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ICANN75 | AGM – Updates on Geopolitical, Legislative, and Regulatory Developments
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BECKY MCGILLEY: Hello, and welcome to the ICANN75 Plenary Session Discussion Forum on Geopolitical, Legislative, And Regulatory Developments. My name is Becky McGilley, and I will be the session facilitator. Please note that this session is being recorded and is governed by the ICANN expected standards of behavior. Interpretation for this session will include Arabic, Chinese, English, French, Russian, and Spanish. On-site participants may pick up a receiver and use the headphone to listen to interpretation. Virtual participants may access the interpretation via the Zoom toolbar. Click on the interpretation icon and Zoom and select the language you will listen to during this session.

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would like to ask a question, please go to the standing microphone in the center aisle and leave your Zoom microphone disconnected. Comments or questions submitted in the chat pod will only be read aloud during the designated discussion time, and if they are in the proper format, as noted in the chat. Thank you for being here today, whether virtually or in person. And with that, I will hand the floor over to Senior Vice President of Government and IGO Engagement, Mandy Carver.

MANDY CARVER: Thank you, Becky, and welcome to you all. Thank you for hanging on to the last plenary session of what has been a long, but very engaged meeting. This session is being presented by the ICANN, and government, and IGO engagement team. We are a small global team made up of subject matter experts who evaluate governmental and IGO activity from the perspective of its potential to impact ICANN's management of the unique identifiers, and the delivery of ICANN's mission. We work very closely with our colleagues across ICANN, including the legal team, the OCTO teams, the global stakeholder engagement regional teams, and the GAC support team on issues of importance to governments.

The information we present is a reflection of all of GE as well as the efforts of those other functions. But today, you're only going

to hear from a portion of the team. Alexey Trepykhalin, who's based in New York City and covers UN and ITU activity, Elena Plexida, and Nora Mari, who are Brussels based dealing with European Union, and me, I'm based in Los Angeles. And I'll be giving a brief overview of some of the APAC region activity. This session is part of a regular series of presentations at ICANN meetings to provide an interface for ICANN org and the community about that governmental activity with the potential to impact ICANN's mission.

I'm going to do just a brief outline. Next slide, please. We're going to cover where we see challenges emerging to the ICANN core mission, what impacts those challenges might have, and also how we're mitigating them or attempting to mitigate. We're also going to share some observations about what we are seeing changing in the global geopolitical space and trends or a belief or a loss of belief in the multistakeholder model to manage these challenges.   In addition, we're going to provide you with an update on IGO activities, legislative developments, and close out with time for Q&A with all of you. And we do want to make this as interactive as possible.

Next slide, please. All right. So challenges, impacts and mitigations. We are seeing increasing governmental activity in certain locations. This demonstrates some loss of trust in the multistakeholder model to address those issues of concern to

governments. And therefore, a perceived need by the governments to act rather than to rely on the Internet ecosystem to self-regulate. An example of this is a spread of content regulation through infrastructural targets, efforts to use technical tools to address what may be political or social problems. We have also seen in some governmental spaces, there's a belief that the multistakeholder model may be subject to capture by one segment of the model or that there is so much noise in the model or lack of consensus that that will prevent the leading to solutions for the challenges that the government see. And therefore, they're not seeing activity progressing to address those issues.

Now this is a perception, but it undermines a belief in self-regulation and therefore can lead to increases in governmental activity. In addition to national and regional legislative activity, there's a major upcoming event in the Internet ecosystem, which is actually the ITU Plenipotentiary, which is starting next Monday. There's been some reference to the ITU leadership elections that will also take place. But it's also the site of the debating of potential revisions to the ITU resolutions that can impact the Internet. So these two sets of activities will set the agenda for ITU priorities for the coming years and the next set of activities in the ITU cycle. But the ITU is not the only IGO whose activity we are tracking.

Next slide, please. So we're going to start with a brief overview of current IGO activities we're tracking. My colleague, Alexey Trepykhalin, will explain next slide. Alexey, over to you.

ALEXEY TREPYKHALIN: Thank you, Mandy. Let's first talk about the UN updates. At the UN, cyber related deliberations are ongoing. The second UN Opened-Ended Working Group on security of and in the use of information and communication technologies, or OEWG, started its substantive sessions at the end of last year and will finish its work in 2025. The Open-Ended Ad Hoc Committee to elaborate a comprehensive international convention on countering the use of information and communication technologies for criminal purposes or Ad Hoc Committee for short, also started the meetings in 2021 and will conclude in 2024.

ICANN is closely following these discussions as they may have the potential to touch on ICANN's mission. We will be providing detailed information on deliberations of both groups in our next UN report, including the latest updates. So please follow the webpage of the GE publications. To better follow our reports, you can subscribe to them and receive them in your email from the GE page. As this is the place where we provide the most comprehensive information on the issues of interest to the wide ICANN community. GE publication should be posted in the chat.

We're also happy to share that ICANN, the permanent mission of Bulgaria, Germany, and the Netherlands, co-hosted a briefing for diplomats members of the OEWG in July 2022. We had Mandy and David Huberman as speakers. And there were about 50 participants who were actively engaged with us. We also addressed a group of 25 young female diplomats who were at UN for a preparatory meeting of the OEWG. And these two events together allowed us to make sure there is some relevant knowledge in the room where negotiations are taking place.

On the International Telecommunications Union. On the screen, you see the conferences we were and are monitoring in 2022, as they all have the potential to touch upon ICANN's mission. This year was unique with so many ITU conferences taking place. And this is due to the fact that the World Telecommunications Development Conference and World Telecommunications Standardization Assembly were moved to 2022 because of the pandemic. However, the ITU plenipotentiary is probably the most important international event of the year, not only with the so called Internet resolutions, which we expect will be renegotiated, but also with the election for secretary general of the ITU. And we know there are two candidates for the position, one from US and another from Russia. And you can read more about it in our papers, the link to which should have been already shared with you in the chat.

Next slide, please. Regardless of who is going to be elected to the position of the ITU Secretary General, the ITU plenipotentiary conference will also discuss several so called internet related resolutions. We will mention only some of them. Some of you may remember that they contain a footnote, calling upon the ITU to collaborate and cooperate with the relevant Internet organizations. Also mentioning ICANN.

Let's start with Resolution 101: Internet Protocol-based networks. A key aspect of Resolution 101 is the coordination and collaboration between the ITU and relevant organizations involved in the development of IP based networks and the future Internet. Some of the changes introduced into this resolution and the ITU plenipot could potentially have an impact on the existing multistakeholder governance mechanisms, which in turn may touch upon ICANN's mission.

Resolution 102: ITU's role with regard to international public policy issues pertaining to the Internet and the management of Internet resources, including domain names and addresses. We have informed you in the past about the work of the Council Working Group on international Internet related public policy issues or CWG Internet. 102 is the resolution that established this group. The plenipotentiary will decide whether CWG Internet should continue its work and it might also consider a proposal previously rejected by the group, by the Russian Federation for a

public consultation on topic of the security, safety, continuity, sustainability and robustness of the Internet.

We're paying attention to these discussions because Russia has stated that it's reasoning for the public consultation is that a vulnerable unstable internet governance model has developed and alleges this is due to the work of ICANN and the regional internet registries. This goes along the same lines as Russia has stated at the UN and at the other forum that the ICANN functions have to be moved under the ITU.

The African Telecommunications Union recently suggested that changes to this resolution are called for because there is a need to align the resolution to the United Nations General Assembly key resolutions such as resolutions on ICT for sustainable development and digital cooperation. And because there is an increasing importance of IDNs and the current Internet policies are not sufficiently addressed and need more collaboration and support and for ITU to play Key role while engaging in the global digital compact.

Resolution 130: Strengthening the role of ITU in building confidence and security in the use of information and communication technologies. Resolution 130 is the main cybersecurity resolution that guides the ITU security work. And at the plenipotentiary some of the proposals submitted by the

Africa and Arab State regional groups at previous conferences will resurface this year. They propose that the ITU through the ITU global cybersecurity agenda framework and at UN coordination mechanism play a larger role in UN cybersecurity discussions.

Next resolution, 133: Role of administrations of member states at the management of IDNs. This resolution raises awareness of IDNs and encourages member states to promote their implementation. It was revised at plenipotentiary 2019, which recognized the difficulties in implementing language specific requirements in some scripts in the rollout of IDNs and encourage member states and sector members to promote universal acceptance and enable the use of IDNs. Modifications are expected to put a focus on universal acceptance and email addresses internalization.

We should also mention here the Africa Telecommunication Unions anticipated notification to Resolution 133, which calls for ICANN's activities on IDNs, the new gTLD program, and DNS matters to be reported in an annual report to Council on ITU's Internet activities. The reasoning is that the proposal highlights a lack of consistent and no continuous reporting on IDNs by the ITU secretariat to the Council, while the ITU is participating to ICANN events and taking into consideration that ITU's membership in the Governmental Advisory Committee.

Resolution 180: Promoting deployment and adoption of IPv6 to facilitate the transition from IPv4 to IPv6. Proposals to resolutions dealing with the transition and deployment of IPv4 and IPv6 have also been discussed at previous conferences this year. Some of the proposals had Internet technical governance implications and they were rejected by the conferences. Some regional groups will focus on streamlining resolution 180 at plenipotentiary on the basis of changes agreed to at previous conferences this year.

We also have watched in the past couple of years, attempts by China to promote the new IPN, then renamed to IPv6+. And it won't be surprising if we see some, if not all of these proposals presented in one or another working groups at the ITU Planipot. We're planning to have a team from government engagement and the Planipot physically as well as remotely. And we will keep you informed about the outcome. As usual, we're collaborating with others in the technical community so that we can keep track of issues that touch an ICANN's mission. Thank you, and back to you, Mandy.

MANDY CARVER: Thank you, Alexiey. Next slide, please. We're going to move on to legislative developments. Again, this is just a brief overview to touch on some of the kinds of things that we're seeing. But we

are going to start with some of the European Union items as this is a follow-up to material we published and shared with you all in ICANN74. Then we'll do a brief overview of some regional activity from the APAC region. I'm going to turn it over to Nora Mari at this point.

NORA MARI: Many thanks, Mandy. So as Mandy mentioned, we will provide an update of some of the initiatives that have concluded at European level, some legislative initiatives, and then we'll discuss new proposals and initiatives proposed by the European Commission. So the first one that some of you may recall is the Digital Services Act which is a reformer of a previous legislation, the E-Commerce Directive that regulates illegal content on digital services. So the new DSA has broadened the previous regulation and includes a wide variety of digital services that offer goods and services to consumers and regulates liability for illegal content that [00:19:20 -inaudible] or passes through the services in the scope. Their regulation has different levels of requirements and initiatives that each service will have to put in place depending on the level of control on content.

So DNS services are included in the scope. [00:19:48 -inaudible] top-level domain name registers and registrars and our classifieds are American width, which is sort of the lightest type

of services that have the least control on content. There are other aspects of these proposals that are interesting and that are relevant for the community. And we invite you to rewatch our ICANN74 presentation where you could find more information about the actual test of the legislation and how that will apply to our DNS services broadly. So the process for this law has concluded politically, and then there is an implementation phase that will basically take approximately 15 months. So we can expect the DSA to be applicable across the European Union around January 2024.

Another piece of legislation that we have been following and is interesting for the community is the NIS2 that many of you may know, which input a cybersecurity measures and incidents reporting obligations to essential and important entities. The NIS2 will apply to the services in the scope that offer their service in Europe independently from where the actual service is located. And DNS providers are considered essential services. Therefore, they are in the scope of this directive, with the exception of the roots servers that have been excluded from this scope.

So the political process has concluded at European level. It's soon to be finalized. And then there will be another phase given that this piece of legislation, it is a directive, therefore, European member countries will have to implement it into their national legislations. And in particular, we are concerned about with this

aspect when it comes to the implementation of Article 23, given that the agreed text possibly leaves leeway to member states to applying their own requirements. Article 23 concerns the collection and possible access to all registration data for domain names. And by the way, it's formulated and the text is drafted in a way that could leave potential discretion to member states to apply different requirements when it comes to the different type of data collected. And so there could be discrepancies between European member countries in terms of the list of the data requested to be collected. In general, we highlight that this is an example DNS to of a type of legislation that could impact the policy making process at global level when it comes to the DNS. And also, we do have concerns when it comes to the independence of ccTLDs, for the way like this directive is drafted.

Next slide, please. So I will mention before passing to my colleague, Elena, regulation on geographical indications that has been proposed last spring and that will cover both geographical indications for wines, spirit drinks and agricultural products, and also a geographical indication for crafts industrial products. And it includes provisions related to the abusive use of geographical indications in the domain name system. The legislative process when it comes to this file has just started. So the negotiating part in the European Parliament and the European Council have just starting looking at this new regulation. Over to you, Elena.

ELENA PLEXIDA: Thank you, Nora. Hello, everyone. And quickly on GIs, I would like to note that this week, as you have probably noticed, there was an interesting session by ccNSO on the topic. Let me continue with some pieces again from European Union that we are paying attention to and we would like bring to your attention and why we are paying attention. So one of them is the proposal for regulation artificial intelligence. That was announced in April 2021, so it's not new. The debate, the legislative process is ongoing. It aims to address risks of specific uses of AI like risks on human rights. Risks are categorized into four different levels, unacceptable risk, high risk, limited risk, and minimal risk.

Now the reason the proposal has attracted our attention now is that there are amendments being proposed suggesting that AI systems intended to be used as safety or security components in the management and operation of the Internet are considered as high risk. Now this is very broad. We do not know what could be interpreted as an AI system that is part of the security in the management and operation of the Internet that the phrasing of the amendment. And we do not know what it would entail to have such systems named high risk.

Another piece is eIDAS. EIDAS is the European digital identity framework. This was adopted in 2014. Now, there is legislative

proposal and deliberations ongoing to update it. What we would like to bring to your attention in relation to this legislative proposal is very specific. It is one specific article, Article 45, which concerns qualified website of education certificates. QWEC is the acronym. We're not the only ones making acronyms. The article, if it passes as originally proposed would basically mandate through the regulation, the standard that is to be followed by QWECs instead of following the standards that the current governance model, I mean, the current model where you have participation of multiple experts developing the standards. So that would disturb the current governance that is based on trust. Now the European Parliament is proposing to delete this article. In fact, the discussions are ongoing as I said, so we'll see.

Still on the topic of standardization, we'd like to bring to your attention the EU standardization strategy which was proposed in February. The idea behind the standardization strategy is for Europe to gain greater grip in the international setting of international standards and a strategic objective in terms of digital sovereignty, if you will. The strategy will forward to set up a high-level forum. There will be soon a call for applications for that forum. So that's why we're mentioning that to you. If the call for applications is already out this week and I completely missed that. Now the EU executive made it strict participation to subgroups dealing with critical or sensitive subjects for EU

security if they deem that an organization or individual under the control of a third country or third country entity is applying. And as noted with eIDAS, we noticed a political approach, if you will, to standard setting that could eventually disturb, interfere the current governance model based on trust and multiple experts' participation in standards development. This forum is not yet operative. It has not been selected, and as I said, they will be a call for applications.

Finally, last item, I would like to bring together attention from Europe. And this is not a legislative proposal, at least not yet. But for now, a debate the discussion, is the so called fair share or else sender party based principle. Now there are discussions of European level about possible needs for regulatory changes that would create arbitration systems to allow telecom operators to extract revenues from digital service providers from [00:29:56 - inaudible]. Regulation, if there is any, could may, that's from the peering and transit layer through the introduction of price signals.

Note that the peering and transit layer so far has not been passed by regulation. The idea is considered controversial. It is considered in might in the field with net neutrality. For instance, there has been a group of European Parliament guidance that have sent a letter opposing the idea. Of course, there are others that are sending letters throw the idea. This is at the moment a

heated debate and attract a lot of interest in Brussels. Therefore, we're bringing this to your attention.

BEREC, which is the Body of European regulators of Electronic Communications, has launched a new war stream that will access the IP interconnection system and the impact of this principle if it were to be implemented. The center party network based principle. Let me finish by saying that such proposal was such an idea, the principle was analyzed already by BEREC in 2012. And at that time, BEREC found that implementing Center party base might be of significant harm to the internet ecosystem. We understand that BEREC wants to examine to what extent earlier findings are still valid and whether the fair share claims are valid or not. Thank you very much for your attention. I will pass back to Mandy.

MANDY CARVER: Thank you, Elena. And next slide, please. One thing I want to mention to begin, you will see that some of the processes we're talking about had a very long arc. So UN and IGO activity that is part of a regular cycle. But as you've heard from my colleagues when they're talking about specific pieces of legislation, these two can have a long arc that can be submission, provisioned several years later. So these are ongoing processes. It's not always one and done. So again, I'm just going to give a small

sampling so that we'll have opportunity for people to ask questions and for dialogue.

To start with in APAC developments, to look at China. Recently, there have been a number of new regulations or pieces of legislation that have the potential to touch on ICANN's mission. And these have been in areas such as cybersecurity, data protection, data security, etc. If you've been following the ICANN space, you will note that there have been blogs and instruction published about China's personal information protection law, PIPL that took effect in November of 2021. It is like the GDPR. It's probably the most notable of the Chinese activities that we're going to talk about. I mean, there's a primary distinction between PIPL and the GDPR, which is that the Chinese legislation does not include the concept of legitimate interest. And it does look at cross border transfers of personal information.   So we have previously engaged with the stakeholders and the government. And there's been communication with contracted parties and the wider community through publications on ICANN org. We get a blog and an advisory. And this is an example of the type of activity to inform and engage the community.   There's also been participation in community discussion and forums.

Next slide, please.   Okay.   So to talk about some APAC developments in India, you'll see this as the main focuses in the IT Act of 2000, amended again in 2008. And there's currently a

dialogue going on in the Indian government about a potential to overhaul the act again. While the discussion is still ongoing, we want to flag a couple of updates. There's something called the ITU Rules of 2021 passed in February. This replaced to the IT Rules of 2011. Although the focus for this act is on online media and social media application and content, is a wide definition of the concept of intermediaries within the IT Rules 2021. So there's a potential for impact on ICANN contracted parties.

There are some discussions about revising and upgrading, but nothing significant yet on the 2021. And again, social media content online doesn't impact ICANN. There's also some new directions on the IT Act 2000 relating to information security practices. And we're monitoring that. The most recent public occasion was April of 2022.

Next slide, please. So regionally, there's been a great deal of interest in personal data protection laws. And you can just see the range of countries that have legislation that either has just come out or is being discussed. This continues to be a hot topic or area of activity. There's a sharp increase across the region in personal data protection laws since the advent of GDPR. If you are aware of incompliant with GDPR, then you probably are compliant with these laws. So they don't have the same impact or potential to impact the ICANN community simply because many of them track the GDPR.

You can also see that a lot of these bills are in different stages. So we're still monitoring for some of them. Some of them are drafted. When they actually are final publication we'll have more details. And then there's some like the Indian data protection bill that was proposed in 2019 and there was such a robust activity with suggestions for revisions, etc., that that piece of legislation actually been withdrawn because they want to start fresh rather than multiple incremental changes. I don't want to go into enormous detail on each of these pieces of legislation, although we can follow-up with folks afterward, because I'm mindful of the time.

Next slide, please. So not all legislation is about data privacy. There are other non GDPR types of legislation that we are looking at. And again, we're giving you a regional flavor. So we are seeing more activity across Southeast Asia subregion about the overall management and use of the Internet. Here a couple of examples. Vietnam has two different pieces that look at management provision and use of services and online information. Again, we look at things, but these don't have a direct impact necessarily on ICANN or the ICANN community. And again, example, Cambodia now has a Sub-Degree on their National Internet Gateway. Another example from the Oceana region, the Search and Surveillance Act, Intelligence and Security, and their Cyber Security Strategy.

And I'm going to go to the next slide, please. So the point of this is community engagement and participation. Many of you are actively involved in your region, in your industry associations, obviously, the ccTLDs are deeply ingrained in what is going on in their own jurisdictions. And we ask that you all share that kind of information, particularly when you see activity that can have an extraterritorial impact. And that's one of the issues. It's one of the demonstrations that came out of GDPR. It isn't only if you're physically in a space that you may be impacted.

Next slide, please. So we want this to be a two way flow of information. We want to be interactive. These sessions are at every ICANN meeting and we have these publications. You can subscribe to the pages and therefore receive automatic updates. And what these publications and presentations demonstrate straight is the commitment we made to the community in 2019 in the legislative and regulatory charter. We want to continue targeted messaging and outreach work. We will continue to do research and analysis. And we want to flag for you also opportunities to submit contributions to various intergovernmental processes that we believe have a potential to impact ICANN's mission.

There is an addition to the GE page. We're waiting for them to be able to do the update in the function. But there will be a page where we will list the opportunity to give feedback and public

comment in third party space. And again, if you subscribe to the page, you would then get the updates when those kinds of activities take place. I do want to reference again the ITU plenipotentiary. We will be on the ground in Budapest. And we are also coordinating with colleagues in the internet ecosystem who will be at the plenipot. Please let us know any of you who will be there. As I said, we have the ITI team working on additional changes in functions to the GE webpage. There'll be an announcement when those are available. Next slide please. So I'd like to open it up for questions. As Becky explained earlier, we're going to alternate between online and the in-room queue.

MICHAEL PLIGE: Michael Plige. A statement, two questions. First statement, thank you for the excellent update. When was this available? Was this available prior to ICANN75? It would be helpful if this document could be available so that we could perhaps read it and perhaps make this a little more engaging. So that's, I guess, statement one. Statement two, what also would be helpful is I know in the past ICANN used to provide quarterly legislative updates. I don't know where we're at, and I was trying to find this on the ICANN website. But it would be really helpful to have this information in a more dynamic fashion. A lot of this staff changes literally day to day sometimes. So making this information dynamically available to the community would be incredibly helpful.

One other suggestion if you were to go down this route. There are there have been a number of ccTLDs this year that have begun enacting know your registrant requirements. NICSI, for example, did this citing some of their, I believe, enacting legislation. So it would be helpful to have a cause and effect as some of these legislative initiatives are passed or administrative to say here here's what it is and here's the effect it has had in the local community. Because I do think there is the potential for that to be a learning experience to the broader gTLD space. And my final question, since I'm American. Within the last 24 hours, there were two U.S. senators and two congressional representatives that sent a letter to NTIA specifically referencing the NTIA's engagement here in ICANN regarding data privacy. I know that ICANN has a U.S legislative team, has ICANN been engaged or interacted with any of those congress representatives or senators? Yes. That's my question.

MANDY CARVER: Thank you for all of the suggestions, and I have taken note of the ideas. Let me also a flag that there is the regular government engagement report that is done for the Government Advisory Committee that is published. We also have the CEO report where there is a section on government and IGO engagement and upcoming activity.

I understand what you're referencing like you're asking about the previous documents that the form of reporting that we were doing in 2019 and '20. So we always look at other ways and more ways of presenting the material. I do recommend that GE publications because there have been several updates on the IGO activity, but I'm going to hand it over to my colleague about the USG activity.

UNKNOWN SPEAKER: Thank you, Michael. So as part of our regular outreach to Congress, we do provide updates on everything going on that ICANN, including the work on the temporary specification. I believe some of those offices or that some of their staff have been at some of these briefings or have asked questions about it. But if the question is, do we specifically advocate for that letter? No. Did we have advanced notice of it? No.

REBECCA MCGILLEY: Thank you. Next we have a question from online participant, Nigel Hickson. Nigel, if you can unmute yourself. I'm sorry, it's to be read aloud. Thanks so much for excellent presentation. Could you outline how NIS2 will, if at all, affect DNS players?

ELENA PLEXIDA: Thank you, Becky, and thank you Nigel for the question. So yes, of course, it will affect DNS players in various levels. Overall, NIS2 is setting cybersecurity measures that essential entities have to uphold, and reporting obligations, that is reporting obligations to authorities, and fines in case these obligations are not met. So all NDS operators, as Nora mentioned, with the exception of root servers, are under scope. Remember, NIS2 has extra territorial application. So if you're offering services there, basically, you are on this call. So all these measures will have to be upheld by DNS operators. The other part of it is Article 23, which is specific about registration data. There we will have legislation setting some of the policy making that is taking place within ICANN. Those measures will have to be followed by both gTLDs and ccTLDs as long as they offer services in Europe. So that's not only about European ccTLDs. This is the answer in short, and I'm glad to provide much more information in detail. Thank you.

CHRIS BUCKRIDGE: Hi, Chris Buckridge from the RIPE NCC. I just wanted to say thank you, Mandy and team for this update. And I also wanted to thank the ICANN team for the cooperation and the coordination that we do with our organization. So Benny, Alexey, Vera, Elizabeth in the EU, Elena, Nora, Chris, Adam on the Mag. So there's a lot of us and we're doing a lot of work in a lot of different venues. That coordination is really crucial. It needs to be those of us with

common interest, common understanding, a common commitment to the multi stakeholder approach. More than ever really need to coordinate for best effect in a lot of these venues that we're arguing because we are seeing a lot of pushback from a lot of different areas.

It's not in any way a criticism of this presentation, but I do note that a lot of what was discussed here has a sort of plus or minus six months' timeline. There's a lot of stuff that's coming up very soon. There have been a lot of reports on things that happened quite recently, and that's an indication of how many wheels are in motion at the moment. But I would say we also need to look a little further ahead in all of these because the next two or three years, there are a lot of really significant events happening, particularly in the UN space. A lot of the arguments that we make and the advocacy that we do draws on the consensus and the agreements that came out of the Tunis, WSIS process in 2003, 2005, and particularly the Tunis agenda there.

In two years, we're going to have the WSIS+20 and there is actually a real possibility that that consensus will actually be dismantled and replaced with something else. So there is a very strong need for ICANN, other I-Star organizations, and this whole community to really work together to engage with governments and to make sure that when that discussion happens, this consensus around the need and the importance of a

multistakeholder approach is retained and if possible strengthened. Thank you.

MANDY CARVER: Thank you, Chris. Becky, do we have an online?

REBECCA MCGILLEY: We can take the next one from the mic. Thank you.

MARK W. DATYSGELD: Thank you very much. This is Mark Datysgeld, speaking in my own capacity. I would like again to thank the team and continue stressing the importance of not only this in-person sessions, but also the webinars. They have been incredibly helpful. They're truly handy for the community to look towards what's coming. My question refers specifically recently the Chinese government announced its plans to expand and continue to engage with its world Internet conference, which has been ongoing for several years and names to be a manner of a parallel Internet governance forum. But it has announced as in July, it's plans to expand that conference and that particular forum, and to start having decisions be made there or at least advanced discussions to our decisions. I would like to know if the team has been keeping up with that development intends to participate in some way, or if that's not the case, if it would consider doing that engagement for

us as a community so that we have an ear there and try to understand what kinds of impressions are coming from there, and if we need to be aware of particular questions. That would be incredibly helpful since it's a more closed space. Thank you very much.

MANDY CARVER: Apologies. I'm not certain which closed space discussion you're talking about.

MARK W. DATYSGELD: That in China's WIC world internet conference. ICANN attend in 2018 for delegation, but not since, I think.

MANDY CARVER: Okay. We do follow some of the rule hand dialogue, etc. But I think we've had a lower level participation in that space of late. I don't know whether any of my regional colleagues want to give an update or a response on that. But otherwise, we can come back to you with more detail if you want.

MARK W. DATYSGELD: Yeah, thank you. Otherwise, just flagging that may be interested in that, and it may be something to look into. Thank you.

MANDY CARVER: I think we have an online for remote participant we want to go to.

REBECCA MCGILLEY: Yes. We have a hand raised. Viacheslav Erokhin from Russia, please unmute yourself.

VIACHESLAV EROKHIN: We hello colleagues, Viacheslav Erokhin, Russian Federation. I want to make remark related to update of ITU activity and especially plenipotentiary conference, upcoming plenipotentiary conference. It was sentence in the representatives of Resolution 102 that Russian Federation proposed to discuss stability, security, sustainability of Internet. And Russian federation see some threats through ICANN and IRI work. It's not true. Russian Federation, yes, proposed such topic for discussion during open consultation. But we see threat not in the work of ICANN or regional registries. We see a thread of stability and security of Internet governance model.   Through jurisdiction of risk organization.   ICANN in US jurisdiction regional registry in national jurisdictions.

And a well-known case is AFRINIC when it's assets and bank account was blocked, but would show that organization, which have global such critical function for Internet governments can't

be in jurisdiction of one state. And Russian Federation has proposed to discuss stability and security of Internet governance model. First of all, during open consultation in multistakeholder environment, and then during CG Internet group. We state how we can help, ICANN, how we can help a regional register to meet this change, to solve this problem. Yes, Russian Federation can see that the national jurisdictions is a threat, but not work of ICANN and regional registers. We thank our colleagues in ICANN who make huge efforts to support global Internet. And I kindly ask our colleagues in ICANN, in GR department be very precise in their sentence and updates to community. Thank you.

MANDY CARVER: Thank you for the intervention. Yes, we believe in a single stable global interoperable Internet. The papers that we have published only use direct quotes from presentations made by government representatives in other jurisdictions. So we are not interpreting their words. We are representing the statements that have been made. But we work with everyone and we focus on the resolutions more than the individuals and the elections.

BECKY MCGILLEY: Yes, we can go to the on-sit at the mic, thank you. Thank you.

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UNKNOWN SPEAKER: Good morning, ladies and gentlemen. I am [00:58:40 -inaudible] from Net-Chinese, and ICANN accredited registrar. I'll be speaking in my own capacity. From a business perspective, a stable environment fosters economical growth and is the ideal situation for economical growth. And I have a question to ICANN to ask based on my concern to the future of the DNS. The question is, how can the ICANN and the Internet facilitating improve regional and global geopolitical stabilization? Apart from managing the DNS system and connecting people together from all around the world, what other plans or initiatives does the ICANN have or I think they could do to facilitating improved regional and global geopolitical stabilization. Is there any information that you can share with us? Thank you.

MANDY CARVER: The only way we can facilitate geopolitical stabilization and integration is to have regular dialogues about how the infrastructure works and the benefits of the collaborative and integrated mechanism. But I want my colleagues to have enough opportunity if they want to add to that. Do we have an online?

BECKY MCGILLEY: Our next question is from Gabriel Carson. Africa is in a digital dilemma. Being forced to pick a side either based on the western agenda or eastern digital agenda as a prerequisite for continued

digital multilateral collaboration. This political layer of influence impinges digital civil liberties from an end user perspective. What is ICANN doing to strengthen Africa's legislative abilities regarding the DNS being a major upholder of digital sovereignty?

MANDY CARVER: So we engage with governments' legislation that might impact the DNS and the interoperability of the Internet. We want them to be aware of the potential unintended consequences of efforts. We provide factual information regarding potential adverse consequences. We also work actively in the region and there is an initiative that we are facilitating coalition for digital Africa, which is aimed at an increase in capacity and resources that talks about not only the physical infrastructure, like IMRS and exchange points, but also the governance and management models and engagement. Do we have other?

BECKY MCGILLEY: We'll take it from the mic. Thank you.

JEAN F. QUERALT: Good afternoon. Jean F. Queralt speaking for the IO Foundation. First of all, thanks a lot for the work you've been presenting today. It was quite interesting. I wanted to go back two points that I want to ask about. At the beginning of the presentation and

paraphrasing, you mentioned something along the lines of concerns about addressing political and social challenges with technology solutions. Could you give us some examples of what kind of concerns have been raised into which topics. Because this is the second time that I hear it during this ICANN, and a bit concerned that there may be a little bit of misunderstanding with those things.

And second one, yesterday, there was a session on emerging identifiers. And I do understand that these kind of initiatives do not have government backing at the moment, yet they are increasingly getting into the conversation. So I'm wondering if your team is going to be looking at some point to what kind of regulations they are issuing aside from a technical perspective that could be overlapping or conflicting with ICANN. I do know that the technical that OCTO has been looking into these kind of things, but much from a technical perspective. And so in the same regard that you are looking at what geopolitical events may effect ICANN, I'm thinking if you're also going to be looking into those moving forward. Thank you.

MANDY CARVER: To the first part of your question, sometimes we see activity that is aimed at content, for instance, which is not within ICANN's remit very specifically, but the implementation effort that the

governmental body is using to address questions of content does have the potential to impact. So they're looking at DNS blocking or they want to look at certain kinds of infrastructural changes because they're looking for a way to address the content question to try and control those. So that's what we're referring to. And they are as varied as the individual proposals and jurisdictions. So we try and talk to people about the technical operation, the interoperability of the Internet, but also how things actually work. Because often the effort to address this problem is trying to change something over here and they're not actually connected, but this can break other things.

I am not the right person to speak to anything on the new potential roots. The space where that might be impacting or impacted by governmental activity, one of the concerns would be the knowledge of the purchaser, for instance, because governments care about their constituents and they want to protect them in the marketplace and others. And forgive me if I've misunderstood where you're going with the question. In this instance, I think the issue is around questions of if these are alternate spaces that are being sold to the consumer that doesn't understand that it's not within, for instance, the compliance. It doesn't come within the scope of the contracts. That would be an area of concern. I can see that that would be an area of activity.

JEAN F. QUERALT: The question was more addressed in the sense that in the same fashion that you are monitoring what governments are doing and regulations that may affect ICANN, if there's any plan at some point in your team to start looking into potential regulations that organizations just dials and so on and so forth, maybe issuing that could conflict in terms of policy, not the technical parameters of policy in the same way that you've been looking with others.

MANDY CARVER: I don't think we've seen any yet. Should we, we would flag that.

JEAN F. QUERALT: It was just for clarification. Thanks.

BECKY MCGILLEY: We can continue with the next.

PAVEL FARHAN: Good afternoon, everyone. This is Pavel Farhan, ICANN75 fellow. I want to talk a bit about two statements, one regarding the internet fragmentation topic that we talked about yesterday. So as you know, the political leaders and other stakeholders have been engaging in debates about Internet fragmentation at the IGF

before, as well as in parliament, civil societies, and the media. So I believe that perhaps they should broaden the terms of the debate to pay more attention to alternative outcomes such as political structuring, and organizational concentration in and beyond transnational engineering networks. I believe that the leaders of the Internet governance organizations, and of course, practitioners, more broadly, should assess whether and to what effect deliberation and decision making processes in their organizations afford highly central positions to a few major actors.

And the second statement is, I believe that the IETF, the Internet engineering task force, which is a standards development organization, should debate whether highly central actors should face enhanced responsibility for the openness and inclusiveness of the standards development process and whether procedural changes should enact their responsibility as required. So the question is, how can ICANN help facilitate this process and help these governments do work together with the IETF and itself, and particularly how can ICANN do it at the IGF, which is all it's going to be later this year. Thank you.

MANDY CARVER: Well, we would actually encourage everyone to be actively engaged at the IGF. And we ICANN is a longtime supporter. And

we are working also with the parliamentary track. So for instance, for IGF 20, what year are we? 2022, there will be specific plans around governmental participation. It's an initiative to try and bring more activity there. But I would encourage the community as a whole to participate in those spaces. ICANN will have an open house and a town hall this year that are focused on the coalition for digital Africa and then also on the unique identifier. So that's the piece that we're doing, but it'll also be a hybrid event. I don't know if I've got colleagues who want to add.

BECKY MCGILLEY: We'll continue. There's no further questions online. So we'll continue. Thank you.

MASON COLE: Hi, good afternoon. My name is Mason Cole. I'm Chair of the Business Constituency, but I'm here in my personal capacity. So as you pointed out, NIS2 will be ratified shortly and that will kick off a 21 month period of transposition by member states. My question is twofold. What specifically is Org's plan to take on board differing transpositions of NIS2 by member states? Second question, what plans does ICANN have to update WHOIS policy based on NIS2?

BECKY MCGILLEY: Thank you, Mason. Would you do me the favor please and repeat the second question?

MASON COLE: So based on transposition of NIS2 by member states, what is ICANN org plan to update WHOIS policy based on outcomes of transposition of NIS2.

ELENA PLEXIDA: Thank you. So to your first question was about the transportation phase. There is a NIS cooperation group that the directive itself sets up, the existing directive has set it up. And actually, I feel very strange saying all these things because Valimira who is very much knowledgeable about the directive is standing right behind you. But in a way, there is this cooperation group, and this cooperation group is the one that is responsible in many ways for, not implementation, for discussing what is going on within NIS2 and the rest. That would be from our perspective, and I don't have all the details figured out just yet to be very honest with you. An engagement with this cooperation group would be the best Avenue, of course, we have to be invited in this group. So with other experts, I would imagine, and I would hope.

To your second question, I guess the answer is once we have seen what comes out of implementation from the 27 different member

states, we would be able to say whether there is a need for any change in the policies or there are actually in line with what has come out of the ICANN policies. Hope that answers the question.

MASON COLE: Thank you.

ELENA PLEXIDA: Thank you.

VELIMIRA NEMIGUENTCHEVA: Good morning and good afternoon and good evening to everybody, depending where you are. So my name is Velimira Nemiguentcheva and I'm the European Commission's representative to the GAC. And I would like to make a few clarifications regarding basically our position in terms of multistakeholder model open Internet, and also the contribution that we are making to the ICANN. So the first point is, I wanted very much to thank our colleagues from ICANN org for the presentation. I did not intend to at all actually to comment on it. I just want to say that we have been working in very close relation in terms of presenting our initiatives. And I want to thank again Elena and Nora for the possibility that we had. And as you know, we have made several presentations and precisely if needs to. I will not discuss also the question of the colleague who intervened

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just before me just because I think that we can send this follow-up information. We are also happy to take all the questions once NIS2 is fully finalized.

What I wanted actually to clarify why is to put a little bit of perspective and give the context of all the legislation and other types of initiatives of the commission. The first thing that I would like to say is that we are trying to address issues where we see them. And we're trying to do this fast enough, not too fast, but here I would like to build precisely on the fact that we so much work closely with ICANN, and I want to say a few words on it. And for the multistakeholder model, precisely, to be able to further build on this cooperation. And here, I want to say basically two things.

First, I would like to build on the one intervention that was made I think yesterday in one of the forums when we have been discussing Internet fragmentation and DNS. One of the speakers, he has mentioned something which I find very important and where I think we can build together governments international organization in title. This is the fact, let's not be defensive. Let's collaborate and be fast enough. And I think that here, European Commission, different governments, we have a specific competencies as you in ICANN you have very good technical and technological competencies.   And I think that we can work together in order precisely to do this. To be fast enough in

addressing the issues, ICANN had issues, we had issues, and let's work together.

The other thing is European Commission has a very clear standing regarding the multistakeholder model in the open Internet. And those of you who also work in other international forum will know that I'm also the representative of the Commission to the IGF together with some other colleagues of the European Commission. And they all know to what extent I'm engaged including Greece with whom I work in the strategy working group to what extent the working commission is really, really vocal on the need for the multistakeholder model. So basically, what I would like to put in light is that all these perspectives that are given by European Commission they need to be taken as an opportunity to look into the challenges that are ahead of us. And they should not be treated in isolation of the multistakeholder model. We are part of it. We play our role in it.

We are, as you know, part of the different working group here already for quite some time. We are among the topic leads on quiz registration data. We are among the topic leads in the public safety working groups and try to do our best and contribute to this discussion. So let's really collaborate and take this from the perspective. For the Board chair, Maarten, I want to thank you for this set in our bilateral between the Board and the GAC. We are here to improve the things. So let's just trust each other and try

to work hand in hand. So this is what's a bit the philosophy. And I also wanted to say that even in terms of strategy, when you look, you'll see that all the strategy basically that we are working on and that we are trying to contribute to and to put in place is about an open secure and global interoperable Internet.

 So that was, and I think it was helpful. And I hope that we'll continue to work together hand in hand as we do it with many colleagues from U.K. from the U.S, from the FBI, from the Free Trade Commission. And just let's collaborate. And of course, happy to continue discussing with the stakeholders the way we do it. I'm happy also to further communicate to relevant stakeholders information about the questions that the precedent speaker said. Thank you very much.

ELENA PLEXIDA: Thank you very much, Velimira, for your comments, and thank you for your availability to provide extra information for the different legislative initiatives that are coming out of the EU. I think that of key interest to the European, I'm sorry, to the community. And of course, we appreciate working together. To that point, I think what is important for our common goal of keeping an open internet is, that we define clearly what is the problem that we're trying to address in this working together. And the other bit of it is that we have a clear understanding in the

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solutions that we're putting forward on what belongs to policymakers. Because, of course, big part of it belongs to the policymakers, and what belongs to the technical community. Because big part of it belongs to the technical community and it is there for good reasons. Thank you so much.

MANDY CARVER: Thank you all of you for your engagement. I'm afraid we are over time. Thank you very much for coming. There have been questions. The slides will be posted. If there are any questions or comments that we didn't get to, we can answer in writing later. Thank you.

[END OF TRANSCRIPTION]

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