

## INTRODUCTION

By *Manon A.B. Lavoie*\*

*Change* is one thing, *progress* is another.  
*Change* is scientific, *progress* is ethical.  
*Change* is indubitable, whereas *progress*  
is a matter of controversy.

*Bertrand Russell*

The world is evolving in new directions as technological advances in the information and communications sector change the way we live, work and interrelate. For some people, such changes have unquestionably improved their way of life; prosperity of the nations in which they live affords better access to these new technologies. However, these changes have gone unnoticed and are largely irrelevant for many others, as the *have-nots* of the world are still struggling to fulfill their most basic needs. Aside from material differences between nation states, technological advances in the developed world are aggravating an already problematic divide between the developed and the developing world that will impede the latter's capacity to improve its material condition as well as its ability to fully participate in the information society.

It is difficult to envisage the development of new information and communication technologies in states where food supplies are low or non-existent, illiteracy is the norm, strife is rampant and electricity is sporadically available. Thus, only the realization of the most fundamental human rights within lesser-developed countries will enable them to join the information age. This raises the issue of precisely how the world community should address human rights concerns in the information age. Although the *World Summit on the Information Society* is one such attempt, this issue and many others still effectively remain unanswered.

Phase I of the *World Summit on the Information Society* (WSIS) was organized and held in Geneva, Switzerland on December 10-12<sup>th</sup>, 2003 and will be followed by Phase II of the Summit to take place in Tunis, Tunisia on the 16-18<sup>th</sup> of November 2005. This summit was the first of its kind and sought to address two particular points: the *digital revolution* (the rapid development of new information and communication technologies (ICTs)) and the pressing issue of the "digital

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divide,<sup>1</sup> as well as responding to the need to organize a global discussion on these issues.<sup>2</sup> The objective of the WSIS is “to develop and foster a clear statement of political will and take concrete steps to establish the foundations for an Information Society for all, reflecting all the different interests at stake.”<sup>3</sup> The first phase of the summit was to produce a Declaration of Principles and a concrete Plan of Action by which to implement them, while the second phase of the summit is to “review the implementation of the Action Plan and [...] set new (and more detailed) targets for the period 2005-2015.”<sup>4</sup>

New information and communication technologies are creating a new emerging world economy, namely the digital “knowledge-based economy.”<sup>5</sup> This new information-dependent economy has arguably transformed Industrial Society<sup>6</sup> into an “Information Society,”<sup>7</sup> albeit to a greater degree in the wealthier, developed nations. This transformation is creating a society in which wealth will no longer be measured in terms of the ownership of physical plants, machines and resources but in terms of the control of knowledge in society.<sup>8</sup> As a result, traits often used in the past to define societies, especially their economic components, have changed dramatically over past decades.<sup>9</sup> No longer do we live in a society that is regulated by the exchange of physical and tangible goods as the primary means to a solid economy.<sup>10</sup> Information, in its many shapes and bytes, now seems to be worth its weight in gold.

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<sup>1</sup> Pippa Norris, *Digital Divide: Civic Engagement, Information Poverty and the Internet Worldwide* (New York: Cambridge University Press, 2000) at 1: “The concept of the digital divide is understood as a multidimensional phenomenon encompassing three distinct aspects: The *global divide* refers to the divergence of Internet access between industrialized and developing societies. The *social divide* concerns the gap between information rich and poor in each nation. And lastly within the online community, the *democratic divide* signifies the difference between those who do, and do not, use the panoply of digital resources to engage, mobilize and participate in public life”.

<sup>2</sup> World Summit on the Information Society, “Why a Summit on the Information Society?,” online: International Telecommunication Union (ITU) <<http://www.itu.int/wsis/basic/why.html>>.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> Lester C. Thurow, *Building Wealth: The New Rules for Individuals, Companies, and Nations in a Knowledge-Based Economy* (New York: Harper Collins, 1999) at xiii. See also World Intellectual Property Organization (WIPO), *Final Report of the WIPO Internet Domain Name Process* (1999) at point 12, online: WIPO <<http://arbitrator.wipo.int/processes/process1/report/doc/report.doc>> (describes a new society “in which the source of wealth is increasingly intellectual, as opposed to physical, capital and in which markets are distributed across the globe”).

<sup>6</sup> Yoneji Masuda, *Managing in the Information Society: Releasing Synergy Japanese Style* (Oxford: Blackwell, 1990) at 3-10. Masuda gives an overview of the evolution from the industrial society into the new information society, starting with the development of the steam engine and its dramatic role in changing past societies.

<sup>7</sup> Caroline Uyttendaele & Joseph Dumortier, “Free Speech on the Information Superhighway: European Perspectives” (1998) 16 *J. Marshall J. Computer & Info. L.* 905 at 908. The authors define the expression “Information Society” as being “associated with the general economic and societal changes occurring as a result of the progress in information and communications technology”.

<sup>8</sup> Thurow, *supra* note 5.

<sup>9</sup> See generally Masuda, *supra* note 6.

<sup>10</sup> Thurow, *supra* note 5.

The Information Society is also causing the world to gradually evolve towards new types of social constructions.<sup>11</sup> The increasing use of new information and communication technologies in this world is indisputable. For example, in 1994, there were only 3 million Internet users worldwide, a figure that jumped to 377 million by 2000 and with projections estimated at 1.07 billion for 2005.<sup>12</sup> In the Western world, a person need only take a look around their workplace or their home to note that workdays and leisure time are consumed by interactions with new ICTs.

Lesser-developed and poorer nations, however, face a very different reality.<sup>13</sup> Digital technologies have remained under the dominion of richer countries whom control the capital and resources necessary to develop them, as well as having the infrastructures required to put them into place, unlike the “southern” states.<sup>14</sup> As quickly as excitement arose over the success and advancement of new ICTs, attention was drawn to the plight of underdeveloped nations. Specifically, there was concern that this new Information Society was

creating parallel communications systems: one for those with income, education and connections, giving them plentiful information at low cost and high speed; the other for those without connections, blocking information by erecting high barriers of time, cost, uncertainty and dependence on outdated information.<sup>15</sup>

As beneficial as the new information and communication technologies appeared to be for developed countries, many questions remained as to their effects on poorer countries. To what extent could these technologies assist countries that are weighed down by poverty, democratic deficits, conflict and underdevelopment, amongst other hardships? Would, for example, the distribution of cell phones to certain farmers in poor debt-ridden countries solve anything<sup>16</sup> – more precisely,

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<sup>11</sup> “The digital revolution is already impacting the world in deeply intrinsic ways, perhaps more profoundly than even the industrial revolution itself.” World Summit on the Information Society (WSIS), “Why is the WSIS held in two phases?,” online: ITU <<http://www.itu.int/wsis/basic/faqs.asp>>.

<sup>12</sup> ClickZ Network, “Population Explosion!,” online: Clickz Stats <<http://www.clickz.com/stats/sectors/geographics/article.php/151151>>.

<sup>13</sup> See, for example, Samuel O. Manteaw, “Entering the Digital Marketplace: E-Commerce and Jurisdiction in Ghana” (2003) 16 *Transnat’l. Law.* 345 at 354 (looks specifically at the digital divide in Ghana and in Africa generally: “Moreover, one in 130 Africans have a Personal Computer (5.9m) and one in 160 use the Internet (5m). Phone and Internet services, where available, are expensive and erratic. Thus, it is apparent that Africa faces a large digital divide from the rest of the world; and to make matters worse, the telecommunications services in Africa are scarce, expensive, and unreliable.”) See also, generally, Peter K. Yu, “Symposium Bridging the Digital-Divide: Equality in the Information Age: Forward” (2001) 20 *Cardozo Arts & Ent. L.J.* 1 and Jeffrey James, *Globalization, Information Technology and Development* (New York: St. Martin’s Press, 1999).

<sup>14</sup> Manteaw, *ibid.*

<sup>15</sup> United Nations Development Program, *Communications Outlook 1999* (Oxford: Oxford University Press, 1999) at 63.

<sup>16</sup> “Calling across the divide – New research examines the link between mobile phones and economic growth in the developing world” *The Economist* (10 March 2005) at 94. The article questions the merit of making most new ICTs (*i.e.* personal computers) accessible in countries where deeper development

would this enable the country and its citizens to join the Information Society? Furthermore, these new technologies are being used and exploited unevenly by different groups within states themselves, as ICTs are easily acquirable by those with the necessary means while remaining out of reach of for certain groups.<sup>17</sup> Because of the Internet's role in virtually every aspect of life, "it becomes even more important if certain groups are systematically excluded, such as poorer neighborhoods, working class households, or peripheral rural communities."<sup>18</sup> Although the available data with respect to the demography of users of the Internet in underdeveloped countries remains limited, generally these users may be described as urban, young, educated, wealthy and male.<sup>19</sup> It remained, and remains, imperative that all of the aforementioned issues and questions be addressed in any discussion on the development of the Information Society.

The fact that the summit was itself organized by the International Telecommunication Union (ITU),<sup>20</sup> an organization that enables governments and the private sector to manage global telecom networks and services within the United Nations system,<sup>21</sup> remained the central preoccupation of many participants at the summit, especially those participants from civil society groups. Because of the participation of many powerful private actors<sup>22</sup> with primarily economic interests, it was most important to ensure that the concerns and interests of civil society be heard. For civil society groups, addressing the root causes of the "digital divide" was vital.<sup>23</sup>

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problems persist (*i.e.* poverty and illiteracy), but makes the case for the distribution of cell phones to bridge the digital divide. The author argued that the use of cell phones do not require much intervention from the United Nations and other countries and that the networks are easily maintained. Rural farmers, would, for example, be able to heighten their access to local markets.

<sup>17</sup> See, for example, Government of Canada, *2003 Report on Aboriginal Community Connectivity Infrastructure*, online: Government of British Columbia Network <<http://www.network.gov.bc.ca/communities/2003abconnect.pdf>> at 27. This study shows that 85% of Canadians are connected to high-speed Internet compared to only 25% of Aboriginals living in Aboriginal communities. This demonstrates a significant digital divide between the dominant Canadian population and Aboriginal communities. See also Jack Linchuan Qiu, "Symposium Bridging the Digital Divide: Equality in the Information Age: Coming to terms with Informational Stratification in the People's Republic of China" (2002) 20 *Cardozo Arts & Ent L.J.* 157 (describes the digital divide within Chinese society).

<sup>18</sup> See Norris, *supra* note 1 at 1-22.

<sup>19</sup> UNDP, *Human Development Report 2001* (Oxford: Oxford University Press, 2001) at 40.

<sup>20</sup> See ITU, "Welcome to the International Communications Union," online: ITU <<http://www.itu.int/home/index.html>>.

<sup>21</sup> *Ibid.*

<sup>22</sup> ITU, "ITU Global Directory," online: ITU <[http://www.itu.int/cgi-bin/htsh/mm/scripts/mm.list?\\_search=SEC&\\_languageid=1](http://www.itu.int/cgi-bin/htsh/mm/scripts/mm.list?_search=SEC&_languageid=1)>. There are 620 sector members that belong to the ITU, from almost all countries of the world including Alcatel, Intel, AT&T, Nokia, Microsoft, France Telecom, to name a scant few.

<sup>23</sup> WSIS Civil Society Plenary, "Civil Society Summit Declaration: Shaping Information Societies for Human Needs," *World Summit on the Information Society*, 8 December 2003, online: WSIS <<http://www.itu.int/wsis/docs/geneva/civil-society-declaration.pdf>>. Indeed, civil society groups found that the *Declaration of Principles* that was elaborated at the first phase of the WSIS simply did not directly address the preoccupations of civil society groups with the digital divide and its root causes, prompting them to release an alternative declaration.

It is the belief of the ITU that, “given the enormous potential of ICTs to improve people’s economic, social and cultural well-being in a knowledge-based digital economy, it [is] essential that everyone has access to these information and communication technologies.”<sup>24</sup> For example, it has been suggested that new ICTs have the potential to promote development by linking poor rural farmers to global markets or by giving a voice to persons living within restrictive regimes.<sup>25</sup> Yet, it would seem the lack of economic growth in poorer countries is more a result of poverty<sup>26</sup> than simply a lack of access to the new technologies. For this reason, it was fundamental for human rights advocates that the *Declaration of Principles*,<sup>27</sup> which was elaborated at the first phase of the summit, be drafted to include human rights perspectives. The *Plan of Action*,<sup>28</sup> which meant to put the principles elaborated at the WSIS into action, also had to be precise and provide a clear and structured framework by which to implement all principles.

For human rights advocates, any discussion bearing on the new information and communication technologies should begin with the reaffirmation of the 1993 *Vienna Declaration and Programme of Action*<sup>29</sup> adopted by the World Conference on Human Rights. The Vienna Declaration states that human rights are universal, indivisible, interrelated and interdependent<sup>30</sup> and that their protection is the first responsibility of governments.<sup>31</sup> Worried that the discussion on the development of Information Society would only pay lip serve to human rights concerns, several persons decided to act. Peter Leuprecht, noted human rights activist and academic, Shulamith Koenig of the non-governmental organization the *People’s Movement for Human Rights Education* (PDHRE), and Monsieur Adama Samassekou, the President of the PrepCom for the first phase of the WSIS, determined that it was pressing to hold an international symposium that would bring together experts<sup>32</sup> in different areas of concern regarding the development of ICTs to discuss the various human rights

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<sup>24</sup> Message from Yoshio Utsumi, ITU Secretary-General and Secretary-General of the WSIS, online: ITU <<http://www.itu.int/wsis/messages/utsumi.html>>.

<sup>25</sup> *Ibid.*

<sup>26</sup> See, for example, United Nations Conference on Trade and Development, *The Least Developed Countries Report: Escaping the Poverty Trap* (2002), online: Global Policy Forum <<http://www.globalpolicy.org/socecon/inequal/2002/ldcreport.pdf>> (concludes that economic growth within the least-developed nations is severely hindered by poverty. And that poverty is also further reinforced by international economic relationships).

<sup>27</sup> “Declaration of Principles,” *World Summit on the Information Society*, 12 December 2003 (WSIS-03/GENEVA/DOC/0004), online: ITU <[http://www.itu.int/dms\\_pub/itu-s/md/03/wsis/doc/S03-WSIS-DOC-0004!!MSW-E.doc](http://www.itu.int/dms_pub/itu-s/md/03/wsis/doc/S03-WSIS-DOC-0004!!MSW-E.doc)> [*Declaration of Principles*].

<sup>28</sup> “Plan of Action,” *World Summit on the Information Society*, 12 December 2003 (WSIS 03/GENEVA/DOC/5-E), online: ITU <[http://www.itu.int/dms\\_pub/itu-s/md/03/wsis/doc/S03-WSIS-DOC-0005!!MSW-E.doc](http://www.itu.int/dms_pub/itu-s/md/03/wsis/doc/S03-WSIS-DOC-0005!!MSW-E.doc)> [*Plan of Action*].

<sup>29</sup> “Vienna Declaration and Programme of Action,” *World Conference on Human Rights*, 25 June 1993 (UN Doc. A/CONF.157/23), online: UNHCR <[http://www.unhcr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.157.23.En?OpenDocument](http://www.unhcr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.157.23.En?OpenDocument)>.

<sup>30</sup> *Ibid.* at art. 5.

<sup>31</sup> *Ibid.* at preamble.

<sup>32</sup> See Annex in this issue for the list of attendees to the *International Symposium on the Information Society, Human Dignity and Human Rights*.

issues needing to be addressed at the summit in Geneva. The *International Symposium in the Information Society, Human Dignity and Human Rights* was thus held in November 2003, in Geneva, Switzerland.

The goal of the international symposium's organizers was precise: to produce a declaration that would capture human rights concerns and could be widely distributed at the first phase of the *World Summit* among all of its participants. It was to be a *prise de position* adopted by consensus that brought together the most important issues regarding the development of the Information Society. The declaration would thus seek to recall the root cause of the digital divide, that is, inequalities in power and wealth, as well as to affirm the need to ensure the fundamental rights of all peoples. For the participants at the symposium, the starting point of any discussion on the development of the Information Society should indeed expose issues such as global inequalities in wealth, poverty, poor State infrastructure, general underdevelopment and illiteracy, among many other factors prevalent in poorer and lesser-developed countries; they agree that these issues *must* be addressed if a just Information Society is ever to be achieved. Many other specific concerns directly linked to human rights considerations and the advancement of human rights also came into play: the right to access information and freedom of expression, the need to protect indigenous languages on the Internet, cultural diversity, intellectual property regimes, international regulatory schemes for ICTs, access to new ICTs, Internet governance, privacy rights and freedom of the press and radio.

The group of experts worked for two days to perfect the declaration, which was adopted by the 60 participants, irrespective of their diverse interests and preoccupations.<sup>33</sup> The resulting declaration of the *International Symposium in the Information Society, Human Dignity and Human Rights*<sup>34</sup> was distributed widely at the first phase of the WSIS in both English and French. It included statements on the human rights obligations of states in the WSIS context, the challenges to human rights from the information and communication society, human rights education and learning, freedom of expression and information, the human right to privacy, cultural and linguistic rights and diversity, the public domain and intellectual property rights, democratic governance and monitoring mechanisms.<sup>35</sup>

Although the *Declaration of Principles*<sup>36</sup> and the *Plan of Action*<sup>37</sup> of the WSIS elaborated during the first phase of the WSIS did succeed in including human

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<sup>33</sup> The statement was elaborated and adopted by consensus by a group of independent experts from all regions of the world representing a diversity of backgrounds, expertise, nationalities and perspectives, meeting at the Palais des Nations in Geneva on 3-4 November 2003, convened by PDHRE, People's Movement for Human Rights Education, with the support of the Swiss Agency for Development and Cooperation (SDC), the European Commission, the Office of the High Commissioner for Human Rights, and the Government of Mali, Chair of the Human Security Network. The list of participants in the Symposium can be found at the Annex of this issue.

<sup>34</sup> This *Declaration* was first published in the Annex of this issue.

<sup>35</sup> *Ibid.*

<sup>36</sup> *Declaration of Principles*, *supra* note 27.

<sup>37</sup> *Plan of Action*, *supra* note 28.

rights perspectives, both documents were criticized as being insufficient.<sup>38</sup> Simply put, neither documents specifically addressed the root causes of the digital divide nor did they give a specific plan of action to eliminate them. The *Plan of Action*, for example, only mentions poverty twice.<sup>39</sup> Criticisms were also aimed at the summit's proceedings,<sup>40</sup> especially after the initial concession by the richer countries of accepting the proposed Digital Solidarity Fund. This was a fund that would "promote and finance development projects that will enable excluded people and countries to enter the new era of the Information Society,"<sup>41</sup> allowing poorer countries to gain faster access to new ICTs and the Information Society. Much remained to be accomplished if poorer countries were to be included in the Information Society.

Following the International Symposium of 2003 and the first phase of the WSIS, the organizing committee of the first symposium believed that it was most important to reflect upon the development of the first phase of the summit and to assess, using a human rights perspective, its most contentious points. To this end, the *International Seminar on the Information Society; Human Rights and Human Dignity* was held in June 2004, gathering a group of experts<sup>42</sup> hailing from academic institutions, governmental organizations and civil society groups from both "northern" and "southern" states. Another declaration was produced at this meeting and the papers that you will discover in this volume were presented there as well.

Although some gains have been made in developing tools to bridge the growing global digital divide with the inclusion of human rights language in the *Declaration of Principles* and the *Plan of Action* of the first phase of the WSIS process, much remains to be accomplished. If the Information Society continues its rapid development while root causes of the digital divide remain, it is unlikely that least-developed states will be able to attain the same development as the rest of the world in the knowledge-based digital economy. There are high expectations for the second phase of the WSIS in Tunisia, which will address the *monitoring* of the results of the *Plan of Action*, and what will be decided for the future.

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<sup>38</sup> See specifically, Cees J. Hamelink and Peter Leuprecht's articles in this volume. See also, Ignacio Ramonet, "Le nouvel ordre Internet" *Le Monde diplomatique* (January 2004) 1 at 1, as well as Anriette Esterhuysen, "Whose "information society? Or: Was WSIS worth it?" (23 March 2004), online: Worldsummit2003.org <<http://www.worldsummit2003.de/en/web/610.htm>>.

<sup>39</sup> *Supra* note 34, s. 16 (c) with regards to eBusiness, and also, under "Priorities and Strategies" that "National e-strategies should be made an integral part of national development plans, including Poverty Reduction Strategies".

<sup>40</sup> *Ibid.*

<sup>41</sup> Digital Solidarity Fund (DSF), "From the digital divide to the need for a worldwide solidarity movement," online: DSF <<http://www.dsf-fsn.org/en/02-en.htm>>. After intense lobbying on behalf of the governments of needy countries most affected by the digital divide and their allies, and especially due to the particular efforts of President Abdoulaye Wade of Senegal, this fund was inaugurated on March 14<sup>th</sup> 2005 in Geneva, Switzerland. Many remain optimistic that the fund can have a positive effect on the growing global digital divide, although its success depends on the goodwill of the richest nations and strongest tech-based private actors of the world.

<sup>42</sup> See Annex for the list of participants to the *International Seminar on the Information Society; Human Rights and Human Dignity*.

The articles in this volume represent a variety of views pertaining to new information and communication technologies and express different concerns with the WSIS process and the question of human rights. The topics range from discussions on the specific human rights provisions in the *Declaration of Principles* and the *Plan of Action* of the WSIS, to the hardships faced by the underdeveloped “southern” countries and the tension between economic objectives associated with market liberalization and social objectives of access to the Information Society.

The volume opens with the key-note address of Monsieur Adama Samassekou, President of the PrepCom for the first phase of the WSIS, on the preparation, the stakes and the results of the first phase of the WSIS. The address is then followed by the articles written for the *International Seminar on the Information Society; Human Rights and Human Dignity* which articulate the authors’ criticisms of, and recommendations for, the WSIS process and the development of new ICTs. In all the articles, the authors successfully incorporate human rights perspectives into the Information Society debate within their areas of expertise.

Professor Cees Hamelink’s paper details the specific human rights included in the *Declaration of Principles* of the first phase of the summit and makes the point that although human rights were included within the principles, they remain de-contextualized as they were not analyzed within any meaningful political-economic context. He notes the absence of any criticism of existing international agreements, national security measures or of the unfair transfer of technologies, which all significantly limit human rights in the Information Society. As well, Professor Hamelink criticizes the lack of any concrete plan of action for the implementation of these human rights provisions within the WSIS context.

Also discussing the inclusion of human rights in the WSIS process, Professor Peter Leuprecht exposes the specifics of the *World Summit on the Information Society*, explaining in detail its inception, the preparation process, the host countries and the participants; he also presents a critical analysis of the goals that it meant to attain. More specifically, Professor Leuprecht gives an in-depth analysis of the particular paragraphs of the *Declaration of Principles* which include human rights language and explains the extent to which they are effective. As well, the author exposes the particulars of the *Plan of Action* produced at the summit, and then presents a complete critical analysis of the results of the first phase of WSIS, noting particularly that the WSIS did not address any possible threats and challenges that ICTs could bring to society as a whole.

Ms. Catrin Pekari gives an overview of the many existing theories on the Information Society. Using these theories to argue that a coherent policy framework must correlate with a human rights agenda, she further advances that the *Declaration of Principles* and the *Plan of Action* of the WSIS do not provide a theoretical framework through which to define the Information Society, nor do they demonstrate how this new society’s political, social, economic and technical effects will interact to form an effective international policy agenda.



Professor Nsongurua Udombana's article introduces an optimistic view of ICTs and the benefits that they could bring to underdeveloped countries of the world. He uses the continent of Africa as an example of a place where poverty reduction could be brought about by access to new technologies, emphasizing that ICTs are not an end, but a means to an end.

Also writing from the developing country's perspective, Ms. Gabriela Barrios's essay discusses the extent to which Mexico has, over its recent history, become a global human rights player with respect to the ratification of various human rights instruments, demonstrating its aspirations for a system governed by the rule of law. Attempts to bridge the significant digital divide in Mexico are frustrated, in part, by the fact that ICTs are still within the control of the privileged in that country. Ms. Barrios sees the use of ICTs as not only helping to bring about sustainable development in her country, but also as a tool for diffusing and broadcasting serious human rights abuses taking place in Mexico.

Professor Peter K. Yu considers intellectual property rights, the theories used to analyze them, and their increasingly important role in society given the developments of the Internet and other new communications and information technologies. Yu argues that the current intellectual rights system does not balance the proprietary interests of the right holders against those people who want to access this "property." This lack of balance is reinforced by the fact that the benefits of the intellectual property rights system are being reaped by rich States who have the infrastructure and the resources to effectively put the system in place. Professor Yu concludes by proposing key initiatives that must be met in order to improve the current intellectual rights system.

Ms. Caroline Simard reveals the tension that exists between the economic and social objectives of the Information Society due to the lack of safeguard measures to protect the public interest and public service in an international regulatory scheme. She argues for an in-depth revision of the actual international scheme in order to ensure that the public service and the public interest are better protected within the Information Society based on the use of new information and communication technologies.

Professor Ram Jakhu, in his article, argues that because of the current international and national regulatory regimes in place, especially the international instruments and agreements concluded through the International Telecommunication Union and the World Trade Organization, it would be impossible to meet the many goals set at the first phase of the WSIS. He opines that these regimes must be drastically changed if the goals outlined in the WSIS' Plan of Action are to be achieved in the future. The WTO and the ITU's instruments and agreements present many obstacles to poor and lesser-developed countries that hinder their access to new ICTs.

In the last article, Professor Alana Maurushat investigates the issue of Internet governance, first by taking a look at the contentious issues surrounding the notion itself, and then investigating the way that these issues were dealt with at two

important international gatherings: the International Telecommunication Union Workshop on Internet Governance (ITU Workshop) and the United Nations Information and Communications Technologies Task Force Global Forum on Internet Governance (UN Global Forum). Arguing that the issue of Internet governance should necessarily be defined and discussed within the context of human rights and human dignity, she then proposes three issues that should be at the forefront of any discussion of governance within an equitable Information Society.

As all eyes turn to Tunisia for the second phase of the World Summit on the Information Society, it is hoped that the goal of creating “a people-centred, inclusive and development-oriented Information Society, where everyone can create, access, utilize and share information and knowledge, enabling individuals, communities and peoples to achieve their full potential in promoting their sustainable development and improving their quality of life”<sup>43</sup> will come closer to being achieved. For this to transpire the basic human rights of all peoples must first be assured. The issue of global inequalities in wealth and poverty must be at the forefront of all discussions regarding the development of the Information Society before new information and communication technologies can become a useful and beneficial tool for all. If these issues are not addressed directly, the digital divide will continue to widen and the Information Society will continue to serve only the richest states and dominant groups.

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<sup>43</sup> *Declaration of Principles*, *supra* note 27 at art. 1.