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and other, similar enterprise development strategies. Training and retraining facilities for workers in these sectors will also need to be developed. ■

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A Human Rights Assessment of the World Summit on the Information Society

Meryem Marzouki and Rikke Frank Joergensen

The first phase of the World Summit on Information Society (WSIS) resulted in a Declaration of Principles and a Plan of Action, adopted by government representatives, and a Civil Society Declaration entitled “Shaping Information Societies for Human Needs.” In assessing the outcome of the Summit from a human rights angle, several critical observations can be made on governmental, as well as civil society, outcomes.

Squandering an Opportunity to Bring Forward the Human Rights Agenda

Starting out with the positive aspects, we are pleased that the Declaration of Principles begins with human rights. As such, the first four paragraphs of the Declaration include important human rights principles and references. The essential principles of universality and indivisibility are reiterated and there are references to the Universal Declaration of Human Rights (UDHR) as well as to the Vienna Declaration and the UN Charter. It is also positive that Article 19 of the UDHR is quoted in full rather than in an abridged version as some delegations were proposing.

Looking then at the more critical aspects, it is remarkable that a major setback in the international consensus on human rights in the final Declaration of Principles was avoided only at the last minute. Up until a few days before the Summit, government delegates were still in disagreement over a reference to the UDHR as the basis for the development of the Information Society.

This potential human rights problem was fortunately resolved. However, one cannot and should not be too impressed by documents that merely confirm principles agreed upon 55 years ago, while not meeting the challenge of bringing forward the actual implementation of these standards. As numerous cases show, the main human rights problems today do not relate to lack of formal commitment, but rather, to lack of effective implementation of human rights.

Crucial Human Rights Concerns

Furthermore, the Declaration of Principles lacks crucial human rights principles that have been raised by

the Human Rights Caucus throughout the process. This includes lack of reference to the fundamental and crosscutting principle of nondiscrimination that should have been mentioned within one of the opening paragraphs of the Declaration of Principles, as well as to international labor standards.

With regard to security and privacy (paragraph 35), what caused concern was the shift from a focus on infrastructure integrity to a politicized agenda that talked about the use of information resources and technologies for criminal and terrorist purposes. In this regard, both the Declaration of Principles and the Plan of Action are dominated by national security concerns rather than concerns for the protection of privacy standards. The discussion around security would have been enhanced by a clear understanding that true security can only be achieved by measures that are fully compatible with international human rights standards and, particularly, the right to privacy.

Another crucial human rights issue relates to the adopted text on "enabling environment" and the rule of law (paragraph 39), where it is stated that the regulatory framework is expected to reflect national realities rather than comply with the legally binding obligations of States according to the human rights treaties they have ratified.

The Plan of Action is devoid of any mechanism to advance the human rights agenda. The Caucus proposed that an Independent Commission on the Information Society and Human Rights, composed of highly qualified experts with a broad geographical representation, should be established to monitor practices and policies on human rights and the Information Society. This is particularly urgent, given the tendency in many countries—both North and South—to sacrifice human rights in the name of security and anti-terror measures.

Civil Society Declaration: The Difficult Consensus

During the 18-month process since PrepCom 1, one of the Caucus's main objectives has been to raise awareness among NGOs and the public on the importance of addressing and building on the human rights framework in the Information Society. Although many WSIS civil society actors share this view, there are also groups that see human rights as a sectoral issue, relevant to some stakeholders only, and who fought hard to have the section on human rights downplayed in the Civil Society Declaration.

Accordingly, the human rights section, although entitled "the centrality of human rights," is not ranked first as the main foundation of the Information Society in the Civil Society Declaration, contrary to previous versions. This is the consequence of a heated debate in the last days before the Summit, where some civil society groups demanded that the "development/social justice" section should take priority, or there would be an alternative Civil Society Declaration. While the importance of development and social justice is not contested, a deeper look at this social justice section reveals a surprising mix of issues, from poverty eradication to information warfare, but lacking obvious social justice issues, such as working conditions in the ICT sector. Moreover, this approach introduces a hierarchy between universal fundamental rights, a hierarchy that in the end can only profit nondemocratic governments. Rights and development go together, and development and social justice have to be rights-based, as the Human Rights Caucus reiterated in its panel organized during the Summit, highlighting the panel's subtitle, that there can be "no democracy without development, no development without democracy."

Similarly, while the Caucus has always insisted on the indivisibility of all human rights, civil and political, as well as social, economic, and cultural, this view remains only formal in the Civil Society Declaration, which appears in many aspects as a collection of juxtaposed issues rather than the result of a true consensus. One example is the resurgence of the call for a "right to communicate," juxtaposed to the "respect for freedom of opinion and expression" in the Civil Society Declaration, when the very promoters of such a new right themselves now prefer to identify and enforce, among existing human rights, those which relate to communication. This recalls the old battle around a "New World Information and Communication Order," and the old lines of conflict may be transposed into this context if civil society fails to take into account historical developments in its analysis.

Still a Long Road Ahead

Regardless of all these problems, WSIS has had some positive outcome. It has created a platform for global, cross-sector civil society discussions and networking. The other positive outcome has been to show the world—be it through contradictions and lack of concrete outcome—that the Information Society is not just about pipes and lines, and that the

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“digital divide” simply reflects the political, social, economical, and cultural divide among and within nations.

There is still a long road ahead to harmonize civil society aspirations of building information and communication societies that are people-centered, inclusive, and equitable, and as the Civil Society Declaration states, “where development is framed by fundamental human rights and oriented to achieving a more equitable distribution of resources,” and to have them realized. ■

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Time To Discuss Core Values of the Information Society?

Stephen Hicks

As an academic member of the Center for International Legal Studies and a mere observer of the WSIS proceedings, I found the proceedings on the whole inaccessible and lacking focus on the essential issues around the formation and adoption of values for cyberspace. My comments begin with some personal experiences, from which I draw inferences and their implications for Tunis.

The Summit's organization did not support its lofty goals. The atmosphere of armed guards, entourages, screened enclaves, the trade fair, and the distribution of position papers and advocacy of every conceivable interest group was more consistent with a carnival than a conference, and the informality undermined the importance of the occasion. The number of sessions, concurrently held, the lack of clear publication of their participants and content, and especially their lengthy duration, all converged to become a deterrent to participation and a disincentive to processing the very information the Summit was supposed to share.

I was excited by the prospect of a political agenda instead of the usual academic discourse, but the difference I hoped for did not materialize. The fact that politics is about making decisions that affect the real world was obscured by the presentation of the Summit as a forum—even a diversion—from the politics. Interactions between the much-vaunted triangulation of governments, corporations, and civil society seemed invisible, and the compromises over language for public pronouncements, Statement of Principles, or the Plan of Action for Tunis did not appear to be for public edification.

The inaccessibility, the informality, the invisibility furthered the illusion of the Summit as groundbreaking, although it was unexpectedly routine and predictably confrontational. The focus was on privacy, access, control, returns on investment, and so on. Everyone was acutely aware of what was at stake. In fact, “stakeholders” became a code word for everyone, as if being there were a guarantee of participation, as if political society, were synonymous with civil society, or order with the state. The openness of this important agenda became a metaphor for its closure at the first stage of the WSIS.

The Summit could have benefited from a more