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# Understanding WSIS

## *An Institutional Analysis of the UN World Summit on the Information Society*

December 9, 2003

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*This report has been supported with funding from Computer Professionals for Social Responsibility with funds from the Open Society Institute distributed through the Internet Democracy Project. Additional funding came from the Georgia Tech President's Undergraduate Research Award Program for supporting research by Mr. Spry Baltz.*

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## **“Understanding WSIS: An Institutional Analysis of the UN World Summit on the Information Society”**

WSIS is hard to understand. The 2003 Geneva meeting of the UN World Summit on the Information Society brought thousands of people to Geneva to articulate a collective vision about the benefits and potentials of information in society and the policies needed to realize them. Preceding the actual summit were two years of preparatory activity held around the world. The final products, a *Declaration of Principles* and a *Plan of Action*, cover hundreds of topics, as far-ranging as infrastructure deployment, cultural diversity, and intellectual property.

Even immediate participants in the process have difficulty understanding what has been achieved. The sheer number of issues and the complexity of each one inhibit synthetic comprehension. It is equally difficult to assess which elements, if any, in the WSIS policy vision will be implemented. With so many recommendations, which ones will lead to concrete political action and social change? What is important and why?

To assist in answering such questions, I offer here an institutional analysis of WSIS in particular and world summits in general. Considered in this abstract manner, a summit is an *institution* – a recurring social structure that constrains some actions and facilitates others. Institutional analysis rises above the particulars of any specific summit to consider generalities present in all of them.

The purpose of the analysis is to identify opportunities for social change afforded by a world summit. To answer this I focus on two features of summits: their characteristics as a policy forum and the mechanisms available to them for policy implementation. Summits’ characteristics as forums help us understand what kinds of policies can be effectively advocated there. Summits’ repertoires of implementation mechanisms help us understand what kinds of policies, once adopted, can be translated into action.

This analytical framework is applied to a set of WSIS policies to identify those with the greatest potential to lead to social change. Two policies stand out: Internet governance and security. The WSIS forum is well suited to bestow legitimacy on a proposal to alter the existing Internet governance regime, and the available implementation mechanisms are well suited to put such a proposal into practice. As for security, WSIS is again an appropriate forum for promulgating a global agreement, and the available implementation mechanisms are suitable. Other policies considered here are: promotion of free and open software, communication rights, intellectual property, human rights, and funding.

To say these policies are good candidates for action is not to say that they necessarily will be endorsed and implemented. That depends on the specifics of the WSIS process. Nonetheless, by helping us to identify issues that “fit” the world summit institution, the institutional analysis helps us to set priorities for action and to gain understanding of outcomes.

## I. THE WORLD SUMMIT MODEL

*[This section describes the characteristics of world summits and may be skipped by readers already familiar with them.]*

The end of the Cold War saw the emergence of a new global policy institution: the world summit. World summits are one-time conferences organized by the UN to address pressing global issues, such as environment, housing, or food. Beginning with the Earth Summit of 1992 and counting the World Summit on the Information Society (WSIS) of 2003/2005, the UN has hosted almost one summit per year for eleven years. Each follows a similar model: they bring together thousands of people, including leaders of government, industry, and civil society, to foster discussion on broad issues and to produce collective statements of principle and action.

Since 1992 the UN has hosted the following summits<sup>1</sup>:

- 1992: Earth Summit (Conference on Environment and Development), Rio de Janeiro.
- 1993: Human Rights Summit (Conference on Human Rights), Vienna.
- 1994: Population Summit (International Conference on Population and Development), Cairo.
- 1995: Social Summit (World Summit For Social Development), Copenhagen.
- 1995: Women's Summit (Fourth World Conference on Women), Beijing.
- 1996: Habitat II (Conference on Human Settlements), Istanbul.
- 1996: World Food Summit, Rome
- 2001: World Summit Against Racism (World Summit Against Racism, Racial Discrimination, Xenophobia, and Other Related Intolerances), Durban.
- 2002: World Summit on Sustainable Development, Johannesburg.
- 2003/2005: World Summit on the Information Society (WSIS), Geneva/Tunis.

From this series has emerged the world summit model. The model consists of a set of preparatory activities, a pattern of participation, and the summit products.

Although a world summit lasts just a few days, the preparatory and follow-up processes occur over a period of years. In most respects the World Summit on the Information Society (WSIS) has been typical. The WSIS process began in 1998 when the UN's International Telecommunications Union (ITU) formally proposed the summit. Then in December of 2001 the UN General Assembly formally authorized it, to be held two years later, in December 2003. (In an exception to the model, WSIS would consist of a pair of summit events "Phase I" and "Phase II", the second in Tunis in November 2005.)

In any summit the most intense activity occurs in the preparatory phase. In the two years between the formal authorization of WSIS and the actual event, the ITU conducted two series of meetings: preparatory committee meetings ("prepcoms") and regional meetings. Prepcom I followed within six months of the General Assembly Resolution, and Prepcoms II and III were held at additional six month intervals. All were held in Geneva. Regional meetings were held over a briefer period, but were distributed in locations around the world. Between Prepcoms I and II the ITU organized regional meetings in Africa, Latin America, Asia, and Europe/North America.

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<sup>1</sup> This list is not presented as definitive. Of the ten summits listed here, only four are explicitly entitled "world summit". For a larger list of "UN conferences", see *Reference Document on the Participation of Civil Society in the UN Conferences and Special Sessions of the General Assembly During the 1990s*. Prepared by Office of the Millennium Assembly. Version 1 August 2001.  
<http://www.un.org/ga/president/55/speech/civilsociety1.htm>.

A summit itself is a relatively brief event, lasting just a few days. The event is distinguished by its pattern of participation by three distinct groups: governments, industry, and civil society. The most high-profile participants are heads of state. Summits have a good record of attracting participation by national leaders, creating a potentially valuable opportunity for collective decision making by the world's assembled political leadership. With so many decision makers in one place, the possibility exists for coordinated political action at a truly global scale. At minimum, participation by heads of state renders world summits a major media event, ensuring that issues raised there will receive extensive press coverage throughout the world.

Although the UN is a political institution with a membership comprised of sovereign nations, other sectors figure prominently as well. Traditionally, industry is the second most important player after governments, with private firms sending large numbers of representatives. Industry can play a more important role in some summits than others, such as those on housing, food, and environment. Summit proposals may rely on changes in industry behavior (e.g. reducing greenhouse gas emissions), marketing new technology (e.g. promoting or discouraging genetically modified food crops), or stimulating private investments (e.g. supplying affordable housing).

Civil society or non-governmental organizations (NGOs) are the third group of participants in these events. NGOs often possess considerable expertise in the policy topics of a particular conference. For example, the Earth Summit attracted hundreds of environmental NGOs from around the world.

With participation by thousands of people, including heads of state, industry leaders, and NGOs, a world summit is also a major media event. The 1992 Earth Summit attracted over seven thousand journalists alone, and they in turn provided intensive coverage in print, radio, and television (Grubb, 1993). With so much attention given to the event, the whole world has an opportunity for remote participation, tracking the final stages of maneuvering that occur at a summit and gaining familiarity with the issues. In this way the ideas discussed at a summit can promote global awareness and understanding.

In addition to process, and participation, the world summit model also defines product. In the abstract, a summit produces understanding and a collective vision. The final documents define problems, solutions, opportunities, and actions in the summit's topic area. This vision is intended to inform concrete policies. (In what follows, I will refer to a summit as producing "policy," by which I mean the high level policy. Summits usually refer to their products as "vision".)

More specifically, nearly all summits produce two final documents: a Statement of Principles and a Plan of Action. A Statement of Principles articulates the normative framework for policy, often building on the UN charter and previous statements on rights. It might refer to earlier established rights, affirm their applicability to specific issue areas like development or women, and even propose their expansion to new areas. A Plan of Action translates principles into more specific actions. A Plan might define high-level policy initiatives, set milestones for implementation, or call for funding of program areas. While certainly not a detailed statement of policy suitable for immediate implementation, summit documents provides the broad outlines of comprehensive policy on the summit topic.

The final procedural step in the summit model is the follow-up conference, the so-called "summit-plus-five" event. Five years after the event there is a conference to assess the progress

made toward implementing the summit plans. An assessment report is written and many of the participants from the original summit reassemble.

This then is the world summit model. Two years of preparatory activity precede the event, the summit itself attracts thousands of participants, two documents are produced, and a follow-up conference occurs later. But does anything change as a result? The next section considers summits as a political institution offering an opportunity for policy change.

## II. SUMMIT AS FORUM

To understand a world summit as a vehicle for political and social change, it is useful to consider it at an abstract level as a political institution. The institutional analysis here is divided into two parts. In this section I analyze a summit's features as a policy making forum. In the next section I analyze its mechanisms for policy implementation.

A summit is first and foremost a *forum*. A precondition for policy making is the existence of an appropriate forum, without which policy makers may be unable to meet to make collective decisions. The characteristics of the forum affect what kind of policies can be produced.

Fundamental characteristics of any forum are: its jurisdiction, its legitimacy, and its timing. A world summit embodies a unique set of these characteristics, making it more suited to address some issues than others. I examine how a summit embodies these characteristics and what that means for policy.

Once an institution is analyzed, we can examine specific issues in terms of their "fit". Some issues will have similar characteristics to the institution – they fit the institution – and so they are more likely to receive attention and action. Other issues, with no less merit, may nonetheless be a poor fit and so may not advance.

The first characteristic of a forum is jurisdiction. Jurisdiction can be of two types: spatial and topical. The spatial jurisdiction of a world summit extends – as the name says – to the entire world. Participants come from all over the world, they collectively identify issues that are relevant at the global level, and they propose global policies. In light of the small number of global policy forums, this spatial jurisdiction renders a world summit a rare and potentially powerful institution. It provides one prerequisite (among others) for global change: a meeting place in which to discuss global issues.

Topical jurisdiction refers to a summit's theme. A summit on the topic of environment can meaningfully address environmental issues, and summits on women, housing, or racism can meaningfully address those topics. Topical jurisdiction limits the kinds of policies a summit can produce but also increases its significance in that topic area.

Recognition of these jurisdictional characteristics allows us to identify issues that are a good "fit" for world summits. Issues in the topical area that are global in scope fit well. (This is not to say that regional or national issues have no place, but such sub-global issues are not uniquely well-suited to a summit.) For example the 1992 Earth Summit produced a convention on global climate change, an issue whose spatial and topical characteristics fit the forum well. A world summit was a uniquely well-suited forum for such a policy.

A second characteristic of a forum is legitimacy. Legitimate policy derives from legitimate institutions, and summits' lengthy preparatory processes, open participation, and high-level

political support give them considerable legitimacy. With so much input from so many groups, products of a summit are a strong statement of world consensus. That legitimacy is enhanced by the participation of heads of state, who bestow supreme political authority on the final products.

Policies that fit this institutional characteristic are those that need great legitimacy. An example of such a policy is the declaration of a right. As a political absolute, a right needs a solid foundation in legitimacy. Summits have repeatedly proven their value as forum for the affirmation of rights, beginning with the 1993 Human Rights Summit, which reaffirmed and strengthened the 1948 UN Universal Declaration of Human Rights. Subsequent summits have declared such rights as fertility rights (Population Summit), housing rights, (Habitat II), and the rights of women (Women's Summit). Not all issues are successful in gaining legitimacy, however. For example, at the 1996 World Food Summit US biotechnology firms were criticized for seeking endorsement of genetically engineered agricultural products. The genetically modified products would have benefited from the legitimation afforded by a summit, but they were unable to obtain it.

The legitimacy of a summit also allows it to make policies that challenge those of less legitimate institutions. Even if another institution possesses funds, staff, and expertise, if it lacks legitimacy, then its policies might be susceptible to challenge. Thus summits frequently challenge the global distribution of wealth and call for transfers from north to south. Or they may challenge policies emanating from neo-liberal institutions that are justified by their alleged efficiency. (As discussed below, however, such policies are usually not accompanied by effective implementation mechanisms.)

A final characteristic of a summit as a forum is its timing. Unlike most policy making forums that endure over time (e.g. a national legislature), a summit is a one-time event. It is active for about two years, and the main event lasts just a few days. A summit creates a window of opportunity that opens briefly in time and then closes again.

This temporal characteristic can render it somewhat unpredictable. Some issues may advance and other may stall, simply on the roll of the temporal dice. An issue in good political currency just at the time of the summit could receive disproportionate benefit, whereas issues temporarily in disfavor could miss the opportunity.

Some policies fit this temporal characteristic. Policies that have lain dormant or that have been deadlocked for years may be resuscitated for a world summit. The summit may serve as a new forum in which to re-fight old battles. Or the timing of a world summit itself might be manipulated by UN itself. Since it controls the timing of the events, the UN can launch a world summit when it wants. This can be particularly useful when the UN is challenging a rival institution, such as a neo-liberal institution outside the UN system. As discussed below, the timing of WSIS confers advantage to the UN's ITU in its challenge to the Internet Corporation for Assigned Names and Numbers (ICANN) for authority over Internet identifiers. In general, issues in which the UN has an interest may be a good fit for a summit.

In summary, institutional analysis reveals four key features of summits that condition their utility as a policy forum. With these features in mind, we can recognize policies that fit the institution. Topical policies with a global dimension are a good fit to a world summit. Examples of these include global functional systems (e.g. global climate or global communications). Policies in need of legitimacy are also a good fit. An example of this is the affirmation of human rights in international law. Finally, policies that are ripe for consideration at the time of a summit are a good fit. Examples, are dormant initiatives that can be reawakened for the summit.

### III. IMPLEMENTATION MECHANISMS

So far the discussion has focused on words rather than deeds. As forums, world summits produce statements of principle and plans of action and, for the most part, they stop there, at the level of words and ideas. Implementation happens later, if at all. In this section I examine available mechanisms for translating those plans into programs of action. This is the question of implementation.

Review of previous world summits reveals both formal and informal implementation mechanisms. Most formal implementation mechanisms are UN or governmental organizations. Informal implementation mechanisms are political resources created by world summits that influence other policy processes. I consider each in turn.

Formal implementation mechanisms used by past summits include UN agencies, multilateral conventions, national governments, and funding programs. Of these four, UN agencies provide the closest parallel to conventional policy implementation, in which a national legislature makes policy and a national agency implements it.

UN agencies have frequently implemented summit policies. For instance, following Habitat II (the Conference on Human Settlements, held in Istanbul in 1996) the UN Centre on Human Settlements (UNHCS) launched a number of informational programs on housing. UNHCS actively collected and disseminated publications on best practices in housing and developed statistical and qualitative indicators to allow countries to assess their housing resources. A UNHCS website *www.BestPractices.org* made this information publicly available at no charge. Another example of UN implementation was the creation of the Commission on Human Rights. The Commission provided a standing capability to pursue the policies decided at the 1993 Vienna Human Rights Summit.

Since the UN rarely has immediate jurisdiction over people or programs, the most effective mechanism for policy implementation is often national governments. This can take a variety of forms. At the highest level is a multilateral convention, in which national governments agree to a collective program of policy implementation. The Earth Summit provided the best known example of a multilateral convention: the Framework Convention on Climate Change. Although a non-binding agreement, that convention set basic parameters to reduce greenhouse gas emissions. More importantly, it led to the Kyoto Protocol, which contained more formal mechanisms for enforcement. Rarely has a summit achieved such concrete implementation, however (and even the Kyoto Protocol later faltered after the US withdrew its support.)

National government implementation can also be realized by individual governments. Following the 1992 Earth Summit as many as one hundred and fifty countries created national-level commissions or coordinating mechanisms for sustainable development. The 1994 Population Summit in Cairo (UN International Conference on Population and Development) also led to country level implementations, as numerous countries repealed national laws against women (Cohen, 1999). Policy statements at the global level were implemented in law by multiple national governments.

Finally, summit policies may, at least in theory, be implemented through funding programs. Nearly every summit has featured a debate between rich and poor countries about the need for financial support to realize summit goals. However, most summits have ended with dashed

expectations. For example, at the 1995 Social Summit in Copenhagen (UN World Summit for Social Development) numerous countries called for debt relief as a means to promote development, but such policies were neither adopted nor implemented.

It must be noted that world summits generally do not have a strong track record of implementation. This is hardly surprising. First, it is almost always easier to promulgate policy than implement it; UN summit policies are not unique in this regard. Second, summits have addressed some of the most enduring and intractable problems of humanity (food, shelter, development). No one can expect a summit to easily achieve significant social change in such areas.

Third, and perhaps most important, summits' Statements of Principle and Plans of Action attempt to be all-encompassing and so are very general. Indeed, summits describe their product as "vision", not "policy". Their contribution is as much to define what the issues are as to propose solutions. A vision does not lend itself to concrete implementation and may be a precursor to further political debate.

Even without formal implementation, however, policy ideas may be translated into action. Much of a summit's impact may occur through *informal* mechanisms. Here the ideas developed in a summit achieve social change indirectly. Two such informal implementation mechanisms are discourse and legitimation.

Summits shape policy discourse. Although this may sound abstract to the reader, the act of shaping discourse can have quite concrete effects. Summits often serve to define the terms of debate in their issue areas, identifying problems and setting priorities that filter down to other policy arenas. For example, the World Conference Against Racism (2001 World Conference Against Racism, Racial Discrimination, Xenophobia, and Other Related Intolerances) led to few identifiable policy implementations. However, it greatly raised the profile of debates over reparations for slavery. Extensive media coverage of this issue brought it to the attention of people and policy makers around the world, creating an environment where policies could be discussed in other arenas. Another example was the 1995 Women's Summit in Beijing, which helped codify concepts like honor crimes and conflict rape. The summit helped make these terms nearly household words. By defining and diffusing a discourse about such crimes, it becomes possible for policy makers in other arenas to make decisions about them. Absent such a policy discourse, they are not even discussed.

Non-governmental organizations (NGOs) play an important role in diffusing such discourse. NGOs may carry issues from a world summit back to their home countries, where they perform local advocacy. Regardless of whether such ideas are supported or opposed, their codification in UN statements makes them less strange to policy makers. Existence of the terms can be a necessary prerequisite for achieving action.

The second informal implementation mechanism is legitimation. Legitimation takes policy concepts one step further: not only are the concepts known, they are also validated. A UN summit carries great prestige, so the issues and ideas that it endorses are imbued with that prestige. Summits have a power of legitimation (this is discussed above as well.) Legitimated ideas are then more easily advocated and implemented in other policy arenas.

Thus the issue of global climate change received a great deal of legitimacy by being the focus of the Earth Summit. In the United States, for example, industrial interests were subsequently forced to invest considerable resources in efforts to undermine the legitimacy of the issue (by

funding studies that cast doubt on the scientific basis of the phenomenon.) Likewise, the Population Summit gave greater legitimacy to women's empowerment. At least one observer argued that the Population Summit contributed to substantial policy changes, when a number of countries subsequently repealed laws discriminating against women (Cohen, 1999).

Sometimes formal and informal policies can work hand in hand. The practice of "naming and shaming" achieves policy implementation without formal mechanisms. The definition of indicators (a formal implementation mechanism) allows observers to assess individual countries' standing in a policy area (e.g. housing). Then the legitimation of values (an informal mechanism) allows judgments to be attached to the assessment (e.g. citizens' "right to housing" is being violated.) Countries found lagging in valued social characteristics can be subject to public criticism in an attempt embarrass policy elites into taking remedial action.

In summary, world summits face a repertoire of policy implementation mechanisms. Formal mechanisms include UN administrative agencies, multilateral agreements, national governments, and funding mechanisms. Informal mechanisms include the shaping of policy discourse and legitimation.

As was done above, we can consider policies in terms of their "fit". Policies fit world summits if they can be implemented by the mechanisms above. First, policies ratified at a summit stand a better chance of meaningful implementation if they fit the mission of an existing UN agency. That creates the possibility of formal implementation in which an agency uses its expertise, staff, and facilities on behalf of a policy. Second, policies that are candidates for a multilateral convention would do well to seek ratification in this institution. Third, WSIS is a good arena for policies that articulate new concepts in policy discourse. For anyone seeking to affect policy discourse, summit documents provide an opportunity to get new terms into circulation. Finally, as noted before, for policies that need legitimacy, a world summit produces that resource in abundance. Policies endorsed at a world summit may gain advantage in policy debates in other arenas.

#### **IV. UNDERSTANDING WSIS**

The preceding institutional analysis can now be applied to the policies in the WSIS *Declaration of Principles* and *Plan of Action*. We can see which policies are a good fit to the world summit institution. Policies fitting the summit's forum characteristics are good candidates for meaningful endorsement, and, of those so endorsed, policies that fit the implementation mechanisms are candidates for meaningful social change.

In Table 1 below I analyze some of the policies of the most interest to civil society groups. Most of these were identified as especially important by the Heinrich Böll Foundation report, "Visions in Process" (2003). Each is rated according to its institutional fit. I consider how they are important and identify those for which WSIS presents the best opportunity.

**Table 1**  
**Analysis of WSIS Policies**

X –excellent fit, O –some fit, [blank] –no fit

WSIS Policy	FORUM Characteristics				IMPLEMENTATION Mechanisms					
					Formal			Informal		
	Spatial Jurisdiction	Topical Jurisdiction	Legitimacy	Timing	UN Agency	Multilateral Agreement	National Government	Funding	Discourse	Legitimacy
1. Internet Governance	X	X	X	X	X	X				
2. Security	X	X		X		X				
3. Free and Open Software	O	X	X	X			O			X
4. Communication Rights	X	X	X	O					X	X
5. Intellectual Property	X	X	X	O	X					X
6. Human Rights	X	X	X						X	
7. Finances	X			X				X		

### 1. Internet Governance

Does WSIS provides an opportunity for national governments and the ITU to challenge the Internet Corporation for Assigned Names and Numbers (ICANN) for control of the Internet? The answer is an unequivocal yes. As a policy issue, Internet governance is a good fit in nearly every category:

- **Jurisdiction:** The Internet is a global communications system; as such it fits perfectly into WSIS's spatial and functional jurisdiction. Decisions on Internet governance are appropriately made at a world summit.
- **Legitimacy:** This is a particularly good fit. ICANN suffers from a lack of legitimacy (Klein, 2002), whereas a challenge emanating from WSIS could claim to express world consensus. ICANN backers might be hard pressed to explain why WSIS policies should not be adopted.
- **Timing:** Timing is good. ICANN is relatively new and has had difficulty reaching a stable state. The WSIS forum comes at a time when a challenge can still succeed. (The ITU may have proposed the summit in order to challenge ICANN, so the good timing may not be coincidental.)
- **Implementing agency:** An appropriate implementation mechanism exists. The UN's ITU is a specialized agency with expertise and mission in this area. Although skeptics of the ITU abound, the agency is nonetheless qualified to implement an alternative system of Internet governance.
- **Multilateral agreement:** Internet governance might also be implemented as a multilateral treaty. Use of this formal mechanism would be appropriate here.

In summary, WSIS presents a very real opportunity to make policy on Internet governance. All signs are that this is issues is indeed receiving a high degree of attention (*International Herald Tribune*, 2003).

### 2. Security

Global security is a top priority issue of the most economically and political influential countries in the world. Even before the United States made its national security its overriding foreign policy objective, there was widespread recognition of the need for a global regulatory framework for address the propagation of viruses, denial of service attacks, and other destructive acts on and against computer networks (Goodman, Hassebroek, and Klein, 2003). This policy issue is another excellent fit for WSIS.

- **Jurisdiction:** Security of global communication networks fits WSIS's spatial and topical jurisdiction, so the summit is a good forum for making such policy.
- **Legitimacy:** Security policy does not particularly need this resource of WSIS.
- **Timing:** This is very important: global concern for security is at an unprecedented high. The coincidence of an issue in good currency and an appropriate forum presents an opportunity for a significant policy initiative.
- **Multilateral agreement:** This would seem to be an appropriate and available implementation mechanism.

Here again, WSIS presents a major opportunity to make policy. To date, however, there is not as much evidence that this opportunity has been seized. Whether it will be pursued more aggressively in Phase II remains to be seen.

### 3. Free and Open Software

Free and open software (FOSS) includes systems like Linux and various office software suites. FOSS is increasingly seen as an alternative to proprietary software sold by US companies like Microsoft.

- Jurisdiction: FOSS fits WSIS's topical but not its spatial jurisdiction. FOSS is not a global technology, rather it is a global movement or market. Nonetheless, a global forum like WSIS is useful to reach the assembled policy community.
- Legitimacy: This is very important: FOSS has a great need for legitimacy. As it gains increasing market acceptance, the political endorsement of WSIS could help it win acceptance by governments and users around the world.
- Timing: The timing is good: WSIS comes when interest in FOSS is very strong.
- National government implementation: FOSS may benefit from some formal implementation mechanisms. However, this implementation mechanism is only a mediocre fit.
- Legitimacy: More importantly, FOSS implementation is likely to benefit indirectly from WSIS, as advocates of FOSS cite its legitimacy.

In summary, this issue is a good candidate to advance in WSIS.

#### 4. Communication Rights

If the reader needs no explanation of this term, then WSIS will have succeeded in shaping the policy discourse. Communication rights are comprised of a set of positive rights that go beyond the right to free speech. They include a right to access to media and education to be able to communicate to others and to the broader society.

- Jurisdiction: As rights these are appropriately treated in a global forum. Topically, they are a good fit for WSIS.
- Legitimacy: This is very important. WSIS presents an excellent opportunity to legitimize this concept and bring it into the mainstream.
- Timing: This proposal is of long standing, tracing its roots back to the UNESCO debates of the 1980s. WSIS has presented another opportunity to reawaken this issue.
- Discourse & Legitimacy: Communications rights are likely to be implemented informally. As the term gains widespread usage and gains value, it is likely to achieve more concrete implementation in other policy arenas.

In summary, communication rights are a good fit for WSIS and have been actively advocated. However, they encountered opposition from groups in the WSIS process, so their inclusion in the final documents was limited.

#### 5. Intellectual Property Rights (IPR)

Control of ideas and information through copyright, patents, and trademark is an increasingly controversial policy topic. Commercial interests seek greater global harmonization and more effective enforcement of property rights. On the other hand, many civil society groups call for a better balance between private and public interests. WSIS is a good forum in which to debate these issues. It probably most useful to civil society groups who would challenge IPR.

- Jurisdiction: Property rights are global public policy for information, and so are a good topical fit. WSIS is a good forum in which to debate them.
- Legitimacy: WSIS offers a good opportunity to challenge the the existing property regime. Advocates could seek to legitimize their challenge through a WSIS endorsement.
- Timing: This issue is appropriately current.
- UN agency: Ironically, the UN agency in this area is committed to one side of the IPR debate. Thus it is unlikely to implement policies critical of the property regime. Indeed, it could opposed any WSIS policies that weaken IPR. For this reason, IPR might be an unusually bad fit.
- Discourse & legitimacy: These informal implementation mechanisms offer a better fit. Civil society activists might use WSIS to reinforce a discourse that questions IPRs and undermines their legitimacy.

In summary, WSIS is a fairly good opportunity to open up IPR debates. Perhaps this opportunity was not as effectively seized at WSIS Phase I as it might have been.

## 6. Human Rights

Human rights advocates sought to reaffirm UN rights in the contexts of the information society.

- Jurisdiction: Since rights are universal, the summit's spatial jurisdiction was appropriate. Rights of speech and privacy were particularly appropriate to the topic.
- Legitimacy: Good fit. Legitimacy is important in any attempt to strengthen rights and improve their legal standing.
- Timing: Appropriate.
- National governments: It might be possible to affect some national policies and get rights codified in national law. Such a major change at the national level would be a major achievement.
- Legitimacy: More likely would be to increase the legitimacy of rights and thereby help activists in other arenas advocate this policy issue.

In summary, WSIS presents an opportunity to strengthen rights associated with information and communication.

## 7. Finance

WSIS presented an opportunity for wealth transfer policies.

- Jurisdiction: Since the forum brought together rich and poor countries, it creates an opportunity for policies for financial assistance. Typically, assistance for ICT is a common area of assistance.
- Legitimacy: this is not a major issue here.
- Timing: the collapse of the ITU-based accounting rate and settlement system in 1997 eliminated an important mechanism for wealth transfer from rich to poor countries. WSIS may provide an opportunity for this dormant issue to be reconsidered.
- Funding: this issue is a good candidate for a formal fund. A "digital opportunity fund" has been debated at WSIS.

In summary, this is an issue that bears watching. However, the history of previous summits shows that funding mechanisms are rarely implemented.

## **V. CONCLUSION**

The analysis above could be applied to every policy enunciated in the WSIS documents. The list above includes some of the most promising issues for civil society, but there are additional issues of particular interest to governments and private industry. And there are many issues that are a poor fit to WSIS that could have been analyzed.

Obviously, assessing policies in this way is not an exact science. But the conceptual framework above provides a general idea of what works at WSIS and why. It provides a means of assessing opportunities.

At the time of this writing, WSIS has not yet initiated Phase II. Therefore, the analysis below can be used to make strategy for the future. The final outcomes of this world summit will not be known until November 2005.

As noted at the beginning, WSIS is hard to understand. Hopefully, this analysis makes it at least a little bit more comprehensible.

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