

The World Summit on the Information Society and Organised Networks as New Civil Society Movements¹

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Abstract

Civil society is traditionally defined in opposition to the state. The values of civil society - ‘civility’, respect for individual autonomy and privacy, trust amongst peoples, removal of fear and violence from everyday life, and so on - operated as a counterpoint to the rules and purposes of the state, whose centralised political authority administered the lives of people within a given territory. Many have argued that the mutually constitutive relationship between the state and civil society has been eroded with the advent of globalised economies, ‘flexible accumulation’ and the abstraction of social and cultural relations that attend new information and communication technologies (ICTs). Others have suggested that the notion of ‘civil society’ should be abandoned due to its universalisation of European values. Against these views, this paper argues that notions of civil society persist within an era of informationality. The paper suggests that organised networks and their use of ICTs invite a rethinking of civil society-state relations. The World Summit on the Information Society (WSIS) is considered as a temporary supranational institution through which civil society has established a new scale of legitimacy, albeit one that must now undergo a process of re-nationalisation in order to effect material changes. This paper proposes that organised networks are the socio-technical form best suited to address the complex problematic of multi-scalar dimensions of informational governance. The paper is interested in emergent social-political values that are immanent to the media of communication. Similarly, the paper wonders how this new configuration of social-political values articulates with the constitutive force of the state. Such a mode of inquiry contests the thesis that the nation-state has disappeared or become subsumed into supranational entities.

Introduction

In many respects, the material conditions of developing states have enabled the possibility of a range of conditions and experiences in advanced economies that could be considered as privileges constituted by legitimately enacted violence. Mary Kaldor (2003,

pp. 31-38) notes that war and violence are both primary conditions for sustaining a civil society. As she writes, “[w]hat Norbert Elias called the ‘civilising process’ - the removal of violence from everyday life within the boundaries of the state - was based on the establishment of monopolies of violence and taxation” (p. 32). A monopoly of violence concentrates “the means of violence in the hands of the state in order to remove violence from domestic relations” (pp. 31-32). “Modern sovereignty,” write Michael Hardt and Antonio Negri (2004), “was thus meant to ban war from the internal, civil terrain” (p. 6).

The capture of violence by the state enables civil society to develop its key values of trust, civility, individual autonomy, and so forth, though within the framework of the rule of law as it is administered by the state. Moreover, the state’s monopoly of violence minimises, though never completely eliminates, politically subversive elements and the possibility of civil war arising from within the territory of the nation. At a global level, the perversity of hegemonic states possessing a monopoly of violence operates as the basis upon which territorial sovereignty is maintained by way of subjecting violence upon alien states and their populations. A large part of this experience can be accounted for by referring to the histories of colonialism - a project whereby imperial states are able to secure the material resources and imaginary dimensions necessary for their own consolidation and prosperity.

Combining Hegel’s thesis on the passage of nature/civil society/state with Foucault’s notion of governmental power (i.e. the biopolitical, interpenetrative ‘conduct of conduct’), political philosopher and literary theorist Michael Hardt (1995) defines civil society in its modern incarnation in terms of its capacity to organise abstract labour through the governmental techniques of education, training and discipline:

Civil society... is central to a form of rule, or government, as Foucault says, that focuses, on the one hand, on the identity of the citizen and the process of civilization and, on the other hand, on the organization of abstract labor. These processes are variously conceived as education, training, or discipline, but what remains common is the active engagement with social forces (through either mediation or production) to order social identities within the context of institutions. (p. 40)

With the governmentalisation of the field of the social, a special relationship between civil society and the state is effected, one in which distinctions between the institutions of the state and those of civil society are indiscernible, and where intersections and connections are diagrammatic. What, however, has happened to this constitutive relationship within our current era, one in which these sorts of relationships have undergone a crisis as a result of new socio-economic forces that go by the name of neoliberalism? What sort of new institutions are best suited to the organisation of social relations and creative labour within an informational paradigm? And what bearing, if any, do they have on inter-state and supranational regimes of governance and control?

In short, how do civil society movements articulate their values and how do they procure a multi-scalar legitimacy once the constitutive relationship between civil society and the state has shifted, as the nation-state transmogrifies into a corporate state (or, in the case of developing countries, a state that is subject, for instance, to the structural adjustment conditions set by entities such as the World Bank and WTO)? Clearly, civil society values have not disappeared; nonetheless, the traditional modern constitutive framework has changed. Increasingly, civil society values are immanent to the socio-technical movements of networks. Issues of governance, I would suggest, are thus best addressed by paying attention to the technics of communication.² In the case of the World

Summit on the Information Society (WSIS) project, this means shifting the debate from the 'multi-stakeholder approach' - which takes bureaucratically organised institutions (or networked organisations) as its point of departure - to one which gives greater attention to the conditions of tension and dissonance as they figure with 'the political' of informationality. In other words, a focus on the materialities of networks, and the ways in which they operate as self-organising systems, would reveal quite different articulations that, in my view, more accurately reflect the composition of sociality within an information society.

Within a neoliberal paradigm we have witnessed what Hardt and Negri (2000) term 'a withering of civil society' in which the structures and institutions that played the role of mediation between capital and the state have been progressively undermined. This shift has been enabled by the logic of deregulation and privatisation, which has seen, in some respects, the socio-political power of both state and non-state institutions decline.³ These include institutions such as the university, health-care, unions and an independent mainstream media. For Hardt and Negri, the possibility of liberal democracy is seriously challenged by the hegemony of neoliberalism - or what they prefer to call the imperial, biopolitical and supranational power of 'Empire'⁴ - since it threatens, if not entirely eradicates, traditional institutions of representation and mediation between citizens and the state. As Hardt and Negri write in their book *Empire*,

this withering can be grasped clearly in terms of the decline of the dialectic between the capitalist state and labor, that is, in the decline of the effectiveness and role of unions, the decline of collective bargaining with labor, and the decline of the representation of labor in the constitution. The withering of civil society might also be recognized as concomitant with the passage from disciplinary society to the society of control. (pp. 328-329)

The society of control is accompanied by techniques of data-surveillance such as cookies, authcate passwords, data-mining of individuals and their informational traces, CCTVs that monitor the movement of bodies in public and private spaces, and so forth. Some of these are related to the governance of intellectual property. New information and communication technologies (ICTs) thus play a key role in maintaining a control society. In an age of network societies and informational economies, civil society, or rather civil *societies*, have not so much disappeared as become reconfigured within this new socio-technical terrain in order to address problems immanent to the social, political and economic situation of mediatised life. Civil society, as it is resides within an informational plane of abstraction, continues to act as a key counter-force to, and mediator between, the state and capital. Thus civil society does not entirely disappear or become destroyed with the onset of neoliberalism from around the 1970s-80s. Rather, there has been a maintenance of civil society within our current network societies precisely because there has been a social desire and need to do so.

While such a claim may appear self-evident, it is instructive to recall that civil society was a European invention that emerged alongside the modern state and capital (see Habermas, 1989). In its modern form, civil society mediated between the interests of capital and the coercive powers of the state. The modern form of democracy is predicated on the notion and existence of a civil society. The two are mutually constitutive formations. Civil society functioned as a space of voluntary association and open expression. The values of civil society - 'civility', respect for individual autonomy and privacy, trust amongst peoples, removal of fear and violence from everyday life, and so on - operated as a counterpoint to the rules and purposes of the state, whose centralised

political authority administered the lives of people within a given territory (see Kaldor, 2003, pp. 15-49). The state played the role of ensuring those values were maintained through structures of governance and the law. Civil society was articulated to the state by the media - primarily newspapers - and, as such, was able to play a role in regulating the conduct of the state. This was a hugely significant shift, at least while the distinctions between the state and the public sphere of civil society remained intact.

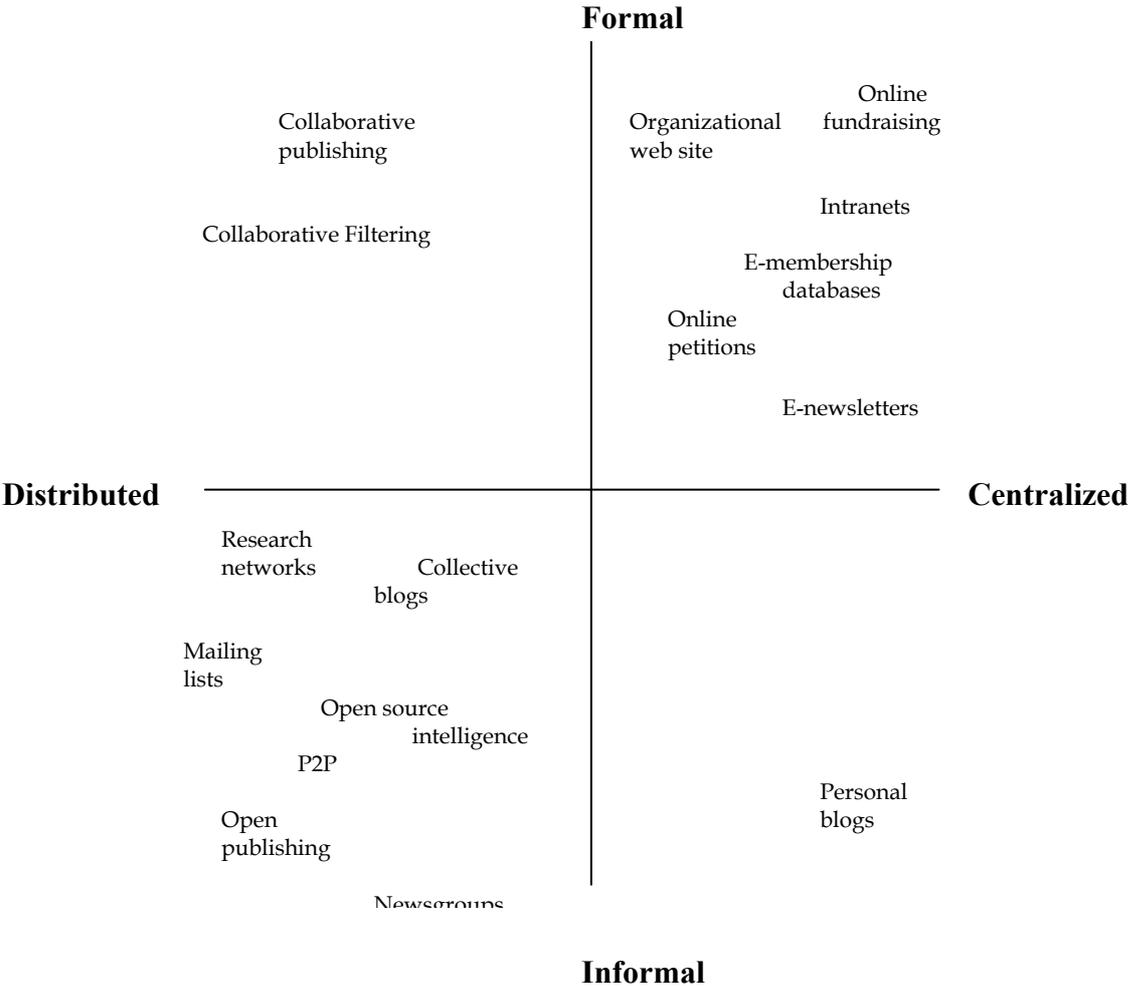
My argument is that, with the onset of neoliberalism and the transmogrification of the state, civil society also undergoes a change. For example, the extent to which civil society plays the traditional role of mediating between the interests of capital and state is now highly questionable. With the alliance between the state and capital - as seen in the many instances of corporate welfarism where, in order to attract foreign investment, the state effectively subsidises corporations in the form of R&D, tax incentives, cheap land leases, bankruptcy bailouts, and so on - civil society organisations are also repositioned. This is most clear in instances where civil society organisations fulfil the role of service providers - a task traditionally undertaken by government departments, particularly during the time of the welfare state. With the shift into a neoliberal paradigm comes new expectations of civil society. New rules are inscribed upon civil society organisations. The increasing frequency of so-called liberal democratic governments engaging in the routine practice of misleading parliament and the populations whose interests they supposedly represent is paralleled by greater demands for transparency and accountability on the part of civil society organisations. As I go on to discuss, the occasion of the WSIS also creates a space for new civil society actors.

The emergent civil society movements go beyond satisfying the self-interest of individuals, as represented by consumer lobby groups, for example. Instead, they derive their affective and political power from a combination of formal and informal networks of relations. Think, for instance, of the effect the no-border refugee advocacy groups have had as observers of human rights violations meted out by the state. Whether one is for or against the incorporation of 'illegal immigrants' into the nation-state is secondary to the fact that civil society coalitions of activists, religious organisations and social justice advocates have played a primary role in constituting what Raymond Williams (1977) termed an emergent 'structure of feeling', or what can be thought of as the socio-technical organisation of affect, which counters the cynical opportunism of populist conservative governments.

In an in-depth report entitled *Appropriating the Internet for Social Change*, Mark Surman and Katherine Reilly (2003a) examine the strategic ways in which civil society movements are using networked technologies. They identify four major online activities: collaboration, publishing, mobilisation and observation. These activities are mapped along two axes: formal vs. informal and distributed vs. centralised (Figure 1). Collaborative filtering and collaborative publishing, for instance, fall within the formal/distributed quadrant. Open publishing, mailing lists, research networks and collective blogs are located within the distributed/informal quadrant; personal blogs within the centralised/informal quadrant; and organisational web site development, online petitions, online fundraising, e-membership databases and e-newsletters fall within the formal/centralised quadrant (Surman and Reilly, 2003b, p. 3). Surman and Reilly (2003b) consider the "tools that fall in the formal/centralized quadrant to be used primarily by large NGOs, unions and political parties" (p. 3). The logic of organisation, production and distribution is, according to Surman and Reilly (2003b), "based on a 'broadcast' model" of communication (p. 3). The distributed/informal quadrant, on the other hand, is more typical of activities undertaken by "informal social movements, research networks and 'virtual organizations'" (p. 3). In this paper I will argue that it is time for 'informal

social movements' and 'virtual organisations' - or what I prefer to call 'organised networks' - to make a strategic turn and begin to scale up their operations in ways that would situate them within the formal/centralised quadrant, but in such a manner that retains their informal, distributed and tactical capacities (see also Rossiter, 2004).⁵ The participation of civil society actors in debates and policy development associated with the WSIS provides one example of how such a scalar shift can occur. There are also problems with such shifts in scale, particularly at the level of institutional composition, as I will go on to discuss.

Figure 1: strategic uses spectrum



Source: Surman and Reilly (2003b, p. 3)

This paper assesses the recent World Summit on the Information Society (WSIS) held in Geneva last December.⁶ With disputes amongst various representatives over issues such as domain names, root servers, IP addresses, spectrum allocation, software licensing and intellectual property rights, the summit demonstrated that the architecture of information is a hugely contested area. As evidenced in official WSIS documents, consensus between governments, civil society groups, NGOs and corporations over these issues is impossible. Representation at the summit itself was a problem for many civil society groups and NGOs. As a UN initiative geared towards addressing the need for

access to ICTs, particularly for developing countries, the problem of basic infrastructure needs, such as adequate electricity supply, education and equipment requirements, were not sufficiently addressed. Funding, of course, is another key issue and topic of disagreement.

Against this background, this paper argues that the question of scale is a central condition to the obtainment and redefinition of democracy. Moreover, what models of democracy are global entities such as the WSIS aspiring to when they formulate future directions for informational policy? Given the crisis of legitimacy of rational consensus, of deliberative models of democracy, this paper argues that democracy within information societies needs to be rethought in terms of organised networks of communication that condition the possibility of new institutions that are attentive to problems of scale. Such a view does not preclude informational networks that operate across a range of scales, from sub-national to intra-regional to supra-national; rather, it suggests that new institutional forms that can organise socio-technical relations in ways that address specific needs, desires and interests are a key to obtaining informational democracy.

The 'multi-stakeholder' approach, as adopted in the WSIS process through the principle of bottom-up participation and the inclusion of civil society organisations in processes of decision making with governments and businesses, in and of itself cannot fulfil the objective of, for example, 'an inclusive Information Society', as proposed in the official Plan of Action (WSIS, 2003). Despite the various problems associated with the WSIS, my argument is that it presents an important strategic opportunity for civil society movements: the 'denationalised' political legitimacy obtained at the WSIS can, I would suggest, be deployed to political and economic advantage in the process of re-nationalisation or re-localisation. The emergence of organised networks as new institutional forms are best suited to the process of advancing the ambitions of the WSIS.

Global governance and the world summit on the information society

The WSIS's two-stage meetings in Geneva, 2003, and in Tunisia, 2005, exemplify the ways in which the political, social, economic and cultural dimensions of information and communication technologies afford civil society movements a political legitimacy in developments associated with issues of global governance that has hitherto been exclusive to supranational actors and multilateral institutions, such as the WTO, the World Bank, the IMF, the G8 nations, the UN, the OECD, APEC, ASEAN, NAFTA, and so forth. As the 'information society' has extended beyond the reserve of rich nations or advanced economies, actors such as the World Intellectual Property Organisation (WIPO) and the Internet Corporation for Assigned Names and Numbers (ICANN) have emerged as institutions responsible for establishing common standards or information architectures that enable information to flow in relatively smooth, ordered and stable ways. Such entities have often been charged as benign advocates of neoliberal interests, as represented by powerful nation-states and corporations. As a UN initiative organised by the International Telecommunications Union (ITU), the WSIS has also been perceived by many as a further extension of neoliberal agendas into the realm of civil society. As Sasha Costanza-Chock reported in May 2003,

the ITU has always served governments and the powerful telecom conglomerates. Originally set up in 1865 to regulate telegraph standards, later radio, and then satellite orbit allocation, the ITU took on the Summit because it has recently been

losing power to the telecoms that increasingly set their own rules and to the Internet Corporation for Assigned Names and Numbers (ICANN), which was created by the US government to regulate the Internet domain name system. The ITU is now facing heavy budget cuts and is desperate to remain a player in the global regulation of Information and Communication Technologies (ICTs). (Costanza-Chock, 2003)

The neoliberal disposition of ITU is further evidenced by the primacy given at the WSIS to issues such as cybercrime, security and electronic surveillance, taxation, IP protection, digital piracy and privacy (Yoshio Utsumi, Secretary-General of the ITU, cited in Costanza-Chock, 2003). The ITU's support of a summit concerned with bringing civil society movements into the decision making process of global information governance is one that is preconditioned by the empty centre of neoliberalism, which has seen governments in advanced economies reincorporating civil society actors and social organisations into matters of social welfare in the form of 'service providers'. Within a neoliberal framework, the interest of government and the business sector in civil society is underpinned by the appeal of civil society as a source of unregulated labour-power. This new axis of articulating civil society organisations through the logic of service provision functions to conflate 'civil society' with the 'private sector'. Such a conflation blurs or obscures what had previously been clear demarcations at the level of subjectivities, value systems and institutional practices. The conflation of civil society and the private sector is evident in much of the government documentation from the WSIS. In some ways, this points to the multi-dimensional aspects of civil society - no longer can civil society be assumed to reside outside market relations, for instance. In other ways, it raises the question of legitimacy: can civil society be 'trusted' when its condition of existence overlaps with market interests and the needs of the private sector? Similarly, can the private sector be embraced by 'the Left' when the former displays credentials as a 'corporate-friendly citizen'? Indeed, what might 'citizenship' mean within a global framework? And then there is the mutually enhancing or legitimising function that such a convergence of actors produces: both civil society organisations and the private sector expand the discursive platforms upon which they stake out their respective claims. Ambiguities such as these point to the increasing complexity of relations between institutions, politics, the economy and sociality.

There's an urgent need to think through these issues and enact practices that go beyond the cynicism of Third Way style approaches to politics. The Third Way, as adopted by Blair, Clinton, Schroeder and others, is nothing but the expansion of market forces into social and cultural domains that hitherto held a degree of autonomy in terms of their articulation of different regimes of value (see Mouffe, 2000, pp. 134-135; Scanlon, 2000). Moreover, there is a need for a radical pragmatism that engages civil society movements with economic possibilities in such a way that maintains a plurality of political ideologies, from Left to Right. This is something Third Way politics has undermined, the result being extremist manifestations of populist fundamentalism on both the Left and Right, but without the political institutions or processes to articulate their interests. The proliferation of terror is, in part, a symptom of this collapse in politics, a collapse which refuses the antagonisms that underpin the field of 'the political', and thus results in a situation whereby actors that might otherwise be adversaries instead become enemies. Since the antagonisms prevailing within information societies tend to be seen as distractions or debilitating to the WSIS project, I have doubts about the extent to which the 'multi-stakeholder' approach goes beyond some of the tenets of Third Way politics. Let us remember that communication systems are conditioned by the dissonance

of information, or what Gregory Bateson (1972) termed ‘the difference that makes a difference’.

In an optimistic light, the ‘multi-stakeholder’ approach adopted at the WSIS is indicative of a period of transition within supranational institutions. Yet paradoxically, the efforts of the ITU/UN to include civil society movements in the decision making process surrounding global governance of the information society is evidence of the increasing ineffectiveness of supranational governing and policy development bodies. The United State’s cynicism and self-interest in by-passing the authority of the UN during the Iraq war and the breakdown of WTO summits in a post-Seattle climate of ‘anti-globalisation’ protests are two extremes that point to the waning effectiveness of supranational institutions to address governance issues through international mechanisms. The expanding division and inequality in living and working conditions between the global North and the global South, after successive WTO meetings and rounds of international agreements on trade liberalisation, is further evidence of the incapacity of supranational institutions to address the complexities of global governance.

In the case of the WSIS, Costanza-Cook maintains that the ITU’s decision to organise the summit was partly motivated by their fear of redundancy as a governing body within an information society. Steve Cisler (2003) reiterates such a view in his account of the tensions between ICANN and ITU at the WSIS:

ITU members like France Telecom and Deutsche Telekom long resisted the Internet. They were pushing Minitel, ISDN. African members saw (rightfully) how disruptive the Internet could be and resisted it. The ITU was shocked by the growth of the Internet, and they have belatedly wanted to ‘control’ it. The failed WSIS proposal [to shift Internet governance away from WIPO] is just the latest attempt. Of course during this growing awareness of the importance of the Internet, the composition of the ITU has changed from almost exclusively government telcos (or PTT’s) to a mix of old style government monopolies, dual government-private, and straight corporate telephone companies.

ICANN is a US government authorised non-profit corporation that is responsible for managing various technical aspects associated with Internet governance. These include “Internet Protocol (IP) address space allocation, protocol identifier assignment, generic (gTLD) and country code (ccTLD) Top-Level Domain name system management [.com., .net, .org, etc.], and root server system management functions” (www.icann.org/general). The role of ICANN in Internet governance was disputed at the WSIS for a range of reasons. In his informative report commissioned by one of the more dominant civil society lobby groups at the WSIS, the Association for Progressive Communications (APC), Adam Peake (2004) unravels the debates that took place throughout the WSIS process about the role of ICANN in relation to the issue of Internet governance. Peake notes that many were concerned that, of the thirteen Root Servers around the world that install all ‘top level’ domain name system (DNS) servers, ten are located in the US (p. 9). It becomes clear that, at the level of technical infrastructure, geo-political, economic and cultural interests shape the vertical stratification of the Net. This tendency towards the vertical organisation of information and its protocols rubs against the grain of efforts by civil society, and opens source movements to ‘democratise’ information and enhance the horizontalisation of information management (see Galloway, 2004).

Alternative systems such as Anycast, which enable root servers “to be ‘cloned’ in multiple locations,” were proposed and implemented throughout the 2003 planning process of the WSIS (Peake, 2004, p. 10). In other words, regional as distinct from US

concentrated root servers are possible and came into effect in early 2003, but these only mirror or copy the US root servers and thus are not autonomously controlled.⁷ Nevertheless, such alternatives begin to alleviate the concern that various civil society and government stakeholders had with respect to a perception that ICANN operates in the interests of maintaining a US control of the Internet, or at least supports the bias toward US Internet usage as represented by the location of root servers whose close geographic proximity to US-based users supports rapid response times on the Net.⁸

More significant concerns were raised about the gate-keeping role played by ICANN and the US government over the allocation of a country's top-level domain names. This was seen as undermining national sovereign control over domain names. Moreover, there is serious concern that the US Department of Commerce can potentially "remove a country from the root, and therefore remove it from the Internet" (Peak, 2004, p. 10). It does not take much to imagine the devastating effect of removing a ccTLD in times of military and information warfare: a country's entire digital communications system is rendered useless in such an event, and social and economic impacts would come into rapid effect. A more likely scenario would see the US government intervening in the allocation of ccTLDs in instances of political or economic dispute. In this regard, the control of top-level domain names operates as a potential form of economic sanction or a real technique of unilinear leverage in business and political negotiations.

The other significant player in relation to this discussion of the WSIS is WIPO and their role in the global governance of information flows. WIPO is a UN agency with a mandate to 'harmonise' intellectual property rights across member states. In 1995 WIPO made an agreement with the World Trade Organisation (WTO) to assist in facilitating the implementation of the TRIPS agreement across member states. More recently, WIPO's harmonisation of patent law has been criticised for the way it restricts the degree of flexibility for, and imposes substantial financial burdens on, developing countries (Correa, 2004, p. 9). In a recent report written by Carlos Correa (2004) for the South Centre inter-governmental organisation for developing countries, the following risks and asymmetrical aspects of WIPO's Patent Agenda for developing countries were summarised as follows:

[H]armonized standards would leave little room for developing countries to adapt their patent laws to local conditions and needs; harmonization would take place at the highest level of protection (based on standards currently applied by developed countries, especially the United States and Western European countries), meaning that the process will exert an upward force on national laws and policies in developing countries resulting in stronger and more expansive rights of the patent holders with the corresponding narrowing of limitations and exceptions. Such higher standards are unlikely to have a positive effect on local innovation in developing countries; and also the danger that the current draft contains standards that are primarily aimed at benefiting the 'international industries' and not individual inventors or small and medium size enterprises. (p. 9)

Since it holds no legal authority at the national level, critics have frequently cast WIPO as an ineffective institution, although this is always going to be the case for a supranational institution whose legitimacy is as strong as the responsiveness to IPRs by member states. In instances where intellectual property protection is violated within national industries, as in the case of the ongoing digital piracy of film and software within countries such as China, the lack of legal authority by WIPO is potentially offset by the mechanism of economic sanctions that can be imposed by adjacent supranational institutions and

multilateral entities. A more substantial criticism of WIPO concerns its largely negative response to the issue of open source software and collaborative information flows, which are best suited to developing countries without the financial resources to adopt proprietary informational systems. Thus the relationship WIPO holds with civil society movements and advocates of open source software and 'open-development' is often underpinned by conflicts in interest. Furthermore, the relationship between WIPO and the WTO casts the UN in the questionable role of advocating corporate interests over those of civil society.

This very brief overview of WIPO, and some of the key issues associated with information architectures and the complex structural and institutional relationships, begins to raise the question of what the relationship between global citizenship and Internet governance might mean within information societies. With stakeholders from civil society organisations, government and the private sectors, the WSIS was never going to succeed as a global forum that seeks to be inclusive of diversity and difference if it was just going to focus on technical issues associated with Internet governance. The expansion of the debate on Internet governance, ICTs and issues of access and technical infrastructure to include civil society issues, such as sustainability, funding, education, health, labour conditions and human rights, functioned to sideline any centrality that ICANN and WIPO may have sought to hold during the summit. Many of the UN principles on human rights, for example, migrated into the Civil Society Declaration (2003) that came out of the summit. But like the Universal Declaration of Human Rights (1948), it is only as strong as the resolve of member states to ratify and uphold such principles within national legislative and legal frameworks.

The complexities of the WSIS process exceed the possibility of engaging their diversity. While the rhetoric has been one of inclusiveness, the experience for many working within civil society movements and, lest this paper sound totally biased, the private sector has been a frustrating one. As Adam Peake writes during one of the prepcom meetings leading up the December summit in Geneva:

For those who don't know how WSIS works - everything happens at very short notice, situations have to be reacted to immediately, and it is very difficult for civil society to respond with the transparency and inclusiveness that we would hope. There simply is never time... I have one major concern. We should be very careful about how we raise issues around Internet governance in the WSIS process. We (civil society, private sector, Internet users) have a very weak voice in the process. WSIS is run by the States. Our only opportunity to speak, with *no* guarantee of being listened to, is in 1 or at best 2 10 minute sessions each day. ITU are the secretariat of the process and so have a very direct role in drafting text and framing arguments for the States to consider... (cited in Byfield, 2003)

Critical Internet researchers have also had cautious words to say about the extent to which the civil society activists - or what many now refer to as the 'multitudes', or movement of movements - can expect to make a substantial impact on the WSIS process. Again, the diversity of stakeholders and their competing interests brings into question the ambitions of the 'multi-stakeholder' approach. If dissonance is taken as the condition of informationality, as distinct from deliberation and consensus as idealistic outcomes, then we begin to orient ourselves around the possibility of 'post-representative' systems of organising socio-technical relations. Co-moderator of the nettime mailing list, Ted Byfield, gives his perspective in a posting in March 2003 - around the time the ITU

began to soften its tone of market-oriented, technical-driven solutions to Internet governance:

[M]y own view is that the activists who think the ITU/WSIS process is just another three- or four-letter target for generic social-justice demands should be much more sensitive to the context... [T]he logic of 'multitudes' may not be representative, but the logic of monolithic organizations (at best) *is* representative, so it would be a mistake to assume that the delirious logic of the movement of movements will somehow transform the ITU into some groovy, polyvocal provisionalism. It won't. One of the most 'progressive' things the WSIS process can accomplish is to minimize the scope of ITU activities. Cookie-cutter activist demands will inevitably put pressure on the ITU to expand its purview - and provide a pseudo-legitimizing cover for such expansions. This would NOT be a good thing. (Byfield, 2003)

As it turned out, the Declaration of Principles (WSIS, 2003) and Plan of Action (WSIS, 2003) articulate exactly what Byfield fears: lip service to concerns of civil society movements, which are beyond the scope of the bureaucratically driven governance structures of nation-states, who are incapable of dealing with complex social and cultural issues. This situation will inevitably result in a Tunis 2005 Summit that skirts around the serial incapacity of participating governments to implement many, if any, of the recommendations proposed in the Plan of Action. Perhaps the best thing the WSIS could do is stick with a relatively limited agenda. That might mean keeping the debate on the information society focussed on limited technical and legal issues - policy domains which nation-states do have some capacity to at least administer. It would, however, be a disaster to see Internet governance shifted in any exclusive way into the regulatory domain of nation-states. It is unclear, at a technical level, how necessary it is for a supranational, global institution to be steering Internet governance issues. The question that has persisted throughout the WSIS is whether ICANN is the body best suited to this task. Currently, ICANN appears to have a short time left to live.

It was inevitable that the broad, inclusive ambitions of the WSIS at the end of the day turned into a rhetorical machine. While this has meant that civil society movements have obtained a degree of legitimacy at a supranational, institutional level, it is highly doubtful whether the WSIS itself is able to turn the tables on the broad and complex social situations that inter-relate with ICTs. The legitimacy obtained by civil society movements involved in the WSIS process can be transferred as political and symbolic leverage within other, more focussed, platforms at national and translocal levels. This process of a re-nationalisation of the discursive legitimacy of civil society concerns and values is the next challenge.

All of this background summary, minimal and reductive as I have presented it, finally brings me to the crux of my argument in this paper: democracy within an informational society is challenged, perhaps more than anything, by the problematic of scale and the ways in which cumbersome, top-heavy and bureaucratic-driven supranational institutions involved in issues of global governance are frequently going to fail. From the WSIS fora emerges a pattern indicating that governing institutions have substantial limits in terms of policy development that acts as a driver of democratic change. Such a problematic is partly one of scale. It also has much to do with the correspondence between institutional temporalities and the limits of practice. The temporal rhythms of the networked organisation, as distinct from organised networks, are simply not well suited to the complexities of socio-technical relations as they manifest

within informational societies. Despite the impact of post-Fordist techniques of re-organising institutional relations and modes of production, the networked organisation persists as the dominant environment within which sociality is arranged. Such institutional formations will only continue to struggle to keep pace with the speed of transformation and the contingencies of uncertainty peculiar to the informatisation of social relations.

Organised networks as new institutional forms

The regimes of value internal to the operation of organised networks, as distinct from networked organisations, are only just beginning to surface. In the case of organised networks, discourses, practices and values are coextensive with the media of communication in the first instance. Networked organisations, by contrast, are a predominantly modern, industrial institutional form. Hence the role of communications media is secondary to the technics of organisation instantiated through the architectonics of bricks and mortar.

In a most reductive sense, the vertical systems of communication within modern institutional forms is the primary reason why so many institutions have had difficulties with the transition into network societies. The TCP/IP (Transmission Control Protocol/Internet Protocol) standards for the Internet enable distributed, horizontal forms of communication. This is in contrast to the domain name system (DNS), which functions as the vertical axis of governance for digital technologies using TCP/IP standards. Thus the kind of disputes and tensions that have developed out of the WSIS process, and debates around Internet governance more broadly, are substantially different to those found amongst institutions that operate historically within a modern institutional system. Put simply, the scene of ‘the political’ in the case of organised networks is coextensive with the media of communication, whereas for modern institutional forms that have been forced to upgrade their networking capacities, the boundaries of ‘the political’ do not extend to those social-technical forms immanent to the media of communication. Moreover, the gap between these two institutional dynamics is an exemplary instance of what Jean-François Lyotard (1984; 1988) called the *différend*, or ‘phrases of dispute’.

One could hypothesise that the ideology of neoliberalism is symptomatic of the problem of institutional forms within a networked, informational paradigm. Neoliberalism is responsive to the problematic of governance in an informatised society that has seen an intensification of abstraction in systems of production and social life. Organised networks emerge within a neoliberal era of governance, yet at the structural level they present the horizon of post-neoliberalism, since their technics of communication and organisation are beyond the reformist agenda associated with neoliberal governance. As new institutional forms, organised networks create the possibility of new subjectivities that do not correspond with the modern political subject of the citizen. Similarly, the concept and socio-technical form of organised networks invites a rethinking of notions of civil society.

Institutional scale and the technics of governance

At best, the ‘informational citizen’ is one who has recourse to representative systems of governance adopted by liberal democratic nation-states. But it is well and truly time to invent new post-political, non-representative models of democracy. The crisis of liberal

democracy across the West over the last twenty to thirty years is carried over to the debates occasioned by the WSIS. The distributive, non-linear capacity of the Net shapes socio-technical relations and information and knowledge economies in ways that do not correspond with the old, hierarchical structures and the governance processes peculiar to the modern era. The challenge of organisation and governance is intrinsically bound to the informatisation of the social. Representative models of democracy do not correspond with this situation.

While it may appear as just an institution whose exclusive responsibility concerns technical architectures of Internet governance, the case of ICANN points to more substantial matters associated with models of global governance within an age of networks. Described by some as “an experiment in democratic governance on a global scale” (Palfrey, 2004, pp. 411-412), ICANN embodies many of the challenges facing organised networks, both in terms of how they understand themselves and how they function. The contest over ICANN’s monopoly of Internet governance - as raised by civil society concerns at the WSIS, the interests of the ITU as a new player in Net governance, and the ambitions of the EU as a ‘second-tier’ super-state - signals not just the difficulties associated with ‘multi-stakeholder’ approaches to governance; more than anything, the ICANN story points to the profound mistake in assuming the Net can reproduce the pillars of ‘democracy’ in its idealised “Westphalian international order” (Bensaid, 2003, p. 317). John Palfrey (2004) charts the history of ICANN and what he sees as its imminent demise. ICANN, he writes, “sought to empower the Internet user community, including the private sector, to manage a system necessary for the stable operation of the Internet” (p. 412). So far so good. Things became unstuck, however, at a structural level in terms of incorporating a range of stakeholders into the decision-making process of ICANN:

Its novel, though ultimately flawed, structure has enabled a coalition of private-sector interest groups to manage the domain name system (‘DNS’) with broad input from individual users and limited but growing input from nation states. However, ICANN has failed to attract and incorporate sufficient public involvement to serve as the blueprint for building legitimacy through the Internet. Those who sought through ICANN to prove a point about democracy have misplaced their emphasis, because ICANN’s narrow technical mandate has not lent itself to broad-based public involvement in the decision-making process. (Palfrey, 2004, p. 412)

And:

ICANN has sought to legitimate itself as an open and representative body, striving toward a bottom-up decision-making processes grounded in consensus and inclusion. (pp. 412-413)

The online global election in 2000 of five ‘At Large’ members of the nineteen-member directorship is a great example of the mistaken understanding of what constitutes a representative polity within a global information society that is defined, from the outset, by an uneven geography of information. Who, for instance, are the elected five members (to say nothing of the fourteen unelected members) supposed to represent? Their nation-state of origin? A particular set of issues? And who is ‘the public’ that participates in such events?⁹ These are all questions that lead to one conclusion: attempts at reproducing a modern socio-technics of representative democracy within an informational plane of

abstraction can only result in failure. The valorisation of ‘openness’ is not a particularly helpful libertarian mantra to maintain when dealing with the uneven geography of information.¹⁰

In case we have forgotten, such speculative discourses are ones associated with the ‘New Economy’, and we saw what that amounted to when the dotcom bubble burst and NASDAQ high-tech stocks crashed in April 2000: a spectacular tech-wreck that resulted in pretty much instant bankruptcy and overnight unemployment for many (see Frank, 2000; Henwood, 2003; Lovink, 2003, pp. 56-85). The religious faith that IT development is synonymous with instant and sustainable growth was certainly brought into question with the massive devaluation of dotcoms and telcos. But one could be forgiven for wondering if the monumental tech-wreck ever happened. Governmental and educational institutions have been particularly slow to awaken to the fact of the NASDAQ collapse. The rhetoric of ‘e-solutions’ as the answer to all problems continues to run thick in these places. Part of the reason for this has to do with the way in which the deregulation of many governmental and educational institutions has followed on from the deregulation and privatisation of telcos and the media industries, which was fuelled by the market hype of what critical Internet theorist Geert Lovink (2003) calls ‘dotcom mania’. In other words, the ongoing hype generated out of the IT sector seems to be the only discursive framework available for countries enmeshed in the neoliberal paradigm, be they advanced economies in the West or countries undergoing a ‘leap-frogging’ of modernity (see Rossiter, 2002b). While the WSIS forums have been successful in generating a new legitimacy for civil society values, too often one is reminded of the deeply unimaginative ideas driving the ambition for an inclusive information society.

Jeanette Hofmann - one of the elected ‘At Large’ members of ICANN - recounts a key problem confronting organisations as they scale up their level of operations. Speaking of the paradox that comes with obtaining legitimacy within international institutions, Hofmann observes that

[a]s soon as civil society organizations assume formal roles in international forums, their representativeness and legitimacy are also called into question. Ironically, NGOs are charged with the democratic deficit they once set out to elevate. (Lovink and Hofmann, 2004; see also Rossiter, 2002b)

This notion of a ‘democratic deficit’ can be extended to the Association for Progressive Communications (APC/www.apc.org), who have been one of the peak lobby groups within the Internet governance and communication rights debates associated with the WSIS. The effect of an increased institutional and discursive visibility is, of course, conditioned by an increased marginalisation of other civil society actors. Again, this points to the limits and problem of politics that operates within a representative framework, which the APC presupposes as its mandate of governance. The APC story is also symptomatic of the structural logic of political pragmatism within a multi-stakeholder, trans-scalar supranational policy forum such as the WSIS.

As I am arguing in this paper, it is time to invent non- or post-representative modalities of organisation, as distinct from representative idioms of governance (see Rossiter, 2004; Virno, 2004). In this way, the technics of communication is granted the kind of primacy that corresponds with the informatisation of sociality. Moreover, the disjuncture between, if you will, the signifier and signified (i.e. speaking positions) is sidelined in favour of collaborative and distributive technics of composition. Don’t get me wrong. In no way am I proposing some kind of naïve ‘ideal speech act’ here. There should be no illusion that distributive networks are somehow free from vertical systems

of organisation, be they symbolic or material. Rather, the technics of communication within a digital era do not correspond with the kind of institutional arrangements that persist within debates on the 'information society' and presupposed in the 'multi-stakeholder approach' of the WSIS. These kinds of institutions can be understood as networked organisations. They are clumsy when it comes to the management of information.

ICANN faced a similar difficulty to that of civil society organisations, as identified by Hofmann. But what I have been suggesting is that the problematic of 'democratic practice' goes beyond the level of discursive legitimacy. More fundamentally, there is a problem with the way in which principles of democracy peculiar to the modern state system are translated into the socio-technical environment of the Internet. The result is always going to be failure. Completely new understandings of organisational structures, practices and political concepts are called for with the emergence of organised networks in order to create value systems and platforms of legitimacy that are internal to networks. As I briefly sketch in my concluding comments to this paper, the concept of a 'processual democracy' offers one possibility for exploring alternative political formations that are attentive to the ways in which practice is situated within the media of communication.

The case of ICANN serves as a parallel instantiation of the kind of governance problematics faced throughout the stages of the WSIS. The WSIS process embodied a shift in relations between the UN and non-state actors which, for the past decade or so, had been characterised by a 'top-down' approach by which the UN engaged NGOs (see Padovani and Tuzzi, 2004). In their recent report on the WSIS for the Social Science Research Council, New York, Claudia Padovani and Arjuna Tuzzi (2004) consider such a mode of governance as 'institutional'. By contrast, they see the 'bottom-up' or 'globalisation from below' approach at the WSIS as a challenge to earlier relations between the UN and civil society actors. Both, they argue, were operating during the WSIS and the two-year lead up of preparatory committee meetings (PrepComs), regional conferences and follow-up meetings.

At a reductive level, the differences between these two approaches are apparent in the range of documentation and critical responses to come out of the summit. The two approaches are most clearly delineated in their articulation of the values and modes or processes of governance. In terms of values, the institutional approach embodied by government and business representatives was predominantly interested in market-based and technically-oriented solutions to ICTs and their relationship to issues of global governance. In effect, government and business participants reproduce the neoliberal paradigm that has dominated the past two decades of government policy-making in the West. Here, one finds the international *lingua franca* of policy that adopts an instrumentalist faith and technologically determinist simplicity to the uneven and situated problems of social, cultural and economic development.

For example, in the government Plan of Action there is an emphasis on technical infrastructures and informational access functioning as the primary enabling devices for 'universal education' and 'lifelong learning'. This sort of Third Way rhetoric is further compounded in the Plan of Action's discourse on 'capacity building' - a phrase shared amongst a range of WSIS stakeholders and common to many civil society organisations, but one that is understood in terms of 'e-learning' and 'distance education' in the Plan of Action. Such phrases are firmly entrenched within neoliberal discourses that understand education as a unilinear, hypodermic communication process driven by service providers operating under the auspices of imperialist political economies. Within a dotcom paradigm, such discourses amount to no more than boosterism for the IT sector (see

Lovink, 2003, pp. 57-85). The economic and political pressures faced by the university sector in the West contribute to a dependency relationship within indigenous education systems in developing countries. 'E-learning' and 'distance education' are heavily promoted as the financial panacea for cash-strapped universities in the West, and the 'consumer' of such projects frequently consists of countries without nationally developed educational infrastructures. The need by developing countries for external providers of education is then often used as the justification for developing IT infrastructures. Education becomes subject in the first instance to the interests of market economies, and policy developments associated with civic values are then articulated in economic terms. Throughout the Plan of Action, policy initiatives are driven by the capacity for governments to index access against targets and performance indicators. Such a technique of governance and decision making is symptomatic of the limits of supranational entities to deal with complexity, and functions to give the false impression of 'demonstrable outcomes'.

The 'bottom-up' approach, as represented by civil society organisations, NGOs and activists, was much more concerned with ensuring that social and cultural priorities were embraced in the Declaration of Principles and the Plan of Action. Civil society movements have been effective in shifting the WSIS agenda from a neoliberal, technologically determinist set of proposals to a more broad understanding of an information society that is preconditioned by the materialities of communication. The 'multi-stakeholder' approach that emerged out of the WSIS meetings to date has enabled issues of concern to civil society movements to migrate into the field of supranational policy making. The two primary documents produced so far are clear on one thing - a technological fix to social and economic problems is not going to work.

The reason such a 'discourse war' between top-down and bottom-up approaches to information governance was so significant is that the success of the WSIS process in ensuring a 'social justice and development' agenda for civil societies and their relationship with ICTs in many ways rests with governments adopting the principles and proposals outlined in the official documentation. Many oral and written submissions to the drafting of the official Declaration of Principles and the Plan of Action were left out of the final documents. The decoupling of 'macro' and 'micro' actors was further reflected in the summit itself, with activists, grassroots organisations and NGOs running meetings and workshops in parallel to the official UN program for the Geneva meeting (see Padovani and Tuzzi, 2004). Padovani and Tuzzi suggest that a much more overlapping approach characterised the summit. Certainly, the WSIS has presented its own peculiarities with regard to the problematics of process, decision making and the identification of key issues (see Betancourt, 2004). But one should not see the WSIS as exceptional or unique in terms of organising a range of stakeholders around a particular theme or issue perceived as having international significance. The UN, after all, has a history of hosting approximately one summit per year since the 1992 Earth Summit (Conference on Environment and Development) in Rio de Janeiro (see Klein, 2003, p. 3).

It would thus be a mistake to see the 'multi-stakeholder' approach to governance at the supranational level as exceptional. Arguably, all summits have had to address the challenge of managing a range of stakeholders and their competing interests and situations. What distinguishes the WSIS from previous summits is the ways in which the process of informatisation has interpenetrated the organisation of social relations, economic modes of production and systems of communication. Such a situation does indeed call for new models of governance, but whether the idea of 'multi-stakeholder governance' in and of itself is sufficient to the task of socio-technical complexity is, I would suggest, doubtful. A substantial challenge to this model consists in the highly

variable dimensions of power and its operation across a range of scales and a diversity of actors. As Padovani and Tuzzi (2004) maintain, “the ‘multi-stakeholder approach’ is not yet a model and needs to be defined, not only in theory but in practice, taking into consideration the nature and level of power the different stakeholders can exercise.”

Conclusion

It is time to develop a model of democratic politics that engages, in the first instance, with the condition of immanence that is peculiar to socio-technical relations as they are arranged within information societies. Elsewhere I have advanced the concept of ‘processual democracy’ as one that corresponds with new institutional formations peculiar to organised networks that subsist within informationality (Rossiter, 2004). A processual democracy unleashes the unforeseen potential of affects as they resonate from the common of labour-power. A processual democracy goes beyond the state-civil society relation. That relation no longer exists, at least not in terms of its traditional bi-modal structure.

Processual democracies necessarily involve institutions, since institutions function to organise social relations. Processual democracies also continue to negotiate the ineradicability of antagonisms. Their difference lies in the affirmation of values that are internal to the formation of new socialities, new technics of relations. Certainly, they go beyond the limits of resistance and opposition - the primary activity of tactical media and ‘anti-corporatisation’ movements. This is not to dispense with tactics of resistance and opposition. Indeed, such activities have in many ways shaped the emergence of civil society values into the domain of supranational institutions and governance, as witnessed in the WSIS debates. A radical adaptation of the rules of the game is a helpful way of thinking the strategic dimension of processual democracies.

It is time to abandon the illusion that the myths of representational democracy might somehow be transferred and realised within networked settings. That is not going to happen. After all, the people benefiting from such endeavours as the WSIS are, for the most part, those on the speaking and funding circuits, not people who are supposedly represented in such a process. Networks call for a new logic of politics, not just based on a handpicked collection of NGOs that have identified themselves as ‘global civil society’.¹¹

Networks are not institutions of representative democracy, despite the frequency with which they are expected to model themselves on such failed institutions. Instead, there is a search for ‘post-democratic’ models of decision making that avoid classic models of representation and related identity policies. The emerging theme of non-representative democracies places an emphasis on process over its after-effect, consensus. Certainly, there is something attractive in process-oriented forms of governance. But, ultimately, the process model is about as sustainable as an earthworks sculpture burrowed into a patch of dirt called the 1970s. Process is fine as far as it integrates a plurality of forces into the network. But the primary questions remain: where does it go? How long does it last? Why do it in the first place? But also: who is speaking? And: why bother? A focus on the vital forces that constitute socio-technical life is thus required. Herein lie the variability and wildcards of organised networks. The persistence of dispute and disagreement can be taken as a given. Rational consensus models of democracy have proven, in their failure, that such underlying conditions of social-political life cannot be eradicated.

Organised networks are the socio-technical systems best suited to further develop the possibility of an inclusive information society. Since they have the capacity to operate on multiple scales of practice and communication, the challenge for organised networks consists of how they will engage their counter-part - networked organisations - which, after all, are the dominant institutions. One of the first tasks for organised networks is to address the question of sustainability. Only then can they begin to provide an operative base for their subnational, intra-regional and transnational geographies of expression.

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¹ Thanks to the two reviewers of this paper. Your comments have been helpful in the revision of the paper, and I hope I've addressed your concerns.

² Andrew Murphie (2004) defines the term 'technics' "as a combination of technologies, systematic processes and techniques, whether these are found in the organization of living or non-living matter" (p. 136). I will adopt this sense of technics throughout this paper. See also Mumford (1934), Latour (1993) and May (2002, pp. 28-35).

³ Although the so-called 'decline' of state sovereignty and non-state institutions is peculiar to the modern era of sovereignty, I maintain that state sovereignty has been transformed rather than disappeared. Similarly, the role of non-state institutions can be considered in terms of emergent civil society movements.

⁴ In his biographical and biopolitical abecedary, undertaken in collaboration with Anne Dufourmantelle, Negri (2004) defines 'Empire' even more precisely as "the transfer of sovereignty of nation-states to a higher entity" (p. 59).

⁵ When I speak of scale throughout this paper, I am referring to the capacity of actors to operate across a range of levels of governance and practice. Different scales or spatialities of operation include, for example, supranational, national, transnational, translocal and intra-regional layers of relations.

⁶ For background information and critical reports on the WSIS, see <http://www.itu.int/wsis>, <http://www.wsis-online.org>, <http://www.unicttaskforce.org>, <http://www.apc.org>, <http://www.ssrc.org>, <http://www.southcentre.org>. See also reports and debates on nettime <<http://www.nettime.org>> and incommunicado <<http://www.incommunicado.info>>. See also Betancourt (2004).

⁷ The kind of regionalism constituted by the cloning of root servers raises another interesting issue: namely, the geography of power that attends the complex multi-layered dimensions of competing 'regionalisms'. How, for example, does the informational regionalism of the Anycast system reproduce or contest more established regional formations of transnational cultural flows and the diaspora of labour-power, or the regionalisms of multi-lateral trade agreements and economic blocs, or the subnational, intra-regional formations of civil society movements?

⁸ Peake (2004) notes that the "request of the WSIS Plan of Action to deploy 'regional root servers' was achieved even before the Summit was held" (p. 10). The question remains as to whether this plan is put into effect - something that will unfold in the lead-up to the 2005 Summit.

⁹ Similarly, as Antonio Negri (2004) has noted, "the problem is that the term 'democracy' has been emptied of all its meaning. Democracy is said to be identified with 'the people' - but what is the people?" (p. 117).

¹⁰ For example, many libertarians and activists insist that intellectual property (IP) laws should be universally abolished, since IP inscribes a regime of scarcity upon that which is digitally encoded, and thus remains undiminished at the level of form when it is reproduced and distributed. Certainly, there are strong reasons to support such a position. There is a great need to combat the substantial financial and legal barriers that emerge with accessing information and knowledge resources associated with patents for agricultural development and vaccinations. However, there are many factors overlooked in any blanket approach to the problem of intellectual property. While I would advocate the hacker ethic of sharing resources, too often the material preconditions necessary for participation in such open systems of distribution are left unaddressed, or are simply assumed as a given. For an argument of how intellectual property regimes hold the potential to advance indigenous sovereignty movements in Australia, see Rossiter (2002a).

¹¹ My comments in this paragraph and the next are drawn from work in progress with Geert Lovink on the concept of organised networks.