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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

Venezuela is a country in crisis as a result of political fractures and serious economic and social difficulties affecting society in general. Internet governance is not immune to this dynamic. Institutionally there is a confrontation between different political groupings,¹ which prevents concrete actions from being taken to promote a constructive national dialogue that can solve the crisis. This report considers the impact of Internet Governance Forums (IGFs) on public policies and the equitable development of an accessible and sustainable Internet. It presents a summary of Venezuela's efforts in creating a national IGF and participation in regional and global governance forums and the commitments that have been made in these areas to establish alliances on internet-related issues. Finally, a series of recommendations are presented to guarantee the defence of internet rights that promote an environment of sustainable and equitable internet development in the country, and the creation of an inclusive and open information society.

Legal framework

In Venezuela there is a regulatory framework that protects internet rights and promotes progressive internet governance in the country. The legal instruments that defend internet rights² are enshrined in the Constitution³ in the following articles: 52, 57, 59, 60, 61, 67, 75, 95, 118, 184, 199, 201 and 308. There is also legislation that protects internet rights, such as the Law on Social Responsibility in

Radio, Television and Electronic Media,⁴ the Organic Law on Telecommunications,⁵ the draft Organic Law on Transparency, Disclosure and Access to Public Information,⁶ the Law on E-Government,⁷ the Special Law against Computer Crime,⁸ a law protecting children and adolescents with regards to videogames and the use of multimedia,⁹ a law limiting the use of mobile phones and the internet inside prisons,¹⁰ the Organic Labour Law,¹¹ and the Law on Political Parties, Public Meetings and Protests.¹²

In particular, the right to access the internet is regulated in the following instruments: the Law on the Promotion and Protection of Investment in the Use of the Radioelectric Spectrum,¹³ the Partial Regulation of the Organic Law of Telecommunications for the Granting of Financing for the Research and Development of Telecommunications,¹⁴ a law on national frequency assignments,¹⁵ a law regulating taxes established in the Organic Law of Telecommunications,¹⁶ a law regulating interconnection,¹⁷

- 4 www.conatel.gob.ve/files/leyrso6022014.pdf
- 5 www.conatel.gob.ve/ley-organica-de-telecomunicaciones-2
- 6 www.asambleanacional.gob.ve/uploads/documentos/doc_f6c8c5d3f5b7669b997ba69ae46d4e7674d9a87a.pdf
- 7 www.conatel.gob.ve/wp-content/uploads/2014/10/PDF-Ley-de-Infogobierno.pdf
- 8 www.mp.gob.ve/c/document_library/get_file?uuid=4187ac5f-5e70-4005-9080-0e2aed3d81b4&groupId=10136
- 9 www.conatel.gob.ve/wp-content/uploads/2014/10/PDF-Ley-para-la-Proteccion-de-Ni%C3%B3s-de-Ni%C3%B1os-B1as-y-Adolescentes-en-Salas-de-Usode-Internet-Videojuegos-y-otros-Multimedias.pdf
- 10 www.asambleanacional.gob.ve/uploads/botones/bot_gaba4ac92cb2b35a6317d66c7d07f8b4d8911327.pdf
- 11 www.lottt.gob.ve
- 12 www.derechos.org/pw/wp-content/uploads/Ley_de_Partidos_Politico_2010.pdf
- 13 www.defiendete.org/html/de-interes/LEYES%20DE%20VENEZUELA/LEYES%20DE%20VENEZUELA%20II/LEY%20PARA%20LA%20PROMOCION%20Y%20PROTECCION%20DE%20LAS%20INVERSIONES%20EN%20EL%20USO%20Y%20EXPLOTACION%20DEL%20ESPECTRO%20RADIOE.htm
- 14 www.google.com/#hl=es&xhr=t&q=REGLAMENTO+PARCIAL+N%C2%Bo+1+DE+LA+LEY+ORG%C3%81NICA+DE+TELECOMUNICACIONES&cp=64&pf=p&scient=psy&site=&source=hp&aq=f&aqi=&aql=&oq=REGLAMENTO+PARCIAL+N%C2%Bo+1+DE+LA+LEY+ORG%C3%81NICA+DE+TELECOMUNICACIONES&pbx=1&bav=on.2,or.r_gc.r_pw.&fp=9c199bd8e181d1f9&biw=1169&bih=476
- 15 www.conatel.gob.ve/files/consulta/PA_CUNABAF_CP.pdf
- 16 ebookbrowse.com/reglamento-sobre-los-tributos-establecidos-en-la-ley-organica-de-telecomunicaciones-pdf-d70210029
- 17 www.minpptrass.gob.ve/paginas/reglamentos/reginterconexion.html

1 For example, the National Assembly, which is governed by the current constitution, and the National Constituent Assembly (elected in July 2017), which seeks to modify the current constitution without the participation of the opposition in the country.

2 As established, for example, in the APC-La Rue framework for assessing freedom of expression and related rights on the internet. See: <https://www.apc.org/en/pubs/internet-freedom-index-draft-checklist>

3 www.conatel.gob.ve/constitucion-de-la-republica-bolivariana-de-venezuela-2

a law on electronic signatures and related issues,¹⁸ Decree No. 825,¹⁹ Decree No 6,649,²⁰ Exceptional Decree No 2,849,²¹ and the Bill against Hate and Intolerance and Promoting Peaceful Coexistence.²²

Venezuela has signed several treaties on internet governance,²³ while also taking positions against UN resolutions such as the resolution issued in July 2016 to protect access to the internet and the right to freedom of expression, alleging that it violates the stability of the country.²⁴

Analysis of a multisectoral environment in internet governance in Venezuela

In Venezuela, the importance of the internet for the development of the country is recognised. Specifically, the Constitution stipulates that “the internet is also an invaluable tool for access and dissemination of ideas,” while Decree No 825²⁵ declares that the internet should be a priority policy issue, and is critical to global integration and as a tool for national and regional development.

However, while national regulations have set the guidelines for internet development in the country, there is a clear deterioration in the quality of access. This has particularly been the case given the economic crisis and the implementation of foreign exchange controls. This has meant that there is a lack of investment in telecommunications infrastructure in the country, which, according to experts, has become obsolete and deficient.²⁶ Because of this, Venezuela is among the countries with the slowest internet speeds in Latin America and the Caribbean. According to a report issued by the Economic Commission for Latin America and the Caribbean (ECLAC),²⁷ “Venezuela shows the slowest speed in access through fixed broadband (1.9 Mbps) [in the region], and in terms of performance, the country is one of the laggards with only 0.5% of its connections more than 10 Mbps and 0.2% of

connections above 15 Mbps.” Likewise, the internet speed ranking issued by Akamai²⁸ in June 2017,²⁹ shows that the average internet speed in Venezuela is below 2 Mbps and places Venezuela in position 14 of a group of 15 countries.

Government officials, however, argue that the poor quality of the network is due to the “democratisation of the service”. According to Jacqueline Farias, president of the state-owned company Movilnet, “in Venezuela the internet is a slow service because it is accessible, within reach of all and widely used by the population, and is a product of the democratisation of the service.”³⁰ To deal with this problem, the Venezuelan president stated in March 2017 that “all fibre optic networks in the country will be standardised, which will improve data communication by 35%, [impacting on] internet capacity, voice and data services.”³¹

However, it seems that government efforts are insufficient, as complaints about the quality of service are increasing among users in both urban and rural areas. Users have expressed their dissatisfaction with the interruptions and failures of the internet service,³² and organisations such as the United Nations (UN) and the Inter-American Commission on Human Rights (IACHR) warn about the frequent internet shutdowns and sites being blocked.³³ Between March and July 2017, when demonstrations against the government took place,³⁴ the use of the internet and social networks increased considerably, which generated a series of measures and new laws³⁵ by the government, including Decree No 849.³⁶ According to a 2016 report published by Espacio Público,³⁷ there were 366 violations of freedom of expression in that year, and, more recently, the closure of several media outlets.³⁸ The UN Special Rapporteur on freedom of

28 <https://www.akamai.com>

29 <https://www.akamai.com/es/es/about/our-thinking/state-of-the-internet-report/state-of-the-internet-connectivity-visualization.jsp> and actualizat.com.ve/2017/07/25/ranking-velocidad-de-internet-venezuela-entre-los-ultimos

30 www.el-nacional.com/noticias/politica/jacqueline-faria-internet-venezuela-lento-por-democratizacion-del-servicio_20798

31 <https://www.aporrea.org/tecnologia/n306245.html>

32 www.el-nacional.com/noticias/sociedad/usuarios-denuncian-fallas-servicio-cantv_47940

33 espaciopublico.org/expertos-onu-cidh-rechazan-censura-detenciones-ataques-periodistas

34 www.caraotadigital.net/nacionales/las-106-muertes-violentas-en-117-dias-de-protestas-contra-regimen-de-maduro

35 www.noticierodigital.com/2017/08/exclusiva-borrador-del-proyecto-de-ley-contra-el-odio

36 dctos.finanzasdigital.com/Gaceta-Extraordinaria-6298-Extension-Estado-Excepcion.pdf

37 espaciopublico.org/informe2016

38 espaciopublico.org/category/noticias-2/comunicados

18 www.tsj.gov.ve/legislacion/dmdfe.htm

19 www.cecacal.ula.ve/internetprioritaria/decreto825.html

20 www.cecacal.ula.ve/internetprioritaria/decreto.html

21 dctos.finanzasdigital.com/Gaceta-Extraordinaria-6298-Extension-Estado-Excepcion.pdf

22 www.noticierodigital.com/2017/08/exclusiva-borrador-del-proyecto-de-ley-contra-el-odio

23 Such as the 2012 treaty on the control of the internet signed at the World Conference on International Telecommunications (WCIT) convened by the United Nations in Dubai. www.itu.int/en/wcit-12/Pages/overview.aspx

24 www.eldiario.es/hojaderouter/internet/libertad_de_expresion-internet-Naciones_Unidas-resolucion_o_535096845.html

25 www.cecacal.ula.ve/internetprioritaria/decreto825.html

26 informe21.com/ciencia-y-tecnologia/tecnologia-obsoleta-cause-la-lentitud-de-internet-en-venezuela-segun-experto

27 www.el-nacional.com/noticias/historico/cepal-venezuela-tiene-velocidad-internet-mas-lenta-latinoamerica_7514

expression has also warned of threats to freedom of the press in the country.³⁹

In this context, which reflects a deterioration of the rights of access and freedom of expression, three local internet governance events have been held in Venezuela between 2014 and 2015, and representatives of the government, civil society and the private sector have participated in regional and global forums.

National internet governance events

Three key local internet governance events were held in Venezuela between 2014 and 2015. The first was the Meeting on Internet for Development and Transformation,⁴⁰ organised by the Association of Internet Users of Venezuela,⁴¹ on 11 and 12 August 2014. This event addressed issues such as: a) democratisation of the internet, b) use of social networks, c) use of physical and logical resources of the network, d) internet governance, e) development of information and communications technology (ICT), f) gender perspectives on the network, g) free/libre technologies, h) e-government, and i) technological literacy. Representatives from the government, civil society, business, the Internet Corporation for Assigned Names and Numbers (ICANN) and the Latin America and Caribbean Network Information Centre (LACNIC)⁴² participated in the event.⁴³

The second major event was the first national IGF in Venezuela,⁴⁴ organised by the Internet Society (ISOC) chapter in Venezuela⁴⁵ on 24 September 2014. The forum highlighted a series of regulations⁴⁶ that impact on the use of the internet in Venezuela. The forum was attended by representatives of the government, the local internet users association, telecommunications companies, universities, and representatives of LACNIC and the United Nations

Development Programme (UNDP).⁴⁷ The objective of the forum was to promote the participation of different sectors, with the aim of raising the level of dialogue to generate consensus on decisions and to enhance awareness and knowledge topics related to the internet inside and outside Venezuela.⁴⁸ Among the conclusions⁴⁹ of the forum were: a) the recognition of the value of the internet as a tool for freedom of expression; b) the importance of generating spaces to listen to and contrast different positions; c) the importance of internet governance and the multistakeholder model of internet governance; and d) the need to educate and provide users with knowledge on internet use and development. This event demonstrated the need for dialogue and debate on internet governance in Venezuela.

Finally, the second national IGF, on the theme of development and social transformation,⁵⁰ was organised by the Association of Internet Users of Venezuela⁵¹ and ISOC-Venezuela from 13 to 15 August 2015. Participants included representatives of the government, private sector and civil society. The purpose of the meeting was to understand the importance of the internet in development and social transformation. It was attended by Latin American and Caribbean (LAC) representatives of ICANN and representatives of the governments of Brazil, Argentina and Mexico. The following topics were addressed: a) is there an internet government?; b) internet governance beyond ICANN; c) inclusion, accessibility and disability; d) internet as a sustainable business model; e) net neutrality; f) the internet ecosystem and the process of transferring functions of the Internet Assigned Numbers Authority (IANA);⁵² g) the transition to IPv6; h) security in the network; and i) the need for a local internet exchange point (IXP) in Venezuela. William Castillo, president of the telecoms regulator CONATEL, said that the “ICANN multistakeholder model has its correlative in Venezuela in the inclusive and participatory democracy established by the National Constitution.”⁵³ Rodrigo de la Parra, ICANN’s vice-president, acknowledged that “Venezuela promotes a multistakeholder model of the internet in the discussion of issues related to the

39 espaciopublico.org/venezuela-crisis-relatores-la-onu-del-sistema-interamericano-alertan-del-deterioro-la-libertad-prensa

40 <https://www.aporrea.org/tecnologia/n255903.html> y www.avn.info/ve/contenido/i-encuentro-sobre-internet-para-desarrollo-y-transformacion-social-comienza-este-lunes

41 <https://atlarge.icann.org/lacralo/cartagena-outreach/factsheet-internauta-venezuela-19jan11-es.pdf>

42 www.lacnic.net

43 Participants included representatives of the Ministry of Science, Technology and Innovation, the Vice Ministry of Telecommunications, CONATEL, ICANN, LACNIC, Proyecto Nacional de Hardware Libre, Red Académica Nacional, free/libre software activists, ISOC-Venezuela, Cámara Venezolana de Empresas de Electrónica y Tecnologías de la Información (CAVEDATOS) and CANTV.

44 entornointeligente.com/articulo/2987668/VENEZUELA-La-Gobernanza-de-Internet-se-discutira-en-Venezuela-06082014

45 <https://www.isocvenezuela.org/1er-encuentro-gobernanza-de-internet>

46 Rules concerning: a) internet as an element of social development, b) net neutrality, c) cybercrime and privacy online, d) internet infrastructure, e) internet quality, f) internet reach in Venezuela, and g) internet governance.

47 www.ve.undp.org

48 espaciopublico.org/encuentro-internet

49 www.ciberespacio.com.ve/2014/09/software/encuentro-de-gobernanza-de-internet-evidencia-necesidad-de-dialogo-y-debate

50 cnti.gob.ve/noticias/actualidad/nacionales/4852-arranca-ii-encuentro-de-gobernanza-de-internet.html

51 <https://atlarge.icann.org/lacralo/cartagena-outreach/factsheet-internauta-venezuela-19jan11-es.pdf>

52 iana.org

53 www.conatel.gob.ve/gobernanza-de-internet-debe-construirse-entre-todos-y-todas

administration, regulation and use of the global network.”⁵⁴ As a result of the meeting, representatives of CONATEL announced the launch of the national IXP in Venezuela,⁵⁵ which will save on international traffic costs and improve technical efficiency. This project is part of the e-government public policy to modernise the state.

LAC regional preparatory meetings on internet governance

With regard to the LAC regional preparatory meeting for the IGF (LACIGF),⁵⁶ of the 10 forums held, Venezuela has participated in only five: 2010 in Ecuador (the third LACIGF), 2014 in El Salvador, 2015 in Mexico, 2016 in Costa Rica and 2017 in Panama. This low participation could weaken Venezuela’s influence in relation to internet governance, and could be why so few national IGFs have been held.

At the seventh LACIGF in El Salvador,⁵⁷ representatives of CONATEL⁵⁸ shared their vision of the internet in Venezuela and globally in a track called “Internet Access: Challenges and Opportunities for Development”. Venezuela’s participation in the LACIGF that year was followed by meetings in the country to address internet governance issues and the creation of multistakeholder teams to establish agreements and actions on internet governance. The national IGF was launched in Venezuela after this forum.

Another aspect to consider is that representatives of the government,⁵⁹ civil society and companies have participated in the regional forums in an isolated way, which does not allow Venezuela to develop national cohesion on issues related to the internet.

Civil society launched the San José Declaration⁶⁰ during the LACIGF 2016, expressing their concern about the threats to a free and open internet in the region, and the absence of commitment

from local governments for the protection of human rights online and the guarantee of access and digital inclusion. The critical situation facing freedom of expression in Venezuela was highlighted in this statement, but not all representatives of civil society in Venezuela who attended the forum signed the declaration, which may partially weaken the initiative.

Global internet governance meetings

Out of the 11 global IGFs held so far, Venezuelan government representatives have only participated in three: IGF 2007 in Rio de Janeiro, IGF 2013 in Bali (with ISOC Venezuela and Espacio Público),⁶¹ and IGF 2014 in Istanbul (with ISOC-Venezuela and universities). In 2015 it supported the proposal by the European Parliament for the United Nations to renew the IGF’s mandate,⁶² strengthen its access to resources and maintain the multistakeholder internet governance model. This suggests the Venezuelan government’s commitment to maintaining this model.

In 2014 Venezuela participated in the ICANN 54⁶³ event held in Dublin from 18 to 22 October.⁶⁴ Representatives from CONATEL, ISOC-Venezuela, universities and tech companies participated in the event. Specifically, CONATEL expressed its commitment to promote multistakeholder meetings. Jesús Rivera, head of CONATEL’s International Research and Monitoring Division, said: “One of CONATEL’s main interests at ICANN 54 is to find the key elements that will allow Venezuela to create a multistakeholder model in internet governance.” In addition, he noted that “CONATEL encourages participation in these meetings and promotes national debate on the subject by organising annual meetings that accommodate the views of the community, especially in relation to the preparation of proposals for public policies on the internet.”

With regard to other global forums where Venezuela has participated, at the Third Summit of Community of Latin American and Caribbean States (CELAC)⁶⁵ in 2015, a declaration on internet governance supporting the multistakeholder model was signed,⁶⁶ and at the World Conference on Inter-

54 www.conatel.gob.ve/icann-venezuela-impulsa-modelo-multiparticipativo-de-internet

55 www.elmundo.com.ve/noticias/economia/politicas-publicas/conatel-idea-plan-para-modernizar-el-internet.aspx and www.conatel.gob.ve/aumento-de-intercambio-de-trafico-local-menos-costo-y-mayor-banda-ancha

56 <https://lacigf.org>

57 <https://www.icann.org/news/blog/lacigf-america-latina-y-el-caribe-se-reunen-para-celebrar-su-7-igf-regional>

58 www.conatel.gob.ve/gobernanza-en-internet-venezuela-comparte-su-vision/

59 Venezuela’s participation in the LACIGF: 2010 – EsLaRed and government; 2014 – government; 2015 – Universities, EsLaRed, ISOC-Venezuela; 2016 – ISOC-Venezuela, EsLaRed, IPyS, Espacio Público, VE Inteligente and Acceso Libre; and 2017 – ISOC-Venezuela.

60 espaciopublico.org/declaracion-la-sociedad-civil-foro-latinoamericano-gobernanza-internet-2016

61 espaciopublico.org

62 www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+MOTION+B8-2015-0099+0+DOC+PDF+Vo//ES

63 www.conatel.gob.ve/venezuela-debate-sobre-gobernanza-de-internet-en-icann-54-dublin

64 Such as: (a) discussion of the influence that certain governments may have on the management of central domain name registries, (b) ICANN’s accountability, and c) internet governance, among others.

65 www.sela.org/celac/quienes-somos/que-es-la-celac

66 walk.sela.org/attach/258/default/Declaracion_15_Sobre_procesos_de_gobernanza_en_Internet.pdf

national Telecommunications in 2012, Venezuela endorsed the Dubai treaty on internet controls⁶⁷ as one of 89 signatory countries.

Conclusion

Different sectors of the country have tried to use the internet to develop and modernise Venezuela in line with the progressive legal instruments and public policies implemented by the government. However, the political, economic and social problems, the lack of national consensus among the different forces of the country, the formation of powers that seek to change the national constitution without the participation of the opposition, as well as repressive internet controls have affected the sustainable and balanced development of the country. In particular, the telecommunications sector has been seriously compromised.

The will of different sectors of society cannot be ignored, such as the organisers of the IGFs, civil society and internet users, and public and private entities, all of which have supported the idea of multistakeholder engagement. The national forums have reaffirmed the indisputable value of the internet, reflected in training plans to educate and provide users with knowledge on internet rights, cybersecurity and net neutrality, and have supported public policies that promote multistakeholder engagement. In its regional and global IGF engagement, the government has maintained particular positions on the vision of the global internet network and the need to maintain a multistakeholder model, but its lack of participation has limited its involvement in the decision making promoted in these spaces. However, in events organised by CELAC, Venezuela has been more active. It has allies in countries that seek to unify internet regulations in the region.

For its part, civil society has seen the forums as offering spaces to alert the world about the weakening of internet rights in Venezuela, to help shape

the internet governance model, and to identify actions that promote the development of the internet through projects, training interventions, and consultancies, among others.

Action steps

The country is at a historic juncture where the social and political divisions are at a breaking point. In this context, the multistakeholder model represents an opportunity to identify actions that jointly allow us to tackle priority projects and problems, work towards collaborative internet governance, and remain open to the strengthening and development of an inclusive and sustainable information society. Nevertheless, the government must guarantee the conditions for such an open space for discussion to exist, while also guaranteeing the technical conditions necessary to achieve the proper functioning of services such as internet access (among other services, such as water and electricity). Likewise, the government should be vigilant so that citizens' internet rights remain secure. It should create the mechanisms for service providers to access foreign exchange to improve telecommunication platforms and infrastructure, and allow migration to the latest generation of technologies to improve connectivity and access speeds.

For its part, civil society must leverage international mechanisms to defend internet rights in the country, documenting infringements of these rights, and supporting initiatives that give visibility to the situation in Venezuela. It should also participate in the forums and events that promote dialogue. ISOC and LACNIC, among others, can help through scholarships and financial aid. Civil society forums should be created where organisations can discuss issues to reach a common perspective. Organisations such as EsLaRed should continue to promote internet governance in its technical training and advice offered to the government, academic community and private sector in the region.

⁶⁷ www.eldiario.es/zonacritica/Neutralidad-Red-Internet-Libertad-ITU-WCIT-12_6_86851317.html

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>

