

Governance Challenges: First Lessons from the WSIS – An Ethical and Social Perspective

Jacques Berleur
Professor Emeritus

University of Namur (1966-1968; 1972-2004)
<http://www.info.fundp.ac.be/~jbl>, jberleur@info.fundp.ac.be

Abstract: The World Summit on the Information Society (WSIS), in its Geneva phase (2003) and in its Tunis phase (2005), has surely been an exciting experience, not in terms of the Summit itself, gathering respectively 11,047 participants (representing 1486 entities) and 19,401 (representing 1740 entities): most often the Summits remain events without big surprises – Tunis having perhaps escaped the rule. It has been really exciting in terms of preparation and participation: regional conferences before the Geneva Summit, PrepCom (Preparatory Committees) 1, 2 & 3 before each of the Summit's phases, organization of different bodies, PrepCom3 resuming just three days before the start of the Tunis Summit, etc. From the time of the first UN Resolution until the post 2005 Summit position of the civil society, thousands of people have been thinking about an age, which seems both still to come, and where we are already living: the Information Age, the Information Society, the knowledge society, the digital society... They have started to think about warnings concerning the social and ethical issues.

Keywords: WSIS, Governance, Ethics, Information Society

1. The UN Plenary Meetings Resolutions and the ITU 1998 Plenipotentiary Conference

From the first lines of the first UN December 2001 Resolution regarding the preparation of a WSIS¹, the link is made explicit between that Summit and the goals of the UN Millennium Declaration (Table 1), among which are the eradication of

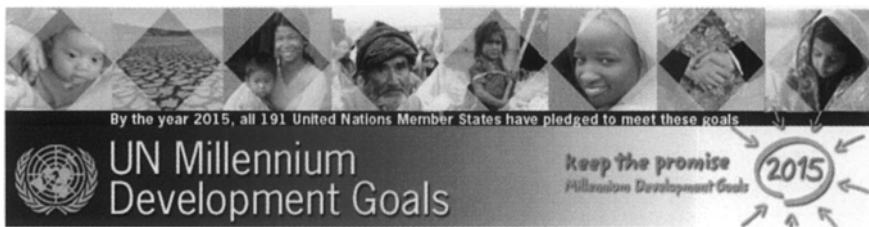
¹ United Nations, Resolution adopted by the General Assembly, 56/183: World Summit on the Information Society, 90th Plenary Meeting, 21 December 2001.

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extreme poverty (1.1 billion people, World Bank estimate) and hunger and the achievement of universal primary education, the target date being 2015.²

“Knowledge and technology must be put at the service of development for all”, says the text of the UN 2001 Resolution. The second December 2002 Resolution “invites the Member States to participate actively in the regional Conferences”, and “encourages non-governmental organizations, civil society and the private sector to contribute further to (...) the intergovernmental preparatory process for the Summit and in the Summit itself...”³ The third Resolution reaffirms “the potential of ICTs as powerful tools to foster socio-economic development and contribute to the realization of the internationally agreed development goals, including those contained in the United Nations Millennium Declaration.”⁴



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|--|
| <p>Eradicate extreme poverty and hunger.
 Achieve universal primary education.
 Promote gender equality and empower women.
 Reduce child mortality.
 Improve maternal health.
 Combat HIV/AIDS, malaria and other diseases.
 Ensure environmental sustainability.
 Develop global partnership for development.</p> |
|--|

Table 1: The Eight Goals of the Millennium Declaration

At the same time it endorses the *Declaration of Principles* and the *Plan of Action* adopted by the Summit on 12 December 2003 (...) and welcomes (...) the strong development orientation of both documents.⁵

2 United Nations, The Millennium Declaration. 8 September 2000, <http://www.un.org/millennium/>

3 United Nations, Resolution adopted by the General Assembly, 57/238: World Summit on the Information Society, 78th Plenary Meeting, 20 December 2002.

4 United Nations, Resolution adopted by the General Assembly, 59/220: World Summit on the Information Society, 75th Plenary Meeting, 22 December 2004.

5 General Assembly endorses outcome of World Summit for Information Society, United Nations General Assembly (GA/10451), Sixtieth General Assembly, Plenary, 74th meeting, 27 March 2006. The four documents issued from the Summit phase 1, Geneva (2003) and Summit phase 2, Tunis (2005) are: Declaration of Principles, Building the Information Society: a global challenge in the new Millennium, WSIS-03/GENEVA/DOC/4-E, 12 December 2003; Plan of Action, Document WSIS-03/GENEVA/DOC/5-E, 12 December 2003; Tunis Agenda for the Information Society, WSIS-05/TUNIS/DOC/6(Rev.1)-E, 18

Before going further I would like to stress this was novel and unheard of, in terms of UN Summits, to convene not only the Member States and the UN concerned organizations but also the ‘civil society’. What seems really new is the close association of the civil society to the whole process of preparation. The construction of the information society is considered as a ‘multistakeholders’ effort, the term being used today in all the documents, official or otherwise. We need to consider why, and for how long.

The decisions that have been taken during the two phases of the WSIS, in Geneva (December 2003) and in Tunis (November 2005), as well as the process of their implementation and the creation of the Internet Governance Forum (IGF) must thus be assessed in the light of the objectives of the Millennium Declaration. I will only retain for this speech the orientations in terms of social and specifically ethical issues of the Governance.

It is also interesting to remember that the process started in 1998 during the ITU Plenipotentiary Conference, Minneapolis, 1998, which is the cradle of the WSIS, at the initiative of the Tunisian Government. I cannot quote it entirely, but let me mention a little excerpt:

“The Plenipotentiary Conference of the International Telecommunication Union (Minneapolis, 1998),

Considering...

Noting...

Recognizing...

Conscious

of the fact that the globalization of telecommunications must take account of a harmonious evolution in policies, regulations, networks and services in all Member States;

of the emergence of the concept of the information society in which telecommunications play a central role,

Taking into account...

Resolves to instruct the Secretary-General

to place the question of holding a world summit on the information society on the agenda of the United Nations Administrative Committee on Coordination, with a view to meeting the necessary conditions for holding such a summit before the next plenipotentiary conference;

(...)

Instructs the Council...”⁶

2. Concepts

The terms and concepts to be clarified for the debate are: the Millennium Declaration Goals (see above), the Internet Governance, the tension between development and globalization, and the Civil Society.

November 2005; Tunis Commitment, WSIS-05/TUNIS/DOC/7-E, 18 November 2005. All those documents are available on the ITU website: <http://www.itu.int/wsis>

6 International Telecommunication Union, Resolution 73 of the ITU Plenipotentiary Conference, Minneapolis, 1998

2.1 Internet Governance

The Working Group on Internet Governance (WGIG), which the UN General Secretary was asked by the Geneva Summit to set up, was in charge of providing a 'working' definition of 'Internet governance'. The Working Group agreed on the following terms: *"Internet governance is the development and application by Governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution and use of the Internet."*⁷

Another definition: according to Hyden, G. et al. "Governance refers to the formation and stewardship of the rules (formal and informal) that regulate the public realm, the arena in which state as well as economic and societal actors interact to make decisions."⁸ Both definitions stress the roles of different stakeholders among which include at least states, economic and societal actors, not to mention the technical people. The first definition, as confirmed by Nitin Desai, Chair of the WGIG, when presenting its results at the ICANN's bi-annual Conference in Luxembourg (July 2005), reaffirmed that "70 to 80 per cent of the Internet Governance did not concern ICANN at all."⁹ When we know the results of the Tunis Summit in terms of the Internet governance debate, this sentence carries significant weight! The official tasks of ICANN (ICANN (Internet Corporation For Assigned Names and Numbers, <http://www.icann.org>)¹⁰ are four: the management of gTLDs (Generic Top Level Domains) and the appointment of the official ccTLD (Country Code) managers; the allocation of the Internet Protocol (IP) numbers; the control of the 13 world-wide root servers; and the coordination of the technical standards. But nobody will deny that ICANN or closely related organisations do a lot of other things, among them lobbying. In fact, the famous US Department of Commerce (DoC) note of June 30, 2005, quoted as "the note of 331 words," was clearly reaffirming the dominant role of the USA, and its intention to retain the control of the Internet indefinitely, and also the role of ICANN as the lead technical body for the Internet, what one commentator called "a sort of Monroe Doctrine (1823) for our times", in the sense of the so-called Roosevelt Corollary to the Monroe Doctrine interpreting the Monroe doctrine as a license for the U.S. to practice its own form of colonialism.¹¹ In September 2006, the US and ICANN have dressed up their MoU relationship in new clothes. "The object seems to be to strengthen the public's perception that ICANN is relatively independent. But the basic relationship between

7 Report of the Working Group on Internet Governance, Château de Bossey, June 2005.

8 Miguel González, Governance: A Pro-Poor Concern?, quoting Hyden, G., Court, J. & Mease, K. (2004), Making Sense of Governance. Empirical Evidence from 16 Developing Countries. Lynny Rienner Publishers, in: Promotio Iustitiae, Special Issue on "The Challenge of 'Governance' - Some Jesuit Responses", Rome, Social Justice Secretariat, n° 87, 2005/2, p. 10.

9 Kieren McCarthy, UN Report to leave ICANN's balls intact, http://www.theregister.co.uk/2005/07/13/icann_conference

10 ICANN (Internet Corporation For Assigned Names and Numbers): <http://www.icann.org>

11 Kenneth Neil Cukier, Who Will Control the Internet, in Foreign Affairs, November/December 2005, <http://www.foreignaffairs.org/2005/6.html>

the US Government and ICANN is fundamentally unchanged. ICANN still gets general policy guidance from the DoC, and still regularly reports to it.”¹²

2.2 The promises of globalisation and the Information Society

The question of governance of the Internet and/or of the information society cannot be raised in an economic and social vacuum: it must be examined in the context of today. The ITU 1998 Conference stressed that the Summit was to be seen in the environment of globalisation of telecommunications:

ITU being conscious

- of the fact that the globalization of telecommunications must take account of a harmonious evolution in policies, regulations, networks and services in all Member States;
- of the emergence of the concept of the information society in which telecommunications play a central role...

“The force driving globalisation in the 21st century is undoubtedly ICT. Enabling instant communication over vast distances and in real time, ICT has far-reaching implications for transnational relationships. However, the core relationship between globalisation and ICT, a major area of inquiry, has hitherto been somewhat neglected and inadequately studied.”¹³ The World Economic Forum Report (2004-2005) is not really pursuing the same preoccupations, and affirms that innovation and technological change, particularly in the domain of ICTs, “are increasingly playing the central catalytic role in pushing the development process forward.”¹⁴ But I must say that I was a bit afraid that I would not find any reference in the Executive Summary to the issues of employment or of work.

Everybody knows that the term of ‘governance’ brings along with it a certain feeling of mistrust. Mistrust towards the Governments themselves unable to solve the issues of everyday life for billions of people, issues such as poverty, hunger, violence, corruption, unemployment... The private sector has tried to take the place of governments by defending its own capacity for creating a self-regulating system, in its own manner, through the market, and through other means. But now the level of unemployment, in many Western countries, and in particular in the European Union, creates a situation where citizens mistrust the private sectors capacities, and even mistrust the neo-liberal system.

The so-called EU Lisbon strategy, decided in 2000, promised 30 million new jobs: it has been revised down to 6 million! The Lisbon process was supported by the slogan that by 2010 Europe would be a knowledge society, and the most competitive and dynamic economic space in the world.¹⁵ But figures are there to demonstrate that in

12 ICANN's New MoU: Old Wine in a New Bottle - 30 September 2006, Internet Governance Project, http://www.internetgovernance.org/news.html#ICANNoldwine_093006

13 Sumit Roy, *Globalisation, ICT and Developing Nations: Challenges in the Information Age*. New Delhi, Sage Pub., 2005, 247 p., tables, ISBN 81-7829-487-7.

14 World Economic Forum, *Global Information Technology Report 2005-2006*, <http://www.weforum.org>

15 European Commission, *Towards a Knowledge-Based Europe. The European Union and the Information Society*, Catalogue number: NA-40-01-989-EN-C, Office for Official

many European countries, the reality of high level of structural unemployment, which is intolerable, especially when considering that the unemployment of youth (15-24 years old), according to the Employment European report 2005, reaches 18,7%.¹⁶ (Table 2)

	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
EU (25 countries)	:	:	:	:	9.4	9.1	8.6	8.4	8.8	9.0	9.1	8.7
EU (15 countries)	10.5	10.1	10.2	9.9	9.3	8.6	7.7	7.3	7.6	8.0	8.1	7.9
Euro Zone	10.8	10.5	10.7	10.6	10.0	9.1	8.1	7.9	8.3	8.7	8.9	8.6
Euro Zone (12 countries)	10.7	10.5	10.7	10.6	10.1	9.2	8.2	7.9	8.3	8.7	8.9	8.6
Belgium	9.8	9.7	9.5	9.2	9.3	8.5	6.9	6.6	7.5	8.2	8.4	8.4
Greece	8.9	9.2	9.6	9.8	10.9	12.0	11.3	10.8	10.3	9.7	10.5	9.8
Spain	19.5	18.4	17.8	16.7	15.0	12.5	11.1	10.3	11.1	11.1	10.6	9.2
France	11.7	11.1	11.6	11.5	11.1	10.5	9.1	8.4	8.9	9.5	9.6	9.5
Ireland	14.3	12.3	11.7	9.9	7.5	5.7	4.3	4.0	4.5	4.7	4.5	4.3
Poland	:	:	:	10.9	10.2	13.4	16.1	18.2	19.9	19.6	19.0	17.7
Slovakia	:	:	:	:	12.6	16.4	18.8	19.3	18.7	17.6	18.2	16.4

Table 2: Level of Unemployment in Europe

There are differences between countries, as for instance between Ireland and Poland, but the European average reaches nearly 9%.¹⁷

Globalisation may have many meanings and can be taken from several different points of view: technological, economic, political, cultural, financial...¹⁸ I had to make a choice, and I chose the financial approach. A short look at the phenomenon of mergers and acquisitions in the last few years in Europe has always resulted in suppressing employment, although the financial outcomes are highly beneficial for the few (fig. 1).¹⁹

Publications of the European Communities, 2003, ISBN 92-894-4422-3, available at http://www.europa.eu.int/comm/publications/booklets/move/36/index_en.htm

16Employment European report 2005,

http://ec.europa.eu/comm/employment_social/employment_analysis/employ_2005_en.htm

17Europa – Eurostat - Labour Market Indicators

http://epp.eurostat.cec.eu.int/portal/page?_pageid=1996,39140985&_dad=portal&_schema=PORTAL&screen=detailref&language=fr&product=Yearlies_new_population&root=Yearlies_new_population/C/C4/C42/em071

18 See for instance: Groupe de Lisbonne, *Limites à la compétitivité. Pour un nouveau contrat mondial*. Paris, La Découverte/Essais, 1995. See especially p. 59, Tableau 3: les concepts de globalisation. (English translation: *The Group of Lisbon, Limits to Competition*, The MIT Press, 1996, ISBN 0-262-07164-9, 176 pp., 15 illus.)

19 Etienne de Callataÿ, *La fièvre contagieuse des fusions et acquisitions*, in *Regards Economiques*, Special Issue on 'Regards sur la nouvelle vague de fusions et acquisitions', IRES, Catholic University of Louvain, Belgium, March 2006, n°39, p. 12.

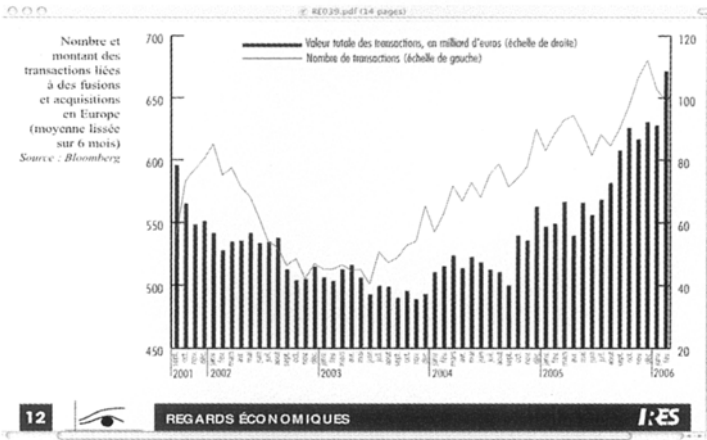


Fig. 1: Mergers and acquisitions in Europe

(Left axis: number of transactions; right axis: total value of the deals in billions of €)

After a decrease during 2002, the movement is today totally inversed and has tripled in terms of total value of the transactions since June 2003. The Group of Lisbon, in its *Limits to Competition* dared to say that ICT is the primary enzyme of globalization.²⁰ Analysts today note: “That phenomenon [the globalisation], whose the most fundamental cause is the revolution of the information and communication technology of the last third of the 20th century, is characterized by the trend of all the active units of the world – enterprises, non-governmental organizations, criminal groups... – to display their strategy at the scale of the planet.”²¹

The total amount of the deals done for the period January – April 2006 for only the top 25 organizations is up to approximately 317 billion US\$. Among them, eight deals are linked to ICTs, such as BellSouth Corp acquired by AT&T Inc for 72,671 million US\$, or Lucent Technologies Inc by Alcatel SA for 13,591.10...²² For the year 2005, the total amount is estimated at 2,980 billion US\$, a 43% increase when compared to 2004.²³ We do not say that, in the long run, competition as well as the positive effects due to the synergy between the merging entities will not be beneficial for the customer, but unfortunately, this statement anticipates events, which still need to be proven. At the present time it is not even beneficial for the industrial investment: it is, said by many commentators, that it is only beneficial for the shareholders of the target societies. We should not forget all the consequences for those who work: delocalisation, lack of job security – “Precariousness for all is

20 The Group of Lisbon, *Limits to Competition*, op. cit.

21 Thierry de Montbrial, *Arcelor, la mondialisation et l’Europe*, in *Le Monde*, 20 July 2006, p. 2.

22 Mergers and acquisitions, 25 largest deals, January-April 2006, <http://money.cnn.com/news/deals/mergers/biggest.html>, checked on Friday April 28, 2006.

23 Nihat Aktas, Eric de Bodt et Giorgio A. Tesolin, *Belle saison pour le marché des fusions et acquisitions*, in *Regards Economiques*, op. cit.

becoming the norm of the future” –,²⁴ the unions are out of the field as far as the poorest of the poor are concerned, competition is invading the relationship between the workers themselves, destroying their traditional solidarity – “Yesterday standing by together, from now on competitors –,²⁵ blackmail in employment, and so on.

There are analysts, who are very severe towards contemporary society, even defending negative growth, a ‘de-growth’: “We are living in a cruel world. Cruel first for those who have nothing: among the homeless people, one out of three has a precarious job. Cruel too, even for those who have something: for 15 years the sales of anti-depressants have grown 2,5 times faster than national wealth. Cruel finally for nature whose destiny it is to perish rotting from the excesses of the consumer society. So at the same time, this globalised capitalism, more powerful than ever, has never been as vulnerable as it is now.”²⁶

“Our house is on fire, but we are looking elsewhere.” (President Chirac, Johannesburg, 2002) The word ‘progress’ is no longer politically correct. Everybody, governments, industrialists, activists, etc. prefer the term ‘sustainable development’.

My intention in joining the questions of unemployment and mergers and acquisitions (Table 2 and Figure 1) was not to demonstrate the correlation between the two phenomena. That would have been too easy. But in a way, it is *indirectly* obvious. When you question youth about how they see their future, their answer is immediate: precarious employment, in a globalised world shaped by ICTs. What seems clear today is that the phenomenon of globalisation has increased the tensions between the world of those who are, so to speak, living ‘at the centre’ and those living ‘on the margins’. “While those at the centre have benefited from globalisation, the already marginalised have often been left further behind. While some of the poor have been able to enjoy the new benefits of globalisation, many others have been further disadvantaged by the entrenched social, cultural, political and ethnic divisions which increase their marginalisation and exclusion.”²⁷

2.3 The Civil Society

The concept of civil society is surely not new. It is a concept born after the French Revolution to end the possible confusion of the Nation-State. Dominique Wolton indicates that “The concept of civil society was formulated as a system in 1821, in Hegel’s *Principles of Philosophy of Right*. By introducing this concept, Hegel was acknowledging the most significant change in modern politics: the separation of ‘civil life’ from ‘political life’ and of society from the State - a change that came with the Industrial Revolution (the rise of bourgeois culture and the increasing importance and autonomy of the economic sphere).”²⁸

24 Florence Lefresne, Précarité pour tous, la norme du futur, in *Le Monde Diplomatique*, Paris, Mars 2006, pp. 18-19.

25 Danièle Linhart, Hier solidaires, Désormais concurrents, in *Le Monde Diplomatique*, *ibid.*, pp. 16-17.

26 Matthieu Auzanneau, Les Objecteurs de croissance, in *Le Monde* 2, 25 mars 2006, p.19.

27 Globalisation and Marginalisation. Our global Apostolic Response. Report of the Task Force on Globalisation and Marginalisation, Rome, Social Justice Secretariat, February 2006.

28 Glossary of concepts used by Dominique Wolton, http://www.wolton.cnrs.fr/glossaire/gb_soc%20civil.htm

It is probably not this reference that leads many movements to use it in a way that is certainly not systematic, and is still fuzzy. It is surely, as stated by Benoît Frydman, a concept belonging to the protest against the ideology of economic and financial globalisation, and aiming at promoting new practical and concrete solidarities. “It is a kind of intermediary zone between the public and the private, distinct from the market and from the State, but exercising a pressure, from outside, on both of them.”²⁹

According to the UN definition, civil society includes the set of legal entities with a character which is national, regional or international, but which are distinct from the federal governments and the international organisations. The working definition adopted by the Executive Secretariat of the WSIS introduced another distinction within the profit organizations, i.e. the private sector, and the others.³⁰ The Conference of the NGOs (CONGO), an official facilitator between the UN and NGOs, has surely played a major role in the WSIS.³¹ Civil society has developed basic structures over the preparatory process of the WSIS, including

- A *Plenary* (CSP), the ultimate civil society authority in the WSIS process, in relation to the mandate and scope of the specific event;
- The *Civil Society Content and Themes Group* (CS C&T), coordinating the work of numerous self-constituting civil society Caucuses and Working Groups (5 regional, 32 thematic, and 2 multi-stakeholders);
- The *Civil Society Bureau* (CSB) functioning as a linkage between civil society participants and the intergovernmental Bureau. The Bureau is constituted by 21 ‘family nodal points’, that enable any civil society entity to find a ‘home’;
- The *Civil Society Division of the WSIS Secretariat* (CSD), supporting the activities of all civil society participants and entities at the Summit; and finally
- A *Virtual CS Plenary group*, an electronic forum between physical meetings of the CSP.³²

In any case, it appears more and more clearly that the presence of civil society affects the concept of democracy, or at least of ‘representative democracy’ and gives a first insight of what is starting to be recognized as a ‘participative, or even a deliberative, democracy.’ Frydman thinks that Hegel still provides, with some reasonable change, a theoretical framework to participative democracy.

As already said earlier, the WSIS was really innovative. To my knowledge, it was the first time in the history of the UN that the civil society was associated so

29 Benoît Frydman, *Vers un statut de la société civile dans l’ordre international*, in: Benoît Frydman and Guy Haarscher, *Philosophie du droit*, Dalloz 2001. <http://www.philodroit.be/uploaded/soccivint.pdf>

30 La société civile, on the website of Geneva State, http://www.geneve.ch/smsi/doc/20031204_sc.pdf

31 The Conference of NGOs (CONGO) is an international membership association that facilitates the participation of NGOs in United Nations debates and decisions. Founded in 1948, CONGO’s major objective is to ensure the presence of NGOs in exchanges among the world’s governments and United Nations agencies on issues of global concern. For more information see <http://www.ngocongo.org>

32 The WSIS Civil Society Meeting Point, <http://www.wsis-cs.org>

closely and officially to all the process of preparation for the Summit. “In general, at WSIS, there was recognition that the agenda involved challenges which governments could not address on their own. The private sector, civil society and international organisations were all included as key ‘stakeholder’ groups.”³³ Unfortunately, it did not result in common declarations. In Geneva, the results were presented separately during the Summit itself. In the Tunis phase, the civil society statement is a reflection *post factum*, analyzing the whole process.³⁴ This could become dangerous: has civil society really played by the rules of a multistakeholder process? It already appears that several Governments are trying to discredit its work, for one reason or another: it is sometimes easier to develop policy without being disturbed by associations, such as NGOs, that are often really committed to people.

There are probably valuable criticisms: are we sure that the civil society today represents all the citizens? Are we sure also that it is not disproportionately dominated by interests/people from the North?

But, from another point of view, when considering the real functioning of civil society, I was really impressed, and convinced that those experiments represent a real way for escaping the ambient philosophy of individualism. Civil society recreates relationships of solidarity all around the world. It is certainly a good way, but is has to be organized a little more to be sure that nobody is excluded from the ‘circle’.

3. Challenges for the Information Society

The presence of many actors, such as the Member States, the representatives of the entirely pro-globalisation movement, the civil society... did not make the game easy. Challenges were not the same for each of them. The bargaining power of the actors was not balanced, but everyone was confronted with the same issue: try to develop a common vision of the future information society. Did they succeed, even though nobody could be openly against the idea of bridging the digital divide?

Let us first hear the official Summit authorities: “UN General Assembly Resolution 56/183 describes the purpose of the Summit as being the ‘development of a common vision and understanding of the Information Society and the adoption of a declaration and plan of action for implementation by Governments, international institutions and all sectors of civil society’. This means:

1. “*Providing access to ICTs for all*: How can the benefits of ubiquitous and affordable ICTs be extended to all the world’s inhabitants? How can those that have access to ICTs be helped to use them effectively?”

³³ Association for Progressive Communications, Pushing and Prodding, Goading and Hand-holding, Reflection from the Association for Progressive Communications (APC) at the conclusion of the World Summit on the Information Society, 14 February 2006. http://rights.apc.org/documents/apc_wsis_reflection_0206.pdf

³⁴ Civil Society Declaration to the World Summit on the Information Society WSIS, Civil Society Plenary *Shaping Information Societies for Human Needs*, Geneva, 8 December 2003, (Version with corrections 12 December 2003); Civil society statement on the World Summit on the Information Society, *Much more could have been achieved*, 18 December 2005 (Revision 1 – 23 December 2005). Nearly all the documents of the Civil Society related to the WSIS are available on the CONGO website at <http://www.ngocongo.org/index.php?what=resources&id=278> (May 3, 2006)

2. *ICTs as a tool for economic and social development – and meeting the Millennium Development Goals:* The development of ICTs has implications for economic, social and cultural development. How can ICTs be leveraged to help promote the common goals of humanity, such as those expressed in the UN Millennium Declaration?

3. *Confidence and security in the use of ICTs:* The benefits of ICTs can only be fully harnessed if there is confidence that these technologies and networks are reliable and secure, and are not misused. What steps should be taken to build confidence and increase security?"

They also mention the conditions for the fulfilment of these objectives. These include:

- “Information and communication infrastructure: financing and investment, affordability, development and sustainability,
- Access to information and knowledge,
- The role of governments, the business sector and civil society in the promotion of ICTs for development,
- Capacity building: human resources development, education and training,
- Security,
- Enabling environment,
- Promotion of development-oriented ICT applications for all,
- Cultural identity and linguistic diversity, local content and media development,
- Identifying and overcoming barriers to the achievement of the Information Society with a human perspective.”³⁵

The Chancellery of the *Swiss Republic and Canton of Geneva* presented the issues at stake in very similar terms, clearly expressing that 90% of the human beings are still excluded from the electronic communication networks, and adding that the main idea was to draw up a strategy for implementing a worldwide cybergovernance.”³⁶ Some of the stumbling blocks such as the different perceptions around the world of human rights and of freedom of expression, and the protection of cultural diversity have been raised, without mentioning the financial difficulties, which has been one of the major obstacles raised at the Geneva Summit. Poor countries were asking for new mechanisms through a specific digital solidarity fund, while the rich countries agreed on increasing the usual financing patterns. But one of other real stumbling blocks has been the so-called question of Internet governance.

When looking just at the Table of Contents of the civil society report *Shaping Information Societies for Human Needs* adopted during the Geneva Summit, it is quite clear that expectations were really surpassed the simple questions of Internet Governance.³⁷ That report is really a project for society based on real values in tune with the Millennium Declaration. The 4 core sections of chapter 2 are

- 2.1 *Social Justice and People-Centred Sustainable Development,*
- 2.2 *Centrality of Human Rights,*

35World Summit of Information Society, Newsroom,
http://www.itu.int/wsisis/newsroom/fact/content_themes_outcome.html

36 République et Canton de Genève, Chancellerie d’Etat, Secrétariat Général, Les enjeux du SMSI, 4 Décembre 2003, http://www.geneve.ch/smsi/doc/20031204_sc.pdf

37 Civil Society Declaration, *Shaping Information Societies for Human Needs*, doc. cit.

- 2.3 Culture, Knowledge and Public Domain,
- 2.4 Enabling Environment.

The Table of Contents give a good idea of the main topics and can be found at <http://www.ngocongo.org/index.php?what=resources&id=278&start=3>

The Geneva official *Declaration of Principles* in its section B “An Information Society for All: Key Principles” – the common vision and guiding principles – addresses the eleven following main questions, slightly different from those mentioned above:

- The role of governments and all stakeholders in the promotion of ICTs for development,
- Information and communication infrastructure: an essential foundation for an inclusive information society,
- Access to information and knowledge,
- Capacity building,
- Building confidence and security in the use of ICTs,
- Enabling environment,
- ICT applications: benefits in all aspects of life,
- Cultural diversity and identity, linguistic diversity and local content,
- Media,
- Ethical dimensions of the Information Society,
- International and regional cooperation.

This document is inspiring but, as already said, failed on two of the crucial issues: Internet Governance, and the financial issues. Both questions were not solved and were then entrusted to the General Secretary. Let us quote the Geneva *Plan of Action*:

“We ask the Secretary General of the United Nations to set up a working group on Internet governance, in an open and inclusive process that ensures a mechanism for the full and active participation of governments, the private sector and civil society from both developing and developed countries, involving relevant intergovernmental and international organizations and forums, to investigate and make proposals for action, as appropriate, on the governance of Internet by 2005.

The group should, *inter alia*:

- Develop a working definition of Internet governance;
- Identify the public policy issues that are relevant to Internet governance;
- Develop a common understanding of the respective roles and responsibilities of governments, existing intergovernmental and international organisations and other forums as well as the private sector and civil society from both developing and developed countries;

Prepare a report on the results of this activity to be presented for consideration and appropriate action for the second phase of WSIS in Tunis in 2005.”³⁸

Regarding the financial mechanisms:

“While all existing financial mechanisms should be fully exploited, a thorough review of their adequacy in meeting the challenges of ICT for development should be completed by the end of December 2004. This review shall be conducted by a

38 WSIS, Plan of Action, Document WSIS-03/Geneva/DOC/5-E, 12 December 2003, 13, b).

Task Force under the auspices of the Secretary-General of the United Nations and submitted for consideration to the second phase of this summit. Based on the conclusion of the review, improvements and innovations of financing mechanisms will be considered including the effectiveness, the feasibility and the creation of a voluntary Digital Solidarity Fund, as mentioned in the Declaration of Principles.”³⁹

Financial Mechanisms

Before coming back on the issues linked to governance, let us continue with this second issue, the financial mechanisms. But instead of commenting on the proposals of the special Task Force introduced in the final document of the Summit of the *Tunis Agenda for the Information Society* in terms of ‘improvements and innovations’, we must really guess what is between the lines to discover a real innovation!⁴⁰

I prefer to pinpoint some of the issues of a real case: the project of a wireless broadband network aimed at connecting rural areas unreachable by traditional telephone lines or cellular phone services. The project is called Akshaya, and it’s a pilot project in the district of Mallapuram in the State of Kerala, India.⁴¹ The project is not typical of all of India since the total population (32 million) is not as high as in the Northern part of India (Madhya Pradesh, 80 million; Bihar, 100 million, Uttar Pradesh, 170 million...)⁴², and the degree of literacy today reaches nearly 100%.

The project involves setting up 5000 multi-purpose community technology centres called Akshaya kendras across Kerala (We could call them kiosks, but I thought also of the ‘Cabinas Públicas’ of Internet Peru). The Mallapuram district project is a pilot but the experience will be spread to all the 14 districts of Kerala (7 in 2006, and 6 more in 2007).

39 *ibid.*, 27, D2, f

40 WSIS, *Tunis Agenda for the Information Society*, prepared by the President of the PrepCom of the Tunis phase, Document WSIS-05/TUNIS/DOC/6(Rev.1)-E, 18 November 2005, n° 3-28, and especially n°27.

41 The information regarding that project has been collected from different sources: An unpublished paper, Akshaya Project – A true example of ICT4All, presented by P.H. Kurian (Secretary, Department of Information Technology Government of Kerala) during a side-event of the Tunis: ‘Past, Present, and Future of Research in the Information Society’ (13-15 November 2005, Tunis, Tunisia) – see <http://worldsci.net/tunis/index.htm>; a second source is an official brochure of the Kerala IT Mission, distributed in the exhibition hall of the Summit, Akshaya, Creating an IT empowered society, and the comments I collected during discussion; finally the website of the project: <http://www.akshaya.net>. It seems that a similar project is developed in Madhya Pradesh: Gyandoot is an intranet in Dhar district connecting rural cybercafes catering to the everyday needs of the masses.

42 United Nations Economic and Social Council for Asia and Pacific: <http://www.unescap.org>



The project is a multi-partners project. The State provides the infrastructure and the private sector runs the kendras, each one being set up within 2-3 kilometres of every household, catering to the requirements of around 1,000-1,500 households. In the first stage, 1 person per household will be trained; in the second the service delivery will develop e-learning, e-transaction such as on-line grievance redress, e-commerce, rural Internet banking and financial services e-payment, Internet telephony, IT enabling agriculture and health services, information and communication about Government schemes, programmes, entitlements welfare benefits.

The pilot project concerns the establishment of 634 kiosks spread over 3,500 square kilometres. After the completion of the State project, there should be 5,000 kendras of 5-10 PCs each, for a total population of 31.838619 million people and 6.5 million families, creating some 50,000 direct employment opportunities.

But let us come to one of the choice investments, and the question of the costs. For the district of Mallapuram alone the total costs are Rs 11 crore (Rs 110 million), i.e. 2 million €, but it seems that only Rs 3,5 crore, i.e. 600,000 € will be charged to the State for the infrastructure, a wireless infrastructure, the rest (PC, kiosks...) being repaid by the entrepreneurs. We should add, at the state level a training programme whose costs are shared in a public-private partnership: Rs 8 crore for the State – 4 for the private sector, i.e. in total 210,000€.

That means that for the 14 districts, Kerala State would have to pay around Rs 55-60 crore, i.e. at least 20 million €, and that the private sector must raise around 4 times this amount. All together 100 million €. Without counting the fact that the project will be in a language specific to Kerala, the Malayalam. You can work out the cost yourself, and calculate the cost for all of India with a population of more than 1 billion, compared to the 31 million people of Kerala. And this is not a utopian idea.⁴³ The real question is moreover the services and their priorities, which can be provided to the citizen. In the specific case of Kerala there was also another issue: this project is a kind of replacement. Kerala State, the most literate state of India, does not have its own Silicon Valley, whereas there are at least six in India. Their challenge was to become the first Indian Knowledge State, and in its own language.⁴⁴

We can understand that many developing countries participating in the Tunis Summit were not totally happy with the results of two years negotiation about the

43 Atanu Garai and B. Shadrach, *Taking ICT to Every Indian Village: Opportunities and Challenges*, OneWorld South Asia, New Delhi, 2006.

44 Sooryamoorthy, R. and Wesley Shrum, *Is Kerala becoming a Knowledge Society? Evidence from the Scientific Community*, *Sociological Bulletin* 53 (2), May-August 2004, pp. 207-221. Available at <http://worldsci.net/kerala.htm>

“financial mechanisms for meeting the challenges of ICT development”. The Digital Solidarity Agenda was not yet at the rendez-vous. Quoting the *Tunis Agenda*: “*We underline* that market forces alone cannot guarantee the full participation of developing countries in the global market for ICT-enabled services. Therefore, *we encourage* the strengthening of international cooperation and solidarity aimed at enabling all countries”, says paragraph 18. The chosen words are not very compelling. “*We recommend* that further cross-sectoral and cross-institutional coordination should be undertaken, both on the part of donors and recipients within the national framework.” (§24)

“Multilateral development banks and institutions should consider adapting their existing mechanisms, and where appropriate designing new ones, to provide for national and regional demands on ICT development.” (§25). “Create policy and regulatory incentives aimed at universal access” (§26) but without suggesting any particular one, etc. In other words, the main result of the Task Force on Financial Mechanisms resulted, to state it a bit provocatively, but not straying too far from the reality, in only one directive: improve the existing mechanisms. The real innovation is the creation of the voluntary Digital Solidarity Fund, which in fact is not an idea of the Summit, but was talked about at the Summit and propagated through the channel of the Summit. The concept originated from Senegal’s President Wade, who initially proposed the concept of “digital solidarity” to a WSIS Preparatory Committee meeting in February 2003.

Internet Governance

Let us come now to the first question, which remained unsolved after the Geneva Summit: Internet governance and its issues. Here again the Secretary-General established a Working Group, the Working Group on Internet Governance (WGIG) that I mentioned regarding the working definition of Internet governance. This Group transmitted its report in July 2005, as well as a ‘background report’, based on a consultation process.⁴⁵

The report itself elaborates the working definition, identifies public policy issues that are relevant to Internet governance, and assesses the adequacy of existing governance arrangements. It then tries developing a common understanding of the respective roles and responsibilities of all stakeholders from both developed and developing countries, and finally makes ‘proposals for action, as appropriate’ including recommendations related to Internet governance mechanisms, and recommendations to address Internet-related issues. We know that the greatest tensions in the PrepCom3 in Geneva were about the recommendations related to Internet governance mechanisms; they included the creation of a new space for dialogue for all stakeholders on an equal footing on all Internet governance-related issues, which was called later the Internet Governance Forum (IGF), and 4 models based on the fact that in whatever case, any organizational form for the governance function/oversight function should adhere to the following principles:

45 Working Group on the Internet Governance (WGIG), Report from the Working Group on the Internet Governance, Document WSIS-II/PC-3/DOC/5-E, 3 August 2005; WGIG, Background paper, June 2005.

-No single Government should have a pre-eminent role in relation to international Internet governance.

-The organizational form for the governance function will be multilateral, transparent and democratic, with the full involvement of Governments, the private sector, civil society and international organizations.

-The organizational form for the governance function will involve all stakeholders and relevant intergovernmental and international organizations within their respective roles.

We know now that PrepCom 3 failed, and was obliged to resume 3 days before the Tunis Summit. We know also that the partners reached a so-called 'agreement' the day before the opening of the Summit, late in the night. The only proposal which was finally accepted, among many proposed by the USA, was the Internet Governance Forum, but with a mandate that is strictly defined in the Tunis Agenda, and which will be evaluated in 5 years time.⁴⁶ None of the reforms suggested by the WGIG Report were accepted, so that the result does not tally with the three above-mentioned principles! WSIS has failed in not separating "the discussion of the role of the governments in setting policies for all Internet issues from discussion of the narrower problem of ICANN's oversight."⁴⁷

Just to show how disappointing the result was for the main organizer of the two phases of the Summit, ITU, let me quote its Secretary-General, Yoshio Utsumi, at the opening ceremony of Tunis, on November 16, 2005: "The value of the Internet lies in the value of information created and consumed by users rather than the infrastructure itself. So, Internet Governance requires a multi-stakeholders approach in which providers and users of information alike agree to cooperate on issues like security, privacy protection and efficient operation at international level. *That is why we have suffered such agonies in our discussion of Internet Governance.* (We underline). The existing models do not work well. We need to embrace a new model for 'communication sovereignty'.⁴⁸ His evaluation during the last Press Conference was not really any more appreciative: "The Internet needs not to be one net controlled by one centre", he said.⁴⁹ Everybody understood: the question was not the creation of the IGF, but the refusal of any of the reform proposals made by the WGIG.

46 WSIS, Tunis Agenda for the Information Society, doc. cit. n° 68, 72-78.

47 Internet Governance Project, Publications, <http://www.internetgovernance.org/publications.html>

48 Statement of Mr. Yoshio Utsumi, Secretary-General, of the International Telecommunication Union, November 16, 2005. See <http://www.itu.int/ws>

49 Kieren McCarthy, ITU refuses to accept net governance agreement, in: The Register, http://www.theregister.ac.uk/2005/11/21/utsumi_rejection



Fig. 2: ICANN's Official Structure

To better understand the agonies of Mr. Utsumi, it is perhaps interesting to point out the difficulty of identifying “Who is doing what?”, and measure the weight of the current partners. Fig. 2 is the official structure of ICANN, which can be found on its website (<http://www.icann.org/general/icann-org-chart.htm>).

Fig. 3 is the result of an in depth analysis of the different actors.⁵⁰ Unfortunately, there are people that prefer to hide the complexity, which gives an *apparent illusion* of transparency!

⁵⁰ Le gouvernement de l'Internet, in: Olivier Ricou, Internet, commerce & politique, Version 1.4 du 8 avril 2005, inspired by Eric Brousseau, <http://www.ricou.eu.org/commerce-e/commerce-e/index.html>

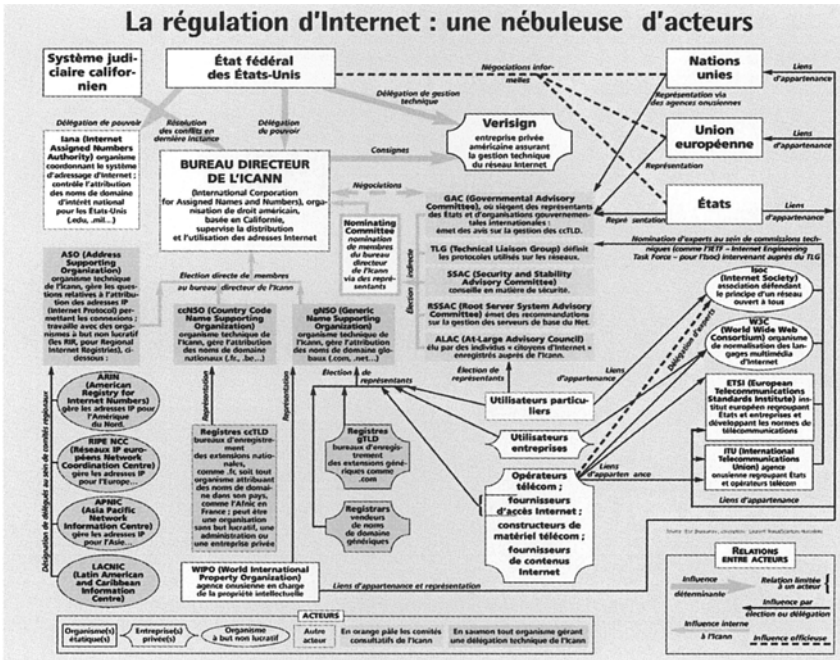


Fig 3: The Internet Governance: An Actors' Nebula

Those interested in deepening their reflections on the WGIG report should have a careful look at the chapter “Developing a common understanding of the respective roles and responsibilities of all stakeholders” (Nr.29 ff.):

-Governments: Public policymaking, Creating an enabling environment, Oversight function, Development and adoption of laws, regulations and standards, ...

-The private sector: Industry self-regulation, Development of policy proposals, guidelines and tools for policymakers and other stakeholders, Contribution to the drafting of national law...

-Civil society: Awareness-raising and capacity-building, Mobilizing citizens in democratic processes, Bringing perspectives of marginalized groups, Contributing to policy processes and policies that are more bottom-up, people-centred and inclusive...

I hope that this tentative proposal will be deepened, because there are still many ambiguities under the terms.

We cannot hide the tremendous work which has preceded the Tunis Summit and the amount of good work undertaken by UN officials, groups of activists, Universities etc... This also means there are a lot of expectations. Will they be met? Let me mention the Internet Governance Project led at the beginning by Syracuse University, New York, and the Georgia Institute of Technology, Atlanta. It regularly publishes policy analysis, ‘Concept Papers’, working papers, seminars reports, and

projects reports.⁵¹ This group of US Universities, joined now by foreign institutes certainly does not preach the ‘true US doctrine’! Among the activists, the Computer Professionals for Social Responsibility (CPSR) has been leader of the civil society with its Civil Society Democracy Project, and its *Cyber-federalist Newsletter* (July 2000-October 2002).⁵² The same may also be said of all the Caucuses, regional or thematic, of the civil society.⁵³ Symptomatic of this tremendous work is also the publication by the members of the WGIG of a book presenting their own views, outside of the context of their official report.⁵⁴ French literature in the area is also developing.⁵⁵

A third section is developed in the *Tunis Agenda*: the process of implementation and the follow up of the Summit. Some action lines were defined and summarized in its annex, as well as possible moderators/facilitators among the UN organisations for each of them (Table 3). UNESCO recently hold “WSIS Consultation Meetings” (October 16-19; 22, 2006) in a multi-stakeholders approach.

Action Line	UN organizations
C1. The role of public governance authorities and all stakeholders in the promotion of ICTs for development	ECOSOC/UN Regional Commissions/ITU/[UN DESA]
C2. Information and communication infrastructure	ITU/[APC]
C3. Access to information and knowledge	ITU/UNESCO/[FAO/UNIDO]
C4. Capacity building	UNDP/UNESCO/ITU/UNCTAD/[UN DESA/FAO/UNIDO]
C5. Building confidence & security in the use of ICTs	ITU/

51 Internet Governance Project, <http://www.internetgovernance.org>

52 Computer Professionals for Social Responsibility (CPSR), *The Cyber-Federalist*, A series of commentaries on the ICANN and Internet governance <http://www.cpsr.org/prevsite/internetdemocracy/cyber-federalist.html> (On the previous CPSR Web Site)

53 World Summit on the Information Society: Civil Society Caucuses, working groups and coordination spaces, <http://www.wsis-cs.org/caucuses.html>

54 *Reforming Internet Governance: Perspectives from the Working Group on the Internet Governance (WGIG)*, William J. Drake, Ed., United Nations Information and Communication Technologies Task Force, 2005, ISBN 92-1-104557-6, 275 p.

55 *Cahiers du numérique*, vol. 2, n° 3, Paris, Hermès, 2002, Numéro spécial sur la Gouvernance d’Internet, sous la responsabilité de Françoise Massit-Folléa, et Richard Delmas. Jacques Berleur, Christophe Lazaro et Robert Queck, *Gouvernance de la Société de l’Information. Loi – Autoréglementation – Ethique*, Bruylant, Bruxelles et Presses Universitaires de Namur, 2002.

Serge Proulx, Françoise Massit-Folléa, Bernard Conein, *Internet, une utopie limitée. Nouvelles régulations, nouvelles solidarités*, Les Presses de l’Université de Laval, 2005.

Marie-Anne Delahaut, Ed., *Prospective de l’Internet, Les réseaux numériques comme outils structurants des territoires de la connaissance*, Institut Destrée, 2005.

C6. Enabling environment	ITU/ UNDP /UN Regional Commissions/ UNCTAD/[UN DESA/UNIDO/APC]
C7. ICT Applications E-government E-employment E-business E-environment E-learning E-agriculture E-health E-science	[UN DESA]/UNDP/ITU WTO/UNCTAD/ITU/UPU UNESCO /ITU/UNIDO WHO /ITU, ILO /ITU WHO / WMO /UNEP/UN- Habitat/ITU/ICAO, FAO /ITU UNESCO /ITU/UNCTAD/[WHO]
C8. Cultural diversity and identity, linguistic diversity and local content	UNESCO
C9. Media	UNESCO
C10. Ethical dimensions of the Information Society	UNESCO /ECOSOC/[WHO / <i>ECPAT Int'l</i>]
C11. International and regional cooperation	UN Regional Commissions/ UNDP / ITU/ UNESCO /ECOSOC/[UN DESA]

Table 3: Action Lines (Tunis Agenda)

4. Social and Ethical Issues

The social and ethical issues of the Information Society have been drafted in the different documents of the Summit.⁵⁶ We could summarize them as follows:

Basic values:

Respect for peace, uphold the fundamental values of freedom, equality, solidarity, tolerance, shared responsibility, and respect for nature; (reference to terms as enunciated in the *Millennium Declaration*)

Justice, and the dignity and worth of the human person. The widest possible protection should be accorded to the family;

Respect for human rights and fundamental freedoms of others, including personal privacy, and the right to freedom of thought, conscience, and religion;

Promote the common good and to prevent abusive uses of ICTs;

Develop aspects of the Information Society being people-centred, human rights-based and sustainable development-oriented;

Focus on the human being as the subject of communication and development (vs. technological approach).

⁵⁶ World Summit on the Information Society, 2003, The Geneva Declaration of Principles, §10) Ethical dimensions of the Information Society, Nrs. 56-59; The Geneva Plan of Action, C10. Ethical dimensions of the Information Society. Civil Society Declaration to the World Summit on the Information Society, 2003, Shaping Information Societies for Human Needs, 2.4.1 Ethical Dimensions. World Summit on the Information Society, 2005, Tunis Agenda for the Information Society, Nrs. 43, 90 o. Civil Society Statement on the World Summit on the Information Society, Much more could have been achieved, 18 December 2005, § Ethical dimensions.

More specific issues related to ICT:

The value-base of the information society must be founded on the principles contained in the collection of internationally agreed-upon conventions, declarations, and charters. More specifically, equal, fair and open access to knowledge and information resources;

Take appropriate actions and preventive measures, as determined by law, against abusive uses of ICTs, including illegal and other acts motivated by racism, racial discrimination, xenophobia, and related intolerance, hatred, violence, all forms of child abuse, including paedophilia and child pornography, and trafficking in, and exploitation of, human beings;

Invite relevant stakeholders, especially academia, to continue research on the ethical dimensions of ICTs;

Respect the independence, pluralism and diversity of media, and freedom of information;

Include the principles of trust, stewardship and shared responsibility together with digital solidarity.

Means

- Codes of ethics and standards should be adopted in these cases and mechanisms should be established to monitor their application as well as appropriate sanctions for their violation.
- Respect for diversity must be a central criterion in establishing the principles and mechanisms for resolving conflicts that arise in information societies.

These social and ethical issues – they are sometimes also called public policy or societal issues – are now on the way to being prioritized in view of the next IGF, where decisions must be taken regarding how to deal with them, or what working groups should be set up, etc

The first round of consultations, held in Geneva on 16-17 February 2006, included:

-Recognition of an emerging consensus that the activities of the IGF should *have an overall development orientation*.

-Recognition of an emerging consensus that *capacity building* (mainly for developing countries, *Note from the author*) to enable meaningful participation in global Internet policy development should be an overarching priority.

-Recognition that meaningful participation includes both assistance to attend meetings and training in the subject matter of Internet governance.

The ten most frequently mentioned public policy issues in the consultations in view of the meeting of Geneva on 16-17 February 2006 preparing the IGF of Athens (30 October - 2 November 2006) were:

1. Spam
2. Multilingualism
3. Cybercrime
4. Cybersecurity
5. Privacy and data protection
6. Freedom of expression and human rights

7. International interconnection costs
8. Bridging the digital divide: access and policies
9. Bridging the digital divide: financing
10. Rules for e-commerce, e-business and consumer protection.⁵⁷

But other lists were elaborated, for instance by the civil society. Detailed submissions have been received on the following topics (in no particular order):

1. Policy issues for affordable Internet access,
2. Internet content filtering and free expression,
3. E-voting technologies,
4. Enhanced cooperation for coordination and management of critical Internet resources,
5. Defining and fostering Open Educational Resources (OER) on line, around issues of interoperability, access, public infrastructure, in the context of Internet and digital learning technologies,
6. Defining and fostering the ‘public-ness’ of the Internet – issues of public interest, public domain, public infrastructure and public good in the context of the Internet,
7. User centric digital identity,
8. The WSIS Principles on Internet Governance – Follow-up and Implementation,
9. Transparent and Equitable Management of the Critical Internet Resources,
10. Internet Mark 2 Project Creating Tomorrow’s Internet.⁵⁸

A ‘detailed presentation’ was requested from the proposers using the following suggested approach: a. A concise formulation for the proposed theme; b. A brief description of why it is important; c. How is it in conformity with the Tunis Agenda?; d. How it fits within the mandate of the IGF as detailed in paragraph 72?; e. Who are the main actors in the field, who could be encouraged to participate in the thematic session?; Last but not least, f. Why should this issue be addressed in the first annual meeting of the Forum? The archives of the Internet Governance Caucus, provides some examples (available at <https://ssl.cpsr.org/pipermail/governance/>): March 7, Right to development; March 10 and 21, Looking at User centric digital identity; March 16, On Enhanced Cooperation; March 18, Asserting the public-ness of the Internet as a guiding principle for IG; March 21, Internet content filtering and free expression; and March 21, Affordable Internet access.

The following topics have been raised and/or discussed on the Internet Governance list of the civil society, without as much detail, as the 10 first ones (in no particular order):

1. IP address allocation
2. Spam
 - Technical methods
 - Human rights implications of filtering as censorship: unintended consequences of filtering. “When one person's free speech is someone else's blasphemy”
3. Network Neutrality

⁵⁷ The substantive agenda of the first meeting of the Internet Governance Forum – Summary of the discussions and contributions, at <http://www.intgovforum.org/Summary%20of%20discussions.htm>

⁵⁸ From the WSIS Civil Society Plenary Mailing List, compiled by Robert Guerra in an email of 27.03.2006 <http://mailman.greenet.org.uk/public/plenary/>

4. Capacity-building and meaningful participation in policy development
5. Development agenda
 - Access and affordability
 - Asserting the public-ness and the egalitarian character of the Internet as a guiding principle for Internet Governance
6. Internationalization of the Internet
 - Multilingualism
 - International Domain Names (IDN) - multilingual roots
7. Network neutrality
8. Diversification of the DN space
9. Human Rights as a cross-cutting issue (1,2 and 3 generation rights) (civil, cultural, economic, political and social rights)
 - Freedom of expression
 - Data protection and privacy rights
10. Internet content filtering and free expression
11. Digital identity
12. Enhanced Cooperation
13. Cybercrime
 - Law enforcement co-operation.
 - Overview & comparison of existing instruments: Council of Europe Convention, etc
 - International legal assistance - the good, the bad, and the ugly
 - Human Rights implications.

There may be other lists of which I am not aware, from particular associations who answered the call from the IGF Secretariat to send their own three priorities for the meeting of May 19, 2006.⁵⁹ The official IGF website only mentions the set of proposals coming from the consultation, without indicating where they came from: governments, private sector, international organizations...?

Let me also mention two intriguing, or at least curious, letters from the Group of 77 and China, which represents 133 developing nations.⁶⁰ Why two lists, when the content is nearly identical, and that the second letter mentions it is a “preliminary list of suggested topics”? (Table 4) Why send the list to the Head of the provisional Secretariat of the Multistakeholders Advisory Group (MAG) created on May 19, 2006 – it could have been done now!

⁵⁹ For instance, a Francophone association of French and Belgian people, in which we are involved, Vox Internet, recommended: development of multilingualism, making available publicly all of what is of public interest (including reinforcement of capacity building, free access to knowledge...), and protection of privacy. See the Vox Internet website and especially its Report of the 2005 Seminar, Internet Governance: Common fact and rights, as well as the programme of its 2002/2009 Seminar: Internet Governance: *The Democratic Construction of Standards*, <http://www.voxinternet.fr/index.php?lang=en>

⁶⁰ Internet Government Forum, Contributions, 9 and 31 March 2006, http://www.intgovforum.org/contributions_sa.htm

Topics mentioned in the letter of March 9, 2006	Topics mentioned in the letter of March 31, 2006
Focus on: 1. The realization of the development content in the Tunis Agenda 2. Affordability and availability of the Internet 3. Interconnection cost 4. Technology and know-how transfer 5. Multilingualism 6. Local development of software 7. Capacity building, and participation of multistakeholders from developing countries	1. Bridging the Digital Divide: Access, policies and financing 2. Affordability and availability of the Internet 3. International interconnection costs 4. Technology and know-how transfer 5. Multilingualism and Local Content 6. Local Development on Software and Open Source Software 7. Capacity Building and participation of multistakeholders from developing countries 8. Equitable and stable resource management 9. Internet access and international transit arrangements.

Table 4: G77 + China Proposals for Athens IGF

There are people who think it is a manoeuvre of Governments, and risk dismantling the unity of the multi-stakeholders approach, while the authors of those letters request “a due consideration and weight during the process of selecting themes for the first IGF.”!

In the four or five mentioned lists, there are surely overlaps. When looking at the list of IGF consultation, on the first list of the civil society, and at the second of G77 + China, we find 4 issues which are mentioned twice:

1. Bridging the Digital Divide: Access, policies and financing;
2. Policy issues for affordable Internet access;
3. Multilingualism and Local Content;
4. International interconnection costs.

But what strikes me is how weak the relation is to the objectives of the *Millennium Declaration* or its more precise goals: only 3 out of 10 in the IGF consultation list, 4 out of 10 in the civil society list, and of course more in the G77 + China list. The link between ICT and development in the developing countries is not so obvious. I have intellectual difficulties in seeing that spam must be a priority, although it is a real problem (but is it the first?); the same for e-voting technologies, or for the user centric digital identity, etc. We could also wonder why there is such a distance between the terms used in the Summit documents and those used on the lists! There must be strong lobbies behind the scene. An issue to be followed!

Things are moving quickly! The picture should be clearer now, since the agenda of the IGF Athens meeting is fixed. But it is far from reflecting all the preoccupations that we mentioned.

5 As a Matter of Stage

It would not be wise to conclude too much, since we are still in the process. Moreover, my idea was to try to find our way in what could be called a maze or a labyrinth. The information society of today is not yet a society: there is no consensus on goals, and I am sure that the WSIS has not yet reached it – except for a “we must go ahead” –, there is no real structure or it is still ill-structured, no oversight mechanism, no agreement either on financial means nor on governance, and in no way a parliament. There are even authors who wonder if there can be an information society,⁶¹ or who still prefer to use the terms “Digital Society”, as Abbe Mowshowitz in a recent special issue of the *Communications of the ACM*.⁶²

The question now is: What is to be done? I would suggest four or five ‘paths’. I leave it up to you to decide if they are paths to arrive or to leave!

5.1 What we have gathered until now

Let us first summarize briefly and schematically what we have understood up to now:

- There is no consensus on what “Information Society” is or could be. Some authors prefer “Digital Society”. It is not simply a question of “words”!
- WSIS and the Millennium Declaration:
- How to link ICT and eradication of “extreme poverty” (< US\$1 per day)?
- What are the felt needs?
- Are the financial mechanisms suggested in the Tunis Agenda relevant to the issue?
- ICT is the first enzyme (perhaps “catalyst” should a better word) for globalization (Report of Lisbon).
- Globalization,
 - and employment: precarious jobs, youth unemployment (Europe, 15-24 yrs, 18,7%), delocalisation, off-shore business...
 - and questions of the respective roles of the States, the private sector
 - and the demand for new forms of governance,
 - Globalization has increased the tensions between those living “at the centre”, and those living on the margins?
- Civil society revival:
 - A protest against the ideology of economic and financial globalisation, and requesting “participative” – if not “deliberative” – democracy,
 - Trying re-creating the social/societal fabric.
- Challenges at the WSIS:
 - Access for All, ICT for economic and social development,
 - Financial mechanisms,
 - Internet Governance.

61 Erkki Karvonen, Are we living in the Information Society or in the Knowledge Society? A Deeper Look at the Concept of Information and Knowledge, in *Informational Societies. Understanding the Third Industrial Revolution*, Erkki Karvonen, Ed., Tampere University Press, 2001.

62 Abbe Mowshowitz and Murray Turoff, Guest Editors, The Digital Society, Special issue of the *Communications of the ACM*, October 2005, vol. 48, N° 10, pp. 32-74

- Social and Ethical Issues: see details below!

We would now like to present two reflections which are not mine, but in which I recognize in part several of my preoccupations.

5.2 “Watcher at the Edge” – The Tyranny of the Globalised World

The first author I want to mention is considered as “A Watcher at the Edge of the World”.⁶³ He lives in Shepperton, Surrey, a little town of 10,796 inhabitants, one hour by train from London, sharing the sky of Heathrow airport. He is the author of *A user’s guide to the Millennium*. James Graham Ballard, now 76 years old, has established in Shepperton his refuge, his observatory, and his eagle’s nest: in other words, as he said, his look-out post for the disaster to come.

He has been writing fiction, novels, and critiques, examining how modernity is wreaking havoc on society through consumerism, uniformity, creating boredom and violence, under the infinite power of technological development.

He lives there in Shepperton, a real remedy against optimism, because he wanted to be coherent with himself and his very sharp criticism of the consumer society. Why write fiction – and he wrote some very famous books⁶⁴ – when you can discover the strange, the twisted, the unreal and even the fantastic there in front of your eyes, and try to make sense of it all. Instead of looking at the cosmos from the earth, he has started to observe the earth from Shepperton. Many of his observations may be found in his *A user’s guide to the Millennium*.⁶⁵ What will happen to people who are carried away by a civilisation that they do not control? What will happen to the leisure civilisation, the social segregation, to the vertigo originated in the absence of ideals and the disgust of oneself?

“Be careful”, he said, “this era is dangerous, where rational and irrational are facing each other. I speak right: be careful ‘bad weather in perspective’, close your shutters!”

“The British,” he adds, “have many qualities, but they have never been authorized to know themselves. They are as animals dressed up in a zoo, where they are not authorized to quit their disguise. Perhaps because they know that they are more violent than the others... That is right, the Renaissance has never arrived unto us.” He still adds: “I provoke people for making them furious, to oblige them to listen to me. Otherwise, nobody wants to hear: everybody wants a quiet existence and holidays in Bahamas!”

The quiet tyranny of the global economy is transforming morals, habits, characters... and not in the best direction. James Graham Ballard does not deny that he is taking the role of a moralist – it seems that it amuses him.

63 James Graham Ballard, *Une Vigie au bord du monde (A Watcher at the Edge of the World)*, in *Le Monde des Livres*, 10 mars 2006.

64 *Histoire de catastrophes*, Livre de poche n° 3818; *The Crystal World*, Flamingo Modern Classic, 1970 (*La Forêt de cristal*, Denoël, 1967); *Crash: A Novel*, Vintage, 1995; Picador USA Edition, 2001 (*Crash! Traduit de l’anglais par Robert Louit, Denoël, 2005*)

65 *A user’s guide to the Millennium*, Essays and Reviews, Picador USA, 1997 (*Millénaire, Mode d’emploi*, traduit de l’anglais par Bernard Sigaud, éd. Tristram, 370 p., 23 €). See also, same author, *Millennium People*, Haper Perennial 2004 (*La révolution des classes moyennes*, Denoël, 2005).

5.3 The Disenchantment of the World

The second author I want to quote from is the well-known Marcel Gauchet, the author of *The Disenchantment of the World*,⁶⁶ the thinker of “the religion of the end of religion”. He recently commented on the issue of the cartoons of Mohammed, by saying: “The Western World is blind about the consequences of globalization of economics and of the ethical ways of living.” The Muslim people feel humiliated: the Western World does not understand that for Muslims Mohammed is the last prophet, after Moses and Jesus, i.e. the most refined revelation of God himself; but on the other hand most of the Muslim countries are today the most backward in development terms, expelled from the so-called ‘modern and Western world’ which is more and more pervaded by the absence of religious commitment or reference (with perhaps an exception for the US, and in another way for India and China). The globalised world is *defined only as an economic and financial world*. “The Western world,” says Gauchet, “is blind on the effects of that globalization of economy and values, in terms of disintegration of the traditional family, of violent change of the relationship between man and woman, between generations. What is at stake is an ‘existential uprising’ – if not an insurrection.”⁶⁷

5.4 Be Critical (R. Kling) – Analyses of Discourse of Different Actors

Are these reflections purely negative? I would prefer to call them ‘critical’, in the sense used by Rob Kling when defining *social informatics*. “The critical orientation – differentiated from the normative and analytical orientations – refers to examining ICTs from perspectives that do not automatically and uncritically accept the goals and beliefs of the groups that commission, design, or implement specific ICTs. (...) It encourages information professionals and researchers to examine ICTs from multiple perspectives (such as those of the various people who use them in different contexts, as well as those of the people who pay for, design, implement, or maintain

66 Marcel Gauchet, *The Disenchantment of the World. A Political History of Religion*, translated by Oscar Burge, with a foreword by Charles Taylor, Princeton University Press, 1997 (translated from the French, *Le désenchantement du monde*, Paris, Gallimard 1985). Does the disenchantment mark the end of religion in Weber's scheme, not only as a significant institutional and social force but as a personal reality as well? “The term ‘disenchantment’ of the world can be traced to the Romantic movement, where it was considered to be a consequence of scientific progress. Friedrich Schiller spoke about the ‘de-divinization’ of the world, which was translated by Max Weber as the ‘disenchantment’ of the world. (...) The divinization means that there are no traces of God to be found in the world. This is the meaning used by Schiller and Weber. ‘Disenchantment’ translates the German *Entzauberung*, and expresses that, as a result of scientific progress, the world cannot be considered anymore as a clue to discover the hand of God acting in nature.” (Mariano Artigas, *The Mind of the Universe. Understanding Science and Religion*, The University of Notre Dame, October 21st, 2000. Published in: Alice Ramos and Marie I. George, Eds., *Faith, Scholarship, and Culture in the 21st Century*, Washington: The Catholic University of America Press, 2002, pp. 113-125. <http://www.unav.es/cryf/themindofuniversenotredame.html>

67 Entretien avec Marcel Gauchet, L’Occident est aveugle sur les effets de la mondialisation de l’économie et des mœurs, in *Le Monde*, 12-13 mars 2006, p.14.

them) and to examine possible failure modes and service losses, as well as ideal or routine ICT operations.”⁶⁸

Are the reflections of Ballard and Gauchet too critical, in their precise meaning? Should we prefer to speak about the benefits of eLearning, eEducation, eContent, eGovernment, eAdministration, eHealth, eCommerce... – I am still wondering why it is necessary to prefix all the words with an “e”, including eEurope! If we speak benefits – and I am sure there are – we must also speak about the benefits to the telecom operators, to big businesses, of financial deals, including the derivatives, the hedge funds... We must also wonder why IPR has become one of the biggest issues of our time, and one issue that must find its chapter in every book on social and ethical issues, whereas the accessibility to information – “Information for all” – is hardly mentioned!⁶⁹

Benefits – disadvantages: which ones and for who? It should be of utmost interest to continue the efforts in analysing the narratives about the information society.⁷⁰ We have done, within IFIP-TC9, an analysis of the speeches about ‘Policies on ICT in Society’ for several regions and countries of the world. This work has to be continued.⁷¹

5.5 Implementation (Tunis Agenda) – Benchmarking

We said that the Tunis Agenda proposes a way of implementation, linking the action lines and the organizations within the UN organizations able to take them in charge (Table 3).

But the analysis of action requires means of control. I would just mention the weakness of the European benchmarking process.⁷² We started, in 2002, with 23 indicators that were quite explicitly spelled out in terms of increasing populations having connections, number of computers per 100 pupils at primary / secondary / tertiary levels, percentage of workforce with (at least) basic IT training, percentage of health professionals with Internet access... (Table 5)

68 Rob Kling, Howard Rosenbaum, and Steve Sawyer, *Understanding and Communicating Social Informatics. A Framework for Studying and Teaching the Human Contexts of Information and Communication Technologies*, Information Today, Inc., Medford New Jersey, 2005, ISBN 1-57387-228-8, p. 7.

69 European Commission, *eEurope 2005: An information society for all. An Action Plan to be presented in view of the Sevilla European Council*, 21/22 June 2002, Brussels, 28.5.2002, COM(2002) 263 final

70 Jari Aro, 2001, *Narratives and Rhetoric of the Information Society in Administrative Programs and in Popular Discourse*, in: *Informational Societies. Understanding the Third Industrial Revolution*, op.cit. See also: Richard Sennet, *Récits au temps de la précarité*, in *Le Monde*, 5 May 2006.

71 *Perspectives and Policies on ICT in Society*, Jacques Berleur and Chrisanthi Avgerou, Eds., *A TC9 Handbook*, IFIP, Vol. , Springer Science & Business Media, 2005, iv + 290 p.

72 European Commission, *Benchmarking eEurope*,

http://europa.eu.int/information_society/eeurope/2002/benchmarking/index_en.htm

List of eEurope Benchmarking Indicators (2000)	
<i>Cheaper, faster Internet</i>	
-	Percentage of population who regularly use the Internet
-	Percentage of households with Internet access at home
-	Internet access costs
<i>Faster Internet for researchers and students</i>	
-	Speed of interconnections and services available between and within national research and education networks (NRENs) within EU and world-wide
<i>Secure networks and smartcards</i>	
-	Number of secure servers per million inhabitants
-	Percentage of Internet-using public that have experienced problems
<i>European Youth into the digital age</i>	
-	Number of computers per 100 pupils at primary / secondary / tertiary levels
-	Number of computers connected to the Internet per 100 pupils at primary / secondary / tertiary levels
-	Number of computers with high speed connections per 100 pupils at primary / secondary / tertiary levels
-	Percentage of teachers using the Internet for non-computing teaching on a regular basis
<i>Working in the knowledge-based economy</i>	
-	Percentage of workforce with (at least) basic IT training
-	Number of places and graduates in ICT related third level education
-	Percentage of workforce using telework
<i>Participation for all in the knowledge-based economy</i>	
-	Number of Public Internet Points (PIAP) per 1000 inhabitants
-	Percentage of central government websites that conform to the WAI (Web accessibility initiative) accessibility guidelines at A level
<i>Accelerating eCommerce</i>	
-	Percentage of companies that buy and sell over the Internet
<i>Government on-line</i>	
-	Percentage of basic public services available on-line
-	Public use of government on-line basic public services for information: for submission of forms
-	Percentage of public procurement which can be carried out on-line
<i>Health on-line</i>	
-	Percentage of health professionals with Internet access
-	Use of different categories of web content by health professionals
<i>Digital Content for global networks</i>	
-	Percentage of EU websites in the national top 50 visited
<i>Intelligent transport systems</i>	
-	Percentage of the motorway network (vs. total length of network) equipped with congestion information and management systems

Table 5: List of eEurope Benchmarking Indicators (2000)

The trend was clear: the indicators were mainly concerned with the diffusion of the use of the Internet.

For *eEurope 2005* benchmarking, the Commission has proposed in November 2002 a new set of indicators.⁷³ It recognized that to improve the quality, measurement of *eEurope 2005* indicators should make greater use of official statistics from the National Statistical Institutes and Eurostat.⁷⁴ Therefore, the Commission proposed 14 policy indicators and 22 supplementary indicators along with their sources and frequency of collection. (Table 6)

<i>List of eEurope 2005 Benchmarking Indicators</i>
<i>Internet indicators</i>
Citizens' access to and use of the Internet
Enterprises' access to and use of ICTs
Internet access costs
<i>Modern online public services</i>
e-government
e-learning
e-health
<i>Dynamic e-business environment</i>
Buying and selling on-line
e-business readiness
<i>A secure information infrastructure</i>
Internet users' experience and usage regarding ICT-security
<i>Broadband</i>
Broadband penetration

Table 6: List of eEurope 2005 Benchmarking Indicators

I must say that I was more positively surprised by the ITU's presentation, during the Geneva Summit, of its *Digital Access Index* (DAI), although the goal is similar: "Boosting New Technology Adoption."⁷⁵ "The results of the ITU's new DAI suggest that it is time to redefine ICT access potential.

"Until now, limited infrastructure has often been regarded as the main barrier to bridging the Digital Divide. (...) The research, however, suggests that affordability and education are equally important factors. To measure the overall ability of

⁷³ Commission of the European Communities, Communication from the Commission to the Council and the European Parliament, *eEurope 2005: Benchmarking Indicators*, Brussels, 21.11.2002, COM(2002) 655 final, http://europa.eu.int/comm/secretariat_general/regdoc/liste.cfm?CL=en

⁷⁴ Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions: *eEurope 2005: An information society for all – An Action Plan for the Sevilla European Council*, 21 and 22 June 2002

http://europa.eu.int/information_society/eeurope/2002/news_library/documents/eeurope2005/europe2005_en.pdf

⁷⁵ International Telecommunication Union, ITU Digital Access Index: World's First Global ICT Ranking. Education and Affordability Key to Boosting New Technology Adoption, http://www.itu.int/newsarchive/press_releases/2003/30.html

individuals to access and use ICTs, the ITU study has gone beyond the organization's traditional focus on telecommunication infrastructure."⁷⁶ The DAI combines data related to five categories: infrastructure, affordability, knowledge (level of literacy), quality, and usage; those categories are grouping eight variables. (Table 7)

ITU: Digital Access Index	
Infrastructure	Fixed telephone subscribers per 100 inhabitants Mobile cellular subscribers per 100 inhabitants
Affordability	Internet access price as percentage of per capita income
Knowledge	Adult literacy Combined primary, secondary and tertiary school enrolment level
Quality	International Internet bandwidth per capita Broadband subscribers per 100 inhabitants
Usage	Internet users per 100 inhabitants

Table 7: Categories and Variables of the ITU's Digital Access Index

The DAI, says ITU, is considered as being “an essential element in the implementation of the Plan of Action being developed for the WSIS and in the use of ICTs to meet the United Nations Millennium Development Goals (MDGs).”⁷⁷ Let's restate them: 1. Eradicate extreme poverty and hunger. 2. Achieve universal primary education. 3. Promote gender equality and empower women. 4. Reduce child mortality. 5. Improve maternal health. 6. Combat HIV/AIDS, malaria and other diseases. 7. Ensure environmental sustainability. 8. Develop global partnership for development.

All this has to be developed and structured. If we want to create an Information Society, and to govern it, we need the means. I know that many people are trying to 're-enchant' the world, but we must avoid narrating stories which are just a pitfall or a trap door exploiting the credulity of the masses.

5.6 Social and Ethical Risks – Public Spaces – Early Warning and Technology Assessment

Measuring the level control is not sufficient. We are all aware that there are social and ethical risks. Two steps can be proposed to meet them. The first one would be the re-creation of public spaces, as mediation between theory and practice, expertise and application, where there could be real “deliberation” (rather than a negotiation) before decision-making. The second step could try to anticipate the social and ethical risks, and take appropriate measures while there is still time. We need to come back, in this perspective, to one of the first tasks of Technology Assessment: *early warning*.

⁷⁶ *ibid*.

⁷⁷ Media Advisory, ITU Launches First Digital Access Index, Geneva, 17 November 2003, http://www.itu.int/newsarchive/press_releases/2003/Advisory-19.html

In the context of nanotechnologies, a Canadian association, Erosion (ETC Group: Erosion, Technology, and Concentration) is requesting the creation of an International Convention for the Evaluation of New Technologies (INCENT), under the auspices of the United Nations. In a report on the “Nanogeopolitics”, published in 2005, the Director of the Group, Pat Mooney, considered that it was urgent to close the ‘cycle of crises’ and to create with the INCENT treaty “a watching system of alert or early listening (not a phone tapping!) able to control any new technology of importance.”⁷⁸

This kind of preoccupation has already been explored and done efficient in the seventies by the US Office of Technology Assessment (created in 1972, and disbanded in 1995 by Newt Gingrich, the Speaker of the Congress from 1995 to 1999, because its Chair was a Democrat, Edward M. Kennedy), and in the eighties on the European scene (with a serious decrease when Jacques Delors decided to abandon the FAST Programme, at the same time as Gingrich, opposing the arguments of European competitiveness).⁷⁹ The FAST Programme (Forecast and Assessment of Science and Technology – 1979-1994), under the enthusiastic leadership of Riccardo Petrella, was a kind of think-tank of the European Commission. It produced more than 400 reports, and 30 books. But more interestingly, it created, before its time, a *network* of more than 600 research centres throughout the whole Europe. Now that there is one single dominant economic model, it is urgent to re-establish such institutions. Some of them are still continuing well (The Dutch Rathenau Instituut, the German Institut für Technikfolgenabschätzung und Systemanalyse, the Danish Teknologirådet, etc...) and could be the basis for revival at the European level.

5.7 Social and ethical issues again: An IFIP-WG9.2 and SIG9.2.2 contribution

What are the social and ethical issues? The task of identifying them is not an easy one.

Let us first recognise that “most of the discussions on the future of the information society suggest that it is being determined by technical feasibility and driven by technology push more than by users’ and customers’ needs. Little attention is paid to social impact and ethics – except, perhaps, in the fields of health, education and culture.”⁸⁰

78 Une enquête de Dorothee Benoit-Browaays, Nanotechnologies, le vertige de l’infiniment petit, in *Le Monde Diplomatique*, doc. cit., pp. 22-23.

79 Jacques Delors et la Commission Européenne, Pour entrer dans le XX^e siècle, Emploi, Croissance et Compétitivité, Le Livre Blanc de la Commission des Communautés Européennes, Paris Michel Lafon / Ramsey, 1994 (translation from *The White Book Growth, Competitiveness, Employment. The Challenges and Ways Forward into the 21st Century*, COM(93) 700 final, Brussels, 5 December 1993, available at: <http://www.europa.eu.int/en/record/white/c93700/contents.html>

80 Jacques Berleur, Vigdis Finnbogadottir, Björn Bjarnason, and Klaus Brunnstein, Social and Ethical Aspects of the Information Society of ICT, Commission 8 Report to WITFOR, Vilnius, Lithuania, 27-29 August 2003, in: WITFOR 2003 White Book, Dipak Khakhar, Ed., IFIP Press 2003, pp. 259-339. ISBN 3-901882-18-9

In a recent presentation at a side-event of the Tunis Summit, after having presented different modes of regulation or governance – technical, self-regulating and legal – we presented a personal summary and conclusion of the social and ethical issues raised at those different levels.⁸¹ They were related as follows:

- Social and ethical issues related to Technical Governance,
- Social and ethical issues related to Self-regulation,
- Social & Ethical Issues in the Regulation of the Internet and of the Information Society.

I shall not develop them here. But as they represent a substantial part of work that we did within the IFIP Special Interest Group SIG9.2.2 on the Ethics of Computing, we mention here some, that seem more significant and that were not mentioned earlier, that could be developed in the framework of the future agenda of the IGF.

Social and ethical issues related to technical governance:

- DNS issues: they are identifiers for social identity, commerce...
- Respect of the countries diversity, regarding its own Internet (legislative) policy,
- Private organisations are taking important decisions shaping the future of society and our ways of living without clear participation. This is a major issue in our modern world where democracy and ethics are merging,
- ICANN: how can disputes among the vested interests be resolved in the organisation?
- Why is GAC only an “advisory committee” within ICANN? Where are the developing countries in ICANN, in GAC?⁸²
- Where is China in the negotiation of standards?
- “The possible architectures of Cyberspace are displacing architectures of liberty.” (Lawrence Lessig)⁸³
- Limits and validity of technical norms,
- How should the approximately 4250 technical norms (*Requests for Comments*, in IETF language), be decided by 2000 people and a few organizations without recognized status, and become universal norms?

Social and Ethical Issues Related to Self-regulation:

- Self-regulation: its place in the normative order?
- How should private actors have a normative role *for all*?
- The role of the regulators reduced to protect citizen and customers?

81 Jacques Berleur, Governance in the Information Society - Social & Ethical Aspects, in: Past, Present, and Future of Research in the Information Society (PPF), 13-15 November 2005, Tunis, Tunisia, sponsored by Society for Social Studies of Science, Louisiana State University, World Science Project, Hewlett Packard, CODATA, Microsoft, Internet2, and the International Federation for Information Processing.

82 See Digital Freedom Network: “ICANN through its actions and inactions has succeeded in sidelining the interests of developing countries”, May 19, 2003, <http://dfn.org>

83 Lawrence Lessig, Code and other laws of Cyberspace, New York, Basic Books, 1999.

- The signs of real participation of the actors are rare: where is democracy?
- Is self-regulation making the economic actors more responsible?
- Request more professionalism from professional bodies, i.e. clearer statements on issues in specialised fields where they develop their competence
- Increase international exchange between professional societies and institutional groups, respecting the cultural, social, and legal differences;
- Increase self-regulation legitimacy by promoting large participation of all the concerned parties
- Refrain from slogans of the past, such as “Let business self-regulate the Net” which are at risk of damaging the societal fabric, and which do not favour cooperation between private and public

Social and Ethical Issues in the Regulation of the Internet and of the Information Society

- Try to really identify the actors. There is a nebula of actors. Who is finally regulating? Lack of transparency. Predominance of vested interests – not always the same.
- At the self-regulation and legal levels, the trend is to have minimum regulation. But, there is no real democratic process and no real ethical concern.
- Ethics and democracy are “under control”. But who is controlling? See a proposal to the Council of Europe of *A charter of rights and duties for Internet users*.⁸⁴ There are lobbies.
- What is the legal approach of the ethical statement: “As soon as the interests of the majority are at stake and that people concerned risk to be made more fragile and vulnerable by self-regulation, the public authority must interfere and ensure that the “horizon of universality”, in terms of access, control and participation, remains open,” assuming that the role of ethics is to keep open an horizon of universality;
- Avoid the appropriation by anybody; above all if there are vested interests, which do not respect the balance through appropriate levels of democratic discussion.
- Regulation is multidimensional and must find its coherence and consistence.
- Today regulation is still a “battlefield”.

Final, final comment: during this time of intense reflection on the “Information Society for All”, our attention has been focusing on important specific questions, but I am still wondering if on the suggested battlefield several lobbies have not been continuing to build their own business if not empire, without being embarrassed by social and ethical preoccupations. Other professionals were astonishingly outside of the debate. *TechNews*, a monthly issue of News Gathering Service for IT Professionals, published by the Association for Computing Machinery (ACM), has just recently reported on some issues during the two phases of the Summit. Even its

⁸⁴ Council of Europe, Press Service, 277a(2003). Among the partners, we find the Global Business Dialogue on eCommerce!

Special Interest Group on Computers and Society (SIGCAS) was rather silent on the topics.

Isn't it urgent to create Internet Governance Fora (IGF) at the national or regional level where politicians, unions, activists, scientists... can meet and support each other in what we could call *multistakeholders public spaces*. We mean places where deliberations – and not only negotiations as already suggested – can take place, where values, culture... are taken into account: those spaces should be considered as spaces for governance.

After a time of hectic action, the time has now come to revisit the whole set of issues quietly and with sharp theoretical tools of analysis. We already mentioned the 'Concept papers' of the *Internet Governance Project*, (www.internetgovernance.org). But there are many other groups working along that line: the already mentioned group *Vox Internet* (in France, www.voxinternet.org), the *United Nations Group on the Information Society*, a group of high level representatives of 22 UN agencies committed to the implementation of the outcomes of the WSIS (www.ungis.org)⁸⁵, the *Internet Governance Caucus* from the Civil society (www.net-gov.org), the WSIS Civil Society Meeting Point (www.wsis-cs.org)...

There is still a lot of work to be done.

85 ITU, International steps taken to build global Information Society, United Nations agencies to coordinate implementation of WSIS Plan of Action, http://www.itu.int/newsroom/press_releases/2006/NP05.html, Geneva 20 July 2006.