



## NOTES DE CONFÉRENCES – JANVIER 2006

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### **THE DILEMMA OF CIVIL SOCIETY, THE CASE OF MULTI-PARTNERSHIP IN THE WSIS PROCESS**

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I have chosen the theme of my presentation along three considerations. Firstly, I thought that it would be appropriate to conclude, in some sort, the process of reflection that we have initiated some three years ago. On my part, I will try to remind you the main conclusions of my previous talks and see how these conclusions still stand today. Secondly, our group being interested in cultural flows and digital technology, I thought that the process of the World Summit on the information society would be a very appropriate subject, even though the very idea of an information society has to be closely examined and criticized. Thirdly, the specific theme of today's conference on Global Counter-publics and Spheres of Power has convinced me that the examination of the most significant process in the involvement of civil society in the global politics is worthy of evaluation.



## 1. Main conclusions from my previous talks

Three years ago, at our first meeting, I have presented a talk entitled "Fragmented Identities and the Incorporation of Citizenship in the Midst of Cultural Flows". My intention was then to situate my own research results inside the problematic of the cultural flows. I retained from Appadurai the two ideas of *ethnoscape* and *ideoscape* to interpret the recent transformations of Canadian identity, citizenship and political institutions. I tried to demonstrate that, parallel to the political debate on nationhood, two other forces acted on the profound changes that occurred in Canadian society. On one part, the immigration phenomenon explained largely why it was impossible anymore to represent Canadian society as being dualistic. On the other part, I have shown that new social movements or political forces, which emerged from the sixties on, had a deep influence on the political process as a whole. The patriation of the Canadian constitution and the entrenchment of the Charter of rights and freedoms can easily be interpreted as the result of a complex combination of social and political struggles. As a result, I pretended that the Canadian identity entered a profound process of fragmentation or, if we want to be more positive, of diversification. I also added that the citizenship model developed after the Second World War was transformed from an enlarged universal model, putting forward the social rights, to a particularistic model, reinforcing the fragmentation of identities. In a way, the particularistic citizenship is often represented as a citizenship of identities. I concluded my speech by saying that Canada could be considered as a bench work in the development of new institutional forms in relation with the changing *ethnoscape* and *ideoscape* at the global level. I added that the transformation of fundamental categories of the political modernity in Canada was participating in the global ideoscape associated with both the neo-liberal revolution and the supra-nationalisation process and that our identity and citizenship structures were well integrated in the new governance ideology.

At the Montreal conference, organised one year and a half ago, I presented a second paper entitled " Universal Movements toward Diversity". My reflection started from the proposition that existed, at the global level, a community of dissent, which represented itself under the label of civil society. This community interested in global politics, was described as being extremely diversified, regrouping all kinds of groups, networks, movements, views and positions, but having some kind of global identity and shared solidarity and intervening in the polycentric governance spaces. The fundamental question that I wanted to raise was the possibility that a movement based on diversity



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and horizontality could reach universal values? My talk looked back on the question of the transformation of citizenship in the post-modern context. I tried to illustrate that the particularization of citizenship cannot be explained without understanding the role of its initial universal value. It is because the citizenship category is universally defined that it can extend in the sense of the inclusion of every category of individuals and of all types of rights. The result of this long historical process is not without posing certain difficulties in the conception of the political institutions of modernity. The “particularistic” or the “incorporated” citizenship that developed in Canada is certainly a model of the transnational citizenship that is emerging in the global sphere. Still, it poses new challenges concerning the design of new political institutions and the potential democratic participation of these new citizens. I developed in my talk, the idea that a new form of political institutionalisation that call itself Governance was more and more challenging the governmental institutions. I identified three major changes in regard to the logic of modern political institutions. The first is the shift in the legitimacy principle, from representation in the democratic system to procedure principles in the “good governance” model (transparency, accountability, participation,...). The second change concerns the redefinition of the actors taking part in the process, from citizens to stakeholders. The third concerns the instrumentation of civil society, which becomes a mixture of different kinds of actors rather than being the counterpart of the political sphere in the modern institutions. I was concluding by saying that three paths were opened for political action: reinvention of political institutions at the supra-national level, participation in governance and contestation. I tended to present the second option as mostly problematical. It is this question that I will try to examine today about the WSIS process.

### **2. World Summit on Information Society and the multi-stakeholder partnership**

I won't discuss here the problematical nature of the term *Information society*. It carries with it a bias towards a technological and market oriented representation. It also fixes a development aim at which no nation State should renounce. Many actors in civil society were very critical about such a designation and worked hard to widen the perspective in which the subject should be approached. The Summit was thought of as a United Nations Conference led by the International Telecommunications Union (ITU), a UN agency older than the United Nations itself. The choice of the ITU rather than UNESCO was also largely criticized because of the technical orientation of the ITU and the importance of the private sector in its functioning. But, paradoxically, the Summit has represented a huge



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process that can be measured not only by the richness of the topics that were discussed in its meetings, but by the extension of the participation of all sorts of actors. To summarize, the Summit, initiated by a ITU plenipotentiary conference in 1998, has developed into six preparatory conferences, ten regional conferences, 27 thematic meetings and many other activities. 2,400 projects were realized with the Summit support, not to mention the two Summit Conferences held in Geneva (2003), and in Tunis (2005). But the most significant feature was the implication of civil society in the course of the Summit activities. This can be considered as an innovation in the sphere of international conferences and Summits. It has already gave the impetus for the formulation of a charter for the United Nations Multi-stakeholder Partnership Agency.

The paradox is that the evaluation of the role and of the outcomes of the Summit process relies as much on the participation of multi-stake actors than on the substantial results. Multi-stakeholder partnership is constitutive of the governance approach. It can be represented as a triangle in which we find at the top the Nation States and the International Organisations, and, at the bottom, the two incarnations of civil society, the private sector on one side and the civic sector on the other. The States are not renouncing their sovereign prerogatives, but are opened to some kind of participation in the circulation of information, in deliberation, and in limited decision making. The different actors are considered as having special stakes or interests that they can put forward in the process. Many problems arise from this functioning. The most important is the incommensurability of the actors in presence. The influence and the weight of different actors cannot be compared. The States and the international Organizations hold the first role. The economic interest groups exercise their influence both as indispensable partners in the development of the liberal economy and as part of that undefined nebula called civil society. In the ITU, corporations were always part of the decision process along the States, but now the business community also defends its interests through the Coordinating Committee of Business Interlocutors (CCBI) created by the International Chamber of Commerce, which qualify as one of the partners in the multi-stakeholder "consensual approach".

Contrary to this unified approach, the civic sector of civil society is far more complex. As indicated on a page of the WSIS web site, "It includes representatives from 'professional' and grassroots NGOs, the trade union movement, community media activists, mainstream and traditional media interest groups, parliamentarians and local government officials, the scientific and academic community, educators, librarians, volunteers, the disability movement, youth activists, indigenous peoples, 'think-tanks',



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philanthropic institutions, gender advocates and human and communication rights advocates". Like one participant mentioned: "it is every body else". It should be insisted upon that the views and positions of these groups are very diversified. This is not perceived as a problem by the movement for the precise reason that it is believed that there should not be any centralized political orientation, but rather a juxtaposition of different equally valuable approaches. It is thus surprising that the civil society movement have succeeded in coordinating their activities and agree upon a common statement at the end of each summit.<sup>1</sup> Two features are worth mentioning as signs of effective participation, on a coordinated base, to the process of the Summit. A Civil Society Bureau (CSB) was installed to serve as a communication channel with governments and as a negotiating unit for determining access and speaking slots in the Plenary and "Content and Theme" Groups. This Bureau was more or less accepted by some participants, but its role was effective. Its supporters concluded that: "Ultimately, the CSB should receive some recognition mainly for the fact of having been the first experiment of this kind in the history of UN summits, that is, a formal attempt to legitimize multi-actor dialogues through official structures."<sup>2</sup> Some other participants have express criticisms towards this kind of structure. CSB was considered "highly bureaucratized". According to one author, "It has failed in its aim to represent civil society, simply because it does not include mechanisms that make it an effective body for the democratic participation of the citizenry."<sup>3</sup>

The other example of concrete participation of civil society in the Summit process was its inclusion in the Working Group on Internet Governance (WGIG). Article 50 of the *Declaration of Principles* of the Geneva Summit stated that: "International Internet governance issues should be addressed in a coordinated manner [by] a working group [...], in an open and inclusive process that ensures a mechanism for the full and active participation of governments, the private sector and civil society."<sup>4</sup> The participation of

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<sup>1</sup> *"Shaping Information Societies for Human Needs", Civil Society Declaration to the World Summit on the Information Society WSIS Civil Society Plenary Geneva, 8 December 2003. « Much more could have been achieved », Civil Society Statement on the World Summit on the Information Society, 18 december 2005.*

<sup>2</sup> Claudia Padovani, "Civil Society Organizations beyond WSIS: Roles and Potential of a 'young' Stakeholder", *Visions in Process II, The World Summit on the Information Society*. Heinrich Böll Foundation, 2005.

<sup>3</sup> Beatriz Busaniche, "Civil society in the Carousel: Who Wins, Who Loses and Who is Forgotten by the multi-stakeholder approach?", *Visions in Process II, The World Summit on the Information Society*. Heinrich Böll Foundation, 2005.

<sup>4</sup> The article went on saying: "We ask the Secretary-General of the United Nations to set up 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."



civil society was effective and contributed to the writing of the propositions that was agreed upon the day before the opening of the Tunis process. This is a rare example of the eventual capacity of civil society to participate in policy formation. In this case, it is well recognized that the input from civil society has oriented the propositions in a way unthinkable without their participation. The WGIG proposed, in its last summer report, the creation of an Internet Governance Forum (IGF), which was approved by the Tunis Summit. A consultation, to which all stakeholders are invited, on the convening of the IGF will be held in Geneva on February 16<sup>th</sup> and 17<sup>th</sup> of this year. "The aim of the consultations is to develop a common understanding among all stakeholders on the nature and character of the IGF. The meeting will address the IGF's scope of work and substantive priorities as well as aspects related to its structure and functioning. It will also discuss the convening of the inaugural meeting including agenda and programme."<sup>5</sup> The WGIG also proposed four models of internet governance, which all included mixed private and public structures. We know now that the Summit has preferred the status quo, leaving the governance of the DNS and IP addresses to ICANN (Internet Corporation for assigned Names and Numbers), a private organization, which depends ultimately on the department of trade and commerce of the USA.<sup>6</sup>

### **3. The perception, on the part of the multi-stake actors, of their role and actions**

As I have mentioned before, the paradox resides in the fact that the evaluation of the actors taking part in the Summit process concerns as much the multi-stakeholder partnership than the substantive results coming out of the process. The evaluation from the private sector can be characterized by its modesty and discretion. If we look at the CCBI web site, we will notice that there is not much to report on. At the same time, the message is crystal clear and deeply consistent. The business community, in its civil society's costume, is satisfied with the multi-stakeholder approach. It wants to cooperate within the IGF as long as it is conceived in an "issue specific" and neutral way. It strongly supports the status quo concerning the private Internet governance. It express some demands for the future: a technology neutral, competitive market place should be

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Declaration of Principles, Building the Information Society: a global challenge in the new Millennium, December, 2003.

<sup>5</sup> <http://www.intgovforum.org/>

<sup>6</sup> Tunis Agenda for the Information Society, 2005, Art. 77: "The IGF would have no oversight function and would not replace existing arrangements, mechanisms, institutions or organisations, but would involve them and



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preserved; a strong system of intellectual property protection should be assured; Governments' operations should be transparent and operate under the rule of law; commitment to education and training for all, utilizing information and communication technologies wherever possible, should be encouraged.

Things get much more complicated when we look at the civic sector of civil society. The most important thing to mention is the fact that civil society's evaluation of the Summit relies as much on the importance of its participation to the process than on the "minor achievements" and "major shortcomings" of the process<sup>7</sup>. Not only civil society values the instauration of a multi-stakeholder approach, but it affirms that it is this approach that explains that the Summit was not limited to its technological and economic dimensions. Civil society is conscious of its role in bringing themes and values about the technological gap, the human-centred vision of the information society, the human rights and freedoms, the empowerment of people through the use of information technologies, and many other topics concerning the common good. I won't take time to report on the few satisfactions and the many reservations about the achievements of the Summit on the part of civil society. One should refer to the document: "Much more could have been achieved". I will rather concentrate on the auto-reflection of civil society on its participation to the Summit process.

I suppose that, given the huge diversity of the movement, I could define a whole range of views concerning this problem. I will rather examine the two extreme positions. On one side, we find the ones that celebrate the achievements of civil society, on the other, we find the critics of multi-stakeholder partnership's model. I would relate those two types of reaction to two of the three paths for political action that I defined in Montreal: participation in governance and contestation. Those who want to participate in the multi-stakeholder dialogue are more appreciative of the process as a whole. At the same time, they are not without criticizing many aspects of the process and of its results. This appears as being quite surprising as long as we should expect some kind of allegiance to a common deed. But civil society has managed to both participate, and in some instances with effectiveness, and criticize at the end of the process. The declaration, at the end of each Summit, is typical of this attitude. It could be interpreted as if civil society was conscious of its limited capacities in the governance's functioning and compensated by

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take advantage of their expertise. It would be constituted as a neutral, non-duplicative and non-binding process. It would have no involvement in day-to-day or technical operations of the Internet."

<sup>7</sup> See the Declaration of civil society at the Tunis Conference, op. cit.



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taking back its freedom to speak on its own at the end of the process. A table in an article<sup>8</sup> on the role of civil society at the Summit, enumerates the different functions of civil society organisations corresponding to elements of democratic practice. Respectively, transparency is assured by informative and monitoring functions, openness by inclusive participation, responsiveness by agenda setting, accountability by evaluation, and effectiveness by coordination. For each function, the author gives examples of political strategies assumed by civil society. Four such strategies can be used at different moments and places: education, persuasion, cooperation and confrontation. Examples of the confrontation approach are as follows: Statements to denounce shortcomings in process and output, statements to denounce failure to meet expectations risen by previous resolutions, Civil Society Declaration, document on non-negotiable themes for civil society, call for commitment and demonstration of political will. This table leaves the space for political action wide open and it might explain why so different kinds of participants from civil society have been able to attain some common objectives in the course of the Summit.

At the other end of the spectrum, many actors from civil society are very critical of this approach. Many groups have abandoned the Summit process in the course of its development for the reason that they doubt that civil society could achieve anything in that context. In some way, the lukewarm appraisal of the Summit results comforts their view. Those groups have migrated to the World Social Forums (WSF) that are taking place at the present moment<sup>9</sup>. But most importantly, their critics of the way in which civil society is conceptualized remains. Civil society would be "nothing other than the sum of formal and legally recognized organizations."<sup>10</sup> People would be allowed to participate to the Summit process on the base of their belonging to such organizations, leading to a "forced incorporation". Furthermore, many of these organizations would be more or less under the influence of Corporations or Governments that finance them. This kind of functioning would reintroduce the democratic representation model, which is deeply criticized by the dissent movements. Groups would become a new mediation in the democratic process replacing the mediation of the elected. The problem is not only who does the groups represent, but the very fact that the model of representation is reintroduced. There is no "mechanisms that make [civil society] an effective body for the

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<sup>8</sup> Padovani, op.cit.

<sup>9</sup> Communication has become a thematic axe of the WSF in Caracas: 6. Communication, culture and education: alternative and democratizing dynamics

<sup>10</sup> The following quotes are from Busaniche, op. cit.





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democratic participation of the citizenry.” Such limitation of civil society would go against the diversity of the movement and would tend to bureaucratized the protestation, thus “weakening [ ] the most combative sectors.”

### **4. Conclusion**

This brief analysis of the participation of civil society in the WSIS process shows that the tendencies identified in the previous conferences seem to be confirmed. The first tendency is the supra-nationalization process. I am not sure that it is the most appropriate way of naming the phenomena, which consists of inventing new forms of regulation at a supra national level. But we must acknowledge that the regulation of societies will develop in a polycentric manner. A second tendency is the particularization of citizenship and its incorporation in multiple identities. This phenomena is echoed in the global sphere through the multiplicity of groups and movements expressing their multiple claims. The ideology of the global movement – has conformed to its own characteristics. Diversity and horizontality are the key words. The conscience of a global belonging and of a global shared solidarity is the only cement holding the movement together. The third tendency is the development of an alternative regime of public regulation, the governance model. In this context, how should the movement, which recognize itself under the designation of civil society, react? Two questions arise from there: is the citizenship model can resist to the redefinition of actors as stakeholders, and what alternative democratic model can be invented? Governance, on one part, offers a restricted model of democratic participation based on procedure, and defence of special interests. Protest offers never ending spaces of discussion open to all views and positions. But none has the capacity to respond entirely to the questions of citizenship and democracy.

I think that none of the three paths for political action should be neglected. The example of the WSIS process shows that the implication of civil society has had a deep impact. Even if the end results are mostly unsatisfactory, the process as such and the dimensions that were set on the table indicate the capacity of going beyond economic interests. The mere fact that civil society has experimented new ways in participating in the regulation process at the global level and that the model has served in the conception of a new multi-stakeholder partnership Agency, should comfort the idea of a critical participation in the governance structure. At the same time, it seems to me that the shortcomings of the Summit show that the civil society movement must continue to develop protestation



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from the outside, even though concrete effects are difficult to identify. The third path, which was not discussed here, appears to me to be the most important one. The limitation of the democratic process in both the governance structure and in social forums and the difficulty to define a global citizenship should lead us to the challenge of imagining political institutions at the supranational level. The flaws of the European constitutional process come as a very bad news in that matter.

### **NOTE IMPORTANTE**

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