, distribution, and usage of knowledge and information in all areas, i.e. science, administration, art, and entertainment. Here again, open access has to be the guiding principle.

Above all the bridging of the *digital divide* must be recognised as a political objective of the highest priority. There will be no freedom of information in the world, no freedom in general, as long as the discrimination of the majority of the world's population continues. Information society cannot be sustainable, if it excludes, now and for the foreseeable future, a sizeable portion of the world's population from the benefits of information and communication technologies.

Information society, or as civil society groups prefers to call it, "knowledge society," will not be a paradise on earth. There will still be conflicts. Such conflicts may not be solved through power; they can only be solved with knowledge and information and by means of free communication.

A Human Rights Perspective on the Word Summit on the Information Society. The Human Rights Framework

By Rikke Frank Jørgensen

The World Summit on the Information Society has the modest goal of developing a common global vision for the information society. Coming from a human rights perspective it seems obvious that such a vision should have as its basis the human rights principles already agreed upon by a majority of the world's nations.

> The General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance …
>
> Universal Declaration of Human Rights, 1948

When the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR) on December 10, 1948, it was the first time in history that an international organisation had agreed on a joint statement on human rights – thereby making questions of human rights a central tenet of international politics. Today, the UDHR with its 30 operative articles, still guides the standards and the monitoring activities of the United Nations in the field of human rights. Together with the two (legally binding) international covenants on civil and political rights, and economic, social, and cultural rights, the UDHR constitutes the backbone of human rights; jointly they are commonly referred to as "the international bill of human rights."

At present, even though the standards spelled out in the Universal Declaration of Human Rights are far from realised in all parts of the world, human rights principles are increasingly being used to measure the performance and legitimacy of governments, as well as the rights and freedoms of their citizens.

The Universal Declaration of Human Rights was drafted and adopted against the background of World War II and laid the groundwork for a broad consensus of a new world order based on legal standards. This new vision was formulated by the US-President Franklin D. Roosevelt who defined "four freedoms" as the basis for the future world order, namely freedom of expression, freedom of faith, freedom from want, and freedom from fear. Accordingly, the Universal Declaration of Human Rights places civil, political, and cultural rights on the same level as social, economic, and cultural rights. This long disputed approach was reaffirmed in the Vienna Declaration adopted by the 1993 World Conference on Human Rights, where it is

stated that all human rights are universal, indivisible, interdependent, and inter-related.

At the heart of the human rights framework is the moral status of every human being; human beings are born free and equal in dignity – and hence, in rights. In this sense, the Universal Declaration on Human Rights is in itself a visionary document by means of which nations declared their commitment to promote social progress and better standards of life in a widening sphere of freedom. It is a vision in which the recognition of the inherent dignity and the equal rights of all humans is the foundation for freedom, justice, and peace.

It is important to note that the human rights documents not only proclaim human rights but also call for progressive measures at both a national and international level to secure that these rights can be enjoyed in practice.

A human rights perspective on WSIS

Applying the human rights framework to the World Summit on the Information Society (WSIS) process implies that the WSIS "Declaration of Principles" and "Plan of Action" take human rights standards as their point of departure. This means that dignity and the equal rights of all humans have to be the starting point; they may not be sidelined by purely technological considerations. Such a vision, anchored in the human rights framework, would have to address the challenge of bringing people and countries closer to the standards outlined in the human rights documents. Such standards have to address, among other points, the liberty and security of the person, the protection against discrimination, the right to work and to have a standard of living adequate to the health and well-being of the person, the right to participate in the government of one's country, the freedom to hold opinions and express them, the freedom from arbitrary interference in one's privacy, the right to freely participate in the cultural life of the community, and the right to – at least basic – free education. Such standards are, in many part of the world, still far from being accomplished, yet they have to be addressed in the context of WSIS as guiding principles for a future information society.

If we fail to address the basic values which should guide the development of the information society, we risk ending up with documents resembling an information and communication technology (ICT) implementation plan addressing the many levels of ICT design and infrastructure but lacking any people-centred vision at its core. For this simple reason, it is crucial that we invest in the difficult and sensitive task of translating human rights standards into an information society context. The challenge is to utilise ICTs as a means to facilitate the realisation of human rights – and where ICTs represent new challenges, to address these challenges up front.

> We, the representatives of the peoples of the world, assembled in Geneva from 10-12 December 2003 for the first phase of the World Summit on the Information Society, declare our common desire and commitment to build a people-centred, inclusive and development oriented information society, where everyone can create, access, utilize and share information and knowledge, enabling individuals, communities and peoples to achieve their full potential in promoting their sustainable development and improving their quality of life, premised on the principles enshrined in the Charter of the United Nations and in the Universal Declaration of Human Rights.
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> Art. 1, non-paper of the president of WSIS,
> Mr. Samassekou, October 24, 2003

A human rights perspective also implies that basic principles such as equal rights and non-discrimination are safeguarded on all levels of information and communication technology policies and action plans, internationally and nationally. A commitment to the principle of dignity and non-discrimination would, in a WSIS context, call for a stronger focus on non-discrimination, empowerment, self-determination, and integrity – not least for vulnerable and marginalized persons and groups, nationally, internationally, and regionally.

> We the representatives of the peoples of the world, assembled in Geneva from 10–12 December 2003 for the first phase of the World Summit on Information Society, declare our common desire and commitment to build an information and communication society based on human rights and human dignity. With the Charter of the United Nations and the Universal Declaration of Human rights as our foundation, we reaffirm the universality and the indivisibility of all human rights – civil, political, economic, social and cultural – and we recognize their centrality to democracy, the rule of law and sustainable development. Our challenge is to harness the potential of the information and communication society to ensure that human needs are met and that all human rights are realized. We are determined to meet this challenge.
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> Proposed by the HR Caucus at the intersessional meeting in Paris, July 15–18, 2003. Supported by the EU, Canada and the US at PrepCom 3.

A human rights approach would further imply that the improvement of human rights standards such as human and social development, democracy, and participation are being used as focus points for the setting of goals and measures for the development of the information society. So far the proposed measures for progress as they are presented in the most recent draft on the WSIS plan of action have concentrated on infrastructure with little emphasis on, for instance:
– human development (measures to improve health, education, livelihood, and integrity)
– social and cultural development (measures to enhance economic opportunities

and employment, and on diversity, including cultural and linguistic diversity)
– democracy (measures to further the freedom of expression, the access to information, media pluralism, transparency, participation in decision making, and local capacity building)

Lastly, it is important to stress that for human rights to have a practical effect, we need to ensure a regulatory environment respectful of human rights, both nationally and internationally. In other words, it should be clearly affirmed that ICT regulations (and other relevant legislation) must comply with human rights standards. This would, in the WSIS "Plan of Action," call for an international mechanism to ensure that national and international regulation is compliant with human rights standards. Up till now the WSIS draft "Declaration of Principles," in its section on an enabling environment, is formulated in such a way as to let "national realities" prevail over a commitment to human right standards.

Specific principles and rights

Apart from representing a general framework that should guide the vision and the standards of an information society, human rights also pose specific challenges when translated into an information society. Some of the rights and principles that continue to cause controversy in the WSIS process are the principle of non-discrimination, the right to development, the right to freedom of expression, the notion of a right to communicate, the right to privacy, and the right to freely participate in the cultural life of the community.

Non-discrimination

The Universal Declaration of Human Rights reaffirms and expands the principle of equal rights and non-discrimination stipulated in the UN Charter. The principle of non-discrimination has been confirmed by subsequent human rights instruments such as the "Convention on the Elimination of Discrimination Against Women," and the "Convention on the Elimination of Racial Discrimination."

In the WSIS documents, the principle of non-discrimination is still not affirmed as a principle that should both guide the vision and the concrete activities at an international as well as national level. For the information society to be inclusive, marginalized groups such as elderly people, people with disabilities, indigenous people, refugees, minorities, or the very poorest must be empowered. Likewise, the discrimination against women must be addressed and measures have to be taken to ensure gender equality in all spheres of society.

The right to development

The "Vienna Declaration" reaffirms the right to development, as established in the declaration on the right to development, as an integral part of human rights. The declaration states that individuals are the central subjects of development, including future generations, and stresses that while development facilitates the enjoyment of all human rights, lack of development may not be invoked to justify an abridgement of human rights. It also underlines the fact that the progressive realisation of the right to development requires effective development policies at the national level, as well as a favourable economic environment at the international level. A reference to

the right to development was included in the WSIS documents at PrepCom 3, yet it is still uncertain whether this reference will stay in the final text (which is rather ironic given the important linkage between development policies and the development of the information society).

Freedom of expression and rights to communicate

The new means of communication is one of the essential features of information society, one closely linked to democratic development, transparency, and participation. The internet not only gives the freedom of expression and the access to information a new reality, but also provides new ways of restricting this freedom. It is therefore crucial that the WSIS documents present a clear statement of political will to protect and promote online freedom of expression, including access to public information. Whether governments are willing to make this commitment, and make a clear reference to article 19 of the Universal Declaration of Human Rights, still remains to be seen.

A related debate taking place in the WSIS process concerns the right to communicate. Seen from a human rights perspective the right to communicate should not be conceived as a new and independent right but rather as an umbrella term, encompassing a group of related existing rights. The right to freedom of expression already includes a positive element, placing upon states the obligation to take measures that guarantee that the right is being respected. Courts have started to elaborate on the nature of this positive obligation. This could serve as an input towards a more detailed definition of the right to communicate, one covering not only the freedom of expression but also the right to privacy, the freedom of movement, the freedom of assembly etc.

A key positive element of the right to freedom of expression and a crucial foundation of the right to communicate is the obligation put on governments to create an environment of diverse, independent media, thereby satisfying the public's right to receive information from a variety of sources.

Privacy

The right to privacy is challenged by the information society since online communication radically changes the means and scope of data retention, mining, and monitoring. It is therefore essential to have a clear statement from governments stating that all national and international regulations should be consistent with the right to privacy. During the WSIS process the discussions on ICT security have shifted from the need for infrastructure integrity to a politicised agenda, characterised by military language and a stress on safeguards against possible terrorist threats. The present WSIS draft "Declaration of Principles" contains in its section on security several unresolved issues and continues to be dominated by national security concerns rather than by concerns for the protection of privacy standards.

> The right to privacy is a human right and is essential for free and self-determined human development in the knowledge society. Respect for privacy allows for both participation and detachment in regard to social activities and opportunities. Every person must have the right to decide freely whether and in what manner he/she wants to receive information and communicate with others. The possibility of receiving information anonymously, irrespective of the source, must be ensured for everyone. The power of the private sector and of governments over information increases the risk of manipulative access and surveillance and must be kept to a legally legitimised minimum. The collection, analysis and release of personal data – no matter by whom – should remain under the control of the individual concerned.
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> Charter of Civil Rights for a Sustainable Knowledge Society

Cultural rights

Article 27 of the Universal Declaration of Human Rights balances the rights of authors with the rights of all people to participate in cultural life, to enjoy the arts, and to share in scientific advancement and its benefits. In the WSIS context this is particularly controversial with regard to intellectual property rights (which many civil society groups prefer to address as rights related to patents, copyrights, and trademarks) and the free public access to information and knowledge. So far the WSIS documents only reaffirm existing agreements on intellectual property rights and have not dared to look for new means to enhance the free access to information and knowledge; this is a paradox, as it is precisely the access to knowledge that is at the very core of the information society.

WSIS: The Industry View
By Rainer Händel

Industry's background

The recent advancements in information and communications technology (ICT) are marked by a global re-ordering of our individual lifestyles, business models, and socio-economic relationships. Information has become a very important economic resource, especially for nations that have little or no access to traditional commodities. This holds true for both developed and developing countries. The intellectual capital boom fostered by advancements in ICT has enabled many countries to make strides that would have been considerably more difficult in a traditional economy.

> To truly promote an information society accessible to all peoples, the special interests of particular sectors of society need to be recognized and addressed as appropriate. The information society must be equally available to men and women, and the empowerment, education and training of men, women, unemployed, disabled, underprivileged people, migrants and refugees, elderly, indigenous peoples and minorities, and those living in rural and remote areas should be promoted. Young people constitute a significant proportion of the world's population, and they are the workforce of the future. They must be educated, trained, and given opportunities to innovate and create.
>
> Paragraph for the Declaration of Principles suggested by the
> Coordinating Committee of Business Interlocutors, August 27, 2003

The ICT industry is strongly committed to the creation of an environment where, to the benefit of all parties involved, ICT can be used in the most adequate way. Industry, manufacturers, network operators, and service providers, have to know their customers' wishes and to meet their needs – otherwise there is no sustainable business. As ICT networks are global, so is industry's business theatre. All major ICT companies are global players; Siemens, for example, has regional organisations in about 190 countries and manufactures in more than 50 countries. Our information and communication branch offers complete networks and solutions for both carrier and enterprise networks. Our current R&D focus is on next generation (IP/telephony convergence) and third generation mobile networks and applications.

R&D efforts are high in ICT, product cycles are short, and markets are, at present, sluggish; so any business requires careful assessment of potential markets and sales regions. A stable political and legal framework is indispensable to attract potential investors.

For manufacturers, the following market conditions are highly desirable:
– barrier-free market access
– globally accepted product certification ("once tested, accepted everywhere"), pre-

ferably conformity assessment by supplier's declaration of conformity
- technical regulations limited to essential needs of states and customers (safety, privacy and security, disability access, etc.); self-regulation as far as possible
- acceptance of international standards:
- created in organisations open to all relevant players
- consensus-based
- fitting actual market needs
- fair treatment of intellectual property rights issues impacting on standards

Industry engagement in WSIS and objectives

We have actively participated in the national and international preparation of WSIS through German government meetings, EU bodies, industry organisations, the ITU, the UN ICT task force, and WSIS prepcoms. The industry position on WSIS documents such as the "Declaration of Principles" and the "Plan for Action" has continuously been discussed with the government and NGOs. During this process the concerns of all parties involved became clear and mutual understanding improved. Different players with quite different objectives have proved a major problem for WSIS; often the selection of the topics to be covered seemed a bigger issue than the discussion of the issues themselves.

The WSIS event itself should be used to exchange views between political and industrial leaders and ICT users (e.g. through round table discussions) in order to create the necessary awareness of the needs of a future information society. Industry can mainly contribute by providing knowledge about ICT infrastructures and application scenarios. From political leaders, industry expects a commitment to create a legal and commercial framework that stimulates investment in information society infrastructure and contents. This should be boosted by the adoption of a worldwide agreed, concise, and realistic action plan based on the "Declaration of Principles" of the information society.

> A culture of security should be promoted through cooperation and coordination by governments, business, civil society and IGOs. Security and cybercrime are separate and distinct issues, and must be treated as such. Effective privacy protection of personal data and measures to promote consumer confidence are also important elements in enhancing the development of the information society. Measures to achieve such protection and confidence should not create barriers to information flows or trade.
>
> Paragraph for the Declaration of Principles suggested by the
> Coordinating Committee of Business Interlocutors, August 27, 2003

An important point of discussion during the WSIS preparation was the governance of the internet and its future development. To which degree should states regulate the internet? This is a rather controversial debate, currently with no substantial conclusion. The discussion mainly dealt with the internet as it exists today. Future developments will however produce communication networks that merge internet and

telephony features and technologies. The so-called "IP-converged carrier-grade networks" aim to offer public services of high reliability, privacy, and security, and therefore will have to fulfil regulatory requirements for such applications such as emergency services or lawful interception. We support IP network/service regulations that take into account the needs of users and society as long as they do not impede the evolution of new applications. Technology-neutral regulation for public telecommunication services as foreseen by the EU is considered to be the right framework. International discussions on this issue must be stimulated, and a far-ranging consensus on this issue must be sought right now.

How industry supports the WSIS goals

Industry has done a lot to disseminate knowledge to its partners all over the world. This comprises the exchange of information with customers, between colleagues in joint ventures, or in international organisations such as the ITU and their regional agencies.

Assisting network operators and service providers through information, education, case studies, network planning, etc. also helps to create a vast knowledge base. To take up local needs and to consider how they can become part of an international ICT standardisation is a further means of support. Occasionally we do make donations, too.

Here are a few examples of recent or current Siemens activities that contribute to the information society:

– Our office in Kabul, Afghanistan, co-ordinates all local activities and enables us to offer local IC solutions to meet the war-torn nation's many distinctive challenges thereby making use of local knowledge. Similarly, our support of the UNICEF initiative "back to school" in Afghanistan is an investment in the future of the global information society – another bridge across the digital divide. The campaign enables more than three million children to attend school.

– Enhancing the standard of school education in South Africa: The focus is on providing much needed resources for disadvantaged learning institutions, especially rural and township schools, which have high pupil/classroom ratios. Siemens contracts local suppliers to manufacture tables, desks, and other furniture, and projects are funded appropriately.

– Tele-education project for GSM operators in Africa (together with ITU-D)

– Siemens is a founding member of "Econsense – A forum for sustainable development," which was created by representatives of the German economy. This organisation is made up of leading German and global companies and organisations that have integrated sustainable development into their corporate strategies.

– We participate in the Global eSchools & Communities Initiative, an UN ICT task force initiative, which comprises deployment of ICT solutions (hardware, software, connectivity), content, user training and support, technical support and maintenance, monitoring and reporting

– In Cabo Verde, previously an isolated island chain off Africa's Atlantic coast, Siemens joined forces with Cabo Verde Telecom, the local carrier. Together we recently completed a fibre optic network linking all the tiny islands of the archipelago, thus improving their connection to the global network.

– In Vietnam, over 60% of the country's communities are linked by communal cultural points. These provide information and communication free of charge to even the most rural areas of the country. People may use postal and telecommunications services or simply read online books and newspapers from around the world. Siemens donated 100 PCs to Vietnam.

Outlook to WSIS part II in 2005

In our opinion it would be crucial to start the implementation of the "Action Plan" immediately after WSIS I and to continuously assess its progress. Rather than to create new funding mechanisms, existing ones should be employed. The continual exchange of expertise and experiences made in the implementation process is crucial.

We hope that the currently controversial issues such as internet governance, access to software, or intellectual property rights will be resolved, or that they will, at least, not impede the progress needed to create the necessary infrastructure and services required by the global information society.

Gender and the WSIS Process: War of the Words

By Heike Jensen

How are positions of political, economic, cultural, and social dominance maintained without the use of violence directed at those who are subordinated and marginalized? They are consolidated into structures; and they are maintained with the help of words, concepts and discourses. Dominant positions are either presented as necessary or normal and natural, or they are made to disappear from conscious thought altogether.

> What is gender mainstreaming? – "It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality."
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> ECOSOC Agreed Conclusions 1997/2

In politics, as in other contexts, one way to accomplish this vanishing trick is to talk solely about "issues" and to omit any reference to people. This strategy works as long as people assume that an issue similarly affects everyone and that there is no need to see who will be affected in particular ways.

It is this strategy that the gender mainstreaming approach tries to counter with respect to the dimensions of gender inequality and women's subordination. Gender mainstreaming calls for an analysis of the ways in which gender disparities and hierarchies affect the issue under scrutiny. It also calls for a more detailed assessment of what groups of women and men are affected in which ways, because different kinds of unequal power relations intersect in complex ways with those of gender.

Gender mainstreaming has become a global strategy in the wake of the Forth UN World Conference on Women in Beijing in 1995. The "Beijing Declaration and Platform for Action" promotes gender mainstreaming as part of a dual strategy. The other, complementary strategy consists in **targeted interventions** to remove particular structural barriers to gender equality. Neither gender mainstreaming nor targeted intervention on their own can bring about women's equality with men; both strategies have to be brought together to generate a sustainable impact.[1]

Selected UN Meetings: Mapping the Gender Dimension for WSIS

– UN Division for the Advancement of Women (DAW): Pan-European Region-al Ministerial Meeting, Round Table "Building a Gender-sensitive Information Society" (Bucharest, Rumania, November 7-9, 2002).

– UN Division for the Advancement of Women (DAW): Expert Group Meeting on Gender and ICTs "Information and Communication Technologies and their Impact on and Use as an Instrument for the Advancement and Empowerment of Women" (Seoul, Rep. of Korea, November 11-14, 2002).

– UN Division for the Advancement of Women (DAW): Expert Group Meeting on Gender and Media "Participation and Access of Women to the Media, and the Impact of Media on and Its Use as an Instrument for the Advancement and Empowerment of Women" (Beirut, Libanon, November 12-16, 2002).

– 47th Session of the UN Commission on the Status of Women (CSW): "Par-ticipation and Access of Women to the Media, and Information and Com-munications Technologies and their Impact on and Use as an Instrument for the Advancement and Empowerment of Women" (New York, USA, March 3-14, 2003).

In preparation for WSIS, a number of high-level UN meetings on gender and media took place. These established crucial dimensions of gender mainstreaming and targeted interventions. Both global and local media issues were considered; the mass media in general and the new information and communication technologies (ICTs) in particular were taken into account. Many other events generated additional expert assessments of the gender dimensions of the mass media and ICTs.

During the WSIS preparatory process, the gender dimension and targeted interventions to achieve gender equality have consistently been promoted by two internal organisational entities: the WSIS Gender Caucus (GC, www.genderwsis.org), which is a multi-stakeholder group, and the NGO Gender Strategies Working Group (NGO GSWG, www.genderit.org). These groups have been active in virtual space as well as in the convention centres of the prepcoms and the intersessional.

Within civil society as represented in caucuses and families working towards WSIS, the gender approach has found some allies outside the NGO GSWG, yet it has by no means been supported throughout civil society. Within governmental delegations, the Canadians have most consistently championed this approach. In sum, it appears that the majority of representatives – be they from governments, civil society, or business – favour a minimum of references to targeted interventions in limited contexts on behalf of girls and women over gender mainstreaming.

The following paradox has arisen from the overall neglect of gender mainstreaming in the context of its continuing and forceful articulation by well-organised groups and individuals throughout the WSIS preparatory process: Gender mainstreaming does not form part of the overall framework of the draft documents, as this approach is by definition designed to do, but is at best relegated to individual paragraphs. In fact, during the intersessional in Paris, there was even a moment in which all references to women had suddenly disappeared from the draft documents. This, however, created such forceful protests that references to women and gender equality

have subsequently been reincorporated. As it stands, the battle for women's empowerment in the information society is now being waged on the level of individual paragraphs and sentences. I will illustrate this "war of words" over the modalities of women's and girls' inclusion in the information society with examples of texts produced for various versions of the "Draft Declaration of Principles."

> A focus on the gender dimensions of ICTs is essential not only for preventing an adverse impact of the digital revolution on gender equality or the perpetuation of existing inequalities and discrimination, but also for enhancing women's equitable access to the benefits of ICTs and to ensure that they can become a central tool for the empowerment of women and the promotion of gender equality. Policies, programmes and projects need to ensure that gender differences and inequalities in the access to and use of ICT are identified and fully addressed so that such technologies actively promote gender equality and ensure that gender-based disadvantages are not created or perpetuated.
>
> Paragraph 11a proposed by Canada during the intersessional in Paris in July 2003

During the intersessional in Paris, the Canadian delegation proposed a gender paragraph 11a that reflects findings and strategies discussed at the expert group meetings. It combines gender mainstreaming with concerns to do with targeted interventions. Yet this paragraph never made it into an intersessional draft document. The NGO GSWG decided to lobby for the inclusion of this paragraph in an innovative way during PrepCom 3. Apart from the routine ways of lobbying delegates and urging the plenary to include the paragraph, the NGO GSWG had T-shirts printed with the paragraph on the back and the information "DRAFT WSIS DECLARATION HAS A MISSING PARAGRAPH '(SEE BEHIND)'" on the front. This lobbying strategy created a lot of attention, but the aim of including paragraph 11a was not reached.

> We affirm that development of ICTs provides enormous promise for women, who must be an integral part of the information society. We are committed to ensuring that our information society fosters the emancipation and empowerment of women, promotes gender equality and portrays women fairly and respectfully.
>
> Paragraph 9 in the Draft Declaration of Principles (19/9/03)

In fact, after almost a week of lobbying in favour of the inclusion of gender concerns, a new version of the "Draft Declaration of Principles" appeared that was even weaker in its gender language than the document that had come out of the intersessional. Not only did the new document contain only one reference to women; the paragraph in question was vague in its promises to women, and it seemed to suggest that

women would rather profit passively from acts of others/men than to be able to exercise their rights to shape the information society for themselves.

> Women are key actors in the information society. We are committed to ensuring that the information society enables women's empowerment and their full participation on the basis of equality in all spheres of society and in all decision-making processes.
>
> Paragraph 9 as suggested by the WSIS GC and the NGO GSWG (22/0/03)

In a renewed lobbying effort, the GC and the NGO GSWG suggested a reformulation of this paragraph. This reformulation acknowledges women as existing, important contributors, and it affirms that they are entitled to take part in and shape all contexts. The political issues addressed in the last sentence are taken from Article 13 of the "Beijing Declaration and Platform for Action." The strategy of including partial quotes without mentioning this document was chosen because of an understanding that no references to UN-related commitments other than the UN Charter, the Universal Declaration of Human Rights, and the Millennium Declaration, or the Millennium Development Goals would make it into the document. Still, a vision of gender equality and sustainable development would undoubtedly have been invigorated by an acknowledgment of the "Convention on the Elimination of All Forms of Discrimination against Women" (CEDAW), the "Beijing Declaration and Platform for Action," and other authoritative international documents.

The current version of paragraph 9 constitutes a compromise between the earlier wording and the suggested replacement. The discussion will begin anew when the "resumed session of PrepCom 3" starts on November 10, 2003.

> We affirm that development of ICTs provides enormous opportunities for women, who should be an integral part of and should be key actors in the information society. We are committed within the information society to enable women's empowerment and their full participation on the basis of equality in all spheres of society and decision-making processes, and to ensuring that they are portrayed fairly and respectfully.
>
> Paragraph 9 in the Draft Declaration of Principles (26/9/03),
> as altered from the version of 19/09/03

What can we expect from this new round of negotiations and from WSIS in December of 2003? It seems that the major battle has already been lost. The findings and recommendations of the gender experts, as well as the lobbying efforts of the gender advocates, have largely been ignored in the WSIS preparatory process. Consequently, the process has failed to make gender mainstreaming one of its central tenets, and this in turn suggests that the summit itself will fail to articulate a truly people-centred vision of the information society. Concurrently, no consistent vision

and plan of action has been conceived to bring about sustainable and gender-equitable development in the context of the information society. Instead, strife for political power and economic advantages has pervaded the discussion of single issues, from internet governance to intellectual property rights, and from proprietary software to media beyond ICTs.

Yet the stakes are still high: Should WSIS result in nothing but weak commitments to particular areas of targeted intervention on behalf of gender equity, then none of the root structures that devalue women and their concerns will be addressed. Conceivably, such commitments would only give a few groups of women the fleeting chance to become more skilled users/consumers. What has to be gained are powerful commitments to alter existing structures – thus to finally empower women to become leading actors in a world in which they constitute the majority of inhabitants. What is needed therefore are clearly defined far-reaching developmental targets as well as mechanisms to regularly monitor progress or setbacks.

The war of the words, thus, is neither over nor entirely lost. If nothing else, the determined involvement of gender specialists and advocates in the WSIS process has made it much harder for the powers that be to use their vanishing tricks and so pretend that talking about issues without any reference to people and their highly divergent positions and needs is natural and should satisfy every woman and every man all over the world.

1   The information on gender mainstreaming is taken from the brochure *Gender Mainstreaming: An Overview*, edited by the Office of the Special Adviser on Gender Issues, Department of Economic and Social Affairs (New York: United Nations, 2002). The quote in the box is reproduced on page 1 of the brochure and cited from the ECOSOC Agreed Conclusions 1997/2

On the Question of Financing at the World Summit on the Information Society

By Chantal Peyer

Pain pour le prochain
My thanks to Jean-Louis Fullsack (csdptt)

The question of financing is at once one of the major stakes at all UN summits and the most controversial. It is also among the most neglected, with the result that the good intentions expressed in the declarations of principles and the plans of action are seldom followed up by action, for lack of political engagement and adequate financing

The World Summit on the Information Society (WSIS) does not escape this judgement. Indeed, the plan of action proposes ambitious objectives and figures to reduce inequalities in the area of access to means of communication. However, if there is agreement at the WSIS on these objectives, there is a difference of opinion as to the means. At the close of PrepCom 3, which took place in Geneva from 15–28 September, 9 out of 13 sentences from the chapter on financing, renamed the "Digital Solidarity Agenda," appear in parentheses[1]. This signifies that no consensus could be found, and reflects a clear hardening of the positions surrounding the question of financing.

> Reducing the digital divide must be recognised as a political objective of high priority. The digital divide – that is, the division of the population into groups that have access to the new media and groups that are excluded – has developed along traditional, for the most part social, ethnic and gender divisions. The existing unjust distribution of opportunities for all is increased by unequal access to information and communication technologies. This is a global problem which affects the relations between countries and within societies. It is essential to enable all citizens access to old and new media. Overcoming unequal access opportunities must take into account local conditions and specific needs and must proceed according to sustainable principles. The establishment of public-access points and the furtherance of information and media competence will enable people both in developed and developing countries to find their bearings in the world of media information, to evaluate the content on offer, to produce their own content and to profit from information for their own personal pursuit of well-being.
>
> Charta of Civil Rights for a Sustainable Knowledge Society

1 The Frame of Reference of the Governmental Debates on Financing at the WSIS

The Monterrey Consensus

The frame of reference of the negotiations of the inter-governmental "finance" group at PrepCom 3 was clearly set out from the beginning: it was about the Monterrey Consensus, the outcome of the UN conference of March 2002. This consensus rested on six pillars: the mobilisation of national resources, direct foreign investment, international commerce, public aid to development, the restructuring of debt, and better co-ordination of international financial and economic institutions [2].

At the WSIS, the western countries – led by the European Union and the United States – only defended the first three pillars of the consensus. The opening and liberalisation of markets and the establishment of transparent and non-discriminatory regulatory frameworks were the keywords of a position that views direct foreign investment and public/private partnership programmes as the magic formula for overcoming the "numerical divide." In terms of its discourse, this position is strikingly unnuanced; furthermore – and above all in the Declaration of Principles – any sentences referring to the limits or risks of the liberal model of development were struck from the text during PrepCom 3. Thus point 4A of the declaration (version of 07-18-03) stipulated: "If left strictly under the influence of market forces, ICTs may actually deepen social inequalities within countries, and widen the gap between developed and developing nations."

At the level of public aid for development, the European Union, but also the United States and Switzerland, were reluctant to cite any precise objectives or figures. In other words, they wanted to avoid any reference to the 0.7% GDP which the "developed" countries had nevertheless pledged to devote to the co-operation for development since the Rio Summit.

As regards debt, the conclusion is the same: While the regulation of the servicing of debt is of crucial importance to poor countries, numerous delegations to the WSIS refused to refer to this problem. The results of the WSIS therefore mark a step backward with regard to previous UN accords on financing.

Numerical Solidarity Fund

The proposition of the Senegalese president Abdoulaye Wade to create a Numerical Solidarity Fund (NSF) was the second main theme of debate surrounding financing. The mechanism is based on a model close to the old monetary "serpent" which regulated European currencies within the EMS. It distinguishes between two threshold levels of "internet connectivity," a higher and a lower one, in terms of which countries can be classified: those that are above the high level of connectivity – that is, the industrialised countries – would finance the connectivity needs of the countries beneath the lower level. The resources would derive from voluntary contributions by purchasers of computers or of Internet equipment (from 1 to 5 dollars per unit); the purchasers could be individuals or businesses, or even groups or administrations [3].

Although the Senegalese delegation had obtained broad support from the African continent and from large countries like India and Brazil, the European Community and most of the Northern countries are firmly opposed to the creation

of such a fund. For the latter, the current financing mechanisms are sufficient, and rather than create new funds, one should better co-ordinate existing initiatives. Above all they reject any new financial commitments.

Within the framework of the negotiations, this confrontation resulted in an ambiguous situation: the Senegalese concept of "numerical solidarity" has in a sense been accepted but minus its content; or rather, with a completely different content. Hence the propositions of the plan of action related to financing were all regrouped under point 11D, entitled the "Numerical Solidarity Pact" (NSP). For the European Union and the countries of the North, this term does not refer to the creation of a new international solidarity fund.

> We commit ourselves to strengthening cooperation to seek common responses to the challenges and to the implementation of the Plan of Action [to be henceforth referred to as the 'Digital Solidarity Agenda'] which will realize the vision of an inclusive information society based on the key principles incorporated in this declaration.
>
> Declaration, version of 26. 09. 03, point 50

2 The Positions of Civil Society on Financing at the WSIS

Globally, the actors in civil society believe that the debate at the WSIS on financing does not respond in a satisfactory manner to three essential questions: through what mechanisms are the additional resources to be created? How are the funds gathered to be managed and for what projects are they earmarked? The answers to these questions are, moreover, all the more sensitive as the volume of needs – notably for the financing of infrastructures – is immense.

Criticism of the Monterrey Consensus

It is difficult for civil society to support a plan of action that calls into question the commitments made by governments at Monterrey; most notably, on the two crucial points, which are public aid for development and the question of debt. It is therefore clearly incumbent upon "developed" governments that they reaffirm their commitment to devote 0.7% of GDP to the co-operation for development, as well as to incorporate a separate point into the WSIS plan of action concerning debt reduction.

> [For those developing countries facing unsustainable debt burdens, we welcome initiatives that have been undertaken to reduce outstanding indebtedness and invite further national and international measures in that regard, including, as appropriate, debt cancellation and other arrangements.] [Thus releasing more potential resources for financing ICT for development projects]
>
> Proposition of an amendment to the Draft Plan of Action, section D: financing and implementation, 26.09.03[4]

However, civil society is equally critical of the very presuppositions of the Monterrey Consensus, which views liberalisation, direct foreign investment and Public Aid for Development (PAD) as the main sources of financing for development. Two reasons lie behind this:

a) Processes of privatisation:

Without implementation of voluntary measures, the market economy risks accentuating the inequalities in the area of access and appropriation of ICTs. Indeed, diverse experiences have shown that in developing countries, private operators have no interest in developing infrastructures and services in disadvantaged regions, where profitability is weak or questionable and where the purchasing power of the population is low. The obligation of public services and the study of the negative consequences of processes of privatisation are therefore a prerequisite for any development policies of the information society.

b) Public Aid for Development:

According to a study by Oxfam, it would take nearly 88 billion additional US dollars per year to realise the objectives of the Millennium Summit[5] ... not counting the relative objectives in the ICT sector. In this current political context, especially the lack of will on the part of "developed" countries to respect their commitments[6], it would therefore be illusory to regard PAD as the only source of public financing for development.

Numerical Solidarity Fund

At the close of PrepCom 3, international civil society drafted a position that supports the principle of a solidarity fund. However, it underlines that the fund would not constitute the only response to the "numerical divide." It adds a number of cautionary measures to the Senegalese proposition. The latter relate to management – demands are made for transparency and for the full participation of all the actors – but also on the allocation of resources[7] and on financing mechanisms. Indeed, without a public debate on these mechanisms, the fund risks become a dead letter, like the "African Telecommunications Fund"[8] proposed back in 1998 by Nelson Mandela, or the "World Solidarity Fund"[9], created in the wake of the Millennium Summit.

Moreover, the very principle of the fund perpetuates a traditional vision of aid to development which does not allowed for the resolution of the structural problem of the economic divides between North and South.

Civil Society from the North joins Civil Society from the South in supporting a solidarity approach to the overall discussion of information society. For purposes of this statement, we addressed ICT actions and initiatives for global development. We believe that an appropriate funding approach is one that links social solidarity to digital solidarity, both for existing as well as new funding mechanisms. For both new and existing mechanisms, we believe that serious consideration should be given to the following concerns:

1. Mechanisms for the distribution and implementation of such funds must be fully transparent and accountable, and ensure that the funds will reach the people who need them. The cost of administering the fund need to be kept to a minimum.

2. Fair rules for distributing international telecom charges based on solidarity must be re-established.

3. Funding must not lead to further indebtedness and dependency to unequal trade relations, nor to privatisation and deregulation. Funding must not to further reinforcing private and public monopolies.

4. Contributions to any newly established fund must reflect a multi-stakeholder participation, providing contributions from governments and the private and commercial sector as well as from citizens.

5. Funds must be managed and administered by people of the South.

6. Gender parity must exist in all such mechanisms and all spheres and in all levels of decision-making and implementation.

7. Funding mechanisms – Should not be established under the simplistic notion that digital divides can be redressed mainly by addressing issues of infrastructure or connectivity. They must be accompanied by funding for education, applications, content, and dissemination. – In order to ensure that the funds actually reach the most marginalized, mechanisms need to be set up to ensure distribution of these funds take into account intersectionality of race, class gender, ethnicity and other lines of discrimination. – Must address traditional and community media, not only the Internet. It should take into full account low-end but appropriate technology, including indigenous knowledges. – Must also be used to promote cultural and linguistic diversity. – Must support technological sustainability, including the use and production of free software and the fostering of user-centred technology development practices.

Content and Themes Subcommittee with inputs from those present at the South-South and Friends of the South Meeting WSIS PrepCom 3, September 25, 2003

Other mechanisms of financing

In view of the limits of the classical propositions for the financing of development and the volume of needs, it is urgent to broaden the framework of ideas and to reconsider the mechanisms – for example, taxes – that might allow for a better distribution of the benefits of the information and communications sector. In the domain of the information society, such a mechanism once existed: the system of tax distribution.

Indeed, until 1998, the system of the distribution of taxes provided an important source of revenue for developing countries – between 5 and 10 billion dollars per year, according to estimates by the International Telecommunications Union (ITU). This accord, negotiated within the ITU, foresaw that for every act of international telecommunication, the country from which the call is placed pays half of the tax to the recipient country. In 1998, however, under pressure from the large telecommunications companies, the American government decided to unilaterally abandon this system and to reduce its payments by half. For certain poor countries, this decision resulted in the loss of essential resources for the maintenance and development of the national telecommunications network. In the case of Ethiopia, for example, the lost earnings were estimated at nearly 22.5 million US dollars; that is to say, 30% of the telecommunications receipts [10].

As a result, civil society demands a re-evaluation of the system of tax distribution: this would send a strong signal of solidarity, real and effective, as it meets all the needs of the ad hoc structure.

> To provide the necessary resources for the financing of investments, particularly in infrastructure, […] the following points are to be considered:
> – The return to a system of tariffs by reparation such as was practised before the 1998 reform. The resultant increase in yield will be allocated to an African investment fund dedicated to the network infrastructure. According to the most credible economic experts, this increase in yield lies between one and two billion dollars annually.
> – The progressive 'recouping' of inter-African traffic (in proportion to the development of the African network infrastructures), currently ensured from outside the continent and which costs African operators on the order of 400 million dollars per year, according to the ITU.
>
> Propositions of the Civil Society Working Group on the
> WSIS Plan of Action, section on financing, 17.07.03 [11]:

Conclusion

In conclusion, civil society could not subscribe to a WSIS plan of action that represents a backward step in relation to Monterrey. However, for the non-governmental actors, it is equally urgent to consider the creation of new financing mechanisms. In the domain of the information society, this means revising the system of tax distribution, but also analysing the possibilities of introducing national taxes. Such measures would support the development of infrastructures as well as their content.

1   See the Plan of Action of 26.09.03, chapter II, point D.
2   See the Plan of Action of 26.09.03, chapter II, point D.
3   See the speech of President Wade at PreCom-2 at
    www.itu.int/wsis/docs/pc2/visionaries/wade-fr.doc.
4   See www.csdptt.org/news_csdptt2.php.
5   See Jens Martin's "Ergebnisse und Perspektiven globaler Entwicklungszusammenarbeit
    nach der Monterrey-Konferenz", June 2002. http://www2.weed-online.org/ffd/index.htm
6   88 billion US dollars corresponds to the sum total of ad hoc credit approved by the Ameri-
    can Congress last November for the military deployment in and reconstruction of Iraq and
    Afghanistan.
7   For further details, see "Civil society statement on information and communication soli-
    darity funding mecanisms", 25.09.03, www.worldsummit2003.de (section "Zivilgesell-
    schafts-Dokumente."
8   See www.itu.int/newsarchive/press_releases/1998/19.html
9   See www.solidarity-fund.org. The creation of this fund, proposed by the Tunesian president
    Ben Ali, has yet to take place.
10 See "For richer or for poorer? The impact of telecoms accounting reform on developing
    coutries," Panos Special Briefings, March 1998. www. panos.org.
11 "Financement des infrastructures: quelques pistes," Intervention in the name of the ple-
    num of the Civil Society Working Group, intercessional meeting, Paris, 17 July 2003. See
    www.cdsptt.org.

How Public is the Public Domain?
By Christoph Bruch

The information and knowledge society is all about access to information and knowledge. Demands for an inclusive information society are a call to tear down the walls that guard information privileges.

There are many barriers that stop information from being disseminated. Of course poverty and the lack of education that comes with it are the greatest problems that have to be overcome in order to make the information society all-inclusive. Next are intellectual property rights – copyrights, patents, and trademarks. Of these three, copyright claims are the main obstacle to the access to knowledge and cultural goods.

> Access to knowledge must be free. The central objective of a knowledge society organised according to the principle of sustainability is that access to all medial forms of knowledge must be possible for present as well as for future generations, for all peoples, at all times, in all places and under fair conditions. This applies to all domains of society, not only to science. Only free access to knowledge and information makes democratic participation in public affairs possible and stimulates creativity and innovation in science, business and culture. Only democratic control mechanisms can be allowed to limit the principle of free access.
>
> Charter of Civil Rights for a Sustainable Knowledge Society

But not all information is privately owned. Governments, public administrations, and public institutions produce and control huge amounts of information. Making this information freely accessible, and keeping it freely accessible, is of great interest to all of humankind.

Access to government information
– opens an unrivalled repository of knowledge that can be used for educational purposes and to satisfy the inquisitiveness that is a defining feature of humans
– is a key tool to hold governments accountable and as such a prerequisite for meaningful political participation
– empowers individuals in conflicts with government bodies
– helps to fight corruption, which deprives millions of people of badly needed public services and benefits
– offers resources for private enterprise

> Control of information flows is also an important instrument of power. No wonder governments traditionally are not inclined to grant its citizens access to information held by government institutions. History is permeated with cases of arbitrary secrecy.
>
> Everyone has an unlimited right of access to the documents of public and publicly controlled bodies. Access to information and knowledge as well as free communication are necessary prerequisites for personal development, for political participation and for the development of humanity as a whole. Freedom of information makes political decisions transparent, helps reduce corruption and improves the management of information in public administrations. Classifying administrative activities as secret must always require legitimisation by law and should be kept within a tight legal framework. All citizens have the right to inform themselves through publicly available resources and to have unhampered, unfiltered access to documents of public and publicly controlled organisations – without manipulation or control. Information and knowledge in private hands should also be accessible in case of a special public interest. Governmental and public administration institutions must commit themselves to the comprehensive electronic publication of all information of public interest.
>
> <div align="right">Charta of Civil Rights for a Sustainable Knowledge Society</div>

As an antidote to this deplorable tradition, freedom of information laws have been passed in many countries all over the world. In many instances the principle of administrative transparency is even part of a country's constitution.

Although most such laws are of fairly recent origin, there are examples from as early as the 17th century. A law passed in 1641 in the Colony of Massachusetts established:

> Every Inhabitant of the Country shall have free liberty to search and view rolls, records, or registers of any court or office, except the council, and to have a transcript or exemplification thereof written, examined, and signed by the hand of the officer of the office, paying the appointed fees thereof.

What began as a struggle to hold governments accountable has much wider implications today. The vast growth of public institutions makes them by far the most information rich organisations in the world. To tap this wealth for the good of mankind is a central goal of the information society.

At present access to government information is rarely perceived as a human right. This rebuff is being challenged by the United Nations special rapporteur on the protection and promotion of the right to freedom of opinion and expression in his comment on Article 19 of the International Covenant on Civil and Political Rights:

> [...] In this regard, the special rapporteur expresses again his view, and emphasises, that everyone has the right to seek, receive and impart information and that this imposes a positive obligation on states to ensure access to information, particularly with regard to information held by government in all types of storage and retrieval systems [...].

Access to information and knowledge at the WSIS

As the representatives of the countries of this world set out to define a framework for the information society, the right of the people to gain access to information in the hands of public institutions finally will have to be recognised. However, the wording of the latest draft of the summit declaration does not reach this benchmark.

> **23. (21)** A rich public domain is an essential element for the growth of the information society, creating multiple benefits such as an educated public, new jobs, innovation, business opportunities, and the advancement of sciences. Information in the public domain should be easily accessible to support the information society, and protected from misappropriation. Public institutions such as libraries and archives, museums, cultural collections and other community-based access points should be strengthened so as to promote the preservation of documentary records and free and equitable access to information.
>
> Draft non-paper of the president of the WSIS prepcom on the
> Declaration of Principles, October 24, 2003

Not only do the representatives of the governments of this world fail to establish this right, they plan to use information as a new source of revenue. Commercialisation of government information is the new buzzword. Information in the public domain is to be sold to companies. We, the citizens, who have paid for the information are to be robbed of what's ours.

The Scientific Information (SI) and the Patent, Copyright and Trade working groups within the WSIS civil society strongly support the inclusion of the phrase "free and open access" in the WSIS documents. While this was part of the official documents after the Paris intersessional meeting in July 2003, it was not supported at the PrepCom 3 in September 2003. The term "open access" refers to the "open access publishing movement," and is supported by large parts of the scientific community. Initiatives such as the "Berlin Declaration of Open Access," as well as the Open Library of Science use this phrase. "Equitable access," on the other side, seems highly ambiguous. It often relates to commercial transactions, which would only ensure that everyone could access information for the same amount of money. Civil society groups hold that scientific knowledge has to be accessible for everyone and not just to those who can afford to buy expensive scientific journals. This is crucial, as otherwise the gap between rich and poor would ever widen.

Since science has a central role in the production of new knowledge, universal and open access to scientific knowledge, as well as equal opportunities for everyone for the creation and sharing of scientific knowledge, are crucial. Any research, especially that funded by public bodies, should enrich the public domain. This must be ensured by the promotion of efficient models for self-publication, open content contributions and other alternative models for the production, publication and sharing of scientific knowledge and the use of non-proprietary formats.

CS proposal on Declaration of Principles at PrepCom 3

Civil society will not let this pass. In its "Charter of Civil Rights for a Sustainable Knowledge Society" German civil society groups have outlined the guiding principle for information in the public domain.

Fighting Intellectual Poverty: Who Owns and Controls the Information Societies?

By Georg C.F. Greve

The WSIS, the World Summit on the Information Society, should lay the foundations for what some refer to as "information societies," others as "knowledge societies." A discussion of information or knowledge societies should include a debate about who owns information and knowledge, about who controls the media in which they reside, flow and develop, and the question who controls the languages we use within those media. Yet all these issues are addressed ineffectively (open standards), inconsistently (free software), or not at all. An issue many governmental delegations would prefer not to deal with at all are so-called "intellectual property rights" (IPR), a term primarily covering patents, copyright, trademarks, but also business models, geographic locators, and other things people wish to own.

> 1. Knowledge is the heritage and the property of humanity and is thus free. Knowledge represents the reservoir from which new knowledge is created. Knowledge must therefore remain permanently accessible to the public. Limitations on public access such as copyrights and patents must be the exception. Commercial exploitation of knowledge conflicts with the interest of society in knowledge as a public good. Knowledge as a common good must have a higher status in the hierarchy of social values than the protection of private claims.
>
> Charter of Civil Rights for a Sustainable Knowledge Society

All of these are very different and usually unrelated areas of law, each with its own effect on the economy, politics and society. Mixing them is not only unhelpful for a qualified scientific dispute; the term IPR also advances the notion that thoughts are property. The meaning of ownership of ideas remains unclear to the sceptical mind. However, all these concepts have one thing in common: It is both their function and their purpose to establish limited monopolies on intellectual creativity. In this document, "intellectual property rights" (IPRs) will therefore be referred to by what they are and effect, i.e. as "limited intellectual monopolies" (LIMs).

Who controls what connects us all?

Ever since the first cave paintings and musical instruments, creativity and the sharing of knowledge and ideas have been the essence of culture, friendship, and society. Creativity and the sharing of knowledge and what else inspires us are fundamental to our humanity.

In 397 AD, St Augustine stated: "Omnis enim res, quae dando non deficit, dum habetur et non datur, nondum habetur, quomodo habenda est." ("For if a thing is

not diminished by being shared with others, it is not rightly owned if it is only owned and not shared.")

When, a millennium after St Augustine, Gutenberg invented the printing press in 1476, the sharing of knowledge was immensely simplified, yet the channels of distribution required considerable investment by those who distributed it for us. To protect them, and for the benefit of society, we invented the limited intellectual monopoly of copyright.

Now, another half-millennium later, digitalisation and most notably the internet have made it possible to share knowledge at the speed of light, at virtually no cost, and with very small investments on behalf of publishers. Every person in possession of a computer has a perfect (re-) production device and is a potential publisher.

We produce knowledge by learning from each other and from those who came before us. No one stands alone; we all do stand on the shoulders of giants. The reservoir we draw from for the cultural development of mankind, the link that ties us together as society, is the public domain of knowledge.

This resource is being depleted by privatisation and the expansion of limited intellectual monopolies, such as patents, copyrights and trademarks. Ideas have become nothing but commodities to be bought at a minimal cost from the creative producers of ideas, in order to sell them at a maximum price to those of us on the lookout for ideas.

Today, means that were invented to benefit society are often privatised at the expense of society. Using the words of Louise Szente from South Africa: "Woe is the life of the modern day student living in 'darkest Africa' for obviously we are still being kept in the slave quarters of the world. Harsh words? My friends, try and live in a society where such acts as the intellectual property acts of the world impede your advancement in life."

Limited intellectual monopolies, of which copyright is the best known, are powerful tools – and as such they should be used with great care. They were invented for a different age and with different issues at stake; today's information societies should therefore not simply reuse them – they will have to find new and appropriate forms.

The simplistic notion that monopolies lead to an increase in creativity – suggested by statements as the following: "Intellectual property protection is essential to encourage the innovation and creativity in the information society." (§38, Oct 24, 2003, non-paper by Mr. Samassekou) – ignore the fact that for thousands of years human creativity fared rather well without monopolies. The WSIS "Declaration of Principles" describes the current situation as fair and balanced, yet it is characterised by the hijacking of indigenous knowledge, the digital divide, and by cultural underdevelopment.

> 33 (39) Intellectual property protection is essential to encourage the innovation and creativity in the information society. However, striking a fair balance between protection of intellectual property, one the one hand, and its use, and knowledge sharing, on the other, is essential to the information society. This balance is reflected by protection and flexibilities included in existing intellectual property agreements, and should be maintained. Facilitating meaningful participation by all in intellectual property issues through awareness, capacity building and development of legal framework is a fundamental part of an inclusive information society.
>
> Draft non-paper of the president of the WSIS prepcom on
> the Declaration of Principles, October 24, 2003

The Patents, Copyright and Trademarks (PCT) working group of civil society at WSIS has worked hard to formulate a more neutral statement: "Striking a balance between limited information monopolies, on the one hand, and the use and sharing of knowledge, on the other, is essential to the information society." The central issues of PCTs and other LIMs is the question: Who runs the information societies and who owns their intellectual reservoir?

Who controls our cultural techniques?

The other issue the PCT working group has been dealing with is that of software and open standards. Access to software determines our chances for education, communication, and employment. In the same way as farming was the cultural technique of agricultural societies, software is the cultural technique of information societies. We cannot afford a situation in which minorities control our essential cultural techniques. The PCT group therefore has been working hard to promote free software, i.e. software that gives everyone the right to use, study, modify, and copy software – and thereby participate, learn, and share in knowledge as an active member of an information society.

The most problematic notions in this regard are "technological neutrality" and "freedom of choice." Both are very rational principles we support, but both are being used in a confusing manner so as to imply that the choice between proprietary and free software is a question of technology. This biased approach also suggests that the decision for free software would be unfairly one-sided.

> 40 (35) Standardisation is one of the essential building blocks of the information society. There should be particular emphasis on the development of international standards. The development and use of open, interoperable, nondiscriminatory and demand-driven standards that take into account needs of users and consumers, [and are based on the principle of technological neutrality,] is a basic element in the development of ICTs and more affordable access to them, particularly in developing countries.
>
> Draft non-paper of the president of the WSIS prepcom on
> the Declaration of Principles, October 24, 2003

Indeed free software does not work well for those who seek to gain control over others and who want to exploit that control in order to increase their economic, social, or political power. Free software thwarts the monopolisation of the essential cultural technique of information societies.

Free software does go a long way towards making information societies equitable, non-discriminatory, inclusive, and open to all.

Who controls our languages?

Communication only works when all parties involved use the same code. In information societies such languages are the standards we use for the storage and transmission of data. Proprietary standards transfer the control over those languages to a single vendor while those using other languages are cut off from communication.

New versions and updates, too, may interrupt our communication with our former selves – old files may not be intelligible to newer versions of proprietary software.

The only way to solve such problems is open standards. Open standards make the language of information societies transparent and available to all. The importance of standardisation is widely recognised by all participants in the WSIS: "Standardisation is one of the essential building blocks of the information society." (§40, Oct 24, 2003, non-paper by Mr. Samassekou).

So far, unfortunately, none of the WSIS documents guarantee open standards. A standard can only be open if it is freely implementable and publicly documented. The PCT working group has been very active to get such standards included in WSIS declarations in order to make sure that the languages of information societies will be available to us all.

What are Intellectual Property Rights? – Intellectual property (IP) rights are the rights awarded by society to individuals or organisations principally over creative works: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce. They give the creator the right to prevent others from making unauthorised use of their property for a limited period. IP is categorised as **industrial property** (functional commercial innovations), and **artistic and literary property** (cultural creations). Current technological developments are blurring, to some extent, this distinction, and some hybrid *sui generis* systems are emerging.

Integrating Intellectual Property Rights and Development Policy, report of the Commission on Intellectual Property Rights, London, September 2002 (www.iprcommission.org)

Internet Governance : ICANN vs. ITU?

By Wolfgang Kleinwächter

One of the most controversial issues in the WSIS preparatory process is the question of internet governance. Internet governance means the administration of the key resources of the internet's infrastructure: domain names, IP addresses, internet protocols, and root servers.

One group, consisting mainly of G 20 governments, and including China, Brazil, India, and South Africa, wants to transfer the "governance of the internet" to an intergovernmental UN organisation like the ITU. The US government, on the other hand, with support from the European Union and the private sector, supports the idea of "private sector leadership," as exemplified by the Internet Corporation for Assigned Names and Numbers (ICANN), a global, private, non-profit corporation established in October 1998 under Californian law and regulated, on the basis of a "memorandum of understanding" valid until October 2006, by the US Department of Commerce. Civil society groups like the ICT Global Governance Caucus are in favour of a "multi-stakeholder approach." While critical of ICANN with its continuing dependence on the US government and the limited role of individual internet users on the ICANN board of directors, they are also critical of the idea to establish an intergovernmental control body – as this may result in national rivalries.

The controversy can only be understood by going back in history. The co-ordination, and, where necessary, the management of the internet's resources has developed since the 1970s as a bottom-up process mainly driven by technical developers, providers, and users. In contrast to telecommunications and broadcasting, where at an early stage top-down governmental regulation determined the design of the media in a national context and according to political and economic interests, there was no such approach with regard to the internet. The standards needed were developed and adopted by non-governmental organisations such as the Internet Engineering Task Force (IETF) or the World Wide Web Consortium (W3C) along the principle "running code and rough consensus." This worked to the benefit of all. The tremendous growth of the internet is proof that national or international legislation was not needed.

The domain name system (DNS), too, was developed bottom-up. Until the early 1990s it was overseen by the DNS' father Jon Postel who did this, with one assistant, working out of his office in Marina del Rey in California. It was only when, after the invention of the world wide web, the number of domain names exceeded one million, and the Internet became a commercial platform, that the technical co-ordination of this key resource became more and more of a political and economic issue.

For a long time all governments more or less ignored the internet. The exception was the United States, which financed research first via the Department of Defence (DoD) and later via the National Science Foundation (NSF). When in May 1997 the ITU, in co-operation with Jon Postel, tried to come up with a memorandum of understanding for generic top level domains (gTLD MoU), a majority of ITU mem-

ber states did not actively participate in these negotiations. The 1998 ITU plenipotentiary conference in Minneapolis did not refer to the gTLD MoU, which then was never implemented.

The US government opposed the ITU approach and proposed an alternative body – which resulted in the formation of ICANN in 1998. ICANN was based on the principles of stability, competition, bottom-up policy development, and global representation. The last principle was the result of a critical intervention by the European Commission which wanted to avoid that ICANN would become a purely US organisation.

ICANN's structure was based on the idea that providers and users of internet services should be the decision makers, while governments would play an advisory role. Consequently the board was composed of 19 members chosen from three so-called supporting organisations for domain names, internet addresses, and IP protocols, representing providers and developers, plus nine directors to represent the public at large, i.e. individual internet users. A "governmental advisory committee" (GAC) open to all governments was formed, the role of which was to advise the board of ICANN – GAC recommendations were not binding. In October 2000 the US government planned to hand over all remaining responsibilities, including the control of the A-root server, to this new corporation.

The idealism of the founding fathers of ICANN did not work in its original sense. As the internet economy was dominated by the US, ICANN quickly became very US-oriented with VeriSign (former NSI) as its main player. The idea that nine "at large directors" should balance the interests of the private internet industry was never implemented. Up to the present moment the US government still is ICANN's regulator.

After September 11, 2001 the growing need to guarantee the security and stability of the internet led to a reform process of ICANN. Its management structure was changed, the representation of internet users was reduced, and the role of governments was strengthened. The original principle remained, yet ICANN became something like a "public-private partnership."

When the WSIS process started, a number of governments, mainly form the third world, began to question the legitimacy of ICANN. They pointed out that the digital divide was reflected in the distribution of domain names and IP addresses. They felt that they were unable to participate in ICANN's decision-making processes. And they criticised the privileged role of the US government. Some governments suggested that the internet, like telecommunications and broadcasting, should be regulated top-down in order to protect national economic and political interests.

The criticism of the non-representative nature of ICANN is understandable; yet it is a fundamental misunderstanding to perceive of the internet as if it were broadcasting and telecommunications. While a government can easily control a national news programme, it is impossible to do the same with the global internet. If one domain is blocked in one country, this does not necessarily mean that the website concerned will disappear; if relocated to another domain the website will still be accessible.

IP addresses are different from telephone numbers. While numbers are numbers, it has to be remembered that the allocation of IP numbers (via IANA and Re-

gional Internet Registries/RIRs) is totally different from the allocation of telephone numbers (with country and city codes via national regulatory authorities).

This does not mean that governments should have no role in the governance of the internet. There is a growing number of public policy issues related to the internet. Yet issues like spam, illegal content, or cybercrime are not on ICANN's agenda and have very little to do with the co-ordination of internet resources. Therefore, to deal with these evils does not imply that the domain name system has to come under intergovernmental control.

The Civil Society Internet Governance Caucus, in one of its statements during the WSIS process, has therefore argued, that "governance issues related to the internet are a complex challenge which needs a complex answer and which has to include all stakeholders – civil society, private industry and governments. No single body and no single stakeholder group alone is able to manage these challenges. This multi-stakeholder approach should be the guiding principle both for the technical co-ordination of the internet, as well as for broader public policy issues related to cyberspace in general."

As a consequence it added that "the development of policies and frameworks in this context must continue to be a bottom-up process. This bottom-up policy development process (PDP) should be as inclusive as possible, transparent and open for participation by all interested parties, in particular for civil society and individual internet users. In every country, management of internet resources and related public policy should be advanced in the interest of and in consensus with the national internet communities."

Finally the caucus has stressed that it does not perceive of a need for a new intergovernmental organisation. Rather there has to be continuous improvement of the existing structures and mechanisms, more openness and transparency, more participation in and democratisation of decision making, the root server system has to be internationalised, and co-ordination, consultation, and communication have to be improved.

47. (42) [Internet issues of an international nature related to public policies should be coordinated: Alternatives:
a) between governments and other interested parties. *b)* through/by appropriate intergovernmental organisations under the UN framework. *c)* as appropriate on an intergovernmental basis. *d)* through/by appropriate international organisations. e) through appropriate and mutually agreed international organisations.]

Draft non-paper of the president of the WSIS prepcom on the Declaration of Principles, October 24, 2003

44. Management of internet names and addresses: The management of inter-net's unique identifier systems must occur through open and transparent means, supporting private sector-led industry self-regulation, while taking into account the interests of the public sector and civil society, and respecting multilingualism. To ensure the global interoperability, stability and security of the Internet, the coordination responsibility for root servers, domain names, and Internet Protocol (IP) address assignment should rest with a private sec-tor organization operating in the global public interest. The policy authority for country code top-level-domain names (ccTLDs) should be co-ordinated at the global level and should be the responsibility of the government or public authority and internet communities in those countries, regions or territories.

GLOCOM's comments on the Draft Declaration of
Principles and Draft Action Plan, May 30, 2003.

44. The Internet provides a key global platform for the information society, and the good governance of its underlying technical resources is a core issue on the information society agenda. The international co-ordination of such resources should be transparent and democratic, with the full participation of governments, the private sector, civil society and international organisations. It should promote an equitable distribution of these resources in accordance with identified technical requirements, facilitate access for all, and ensure the internet's stable and secure functioning, taking into account multilingualism.

Comments by the Civil Society Working Group on
ICT Global Governance, November 11, 2003

Open technical standards and open forms of technical and software produc-tion guarantee the free development of infrastructures and thus self-determi-ned and free communication forms. Proprietary solutions in regard to proto-cols and standards in network technology, computer architecture and software application lead to the formation of monopolies and are detrimental to inno-vation. When governments hold monopolies on infrastructures and when pri-vate-sector players have proprietary monopolies on technologies, there is the additional danger that the power to set standards will affect content and lead to restrictions in the freedom of information and communication. Only open technical standards will promote free and open software development and self-determined communication.

Charter of Civil Rights for a Sustainable Knowledge Society

National Security or Civil Liberties? WSIS Debate on Security Issues in Deadlock

By Ralf Bendrath

At the WSIS PrepCom 3 there was no consensus between governments on security issues. There was some agreement on minor points but fundamental questions could not be resolved. Especially Russia and China disagreed with the broad consensus reached between other participating delegations in insisting on their own national security needs and in questioning human rights and civil liberties. The ambiguous term "information security" was introduced into the Draft Summit Declaration at PrepCom 3 and has, since then, led to yet another blockade of the whole security working group. Civil society concerns over the curtailment of human rights and civil liberties such as freedom of speech have also been amplified by references to the Council of Europe's "Cybercrime Convention" and the European Union's attempts to strengthen "network and information security."

Privacy much too weak

Civil society groups in general are concerned about the focus on security in the WSIS declaration draft. In their view, "security" is a vague political goal that can be higher or lower on the agenda depending on day-to-day politics. Privacy and other human rights and civil liberties, on the other hand, are basic democratic rights that may not be violated for the sake of (or, as is often the case, under the guise of) security issues.

Civil society groups therefore have lobbied for the inclusion of a new paragraph on privacy into the summit's declaration on "security." Such a paragraph, preceding other questions of "security," would make privacy a priority in information societies where the trafficking, processing, and misuse of personal information has become a bigger problem than ever before in the history of human rights.

> The right to privacy is a human right and is essential for self-determined human development in regard to civic, political, social, economic, and cultural activities. It must be protected online, offline, in public spaces, at home and in the workplace.
>
> Every person must have the right to decide freely whether and in what manner he or she wants to receive information and communicate with others. The possibility of communicating anonymously must be ensured for everyone. The collection, retention, use and disclosure of personal data, no matter by whom, should remain under the control of and determined by the individual concerned.
>
> Crucial Issues for Privacy and Security Working Group, September 22, 2003

This position gained the support of some delegations. Yet the whole debate has been centred on conflicts to do with security issues, wherefore no delegation wanted to put to much stress on the issue of privacy. Privacy is now only briefly mentioned, and not at all in the first part of the declaration that deals with values and principles.

Struggle over "national security" language

At the Paris intersessional conference in July 2003, the working group on security chaired by the European Union had almost reached an agreement based on previous proposals by the EU and Switzerland.

> The benefits of the Information Society can only be fully harnessed if there is confidence that the new information and communication technology is reliable and secure. (…) Therefore governments should work in close co-ordination with private enterprise, civil society and with international expert bodies in the field of network and information security. Within this global culture of cybersecurity it is important to strike a balance between, on the one hand, measures to enhance security and, on the other hand, the need to ensure the protection of data and privacy, as well as to avoid the creation of new barriers to trade.
>
> European Union contribution to the Draft Declaration of
> Principles received by May 31, 2003

> Strengthening the trust framework (security, authentication, privacy, consumer protection) is a prerequisite for the maturation of the information society and for inspiring confidence among all users of the internet. It requires the involvement of all participants.
>
> Swiss contribution to the Draft Declaration of
> Principles received by May 31, 2003

Then the Russian delegate showed up late and insisted on having two more paragraphs included. Because of the use of the terms "military," "terrorist," and "sovereignty," they were informally called "Chechnya paragraphs."

The paragraphs had been previously included, on Russia's initiative, into the declarations of some regional preparatory meetings like the Pan-European conference in Bucharest in November 2002 or the Asia-Pacific conference in Tokyo in January 2003. Up till then, the issue of security had not been very prominent, as most governments perceived of development and inclusion as main issues of the WSIS. In Bucharest, where this issue first was raised, the Russian delegation referred to the hostage crisis at a Moscow theatre that had taken place just a week earlier.

> ICTs can potentially be used for purposes that are inconsistent with the objectives of maintaining international stability and security and may adversely affect the integrity of the infrastructure within states, to the detriment of their security in both civil and military fields, as well as in relation to the functioning of their economies. It is also necessary to prevent the use of information resources or technologies for criminal or terrorist purposes
>
> Bucharest Declaration, Pan-European Regional Conference, November 2002

The Russian fears are somewhat understandable because, since the 1990s, "information warfare" has been an issue in a number of countries. The main proponent has been the United States military where the "Joint Doctrine for Information Operations" was issued by the Pentagon in 1998. This has been much criticised by civil society groups.

> The WSIS should also recognize that one of the greatest threats to "information security" lies in the militarisation of information space, including the development and deployment of "infowar" technologies and techniques; the deployment of military software or hardware against civilian communications systems; the domination of satellite orbits for military purposes; and the purposeful destruction of civilian communication systems during conflicts in violation of international law. The WSIS should encourage the foundations for a future convention against information warfare to address these concerns.
>
> Civil Society Priorities document, August 3, 2003

The potential use of information and communication technologies by terrorists had been raised before by the Council of Europe at an informal WSIS meeting in September 2002. From the beginning the Council has tried to promote its "Cybercrime Convention" as a model for an international agreement.

> C. Cyberfreedoms and their limits, (…)Proposed subthemes: (...) *b. Defining what is illegal on the Internet* (As regards illegal content, the Council of Europe has already broken new ground by adopting the Cybercrime Convention, which is the first international agreement in this field, providing definitions of some of the most serious acts which should be declared illegal and fought in concertation, in particular child pornography and copyright piracy. (…) Discussions are also under way concerning the opportunity of drafting a second additional protocol on the use of internet for terrorist purposes.)
>
> Council of Europe statement

The "Cybercrime Convention" has been heavily criticised by civil liberties and human rights groups for a number of reasons, e.g. its extensive range, the lack of legal protection, as well as for its additional protocols (against xenophobic acts committed in cyberspace and against terrorist use of the internet) – all of them formulations that can be used to legitimise internet censorship and surveillance. The additional protocols clearly show that the "Cybercrime Convention" aims to control behaviour and communication on the internet, something that cyberrights groups and privacy watchdogs have warned of for a while.

At PrepCom 3, which took place in Geneva in September 2003, some progress was made, as the Russians agreed that a redrafted part of their proposal that dealt with sovereignty issues was switched to the action plan. But they still insisted on the inclusion of a passage on the danger that information and communication technologies can potentially be used „for purposes that may adversely affect the (...) security in both the civil and military fields." The EU and US delegations, in line with many others, were strongly opposed to the mention of military matters in the context of WSIS, still the Russian delegation was able to carry its point.

The Civil Society Working Group lobbied on privacy and security and thus convinced a number of delegates of the danger of just mentioning "the use of information resources and technologies for criminal and terrorist purposes" without specifying the exact kind of illegitimate use meant. The US and Canadian delegations, in line with the EU and others, insisted on inserting the phrase "consistent with the need to preserve the free flow of information." At this point, China joint forces with Russia. The Chinese delegation wanted to add the clause "in accordance with the legal system of each country," which is the diplomatic term for 'we do not want to conform to international human rights standards anyway.'

Some futile attempts were made, in small ad hoc groups, to find a compromise. But as there is a fundamental contradiction between civil liberties and national security, no agreement could be reached. The paragraph remained unchanged during the informal talks in Geneva after PrepCom 3.

> (…) ICTs can potentially be used for purposes that are inconsistent with the objectives of maintaining international stability and security, and may adversely affect the integrity of the infrastructure within states, to the detriment of their security [in both civil and military fields]. It is necessary to prevent the use of information resources and technologies for criminal and terrorist purposes [, consistent with the need to preserve the free flow of information] [in accordance with the legal system of each country].
>
> Position of the intergovernmental working group at PrepCom 3, September 2003.

"Information security" contested

In addition, Russia insisted on the term "information security," a point again supported by China. Both Russia and China have a track record of infringing upon civil liberties in the name of "national security." The term "the great firewall of China" has been coined with reference to the attempt to completely filter and control internet traffic between Chinese citizens and the rest of the world. The control of its the national information sphere is also part of Russia's national security doctrine. In the Russian understanding the concept of "information security" includes not only the technical reliability of information and communication networks and systems, but also refers to the content transmitted. China has, for a number of years, been trying to control the content of internet traffic within and across its borders. The Russian National Security Concept (2000) states that a serious danger arises from the desire of a number of countries to dominate the global information space, a trend that could marginalize Russia on the external and internal information market.

As the civil society working group on privacy and security has stated at the working group meetings and in plenary at the WSIS preparatory meetings in June and September 2003 this can and will be read by a number of governments as a legitimisation of censorship and state control of information access. Civil society groups have therefore suggested to generally replace the term "information security" with "dependability."

The German delegation, after some discussions with civil society groups, supported this suggestion, as did the US delegation after China had decided to support the Russian proposal. Some countries like Lebanon prefer the term "network security." At the moment the term "network and information security" still is in square brackets, i.e. not agreed upon.

Security, dependability, or trust?

The phrase "culture of cybersecurity" prominent in the paragraph quoted below is taken from a UN General Assembly resolution. This term is very unusual for ICT security experts, yet it describes the fact that technical security has to be created by the interaction of producers and users, technology and organisation, ethics and permanent re-assessment.

> The General Assembly (…) 4. Invites member states and all relevant international organisations to take, inter alia, these elements and the need for a global culture of cybersecurity into account in their preparations for the World Summit on the Information Society, (…) Annex-Elements for creating a global culture of cybersecurity: (a) Awareness. (b) Responsibility. (c) Response. (d) Ethics. (e) Democracy. (f) Risk assessment. (g) Security design and implementation. (h) Security management. (i) Reassessment.
>
> **United Nations General Assembly** resolution 57/239:
> Creation of a Global Culture of Cybersecurity, December 20, 2002

The General Assembly resolution was adopted as a preparation for WSIS, and it has been the only one explicitly relating to WSIS, which again shows the precarious focus on security in the whole process.

Civil Society's working group on privacy and security has asked for "security" to be replaced by "dependability," as the term security is inherently vague and ambiguous and creates the potential for misuse. "Dependability" on the other hand is the established technical terminology for ICT systems that can withstand cyber attacks and other external events. It is already officially used in the European Union's Dependability Development Support Initiative (DDSI). Unfortunately this has so far not had any impact on the intergovernmental negotiations.

The OECD has introduced the term „trust" into the WSIS process. The OECD is mainly worried about the slow progress of online commerce due to users' concerns about privacy of their personal data such as credit card numbers.

> Create an environment of security and trust in which all users can engage in online transactions with confidence.
>
> OECD statement, WSIS prepcom 1, July 2002

The privacy and security working group has suggested that the term "trust" in the headline of the "security" paragraph should be replaced with "transparency." In their view "trust" is currently associated with technically immature industry initiatives like the "trusted computing group" or Microsoft's "trustworthy computing" campaign. The World Summit Declaration should not raise the impression of being a marketing measure for these controversial technologies. In contrast to blind trust in marketing slogans, transparency concerning infrastructures and ICTs mechanisms can insure stability. Transparency boosts the fight against bugs and the closing of backdoors. Experts have known this for long, as witnessed by the saying "no security through obscurity."

This argument has been very successful in informal talks with delegates from a number of governments. It seems that nobody really had thought of the possibility that this phrase can and will be hijacked by some major computer and software corporations. Even a member of the Swiss delegation, which had introduced the phrase "strengthening the trust framework" at the WSIS intersessional conference in June 2003, confessed that the idea was completely new – but still very convincing – to him. Unfortunately the other problems in the security issues working group drew too much attention, wherefore nobody wanted to open up another debate.

Conclusion

The work on the security paragraph in the summit declaration has been characterised by three problems. The first is a political conflict that has been around for a while: Some governments insist on the priority of "national security," while others, at least in principle, want to defend internationally agreed human rights and civil liberties. Here, the civil liberties' defenders mainly focus on the concept of the "free

flow of information," which is easily done considering the hegemony of the international mass media.

The second problem is the low priority accorded to privacy and data protection in the general WSIS process. Some governments have attempted to argue the importance of these issues, yet generally the focus of the debate has been on security issues.

The third problem is good will followed by bad results – as in the case of the European Union's decision to agree on "information security," without noticing the problematic connotation this term has in some countries. The one sentence that was most used by delegates in the working group's meetings was "I am not an expert on this." This is understandable, as the delegates often have to work on a number of different issues and are not able to be an expert on every detail. What is less understandable, though, – especially in the "multi-stakeholder" WSIS process – is the fact that civil society experts were not allowed to take part in the discussions.

(November 9, 2003)

Grassroots Communication for a People-Centred Information Society: Community Media is at the Centre of Civil Society Efforts at the WSIS

By Arne Hintz

At the third preparatory conference PrepCom 3, civil society organisations agreed on a statement expressing their concerns on the latest version of the draft "Declaration of Principles." In this statement they specified community media as the single most important issue neglected in the WSIS process. All reference to community media has been eliminated from the draft declaration. For civil society groups this omission expressed "a complete disregard of the value of such alternative media." Thus community media suddenly moved from the margins to the very centre of the WSIS process.

Why community media? Civil society has repeatedly criticised the WSIS agenda for its technocratic approach, its disregard for the special needs of marginalized and disadvantaged people, and its lack of a people-centred vision. Community media represent a prime example for a different approach, a different vision of an inclusive and participatory information society.

> Community media are thus a vital means to enable public participation, to strengthen cultural and linguistic diversity, to promote gender equity and to bring about a more just and equitable information society that includes the voices of the poor and the marginalized. We urge this be reflected in the WSIS Declaration and Action Plan.
>
> Statement on the Draft Declaration and Action Plan endorsed by numerous CS groups, such as CAMECO, AMARC et al.

In a world where nearly one third of the population still do not have reliable access to electricity, where one fifth lacks basic literacy skills, and where for many radio remains the only reliable medium, the sophisticated communication infrastructure discussed at WSIS must seem like a message from outer space. Community radio, television, and print media represent basic, but highly effective means to bridge the information and communication divide, as they apply appropriate local technology and knowledge to development and poverty reduction. As a community-driven and empowerment-oriented approach, they offer fundamental characteristics of a successful development strategy.

Furthermore, most community, alternative, and non-profit media represent an interactive and participatory approach to communication, something distinctly different from many of the programmes envisioned at the WSIS. They are about people sharing information and taking information into their own hands rather than waiting for corporate or state information providers to do so for them. Community media are thus a vital means for enabling public participation, to give a voice to the

marginalized and disadvantaged, and to issues and opinions otherwise excluded from public discourse.

> In so doing, they offer a direct response to many of the questions and issues which the WSIS claims to highlight but has in fact side-stepped during the preparation process. They strengthen cultural and linguistic diversity through local content and community involvement, they often remove obstacle for the participation of women and promote gender equity, and most importantly they create networks of a people-centred information society. Media diversity and the availability of information from independent sources are essential for the maintenance of an enlightened public. Media and their content are increasingly controlled by only a few global media conglomerates. It is a public responsibility to support existing and new forms of media participation. Non-profit media and those public service media that are controlled by democratic structures must be extended. The rights to freedom of opinion and to a free press must be supplemented by general rights to freedom of communication. The right to communication must include the right to participate in all kinds of communication processes and to contribute actively to the media.
>
> Charter of Civil Rights for a Sustainable Knowledge Society

Community media representatives and organisations supporting community media have, in the WSIS preparation process, formed a community media working group to make sure that issues related to community media appear in the WSIS debates. Led by the World Association of Community Broadcasters (AMARC), the group has issued a number of statements to support constructive debates both within civil society and between governments. As a sub-group of the media caucus, the working group has consistently argued for a pluralist and diverse media environment, recognising both public service broadcasting and community media as fundamental guarantees for social and cultural objectives.

> 52. (47) The existence of [independent pluralistic and free] media [in accordance with the legal system of each country and] based on the Universal Declaration of Human Rights [particularly on articles 19 and 29] is crucial to any conception of the information society. [Individuals and media should have access to available information]/[Freedom of access to and use of information for the creation, accumulation and dissemination of knowledge are important principles of the information society.] [Pluralism of information and diversity of media ownership should be encouraged]. Traditional media in all its forms will continue to have an important role in the information society and ICTs should play a supportive role in this regard. [Formulation of professional and ethical standards in journalism is the responsibility of media professionals.]
>
> Draft non-paper of the president of the WSIS prepcom on the
> Declaration of Principles, October 24, 2003

Frequency allocation is one of the fundamental issues for community media. In many countries independent media are systematically excluded from legal broadcasting. The groups have therefore called on WSIS to reserve radio frequencies as well as satellite capacity for community and non-commercial broadcasting, and to furthermore recognise radio frequencies as a natural resource belonging to all humanity. The latter demand particularly taps into current debates within civil society on how to secure and extend the global information commons and the public domain. The working group has also proposed a community media fund to support new community media projects, thus promoting a resource-friendly and target-oriented means to bridge the knowledge divide and to secure cultural diversity.

> We propose the Action Plan should include a commitment to establish a Community Media Fund by 2006. The fund would support new community radio development and community media content including projects that make provision for the poorest communities, for cultural and linguistic diversity and for the equal participation of women and girls. The fund should also support community projects that combine the use of traditional media and new communication technologies. The fund should be established through a donor – civil society partnership involving leading community media organisations and civil society organisations working in this field.
>
> Statement on the Draft Declaration and Action Plan endorsed by numerous CS groups, such as CAMECO, AMARC et al.

Many governments are rather hostile towards the media, and especially community media. Keeping this in mind, two demands were finally formulated as "non-negotiables." First, the working group insisted that the statement "public service broadcasting and community media have a crucial role to play in ensuring participation of all in the information society" should be included in the declaration. Secondly, it rejects the explicit endorsement of national legislation in WSIS documents, as national laws and regulation have, on numerous occasions, been found to contravene the freedom of expression as specified in article 19 of the UDHR.

> Cultural diversity is a prerequisite for individual and social development. Culture is realised in languages, customs, social behaviour patterns, norms and ways of life, but also in human artefacts (such as arts, crafts and technology). The emergence of the global knowledge society must not be allowed to lead to cultural homogenisation. Instead, the creative potential of current information and communication technologies must be used to preserve and promote the heterogeneity of cultures and languages as a precondition for the individual and social development of present and future generations. A dialogue of cultures can only be realised in a climate of diversity and equal rights.
>
> Charter of Civil Rights for a Sustainable Knowledge Society

Community media are fundamental to creating an influential and socially responsible civil society. They represent a set of values different from those brought into the debate by governments and businesses. Highlighting their central role in this conflict of visions, community media groups, at the end of PrepCom 3, called on United Nations secretary general Kofi Annan to ensure that WSIS gives priority to empowerment, participation, and poverty-reduction, and addresses the fundamental barriers of literacy and equipment costs that exclude the world's poorest people. Radio and television remain the most widespread communication technologies and the most accessible channels of information. The fact that the WSIS has so far chosen to ignore these media says a lot about its approach and its priorities. The Community Media Working Group, AMARC, the Latin American Association of Radio Education (ALER), Bread for all, the Catholic Media Council (Cameco), and the Swiss Catholic Lenten Fund will organise, parallel to the summit, a "Community Media Forum" on December 12, 2003. There, examples from all over the world will show that community media are a powerful means to further community involvement and poverty reduction. Concrete steps towards the legal recognition of community media will be discussed. More information on the programme: www.amarc.org and www.cameco.org (English), www.ppp.ch (French) and www.aler.org.ec (Spanish).

> (…) New information and communication technologies will strengthen the important role of traditional media, such as broadcasting and print press. Legislation to ensure the participation of all in the information society should: a) promote and defend the existence and development of free and independent media, b) encourage pluralism and diversity of media ownership and avoid excessive media concentration, c) recognize the specific and crucial role of public service broadcasting and community media, d) transform state-controlled media into a editorially independent organisations. International standards of labour rights and social protections must apply to all media workers.
>
> CS Media Caucus proposal for the Declaration of Principles,
> September 22, 2003

Why are Communication Rights so Controversial?

By Rainer Kuhlen

The communication rights issue, the right to communicate (r2c), is among the most controversial in the negotiation process leading up to the World Summit on the Information Society (WSIS). Looking at the discussions during the prepcoms, it is very likely that the r2c will be neglected altogether or will only survive as a vague compromise.

> We recognize the right to communicate and the right to access information and knowledge as fundamental human rights. Everyone, everywhere should have the opportunity to participate in the information society and no one should be excluded from the benefits it offers. In a world based on knowledge and information, the right to communicate and the right to access information and knowledge are essential requirements to the attainment of others internationally recognized human rights, including the right to freedom of expression, universal access to the information and communications infrastructure and to the internet is essential to the information society
>
> Submission by Brazil on the Declaration of Principles
> at the Paris intersessional

Why is this so? From a common sense point of view it seems absurd to deny the right to communicate. People cannot avoid to communicate and to exchange their views with others. Often enough, though, the most natural thing in the world is the most problematic.

> Millions of people in the poorest countries are still excluded from the right to communicate, increasingly seen as a fundamental human right.
>
> Kofi Annan, UN Secretary General, May 17, 2003.

About 25 years ago this was the case with the r2c. The struggle over the r2c was a shock, and the shock was so lasting that even today the mention of the r2c leads to an almost automatic, categorical refusal to include phrases to do with "communication" or "communicate" in official political documents such as declarations or action plans for WSIS.

Only a resurrection of the old "New World Information and Communication Order" debate?

History does not repeat itself, yet structures sometimes prevail. The old controversy about the New World Information and Communication Order (NWICO) seems to get resurrected on the occasion of WSIS. At the time, the controversy went on for about ten years, from 1975 to 1985, and it ended with the US's withdrawal from UNESCO. Only in autumn 2003 has the USA rejoined UNESCO.

During the Cold War, members from the non-aligned or developing countries, which were supported by the communist states, dominated UNESCO. These members did not accept a Western understanding of the freedom of expression as the basis for democracy and open societies; they criticized Western information and media monopolies as a new form of information colonialism. Instead they considered information and communication, the right to communicate, as a means for development and independence, a rationale for their national identity.

Right to communicate – a debate about human rights or about dominance of the information markets?

What were the opponents of an r2c afraid of? A codified r2c, so the main argument from media organisations such as the "World Press Freedom Committee" (WPFC) then and today, weakens the universal claim of article 10 of the Universal Declaration of Human Rights (UDHR). With an r2c they claim, the individual human right to *freedom of expression,* also in general interpreted as a guarantee for a free, independent press, would be very likely to become a collective substitutive right. Parties other than free individuals, possibly the state, would then decide who is allowed to communicate, with whom, and about what. Freedom of expression should not be restricted, not even to defend a cultural identity against an influx of foreign information. A so-called "prior consent," the right of governments to control the content of the media and other information resources, would be unacceptable.
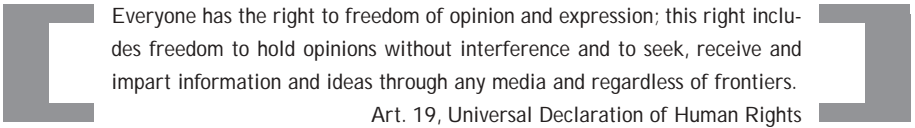
> 4. (4) Communication is a fundamental social process, a basic human need and the foundation of all social organisation. It is central to the information society. Everyone, everywhere should have the opportunity to participate and no one should be excluded from the benefits the information society offers. Freedom of expression and freedom of opinion, the right to seek, receive and impart information and ideas regardless of frontiers as enshrined in article 19 of the Universal Declaration of Human Rights are the necessary premises of the information society
>
> Draft non-paper of the president of the WSIS prepcom on the
> Declaration of Principles, October 24, 2003

Governments in the WSIS process are still debating about the universality and the binding force of human rights in the context of information societies. In reality it is a debate about who owns and controls the information and media markets, who has the right and the power to manage the structure of the internet, and about the main

players in internet governance and modern communication infrastructure in general.

But let us look for a moment at the human rights discussion. The debate about the r2c is mainly a controversial interpretation of article 19 of the UDHR.

> Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.
>
> Art. 19, Universal Declaration of Human Rights

The reinterpretation of human rights in the light of contemporary technology is not sufficient

We are mainly interested in the consequences of "impart information." Is the right to impart information the right to communicate? Does it imply the freedom of communication?

We doubt it – although mainstream legal literature considers the various aspects codified in article 19 of the UDHR, and in many other grand texts of humanity, to be the right to freedom of communication.

We also doubt that a so-called hermeneutic approach towards existing and codified human rights is sufficient. Rather than demand new rights, advocates of this approach believe it to be more realistic to reinterpret existing rights in the light of modern media and technological development and to make sure that old rights, and particularly the right to freedom of expression, will become a universal reality. To demand a new right, or even to question the relevance of, for instance, article 19 may, it is feared, weaken the universality of the principle of human rights.

A new dimension of communication in network environments

We do not wish to reject these approaches out of hand, yet we believe them to be insufficient, mainly because the concept of communication has gained a new dimension in the electronic environments of the internet – a dimension different from the traditional understanding of communication. This new dimension cannot have been foreseen by the authors of the grand texts written around the middle of the last century.

With the new media and with new electronic services a shift is taking place – gradually, slowly, but inexorably – from the distribution paradigm to an interaction paradigm and finally to a communication paradigm. Despite a few hesitant steps towards digital interactive TV, the media are still overwhelmingly dealing in one-way-communication (1:n).

Within this paradigm it is professional journalists, privileged by a straightforward interpretation of, for instance, article 19, and the globally operating owners of the media system who decide what will become the subject of public awareness and political interest (the power of agenda setting). These privileges and monopolies are being challenged by the potential of contemporary interactive and end-user oriented

technologies, which are paving the way for new forms of media and political participation.

Electronic environments will produce (in addition to spontaneous and creative ways of communicating and knowledge sharing) new ways of establishing public opinion, new transfer mechanisms for the use of information, and new means for generating political decisions.

Right to communicate – no war but strong criticism of undesirable trends

It is no wonder, then, that the established media system, the official political system, the dominant information industry, and also mainstream human rights advocates like to play down the demands for a new and universal r2c. It is not only the memory of the old NWICO debate, it is the concern that existing power structures and property rights are likely to be put into question by direct democratic, participative, and knowledge-sharing behaviours within the communicative paradigm.

The demand for an inclusive r2c is not necessarily a "declaration of war" on the existing media, political and economic systems, but it is a strong criticism of undesirable trends in the media system such as monopolisation and extreme commercialisation and the manipulation of information content – a strong criticism of equally undesirable trends in politics such as the curtailment of free communication (by legal and technical mechanisms of control and surveillance) and of the increasing control over knowledge and information that tends to make it more scarce.

The r2c is, consequently, the right to experiment with alternative, not necessarily substitutive, forms of building new democratic forms of media publicity, forms that transfer onto every individual the right to participate and to have one's opinion heard and taken into serious consideration.

Right to communicate – of high economic relevance

The r2c is not just an ethical, moral issue. It is of highly economic relevance. The r2c paves the way for new business models concerning the organisation of knowledge and information, models appropriate to electronic environments and based on principles of knowledge sharing, peer-to-peer-exchange, transparent, open, and free forms of production. More and more economists are convinced that the future of an innovative and successful economy depends on the extent to which free communication, free exchange, and collaborative forms of producing knowledge are made possible.

The r2c is universal and fundamental. It is a basic human right, a personal individual right, but also the foundation on which to organise knowledge and information anew, a starting point for a reform of the media and of democracy. It is thus clearly a candidate for a new human right that requires codification in the grand texts. WSIS does not have the mandate to establish new rights, yet it does have the legitimacy to open the door for a new understanding of communication in the information society that, in reality, is nothing other than a communication society. Rather than to merely reinterpret existing rights, we do need constructive new developments and an extension of human rights.

What needs to be done?

The general acceptance of the r2c will, of course, not solve all problems. There are still many things that need to be clarified.

– Human rights, and also the r2c, must not be allowed to be stripped of their individual and universal (inclusive) claim as this might lead to an authoritarian state.
– The r2c must not be used as a justification for human rights violations by misusing national and cultural peculiarities as an excuse.
– On the other hand, the r2c must not be used as a rationalisation of the Western individualistic, or rather atomistic understanding of media and information freedom. This, many believe, in principle, is not a guarantee for the development of a just, inclusive, and sustainable world society, where knowledge and information are fairly shared and where communication can flow freely and unrestrictedly.

ANNEX: Biographies

Ralf Bendrath

Ralf Bendrath is a research fellow at the collaborative research centre "Transformations of the state" at the University of Bremen where he is working on internet regulation and privacy. Previously he has done research on information warfare and cyber security. Ralf Bendrath is co-founder of the German-Austrian Research Group "Information Society and Security Policy" (FoG:IS). In the WSIS context he is an active member of the Civil Society Privacy and Security Working Group and an editor of www.worldsummit2003.org

Christoph Bruch

Dr Christoph Bruch is an independent scholar. He is a member of the steering committee of the Humanistische Union Berlin. As such he represents the Humanistische Union within the German WSIS Civil Society Co-ordination Group and is currently part of the co-ordination group's delegation to WSIS. He has studied political sciences in Frankfurt am Main and Berlin and has written a PhD thesis on the federal Freedom of Information Act in the US. He has previously been employed at the Free University Berlin and the German Institute for Urban Affairs. His main areas of expertise are open access to government information and e-governance.

Rikke Frank Jørgensen

Rikke Frank Jørgensen is a Senior adviser at the Danish Institute for Human Rights, and currently part of the Danish Delegation to WSIS. She holds a master in information science and a European master in human rights and democratisation, specialising in internet and freedom of expression. She has previously been employed at the Danish Ministry of Research and Information Technology and at the Danish Ministry of Industry and Trade working, from 1995 to 2000, as a special adviser on the social impacts of information technology. In 2000 she co-founded the Danish NGO Digital Rights and acted as chairperson from 2000 to 2003.

Georg Greve

Georg Greve is founder and president of the Free Software Foundation Europe (FSF Europe). He studied physics at the University of Hamburg, where, in January 2001, he passed his diploma with an interdisciplinary computer science and physics thesis concerning nanotechnology. His experience with Free Software goes back to the beginning of the 90s, and he is author of some free software projects, such as the Xlogmaster. Since 1998 he has been a European speaker for the GNU Project, an activity that led him to write the "Brave GNU World." During his work for the FSF Europe, Georg Greve has participated as an expert in the Commission for Intel-

lectual Property Rights in the UK and was involved in European Commission projects, particularly in their framework programmes. He is an active participant at the World Summit on the Information Society (WSIS) as a member of the German governmental WSIS delegation, as representative for the WSIS co-ordination circle of German civil societies, as chair of the European CS Caucus and as one of the co-ordinators of the CS PCT working group.

Rainer Händel

Rainer Händel works within the Siemens Information and Communication Networks Group as a director of global standardisation co-ordination and participated in the preparation of WSIS as the German industry representative. He holds a doctorate in physics from the University of Erlangen-Nürnberg. He joined Siemens in 1978 and was active in the software development for switching systems, in concepts and standardisation of broadband networks, and in the analysis of the liberalisation und deregulation of telecommunication markets. From October 1994 till the end of 1995 he was a member of the planning board of the German Foreign Office in Bonn (with a focus on the societal impact of new information and communication technologies).

He has been an active member of several international standardisation organisations such as ITU and ETSI for a long time and is the author of several technical articles and a book on broadband networking.

Arne Hintz

Arne Hintz is a PhD candidate at the University of Hamburg where he works at the Research Centre "Media and Politics." His current focus is on the role of media actors at the World Summit on the Information Society. He holds a master in international political economy at the University of Warwick, UK. He has worked as a web editor, both in Germany and the UK, and has been involved with alternative and community media projects, particularly Indymedia. He is a member of the German Civil Society Co-ordinating Group for the WSIS, of the international WSIS Community Media Working Group, and an editor of the website www.worldsummit2003.org

Heike Jensen

Dr Heike Jensen is a postdoctoral research fellow at the department of Gender Studies at Humboldt University in Berlin, Germany. Her current research is into "NGOs and their uses of information and communication technologies to promote gender equality." Dr Jensen received her education at the Free University (Berlin, Germany), the University of Minnesota (Minneapolis, USA), Brown University (Providence, USA), the International Women's University 2000 (Hamburg, Germany) and Humboldt University where she obtained her doctorate.

Wolfgang Kleinwächter

Wolfgang Kleinwächter is, since 1998, a professor for international communication policy and regulation at the University of Aarhus. His research work includes internet policy and regulation. He has published numerous articles and books on internet governance and the laws of cyberspace. He is a member of the Civil Society WSIS Bureau and co-chair of the Civil Society ITC Global Governance Caucus. He is also a member of the International Council of the International Association for Media and Communication Research (IAMCR). Previous to 1998 he was teaching at the Institute for International Studies at the University of Leipzig (until 1991), the Department for Media and Communication of the University of Tampere (1992) and the School of International Services of the American University in Washington D.C. (1993 to 1994). Between 1994 and 1998 he co-ordinated the Information Initiative (SII) for the regional government of Saxony and was in 1995 and 1996 chairman of the management board of the Inter-Regional Information Society Initiative (IRISI) of the European Commission.

Rainer Kuhlen

Rainer Kuhlen was born in 1944. After a degree in philosophy, literature, and sociology and postgraduate training in information science he became a professor for information science at the university of Constance as of 1980. He is the chairperson of the German Society of Information Science (HI); chairperson of the German UNESCO Committee for Communications; director of NETHICS e.V. (Information Ethics in the Net). His main research, publishing, and teaching activities are in the fields of information retrieval, hypertext, information markets, information politics and ethics, collaborative knowledge management. He is member of the Green Academy and had been involved in the WSIS process from its very beginning.

Chantal Peyer

Born in 1971 in Lausanne, Switzerland, she has studied political sciences, history, and science of religion at the University of Lausanne. She has done fieldwork and research in India with a focus on a social and anthropological approach to Hindu rituals. Since January 2000 she is working at Bread for All (www.ppp.ch/communication) where she is responsible for development policies and issues to do with information society with a special focus on questions of finance. She is currently a member of the official Swiss delegation to WSIS.

Civil Society Essential Benchmarks for WSIS

The essential benchmarks listed in this document reflect work in progress by the civil society content and themes group of the WSIS process. While there is consensus on the priorities stated here this document does not represent absolute consensus, nor does the order of the essential benchmarks constitute a strict ranking in order of importance. More information on the WSIS CS CT group: Sally Burch, <sburch@alainet.org>

1. Introduction The approach to the "Information Society" on which the WSIS has been based reflects, to a large extent, a narrow understanding in which ICTs means telecommunications and the Internet. This approach has marginalised key issues relating to the development potential inherent in the combination of knowledge and technology and thus conflicts with the broader development mandate given in UNGA Resolution 56/183.

Civil society is committed to a people-centred, inclusive approach based on respect for human rights principles and development priorities. We believe these principles and priorities should be embedded throughout the WSIS Declaration of Principles and Action Plan. This paper sets out the benchmarks against which civil society will assess the outcomes of the WSIS process and the commitment of all stakeholders to achieving its mandate.

2. Human rights The WSIS Declaration of Principles and Plan of Action, should take as their foundations the international human rights framework. This implies the full integration, concrete application and enforcement of civil, political, economic, social and cultural rights, including labour rights, the right to development, as well as the principle of non-discrimination. The universality, indivisibility, interrelatedness and interdependence of all human rights should be clearly recognized, together with their centrality to democracy and the rule of law.

All Principles of the Declaration and all activities in the Action Plan, should be in full compliance with international human rights standards, which should prevail over national legislative frameworks. The "information society" must not result in any discrimination or deprivation of human rights resulting from the acts or omissions of governments or of non-state actors under their jurisdictions. Any restriction on the use of ICTs must pursue a legitimate aim under international law, be prescribed by law, be strictly proportionate to such an aim, and be necessary in a democratic society.

Article 19 of the Universal Declaration of Human Rights is of fundamental and specific importance to the information society, requiring that everyone has the right to freedom of opinion and expression and the right to seek, receive and impart information and ideas through any media and regardless of frontiers.

3. Poverty reduction and the Right to Development Given the unequal distribution of wealth among and within nations, the struggle against poverty should be the top priority on the agenda of the World Summit on the Information Society. It is not possible to achieve sustainable development by embracing new communication technologies without challenging existing inequalities.

Civil society organisations from different parts of the world unite in their call to governments to take this matter very seriously. We want to emphasise that challenging poverty requires more than setting of 'development agendas'. It requires the commitment of significant financial and other resources, linked with social and digital solidarity, channeled through existing and new financing mechanisms that are managed transparently and inclusively of all sectors of society.

4. Sustainable development An equitable Information Society must be shaped by the needs of people and communities and based on sustainable economic, social development and democratic principles, including the Millennium Development Goals.

Only development that embraces the principles of social justice and gender equality can be said to centrally address fundamental social, cultural and economic divides. Market-based development solutions often fail to address more deep-rooted and persistent inequalities in and between countries of the North and South.

Democratic and sustainable development of in the information society can therefore not be left solely to market forces and the propagation of technology. In order to balance commercial objectives with legitimate social interests, recognition should be given to the need for responsibility of the public sector, appropriate regulation and development of public services, and the principle of equitable and affordable access to services.

People and communities must be empowered to develop their own solutions within the information society, in particular to fight poverty and to participate in development through fully democratic processes that allow community access to and participation in decision-making.

5. Social Justice

5.1 Gender Equality An equitable and inclusive Information Society must be based on gender justice and be particularly guided by the interpretation of principles of gender equality, non-discrimination and women's empowerment as contained in the Beijing Declaration and Platform for Action and the CEDAW Convention. The Action Plan must demonstrate a strong commitment to an intersectional approach to redressing discrimination resulting from unequal power relations at all levels of society. To empower girls and women throughout their life cycle, as shapers and leaders of society, gender responsive educational programs and appropriate learning environments need to be promoted. Gender analysis and the development of both quantitative and qualitative indicators in measuring gender equality through an extensive and integrated national system of monitoring and evaluation are "musts".

5.2 Disability Specific needs and requirements of all stakeholders, including those with disabilities, must be considered in ICT development. Accessibility and inclusiveness of ICTs is best done at an early stage of design, development and production, so that the Information Society is to become the society for all, at minimum cost.

5.3 Labour rights Essential human rights, such as privacy, freedom of expression, and the right of trade unions to communicate with employees, should be respected in the workplace. ICTs are progressively changing our way of working and the creation of a secure, safe and healthy working environment, appropriate to the utilisation of ICTs, respecting core labour standards, is fundamental. ICTs should be used to promote awareness of, respect for and enforcement of universal human rights standards and core labor standards.

5.4 Indigenous Peoples The evolution of the Information Society must be founded on the respect and promotion of the recognition of the Rights of Indigenous Peoples and their distinctiveness as outlined in the ILO Convention 169 and the UN Draft Declaration on the Rights of Indigenous Peoples. They have fundamental rights to protect, preserve and strengthen their own identity and cultural diversity. ICT's should be used to support and promote the rights and means of Indigenous Peoples to benefit fully and with priority from their cultural, intellectual and so-called natural resources.

6. Literacy, Education and Research Literacy and free universal access to education is a key principle. All initiatives must embrace this principle and respond to needs of all. Knowledge societies require an informed and educated citizenry. Capacity building needs to include skills to use ICTs, media and information literacy, and the skills needed for active citizenship including the ability to find, appraise, use and create information and technology. Approaches that are local, horizontal, gender-responsive and socially-driven and mediated should be prioritised. A combination of traditional and new media as well as open access to knowledge and information should be encouraged.

7. Cultural and linguistic diversity Communications media and information technologies have a particularly important role to play in sustaining and developing the world's cultures and languages. The implementation of this principle requires support for a plurality of means of information and communication and respect for cultural and linguistic diversity, as outlined in UNESCO's Declaration on Cultural Diversity.

8. Access and Infrastructure Global universal access to communication and information should be a target of the WSIS action plan and the expansion of the global information infrastructure should be based on principles of equality and partnership and guided by rules of fair competition and regulation at both national and international levels. The integration of access, infrastructure and training of the citizenry and the generation of local content, in a framework of social networks and clear public or private policies, is a key basis for the development of egalitarian and inclusive information societies. The evolution of policy should be coordinated internationally but enable a diversity of appropriate solutions based on national and regional input and international sharing of information and resources. This should be people-centered and process-orientated, rather than technologically determined and expert dominated.

9. Governance and enabling environment

9.1 Democratic governance Good governance in a democratic society implies openness, transparency, accountability, and compliance with the rule of law. Respect for these principles is needed to enforce the right to take part in the conduct of public affairs. Public access to information produced or maintained by governments should be enforced, ensuring that the information is timely, complete and accessible in a format and language the public can understand. This also applies to access to information produced or maintained by corporations where this relates to activities affecting the public interest.

9.2 Media While allowing for government information services to communicate their message, state-controlled media at the national level should be transformed into editorially independent public service media organisations and/or privatised. Efforts which encourage pluralism and diversity of media ownership must be encouraged to avoid excessive media concentration

9.3 Community media Community media, that is media which are independent, community-driven and civil-society based, have a specific and crucial role to play in enabling access and participation for all to the information society, especially the poorest and most marginalised communities. Community media should be supported and promoted. Governments should assure that legal frameworks for community media are non-discriminatory and provide for equitable allocation of frequencies through transparent and accountable mechanisms.

9.4 Internet governance The global governance of ICT must be based on the values of open participation, inclusiveness, transparency, and democratic accountability. It should establish and support universal participation in addressing new international policy and technical issues raised by the Internet and ICT. No single body and no single stakeholder group is able to manage all of the issues alone. Many stakeholders, cooperating in strict accordance with widely supported rules and procedures, must define the global agenda.

The non-government sector has played a historically critical role in Internet Governance, and this must be recognized. The strength of the Internet as an open non-Government platform should be reinforced, with an explicit and stronger role for Civil Society. The role of Governments should be no greater than that of any other stakeholder group.

10 Public Domain of Global Knowledge

10.1 Limited intellectual monopolies Human knowledge, including the knowledge of all peoples and communities, also those who are remote and excluded, is the heritage of all humankind and the reservoir from which new knowledge is created. A rich public domain is essential to inclusive information societies. Limited intellectual monopolies, such as copyrights or patents, are granted only for the benefit of society, most notably to encourage creativity and innovation. The benchmark against which they must be reviewed and adjusted regularly is how well they fulfill their purpose.

10.2 Free Software Software is the cultural technique of the digital age and access to it determines who may participate in a digital world. Free Software with its freedoms of use for any purpose, studying, modification and redistribution is an essential building block for an empowering, sustainable and inclusive information society. No software model should be forbidden or negatively regulated, but Free Software should be promoted for its unique social, educational, scientific, political and economic benefits and opportunities.

10.3 Access to information in the public domain Today, more than 80% of mankind has no access to the reservoir of human knowledge that is the public domain and from which our new knowledge is created. Their intellectual power remains uninitialized and consequently unused, lost to all humankind. The reservoir of human knowledge must be made equally available to all in online and offline media by means of Free Documentation, public libraries and other initiatives to disseminate information.

10.4 Open access to scientific information Free scientific information is a requirement for sustainable development. Science is the source of the technological development that empowers the Information Society, including the World Wide Web. In the best tradition of science, scientific authors donate their work to humankind and therefore, it must be equally available to all, on the Web, in online Open Access journals and online Open Archives.

11. Security and privacy

11.1 Integrity and security Definitions of criminal and terrorist purposes in existing and emerging policies and legislation are ambiguous and prevent the use of information resources for legitimate purposes. The legitimate need for infrastructure integrity must avoid shift to the highly politicized agenda characterized by language referring to the integrity of the military field and the use of information resources for criminal and terrorist purposes.

11.2 Right to privacy The right to privacy should be affirmed in the context of the information society. It must be defended in public spaces, online, offline, at home and in the workplace. Every person must have the right to decide freely whether and in what manner he or she wants to receive information and communicate with others. The possibility of communicating anonymously must be ensured for everyone. The collection, retention, use and disclosure of personal data, no matter by whom, should remain under the control of the individual concerned. The power of the private sector and governments over personal data, including monitoring and surveillance, increases the risk of abuse, and must be kept to a minimum under clearly specified, legal conditions.