

## **The WSIS Wars: An Analysis of the Politicization of the Internet**

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The notion of the Information Society seems to conjure the ideal of universal interconnectedness and global solidarity. The Internet seems to promise a common medium to bring people together, transcending borders, races, and religions. Ultimately, we all share a desire to think, hold opinions, and communicate. The Information Society, thus, is both a catalyst to and an expression of our unity.

This appealing vision, however, is farthest from the truth. It should be no surprise that with something as fundamental to our nature as communication and thought – the bedrock of the Information Society as it has been expressed throughout time – there were bound to be big differences in the way we approach the issues, just as there are major differences in everything else; our values, languages, and cultures. This diversity, of course, is what makes for the vast richness of the world we inhabit – and for the difficult, at times tense, world of international relations that policymakers must mediate.

The Internet now falls squarely into the wider realm of international relations. This is a sign of its maturity as a medium. Rather than something worthy of exceptional treatment, it is an admission that the Information Society is a basic part of society; as such, it is akin to everything else that unites and divides us. And so too with WSIS, what appeared to be a largely uncontroversial United Nations summit – to pay homage to computers and the Internet – became fractious. Indeed, the very logo of WSIS is self-deceiving in this way: It depicts a sphere (to represent the world) with five arrow-like lines of different colors coming together to a single point (to suggest unity from diversity).

But such harmony failed to materialize in three areas examined below: process, policy (in areas like freedom of expression, intellectual property, the digital divide and Internet governance), and the rapport among stakeholders (from civil society and the business

community). These tensions cannot be easily bridged; rather, they underscore how the politicization of the Information Society will likely grow more fractious, not less, as the Internet continues to develop.

### **Process**

From its earliest preparatory phase, conflicts bedeviled the summit. First, the selection of the city of Geneva for the event was considered by some developing countries as unacceptable; it seemed to reinforce what they perceive as a historical bias against them, a divide made more pronounced now that it includes a digital dimension. The gangly compromise was a two-part summit, the second half in a developing country. Tunisia was chosen – which is ironic, since its domestic actions contradict many of the principles of WSIS, particularly free expression and an unfettered media.

This should have signaled to observers that the entry of the United Nations into the “information society” theme would politicize the issue in debilitating ways. It would require uncomfortable political compromises based on national vanities rather than the topic’s merits in order to move forward, such as splitting the Summit into two parts. Indeed, choosing Tunisia falls into the same category of intergovernmental irony as making Libya the chairman of the UN Commission on Human Rights in 2003, or organizing the UN Fourth World Conference on Women in Beijing in 1995.

Additionally, by elevating the issue to a formal United Nations summit, this by nature escalates the importance of the topic inside governments. As a result, issues about the Information Society that were treated by less political and less visible parts of the government – as science and technology policy or as a media and cultural matter – were shifted to foreign ministries and long-standing diplomats, who are more accustomed to power politics and less knowledgeable of technology issues and the Internet’s inherent requirement for cooperation and interdependence.

### **Policy**

Some classical intergovernmental controversies emerged, such as over freedom of expression and intellectual property. As always, difficult yet suitable compromises were reached. However, two newer issues – regarding the digital divide and so-called “Internet governance” – overshadowed those more traditional tensions.

*Freedom of Expression*

In the case of freedom of expression and human rights, China wanted to use the WSIS documents to weaken the principles that are enshrined in the Universal Declaration of Human Rights, which the country is regularly criticized for violating. Cuba and Vietnam supported China's position of downplaying freedom of expression. This was rebuffed by the US and Europe, though not as much as always. In particular, the US seemed to soften its stance on the issue (perhaps feeling that in an age of terrorism, such an absolutist position could have negative consequences). One loophole that essentially legitimizes censorship in the WSIS Declaration are points noting a need to respect "cultures" (written throughout the document) and to uphold "morality, public order and the general welfare" (paragraph 5). Indeed, Iranian President Mohammad Khatami, in a press conference, justified his country's censorship of the Web under the banner of preserving morals and culture, and further noted that the country's policy is no different than that of France.

*Intellectual Property*

Regarding intellectual property, Brazil and developing countries like Cuba sought to formally promote open source software. The United States, influenced by Microsoft, strongly opposed this. Over the course of numerous prepcom meetings (one which stretched past midnight only days before the Summit began), an agreement was reached that the final wording of both the "Declaration of Principles" and "Plan of Action" would refer to "different software models, including proprietary, open source and free software" (Declaration, paragraph 27; nearly identical wording appears in Plan, paragraphs 10.e, and 23.o). Thus open source is mentioned but not promoted per se. The US also added wording on respecting existing intellectual property treaties. The parties agreed that they would ultimately treat intellectual property matters not at WSIS, but at the issue's institutional homes: the World Intellectual Property Organization and the World Trade Organization.

*Digital Divide*

Despite significant growth rates of the Internet and computing in developing countries, there was a large-scale call, led by Senegal and other African nations, to alleviate the unequal spread of technology around the world through a special fund. One proposal was a surcharge of 1% on technology goods and services sold around the world to allocate to developing countries. When this idea was rejected on its face, the Summit created a voluntary fund (the cities of Geneva and Lyon were the first donors, giving almost \$400,000 apiece). The Organization for Economic Cooperation and Development (OECD) issued a report that identified around 30 existing digital divide programs, which was used by developed countries to quell the calls for new aid. WSIS also established a working group, comprised

mainly of governments, to reexamine the idea and report to the Summit's second phase. In an inadvertent symbol of the degree to which the developing world's problems surmount technology-financing matters for more fundamental concerns, the "inaugural ceremony" of the International Digital Solidarity Fund in November 2004 in Geneva was postponed due to an outbreak of hostilities in Côte d'Ivoire that required a number of presidents to attend an African Union meeting. In 2005, the group sought cities to agree to its "Geneva Principle" for "a 1% contribution on public ICT procurement contracts paid by the vendor on his profit margin."

#### *Internet Governance*

The WSIS summit marked the moment when governments' unease about their inability to control the Internet was formalized, and the need to address those concerns became a priority. The term "Internet governance" was used in two ways. First, it described ways that Internet problems seem to require national or international action (such as to address spam, network security, interconnection rates, etc.). Second, it referred to the Internet's domain name system and the desire for multilateral influence to replace US control of the Internet Corporation for Assigned Names and Numbers (ICANN). The tensions led to the creation of a Working Group on Internet Governance, and the confusion of commingling these two matters with the same term meant that its first order of business was to define what "Internet governance" means! Some countries, from China to France, expressly yet covertly used the WSIS process to open the issue of US control of ICANN. The working group will report back to the WSIS process in the months prior to the second phase with recommendations for governmental roles, but the real negotiations will likely take place after the Summit, in bilateral settings, in preparation for the expiration of the US government contract with ICANN, and the ITU plenipotentiary conference, both in 2006.

#### **Stakeholders**

In addition to substantive issues, WSIS had to deal with the symbolic relationships among stakeholders. The Summit tried to bring together the tripartite power-structure of modern times: governments, civil society and business. In this, the Summit was found wanting, and the second phase in Tunisia does not seem likely to remedy the shortcoming. Of the 11,000 registered attendees on the eve of WSIS I in December 2003, industry had such a poor turnout that attendees from the media outnumbered business two to one (with around 1,000 to 500 people, respectively). Meanwhile, nations brought 4,600 delegates, not considerably more than attendees from NGOs who numbered 3,300. (The remainder came mainly from intergovernmental organizations.)

Multi-stakeholderism is one of the central issues facing international relations in all dimensions, not just regarding technology or “Internet governance.” For years, the United Nations has sought to forge closer ties to industry and non-governmental groups; so many transnational problems the world faces, from the spread of communicable diseases to climate change, require the work of more players than just governments. Similarly, the lead United Nations agency in charge of WSIS, the International Telecommunication Union (ITU), has also sought to reach out to other stakeholders – in this case, private telecom operators and equipment vendors, in an era when state-run monopoly telecom carriers are waning. However, the efforts to broaden the dialogue did not work well.

#### *Civil Society Groups*

Non-governmental organizations felt that their agendas lost ground, rather than gained it, because of the summit. This was due to the uneasy relationship with governments during the process as much as from the substantive policy differences. For instance, at an early prepcom for WSIS I, Pakistan demanded that civil society observers vacate the session so governments could talk among themselves, which fueled mistrust among civil society groups. Indeed, before the final WSIS Declaration and Action Plan was actually released by governments, civil society groups had already issued an alternative Declaration (entitled “Shaping Information Societies for Human Needs”) that more heavily favored free expression, among other things.

There were other tensions: printed materials from civil society groups were prohibited from being placed in certain areas where delegates could get them, which was felt to unfairly restrict information. Some materials were allegedly thrown away by the WSIS organizers. In another instance, protesters outside the hall were forcefully blocked by Swiss police from expressing their opposition. All this, ironically, at a summit where governments aimed to encourage *information!*

The relationship with civil society groups soured for another reason – that although less visible (indeed, intangible) – left a lasting impression: the terrible wireless Internet access in the Summit venue. Provided by SwissCom, the wireless access was extremely expensive, almost impossible to connect to, and the service quality was poor. It seemed yet another example of how governments “didn’t get” the importance of the Information Society (though it is probably more driven by Switzerland’s commercial interests from the industry of intergovernmentalism). As one civil society organizer remarked: “The governments are here talking about the Information Society – but we *live* the Information Society; this is the way we communicate and organize.” The difficult and costly access undermined their efforts to organize and discuss issues at the very event.

There are signs that the friction between government and civil society, rather than be eased by the second part of the summit, will actually grow worse. This is because while the developed world has grown accustomed to non-governmental groups and indeed learned to work with them in many instances, the developing world – less experienced in confrontational democratic governance – see them as meddling outsiders, threats to their power, and often encouraged or financially-backed by foreign groups. This tension became apparent the first preparatory committee meeting for WSIS II in Hammamet, Tunisia in June 2004, when Tunisian civil society delegates – in reality, planted shills for the authoritarian government of President Zine el-Abidine Ben Ali – disrupted the proceedings by loudly heckling a speaker from a Tunisian civil society group who criticized the country's human rights abuses. This incident was deemed unacceptable by Western diplomats in attendance, and led to a formal complaint by the European Union to the Tunisian authorities.

#### *Business Community*

The third group the summit hoped to bring on board was industry. Considering that the Information Society is made up of computers and communications, which are largely developed and furnished by the business sector, it is a vital community to include. However, industry for the most part ignored the event. No chief executive from a major international technology company attended, save for Nokia, which was a conference sponsor. In general, the business community outsourced their participation to a lobby group, the International Chamber of Commerce. The ICC, in turn, was especially keen to take on the responsibility, since doing so increases its clout in international policy circles.

The global technology industry remains largely uninterested in participating in the Summit; by June 2005, six months before the second phase, few senior executives were aware of WSIS. The media coverage of the first WSIS revealed the lack of importance the business community placed in the event; for instance, the *Wall Street Journal* never mentioned the Summit in its pages.

#### **Conclusion**

What explains the discord? Ultimately, it can be traced to practical factors, as well as a fundamental ideological conflict. On a practical level, the disputes emerged for three reasons. First, it was an assemblage of the “losers of Internet 1.0” – the countries that came to the Internet later than others, but which aim to dominate the next iteration of the technology. Countries like China, Brazil, India, and even Japan and France recognize that their economies depend on the Internet, yet also understand that America's early lead gives it

disproportionate influence in how the network evolves. WSIS was a chance to put things on a more equal footing, by placing the issues in a multilateral setting.

Second, the Iraq War. An overlooked factor that helps explain why WSIS became so fractious is the context of international relations as the preparatory committee meetings took place. America was in the midst of the invasion of Iraq that was hugely unpopular worldwide; many countries were thus annoyed with the US, and took out their irritation at the first diplomatic opportunity, WSIS. Furthermore, many governments saw in ICANN the same sort of unilateral approach that the US took in invading Iraq.

Third, a practical reason to explain the conflict is the efforts of the ITU dating back from 1996 to educate its member-states about the need for a multilateral approach to Internet management in the same way as the global telephone system is run. Countries that would ordinarily have little interest in the technical aspects of the Internet since they hardly use the network and often restrict it – like Syria, Zimbabwe, Cuba, Pakistan and others – were encouraged to place “Internet governance” on the diplomatic agenda. As a result, WSIS experienced the irony that those countries which most lacked an information society were also the most militant to impose their views on how the Information Society should move forward.

In addition to these practical factors, there is an underlying ideological difference in governmental approach towards progress and development: whether it should be led by the public sector (governments) or the private sector (which includes both business and what is termed “civil society”). The governmental approach generally relies on centralized control, where the private-sector approach is more decentralized and experimental. For instance, one Chinese official justified government control of ICANN on grounds that the Internet otherwise would be “anarchy.” The term was used as if inherently pejorative; and in so vast a country whose history includes eras known by names such as “the Period of Warring States,” uncertainty is understandably regarded as dangerous. But it is a view that is sharply at odds with the American Silicon Valley approach, where the notion of “disruptive technology” is feted as the hallmark of progress and the term “anarchy” used in the title of books as something beneficial.

Ironically, these differing approaches – that is played out at WSIS not only in the area of Internet governance, but for the digital divide and freedom of expression, among others – resembles the debate over communism and capitalism that consumed the 20th century. That it is now applied to the sphere of technical innovation rather than economics suggests that the frictions are likely timeless ones. Ultimately, the challenges the Information Society poses are not so new after all.