

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



Coordinating committee

Karen Banks (APC)
Valeria Betancourt (APC)
Deborah Brown (APC)
Anriette Esterhuysen (APC)
Flavia Fascendini (APC)
Emilar Gandhi (Facebook)
Jac sm Kee (APC)

Project coordinator

Roxana Bassi (APC)

Editor

Alan Finlay

Assistant editor, publication production

Lori Nordstrom (APC)

Proofreading

Valerie Dee
Lynn Welburn

Graphic design

Monocromo
info@monocromo.com.uy
Phone: +598 2400 1685

Cover illustration

Matías Bervejillo

Financial support provided by



APC would like to thank the Swedish International Development Cooperation Agency (Sida) for its support for Global Information Society Watch 2017.



Published by APC

2017

Printed in USA

Creative Commons Attribution 4.0 International (CC BY 4.0)

<https://creativecommons.org/licenses/by/4.0/>

Some rights reserved.

Global Information Society Watch 2017 web and e-book

ISBN: 978-92-95102-84-2

APC-201711-CIPP-R-EN-PDF-274

Disclaimer: The views expressed in the introduction, thematic, regional and national reports of GISWatch are not necessarily the views of APC or of its members.

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>



Foundation for Media Alternatives (FMA)
 Jamael Jacob and Ma. Maristela Miranda
www.fma.ph

Introduction

Since the inception of the Internet Governance Forum (IGF) in 2006, the Philippine government has not participated in the global forum. Until recently, its record in the regional edition – the Asia Pacific regional IGF (APrIGF) – was not much better. Such indifference to a valuable multistakeholder setting for policy discussion is unfortunate, but also curious, given that the country has had an office (now an agency) overseeing its information and communications technology (ICT) system for quite some time.

For critics, its apparent disinterest in the IGF keeps the country out of step with the world when dealing with internet governance issues. Others consider it a major obstacle to plans for a local IGF, where an informed and active government is critical as co-convenor. Available evidence suggests this state of affairs is not due to a conscious decision to avoid engagement with the international community. There is, after all, government involvement in other forums and meetings such as International Telecommunication Union (ITU) events. Neither has it been for want of advocacy by civil society, which regularly urges authorities to attend the IGFs. Whatever the underlying reasons, identifying and addressing them is crucial to ensuring an inclusive and comprehensive approach to policy development in internet governance in the Philippines.

Policy, economic, and political background

The Philippines is characterised as a flawed democracy for failing to measure well in some important parameters, like the protection of basic human rights, or the quality of governance.¹ The current administration of President Rodrigo Duterte exemplifies this, given its violent campaign against drugs and terrorism, which is marked by police abuses,² and the over

14,000 lives lost to law enforcement operations and extrajudicial executions.³ An island region is under martial law purportedly to address a local terrorist group affiliated with the so-called Islamic State.⁴ Unmoved by criticisms, the president is content with the status quo and has even expressed a willingness to extend and expand his anti-narcotics crusade and martial law rule. Because of this, the country has a strained relationship with the global community.

Duterte's penchant for vulgar language, including his outrageous claims⁵ and antics,⁶ have aggravated an already tense diplomatic atmosphere. Traditional checks and balances are currently impaired, with Congress content on rubberstamping the president's favoured policies, however ridiculous.⁷

The political climate has cast a long shadow over the stability of the local economy.⁸ The inflation rate is on a steady rise,⁹ while the overall business confidence index has taken a dip for the third quarter of 2017.¹⁰ At the same time, past gains in foreign debt service stand to be erased by the anticipated loans from China negotiated by the current regime.¹¹ Rampant corruption is once again the norm and has placed the country at the bottom half of

1 Gonzales, J. (2010, 6 June). The Philippines: A flawed democracy? *CNN iReport*. www.ireport.cnn.com/docs/DOC-455764
 2 Cupin, B. (2016, 1 July). Duterte to PNP: "Do your duty and I will die for you". *Rappler*. www.rappler.com/nation/138296-duterte-ppnp-duty-die-for-you

3 Tolentino, M. R. (2017, 1 September). PNP wants P900 budget for Tokhang. *The Manila Times*. www.manilatimes.net/npn-wants-p900-budget-tokhang/347935
 4 Morales, Y. (2017, 24 May). Duterte declares martial law in Mindanao. *CNN Philippines*. www.cnnphilippines.com/news/2017/05/24/Duterte-declares-martial-law-in-Mindanao
 5 Philippine Daily Inquirer. (2016, 4 June). Now, Duterte launches attack on UN. *Philippine Daily Inquirer*. www.globalnation.inquirer.net/139888/now-duterte-launches-attack-on-un
 6 BBC. (2016, 21 August). Philippines' Rodrigo Duterte threatens to leave UN. *BBC News*. www.bbc.com/news/world-asia-37147630
 7 Cupin, B. (2017, 13 September). How the house voted for a P1,000 CHR budget. *Rappler*. www.rappler.com/nation/181973-how-house-voted-2018-chr-budget
 8 De Vera, B. (2016, 10 October). Economists give mixed views on Duterte's first 100 days. *Philippine Daily Inquirer*. www.business.inquirer.net/216378/economists-give-mixed-views-dutertes-first-100-days
 9 Philippine Daily Inquirer. (2017, 10 February). BSP raises inflation forecasts for 2017, 2018. *Philippine Daily Inquirer*. www.business.inquirer.net/224315/bsp-raises-inflation-forecasts-2017-2018
 10 Dela Paz, C. (2017, 25 August). Business confidence in PH plunges to 3-year low. *Rappler*. www.rappler.com/business/180030-business-confidence-philippines-bsp-q3
 11 Corr, A. (2017, 13 May). New Philippine debt of \$167 billion could balloon to \$452 billion: China will benefit. *Forbes*. www.forbes.com/sites/anderscorr/2017/05/13/new-philippine-debt-of-167-billion-could-balloon-to-452-billion-china-will-benefit/#621b4e6c2fb6

Transparency International's Corruption Perceptions Index.¹² The removal of some state officials accused of graft¹³ gives little relief, with the president himself admitting to such practices in the past.¹⁴

More Filipinos are online than ever before: 60 million of an estimated population of 101 million are considered internet users,¹⁵ with a median age of 24.¹⁶ The mobile internet penetration rate is growing at a pace of 1.5 times annually or 30 million new users every year.¹⁷ In social media, Filipinos reign supreme, with users growing by 25% (12 million) in 2017 alone at the time of writing. Facebook has 47 million active accounts in the country.¹⁸ The average time spent on social media platforms increased from 3.7 hours a day in 2016 to 4.3 hours in 2017.¹⁹ This makes social media the top reason (47%) for people to be online, followed by online shopping, watching videos, mobile games, and location-based searches.²⁰ The country is also considered the fastest growing application market in Southeast Asia.²¹ Unfortunately, there is a damper to the optimism that all these statistics generate: the country's bottom-dweller ranking in the Asia Pacific region²² – and globally²³ – in terms of average internet speed.

Dynamic relations in a stagnant environment

The Philippine internet ecosystem is divided into two worlds, with the government on one side and the private sector – mostly telecommunications

companies, as internet service providers (ISPs) – on the other. Somewhere in between lie civil society (including academia), the media and consumers.

From a regulatory standpoint, two government agencies are mandated to ensure access to affordable and reliable ICT services: the Department of Information and Communications Technology (DICT)²⁴ and the National Telecommunications Commission (NTC).²⁵

The DICT takes the lead and is tasked to plan, develop and promote the national ICT development agenda.²⁶ Established only in 2016, the agency has three major projects for implementation: the National Broadband Plan, free Wi-Fi in public places, and a national ICT portal. The National Broadband Plan envisions open, pervasive, inclusive, affordable and trusted broadband internet access.²⁷ Key activities include policy reforms and investments in broadband infrastructure. In line with a new law,²⁸ the agency also seeks to provide Wi-Fi services in public areas such as parks, public schools, public health units, public transport terminals and government facilities.²⁹ Finally, the DICT also plans to provide a one-stop-shop of online government services through the National Government Portal (NGP)³⁰ with a view to improving the country's ranking in the United Nation's E-Government Development Index.³¹

The NTC is attached to the DICT by law. It is responsible for the regulation of the country's radio communications, telecommunications and broadcasting, including cable television facilities and services.³² Created in 1979, it has amassed a number of functions prescribed by different policies over the years.³³

For the Duterte government, ICTs play an important role in the realisation of the country's long-term

12 www.transparency.org/news/feature/corruption_perceptions_index_2016; see also: ABS-CBN News. (2017, 25 January). PH still among world's most corrupt countries: Transparency Inter'l index. *ABS-CBN News*. www.news.abs-cbn.com/focus/01/25/17/ph-still-among-worlds-most-corrupt-countries-transparency-intl-index

13 Placido, P. (2017, 5 October). Duterte says he fired two Palace employees over corruption. *ABS-CBN News*. www.news.abs-cbn.com/news/10/05/17/duterte-says-he-fired-2-palace-employees-over-corruption

14 Adel, R. (2017, 11 July). Trillanes: Duterte corruption 'admission' ground for ombudsman probe. *PhilStar*. www.philstar.com/headlines/2017/07/11/1718581/trillanes-dutertes-corruption-admission-ground-ombudsman-probe

15 Subido, L. (2017, 24 January). Growing 27% in 2016, PH now has 60 million internet users. *Entrepreneur Philippines*. www.entrepreneur.com.ph/news-and-events/ph-now-has-60-million-internet-users-growing-27-in-2016-a36-20170124

16 Rappler. (2017, 30 January). A profile of internet users in the Philippines. *Rappler*. <https://www.rappler.com/brandrap/profile-internet-users-ph#sources>

17 Ibid.

18 Ibid.

19 Subido, L. (2017, 24 January). Op. cit.

20 Rappler. (2017, 30 January). Op. cit.

21 Ibid.

22 Olandres, A. (2017, 1 June). Akamai Q1 2017 Report: Philippines dead last in Internet speeds. *Yugatech*. www.yugatech.com/internet-telecoms/akamai-q1-2017-report-philippines-dead-last-in-internet-speeds/#CsrWK7lj1KHoTupw.99

23 Rappler (2017, 16 August). PH mobile internet speed ranks 100th in first Speedtest rankings. *Rappler*. www.rappler.com/technology/news/178792-philippines-rank-speedtest-global-index

24 www.dict.gov.ph

25 www.ntc.gov.ph

26 www.dict.gov.ph/republic-act-no-10844

27 Department of Information and Communications Technology. (2017). *National Broadband Plan: Building Infrastructures for a Digital Nation*. www.dict.gov.ph/wp-content/uploads/2017/09/2017.08.09-National-Broadband-Plan.pdf

28 Republic Act. No. 10929, also known as the Free Internet Access in Public Places Act.

29 Ranada, P. (2017, 3 August). Duterte signs law providing free internet in public places. *Rappler*. www.rappler.com/nation/177540-duterte-free-wifi-internet-law

30 www.i.gov.ph/ngp1

31 www.publicadministration.un.org/egovkb/Data-Center

32 www.dbm.gov.ph/wp-content/OPCCB/OPIF2012/OEO/NTC.pdf

33 Act No. 3846 (Radio Control Law), as amended; Republic Act No. 7925 (Public Telecommunications Policy Act of 1995); Executive Order No. 546 (1979) and Executive Order No. 205 (1987).

vision.³⁴ In his 2017 State of the Nation Address,³⁵ the president vowed to support efforts in improving the country's internet connectivity, given its crucial role in the advancement of the economy.

In the private sector, two telecommunications giants dominate the market: Philippine Long Distance Telephone (PLDT)³⁶ and Globe Telecom.³⁷ Having consistently promised to improve internet services, both are regularly called out for the subpar quality of the nation's internet connectivity, which is slow and expensive.³⁸ In 2015, an attempt was made by San Miguel Corporation (SMC), the country's largest beverage, food and packaging company, to break the duopoly through a possible joint venture with Australia's Telstra.³⁹ It did not push through,⁴⁰ and eventually led to PLDT and Globe buying SMC's telecommunications unit,⁴¹ successfully quelling another challenge to the status quo.

Civil society organisations have been the most active in local discussions regarding the state of the internet. For groups like the Foundation for Media Alternatives (FMA), for instance, which adhere to the belief that ICTs are critical tools for democratisation and popular empowerment, people both have a right to access the internet and rights while using it.⁴² Other groups like the local chapter of the Internet Society⁴³ (ISOC-PH)⁴⁴ and

Democracy.net.PH⁴⁵ prioritise issues and policies that relate to the technical side of the web. ISOC promotes an open and free internet, and draws on local and regional perspectives from its chapters across the globe.⁴⁶ For Democracy.Net.PH, internet accessibility for all is paramount. It led the drafting of a bill providing for a "Magna Carta for Philippine Internet Freedom".⁴⁷

The media and academia have yet to assert themselves prominently in the local discourse. At present, they are too easily swayed by the sentiments and positions of other stakeholders.⁴⁸

This year, a study conducted by the Philippine Institute for Development Studies classified the country second weakest among Southeast Asian nations in terms of its telecommunications regulatory environment, scoring below the standards set by the ITU.⁴⁹ The existing regulatory authority, its mandate, regulatory regime, and the prevailing competition framework were all considered. Contributing factors included: a) absence of a unified licence for telco operators; b) lack of incentive for telco operators to make information about interconnection publicly available; c) lack of mobile number portability; d) lack of a regulatory mandate over interconnection rates and universal access/service; and e) weak penalties for violators.⁵⁰

The results come as no surprise. ISOC-PH Chapter Chairman Winthrop Yu notes how the government has failed, so far, in fulfilling its role in internet governance. Its policies are outdated and only benefit the companies reigning over the local market, allowing for regulatory capture to set in.⁵¹

Engaging the unengaged

Given the present domestic landscape, there is little incentive to bring forth, let alone sustain, a continuing dialogue among stakeholders. This makes international and regional forums even more important insofar as surfacing the different issues that plague the local ecosystem.

Unfortunately, among the stakeholders, it has only been civil society that has been able to

34 Ortiz, M. K., Serafica, R., & Bairan, J. (2017). *Rebooting Philippine Telecommunications Through Structural Reform*. Philippine Institute for Development Studies. www.pidswebs.pids.gov.ph/CDN/PUBLICATIONS/pidsdps1719.pdf; see also: Ramli, D. (2016, 14 March). Why Telstra may have dodged a bullet in the Philippines. *The Sydney Morning Herald*. www.smh.com.au/business/why-telstra-may-have-dodged-a-bullet-in-the-philippines-20160314-gninto.html

35 Rappler. (2017, 25 July). Full text: President Duterte's State of the Nation Address 2017. *Rappler*. <https://www.rappler.com/nation/176566-full-text-president-rodolfo-duterte-sona-2017-philippines>

36 www.pldt.com/

37 www.globe.com.ph

38 Desiderio, L. (2017, 28 July). Faster internet, free WiFi among top tech priorities. *The Philippine Star*. www.philstar.com/business/2017/07/28/1722042/faster-internet-free-wifi-among-top-tech-priorities

39 Taruc, P. (2015, 30 October). Telstra bullish on possible SMC joint venture. *CNN Philippines*. www.cnnphilippines.com/business/2015/10/30/telstra-bullish-on-possible-SMC-joint-venture

40 Magturo, D. (2016, 18 March). Telstra move to back out of SMC talks seen as "credit positive". *Business World Online*. www.bworldonline.com/content.php?section=Corporate&title=Telstra-move-to-back-out-of-SMC-talks-seen-as-credit-positive&id=124676

41 Camus, M. (2017, 31 May). PLDT, Globe complete purchase of SMC's telecommunications unit. *Philippine Daily Inquirer*. business.inquirer.net/230460/pldt-globe-complete-purchase-smcs-telecommunications-unit

42 www.fma.ph

43 <https://www.internetsociety.org>

44 <https://www.facebook.com/isoc.ph>

45 <https://www.facebook.com/Democracy.Net.PH>

46 www.internetsociety.org/chapters

47 www.facebook.com/pg/Democracy.Net.PH/about/?ref=page_internal

48 Email interview with ISOC-PH Chapter Chairman Winthrop Yu, 16 September 2017.

49 Ortiz, M. K., Serafica, R., & Bairan, J. (2017). Op.cit.

50 SunStar Manila (2017, 31 May). Gov't think tank: PH telco regulatory environment weak. *SunStar Manila*. www.sunstar.com.ph/manila/local-news/2017/05/31/govt-think-tank-ph-telco-regulatory-environment-weak-544922

51 Email interview with ISOC-PH Chapter Chairman Winthrop Yu, 16 September 2017.

regularly send delegates to attend the global IGF, the APriGF and other similarly themed events. FMA has even taken the initiative of spearheading the development of a so-called Philippine Declaration on Internet Rights and Principles⁵² with the support of other civil society organisations.

Some accounts indicate that the government has been selective in its engagements abroad. While it has sent delegates to events convened by the ITU,⁵³ the Asia-Pacific Telecommunity⁵⁴ and the Government Advisory Council of the Internet Corporation for Assigned Names and Numbers (ICANN),⁵⁵ it has so far avoided fielding personnel to any IGF. There have been instances in the past when prospective delegates had been identified (i.e. IGFs 2014⁵⁶ and 2015),⁵⁷ but plans were scuttled at the last minute for reasons not made known to the public. In 2016, a DICT employee was present at the global IGF in Mexico, but not in an official capacity. The record with the APriGF is not that different. While attendance by certain government officers has been noted in the past, only the participation of a lawyer from the National Privacy Commission⁵⁸ in this year's forum in Bangkok appears to have had institutional blessing. And even that was only upon invitation by a non-profit organisation that had a panel in the event.

Few reasons are offered to account for the government's passive stance. Some place the blame squarely on the influence of the private sector, which has an interest in keeping regulators away from multistakeholder dialogues. This may explain the perceived preference for venues that mainly have other state representatives as attendees. Another theory centres on institutional motivation and suggests that the Philippine government may not really be keen on elevating local concerns to the international level. Raising its institutional reputation within international organisations, and possibly securing a seat in any existing body or council (e.g. the ITU Council), may be the objective. The lack of substantive follow-ups or mechanisms to monitor and assess the country's progress after attending

events abroad supports this supposition. It has likewise been suggested that this may yet be a mere procedural issue, citing the process for organising events as the reason. One DICT source points out that, unlike the IGF, ITU events are held in such a way that the host government sends out official invitations to other government participants to elicit attendance.⁵⁹ In the IGF, participants are expected to volunteer their involvement sans any notice or invitation from the host or any of the panel organisers.

A review of the reasons provided exposes no handicap or difficulty inherent in the government to which its absence in the IGF may be attributed. After all, insulating oneself as a regulator from undue influence of industry, or resisting the tendency to pursue one's self-interests, both constitute a fundamental duty on the part of any public servant. If, for some reason, the ethos of public office as a public trust has been lost on the officials concerned, political resolve should also be sufficient to counter any of the justifications cited. As regards the lack of invitation, such a flimsy excuse, were it to be acknowledged as legitimate, is easily disposed of through proper coordination with organisers and/or host governments.

Unfortunately, however simple the problems may seem, the solution is anything but rudimentary. For civil society organisations, in particular, the challenge now is how to make participation in the IGF and other similar venues draw the interest of those in the relevant agencies. Apparently, appealing to their good sense as state officials who are supposed to serve the public interest is not enough. If anything, the task is daunting. It is difficult to see what else there is outside of everything that is already being done to encourage government engagement. And that, perhaps, is the key takeaway: civil society needs to stay the course and sustain their initiatives, until a tipping point is reached and government finally relents.

There are encouraging signs that support this strategy. As of writing this, plans for holding a local multistakeholder forum closely resembling the IGF are well underway, with FMA, ISOC-PH and the DICT as co-organisers. While still a far cry from an actual IGF in terms of scope and quality, proponents are hopeful that it precipitates a significant change in the government's treatment of internet governance, and catapults an actual government presence in the IGF and APriGF platforms.

52 www.fma.ph/?page_id=921

53 www.itu.int/en/Pages/default.aspx

54 www.aprigrf.org

55 <https://www.icann.org>

56 Cruz, T. (2014, 3 September). Filipinos join #IGF2014 – but where's the Aquino gov't? *TonyoCruz.com*. <https://tonyocruz.com/?p=3931>

57 Department of Information and Communications Technology. (n/d). PH internet stakeholders prepare for the United Nations global internet governance forum in Brazil. www.dict.gov.ph/ph-internet-stakeholders-prepare-for-the-united-nations-global-internet-governance-forum-in-brazil

58 <https://www.privacy.gov.ph>

59 Interview with an anonymous source, 20 September 2017.

Conclusions

It is likely that civil society organisations will remain the backbone of Philippine engagement in international forums on internet governance. While okay for the moment, it will prove inadequate and ineffective in the long run if meaningful policy development and reforms in the local landscape are the ultimate objective. Even if civil society organisations are able to raise domestic issues on the international stage, any solution cannot be cascaded properly to the national level if a commitment from the government to participate remains lacking. Proposals will not translate to policies, and any potential for change will remain as such. For the Philippines, specifically, this means the prospects of breaking the reigning duopoly shall continue to be bleak, much to the detriment of the general public.

All hope is not lost, however. There are signs of growing interest in public engagement among those in government service. Civil society should seize this opportunity, build on it, and continue to bring its government counterparts on board, without losing sight of its advocacies *vis-à-vis* specific issues.

Action steps

Civil society should consider working on a couple of points to ensure a more engaged public sector in all matters relating to internet governance:

- Encourage a more proactive government when dealing with issues concerning the internet. This includes maintaining efforts to encourage government participation in the global IGF and APriGF, and continuing to collaborate with public and private sector partners with the objective of holding a national IGF on a regular basis.
- Promote a more inclusive process in the development of internet governance policies and programmes. In part this can be done by strengthening public education campaigns and programmes focused on people's right to the internet, as well as their online rights. This will result in new allies in working to effect positive changes in internet governance.

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.

GLOBAL INFORMATION SOCIETY WATCH

2017 Report

<https://www.GISWatch.org>

