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PARTICIPATION OF PRIVATE SECTOR, CIVIL SOCIETY AND OTHER STAKEHOLDERS

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I. Purpose

This document responds to calls for a partnership approach and a broad level of participation by the private sector, civil society and other stakeholders as stated by the UN General Assembly resolutions on the WSIS (see Annex 1). It describes the rationale and suggests arrangements for such participation.

II. Participation in United Nations Summits

II.1 Current Practices

Participation by the private sector, civil society and other stakeholders in the United Nations system of international meetings has gradually but steadily grown over the years prior to the launch of the World Summit on the Information Society.

The basis for this growth can be found in the United Nations Charter provisions (see Preamble and article 71) and the first grant to NGO's of consultative status by ECOSOC in 1948. The first set of rules on this relationship was adopted in 1950 (Resolution 288B8 (X) of ECOSOC) and translated into operational criteria by the General Assembly in 1968 (Resolution 1296).

In 1993, Member States decided to review and update Resolution 1296, to accommodate changes since 1968. The review process of NGO arrangements resulted in ECOSOC Resolution 1996/31.

By the 1990's the frame of reference for NGO involvement broadened even more. Specifically in 1998, a Secretary-General's report (A/53/170) documenting NGO participation in the UN system could declare to the General Assembly that NGO involvement in conferences had reached unprecedented levels: They are "no longer seen only as disseminators of information, but as shapers of policy and indispensable bridges between the general public and the intergovernmental processes... Indeed the degree to which a world conference mobilizes the attention of NGOs and other organizations of civil society has become an important criterion for judging its success." (para 57)

In line with the 1998 report, the Millennium Declaration and its follow-up resolution (Resolution 55/2), gave a fresh mandate to enhancing the partnerships and co-operation with the private sector, civil society and other stakeholders so as to achieve common efforts among all participants including national governments, bi-lateral and multilateral development agencies.

Specific trends towards broader participation have included United Nations recognition of major groups as genuine partners, advances in formalizing partnerships with various major group actors, and the creation of new participatory practices (collaborative partnerships), by, among others, the Commission on Sustainable Development, the Monterrey International Conference on Financing for Development and the World Summit on Sustainable Development. These meetings have innovated participation modalities through non-voting delegate status, parallel partnership-building strands, the creation of multi-stakeholder interaction, and other means.

Examples

The Commission on Sustainable Development (CSD), created under ECOSOC to ensure effective follow-up to the United Nations Conference on Environment and Development (UNCED) (June 1992), introduced and gradually extended a multi-stakeholder dialogue approach which included the private sector, civil society and other stakeholders in an interactive process

By 1997, informal processes had become formal dialogue sessions, in the form of half-day major-group presentations at the annual CSD meeting, and later that year they addressed the UN General Assembly, a first for NGOs. The World Summit on Sustainable Development (WSSD) in 2002 has

migrated these into the summit process. So, for example, in WSSD preparatory committee meetings, dialogue session agendas are aligned with those of negotiations. The outcomes of dialogues are also conveyed, via the Chair, to the preparatory committee and incorporated into its records.

Habitat II in 1996 was also an innovator in relation to major groups, being the first to introduce a series of half-day dialogues. But it went further during the preparatory committee and the conference itself: NGOs and local government could take the floor and table proposals for textual amendments. Composite amendments were then published as an official UN document (A/conf.165/INF/8). The outcome of the hearing committee was fully integrated in the final report of the Conference.

Recently, the International Conference on Financing for Development convened by the United Nations in Monterrey, Mexico, marked another step in private sector participation in high level United Nations conference process. The private sector was invited to participate in each of the official United Nations round tables where rights to table proposals and to speak applied. In addition a communiqué to the closing Plenary was accepted from the International Business Forum deliberations that took place at the Conference. The private sector has also been very active in the formation of partnerships for coordinated action in the arena of information and telecommunications as shown by the G-8 Dot Force projects, the UN ICT Task Force, the Global Business Dialogue on electronic commerce and the Global Information Infrastructure Initiative.

The number of stakeholders involved has multiplied over the years, indicating some satisfaction with the results. The Secretary General recently concluded: "The dialogues have shown that consultations between Governments and a broad range of stakeholder groups on sustainable development issues are not only feasible but also highly useful and productive. The Commission participatory practices are already being emulated by other intergovernmental bodies." (Implementing Agenda 21: Report of the Secretary-General CN.17/2002/PC.2/7).

Apart from Summits, other arenas provide examples of multi-stakeholder and multi-sector participation in United Nations bodies. The International Telecommunication Union has a longstanding membership practice which provides various forms of participation to the private sector and to other related stakeholder groups as Sector Members of the Union. It has developed an approach to participation which gives sector members more rights for non-treaty matters and fewer rights for treaty conferences. The International Labor Organization provides a different type of example where decisions are made through participation of its key constituencies.

In summary, practices inside the United Nation system and elsewhere reflect a growing commitment to broad participation and engagement by the private sector, civil society and other stakeholders to improve the impact of global efforts.

II.2 A Pluralistic Approach to the World Summit

Each international gathering brings together a different constellation of actors often grouped in different ways according to the institutional environment and substantive needs. The concerns of the WSIS are unusually broad and therefore will draw participants from many domains of society within the private sector, civil society and other stakeholder groups. How shall each be understood as participants?

Private sector participation in United Nations Summit processes has gradually expanded. In the context of the WSIS preparation the private sector is seen as including organizations representing business organizations from all levels (local, national, regional and international), individual private sector businesses especially small and medium enterprises and related private sector interest groups.

Civil society participation in United Nations process has steadily expanded including ever more diverse groups. In the context of the WSIS preparation, civil society includes community-based organizations, local authorities, mayors, artists, parliamentarians, media, academia, trade unions, professional associations, NGOs, diasporas, youth organizations, virtual communities and networks within which like-minded people interact on the basis of shared values.

The subject matter of the information society will require some emphasis on those groups and constituencies most actively involved in, or excluded from, information production and processing, transmission, and use.

II.3 New Challenges for WSIS Participants

In looking forward to WSIS participation the private sector and civil society sectors face certain barriers in common, while other barriers are more specific to each sector. Both sectors must grapple with appropriate ways to overcome geographical imbalances in participation, though this imbalance forms a greater problem for the civil society sector. Both sectors must also find mechanisms that will insure effective articulations of a full range of sector interests.

Beyond the challenges common to each sector, the private sector is faced with the need to manage serious financial re-structuring in light of the significant loss of value in the telecommunication and information services sectors, two sectors that are central to further progress in global information goals. A major challenge is to craft a new approach based on a common vision and commitment shared by other key players that will make the best use of available resources to support efforts that work.

The civil society sector also faces specific, significant barriers to effective participation, among them: an over-dependence among grass-roots organizations on mainstream groups as intermediaries; the need to create accountable and transparent participation mechanisms; an absence of meaningful participation in decision-making processes; an absence of rights and opportunities to interact with governments; the low level of participation of women, and the lack of reliable funding (see report CSD EN/DEV/575 of 27 April 2001) (CN.17/2002/PC.2/7 para 169-172). Solid standards must be put in place to ensure that civil society participation is not perfunctory, their contributions given due consideration, and that their involvement is truly meaningful at all levels

III. Guiding Principles for the Role of the Private Sector, Civil Society and Other Stakeholders

The Summit is timely in that it has an opportunity to build upon the recent evolution of more participatory models of United Nations events and processes. Carefully measured innovation could result in the Summit gaining a significance beyond its immediate subject matter, in terms of imaginative models of governance. The inclusion of a diverse set of perspectives will be vital to success here, and the design of such measures will take some time.

A number of factors underpin the rationale for a growing level of interaction and participation by the private sector and civil society, some value-based and others more linked with the expertise and technical capacity.

In multi-faceted broad-based programmes of change that cut across many sectors and levels, there is growing recognition that shared values concerning the objectives and the principle instruments are indispensable to success. From the Universal Declaration of Human Rights to the Rio Principles and Millennium Declaration, broad-based agreements rely heavily on shared sets of values. Without them, non-binding agreements, lacking compelling enforcement mechanisms, simply cannot be sustained. Stronger consensus among key players such as the private sector and civil society actors is critical to achieving and sustaining such value-based underpinnings.

The private sector can play a major role by bringing knowledge about the requirements and operations of the networks, technology and new enterprise which support the growth of an information society; a flow of resources and relevant expertise; a commitment to building economic value in the information sector which supports the achievement of goals in employment, education, health, and public services; a focus on public sector requirements for business-enabling environments, and leadership resources to support common commitments.

Civil society brings into the process a flow of intellectual, human and financial resources, a wealth of expertise, knowledge, techniques and ability. It also brings efficacy based on the hands-on approach and experience.

Civil society, and NGOs in particular, have experienced major growth in recent decades and have become key actors in implementing programmes and actions from local to global level. In many areas, but especially those with broad ramifications across society, it is no longer conceivable that effective policy and programme and implementation can be achieved without active participation from civil society. In policy and programme design, a multiplicity of perspectives in decision-making ensures a more robust outcome, capable of dealing with the complex environment into which they are launched. In implementation, civil society is an essential actor especially, though not only, at local level where they frequently operate as the final delivery system.

The Summit preparation, the event itself and related activities should thereafter pursue the principles of:

- transparency at all levels;
- information access and sharing;
- opportunities to present ideas, arguments and positions;
- openness in discussion;
- availability of mechanisms for consultation and participation.

IV. Proposals for Accreditation

In order to participate in the PrepComs and the Summit accreditation is needed to attend official meetings.

Those currently in sector membership or consultative status with ECOSOC, and/or any specific United Nations Organization, that wish to attend the Preparatory Committee meetings and the Summit must inform the Executive Secretariat and register to participate. Accredited organizations need not register for preparatory meetings separately.

Those organizations currently not in sector membership or consultative status but wishing to attend and contribute may apply to the Executive Secretariat of the Summit for that purpose. The application requires the submission of the following information.

- (a) Name of the organization and pertinent contact information;
- (b) Legal status;
- (c) Year of establishment;
- (d) Purpose of the organization;
- (e) A list of the members of the governing body of the organization and their countries of nationality (for international organizations);
- (f) A description of the membership of the organization, indicating the total number of members, the names of organizations that are members and their geographical distribution;
- (g) Programmes and activities in areas relevant to the subject of the Summit and indicating in which country, or countries, they are carried out;
- (h) Copy of the annual reports of the last two years, with financial statements and a list of financial sources and contributions, including governmental contributions;
- (i) Copy of the constitution and/or by-laws of the organization;
- (j) A completed pre-registration form prepared by the Executive Secretariat.

These may be submitted online or by fax directly to the Executive Secretariat. The deadline for submitting accreditation applications is four weeks before the start of each Preparatory Committee meeting. The Executive Secretariat will review the relevance of the work of the applicants on the basis of their background and involvement in information society issues. If the evaluation shows, on the basis of the information provided, that the applicant organization is competent and its activities relevant to the work of the Summit, the Executive Secretariat will recommend to the Preparatory Committee meeting that the organization be accredited. In cases where such recommendation is not made, the Executive Secretariat will make available to the Preparatory Committee meeting the reasons for not doing so. The Executive Secretariat will submit its recommendations and the reasons for them to the Preparatory Committee meeting two weeks before the start of each committee meeting. For PrepCom 1 these recommendations will be submitted through the Provisional Bureau. They will also become available on the Web to facilitate consultations by Member States.

Accreditation is a continuous process. An organization that has been granted accreditation to attend a session of the Preparatory Committee meeting will be entitled to attend all subsequent preparatory sessions, as well as the Summit.

V. Proposals for Participation

Each United Nations Summit process has created a specific participation package appropriate to its own needs. The forms of participation proposed for PrepCom 1 for the World Summit on the Information Society take into account the approach in UN Resolution A/RES/56/183 General Assembly, 21 December, 2001 which “Encourages...non-governmental organizations, civil society and the private sector to contribute to and actively participate in, the intergovernmental preparatory process of the Summit and the Summit itself;” The recommended forms of participation draw from practices of previous Summits or from other United Nations World Conferences or Meetings. Other identified possible forms of participation would inaugurate new practice. (UNCED, 1982; World Conference on Human Rights, 1993; International Conference on Population and Development, 1994; World Summit on Social Development, 1005; UN Conference on Human Settlements, 1996; World Conference Against Racism, 2001; UN Conference on Financing for Development, 2002, Johannesburg Summit, 2002).

In relation to participation it is recognized that access to information is an essential pre-requisite to effective participation so relevant documentation should be communicated to the private sector, civil society and other stakeholders by appropriate means to maximize widespread access. It is also recognized that the private sector, civil society and other stakeholders may choose to participate through the organization of informal side events and briefings.

V.1 Recommended Participation Based on Current Practices

It is recommended that private sector, civil society and other stakeholder delegates may attend official sessions as observers in accordance with UN provisions on observer status. It is recommended that private sector, civil society and other stakeholder delegates may make oral statements to the Preparatory Committee and the Summit at the discretion of the presiding Chairperson. If the number of requests to speak is large, the Chairperson may request that such statements be made through spokespersons or joint statements.

It is recommended that private sector, civil society and other stakeholder delegates may distribute written statements during the Preparatory Committee meetings and the Summit in the area of their competence and related to the Summit themes. Written presentations will be made in one of the official languages of the United Nations and translated by, and at the expense of, the organization making the presentation. They will be distributed to all delegates by the Executive Secretariat, to the extent practicable. Such presentations will not be issued as official documents except when agreed otherwise by the Bureau.

It is recommended that in the plenary meetings a variety of modalities be considered to share perspectives and elaborate a consensus. These could include: panel discussions, round tables, hearing and multi-stakeholders-dialogues. The output from such meetings may be considered by PrepCom and may be incorporated into its records.

V.2 Participation Based on New Practices

A possible new form of participation would be to open the membership of the Bureau to representatives of the private sector, civil society and other stakeholders based both on the UN enabling Resolution for the Summit and the positive experience gained from other Summit experiences and in other United Nations bodies including the ITU and ILO. Non-governmental participants would participate without right of vote.

Another significant new form of participation would be to establish Working Groups responsible for theme development for the Summit on the basis of a new collaborative model to include all stakeholders with equitable representation among governments, private sector, civil society and other stakeholders. Non-governmental participants would participate without right of vote. This Working Group practice would take into account the expertise and experiences of all key players.

Another new form of participation would be to identify settings and conditions in which non-governmental participants could participate in decision-making at different stages of the process.

In reference to the two UN Resolutions: A/RES/56/183 UN General Assembly of 21 December 2001, and General Assembly Resolution A/56/L.68/rev.1 of 28 January 2002, and taking into account the statement of the Group of Fifteen on the World Summit on the Information Society (See Jakarta meeting May 2001 in Annex) which calls for the development of innovative approaches and partnership between government, the private sector and civil society, new forms of participation in the Preparatory Committee and the Summit could be elaborated. The mechanism to develop these new practices could then be established at the first Preparatory Committee.

VI. Support for Participation

It is important that the Summit process pay special attention to the needs of civil society and small and medium enterprise representatives, especially those based in developing countries. Their effective participation and contribution will depend on finding adequate support and assistance.

ANNEX 1

UN Resolutions on Participation and Partnership

Broad participation and a partnership approach has received significant endorsement from the earliest stages of the World Summit process. The main support from within the UN system is enumerated below.

Resolution 1179, ITU fifteenth Plenary Meeting (29 June 2001)

“The Council ... invites the HLSOC:

a. to consider means by which U.N. Member and Observer States, civil society, the private sector and NGOs will participate in the Summit taking into account established U.N. procedures on global summits;”

Resolution A/RES/56/183 UN General Assembly of 21 December 2001

“The General Assembly,

Recognizing also the pivotal role of the United Nations system in promoting development ... through partnerships with all relevant stakeholders,

Convinced of the need ... to marshal the global consensus and commitment and the adoption of a declaration and plan of action for implementation by Governments, international institutions and all sectors of civil society,

5. Encourages ... non-governmental organizations, civil society and the private sector to contribute to, and actively participate in, the intergovernmental preparatory process of the Summit and the Summit itself;”

General Assembly Resolution A/56/L.68/rev.1 of 28 January 2002

“Mindful that market forces and the role of private sector are fundamental, but that they alone will not suffice to bridge the digital divide and to promote digital opportunities, and convinced that partnerships involving Governments, multilateral development institutions, bilateral donors, the private sector, civil society and other relevant stakeholders will play a key role in bridging the digital divide,

... representatives of non-governmental organizations, academia and the business sector who would be invited to participate in the informal panels, taking into account the principle of equitable geographical representation, relevant expertise and the need to obtain the perspective of developing countries;”

Group of Fifteen

Beyond these, some governments have specifically raised the issue. For instance the Heads of States and government of the Group of Fifteen, meeting in Jakarta on 30-31 May 2001, expressed support for the WSIS and other ICT initiatives and declared:

“We therefore urge the international community, particularly developed countries, to demonstrate their commitment to promote digital opportunities for all through innovative approaches and partnerships between government, private sector, civil society and NGOs.”

The Group of Fifteen comprises: Algeria, Argentina, Brazil, Chile, Colombia, Egypt, Indonesia, India, Iran, Jamaica, Kenya, Mexico, Malaysia, Nigeria, Peru, Senegal, Sri Lanka, Venezuela and Zimbabwe.

www.dfa-deplu.go.id/world/multilateral/g15/jkt-declaration2.htm