



Capetown, 4 December 2004

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### [Civil Society Thematic Working Group on Scientific Information](http://www.wsis-si.org)

<http://www.wsis-si.org>

## **CONTRIBUTION to the EDUCATION & ACADEMIA & RESEARCH FAMILY REPORT**

The Scientific Information (SI) working group was formed during the last week of PrepCom2, at the initiative of Dr. Francis Muguet. The present report is an aggregation of the reports made after each PrepCom of the Phase I, and that are available on the group web site, completed by reports on Phase II related processes. The SI working group interfaces mostly with the Education & Academia family at the CSB, and therefore the SI group sends its contribution as part of the Education & Academia report. The SI group underlines that it is currently maintaining excellent and friendly relations with the Science & Technology family, represented by Kamel Ayadi from the WFEO.

### **PrepCom2 17-28 February 2003**

The SI thematic Working Group did not have enough time to submit its contribution to the observers' contributions to the Draft Declaration of Principles. However, all SI WG contributions to the Action Plan have been included, almost *verbatim* in the Civil Society Observers' contribution. The SI contribution was :

## Key principles :

- Open access to scientific knowledge is an essential human right
- Open access to scientific knowledge is an expression of worldwide solidarity
- Scientific information is a specific information whose availability is essential in order to achieve an information-based Open Society
- Scientific publishing models should respect the true intent of scientists which is to make freely available their works and findings.
- Preserve, maintain and augment the scientific public domain.
- Respect and protection of scientific author's rights, whether the author is writing for profit author or un-reimbursed author.
- Scientific information produced by un-reimbursed authors should be freely available
- Availability of scientific information in transition countries is a fundamental condition for a sustainable development, within global inclusion perspective.

## Action lines

- Encourage scientific authors to retain ownership of their intellectual property and not to automatically transfer copyrights to publishers or other intermediaries.
- Encourage Open Access content models whereby the content in digital format is freely available, while paper printed versions or CD burned versions may be sold by institutional or commercial channels.
- Encourage publishers to develop Open Access business models whether these models are commercial or not-for-profit.
- Encourage the creation by scientists of not-for-profit Open Access Journals
- Encourage existing subscription-based journals to turn to Open Access models.
- Encourage authors to submit their papers to Open Access Journals.
- Encourage authors to write Open Access books and multimedia material for research and education.
- Encourage authors to maintain a personal web page where all their research findings and reports are freely available.
- Recommend the creation of institutional Open Archives at the national and international level.
- Recommend a program funded by by the UN or its agencies of to create a worldwide portal to Open Access journals and Open Access books.
- Recommend the creation of a funding program by the UN ( or its agencies ) to ensure financial support to not-for-profit Open Access Journals.
- Recommend a program funded by by the UN or its agencies of to create a worldwide scientific Open Archive.
- Recommend the creation of a funding program by the UN ( or its agencies ) to provide financial support to the creation and maintenance of institutional Open Access archives.
- Encourage the creation and maintenance of mirrors sites of Open Access contents in institutions belonging to transition countries, in order to save Internet connection costs.
- Recommend a program funded by by the UN or its agencies to distribute free CDs containing Open Access contents to transition countries.
- Recommend that member states should adopt national legislation making compulsory for scientists to deposit their published works in a national or a UN funded worldwide

Open Access archive.

- Recommend that member states should adopt national regulations making compulsory for scientists whose research is funded by public agencies or by private foundations to publish in Open Access journals.
- Recommend that databases built with the help of freely available scientific content should be also freely available to all the authors that contributed to its content.
- Databases built with the help of freely available scientific content should be accessible with a reasonable fee proportionate to the average income in the customer's country.
- Recommend that rules of loans existing in traditional scientific libraries should be extended without hindrance to digital media belonging to online libraries.
- Use of peer to peer technology shall be promoted to share personal scientific knowledge and preprints, reprints written by scientific un-retributed authors.
- Scientific information should be available or at least indexed within a multilingual context.

### Inter-sessional Meeting

**Paris (France) 15-18 July 2003**

The Intersession meeting was more fruitful than expected from the very name of the meeting. I don't know if is the Parisian atmosphere that pervaded into the conference hall, but it seemed to me that discussions with state delegates as well as conference officials, were much more friendly and efficient than in Geneva.

Concerning Scientific Information, our [speech](#) on behalf of the WG-SI, in the plenary session had definitively a positive impact. It raised awareness among the delegates that scientific authors are willingly donating the content of their research accounts and are not paid for the papers that are published in extremely costly scientific journals. Most often delegates were unaware of this basic fact, that obviously scientists have failed to efficiently communicate, up to now. The [speech](#) by world famous Richard Stallman in the plenary session, on behalf of the WG-PCT working group also stressed that : *Copyrights block access to scientific publications. Every university should be free to make an open-access mirror for any journal, so no one is excluded from access.* With the kind authorization of H.E Samassekou, chairman of the PrepCom, we are able to make many copies of our statement that we left on tables, During plenary session breaks, we also gave in person our statement to certain delegates. When the discussion turned to be friendly and positive, in many occasions, we also gave ["Open Access" T-shirts](#) . Per chance, we were even able to give [one T-shirt to the chairman of PrepCom](#) H.E Adama Samassekou !. This casual lobbying action was quite successful. We were very happy that "Open Access" was included first in the list of items in paragraph [21-22](#) We are deeply grateful to the states ( Fiji and Australia ) that supported the "Open Access" item in the [Declaration of Principles](#). We were pleased to see that "Open Source" was now also listed. It remains to the FSF to lobby so that it should be replaced by "Open Source / Free Software ". Concerning the [Plan of Action](#), although much of the language that we proposed has not been retained, we are pleased that a program to support Open Access journal is included in paragraph [15](#) ( Access to information and knowledge ) and peer-to-peer technology is encouraged in paragraph [39 - E-sciences](#).

For the Declaration of Principles, the states have formed working groups : "Communication

Rights" (Chair: Canada), "Cybersecurity & Privacy" (Chair: EU) and "Internet Governance" (Chair:Kenya). Session of these groups were opened to observers, but we did not have time to attend to them, as many meetings were taking place in the same time. Of course, when reading the [Latin America caucus report](#), it is clear that some "frustration" remains, depending on each level of expectation. One troublesome paragraph is the new paragraph 40C proposed by the USA. Only IPR owners are mentioned, leaving the true IP creators ( such as scientists that donate their copyrights without counterpart ) without any protection or recourse against the abuse of copyright owners acting contrary to the intents of original IP creators. This point has been included in the [Statement by Meryem Marzouki](#) on behalf of the whole Civil Society ( 18 July ) A most worrisome aspect is that the creation of a Digital Solidarity Fund appears difficult, as the European Union opposes it. Without funding, we can hardly see how infrastructure "actions" can be taken.

The inner working of the Civil Society was, on the whole, satisfactory. Some improvements should be made, however, concerning the openness of the debates in the Civil Society Bureau (CSB). The first project sponsored by the CSB chairperson to organize informal meetings between states delegates and the Civil Society was finally rejected in favor of requesting a right to speak in the plenary sessions. The civil society plenary initiative of a [general response](#) of the Civil Society that was presented by Meryem Marzouki was extremely good. The text was very well written and stuck to the important points of difficulty.

It is clear that the Civil Society has gain much credibility within the ranks of diplomats and conference officials. A huge victory is that the Civil Society has been allowed, in the next PrepCom3, to make statements during the plenary session; before opening the discussion about each paragraph. The Civil Society is not part of the negotiation process, but its intervention occurs before each step of the diplomatic negotiation. The hopefully specific and convincing recommandations of the Civil Society should be still fresh in the mind of delegates when the diplomatic word to word negotiation starts. It is going to impose on Civil Society actors a very hard work of suggesting realistic and precise recommandations, but it is worth it.

For the future PrepCom3, if the Civil Society wants to keep its hard won credibility, one should avoid at all costs long and monotone "vanity speeches" that intend to boost the importance, the representativity, the alleged achievements of an organization and that *in fine* suggest only very vague recommandations. Instead one should focus on the true reason to be part of WSIS which is **advocacy**. The Civil Society should promote very short ( 3 to 6 minutes ) powerful speeches that underlines some key advocacy points while always mentioning to which paragraphs, or even sentences, in the documents they refer to. Some would complain that there might not be enough time. I am not certain that the efficiency of a speech is proportional to its duration. These short advocacy speeches can be completed by giving printed documents to delegates (before or after the speech). We believe also it is quite important and democratic to give the right to speak to as many actors as possible, within the time constraints of the plenary sessions.

## PrepCom 3 15-26 September 2003

Notice : *For diplomatic reasons, identities of concerned governmental entities are not revealed in some parts of this document.*

In contrast with previous PrepComs, the pace of PrepCom3 was definitively too fast, almost frenetic. The negotiations over the texts have been split into "blocks" that are related to one or two paragraphs. Before governments began, in the plenary session, their negotiations on each "block", the Civil Society was given a 5 minutes time allowance, that could be divided into 3 slots lasting less than 2 minutes each ! The SI group provided some comments on Wednesday 17, that were included in the [statement by Rik Panganiban](#), whom is warmly thanked. Negotiations were moving so fast over the blocks, that the Civil Society had problems to be prepared in time to provide comments on the paragraphs that were going to be examined. Another statement by the Working Group was scheduled on Thursday 18, afternoon, before examination of section 30, but the negotiation of section 30 ended on Wednesday morning. So our intervention was no more technically relevant to the paragraphs to be discussed and was cancelled.

At the end of the intersession, we were relatively happy since the item "Open Access" have been included in the [section 2](#) of the Draft Declaration of Principles ( 18 July 2003 ). Then, on Friday 19 September, a first disaster occurred : a delegation demanded that article 21-22 be deleted in the declaration of Principles. According to several sources, this request was simply the consequence of a material mistake. This paragraph has been circled in red during internal discussions, and one diplomat mistakenly interpreted this "red circling" as an instruction to request deletion during the plenary. Therefore, the list quoting "Open Access" in the article 21-22 had been deleted. Many delegations and H.E Adama Samassekou were informed of this regrettable mistake, but this not helpful enough to see the item "Open Access" be re-introduced again, despite our efforts.

### **2) Access to information and knowledge**

*21-22. Everyone has the right to freedom of opinion and expression including the freedom to seek, receive and impart information and ideas. The sharing and strengthening of global knowledge for development can be enhanced by removing barriers to equitable access to information for educational, scientific, economic, social, political and cultural activities and by easing access to public domain information. Such barriers can be removed by promoting: **open access; open standards; the development of multilingual translation software open source software; the widespread availability of public access points***

this paragraph became in the [19 September evening version](#) :

### **3)[2] Access to information and knowledge**

19.[21-22] In building the information society in which everyone has and can exercise the right to freedom of opinion and expression including the freedom to seek, receive and impart information and ideas, [through any media and regardless of frontiers]/[subject to limitations determined by law], the ability for all to access and contribute their information, ideas and knowledge is essential.

20.The sharing and strengthening of global knowledge for development can be enhanced by removing barriers to equitable access to [available] information for economic, social, political, cultural, educational, and scientific activities and by easing access to public domain

information.

It was really a shock. Quite a few diplomats were, reportedly (*their own words*) "stunned". It has a chilling effect on other delegations that we lobbied to support the introduction of the "Open Access" item during the Intersession. The damage to the "Open Access" cause was extremely severe. There was further drafting work in the [19 - 24 september version](#).

In the version ( 26 September 2003 ) this section ( [now section 3](#) has been modified beyond recognition :

### **3)[2)] Access to information and knowledge**

19. *Freedom of expression and freedom of opinion, the right to seek, receive and impart information and ideas regardless of frontiers [as enshrined in Article 19 [and 29] of the Universal Declaration of Human Rights] are the necessary premise of the information society. In building such an information society, the ability for all to access and contribute their information, ideas and knowledge is essential.*
20. *The sharing and strengthening of global knowledge for development can be enhanced by removing barriers to **equitable access** to information for economic, social, political, health, cultural, educational, and scientific activities and by facilitating **access** to public domain information.*
21. ***A rich public domain is an essential element for the growth of the Information Society**, creating multiple benefits such as an educated public, new jobs, innovation, business opportunities, and the advancement of sciences. Information in the public domain should be easily accessible to support the Information Society, and protected from misappropriation. Public institutions such as libraries and archives, museums, cultural collections and other community-based access points should be strengthened so as to promote the preservation of documentary records and **free and equitable access** to information.*

Despite the fact that good input of the Scientific community caucus ( a sector-based caucus including representatives of associations of learned societies and engineers, while our group is theme-based. ) ( **highlight** ) has been introduced in the text, it remains that the term "Open Access" has been substituted by the term **equitable access**. This term can also be found in the the Scientific community caucus document ([WSIS/PC-3/CONTR/113-E](#) 31 May 2003). But, it would be premature to conclude it has been borrowed only from this Caucus input, since the term "equitable access" may also be found unfortunately in statements from some librarian associations.

The term "Open Access" has a precise meaning, related to the "Open Access" activist movement, while the term "Equitable Access" does not correspond to any specific activist movement. It is very vague and non committal. This term is ambiguous and is borrowed from the economical sphere and therefore, we are afraid that it is going to imply that access to knowledge relates to commercial transactions. "Equitable trade" or "Equitable commerce" ( a rather [old concept](#) ). ( *in french [Commerce Equitable](#)* ) refers to trade issues that bring unneeded confusion to the declaration of principles. Equitable trade is often assimilated to [Fair Trade](#), bringing yet another layer of semantic confusion. We all know that the WTO means by "fair" "equitable" !. What does it mean ? "equitable" for whom ? the commercial publishers ? . It does not imply at all "Open Access". The term "equitable" is dangerous and



must be therefore removed by any means.

During the first week, on Tuesday, Wednesday and Thursday, *ad hoc* (states) groups were formed to discuss litigious points of the declaration. None was formed concerning "Access to Information".

- Issue *Chair* (number of meetings)
- Media *Switzerland* (3)
- Security *Italy for EU* (4)
- Enabling Environment *Brazil* (4)
- Internet Governance *Kenya* (3)
- Right to Communicate *Canada* (3 )
- Cultural Identity *India* (1 )

According to the official rules setup by the secretariat, Civil Society representatives were allowed to issue statements during the first five minutes of each meeting of these groups, and then they should leave the room. During the first three days of the second week, more *ad hoc* groups were created to work on the plan of action.

- Financing *Sweden* (4)
- Media *Switzerland* (3 )
- Security *Italy for EU* ( 3 )
- Capacity Building *Costa Rica* (2 )
- Enabling Environment *Brazil* ( 3 )
- Access to Information *Kenya* ( 3 )
- ICT Applications *Egypt* ( 3 )
- Infrastructure *Saudi Arabia*(3 )
- Cultural Diversity *Argentina*(2 )

We focused our attention on "Access to Information". There were three meetings.

- Tuesday 23 September, 8H-9H, Room 17 CICG
- Tuesday 23 September, 14H-15H, Room 17 CICG
- Wednesday 14H-15H, Room 17 CICG

As a basis for discussions, we started with the last version of the Intersession ( [22 August](#) )  
Of specific interest is paragraph [15-e](#) :

*Establish a programme, funded by the UN (or its agencies), to create a worldwide portal to open access journals and books, and an open archive for scientific information.*

This text is some kind of an incomplete summary of [our recommandations included](#) in the observers' contribution at PrepCom2. We felt that many of our original recommandation should not have been left away.

During the first meeting, Tuesday 23, early morning, from my personal recollection, were present the representatives of the followings states ( alphabetical order ): Canada, China, Europe, India, Kenya, Sudan, USA. Few other persons were also present. I proposed the following language :

*16 e) should be modified so that the whole section should be read as  
e) Establish a program, funded by the UN (or its agencies) to provide financial and technical support to Open Access journals, to create a worldwide support and hosting site for Open Access journals and books, to create a distributed open archive for scientific*

*information.*

*modifying slightly a EU proposition, add the subparagraph 16 f)*

*f) Government should encourage their universities, engineering schools and research centers to offer an Open Access to all their teaching materials and to offer Open Archives of research papers written by their staff.*

The EU proposition I am referring to, is part of the "Drafting Suggestions by the EU" ( Council of the European Union, Geneva, 19 September).

The chair Kenya was very friendly and allowed me to stay during the debates, while of course, I was not allowed to speak or intervene. No delegation, as it happened in most other *ad hoc* working groups, raised a point of order and requested the chair to ask civil society representatives to leave the room. One explanation is that I had previously discussed of the issue of Open Access with the following delegations that were present :

China: Dr. Shu-Kun Lin and me discussed with the Chinese delegation that was fully aware that the Ocean University at Qindao was supporting MDPI Open Access journals.

Europe: The French delegation has been extremely supportive.

India: I had numerous discussions with people in the Indian delegation. All the journals of the Indian Academy of Science are Open Access journals.

USA: I had many interesting discussions, mostly with a NSF representative that was quite knowledgeable of the Open Access movement and the Sabo bill.

The Tuesday 23 morning meeting was pretty positive. Sudan was backing my proposal. China, the EU, India and the USA were not objecting. The chair asked Sudan and the EU to finalize the language.

Encouraged by this positive turn of events, I added on Tuesday 23, Afternoon, the following language suggestions :

add the following sub-paragraphs :

*k) Governments, in order to safeguard the extension and accessibility of the public domain, should promote Open Archives as online document repositories of indexes and contents that are available at no cost to all readers, all over the world*

*l) University and School libraries should maintain Open Archives of documents, data and papers that have been freely contributed by their researchers, teachers and students*

*m) Governments must ensure that authors of educational, scientific and health-related articles reporting results of projects substantially financed with public funds or with not-for-profit foundation grants, deposit their works in Open Archives.*

*n) should promote a worldwide open standard for retrieving information in distributed Open Archives*

*o) should promote the implementation of a free and public Digital Object Identifier (DOI) system whereby content may be retrieved and identified, even if content is moved between different servers.*

*p) should promote and support efforts towards building a semantic web, whereby semantic tags included in online documents, may allow to build a worldwide database within the worldwide web.*

*q) should promote that libraries would not act only as passive repositories of knowledge, but should also be pro-active in helping volunteer authors to create high quality information in*



*accordance to guidelines mentioned in above paragraphs.*

The afternoon session began very well. The room was crowded. Many delegates were standing up. Sudan told the chair that he was backing my recommendation "as is", but very unfortunately, he had to leave to attend another meeting. When we moved to the paragraph on "Open Access", disaster stroke like a lightning in a blue sky : a delegate, just arrived in Geneva the day before, unknown to me, proposed to delete the paragraph in order to "enlarge it", while proposing a very vague formulation that was truly enlarging the scope of the recommendation, but without providing any practical support !. Then, the hell began, while I could not utter a word. I was not authorized to !. German, Danish and Finish civil society representatives that were part of their respective national delegations were powerless. Needless to say, in the turmoil, my new set of recommendation was not even alluded to !. The chair (Kenya) noticed my despair and tried to contain the damages. After the end of session, the chair took the informal initiative to encourage me to contact the delegations that were involved in the specific discussion of this item. It appeared later that the disastrous proposition of the newly arrived diplomat was a personal initiative that did not reflect the true position of the government he/she was representing. After discussions with the ambassador of the concerned government, the said diplomat was instructed to modify his/her position. The problem was that other governments, up to this point benevolent, began to argue. There were really stressful times !!! Finally the "version of the chair" for the last meeting was :

*i)) Encourage the creation of a [programme and mechanisms] to support free and affordable access to open access journals and books, and open archive for scientific information.*

Finally the language that was agreed upon was the weakest common factor, and it is now included ([Paragraph 11 i](#)) in the last version of the [Plan of Action \(26 September 2003\)](#):

*i) Encourage initiatives to support free and affordable access to open access journals and books, and open archives for scientific information.*

This language is very weak,

Dr. Johanson is thanked for presenting a proposition of new language at the *Ad Hoc* Governmental Working Group on "Enabling Environment" ( Wednesday, 24 September, 08-09H Room 18 CICG Chair: *Brazil* ). Unfortunately, he was invited to leave the room after reading his statement.

#### *6. Enabling Environment*

*19 b) should be modified in order to become :*

*b) Limitations on protection should be ensured so as to guarantee open access to scientific and educational data repositories, such as scientific databases, scientific journals, archives and libraries, as well as teaching material, that were created as a result of research and educational ventures substantially financed by public funds.*

We thank the chair (*Egypt*) of the *ad hoc* working group concerning ICT Applications, to provide us with the current "version of the chair". We were reassured to notice that there was no obvious threat to our recommendations in this section.

Until the end of the conference, I continued to refine new recommendations, taking into objections and advices, and discussing with delegations

in reference to 25 September evening version :

## **DECLARATION of PRINCIPLES**

### **2. Access to information and knowledge**

**20** re-insert mistakenly deleted language, with some modification, at the end of the paragraph :

*by promoting: open access, open standards, a fair and competitive offer that provides a choice between proprietary software and Free Software solutions, multilingual translation software, and the widespread availability of public access points*

**23** In the last sentence of the paragraph, replace "universal and equitable access" by

*"universal open access"*

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In reference to the 24 September version :

## **PLAN of ACTION**

### **2. Access to information and knowledge**

**16 i)** should be modified so that the whole section should be read as *i) to recommend international and national programs as well as mechanisms, to provide support to Open Access journals initiatives and to Open Archives initiatives for scientific information.*

to add

*m) to recommend to International and National Public as well as Philanthropic funding organizations that they enforce, as part of their funding policy, that all resulting scientific publications, be published in Open Access journals.*

*n) promote the implementation of a free and public Digital Object Identifier (DOI) system whereby content may be retrieved and identified, even if content is moved between different servers.*

*o) promote and support efforts towards building a semantic web, whereby semantic metadata included in online documents, allows to build a worldwide database within the worldwide web.*

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### **6. Enabling Environment**

**old deleted 19 b)** should be re-inserted in a modified form :

*Ensure that open access be guaranteed to scientific and educational information repositories, such as scientific databases, ( e.g genome databases ) scientific journals, archives and libraries, as well as teaching and educational material, that resulting from research and educational ventures substantially*

## [PrepCom 3 - Resumed Session](#)

**10 - 14 November 2003**

This session was, by all accounts, for us, the most dramatic of all WSIS sessions of Phase I. Technically, since it was not possible to plan formally yet another session, this session was considered as a resumed session of the previous one. As [reported before](#), at the end of PrepCom3, the situation was not so good : "Open Access" had vanished from the Declaration of Principles, and I was very frustrated that a good language promoting programs in support of "Open Access" narrowly missed to be included in the "Plan of Action", simply because of the blunder of a diplomat from a friendly government. In general, the atmosphere was very tense. To add a sense that this session was an unscheduled emergency session, on Friday 14, started at the [C.I.C.G.](#), yet another completely unrelated "Red Cross" conference that took the ground floor hall ( see [pictures](#) ). Workers were building booths on Wednesday and Thursday, and on Friday the PrepCom3A was confined only to the upper floor. I remember the eerie atmosphere of workers and later "Red Cross" meeting attendees mixing up with the diplomatic crowd. The workload was very high. Night sessions (7PM - 10PM) were scheduled.

There was a feeling that the whole Summit might end up being a failure. Behind closed doors informal negotiations were conducted in Geneva, before the session resumed, two so-called "non-papers" as results of those informal negotiations were issued on October 23 and November 5.

The [Beijing Declaration](#) ( 19 October) at the [TWAS 9th General Conference](#) was disappointing. "Open Access" and "Open Archives" are not even mentioned, furthermore the following paragraph seems to go indirectly against Open Access journals, since the name : "High Impact journals" is often meant to designate established subscription based journals. *Many path-finding research investigations of scientists are not published in front-ranking journals in the North. Yet these are relevant and important, and should be made known to the world. To this end, TWAS should begin publication of periodic 'Research Highlights,' which will summarize these studies in a rigorous and professional manner. TWAS should also support efforts to have these highlighted research reports covered in the world's high-impact journals.*

A ray of hope for Open Access was provided by the [Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities](#) (22 Oct 2003). It was really hoped that this would turn the European delegation into an active Open Access supporter. In order that the Berlin declaration, and in general major previous Open Access declarations, may be given the status of a UN document that can be fully taken into account by diplomats, these documents were submitted by the WSIS accredited civil society NGOs ( ENSTA / MDPI ) in the name of the scientific information working group. Therefore, we asked the Max Planck Institute and the CNRS to authorize such actions and help us. The response was extremely quick and enthusiastic. We thank Dr. Stefan Echinger (Max Planck Society) for his agreement and support. We thank also Dr. Francis André (INIST/CNRS) concerning the French version. The Berlin declaration is now listed as document WSIS/PC-3/C/0187 ( [English](#), [French](#) ) - (dated 07 Nov - published 10 Nov ).

Meanwhile, with the informal agreement of Dr. [Peter Suber](#) who display this declaration on his site, the Bethesda Statement on Open Access Publishing has also been submitted

[WSIS/PC-3/C/0184](#) (dated 06 Nov - published 08 Nov ). I did not have time to follow the same course of action with the "Budapest declaration" and the "Wellcome trust statement", but we plan to do so in the future during the Tunis phase.

In the Civil Society [comments](#) on the first non-paper (23 October ), we underlined that *the word "open access" refers to the free access to information that has been created by authors that do not seek financial compensation. The best example is scientific authors. This information should be freely available and not be resold by publishers at a very high price, therefore creating yet another digital divide. As a conclusion the word "open access" refers to non-commercial and public domain information. The word "equitable access" refers to the "equitable trade" ("commerce equitable" in French) movement that promotes a fair financial compensation between economical actors with unequal bargaining power. Therefore the word "equitable" seems correct, but as long as it used within a trade context. This word is fitted for commercial transactions related to commercial information. It should not be used to replace "Open Access" because it would imply that scientific information, public domain information and any other information that is created for free, should be subjected to trade rules.*

By a stroke of good luck, it happened that Dr.[Peter Suber](#), member of our steering committee, was invited to visit Croatia ( 5 - 8 November 2003 ) with the financial assistance of the U.S. Speaker and Specialist Program managed by the U.S. Department of State, Bureau of Educational and Cultural Affairs. Along informal talks with librarians, he was invited to give a lecture at the fourth Seminar for Academic and Special Libraries. jokingly entitled "[Don't Shoot the Librarian - How the Others See us?](#)". Since, I had friendly discussions, during PrepCom2, with [Dr. Diana SIMIC](#), deputy minister of Science and Technology, and found that she was extremely receptive to the "Open Access" paradigm, it was a golden opportunity to try to reinforce her commitment in supporting Open Access at the Summit. Upon our request, [Dr. Diana SIMIC](#) was kind enough to welcome Dr.[Peter Suber](#) and to have a fruitful discussion. Dr. [Peter Suber](#) must be thanked for his time and advocacy talent, during this "diplomatic mission".

As the conference began, I started to submit a number of written proposals, that were brought before the various delegations, first to remove any element that may trigger an objection, and then try to create enough support so that a delegation may take upon itself to present our suggestion as the suggestion of the state it is representing. One should understand how difficult this is. Only one objection by a single state may suffice to reject a proposal, because all WSIS decisions are made by consensus. Often, however, when a proposal is made by an influential state, or when the proposal is backed by several other states, the president of the session ( in this case, the Finnish ambassador Asko NUMMINEN ) may or may not propose that informal negotiations should be held between the set of concerned state ( the one that proposes it, those who support it, and those who object to it ). The proposing state, even backed by several other states may decide also to decline the kind offer of the Session president and renounce to pursue its proposal. The process drafting, consulting and re-drafting was feverish and involved many versions ( in order to clearly identify the papers with diplomats ).

For PrepCom3A, I installed also a WIKI server ( 2 machines hosted at ENSTA ) at [WSIS-WIKI.ORG](#) for the Scientific Information Group in order to have a "real time" interaction with the members of the Working group, but the rapid pace of the conference and the

continuous modifications in relationship to ongoing negotiations made this tool, not as useful as I expected. The WIKI tool might have been useful at PrepCom2, when the pace was much slower.

On the first day, Monday 10 November, I managed to convince the Australian delegation to propose that a distinction should be made between equitable access and open access : *The sharing and strengthening of global knowledge for development can be enhanced by removing barriers to open access to information for social, political, health, cultural, educational, and scientific activities and to equitable access to information for commercial, economical, industrial and financial activities.* This proposal was supported by Morocco. As expected from my consultations with this delegation, China did not object. However, other delegations who pledged their active support on the floor, did not keep their promises. After some delay, it was objected first by the United States, and then by the European Union. Australia did not insist. Concerning the United States, I was disappointed, since after our long discussions I thought they would not object. One US diplomat accused me of "wishful listening". Concerning the European Union, it was even more disappointing. The Berlin declaration seemed to have a low impact on the Italian presidency ( to which I had explained the declaration beforehand ) and on the European commission representative (yet unknown to me) who happened to be there at this wee hour. The influence of the German and French delegations on the overall position of the European Union on this topic seemed to be minimal.

Without yielding to discouragement, I kept drafting new propositions for the declaration ( [version 4 - 11 Nov](#) ) and the plan of action ( [12 Nov](#) ). The core of the overall debate was on the Declaration of Principles at that time ( Human rights, Governance ). I met more European commission representatives. The opinion concerning "Open Access" was divided. Some ones were enthusiastically endorsing it, even financing it !, while some others, strict enforcers of neoliberalism, were suspicious. It took much effort to show that the subscription based business model would not exist, within a pure capitalistic orthodoxy, and it amounted, in macroeconomical terms, to indirect subsidies to publishers from research agencies that were mainly funded by the states, ( but also by foundations and private sector ). I was also able to show that the "Open Access" business model would indeed generate huge savings in the long run for the states, while adopting a policy that would look good in front of transition countries that are demanding some real action to bridge the digital divide. In a sense, this was a most welcome proposition, because European diplomats were scratching their heads to find ways to bridge the digital divide at the minimal cost, and then I was proposing a way that would save money ! It sounded like a miracle to them. In short, Open Access is a "win/win" proposition. I had also several heated and emotional discussions with the Italian president, that finally understood that I would never gave up. At the end of a special meeting between the EU delegation and the European Civil Society, he gave a tap on my shoulder telling me that the EU would not object any longer to "Open Access".

My main problem, at this stage, is that even if I could find a consensus on the texts, there was no more states willing to take care of proposing my recommendations, because the paragraphs concerning "Access to Knowledge" in the Declaration of Principles and in the Plan of Action have been closed to further discussions. The schedule was now very tight, and the session president was not willing to re-open for discussion any paragraph that has now been wholly approved, because the whole Summit was running short of time. Therefore, a chief of delegation must have to ask first the session president H.E Askö

NUMMINEN to be authorized to re-open the discussion, a task that a professional ambassador ( unless from a very powerful country ) would not like to assume responsibility. Australia, and Fiji would not fight again for it. The French ambassador H.E Michel Peissik, and other diplomats like Bruno Oudet told me that to re-open for discussion those paragraphs would be a nearly impossible feat. Then arrived, at last, on Wednesday 12 at night, H.E [Dr. Diana SIMIC](#) to "save the world", as she said half-jokingly,

The first thing was to be allowed to re-open the paragraph 25 (ex 23) (see [version 6 - 12 Nov](#) ) now closed. Since H.E [Dr. Diana SIMIC](#) just arrived to the summit, and was a deputy minister, it was hoped that H.E Asko NUMMINEN would be accept her request to re-open the paragraph. To our dismay, he did not agree at first, because the session was behind schedule and he was afraid of any further delay. However, I managed to see again H.E Asko NUMMINEN and to carefully explain to him that a consensus has been reached on this topic, but the question was closed before my numerous shuttles between delegations ended, and not much time should eaten up on this issue. I added that "Open Access" was listed among the ["non negotiable" items](#) then under preparation ( later called the [Essential Benchmarks](#) ) by the Civil Society. Finally, H.E Asko NUMMINEN agreed to let re-open the paragraph 25 !. H.E Adama SAMASSEKOU, president of the PrepComs, always very friendly towards the Civil Society and me, was also very supportive on this procedural issue.

A first step has been won, but the fight was not over.. [Dr. Diana SIMIC](#) insisted to review with the US delegation our proposed text and this turned out to a very wise move. I do not know if it is because of my "wishful listening" or because the US diplomat has been nice to me because she thought it was impossible to re-open this closed paragraph, anyway when she realized that the paragraph was to be re-opened, she said that the US would object to our current proposal. On a defensive posture, the US science officer stressed that other scientific organizations told her they were satisfied with the current text that has been written with the "best interest of science" in mind. I must concede that the US science officer, a very capable and clever lawyer, had a good judgment on some other scientific issues in the sense it was better to have no text than a bad text. I followed her advices on those topics, but we were fighting concerning scientific publishing. Concerning the text, it must be underlined that the current text was now containing the stronger "*We strive*" instead of "*We encourage*" thanks to Iran who held an informal negotiation with the US on this topic and it was not conceivable that we might get back to the weaker "*We encourage*". This was good, but also it made it tougher to add anything to it. Our proposal to simply have "*We strive for promoting open access*" was flatly rejected by the US. Anyway, this draft ([version 6 - 12 Nov](#) ) while being approved by the European Union because of the reference to intellectual property rights, was not much to the taste of China. We were in the middle of very intense and emotional negotiations with the US delegation, when Dr. SIMIC, by a stroke of genius, proposed not to modify the existing text (that has been mostly written by the US delegate), but to **add** *including open access initiatives for scientific publishing* at the end of the sentence. The US delegate agreed at last !. Dr SIMIC "saved the world" !. Then I shuttled to the Chinese delegation that agreed. Meanwhile, Dr. SIMIC came to submit with her brightest smile, our latest proposal to the Italian president of the EU delegation, who did not object because the text included the word "initiatives" despite losing the mention to IPRs. Everything seemed to be OK for "show time".

Very wisely, Dr. SIMIC waited for a moment when the assembly was idle. This happens from time to time, when delegates want to examine carefully in writing, a proposition made



by a state. People are waiting to get the written document and to read it. If I remember well, it was a recommendation brought by El Salvador ( a small state whose delegate was quite smart in proposing skillfully written recommendations to break diplomatic deadlocks ). Dr. SIMIC proposed on the floor our recommendation while I just brought to H.E president Numminen, the final printed version of it. We kept our breathe... nobody supported it but nobody objected to it ! President Numminen formally considered the recommendation as approved, and that was it !. It was 11 PM !. Dr. SIMIC and me, all seated at the Croatia desk, were so happy !. The people from the Botswana delegation nearby turned to us, raising their thumb upward, congratulating us. Brazilian delegates also were all smile. I came to see the Italian president, and in an outpour of latin emotion, I said to him "molto grazie", and we warmly shook hands !. The US delegation was at the upper floor and could not be seen, but the US science adviser came to see us, and told us, that if it had been any objection to it, the US delegation was ready to support us. A real miracle had happened !. H.E Adama Samassekou, later came to congratulate Dr. Simic and me. I have special thanks to make to H.E Adama Samassekou because he always brought encouragements to me, and this made a real difference in times of doubt and despair.

A bitter surprise came however the next day. Friday 14. While I was seated, waiting for the Civil Society press conference to begin, I read the latest draft version of the day of the plan of action, and I had a real shock when I realized that the paragraph, that I considered as "half-baked" in September : *i) Encourage initiatives to support free and affordable access to open access journals and books, and open archives for scientific information.* has been transformed into an even worse language : *i) Encourage initiatives to facilitate access, including free and affordable access, to publicly available journals and books, and open archives for scientific information.* .

The stunning story is that while we were fighting successfully on the floor on Thursday night concerning the Declaration of Principles, unknown to us, an *ad hoc* working group ( working in parallel with the discussion on the Declaration ) modified this paragraph. The mission of this *ad hoc* group was to work only on the paragraphs that were left open for discussions, i.e the paragraphs enclosed by square brackets. The paragraph C3 i) was not under square brackets. However, at the request of the Russian delegate, that did not understand the language of the text, as an "editorial act", without intention to modify the substance, the text has been "re-edited" with catastrophic consequences for "Open Access". Furthermore, when I came back to see Dr. Simic, it was too late for Croatia to do anything, because Croatia as well as all other states has adopted the current text under the impression that no modification to text closed to discussion ( that is not under square brackets) was performed. In the then prevailing haste, the printed version of the text that has been adopted by the assembly was not available. The assembly gave its assent blindly. After consultation with the Russian delegation, the scientific officer of this delegation understood the true meaning of the text and told me that Russia would not object to the restoration of the original text, The delegate from Kenya, Mrs Mercy Wanjau, that was so kind to "Open Access" in September, while chairing the special *ad hoc* group on "Access to Information", was really feeling a sense of responsibility, and tried her best to help restore the original text as adopted in the group she chaired, but nothing could be done before the PrepCom3A session ended, late at night around midnight on Friday.

To summarize: during PrepCom3A, a major victory has been achieved in the Declaration of Principles. The language is very strong, far stronger than in the Plan of Action. However,



because of yet another unwilling blunder, there was a new problem that was yet to be solved in the Plan of Action.

### [PrepCom 3B - Second Resumed Session](#)

**5 - 6 & 9 December 2003**

The [Science for Society](#) meeting and General Assembly of the [InterAcademy Panel](#) (IAP) took place in Mexico City( 1-5 December 03). I got aware of this meeting very late, but I managed to make a phone call to Prof. Yves Quéré ( Académie des Sciences, France ), one of the co-chair of the IAP Executive Committee, explaining that we would hope that the IAP would take a position in favor of Open Access at their meeting. Latter on (2 December 03), I sent to Yves Quéré, by fax, [a call to the InterAcademy Panel](#), also a fax to [Prof. Yuan-Tseh Lee](#) ( member of the SI group advisory board ). On December 5, the IAP issued several statements, one statement dealt with [Access to Scientific Information](#). This statement never includes the word "Open Access", but it recommends however that *electronic access to journal content be made available worldwide without cost as soon as possible, within one year or less of publication for scientists in industrialized nations, and immediately upon publication for scientists in developing countries;*.

it is also said that :

*For both the publishers of scientific journals and the intergovernmental organizations, providing free content to developing countries will have a minimal financial impact. Sales to these countries are small compared to the revenue generated from sales to more developed countries. Moreover, the cost of implementing the technology for custom web access for selected countries is low.*

The technique that is being alluded to is the one advocated by the [National Academies Press](#) (NAP) would allow free access to clients based in transition countries. This technique is based on the IP address of the client and is provided by a [private localization service](#). It is an interesting idea, but science content is still left unavailable to the many poor researchers, teachers and students in supposedly rich countries. The technique might not be sufficiently foolproof since it might suffice to log through a gateway located in a transition country or to use cloaking non-commercial or commercial software ( [Anonymizer.com](#), [Steganos](#), etc.. ). It remains to be seen if this technique offers a secure and attractive option to revenue-oriented publishers ( NAP does not seem to fall this category, see their very interesting [Open Book Interface](#) ). Fortunately, the IAP statement had no negative impact on the WSIS. As an epilogue to this advocacy effort, it must be noted that, on 29 Dec 2003 one eminent IAP member, the Chinese Academy of Science undersigned the Berlin declaration, so there is some hope that the IAP panel might take a firmer stance in the future.

Since the [Centre International de Conférence de Genève](#) ( C.I.C.G ) was booked for another conference, this last part of the PrepCom3 took place in the [Palais des Nations](#). In fact, one might wonder why the WSIS summit did not take place [here](#). However, the PrepCom3B occurred not in the main building but in a smaller building. The security was high, and for the time during the WSIS, Civil Society representatives were not allowed to enter the conference halls and to assist to the negotiations. This was rather ridiculous, and gave a very bad impression to the few NGOs that were present and novice to the WSIS. Needless to say, this limited my involvement. However, mixing with the crowd of diplomats, I was able to sneak once into the conference hall and meet the diplomats that I need to discuss with. No

diplomat complained about my presence...

At that time, the [Summit of Cities and Local Authorities](#) (Lyon, December 5,2003) seemed to have little influence on the WSIS negotiations. Since there was no cybercafé at the [Palais des Nations](#), most part of the Civil Society was at the CyberCafé of the ITU preparing the Summit and I commuted several times between the ITU and the Palais des Nations..

As I just arrived, I was lucky to meet, at the Palais des Nations cafeteria, Dr. Diana SIMIC and the Kenya representative, Ms. Mercy WANJAU discussing the best strategy to restore into the Plan of Action, the original PrepCom3 September text :

*i) Encourage initiatives to support free and affordable access to open access journals and books, and open archives for scientific information.* that has been transformed into  
*i)Encourage initiatives to facilitate access, including free and affordable access, to publicly available journals and books,and open archives for scientific information. .*

At this very late stage, there was no way to ask for a better language. I could have only a few discussions in the lobbies with key summit officials and a few delegations like China. The negotiations were conducted by the Kenya representative Mrs Mercy Wanjau, and Dr. Simic whose account is the following :

*The lobbying that was done by Mrs Wanjau was as hard as during the PrepCom3A. Finally, I prepared the written proposal on my TabletPC stating that Kenya and Croatia asked for the change, and we had it printed and distributed to key delegations and the session president. We decided to have Kenya propose the change as Mrs Wanjau was chair of the working group for access to information in September. We had to lobby with Russian delegation again since they were the ones who introduced the "editorial" change. We did have moral support from key Summit officials. Without this support, I doubt we might have been allowed by the session president to propose the change. Mrs. Wanjau said after this second victory: "This proves that everything is possible! ". Mrs Wanjau and Dr. Simic must be warmly thanked! Triple cheers !*

On Tuesday 9, the PrepCom3B reconvened for a last session, to discuss questions related to Internet Governance. I did not attend since I was too busy at Palexpo, preparing the Summit that was to begin on Wednesday 10.

### **WSIS - GENEVA 10-12 December 2003**

Dr. Shu-Kun Lin, a Chinese national and a member of our working group was selected to address the UN assembly as a Civil Society speaker on [Wednesday, 10 December 2003: General Debate: Plenary Session 1 15:00h-21:00h](#) and he delivered a [speech](#) in favour of Open Access. Furthermore, Dr. Francis Muguet also addressed the UN assembly on [Friday, 12 December 2003: Report from Multi-stakeholder Events, 15:30h-17:00h](#) near the closing ceremony, and made reports concerning the various Civil Society events organized by the Patents & Copyright & Trademarks working groups, the World Federation of Engineers, and Scientific Information working group.

On Thursday 11 December Afternoon Palexpo Hall 2, The SI group organized a event : entitled : **Open Access : [Towards a Free Science](#)** , Revolution in Science or Inevitable Scientific Evolution ?

### **Brainstorming meeting (Tunis, 2-3 March 2004)**

Dr. Francis Muguet participated to this meeting and the CSB meeting in this occasion.

Towards the implementation of the WSIS recommendations in favour of Open Access, we submitted a written evidence ( 12 February 2004. ) to a committee of the British House of Commons within the framework of a [Parliamentary Inquiry on Scientific Publications](#).

### **PREPCOM-1 OF THE TUNIS PHASE**

#### **Hammamet, Tunisia, 24-26 June (Tunisia).**

This short PrepCom dealt with WSIS procedural issues, and was unfortunately dominated by serious Human Rights concerns and issues that disturbed the schedule of the meeting.

A meeting of the Education and Academia family was held by Dr. Divina Frau-Meigs, focal point of this family. Dr Francis Muguet supported her proposal concerning the formation of a thematic Education Working group chaired by Dr. Divina Frau-Meigs, and proposed to host the site. Dr. Muguet also supported her proposal of organizing joint conferences and events involving stakeholders from various education, engineering and scientific communities. Dr. Divina Frau-Meigs recommends Open Access and Open Course Ware initiatives, and therefore she received the full support of the SI group.

### **Establishment of the Working Group on Internet Governance (WGIG) (September – October 2004 )**

Following an internal [consultation process](#) within the Civil Society, Thematic Working groups were asked to submit to the civil society thematic working group on internet governance (IG group) a list of at most three candidates per working group, and *the Internet governance caucus will aggregate the names received and send them along with the name of the caucus/working groups that made the nomination to Markus Kummer.*

The deadline setup by the Internet governance group was September 20. The SI group selected Dr. Cave as its candidate for the WGIG ( along with Dr. Muguet as an alternate/backup in case Dr. Cave could not attend a meeting ). Unfortunately, the selection committee of the IG group the 'NomCom' did not abide by what has been announced and no candidate from any working group was included in the list of candidates that was proposed to Markus Kummer as the choice of the Civil Society. Since the list was proposed at the very last moment before the deadline, no discussion could be held within the Civil Society about this important modification of the procedure. Candidates from the working groups were instead proposed as 'connectors', an ill-defined position that does not entitle them to have any official status with the WGIG, as it was confirmed by Markus Kummer to Dr. Jonathan Cave who was clearly disappointed and surprised. It is strongly recommended that the CSB should take care that procedures announced on the Plenary List and seemingly approved by

consensus shall not be contradicted at the very last moment. It could have been announced from the beginning that the IG group would have selected people only within its own ranks. This could have been acceptable. This is not the issue. In that case, concerned people from working groups would have registered to the IG group and participated to the internal IG selection process, which they did not feel necessary. The important ethical issue that should be addressed by the CSB is that procedures whereby people are left with the feeling of being excluded should not happen any more in the future.