DID WSIS ACHIEVE ANYTHING AT ALL?

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Abstract / The focus of this article is on the lack of political and economic context in the WSIS discourse. It points out that the official WSIS final texts do not refer to the already existing international agreements for information and communication, which render most of the WSIS recommendations exercises in futility. The author concludes that unless fundamentally new governance institutions are created, all the WSIS visions and proposals are destined to fail.

Keywords / democracy / development/ digital divide / governance / international agreements

'Que se vayan todos'

'Let them all clear off!', shouted angry and disillusioned Argentinian citizens as they demanded that their political elite give their society back to the people. This civic despair is at the core of the current crisis of government worldwide. Citizens ask whether the ruling elites can be entrusted with their societies' futures.

The central question in any design for the futures of human societies would seem to be 'how can people be the architects of their own history?' This question – although at no point articulated in this way – was very much at stake during the recent United Nations World Summit on the Information Society. Its results should be assessed in the light of the question whether a common vision on the future information society emerged that empowers the citizens of those societies to be the agents and architects of their histories.

'Our Common Vision of the Information Society'

The final Declaration of the WSIS commences with the aspiration of a common vision. The end result is however a blurred confusion. Given the contested nature of the key topic (the information society) and the multitude of issues that had to be addressed, one may wonder whether it could have been any different. Moreover, UN conferences bring together representatives of states that have very different political and ideological perspectives on how the futures of their societies should be shaped. This may make the achievement of a common vision even highly undesirable!

Not that the international community could not occasionally reach a

consensual perspective. A key problem of international politics is, however, that its participants may have a common vision on moral standards but will usually fundamentally differ when it comes to their political implementation. The possibility of a common vision is restricted to moral declarations. There is a fair degree of commonality in the acceptance of the Universal Declaration of Human Rights. This is, however, a moral statement without reference to its political implementation. If the Declaration had also stated ways to realize its standards, the unanimity would have quickly dissolved. Moreover, laudable intentions in international politics are usually *not* intended to be realized. It was largely due to the activities of civil movements that the Universal Declaration of Human Rights evolved from a mere moral statement to a political agenda. Therefore it was particularly inspiring to observe that during the WSIS (and its preparatory proceedings) civil society organizations managed to mobilize and organize themselves so well and made their presence so clearly felt.

The contribution of civil society was essential even if at no point did the Summit became a genuine multi-stakeholder decision-making forum. Certainly, there was some consultation and exchange between governments and civil society organizations, but a real democratic format did not materialize. This would also have been very undesirable from the viewpoint of many UN member states.

It is obviously crucial that this civil momentum be retained during the second phase of the Summit (2003–5). Even if this is the case, it remains to be seen whether all this vibrant civil commitment will eventually lead to a democratic reform of UN governance structures for information and communication!

WSIS: Discourse without a Context

The most striking feature of the official WSIS final texts is the lack of any serious and critical structural analysis of the politico-economic context. It would seem that the WSIS discourse takes place in a societal void without any awareness of the politico-economic environment within which statements are made about information and communication technologies and their possible applications. Already during the preparatory proceedings most of the visions on the information society as they were presented by the various stakeholders were heart-warming and uplifting. Most of the texts described a vision of the information society as inclusive and open for the broadest possible participation and access. The information society should create an enabling environment and support capacity building. Governance of the information society should be democratic. Primary goals are sustainable development, cultural diversity and gender sensitivity. The general feeling is that the information society can yield an unprecedented win–win situation and can contribute to a better life for all citizens.

Although all these intentions are very laudable, it should be noted that they are offered as visions without any empirical evidence as to why the information society would offer this potential. In the preparations for the Summit one looks in vain for a serious and critical analysis of the sociopolitical context in which

all the promises of the information society would have to be realized. This is troublesome because most of the laudable visions on what the information society is or should be are part of a well-known international agenda for a better world. All the buzzwords from past decades were back: democracy, diversity, capacity, participation, gender, bridging the gap. Such inspirational language! The nagging question is, however, why such aspirations have so far not been taken seriously by the international community. Why has the international community been unwilling – in past decades – to engage in real efforts to implement what it preaches?

The WSIS discourse steers away from such political questions and remains unclear (probably intentionally) about questions of power and control. These notions are not part of the official WSIS discourse. And yet, the question of distribution and execution of political, economic and military powers and the control exercised by those in power is essential to a meaningful discussion about informational developments and societal arrangements.

There is not a single phrase in the key documents about the effects of the dominant neoliberal globalization process and how the information society as promotional concept fits remarkably well into a vision that puts western 'civilization' at the centre and forces others to trail behind the model. One finds solemn statements about cultural diversity that have no meaning since the texts of the final Declaration and the Plan of Action do not proposes how in concrete politics 'trailer societies' can retain their own course towards the future.

Digital Divide

In the WSIS discourse there is a strong tendency to consider the global digital disparity as a problem in its own right. This divide is not primarily seen as a dimension of the overall global 'development divide'. Since this bigger problem was not seriously addressed, a romantic fallacy prevailed which proposes that the resolution of information/communication problems, and the bridging of knowledge gaps or inequalities of access to technologies, can contribute to the solution of the world's most urgent and explosive socioeconomic inequities. However, the solution of the 'development divide' has little to do with information, communication or ICT. This is a matter of political will which is lacking in a majority of nation-states. Instead of the strong political commitment that is needed, the WSIS discourse focused on the possibility of a global 'Digital Solidarity Fund'. This is an almost scandalous proposition in view of the fact that since the 1970s all the efforts to develop and sustain such funds for communication development, telecom infrastructures or technological self-reliance have failed because of the lack of political will. The WTO ministerial meeting in Cancún (September 2003) demonstrated once again that not all stakeholders are equally intent on solving rich–poor divides. As Walden Bello commented, 'Not even the most optimistic developing country came to Cancún expecting some concessions from the big rich countries in the interest of development' (Bello, 2003: 16). Fortunately, the poor countries understood that the rich countries (particularly the USA and the EU countries) intended to impose yet another set of demands on them that would be very detrimental to their societies

and their people. In this sense the Cancún meeting was a great success. That same sense of alertness did not inspire the poor country representatives at the December 2003 WSIS.

The WSIS discourse on the digital divide does not critically question whether rich–poor divides can at all be resolved within the framework of the prevailing development paradigm. Following this, development is conceived of as a state of affairs which exists in society A and, unfortunately, not in society B. Therefore, through some project of intervention in society B, resources have to be transferred from A to B. Development is thus a relationship between inter-ventionists and subjects of intervention. The interventionists transfer such resources as information, ICT and knowledge as inputs that will lead to development as output. In this approach development is 'the delivery of resources' (Kaplan, 1999: 5–7). This position is reflected in the conceptual framework of the WSIS discourse: development is delivery. This delivery process is geared towards the integration of its recipients into a global market-place. There is no space for a different conceptualization of development as a process of empowerment that intends 'to enable people to participate in the governance of their own lives' (Kaplan, 1999: 19).

International Agreements

One of the most remarkable aspects of the WSIS discourse is the absence of references to the already existing international agreements in domains that affect informational developments. The two foremost illustrations are the World Telecommunications Agreement and the TRIPS Agreement.

On 15 February 1997, 72 member states of the WTO (representing some 93 percent of the world trade in telecommunications services) signed the Fourth Protocol of the General Agreement on Trade in Service (GATS). On 5 February 1998 the Protocol came into force. This World Telecommunications Agreement demands that participating states liberalize their markets. They are allowed some leeway to implement universal access in ways they deem desirable but there are significant qualifications in the agreement which seriously limit the national political space. The agreement has far-reaching implications for the governance of the basic infrastructures of telecommunications. It states on the issue of universal service: 'Any member has the right to define the kind of universal service obligation it wishes to maintain. Such obligations will not be regarded as anti-competitive per se, provided they are administered in a trans-parent, non-discriminatory and competitively neutral manner and are not more burdensome than necessary for the kind of universal service defined by the member.'

This seriously limits the space for independent national policy-making on the issue of access. Since foreign industries cannot be placed at a disadvantage, the national standards for universal service standards have to be administered in a competitively neutral manner. They cannot be set at levels 'more burden-some than necessary'. If a national public policy would consider providing access to telecommunications services on the basis of a cross-subsidization scheme rather than on the basis of cost-based tariffs, this might serve the

interests of the small users better than those of telecommunications operators. Foreign market entrants could see this obligation as 'more burdensome than necessary'. As a consequence the policy would be perceived as a violation of international trade law. It would be up to the (largely obscure) arbitration mechanisms of the WTO to judge the (il)legitimacy of the national policy proposal.

The focus of the agreement is rather on the access that foreign suppliers should have to national markets for telecommunications services, than on the access that national citizens should have to the use of telecommunications services. The simplistic assumption is that these different forms of access equate. As a result, social policy is restricted to limits defined by the commercial players. Trade interests rather than sociocultural aspirations determine national telecommunications policy. Following the agreement, the WTO has suggested that by the year 2004 there will be an almost worldwide open market (probably up to 93 percent) for basic telecommunications services as most trading partners have agreed to liberalize their domestic markets. The establishment of worldwide free markets for any type of services does not, however, necessarily imply the availability of such services or the equitable use of these services for all who could benefit from them.

The Agreement on Trade-Related Intellectual Property Rights (TRIPS) (1993) demonstrates the thrust of the major industrial rights holders towards the inclusion of intellectual property rights (IPR) in global trade regulation. Copyright problems have become trade issues and the protection of the author has conceded place to the interests of traders and investors. This emphasis on corporate ownership interests implies a threat to the common good utilization of intellectual property and seriously upsets the balance between the private ownership claims of the producer and the claims to public benefits of the users. The balance between the interests of producers and users has always been under threat in the development of the IPR governance system, but it would seem that the currently emerging arrangements provide benefits neither to the individual creators, nor to the public at large.

Its key beneficiaries are the transnational media conglomerates for which the core business is content. Several of their recent mergers are in fact motivated by the desire to gain control over rights to contents such as are, for example, invested in film libraries or in collections of musical recordings.

Recent developments in digital technology, which open up unprecedented possibilities for free and easy access to and utilization of knowledge, have also rendered the professional production, reproduction and distribution of content vulnerable to grand-scale piracy and creation of a global enforceable legal regime for their protection.

Protecting intellectual property is, however, not without risks. The protection of intellectual property also restricts the access to knowledge since it defines knowledge as private property and tends to facilitate monopolistic practices. The granting of monopoly control over inventions may restrict their social utilization and reduce the potential public benefits. The principle of exclusive control over the exploitation of works someone has created can constitute an effective right to monopoly control which restricts the free flow of ideas and

knowledge. In the current corporate battle against piracy it would seem that the key protagonists are in general more concerned about the protection of investments than about the moral integrity of creative works or the quality of cultural life in the world.

With the currently emerging IPR Protection, a few mega-companies become the global gatekeepers of the world's cultural heritage. At the same time, the small individual or communal producers of literature, arts or music hardly benefit from international legal protection. Most of the money collected goes to a small percentage of creative people (some 90 percent goes to 10 percent) and most artists that produce intellectual property receive a minor portion of the col-lected funds (some 90 percent share 10 percent). Most of the money goes to star performers and best-selling authors. The media industry does not make money by creating cultural diversity as it gets its revenues primarily from blockbuster artists. If there was more variety on the music market, for example, the smaller and independent labels would become competitive with the transnational market leaders. Although this would fit into the conventional thinking about free markets, the industry in reality prefers consolidation over competition!

It becomes increasingly clear that the drive to protect media products against unauthorized reproduction leads to an increasing level of restrictions on reproduction for private purposes.

Intellectual property rights are recognized by the Universal Declaration of Human Rights as human rights (Article 27:2) and this puts the protection of intellectual property in the context of other human rights such as freedom of expression and right of access to information and knowledge. This human rights context should shape the political framework for all parties involved: producers, distributors, artists and consumers. The implication would be that the protec-tion of IPR cannot be separated from the right to full participation in cultural life for everyone; the right of affordable access to information for everyone; the recognition of moral rights of cultural producers; the rights of creative artists; the diversity of cultural production; and the protection of the public domain.

A human rights based international agreement on IPR would recognize the needs of all people, the notion of common rights (the WTO TRIPS Agreement of 1993 recognizes in its Preamble IPR only as private rights), the sharing of benefits, and its primary purpose would be societal rather than commercial; IPR would be seen as freedom rights more than as restrictive proprietary rights. In the initial conception of protection of intellectual property as a human right, the restriction on the use of such property was seen as only temporary. This monopolization was seen as socially acceptable since the product would be returned to the public domain. The current efforts to extend the duration of the protection (such as in the USA where recently protection was extended from 50 years to 70 years after the death of the author) point in the direction of an almost unlimited restriction.

The Troubling Issue of Inclusion

There seemed among WSIS participants a strong consensus on the proposal that the information society should be inclusive and accessible to all. Apart from the

fact that nowhere is the notion of inclusion defined or elaborated, this presumes without further questioning that everyone also wants to be included. What does 'inclusion' mean? Is this the same proposition as everyone should be included in the free market economy? The notion is presented as inherently benign. Without explanation about the entity within which everyone should be included, it is unclear as to whether one should welcome or mistrust 'inclusion'.

How far is being included a free choice? Is it possible to consider that there may be people who would prefer not to live in whatever the information society might be. If, for example, an information society implies a societal dependence upon fallible, unreliable and ill-understood technologies, which imply great social risks, could it make sense for sensible people to let the opportunity pass by? If an information society means that all people included get more information, but if that information consists mainly of commercial messages and disinformation, propaganda or hate speech, could some people say they would rather be excluded?

What are the real motives behind the drive towards inclusion? Is the anxiety about digital illiteracy fed by the same motive as earlier alphabetization campaigns in European history? These were often not motivated by a strong desire to empower ordinary people but served to facilitate the functioning of a system that with too many people unable to read or write would not efficiently operate.

Moreover, a puzzling question is how the proponents of the inclusion thesis expect that – if information is a key resource and if access to such a resource has historically always been skewed – it could be any different today. Are there any socioeconomic and political conditions that make universal accessibility to essential resources a realistic claim in the early 21st century? Why would anyone expect that in the foreseeable future the access to the most basic resources for human survival would be equally distributed across the globe?

The ICT Potential

A common assumption in much of the WSIS discourse is that ICTs have a power that can advance human development and that human potential can be achieved through ICTs and access to knowledge. Such statements are puzzling because of their generality. They seem to assume that ICTs under whatever conditions and in whatever environment have this constructive power. This represents a technological determinism in its crudest sense. The WSIS discourse suggests that technological development leads to productivity and economic growth and subsequently to the improvement of the quality of life. Apart from the fact that there is no convincing empirical evidence about such causal connections, one could equally well argue that technological development and economic growth destroy the quality of life. This totally depends upon how one defines 'quality of life'. It obviously makes a fundamental difference whether one chooses a material or a spiritual definition of quality.

Distribution of Effects

Another fairly common assumption is that ICTs have mainly benign effects and that these will be equally distributed. Informational developments and their supporting technologies obviously have a certain societal impact. In the business and political community references to 'social effects of technology' are usually made with great ease. From the academic literature it is clear that the issue of impact is far from unequivocal and indeed very complex. In a conventional reading of social sciences, 'effects' may be conceived of as measurable variables because it is accepted that there are regularities in social processes, there are cause–effect chains, and identifiable causes of effects. In a more advanced understanding of social realities – such as inspired by chaos theory conceptions – this has all fundamentally changed. We know far less about effects than we may want to admit. Moreover, there is no realistic possibility to anticipate with any degree of reliability and validity the future impact of technological developments. The complexity of social reality implies that technology assessment in the sense of forecasting is pretentious and misleading. We could and should think in the future sense but then in terms of possible futures (always in the plural), both negative and positive ones.

Realistic thinking about future technological impact will have to accept both benefits and risks. ICTs may have some benign effects, but they are equally likely to have effects that are not so benign. It seems that the information society euphoria blinds policy-makers in both politics and industry to the undesirable effects, such as the loss of privacy, growing digital dependence, or cyberwarfare.

The assumption that effects would be equally distributed betrays a considerable lack of historical insight. Whatever societal effects technological developments – such as industrial machinery in the 18th century or automation in the 20th century – had, there was always an unequal distribution. Those on top of the social hierarchy usually had more benefits than those lower down in the system, who often had to live with most of the risks.

As early as 1975, a meeting of experts (in September at Geneva) recommended to the UN the establishment of an international machinery for the assessment of new technologies from the point of view of human rights. The assessment would have to include the evaluation of possible side-effects and long-range effects of technological innovations and would weigh possible advantages against possible disadvantages. The General Assembly never acted upon this recommendation, which would seem as urgently needed in 2003 as it was 28 years ago.

The Emerging Information Society

In spite of all the promising language of the WSIS discourse, in reality a global information society is already under construction. It can be characterized as a society in which:

- The fundamental human right to free speech is universally violated through forms of political and commercial censorship;
- The internet – in particular – has become the focus of censorship initiatives;
- The movements of citizens are at all times under surveillance from law enforcement agencies and intelligence bodies;
- The rights to corporate ownership of intellectual property are greatly extended;
- The access to information and knowledge is increasingly dependent upon the access to purchasing power;
- The consolidation of power on information and knowledge markets is consolidated in the hands of only a few conglomerates;
- There is minimal public accountability from the corporate actors controlling most of the technologies and the contents of the information society;
- Profitability more than human security drives ICT developments;
- The public sphere is increasingly limited.

Conclusion

The key problem with the WSIS process is that the implementation of its visions and recommendations within the framework of the current global governance system is destined to fail. As long as the rules for world finance and trade are determined by organizations (like the IMF, the World Bank and the WTO) that serve exclusively the interests of the world's leading elites and the key international political decisions are taken by such a thoroughly undemocratic institution as the UN General Assembly and its Security Council, it is wishful thinking to believe that future information societies will be inclusive, equitable, transparent and participatory arrangements.. All the efforts of civil society organizations – themselves not necessarily representative, democratic and accountable institutions – will not change this. The creation of fundamentally new governance mechanisms will be needed, such as a world parliamentary assembly (Monbiot, 2003: 83; Hamelink, 2004: 133). This will not be an easy or widely popular proposal, but as the establishment of democratic governance on the national level took a considerable time in most countries, one should not expect that a similar arrangement on the global level could be a rushed job. The Geneva session of WSIS could have been a platform for serious reflection on the political quality of our future societies. It missed the opportunity and made the current worldwide crisis of political legitimacy only worse!

References

Bello, W. (2003) 'The Meaning of Cancún', *South Letter* 39: 16–18.
Hamelink, C.J. (2004) *Human Rights for Communicators.* Cresskill, NJ: Hampton Press.
Kaplan, A. (1999) *The Development Capacity.* Geneva: UN Non-Governmental Liaison Service.
Monbiot, G. (2003) *The Age of Consent.* London: Flamingo.

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