3: Civil Society's Involvement in the WSIS Process: Drafting the Alter-Agenda

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This analysis of the WSIS process bears on three sets of results. One is the increased legitimacy of the role of NGOs within the ranks of other civil society actors, the other is the emergence of an alternative paradigm based on the cognitive revolution within the process itself, the last is the renewed place of research in the development of possible 'knowledge societies' (as an alternative to the unique paradigm of 'information society').

Civil society and the contents and themes drafters decided not to present an alter-agenda from scratch, contrary to other actors, like those involved in the CRIS campaign for instance. This was due partly to several factors: so many NGOs were involved that none in particular could claim the legitimacy to set the agenda; the necessary process of consensus-building needed inner negotiation; the very structure of the summit put civil society in a reactive rather than proactive situation, at its inception at least. Participants had to undergo their own process of self-knowledge and compromise, with very different backgrounds (some in research, others in activism, others in volunteer work). Also, after some early debates, the decision was taken not to be perceived as 'anti' but as 'alter', very much in parallel with the alter-globalization movement, which induced civil society to try and address the same questions as raised by the nation-states.

Consequently, civil society did not set the agenda, it assessed the proposals emanating from the nation-states and answered them step by step, very reactively, in some cases, especially in PrepCom1 and PrepCom2, within a day of the publication of the official documents. By responding fast and to the point, with professionalism and expertise, NGOs earned the respect of initially hostile or sceptical nation-states. As a result of this capacity for arguing and for implementing a soft-yet-firm civil disobedience, which did not balk at intense lobbying with the official representatives of supportive nation-states, some gains were obtained. Swiss researchers of the Institut universitaire d'études du développement de Genève even found that more than 60% of civil society's language was adopted in the official documents by the end of PrepCom2 (Institut universitaire d'études du développement de Genève, 2004).

Having thus prefaced the action of NGOs and civil society at large, I would like to examine some aspects of process and substance, to analyze the limitations of this strategy and also its forays into progress. How has process affected the drafting of the agenda? What substance was embedded in the final civil society document? How does it relate to the official documents? What does it bode beyond Tunis 2005?

Process

Limitations

The strongest limitation may well be the structure adopted for the summit, meaning the choice to opt for families and caucuses as reference groups. The families were decided through a top-down process, and crippled the possibility to draft an agenda that would address transversal issues, or issues not addressed by the nation states (public domain and e-commons for instance). The coordination was assumed by the Secretariat of the ITU, which was frustrating, as civil society would have preferred to coordinate itself. The suspicion was that ITU might manipulate the outcome by manipulating the coordination. Also, the Bureau family structure which involved family members more than caucus members was only partly mitigated by the composition of the Content and Themes group, based on a broader range of working groups and caucuses. This dual structure created some tension at times and forced a kind of self-selection.

Tensions arose because the families were perceived as representing traditional constituencies, modelled on the governments' framework, whereas caucuses were built on single issues and around areas of interest (human rights, gender, Internet governance, indigenous people, intellectual properties issues, etc.). Families have also been perceived as the single point of access for civil society but people tend to forget that the main organ of civil society is its plenary. The Bureau cannot make content-related decisions, only procedural and formal ones. Self-selection was induced by the number of meetings and their overlapping schedules; people who were in a capacity to partake in a number of issues, or who felt that there should be a systemic, global approach, felt frustrated because they had to make often mutually exclusive choices. This was the case for the International Association for Media and Communication Research (IAMCR), for instance, which had legitimacy both in the media family and the education family, but finally made its contributions mostly in the education family. We were thus capable of having the word 'research' added in the documents, in a prominent view. However, via the drafting team, we were also capable to make sure that the media ideas we promoted (including community media, public service media, etc.) were maintained in the final document.

Another nagging limitation was the language issue, with very high frustration levels due to the majority of documents being in English. This was particularly true for Spanish-speaking people and for French-speaking people from Africa, whose lists were among the most active. It had the result of creating a sort of self-selection of the people finally involved in the drafting of the final document, people like me, relatively familiar with three or more languages, which may have skewed the legitimacy of the drafters and their capacity to claim they represent a larger constituency. It relied more on good will, motivation, availability and language skills than on formal structures for representation. If people had been able to write their own claims in their own language, less would have been watered down. Those who were left, were more adept to mimic the kind of UN-ese language that passes off as English in official circles. Original or 'appropriate language', often asked of us in the drafting committee, was then more difficult to achieve. At the same time, it

made it probably more acceptable to the authorities and more available for adoption by officials.

Progressive communities, coming as they were from many different backgrounds and constituencies, were not unified, and still are not. The divergence appears in the levels of involvement, in the priorities to be given to the agenda, in the choice of headings and banners for the final documents, etc. So civil society's strategy needs more integration, more cohesion, to reach a final integrated agenda. However, some lines of strength were identified, in like-minded groups, among which two have to be underlined: cities and municipalities on the one hand, small businesses on the other hand. They seem to coalesce on hands-on, community-oriented approaches, and are very pragmatic about the means to achieve their goals at the local level while being very outspoken and organized about their needs. It is in their direction that coalitions have to be constructed; they have a 'natural' capacity to develop viable multiple stakeholder structures.

Progress and Forays: NGOs as a Specific Actor within Civil Society

The role of NGOs has been essential, though it was not accepted as legitimate in the beginning of the WSIS process (and remains under question for the second phase of the process, in Tunis). Their status was questioned, especially when compared with more organized actors of civil society as defined by the United Nations (which include municipalities, trade unions, etc.). Older collaborators with the nation-states like the corporations of the private sector also objected. Doubts were expressed about the capacity of NGOs to organize, to master different approaches and appreciate the stakes, to resist the temptation of secession or withdrawal from the process altogether, and to gather the sufficient resources to establish a real presence. Yet on the very spots of the negotiations, in Geneva and Paris, NGOs found themselves in the position of direct interlocutors of the nation-states.

NGOs were in fact able to test the information–communication paradigm as a reciprocal space and a temporary zone of shared knowledge and collaborative work. They were able to use the structuring capacities of their networks to consult with their base and reach over large distances, in spite of some shortcomings, mostly due to language barriers. They were slightly overwhelmed by the final stages of the WSIS process, which required a significant presence in Geneva, but the by-then familiar use of the list, their knowledge of their reciprocal positions and the general guidelines and benchmarks they had adopted, allowed them to bypass this difficulty.

So, the Internet technology-adopted and adapted as a relational collaborative space by NGOs – proved useful for their goals. The capacity to mobilize real people through virtual communication, to create interaction, was made possible by certain congruence between cause, medium and network. It allowed NGOs to protest on the spot, to lodge complaints and requirements, and to participate in a constructive way, though they could only claim to be a non-representative but operational sample of global public opinion. This was not *per se* an experience in direct participatory democracy. It was rather an experience that showed that the Internet could work as a delocalized public forum, though the nation-states would like it to remain the common carrier it currently is. In fact, the Internet allowed NGOs to

circumvent some of the hurdles of locating forums in traditional national capitals or international venue sites like Geneva, that are more easily controllable by traditional political bodies.

The technology helped NGOs in their capacity to organize civil society in a relatively coherent way. NGOs – real networks in their own right – used the Internet to enhance their capacity for mobilization, exchange, debate, as well as evaluation of the different steps of the WSIS process. It has allowed them to evaluate the role of communication within the political process, and to locate it between mediation and mediatization. In some cases, paradoxically, it has also allowed NGOs to protect the sovereignty of the states against their own tunnel vision, their tendency to accept interpretations of national sovereignty as interpreted by their inheritors, the transnational corporate world.

One problem remains however: the nagging feeling that NGOs tend to represent less a global public opinion than segments of the global population that are sensitive to issues of dependency and access, even if they belong to the middle class and are part of an intellectual elite (in ways trade unions or peasant coalitions are not). This was apparent in the functioning of the drafting group, more on the basis of coalitional tacit 'trust' than formal mandates from their respective NGOs or even their families and caucuses. It was probably reinforced by having to take position on an agenda mostly set by the nation-states and by writing on single issues, a practice that cannot produce the maximal level of implication and endorsement. Single issues also imply underlying issue networks and issue participants. They tend to blur the global picture and the general interest. This confirms, if need be, that nobody can expect the technology alone to create participation and direct democracy. The political implication of citizens is of the essence and those motivations are not technological, they are social.

One failure is worth pondering over. NGOs have failed to get the attention of the general media outside the WSIS process, before and during the summit, even if they have used effective media repertoires and strategies and communication skills within civil society. This can be explained partly because it was not part of the media agenda to deal with a subject so close to the quick, partly because NGOs remained guarded from journalists and other people who risk to implement their views to serve their own agenda and bias. They have learnt to avert the increasing tendency of institutional media to represent views offering progressive proposals for change in negative ways. And yet they do need to broadcast their ideas in the mainstream of national populations.

Substance (On Education and Research)

Limitations

Education has been more advantageously dealt with than research. In the official view of the nation-states, when it is mentioned, it relates to R&D, in the industrial perspective of applied and hard sciences, basically connected to utilitarian technological advances and product development. The soft sciences have been consistently neglected in the process. This can be explained partly because they have no apparent link with information technologies, partly because they are openly critical of the all-technological approach and favour a 'social uses' approach for

technology to meet a local demand and offer a solution to real problems. Most nation-states coming to the summit were only interested in acquiring the latest technology (IPV6), with a view of rationalizing governmental functions only (including surveillance and monitoring of citizens). It is still the main purpose of the next stage, whose official focus is on financing the global infrastructure of Information Society and deciding who runs the Internet.

Social sciences are also critical of buzzwords and they have cast doubts about the phrase 'Information Society'. The civil society document reflects this careful weighing of the meaning of the words, by systematically replacing Information by Knowledge, by associating Information with Communication, by adding an 's' to Society, thus acknowledging the diversity of cultures.

More disturbingly, social sciences research underlines the difficulties of articulating information, expertise and know-how at the local level. It casts doubts on the facility to realize fast the full potential of digital dynamics for the populations in need or marginalized, worldwide. While extolling ICTs' capacities for the empowerment of individuals and communities alike, it also underlines uncertainties about the social outcomes, the real needs, the failures and the risks. It asserts that Knowledge Societies will fail, if no self-supporting system for culturally appropriate learning and research practices is established, in these areas for which the information and communication technologies hold out, paradoxically, the greatest promise for material and humanistic gains.

Here too the various sub-groups representing civil society were not unified on the meaning of research for education and its connection with public domain issues and open access. The divergence appears mostly in the priorities to be set at the top of the agenda. Some wanted to focus on basic literacy (not even digital literacy), others privileged training for jobs and labour, others wanted to push infrastructure and access, etc. Besides it was never clear if there was a total convergence between hard sciences and soft sciences on the issues at stake. Though the civil society declaration managed to integrate the gist of some of the documents presented in other events leading to WSIS (like the Budapest Open Access Initiative, Berlin Declaration, Creative Commons), the alternative agenda for research and education appears as watered down and scattered across the document; the official documents show the same indecision, which points to the fact that the NGOs' strategy needs more integration, more cohesion.

As a result of these limitations, the civil society declaration and the official documents alike provide little or no attention to the means, no financial proposal (no real mention about who finances and how: no clear positioning on the African suggestion for a Solidarity fund, no precise modalities for oversight and monitoring of the *Plan of Action*, etc.). Everything has remained too abstract, especially at the *Plan of Action* level. This lack may explain the two issues that have been singled out for further discussion, Internet governance and financing, but they are problematic as such and many feel frustrated because they are convinced all the other points on the agenda need to be attended to. This may partly explain the relatively low level of endorsement of the civil society document at this point. But it seems to reflect the progress and consensus that could be reached under difficult conditions of time, space, connection, language, etc.

Progress and Forays

A general consensus however seems to have formed around education. The official document and the civil society document both extol it as a principle and as a need. Because it seems the most democratically acceptable for all, there has been no heated debate over it, contrary to other issues like human rights or intellectual property rights. However the two documents are in fact divided over a common value. While the nation-states tend to privilege education for the creation of an efficient labour force, civil society sees education and literacy as a means to build lifelong autonomy and collaborative exchanges. Civil society considers education on a continuum of knowledge, consistently connecting it to related issues of access, capacity-building, community-based solutions, public domain commons, linguistic diversity and pluralistic approaches to cultures.

During the WSIS process civil society has slowly but surely been able to reassess the modifications introduced by globalization and by technological possibilities for empowerment. As a result it has embedded in its declaration an alternative model for research and technology, different from the traditional R&D model of the industrial age. This industrial model, which served the Western world for two hundred years, relied on stable scientific disciplines, with their borders clearly marked, with their maps of knowledge and their hierarchy of content, with their strict selection of scientists and engineers at the entrance-level, with their own sets of evaluations, standards and intellectual property laws. This inherited model, which has accompanied the spread of nationalism, tends to favour some European countries, the United States and Japan, with a balance of power tilting towards international corporations emanating from these very nation-states.

What the process has also revealed is the cultural conflict, even within the industrial model. Some members of the world of computer science and research have joined the ranks of civil disobedience, questioning the monopolistic practices of multinational corporations and their claim that their interests are to be equated with the economic interests of the whole world. As a result, it seems that expressions of general interest are emerging from the margins ... and from within, which is what we have been witnessing in the emergence of this embedded alter-agenda.

The Alternative Agenda

Scattered in its various sections and sub-sections, the civil society document offers an alternative model of open 'R&C' (Research and Collaboration), part and parcel of the new informational model, whose various component have only recently gelled in a coherent whole. Its key elements point to the sustainable spread of prosperity beyond material goods and their market reproduction, to include knowledge and a better functioning of the world society. It purports that to be up to the potential of ICTs (Internet and beyond), there is the need to elaborate a complex understanding of how our cognitive and semiotic resources have elaborated media uses and regulations within a given culture (Merlin, 1991; Norman, 1993; Kunstler, 1996). It supports the idea that the scale for primary human associations needs to reinvent the local '*community of place*' (Quartz & Sejnowski, 2000: 274).

Embedded in the civil society documents, there is a cognitive revolution at work that predicates a different view of human nature. This is basic to all real change, as

exemplified by the prior revolution of that sort, the Enlightenment revolution. The view of human nature derived from the eighteenth and nineteenth centuries worked under the assumption of self-interest and the notion that man is a wolf for man, the need for a coercive state and the regulation by the market (Mansbridge, 1990). It led to predicating the legitimacy of media on the notion of freedom of expression. Three centuries later, the knowledge about human nature has drastically modified this picture; so has our environment (Clark, 1997; Tomasello, 1999; Harrison & Huntington, 2000). This new knowledge has elicited a view of human nature as collaborative, expressing itself in an open-ended process of distributed intelligence and exchange with the environment (Salomon 1993). Plasticity, portability, responsiveness, connectedness, such are the new keywords attached to these cognitive advances.

This view extends the reach of freedom of expression into the realm of social capital and truly situated knowledge societies; it mitigates the view according to which human nature is individualistic, solely driven by instincts that need to be curbed by the state. It encourages the recourse to forces of civil society for participation in the regulation of media, and especially the Internet, as a tool for renewed connectedness with a common purpose. It has the potential to lay the grounds for a new political theory predicated on cognition and using the distributed intelligence of the Internet network as its media of choice conveyance (Quéau, 2000). Though it has not yet produced visible changes in the political and legal domains, its challenging views are creating a situation of instability and uncertainty in culture, very perceptible during the WSIS process.

This view is gaining importance because the Internet is perceived as having unacceptable real world effects on people. It is seen as a medium for terrorism, cybercrime, spam, all issues that have appeared on the WSIS agenda and have displaced the access and rights issues. There is an increasing overlap between real world decision-makers and Internet decision-makers as the founding fathers of the media give way to more ordinary users and developers. In spite of Lawrence Lessig's much touted phrase that in cyberspace '*code is law*' (Lessig, 1999: 6), the notion that technicians should decide of norms without accountability is being challenged by the call for anchorage in national laws, if not international ones.

So two models are at work in the process, in relation to the regulation of ICTs. There is on the one hand an explicit *information-provider* model that relates NTICs to any commercial model, likening them to a raw resource, to be exploited for economic development; it recalls the invisible hand of capitalism and individualistic greed. In such a view, economies of scale still are one of the guiding principles of the design of social arrangements. But more importantly there is also an Open Source model, with a technology attached to it (open-code software). It also refers to an implicit societal organization, that of the Creative Commons. This approach is based on public domain preservation and enhancement, to be achieved by convincing content producers to be active participants in the open-access paradigm of knowledge, along the lines delineated in a variety of documents and initiatives (Budapest Open Access Initiative, Berlin Declaration, Creative Commons, Open Courseware Initiative, etc.). Trying to promote participation and transmission, it is the only approach predicated on a cognitive view of human nature as collaborative, responsive and involved in a distributed, sustainable

exchange of intelligence. Hence the fact that the civil society documents underline the need for community-based, self-supporting systems, with in-built maintenance programs and upgrading capacities. They also call for the free flow of knowledge, the public domain preservation, the active participation of content producers in the open-access paradigm of knowledge, along the lines delineated in a variety of documents and initiatives like those mentioned above. (Frau-Meigs, 2005).

The co-presence of these two models suggests the possibility of a bifurcation of cultures within the Internet environment, to accommodate their diverging trends: on the one hand a protraction of the media commons culture, on the other hand a protraction of the commercial market culture. Yet recent initiatives such as the BBC's Creative Archive, which allows users to download and modify digital clips of BBC television, illustrate the roads that may be taken, the data mining of archival repositories being done on an open-access perspective. Another initiative the Open Courseware initiative has also emerged (supported by MIT, ParisTech, Moscow University...), proposing open access to their engineering courses on the Internet.

These proposals make sense with the world picture. Worldwide there is a growing distrust in federal government service delivery and a sense of disenfranchisement. A variety of societal movements are promoting ethnic identities, devolution of state rights, and community building at local levels. They express the need for human connectedness and the feeling that global media have not provided the appropriate scale for human interaction (Castells, 1997). Though flawed because of its focus on the private rights of the individuals to the detriment of a balance between private and public needs and spaces, for a common purpose, this perspective may bring some political changes and modify people's perception of their use of the technology.

At this stage, the end of part I of the summit and the beginning of part II, it seems clear that civil society has been able to plant the seeds for alternative and competing views on research, education and technology within the official documents and within the minds of government officials. It has acted as a wedge actor, with a certain amount of leverage, due to the tensions within the old model. Some hybridization process is at work, between traditional, industrial and national forms of knowledge production, not yet obsolete and still quite efficient, and new forms that appear as viable international alternative models for the production and exchange of knowledge. Governments may find themselves as arbitrators between the two, trying to keep a balance between the need for public connectedness and the drive for private business. Potential changes, for the future, will come from this dialogue, at times painful, at times fruitful, between the corporate sector, the governmental world and the civil society actors. In this tripartite collaboration, NGOs have surprised by their force of proposal and their capacity to stay into the process. Some of their language and their claims, already appropriated by nation-states, are probably going to be institutionalized, hopefully towards more cultural pluralism and a more diversified use of media and technologies for the building of knowledge societies.

Another kind of hybridization is also appearing between promoters of direct participation and promoters of political representation. Some actors have weakened, like trade unions and parties, but others have gained strength; NGOs,

for instance, to the point that some governments, like the US, have felt the need to create an NGOwatch (via the American Enterprise Institute), to monitor the lobbying efforts of these relatively new actors. These trends show the need to strike a new balance between the power of civil society actors, the nation-states and the private sector. Hence, in spite of current resistance from the corporate world, there will probably be a shift in favour of a new balance of intellectual properties as a common ground for individual creators to protect their works and for civil society users to benefit rapidly from their contributions. The ingenuity of solutions that need to be found is also exemplified in the movements for digital checks and balances and for the transfer of Internet governance, away from proprietary private hands.

The new balance will strike a modus vivendi between political mediation and technological mediatization, and some actors will suffer more than others. The NGOs that will be most capable of federating not simply around single issues but around general interest issues, in association with related social movements, will be the most likely to push their vision and foster social change. It is essential that these tendencies do not lead to the privatization of public space or to the erasure of global public issues. NGOs must stand watch, as the new tripartite governance in the making cannot simply model itself on a corporate organization of functions, powers and knowledge production. More political and social awareness needs to be produced at the level of the WSIS in the years to come, even beyond stage II. The process is far from being finished; its best institutional use so far has been the possibility for NGOs and researchers to test the strength of their ideas, in the interest of the broadest possible civil society.

The Role of Researchers in NGOS and the WSIS Process

Managing a Bi-Polar Situation
The role of the research community, taking into account the soft and hard scientists and also the input of some socially aware and responsible computer researchers and professionals, has consisted in being providers of complex explanations and long-term understanding of competing views of the technological world. This role is not going to diminish as our societies become increasingly global and as the need for systems of global conflict resolution and for shared knowledge, the so-called 'world governance', is expanding. The researchers were able to help NGOs and other civil society actors to articulate their views and to organize their participation, more painfully probably than the private sector and other stakeholders, because of their own self-imposed double bind of respecting pluralistic views and yet couching them in an all-encompassing language acceptable by all. Paradoxically also, if a general survey was made of those most implicated in NGOs and Content and Themes, it probably would find a lot of people trained in the social sciences or doing research in a social sciences perspective, with a majority of women.

As a result of the WSIS process, the debate within the research community has been re-launched about its capacity to react fast and to make a difference. Researchers have come to the realization that they must keep working at a double task: maintaining a cool distance from events and yet providing some compelling

piece of thought, to feed to the NGOs and to governments. They have the responsibility of making sure their informed point of view penetrates the global public space, so that their community remains engaged in the national and international debates. They have already taken the risk of engaging in proposals of models for action, in open procedures that have to be constructive and not just critical of institutional and economic logics.

The current moment however shows a bi-polar situation for researchers: they work within institutions inherited from the industrial age paradigm, which endures in spite of increasing malaise, and they are activists in instances that are very fragile as all NGOs are. Trying to rethink their practices and modes of production of knowledge, they must take full advantage of the opportunities offered by the information and communication paradigm. They stand in between two worlds, between the weightiness of their scientific real-life activities and the lightness of their digital on-line activities that give visibility to their alternative views. Uncomfortable as they may seem, both stances are necessary so as not to produce 'more of the same', so as to re-invent the profession and its modes of exchange and knowledge. This remains their main social function and justification in this global process (Frau-Meigs, 2005).

Keeping Watch on the Future: Implications for WSIS and Beyond

Researchers also have the benefit of hindsight that they can apply to foresight on how ICTs may evolve. At the moment, the risk is for both 'enclosure' and 'broadcastization' of the Internet. The Internet is being turned into a media rather than a network of networks. Its novelty as an interactive communications tool is being partly 'naturalized' or 'normalized' by society and societal uses. The latest commercial trends show that there is a tendency to assimilate it to other existing mass media. Its development is closely co-related with other media businesses and as a result it is increasingly used for a variety of complementary services anchored in territorial grounds. These numerous commercial intermediaries aim at an enclosure of the open-ended system: they only care to give access to the services they have a stake in, often connected to other media entertainment and information processing strategies. This surreptitious enclosure is supported by research on the uses of the Internet. It confirms that a majority of users explore little beyond the sites and portals offered by the major providers. This is a real limitation to the end-user, and the citizen at large, as the commercial architecture of the network allows service providers both to trace and monitor usage and to constrain freedom of navigation.

The post 9/11 context also illustrates this tendency, as the American military are pushing for more surveillance of the Internet, to buttress their anti-terrorist policies and related cyber wars. Such steps have significantly and permanently altered any American goodwill to modify a national sovereignty and integrity position: *Realpolitik* has made a singular return with the Bush doctrine (Lafeber 2002: 543–556), whose principle is 'what is good for the US is good for the world', to justify isolationism and unilateralism. These events have been concomitant with the end of the first expansion phase of the Internet and the necessary legal stabilization that the industry calls for. They have made the virtual world contingent with the real world, dramatically so. They may have damaged durably

the generous impulse of collaborative exchanges that was at the foundation of the World Wide Web, founded around the researchers' needs for collaborative solutions to specific questions they had.

Within the US, the pressure is high from intelligence-gathering agencies like the FBI, NSA and other military entities, to proceed to a closure of the open-ended system, as has been the case with other media in the past. The Internet Engineering Task Force is still in a capacity to resist and maintain some openness in the system, but for how long? It is also under pressure from the industry, which would like to use its expertise for strictly corporate purposes, as in the case of Microsoft. In fact, other industrial sectors have their stake in the closure of the system, which will allow a clearer way of defining costs, billings, returns on investments, etc. They do not welcome the Open Source and Open Software initiatives that would make this data mining more largely accessible, collaborative and free ... as the recent conflicts about intellectual property rights have shown.

As a result, the cognitive model and its keywords of citizen direct participation (lifelong training, sustainability, attention to indigenous cultures, not to mention cultural diversity, open source and open access) may become the reserve of a limited number of diehard research amateurs on the one hand, and of impoverished indigenous minorities on the other, both relegated to the local spectrum, which is perceived as neither commercially viable nor strategically threatening. As with past 'new' media has since become old, they may continue to do their own tinkering, making up micro-communities of radio hams, CB users and, now, potentially, Internet hackers. In fact, conflict may arise between the two extremes of democratic tension, the amateurs confronting the military while the middle forces (corporations, operators and the government) exploit their antagonism. When amateurs gleefully show up the weaknesses of a system or claim greater flexibility through spectacular operations such as sending viruses onto the sites of government agencies or major corporations, the military demand more security and more surveillance, which is renegotiated by the government and the corporation without public consultation. These are recurrent arguments in the history of media, applied to radio and television earlier on, visibly at work with ICTs now (Frau-Meigs, 2001).

The consequences for the WSIS process, imperfect as it is, may be damaging if not carefully monitored because it endangers the tripartite involvement of civil society, private sector and nation-states. Civil society might become at best the equivalent of the *tiers-état* of France before the Revolution, when in fact it should be considered on a more equal footing; also civil society seems to be relegated to the role of community-building only, as if it had no competence in other domains. Though the multi-stakeholder approach was made mandatory in the WSIS process by UN Resolution 56/183 (December 2001), the concept is not clearly described, even in the official documents that were the outcome of the first phase of the summit (Geneva, 2003). Article 49, while asserting the need for a plural approach to Internet governance is unclear about each actor's respective functions and accountabilities; it shows the hesitancy between several models for media regulation, with a tendency to underplay the role of traditional media. It recognizes that:

a) Policy authority for Internet-related public policy issues is the sovereign right of States. They have rights and responsibilities for international Internet-related public policy issues; b) the private sector has had and should continue to have an important role in the development of the Internet, both in the technical and economic fields; c) civil society has also played an important role on Internet matters, especially at community level, and should continue to play such a role; d) intergovernmental organizations have had and should continue to have a facilitating role in the coordination of Internet-related public policy issues; e) international organizations have also had and should continue to have an important role in the development of internet-related technical standards and relevant policies. (Declaration, article 49 section 6)

Different constituencies are recognized but they still have to stake out their territory, their legitimacy and their grounds for accountability. The inclusion of the private sector and civil society, i.e. non-governmental stakeholders, is not yet completely integrated in the mechanism. It indicates that a trilateral model of global governance is still in the making as co-regulatory policies are difficult to envision within a framework of national sovereignties. The nation-states, under pressure of operators and corporations, are mostly concerned with a narrow approach and technical standards. Policy-makers find it difficult to adopt a bottom-up strategy that would relinquish part of their power to a larger number of stakeholders.

The outcome of the first phase of the WSIS explicitly calls for a media-specific international Internet governance (*Plan of Action*, articles 13B, 13C, 13D under section 'enabling environment'). So the functions of the different stakeholders will be defined as task-specific and they may remain narrow and technical, giving an edge to the private sector and the telcos. A larger understanding of ICTs and of Information Society will have to emanate from other processes, more political and legal than technical. The compromise, negotiated, solution seems to be the inclusion of a fourth actor, Non-Governmental Institutions (NGIs), which gains control over the others and is not without implications for researchers, NGOs and civil society. ICANN and the International Telecommunication Union (ITU) were present from the start but UNESCO, long discarded, made a significant comeback in the drafting of the final documents (more than half the points of the action plan are under its constituency) and in the events taking place during the WSIS Summit itself (Geneva 2003). ICANN has been more and more controlled by its Governmental Advisory Committee, the consultative body of nation-states that is part of its framework; it has agreed to respect the national legal environments of each country. ITU represents the technical interests of telcos; it is controlled by an industry–government partnership. UNESCO provides a broader, cognitive view on culture; it has adopted the open code software, which brings it close to the Open Source and Creative Commons model, all the more so if it is combined with the cultural diversity model, whose regulation is under its mandate. So if ICANN and ITU tend to be strictly technical, UNESCO provides for a cultural alternative.

Currently, on a global scale, the only model that takes care of the local needs of communities and tries to translate them into an international law is the cultural diversity model placed under the auspices of UNESCO (Frau-Meigs, 2002: 3–17). It is the only model that incorporates traditional and new media, but also all sorts

of cultural goods and services into an international framework and as such it has to be observed carefully. It implies that the state is the intermediary link that fosters community-building and maintains cultural pluralism within its borders, provided it nurtures the paradigms and values of its diverse constituencies. It sets the nation-state as a wedge intermediary, facilitating the arbitration of interests between the local and the global. It acknowledges the fact that it is difficult to argue for a single, unique model of governance while acknowledging the human need for situated communication and distributed cognition.

Ideally, an enhanced communications process should emerge from the cultural diversity model, allowing territorially based communities to protect their vital interests and let it be known to Internet participants when their online actions threaten them; conversely, online participants should be able to inform offline communities when they feel that their online rights and freedoms are being unduly touched upon. What needs to be internationally devised is a system of accountability and inter-operability, no more no less. Interestingly, the regulatory emergence of this model has probably prompted the US to re-incorporate UNESCO, in an attempt to thwart it, as it is a reminder of past WTO disputes on the topic of cultural exception. Interestingly also, it has also been relayed within the UN framework of WSIS, as the *Declaration of Principles* explicitly supports UNESCO' *Universal Declaration on Cultural Diversity* (article 52, section 8). UNESCO plans to bring to the second phase, in Tunis 2005, a full convention on cultural diversity, making it into a right, to be added to the other human rights (with the attendant sanctions attached).

None of the NGIs can represent civil society's plea for a more decentralized bottom-up solution. ICANN and ITU seem too much tilted toward private commercial targets and American-dominated interests. UNESCO seems too much the realm of nation-states sovereignty, with little bottom-up capacity, in spite of the increased synergy it tries to develop with NGOs around the world. At the global level, it seems that the tripartite, multi-stakeholder approach will have difficulties in getting under way, as there is at the moment little consensus about the stakes, the functions, the respective needs of the various actors. The governments speak with many voices, though they are in agreement about their sovereignty as states; the private and commercial entities are also divided, though they share a liberal view of the marketplace; civil society has not reached a consensus either, though it pleas for an open program and process, guided by transparency and a bottom-up approach. But the process itself is making a creative use of collective visions; alternative paradigms and metaphors for action are being circulated widely. Without intending it, the WSIS process is functioning as the largest consultation offline and online that has yet been undertaken on the management of media resources. This in itself is a positive sign that a measure of change is under way.

Note

* *In spite of my institutional involvement in the WSIS process, as vice-president of the International Association for Media and Communication Research (IAMCR), as focal point for the 'education, research and academia' family and as part of the 'content and themes' drafting committee, this paper reflects only my personal views.*

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