

REPORT
WSIS Phase II TUNIS PREPCOM I (June 23-26, 2004):

Karen Banks, July 7th 2004
APC WSIS Coordinator
www.apc.org
karenb@apcwomen.org

WSIS Civil Society Content and Themes Coordinator
Member WSIS NGO Gender Strategies Working group (NGO GWSG), Gender Caucus, Privacy and Security WG, Human Rights Caucus

Table of Contents

Summary.....	2
Part I: Background and Context.....	2
Human Rights.....	2
The ‘north-south’ agenda.....	2
Representation and visibility in Civil Society.....	2
Civil Society Caucuses and working groups	3
Part II: Civil Society elements, ways of working and preparation.....	4
Civil Society Elements.....	4
Civil Society Work spaces.....	4
Civil Society orientation.....	4
Civil Society meetings during prepcom.....	5
Part III: The Tunis Prepcom	6
Civil Society Participation.....	6
Civil Society consensus building.....	6
Diary of events in Tunis.....	6
Part IV: Conclusion and Recommendations.....	9
Civil Society as an equal stake-holder in WSIS.....	9
Meaningful participation of Southern organisations in WSIS.....	9
Greater interaction between CS entities and government delegations.....	9
Support for WSIS in Tunisia.....	10

Summary

This report begins with an outline of the background and context which contributed to the controversy in Tunis specifically, the human rights agenda, the 'north-south' agenda, lack of clarity regards the focus and outcomes of Phase II and early stress signs experienced by Civil Society in preparation for the prepcom.

It then goes on to describe the basic elements, ways of working and preparation of Civil Society in the WSIS process to date.

The third section describes briefly the events around the Human Rights controversy in Tunis, diarising the 3 days of Civil Society meetings.

The fourth section makes brief observations, suggested discussion points and indications of strategies which are needed to protect and strengthen civil society participation in the WSIS process.

Part I: Background and Context

Human Rights

The prepcom took place against a backdrop of, on the one hand; wariness or caution regards holding the WSIS in a country with a poor record on human rights, specifically with respect the right to assemble, protest and associate and freedom of opinion and expression – and on the other – seeing Tunis as an opportunity to support and show solidarity to local independent NGOs; leverage the process to encourage Tunisian authorities to improve their human rights record and acknowledging the importance of an African country hosting an international UN Conference – particularly considering the primary objectives of WSIS (eg aligning with the Millennium Development Goals and adherence to the Universal Declaration of Human Rights).

The 'north-south' agenda

A primary focus of the second phase are the parallel processes around **Internet Governance** and **Financing Mechanisms**.

Governments were unable to reach consensus on these issues during Phase I and in general, were perceived to part along traditional north-south lines with regards perspectives, issues and possible solutions. The compromise finally agreed was to request the UN Secretary general to form Task Forces which would guide the work of delegates during Phase II, with final recommendations being made during Prepcom II (Feb 2005) and Prepcom III (Sep 2005).

Civil Society was broadly supportive of calls from southern governments for the establishment of new development models and financing mechanisms – an important gesture of solidarity. Civil Society did not however, prioritise this area of work until late 2003.

The 'Implementation Phase'

The prepcom was preceeded by a general lack of clarity in the public domain, with regards the objectives and outcomes of the second phase: setting benchmarks and indicators, databases of best practice, multiple layers of networks which would hub around the 11 themes of the Action plan – were some of the possibilities - though questions of what form these activities would take, who would lead them, who would resource them, were unclear.

Unlike the Declaration (to which CS gave tacit support) Civil Society has not approved or endorsed the Action Plan, and considers it was given little to no access to the process of it's development.

Representation and visibility in Civil Society

Questions regarding the transparency, inclusiveness, 'visible' leadership etc of Civil Society structures and processes contributed to the beginning of CS 'stress' towards the end of 2003, continuing to the Tunis Prepcom. This 'stress' was compounded by the use of virtual online spaces for preparatory work, which, due to lack of resources and other factors, discussions tend to be dominated by native English speakers, primarily from 'the north'.

Civil Society Caucuses and working groups

Due to the lack of a clear strategy for the second phase, the human rights agenda; concerns that the 'financing mechanisms' agenda may be de-prioritised in the interests of Internet governance, lack of 'space' for groups to work around **other** issues emerging from Phase I (eg gender, media, education, indigenous people, IPRs, disability etc) and a large degree of WSIS 'fatigue' – most of the caucuses, with the exception of the media and human rights caucuses, also experienced varying states of stress, prior to the prepcom.

Part II: Civil Society elements, ways of working and preparation

Civil Society Elements

A key principle underlying the structures of civil society is that there must be multiple avenues and means for participation, and that all civil society entities can select the nature, level and extent of participation according to their needs and interests.

There are four major elements to the CS structure:

1. Civil Society can constitute itself into a **Plenary (CSP)** at every official convening of the WSIS process, such as Regional Conferences, PrepComs, Intersessional meetings and Summits. The CSP is open to the participation of all civil society participants. When convened, it is the ultimate civil society authority in the WSIS process, in relation to the mandate and scope of the specific event. At PrepCom II, CSP endorsed the existence and terms of the Civil Society Content & Themes Group and the Civil Society Bureau.
2. The **Civil Society Content and Themes Group (CS C&T)** coordinates the work of numerous self-constituting civil society Caucuses, Working Groups and other content related entities. It is charged with facilitating agreement on and taking decisions on content-related issues, while respecting the domain expertise and competence of Caucuses and Content Groups. It reports regularly to the CS plenary on decisions taken.
3. The **Civil Society Bureau (CSB)** functions as an interlinkage between civil society participants and the intergovernmental Bureau and process, with regard to operational and logistical needs, procedures and interactions. It does not concern itself with content-related issues. The Bureau is constituted by 21 'family nodal points', that enable any civil society entity to find a 'home', and it enhances interaction between all sections of civil society and between civil society and others. The Civil Society Division of the WSIS Secretariat provides the Secretariat for the CS Bureau. The Bureau reports regularly to the CS Plenary on decisions taken.
4. The **Civil Society Division of the WSIS Secretariat (CSD)** supports the activities of all civil society participants and entities in the Summit, including the above. It may also provide support to participants who chose not to associate with some or all of the above entities, in a manner that respects the functions and authority of the above.

Civil Society Work spaces

In addition, the 'substance' of work is carried out by a series of regional caucuses and thematic caucuses and working groups. Each group nominates representatives to the Content and themes group. There are some 30 of these groups, further information can be found here: <http://www.wsis-cs.org/caucuses.html>. All of these groups maintain online work spaces between prepcoms.

The CSP approved a **Virtual CS Plenary group** as an electronic forum between physical meetings of the CSP, to promote debate and greater transparency in the organisation of civil society during the Summit preparatory process, including between the various entities above. It is not a decision making entity, but decisions of other entities will be circulated there. It is open to all accredited entities, to registered bodies at WSIS meetings, and to all civil society entities with an active interest in the WSIS.

All the above entities take action to ensure that, **within the available resources**, key decisions are taken only after consideration of the issues **in the working languages of the Summit: English, French and Spanish**.

Civil Society orientation

CONGO assumes the role of organizing on-site orientation sessions for Civil Society. These normally take place the day before the prepcom starts, as was the case in Tunis.

New delegates find it difficult to orient in a meaningful way. Civil Society does not have sufficient resources to prepare orientation materials or methodologies for helping delegates understand the issues, processes and procedures of Civil Society in the WSIS and the WSIS process itself. New delegates tend to 'hit the ground running'.

Normally, this is managed during the prepcom by new delegates finding their way to regional and thematic caucuses, which represent their interests, and finding their way from there, to the broader civil society spaces (eg plenary and the content and themes group).

Civil Society meetings during prepcom

Civil Society meets as plenary every morning.

The plenary meeting is chaired by two regional representatives of the Civil Society Bureau (CSB). The agenda is normally fixed with reports from the CSB, volunteer rapporteur report backs from Government sessions, Content and Themes Group coordinators, other business (eg petitions asking for support, announcements of regional and thematic caucus meetings, announcements of meetings with the inter-governmental bureau, nomination of representatives for same etc..)

The Civil Society Content and Themes group meets every evening.

The work of these meetings is to:

- discuss broad elements of civil society contributions to government plenary (note: Civil society is normally allowed 15 minutes per working session, to make interventions to governments).
- Identify volunteers (could be a group of individuals, could be a regional or thematic caucus) to work on drafting statements

The work of drafting statements is inevitably taken up by a very small number of people (drafting group) who also identify speakers for the statements.

The morning that interventions are to be read is normally spent in admin and preparation:

- Preparing speaker lists for the president of the prepcom
- arrange for photocopying of interventions for interpreters
- arrange translation of intervention into other languages, if possible
- get speakers to microphones in government plenary!

Concurrently, the Civil Society plenary is normally in session (the morning meeting). On rare occasions, and particularly where content **might** be controversial, the drafting group may have time to bring a statement back to plenary for broad endorsement – but this is very rare and only when there has been a clear indication that there is broad consensus for a statement. In these cases, the statement will be read by a delegate on behalf of the Civil Society plenary, or the Civil society content and themes group – rather than by a specific regional or thematic caucus.

In addition, **regional and thematic caucuses** self-organise meetings, and the Civil Society Bureau, coordinated by Renate Bloem of CONGO, tends to meet once a day.

One or two meetings between the **civil society bureau and the inter-governmental bureau** tend to take place, per prepcom. To date, these have been very useful meetings, but have tended to be more 'diplomatic' rather than focusing on substantive issues. The precedent is an important one, recognized as part of the official rules of procedure, and I believe one that has only been seen in WSIS.

Part III: The Tunis Prepcom

Civil Society Participation

About 260 CS delegates registered, representing 96 'entities'. In discussions with the WSIS secretariat, it appears that the Tunisian observer team did not consistently include a country field in the registration form, or, they did not publish it on the participant list. This makes it difficult to assess participation in terms of geographic diversity. However, we estimate that approximately 1/3 of both delegates and 'entities' were from pro-government Tunisian NGOs and sympathetic allies from other countries (largely in the region).

The second phase does not yet enjoy the level of financial support experienced in the first phase, which impacts significantly on the capacity for a diverse and representative Civil Society engagement – this is of particular concern regards participation from the South.

This lack of a more 'balanced' representation from the South, and in particular Africa, contributed significantly to the controversies which arose in Tunis – and compounded a perception – that the process has been, and continues to be, dominated by a small group of Northern delegates.

Civil Society consensus building

Civil society's existing processes and structures were not able to accommodate emerging (and sometimes 'extreme') divergent views in Tunis. CS had experience of accommodating some divergences during Phase I, where in some cases, caucuses would agree to split if consensus was impossible, or simply, that groups wished to prioritise issues differently, agreeing to collaborate on consensus issues where possible. Most notably, this was experienced in the Media, Community Media, Human Rights and Gender spaces.

This is to highlight that it is not unusual, and in fact healthy and necessary, for civil society to present a range of opinions and perspectives in the WSIS process. It is however, becoming more and more difficult to provide the necessary support (time, money, information, translation etc) to accommodate the maturation of civil society in WSIS, particularly at this time when it needs to explore even more creative and accommodating ways of working.

Apart from a small amount of money to support certain activities of the Civil Society Bureau, most of the work to support Civil Society processes and structures is done on a voluntary basis.

Experiences in Tunis have led the Human Rights caucus to clarify it's ways of working, as it experienced significant attempts to discredit it's work. The following statement outlines this:

["The Human Rights Caucus stresses major advances despite attempts of blockage"](#).

English: <http://www.iris.sgdg.org/actions/smsi/hr-wsis/hris-pr-020704-en.html>

The Civil Society Bureau, along with many caucuses and working groups, will similarly reflect on their working practices in view of the first phase generally, and their experience in Tunis specifically.

Diary of events in Tunis

The full thread of descriptive reports is available here:

[http://rights.apc.org/wsis.shtml?cmd\[662\]=c-1-%22WSIS%20Prepcom%20I%20Tunis%22](http://rights.apc.org/wsis.shtml?cmd[662]=c-1-%22WSIS%20Prepcom%20I%20Tunis%22)

Day 1 June 23rd

CONGO hosted a Civil Society orientation session and a small group (around 25) of delegates met informally with Mr. Janice Kacklans during the evening.

Day 2 June 24th – Day 1 of the Prepcom

Civil Society morning plenary meeting, which was largely uneventful.

Civil Society Content and Themes evening meeting:

Broad elements for Civil Society Interventions were tabled, and discussed and the following 4 interventions agreed for June 25th.

- a general 'context' statement
- an intervention on '(sustainable) development' – this related to focusing on the Millennium Development Goals as referred to in the Declaration (para 2)
- an intervention on Human rights (reinforcing the references to the Universal Declaration of Human rights in the Declaration (para 3) and Article 19 (para 4)
- an intervention on Civil Society participation

And the following interventions for June 26th:

- internet governance
- financing mechanisms
- other issues not yet raised
- a closing Civil Society statement

As is often the case, meetings tend to run long into the evening, and a small group of people are mandated to draft statements and identify speakers. On three occasions during this meeting, the chair announced that as the meeting was coming to a close, and that all of those interested in **drafting** or **speaking** should stay behind after the meeting.

Day 3 June 25th – Day 2 of the Prepcom

The drafting group finished statements, photocopied for interpreters and prepared speakers for the 10am slot in the official plenary. Concurrently, the Civil Society Plenary morning meeting was taking place. Towards the end of that meeting, a member of the drafting group reported to plenary that the 4 statements were finished, and announced the speakers names.

Pro-government Tunisian delegates (and allies) protested fiercely at the speaker the group had selected to read the Human Rights Statement – Mms. Souhayr Belhassen, the vice president of the independent – but legally registered and WSIS accredited – Tunisian League of Human Rights.

This protest culminated in the President suspending the official session and Civil Society being called into an emergency plenary session to attempt to resolve the situation.

Civil Society Emergency Plenary Meeting (afternoon)

The emergency meeting was chaired by two representatives of the Civil Society Bureau, the 'volunteers' family and the Africa family.

The two objections of some Tunisian groups were:

- that a 'black African woman' read the statement [quote]
- and that there should be no specific reference to Tunisia's human rights record in the statement, rather, something more generic aimed at all governments of the world.

The Human rights caucus was prepared to compromise on the reference to Tunisia, but was unwilling to change the speaker nomination. The Tunisian pro-government groups refused to accept this compromise.

At one point, the President of the Prepcom joined the meeting and informed Civil Society that the governmental bureau had met, and decided not to intervene, allowing CS some time to resolve it's differences.

After this, tensions continued to mount and the chairs found it more and more difficult to control the meeting. Tunisian groups dominated the meeting which was characterized by shouting, 'power' clapping, whistling and other generally disruptive tactics. A 'consensus' was announced by the majority and the chair, working in extremely difficult circumstances, regrettably endorsed the call. Those who disagreed were simply unable to have their voices heard and left the meeting agreeing to no such consensus.

After the meeting, Tunisian groups were informed by that a 'vote' would take place in the evening session, to finally resolve the issue. This was not publically announced and so many were not prepared for such a vote.

Content and Themes meeting (evening)

The chairs attempted to conduct a meeting to discuss other issues (such as gender, disability, media, internet governance, financing etc) and prepare interventions for the following morning. However, certain elements insisted that we revert to the discussion regarding the Human Rights statement – and proceed with a vote.

A 'stand-off' of sorts continued for some 2-3 hours, amidst regular and quite hostile demands that the chairs stand down, and allow the chair of the morning session (who had endorsed 'the consensus') to lead the meeting. No vote was called for by the chairs as it would have been undemocratic, and is not used in Civil Society consensus building.

The meeting was uncontrollable and no progress was made in resolving the issue.

After the meeting, it was reported that some 30 registration badges had been issued to Tunisian NGOs that day, with the explicit purpose, we believe, to attend a vote in the evening session.

Day 4 June 26th – Day 3 of the Prepcom

Civil Society met in Plenary to continue the discussion, which, though a more civilized affair, would culminate in the same 'stalemate'.

During this meeting, we were informed that the President of the Prepcom was giving the floor to Ms. Belhassen, the speaker nominated by the Human Rights caucus.

Ms. Belhassen went into plenary, and read the Human rights caucus statement. After Ms. Belhassen spoke, Mme Awa N'Diaye of Groupe de recherche et d'action pour le bien-être social, Senegal spoke. It is unclear how or why the slot was allocated, but at this point, was of little concern.

Mme N'Diaye read exactly the same statement with one exception:

Belhassen:

However, we wish to reaffirm that it is the duty of the two host countries of the Summit to show exemplarity, especially in the realization of freedom of expression, of information, of communication, as well as of freedom of association and the right to privacy.

N'Diaye:

However, we wish to reaffirm that it falls on all the countries of the world to be exemplary, especially in the realization of freedom of expression, of information, of communication, as well as of freedom of association and the right to privacy.

It was unclear to us at the time, what the objective of reading of two largely identical statements was, and questioned whether the differing but critical point would be noted by government delegates.

However, it transpired that the objective of the pro-government groups was focused not so much with what happened **inside** the UN conference, but what happened **outside**.

It has been noted that When Mme Belhassen was reading, the camera did not focus on her. Whereas when Mme N'Diaye spoke, the camera was focused firmly on her face. This (we were told) was streamed to Tunisian television and the national daily newspapers had the following headline the next day (rough approximation):

'Special UN human rights advisor for the Africa Group acknowledges Tunisia's gains in socio-economic and human rights achievements'

The title and is questionable and the tagline manipulated, with no reference to Ms. Belhassen's intervention.

It should also be noted, that on the same day, a meeting of Human Rights activists in Tunis, to be hosted by the Tunisian Human Rights League, was stopped by the police, with all roads of access to the THRL office blocked.

Part IV: Conclusion and Recommendations

Civil Society as an equal stake-holder in WSIS

Civil Society is recognized as a legitimate and serious stake-holder in the WSIS process.

This is the result of 2 years of lobbying and negotiation by Civil Society entities. Many CS demands for meaningful and effective participation in WSIS have been supported and responded to positively by many government counter-parts. With each prepcom, new ways of working in a truly 'multi-stakeholder' process are embraced positively and this approach is now seen as a possible precedent for other UN processes.

Events in Tunis have led Civil Society to examine it's ways of working and is committed to on the one hand, ensure that these processes are transparent, inclusive, participatory, documented and clear for all, whilst on the other, resisting pressure to reform practices that have worked very well but do not accommodate some elements of civil society, particularly those who do not see the work of holding governments accountable as part of it's remit.

All efforts must be made to protect and strengthen the work of Civil Society within WSIS and to continue to explore more meaningful means of participation in all of it's processes. This will require both political will and resourcing – without such, the effectiveness of civil society within WSIS will suffer enormously as will the WSIS process.

Meaningful participation of Southern organisations in WSIS

We must prioritise resourcing southern participation in WSIS. It is only when we have a truly diverse representation of CS groups in WSIS that questions of democracy and diversity in participation, coordination, leadership and visibility can be addressed.

Currently delegate funding is managed by the WSIS Executive Secretariat, with contributions coming from a small number of governments. The process of allocation of funds for Tunis was not sufficiently transparent, and questionable with respect to the 'orientation' of many of the groups who were selected for funding (particularly from Africa).

The Civil Society Bureau is normally involved in this selection process, however, it has also experienced a large degree of fragmentation since Geneva, and will require support as it proceeds with it's own evaluation and re-structuring.

It is also worth considering, whether independent sources of funding might be found to compliment the centralized funding via the WSIS Secretariat.

Greater interaction between CS entities and government delegations

Civil Society groups acknowledge the important role governments played in Tunis with respect to the controversy within Civil Society. It is highly unlikely that Mme Belhassen would have been able to speak, without the government interventions we witnessed.

This we believe, is also an indicator of the seriousness with which governments view the participation of Civil Society within WSIS – a very positive achievement in all respects for all concerned.

Civil Society has always made most of the opportunities to interact with their government counter-parts, through the mechanisms of the bureaus, 'ad hoc' meetings between CS and Government delegations (as has been the case with the European coordination group since PrepCom III in Geneva) and bi-lateral discussions.

The meetings in Tunis of this nature were of quite a different character to those experienced in Phase I. And, although brought up by regrettable circumstances, the meetings were seen by all, to be far more substantive, and going some way to establishing a true dialogue which could lead to far deeper understanding and appreciation of different issues and perspectives.

We also acknowledge that the EU coordination group, under the Irish Presidency, has created a Civil Society liaison who called for at least two meetings during Tunis. This is seen as a very positive step forward.

These mechanisms for generating greater dialogue should be supported and encouraged – not only in the WSIS international meetings, but at national level wherever possible.

In Europe, such mechanisms for dialogue have been implemented in Germany, Denmark, Switzerland and the Netherlands (to a lesser extent) and we would certainly welcome the opportunity to explore this in the context of the UK.

Support for WSIS in Tunisia

Lastly, the question of support for the second phase of the Summit in Tunisia is complex and sensitive. In general, Civil Societies position is to seize this as an opportunity:

- to support and show solidarity to local independent NGOs;
- to acknowledging the importance of an African country hosting an international UN Conference – particularly considering the primary objectives of WSIS (eg aligning with the Millennium Development Goals and adherence to the Universal Declaration of Human Rights)
- to leverage the process to encourage Tunisian authorities to improve their human rights record

On this last point, it is important to note that Civil Society considers it's role as one not only of assisting with implementation but also of observation, monitoring and holding of governments to account – wherever we are active. We would refute claims that Civil Society 'singled out' Tunisia in this respect. Civil Society has consistently spoken on these issues with respect several UN conferences since the Earth Summit in Rio, 1992.