

GISWatch  
10th anniversary

# GLOBAL INFORMATION SOCIETY WATCH

*National and Regional Internet  
Governance Forum Initiatives (NRIs)*



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)

# Global Information Society Watch

**2017**



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A special edition of GISWatch, "Internet governance from the edges: NRIs in their own words", is being published as a companion edition to the 2017 GISWatch annual report. It looks at the history, challenges and achievements of NRIs, as recounted by their organisers. It is available at <https://www.giswatch.org>



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### Introduction

National and Regional Internet Governance Forum (IGF) Initiatives (NRIs) are independent formations focused on issues related to internet governance from the perspective of their respective communities, while acting in accordance with the main principles of the global IGF. Yet implementing these principles at the national level can be especially difficult in countries with little experience in internet governance processes.<sup>1</sup>

National IGF initiatives are expected to follow the principles and practices of being open, inclusive and non-commercial. They work in accordance with the bottom-up consensus process of the IGF and need to have multistakeholder participation.<sup>2</sup> Yet how difficult is this in a country like Ecuador, where so many policies get decided behind closed doors?

This report considers the IGF in Ecuador, and the country's participation in the regional forum.

### Policy and political background

The Ecuadorian constitution (2010) guarantees universal access to information and communications technologies (ICTs) and an inclusive and participatory framework for policy development.<sup>3</sup> However, in developing the regulatory framework for the internet, lawmakers have often disregarded civil society, academia and even the private sector. Law reforms such as the telecommunications law (2015)<sup>4</sup> and a law on the social knowledge economy (also passed in 2015),<sup>5</sup> were drafted without multistakeholder

input, particularly with the absence of civil society organisations. Reflecting an uneven approach, the private sector, with the representation of major transnational companies, had a crucial influence on some of the laws that protected intermediaries, such as the large transnational telecommunication corporations.

The Ecuadorian communications law<sup>6</sup> has been criticised by the United Nations and others and has been called a setback for freedom of expression and association.<sup>7</sup> In this context of censorship, most media outlets and citizens have turned to the internet as a channel for free expression. The need for transparency and accountability in this respect has been foregrounded as an issue, especially following high-profile scandals regarding the national elections and government surveillance.<sup>8</sup> Issues of transparency still seem to affect institutional design and hamper negotiations with government officials. For example, when it comes to developing infrastructure such as the Pacific Caribbean Cable System, or last-mile technology, the government as a main stakeholder has acted with ambivalence,

1 Hill, R. (2014). Internet Governance: The Last Gasp of Colonialism, or Imperialism by Other Means? In R. Radu, J.-M. Chenou, & R. H. Weber (Eds.), *The Evolution of Global Internet Governance: Principles and Policies in the Making*. Berlin: Springer Berlin

2 <https://www.intgovforum.org/multilingual/content/igf-regional-and-national-initiatives>

3 [www.asambleanacional.gov.ec/documentos/constitucion\\_de\\_bolsillo.pdf](http://www.asambleanacional.gov.ec/documentos/constitucion_de_bolsillo.pdf)

4 <https://www.telecomunicaciones.gob.ec/wp-content/uploads/downloads/2016/05/Ley-Org%C3%A1nica-de-Telecomunicaciones.pdf>

5 [www.wipo.int/edocs/lexdocs/laws/es/ec/ec075es.pdf](http://www.wipo.int/edocs/lexdocs/laws/es/ec/ec075es.pdf)

6 APC. (2013, 26 June). Ecuador's new Communications Law: Progress on access and spectrum allocation, but a reverse for freedom of expression. *APCNews*. <https://www.apc.org/en/news/ecuadors-new-communications-law-progress-access-an>

7 See: <https://knightcenter.utexas.edu/blog/00-14071-8-highlights-understand-ecuador%E2%80%99s-controversial-communications-law>; UN OHCHR Ecuador home page: [www.ohchr.org/EN/Countries/LACRegion/Pages/ECIndex.aspx](http://www.ohchr.org/EN/Countries/LACRegion/Pages/ECIndex.aspx); recommendations made for the country through the Universal Periodic Review (UPR) process: [www.ohchr.org/EN/HRBodies/UPR/Pages/ECIndex.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/ECIndex.aspx); joint civil society submission to the UPR addressing freedom of expression: [www.civicus.org/images/CIVICUS%20Joint%20Ecuador%20UPR%20Submission.pdf](http://www.civicus.org/images/CIVICUS%20Joint%20Ecuador%20UPR%20Submission.pdf); further analysis of the media landscape after the Communication Law was passed can be found at: Calderón, M. J. (2016). *Internet y política: deliberación, contenido y democracia en el Ecuador 2007-2013*. Flacso: Ecuador. [hdl.handle.net/10469/7973](http://hdl.handle.net/10469/7973)

8 There are four Freedom of the Net reports published between 2012 and 2016 that detail violations of privacy and internet freedom in Ecuador, with the latest available at: <https://freedomhouse.org/report/freedom-net/2016/ecuador>; Ecuador has also been identified as one of Hacking team's main customers: <https://es.globalvoices.org/2015/08/05/hackingteam-ecuador-gasta-millones-en-malware-y-troles-pro-gobierno> and <https://panampost.com/panam-staff/2015/08/10/hacking-team-helped-ecuador-spy-on-opposition-activist>; there is also a major debate over corruption scandals that involved Tami Slav Topic, the CEO of Telconet, and the control of fibre-optic concessions and the Pacific Caribbean Cable System: [www.larepublica.ec/blog/politica/2017/07/24/topic-confiesa-que-pago-us-5-millones-al-tio-de-glas-en-comisiones](http://www.larepublica.ec/blog/politica/2017/07/24/topic-confiesa-que-pago-us-5-millones-al-tio-de-glas-en-comisiones)

often disregarding policies that would safeguard both private and public interests in telecommunication infrastructure.<sup>9</sup>

In 2007, the Brazilian government hosted the second global IGF, and while this promoted engagement with internet governance by regional actors, the subject was not at that point necessarily approached from a regional perspective. The regional debate began to take shape in 2008 when a group of actors proposed the creation of a multistakeholder space for political dialogue on internet governance. Since then, the Latin American and Caribbean Regional Preparatory Meeting for the Internet Governance Forum (LACIGF)<sup>10</sup> has been held annually in different countries of Latin America.<sup>11</sup> However, it has had questionable impact on the policy-making process in Ecuador.

The private sector has been unresponsive to national IGF events. For private telecommunications providers, social responsibility amounts to funding events such as the Campus Party, which have included the private sector, innovators, academia and civil society organisations. There has been some attempt to address internet governance issues at these events. The last event took place from 30 September to 4 October 2015, and attracted 3,000 participants.<sup>12</sup>

Internet governance implies a political understanding of public interest. For the past 10 years, the Ecuadorian government has eroded public forums where issues of governance can be debated in a transparent fashion. Legal authoritarianism, a by-product of a hybrid regime, tends to weaken institutions. Social inclusion on decision-making processes has been set aside in favour of a top-down policy-making process. These practices have neglected civil society participation as a whole. In this context, the local IGFs represent a window of opportunity for a more open participatory environment, and a more transparent situation.<sup>13</sup>

## A challenge to the government's legitimacy

Multistakeholder participation in internet governance in Latin America has increased since the beginning of the LACIGF meetings. For instance, the third LACIGF was held in Ecuador in early August 2010. The Association for Progressive Communications (APC),<sup>14</sup> Nupef<sup>15</sup> and the regional internet registry LACNIC<sup>16</sup> brought together around 140 representatives from governments, the private sector, the technical community, academia and civil society organisations. It was a memorable event, where for the first time issues of inclusion, connectivity, openness, gender, sexual rights, and censorship and the control of content were publicly debated.<sup>17</sup>

There have been several attempts from different actors in the region to hold national IGFs throughout the years. These attempts have been isolated, and not necessarily aligned with the objectives and goals of the IGF. Such informal institutional arrangements have prevailed for the most part of the decade since the regional IGFs began to be held. Ecuador has not been an exception. Unfortunately, other actors have complained about the co-option of organisations such as the Internet Society (ISOC). This issue has deterred participation and weakened representation of civil society and other actors.<sup>18</sup>

On 27 November 2014 in Quito, the International Centre for Advanced Studies in Communication for Latin America (CIESPAL) hosted national and international experts at an event called the National Encounter on Internet Governance. This was a multistakeholder initiative, organised by civil society organisations: APC, FLOK Society,<sup>19</sup> the Free Software Association of Ecuador (ASLE),<sup>20</sup> the Infodesarrollo network<sup>21</sup> and the Latin American Information Agency (ALAI).<sup>22</sup>

The National Encounter on Internet Governance had a strong emphasis on human rights. Private companies and intermediaries nevertheless found a meeting ground for the discussion of global issues and the possibility of opening new channels for innovation. The meeting opened a dialogue on public policy issues related to key internet governance

9 <https://www.eluniverso.com/noticias/2017/07/02/nota/6258349/internet-fijo-llega-36-hogares>

10 <https://lacigf.org/en>

11 Delgado, J. A. (2014). *Gobernanza de Internet en Ecuador: Infraestructura y acceso*. repositorio.educacionsuperior.gob.ec/bitstream/28000/1579/1/Gobernanza%20de%20Internet%20en%20Ecuador.pdf

12 [www.elcomercio.com/guaifai/evento-campusparty-ecuador-2016-contrato.html](http://www.elcomercio.com/guaifai/evento-campusparty-ecuador-2016-contrato.html) and [www.pichinchauniversal.com.ec/index.php/extras/item/17535-campus-party-sera-el-mayor-evento-tecnologico-del-ecuador](http://www.pichinchauniversal.com.ec/index.php/extras/item/17535-campus-party-sera-el-mayor-evento-tecnologico-del-ecuador)

13 For information on hybrid regimes see: Levitsky, S., & Way, L. A. (2010). *Competitive Authoritarianism: The Origins and Dynamics of Hybrid Regimes in the Post-Cold War Era*. [homes.ieu.edu.tr/~ibagdadi/INT435/Readings/General/Levitsky-Way-Stanford%20-%20Competitive%20Authoritarianism.pdf](http://homes.ieu.edu.tr/~ibagdadi/INT435/Readings/General/Levitsky-Way-Stanford%20-%20Competitive%20Authoritarianism.pdf); further analysis of the Ecuadorian case can be found at: De la Torre, C. (2013). The techno-populism of Rafael Correa: Does charisma with technocracy? *Latin American Research Review*, 48, 24-43.

14 <https://www.apc.org>

15 <https://www.nupez.org.br>

16 [www.lacnic.net/921/2/lacnic/lacnic-home](http://www.lacnic.net/921/2/lacnic/lacnic-home)

17 Fascendini, F. (2010, 7 October). Latin America in the run-up to the IGF: Global and regional synergy. *GenderIT.org*. <https://www.genderit.org/es/node/3205>

18 Efforts to change this situation and open up participation for other actors are still the main issue, as will be explained later.

19 [flokociety.org](http://flokociety.org)

20 <https://www.asle.ec>

21 [www.infodesarrollo.ec](http://www.infodesarrollo.ec)

22 <https://www.alainet.org/en>

issues. For the most part it remained an open, democratic and inclusive event.<sup>23</sup>

The Ecuador IGF seeks to frame internet governance discourse within the framework of the regional and global context, as well as to offer these perspectives. It seeks to provide discussions with conceptual, technical and political inputs. Although a participant, the government has yet to use the event as an opportunity to strengthen its stakeholder network. Ideally the main objective of the government's participation should be the development of a framework based on the principle of public interest and a human rights approach to internet governance in the country that is participatory, open and inclusive.

In Ecuador there has not been enough in-depth reflection on how the internet is regulated and developed, although there is a growing awareness of the importance of universal access and use of the internet to contribute to the achievement of development objectives and to strengthen the exercise of human rights. Various groups, coalitions and national organisations have tried to address the question of internet access from a variety of perspectives, including the need to move towards technological sovereignty. The *Minga for Technological Sovereignty*,<sup>24</sup> organised by ASLE and others, is a good example of this.<sup>25</sup> These efforts provide a good basis for tackling internet issues within the framework of open and inclusive governance in the country.

While multistakeholder participation has not been strong in Ecuador, there have been groundbreaking processes, such as when Ecuador proposed a special declaration related to internet governance<sup>26</sup> at the third meeting of the Community of Latin American and Caribbean States (CELAC). These positive initiatives for the most part have been isolated and later discarded – sometimes simply because government officials in charge have been removed from their posts.

This situation illustrates the way weak institutions act when taking over multistakeholder governance decisions in hybrid regimes. While there have been efforts at reducing the digital divide over the past 10 years, and there have been

important advances such as proclaiming the internet as a public good, practical improvements in global connectivity have been sparse and mostly uncoordinated.<sup>27</sup>

In 2016, ISOC-Ecuador hosted a national IGF in the city of Manta. In line with the institutional principles of the IGF, it was meant to be open, inclusive and with multistakeholder input. But the event was limited. According to information from other stakeholders, the call for participation was not open to everybody. Since then, participants in the organisation of the 2017 Ecuador IGF have tried to push the forum towards a more decentralised environment. The proposal was made to host the event in Loja on 24 November.

Once again, however, there has been a lack of proper coordination with other larger civil society organisations, grassroots organisations and marginalised groups. While the event has been held outside the capital Quito in an effort to open the debate for other sectors of society, the ISOC-Ecuador chapter has been criticised on issues including power alternation, a lack of institutional participation, and a lack of transparency.<sup>28</sup> As seen on the panels for the 2017 event, there is also little attention to gender balance, and minorities have been neglected.<sup>29</sup>

## Conclusions

Ecuador's national IGF tells us a story of differences – and that there are very few success stories to share with the region. Key challenges faced are freedom of expression, gender equity, privacy, e-commerce, security, cybercrime and the need to develop and promote the ICT industry; all these fall within the frame of internet governance, but in Ecuador, they have been kept silent due to political interests. If local organisations and internet users are trying to build public engagement, open dialogue with other stakeholders is necessary.

There is an increasing need to promote the strengthening of institutions in a secure and trusting environment in Ecuador. The importance of a framework that sets goals that stand above private interests – which are mostly political – in order to achieve common objectives needs to be

23 For a summary of the event and policies discussed see Delgado, J. A. (2014). *Op. cit.*

24 [www.somoslibres.org/modules.php?name=News&file=article&sid=6454](http://www.somoslibres.org/modules.php?name=News&file=article&sid=6454)

25 The other civil society organisations that acted as organisers of the event were CIESPAL, APC, Infodesarrollo network, FLOK Society and ALAI.

26 [www.sela.org/celac/cumbres/iii-cumbre-celac-costa-rica-2015/declaraciones](http://www.sela.org/celac/cumbres/iii-cumbre-celac-costa-rica-2015/declaraciones)

27 The law on the social economy of knowledge paves the way to establishing the internet as a public good. In 2015, most of criticism derived from the risks of having the government control all access and connectivity. See: [codigo-abierto.cc/ecuador-pone-rumbo-a-la-economia-del-bien-comun](http://codigo-abierto.cc/ecuador-pone-rumbo-a-la-economia-del-bien-comun)

28 Interviewees for this research felt the alternation of power for the executive positions of ISOC was a good thing, as it increased the legitimacy needed for these events.

29 Information about the organisation and events can be found at: [www.isoc.org.ec/?q=es/node/44](http://www.isoc.org.ec/?q=es/node/44)

recognised. To date, the process of institutional competence in internet governance has suffered from a lack of foundational agreement on principles and norms. A framework could enable the national IGF to adopt global mechanisms and conventions, and increase the cultural acceptance and legitimacy of processes such as much-needed inclusive dialogue.

Currently the meetings for the next national IGF which will take place in Ecuador are being held once a month and there is a chat group that coordinates individual efforts. As suggested, most of the stakeholders have demanded openness – and this year it will be held in the city of Loja.

There have been specific efforts to include academia – at least two universities are participating – and other stakeholders this year, and it will be hosted in a place where most of the people are included due to a more open environment. It remains to be seen if this will be the case.

### Action steps

The following action steps are suggested for civil society in Ecuador:

- Civil society organisations feel the need for an international stakeholder to guarantee an open and democratic internet governance process in the country. For some, there is a need for a UN

envoy solely devoted to the organisation of the IGF in Ecuador. The objective is to open the debate and assure a democratic and transparent process. Although this suggestion might sound far-fetched, it is a reflection of the citizens' lack of trust in institutions and stakeholders.

- There is a need to ensure the independence and accountability of the IGF process. External technical support from organisations such as the IGF Academy<sup>30</sup> and APC could be helpful mechanisms to achieve this. The latter has an important relationship with civil society organisations, as well as regional recognition.<sup>31</sup>
- Legitimacy is the main challenge that the IGF has to overcome in a country with many social and political conflicts. A multistakeholder internet governance model needs to be built on the bases of openness and transparency – and this can only be achieved in face-to-face meetings where trust and confidence can grow.
- Financial aid for meetings to organise the IGF is important. Civil society organisations, the government and the private sector should consider developing a small budget to host meetings in preparation for the event. This will ensure participation and interest among stakeholders and promote an inclusive environment.

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<sup>30</sup> [igf.academy/#kurzbeschreibung](https://www.igf.academy/#kurzbeschreibung)

<sup>31</sup> <https://www.apc.org/en/tags/ecuador>

# National and Regional Internet Governance Forum Initiatives (NRIs)

National and Regional Internet Governance Forum Initiatives (NRIs) are now widely recognised as a vital element of the Internet Governance Forum (IGF) process. In fact, they are seen to be the key to the sustainability and ongoing evolution of collaborative, inclusive and multistakeholder approaches to internet policy development and implementation.

A total of 54 reports on NRIs are gathered in this year's Global Information Society Watch (GISWatch). These include 40 country reports from contexts as diverse as the United States, the Democratic Republic of Congo, Bosnia and Herzegovina, Italy, Pakistan, the Republic of Korea and Colombia.

The country reports are rich in approach and style and highlight several challenges faced by activists organising and participating in national IGFs, including broadening stakeholder participation, capacity building, the unsettled role of governments, and impact.

Seven regional reports analyse the impact of regional IGFs, their evolution and challenges, and the risks they still need to take to shift governance to the next level, while seven thematic reports offer critical perspectives on NRIs as well as mapping initiatives globally.

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2017 Report

<https://www.GISWatch.org>

