



Geneva, Monday 21 February 2005

PrepCom2 – Sub-Committee

Discussion of the Report of the Group of Friends of the Chair
Paragraphs 10 and 11

Implementation of the Geneva and Tunis Plans of Action

Reference : French version

Civil Society Oral Contribution

Excellencies, Ladies and Gentlemen

This contribution is presented by Dr. Francis Muguet, coordinator of the Working Group on Scientific Information, co-coordinator of the Working Group on Patents and Copyrights, and member of the Working Group on Financing Mechanisms. As a disclaimer, this contribution shall not be construed, at any rate, as representing the opinion of the whole Civil Society.

The work and the goals of the assembly hereby gathered is to establish recommendations which constitute texts that are a source of international public law. The report of the Task Force on Financing Mechanisms recognizes the emergent trend which includes Multi-Stakeholder Partnerships to bridge the digital divide. It appears also that Multi-Stakeholder Partnerships may constitute sustainable solutions, in order to solve, on case by case basis, the difficult problems of Internet Governance. Therefore, the task of this assembly in order to implement the Summit recommendations shall not be considered as fulfilled unless solid legal frameworks are proposed in order to define Multi-Stakeholder Partnerships, in order to allow them to be created and managed with the efficiency that many are expecting, at the international level. Otherwise, this summit is at risks to recommend fuzzy solutions and to generate a huge disappointment.

Precise national legislative frameworks have been recently adopted by some countries in the European Union concerning Public-Private partnerships, a specific case of Multi-Stakeholder Partnerships. It is therefore of interest to take in account this strong trend. However, these frameworks apply into a restrictive domain, are all dissimilar, and are not without criticisms. By definition, which is a serious omission, they do not include Civil Society.

If some people are considering Multi-Stakeholder Partnerships as the new steam engine of development, one could make a rather daring, yet striking comparison: how would have evolved Capitalism without the development of relevant legal structures (limited partnerships, corporations, etc ?).

Inclusive Multi-Stakeholder Partnerships may help to structure efforts in order to strive for a society of shared knowledge, and to spread the use of different software paradigms.

At the international level, there are various proposals to reinforce Multi-Stakeholder Partnerships: the one included in the Cardoso report, and the one that is going to be presented tomorrow from 1:30 PM to 3PM by a Civil Society Initiative, under the inspiration and the high patronage of an eminent Summit person. The entities that could be formed towards that goal shall be considered as a tangible outcome of the Summit.

Since the WGIG formation process has been recognized by a large majority of the Civil Society, as one of the example of UN best practices, it is thus suggested to adopt a similar language and add the following paragraph :

We ask the Secretary General of the United Nations to set up a working group on Multi-Stakeholder mechanisms, in an open and inclusive process that ensures a mechanism for the full and active participation of governments, the private sector and civil society from both developing and developed countries, involving relevant intergovernmental and international organizations and forums, to investigate and make proposals for action, as appropriate.

- i) develop working definitions of international Multi-Stakeholder mechanisms and partnerships ;
- ii) identify the development and governances issues that are relevant to Multi-Stakeholder mechanisms;
- iii) analyze the various existing national legal frameworks for Public-Private Partnerships
- iv) analyze the various propositions that have been set forward to empower and to strengthen Multi-Stakeholder mechanisms at the international level, gathering input from all stakeholders: governments, existing intergovernmental and international organisations and other forums as well as the private sector and civil society from both developing and developed countries, possibly with the help of regional or thematic meetings;
- v) prepare a report on the results of this activity to be presented for consideration and appropriate action for the second phase of WSIS in Tunis in 2005.