
ICANN78 | AGM – Geopolitical, Legislative, and Regulatory Developments Update
Monday, October 23, 2023 – 4:30 to 5:30 HAM

BECKY MCGILLEY:

Hello, and welcome to our session Geopolitical, Legislative, and Regulatory Developments Update. My name is Becky McGilley, and I'll be the session facilitator. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior. Interpretation for the session will include the six UN Languages, Arabic, Chinese, English, French, Russian, and Spanish, plus Portuguese. Onsite participants may pick up a receiver and use the headphones to listen to interpretation.

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I will read the questions out loud during the time set by our chair or we may answer them directly in the pod. Comments or questions submitted in the pod will only be read aloud during the designated discussion time. Thank you for being here today, whether virtually or in person. And with that, I will hand the floor over to our Head of Government and IGO Engagement, Veni Markovski.

VENI MARKOVSKI:

Thank you, Becky. And I believe there should be some slides. Yes, no? Yes. Thank you. So this is what we're going to do today. The good news is I'm not going to talk a lot, and even the better news is the people who will be talking are subject matter experts, but then we'll have a session for Q&A. A part of the session will be for Q&A. So if we can move to the next slide. And one more, please. Exactly. And we'll start first with the intergovernmental organizations and geopolitical update at the United Nations. With that, I pass the floor to Elizabeth, I believe.

ELIZABETH OLUOCH:

Thanks, Veni. Hello everyone. My name is Elizabeth Oluoch, and I'm going to be providing some updates on the IGO and Geopolitical updates in the UN and ITU. But firstly, to begin with, updates on the WSIS+20 review are going to focus mainly on what our ongoing preparation efforts are for this important process. There is considerable interest among the ICANN community regarding the WSIS+20 review. At the ICANN meeting in Cancun earlier this year, there were a couple of sessions on the WSIS+20 review.

Additionally, there are some sessions at this ICANN78. The multi-stakeholder model is vital to the way we work. WSIS, the Tunis Agenda, and subsequently the WSIS+20 outcome endorses the multi-stakeholder model. The WSIS+20 review is a priority across the organization. First, last month, ICANN, CEO Sally Costerton shared the CEO goals for fiscal year 2024.

Can everyone hear me now? All right. Last month, ICANN, CEO Sally Costerton shared the CEO goals for fiscal year 2024, and one of them was a goal on WSIS+20 review. Second, GEs engagement efforts and WSIS+20 with governments are in full gear. While it's two years away, some governments are developing their national positions and are inviting perspectives from the technical communities and civil society and other stakeholders in their jurisdictions. So we are raising awareness of WSIS+20 and the issues that are pertinent to ICANN, the multi-stakeholder model, internet governance, and technical internet governance.

For example, in late July, GE organized a briefing for diplomats at the UN headquarters. The site event was co-hosted by ICANN and the permanent missions of Australia and Bulgaria. It was a successful event attended by over 60 participants. Delegates received information on how the internet works, on ICANN and its role in the internet ecosystem, including its multi-stakeholder policy development process. WSIS was also discussed.

We have also had multiple bilateral meetings with representatives from the Ministry of Foreign Affairs from different countries. We continue to optimize our participation in events like the recent IGF in

Kyoto, where we held bilateral meetings. These bilateral meetings have been positive with governments expressing strong support for the multi-stakeholder model and ICANN's multi-stakeholder model. We heard similar positions in public statements during the IGF. We'll continue to meet with other Ministers of Foreign Affairs over the coming weeks and months. Also during the IGF, the Commission and Science and Technology for Development, which plays a role in WSIS, providing a system-wide follow up on WSIS held a session.

The CSTD session was titled WSIS+20, the successes, failures, and future expectations. And it was chaired by the CSTD chair, Ana Neves, where she provided an overview of the preparations for the year 2025, which involved multiple UN agencies. The chair of the CSTD highlights the significance of inputs from non-governmental stakeholders in this process where she specifically mentioned the launch of a questionnaire on the 20-year review of WSIS implementation. The questionnaire is open to all stakeholders, and we'll place a link to that questionnaire in the chat window. Next slide, please.

The Global Digital Compact. Just some quick updates on that. In the policy brief five on the Global Digital Compact, the UN Secretary General suggested that the UN General Assembly could establish a new digital cooperation forum to support tripartite engagement. This concept was recently discussed by the tech envoy where he suggested that there is a new tripartite model for digital cooperation, in which there are only three stakeholder groups, the private sector, governments, and civil society, which included the technical community.

In August, ICANN CEO Sally Costerton, together with the CEOs of ARIN and APNIC, two regional internet registries, published a blog that highlights the distinctions between the technical community and civil society, given the technical community's role in the Internet's operations as outlined in the Tunis agenda. And we'll place a link to the blog in the chat window, and we encourage you to read that.

Also, in September, the co-facilitators for the consultation for the Global Digital Compact released the GDC issues paper. We'll also include a link to that. The paper identifies key issues with the broadest support and consensus from the intergovernmental and stakeholder consultations held during the first half of 2023. These were the series of thematic deep dives, the online written consultation, informal stakeholder consultations, as well as regional consultations. You may recall that ICANN engaged in relevant deep dives and provided a written submission as well.

So, just to provide you with one example of one of the areas where that was identified as having broad support in the consultation, there was broad support for the importance of an open internet, open, free, and globally accessible internet. Also some references to the Tunis agenda, and there was consensus around strengthening a multi-stakeholder model and avoiding duplication of other processes and support for the IGF.

However, there was not much detail around some of these key themes in the GDC issues paper. On some of the other UN processes that we are following, the Open-Ended Working Group or the OEWG, the meetings are ongoing. We're also following the Ad Hoc Committee on

a cybercrime convention, and I've just truncated that title. And that will conclude at the final meeting in February, 2024.

Negotiations in the draft convention are ongoing. And we'll place a link to the draft convention in the chat window as well. Next slide, please.

The ITU Council Working Group meetings took place in the first two weeks of this month. In recent years, the Council Working Group on International Internet-related Public Policy or Council Working Group internet, as well as the Council Working Group on Child Online Protection have received proposals that were not approved, but these proposals touched on ICANN.

At the most recent Council Working Group internet this month, there was a proposal by the Russian Federation to discuss the challenges to the internet governance system and prepare recommendations to prevent the fragmentation of the internet. Additionally, there were two proposals for a consultation topic on universal acceptance. There was no consensus or agreement reached by any of these topics.

As far as the ITU Study groups go, we continue to see proposals that touch on IP-based networks coming from Huawei, China Telecom, and China Unicom. There was a new work item on the security requirements and frameworks of network access control and IP networks amongst others that would've been duplicative of what the ITF does, and these were not approved. And I see that the slide deck is not working., but I'm coming to the close of my updates only to add on the WTSA 2024 preparations.

These are beginning already at the regional level where the ITU has published the schedule for the regional preparations. We'll continue to follow this process. And that concludes my update, and welcome questions during the Q&A. Thank you.

VENI MARKOVSKI:

Thanks, Elizabeth. Well, our colleagues are trying to figure out what's wrong with the slides. We can probably move towards in our slides, and then they'll open them wherever they have to be. So we are going to the IGO and Geopolitical Update the European Union. Nora.

NORA MARI:

Yes, thanks, Veni. Nora, everybody. I will provide a couple of updates on activities happening in Europe and specifically in the European Union. Following on what Elizabeth highlighted regarding the global digital compact and WSIS+20, we want to highlight a couple of statements coming from the European Union and its member states in support of the multi-stakeholder model, and ICANN in particular, a statement made in the context of the deep dive on internet governance in April of this year, in which the UN and its member states highlighted the importance of the multi stakeholder model, the importance of avoiding internal fragmentation, the support for the multi stakeholder model as an approach for internet governance, as a best example and system to allow inclusive participation, and that allows also the internet to be protected from political interference. Next slide, please.

Another statement can be found in a document called Council Conclusions. So it's a document issued by member states where member states highlight high level political objectives. And in particular, we highlight a document that was issued in June of this year which were conclusions on digital diplomacy where member states stress support for ICANN in the unit context and include that they will coordinate [00:14:25 - inaudible] coordination in the context of the WSIS+20 and the global digital compact and overall internet governance issues which will include active support of ICANN on issues of strategic importance such as ensuring internet stability, security, and interoperability. Next slide, please.

So completely different subject, we'll move on to the legislative of activity of the European Union and provide an update on two initiatives of legislative nature we discussed in previous plenaries. One is a regulation that is still under discussion which is the regulation on huge geographical indications for wine, spirit drinks, and agricultural products. And then an update on a legislation that passed last year the NIS2 directive that is now in the face of being implemented.

So when it comes to the regulation on geographical indications, as you may recall from past plenaries, there were two regulations. One, introducing additional protections on craft and industrial product GIs, and one, introducing additional protections on agricultural geographical indications. These two regulations included provisions on domain names.

And the original scope was, both the regulation originally applied to country code top level domains. During the negotiations of these two regulations, the co-legislators considered the possibility of expanding the scope to gTLDs. Such suggestion did not go through when it comes to the regulation on craft and industrial product GIs.

When it comes to the regulation on agricultural geographical indications, that is still under discussion, and we believe that at the minute, the extension of the scope to gTLDs has not being included. But there might be provisions connected to another legislation of the European Union, that is the Digital Services Act, that gives the power specific to relevant national authorities to issue an order to remove or disable access to domain names in violation of the rules on geographical indications.

When it comes to the implementation of the NIS2, as we mentioned previously, member states are expected to implement the directive which is not directly applicable but needs to be implemented by October 24th. And in the meantime, there is a working group in charge of coordinating member states in implementation of the NIS2. It was established under the previous NIS directive, it's called NIS Cooperation Group.

That group has a specific work stream on the article concerning registration data, Article 28, and the European Commission are part of this group. In this context, ICANN has drafted a communication outlining existing ICANN policies and procedures that are relevant for Article 28 that intends to send to the NIS cooperation group.

In fact, the NIS2 recognizes that guidance and standards developed by the multi-stakeholder governance structures at international level should be taken into account to the extent possible as policies and procedures to implement the domain name registration that are requirements of the NIS2. So in that spirit, we will be sharing information about the relevant existing upcoming policies, and we hope the cooperation group will take them into account. Next slide, please.

We want to also bring your attention to a couple of areas that are of interest of the European policymakers. One is standardization. So there is greater interest of the commission of how having a stronger presence in standardization bodies and a greater interest of investing in European standards. There was a strategy on standardization in 2022, and at the minute, there is a revision of existing regulation that sets the rules for the European Union for the standard developing process. So there is a revision of this regulation and this revision entails also consultation of stakeholders.

So there was an initial consultation called Call for Evidence, and there should be another consultation later on this year. ICANN contributed to the consultation that call for evidence. And in particular in the contribution, ICANN highlighted the importance of developing standards within the ITF framework, at the same time welcoming the presence of policy makers in that setting. We also highlighted the crucial role of interoperability when it comes to internet standards that are vital for maintaining the internet global nature.

Another initiative that is quite interesting concerns web 4 and virtual worlds. So last summer, the commission published a communication which is a high-level political document highlighting priorities, potential initiatives and political priorities. It's a communication about web 4.0 and virtual worlds. But it is interesting because the communication proposes to work to set up a governance body for virtual worlds.

And it specifically supports the creation of a technical multi-stakeholder forum beyond the remedy of existing internal governance body while engaged with existing multi-stakeholder internet governance institutions to design an open interoperable virtual world. So this is just a communication, so a political initiative for the moment, and we'll see which concrete initiative will stand out of it. Next slide, please.

We also want to highlight, given that this is a meeting in Europe, we want to bring your attention to an important political process that will take place as of June of 24. So there will be elections of the new European Parliament, and that will kick off a process that will basically renew the European Commission. So there will be a new president of the commission, new commissioners, new political priorities. Next slide, please.

Finally, outside of the European Union, we want to report about initiative taking place in the United Kingdom where they are revising and amending an existing legislation to propose regulations that will list the practices that are considered to be an unfair use or a misuse of an internet domain.

This upcoming regulation will apply to .uk, but also to gTLDs that have a link with the UK, so .scot, .wales, .london, and so on. As part of the process of revising existing legislation, the UK government has put forward a consultation that took place in August of this year. ICANN responded to the consultation providing a brief, like an overview of sort of the existing approach of ICANN to DNS abuse.

And in particular, given that the upcoming regulation will include in under scope gTLDs, we highlight in our response the fact that the ICANN community has been tasked with setting global policies for gTLDs through the multi-stakeholder process. That's it on my side. Thanks a lot. Jamie, next to you.

VENI MARKOVSKI:

Thank you, Nora. We have some updates from Jamie, I think, right?

JAMIE HEDLUND:

Yeah. So my name's Jamie Hedlund, head of US government engagement and contractual compliance. This is a great session. There are just a few things that I was going to touch on that are going on in the United States. Two of which I think we talked about at the last meeting. One is the cyber incident reporting for Critical Infrastructure Act, or CIA.

This became law back in March of 2022, and it set out requirements for owners and operators of critical infrastructure to report to the Department of Homeland Security cyber incidents within 72 hours. The requirements in the law itself are fairly high level, so it kicked off a

rulemaking and the notice of proposed rulemaking that has to be published, I believe by March of next year, March or April.

And among other things, this rulemaking will define what is critical infrastructure, identify critical infrastructure owners, define what a cyber incident is that falls under the requirements to report, lay out the format of the reports that have to be submitted and the timeframe, and go into things like what has to be submitted immediately, what can be submitted later, what can be kept confidential, et cetera. In CIA, there is an exemption for ICANN and IANA and entities governed by a multi-stakeholder process related to the domain name system.

One of the things that the rulemaking will address is what types of entities fall under the exemption. Our view is clearly that it covers the IANA functions, the L-root or IMRS, as well as all root servers in the root server system. We think that cyber incident reporting requirements are a positive thing and are important, the root servers are critical infrastructure, but we don't think it's helpful for the multi-stakeholder model or as a precedent generally for there to be US federal regulation even on something as benign and positive as cyber incident reporting because that serves as a precedent for other jurisdictions that may use it as a precedent to impose other obligations.

So we will see what comes out in the rulemaking. I think they have 18 months to complete the rulemaking, and then enact regulations. The other matter that we're following doesn't fall directly on ICANN, but is an interest to the our general multi-stakeholder community. And that is a notice of inquiry issued by the Federal Communications

Commission. A notice of inquiry is a precursor to a notice of a proposed rulemaking.

It's a method for the FCC to gather information and determine whether rules are in fact necessary. In the NOI, it identifies or raises concerns about security vulnerabilities and internet routing and BGP, and asks whether the Federal Communications Commission should exercise its regulatory authority to impose requirements on ISPs and others to deploy more secure routing that has triggered a lot of activity and participation from the private sector and from others in support of a multi-stakeholder collaborative approach that perhaps the FCC convenes, rather than developing standards or rules for ISPs and others to come up with a way of a collaborative approach in identifying what the issues are, deploying technologies that are appropriate.

One of the things that's sort of interesting, one of the challenges with securing BGP is similar to what we face with DNS SEC, which is how do you reach the providers that are far out, how do you reach enterprise users, smaller providers, because it's most effective when it's deployed uniformly.

And that's separate and apart from the issue of what is the right technology solution. One other thing that I'll mention, the FCCs just kicked off a notice or proposed rulemaking on open internet or net neutrality. In the 129-page rulemaking, it asks questions about whether by imposing title 2, which means whether considering broadband internet access service as a telecommunication service,

whether that will help the FCC in addressing cybersecurity concerns, including threats to the DNS and internet routing.

So the initial comments are due in December that just got voted on by the Federal Communications Commission, I think last week. So we'll be looking at that as well. And if we do provide input, it will be to again, focus on multi-stakeholder approaches to addressing DNS threats and internet routing. And that's all I got. Thanks.

VENI MARKOVSKI:

Thanks, Jamie. And we have last the Asia Pacific coverage. This is Samiran who is our Vice President for government engagement based in Delhi, India.

SAMIRAN GUPTA:

Thank you, Vinny. And the APAC region is pretty vast, and today we are just covering-- Thank you. So we are just covering three countries where there have been developments fairly recently. And so I'm going to start with Australia, where there's a review of the Privacy Act of 1998, and more recently on 28th September, the government announced that it had accepted 106 proposals and sought to modernize the act. The legislation process of these proposals will take place in 2024.

Some of the changes which are being proposed may impact ICANN community, including broadening the definition of personal information to include technical and inferred information, such as IP addresses and device identifiers, the requirement of a 72-hour

notification when there are reasonable grounds to believe there have been eligible data breaches, and placing higher accountability to entities who handle personal information to dampen the impact of such breaches. Next slide, please.

Thank you. We now move to Bangladesh where on 13th September, the Cybersecurity Act came into force, replacing the Digital Security Act of 2018. The CSA aims to prevent cybercrime and the spread of false information. While the primary focus of the act is on content, the censorship mechanism is not specified. Hence, there are concerns that this leaves the possibility of actions targeted at the DNS level. So this is something that we are following closely, we'd like to see how this proceeds.

And lastly speaking about India, the Digital Personal Data Protection Act, or the DPDP 2023, came into force on 11th August of this year. The rules governing the act and the establishment of the Data Protection Board are in the works. We are awaiting that and we are examining the impact of such rules once available. And lastly, before I close, I'd like to add that ICANN has submitted an application to be an affiliate member of the Asia Pacific Telecommunity, starting in January, 2024. Veni.

VENI MARKOVSKI:

Thanks, Samira. By the way, that reminded me because you're very new to our newer note at the same time to ICANN. I wanted to use the opportunity to ask my colleagues from government engagement who are in the room to stand up, raise at least your hand so that people can see you. We have a lot of people from government engagement, plus

the people who are here. So if you have any questions to ask, please reach out, we are here the whole week, we'll be happy to answer.

So, do we come to the next slide? I think it's Q&A, if I'm not mistaken. Yes. Oh, it says questions in discussion. Sorry, no answers. I read the slide. Yes, please. There are microphones. So two microphones. Please approach the microphones. No, please approach the microphone so there could be a line, otherwise I wouldn't know who is speaking.

BECKY MCGILLEY:

Veni as people approach the microphone., we have a few in the Q&A pod we can start with. Oh, okay.

WOLFGANG KLEINWAECHTER: Okay. Thank you very much. My name is Wolfgang Kleinwaechter. I'm a retired professor from the University of Aarhus. I have two points. The first thing is to WSIS+20. I just recommend that a technical community speaks with one voice if we move towards WSIS+20. I think the strength of the technical community, if I remember the past, was for instance, the Montevideo statement, where all the [00:37:24 - inaudible] organizations came together, and so far, the blog post now which was supported by the NRO or by two IRS and ICANN.

It's a good first step, but please be united because the problem WSIS+20 will be how to guarantee that the input from the non-state actors into the intergovernmental negotiations will lead to an impact. So we have the definition from Tunis, we have the principles for Net

Mundial, but we do not have procedures for the interaction among stakeholders for such intergovernmental negotiations.

I think this is really a challenge for the community on the way to WSIS+20 to develop creative procedures for the interaction. Within ICANN, we have procedures. If the Board disagrees with the GAC consensus advice, we have procedures in place, step one, step two, step three. But if non-state actors give advice to intergovernmental negotiations, we have no procedures. So, it can be just forgotten by the government.

And this is bad for the multi stakeholder model. Everybody agrees about the multi stakeholder model, but everybody has a different understanding, what does it mean in practice? And the second point is to the standardization problem. So you have said or have quoted a European commission paper that say, propose a new technical multi-stakeholder body beyond existing organizations. I heard last week in Kyoto that it was OECD workshop that is a now new Metaverse standards forum.

And I asked the President Neil, how they interact with the existing internet standardization organizations. And the answer was totally unclear. And I think here's really risk for a fragmentation of the standardization processes, and with the technical community here, we should be very careful not to promote this by a proliferation of different standardization organization.

The existing organization should be strengthened, and we should build a context to a new standards body, which is a natural process,

that new issues will raise new standardization questions, but we have to avoid that we create new silos. Thank you.

VENI MARKOVSKI:

Thanks, Wolfgang, for your opinion. I guess it's not a question really. Yeah. I just kindly want to ask everyone to, if you have a comment, just let us know it's a comment so that we are aware. There are questions in the online chat, so maybe we can go with the questions, but please let us know. Let's go to that microphone and then maybe we can go to an online.

CHIDI DIUGWU:

Question very much. My name is Dr. Chidi Diugwu, I'm from Nigeria working with the regulator. This is my first time coming, here and I'm very impressed. Talking about multi-stakeholder model, I just would like to know how the case of AFRINIC at the moment is impacting on Africa contribution. I've listening with keen interest to all the presentations, but non came from Africa. Thank you very much.

VENI MARKOVSKI:

Thanks. Let's see whether somebody could answer on that question. Are we going to-- you? Hmm. Oh, well, we are following the AFRINIC situation. We are closely following the AFRINIC situation. There has been a block published with regards to it, this is something which is developing as we speak. So obviously, we are like everybody else in the technical community paying attention. We can't have any other comments at this point? Do we have, Becky, online question now?

BECKY MCGILLEY: Sure. The first question is from Rick Lane, and it's, "There are very different views on how NIS2 should be implemented related to an open, accurate, and accessible WHOIS. How will ICANN specific input into the NIS2 implementation be decided if there is not consensus within the ICANN community? And I think to answer that question, we're saying that ICANN's input is limited to providing factual information about existing ICANN policies, procedures, and requirements that are relevant to Article 28.

VENI MARKOVSKI: Thanks. Jordan.

JORDAN CARTER: Hi everyone. Jordan Carter from-- try and get this up at my mouth-- the .au ccTLD. It's a question after a comment. I'm really impressed to see the open technical community coordination session on Wednesday afternoon in the public agenda to get some of the coordination that Wolfgang talked about happening. I hope that ICANN can lead and inspire more collaboration to start to build the common positions that will be needed as we get into the WSIS process.

So it's very encouraging to see that. It's on a minute too soon, and I think we all have a responsibility in the technical community to be part of that to the extent that we can and have resources to. One of

the things I'm finding is that it would be really good to have very well-crafted information in this sort of form of an advocacy pack.

And the question is whether ICANN could spend a little bit of money on the sorts of PR, public affairs, lobbying firms that there are in New York who are used to influencing the UN, and then share back a kind of pack that the community could use to get some of those more persuasive arguments, perhaps couch in ways that are known to be UN relevant.

I mean, it may be that you have the skills and expertise to do that in-house, but it may not. And that could be a contribution that could be offered as something that those of us who are doing the advocating with our national governments, with people in New York could use. So is that something you could consider as the question?

VENI MARKOVSKI:

Thanks for the question. So we are not lobbying at the UN for ICANN. We are going and we are talking to them in bilateral meetings and we organize side events and brief diplomats on who is doing what on the internet and how the internet functions. We invite speakers who are from the officer of the chief technical officer of ICANN, and we have done it through the years, we've reached out to a lot of governments and we have a good dialogue with them. We understand that these negotiations, as also Wolfgang was mentioning, they are under the UN General Assembly rules of procedure, so they're only for governments. So we are limited in what we can do, and we believe that the approach really is to provide them with factual, neutral information.

And we have seen in the WSIS+10 negotiations that has usually a good impact because many of them who come with some knowledge of how the internet functions get to know more. And that results in really good positions within the negotiation rooms. However, all the positions are developed in the capitals, and that's the second part, which we were talking about bilateral meetings. And I was in Australia in August, we had great meetings with the foreign department of Foreign Affairs and Trade and with other governmental structures there. And we are continuing to do that in the coming months.

We have reached out to many governments and we are engaging in a very, very, I would say, good discussions with them and alerting them also on-- not everyone is following necessarily what's happening at the UN. The negotiations will start in January, some new diplomats will show up by then at the UN, so we're trying to stay on top of things. Nigel, and then we can go if there is other online questions.

NIGEL HICKSON:

Thank you very much. Nigel Hickson, UK GAC. Just very quick comments. First of all, thank you very much for this update, it's enormously useful, and thank you all that the government engagement team does to provide not just information, but provide it in a contextual manner, which is understandable, particularly the Europe update. and I'm extremely useful indeed. Secondly, I just wanted to say that last week in the ITU Council Working Group, which unfortunately is a member state only working group, despite the impetus by many countries to make it a multi-stakeholder working

group, the UK and China had both put forward proposals to work on a public consultation on universal acceptance and IDNs.

We thought this was positive, we thought this was constructive, we did not understand why this proposal could not break through. We wanted to involve all the multi-stakeholder community in this work, we wanted to recognize the incredible work that ICANN have done as well on universal acceptance. And so it's a great disappointment that we couldn't take forward this work. The third point on the UK legislation, I want to stress and thank you for referencing it, it's stopgap legislation or regulation, it's not to have a day-to-day regulation of those top-level domains.

It's only if there's particular circumstances where they need to be regulated. And just my last point to join with Wolfgang, I think it'll be so enormously beneficial ahead of the summit of the future in September, 2024, ahead of the agreement on the global digital compact, ahead of the discussions on the WSIS+20 and the UNGA in 2025 for the technical community to come together as they did before, and make a really proactive statement as Wolfgang recognized. Thank you.

VENI MARKOVSKI:

Thank you, Nigel. And we really appreciate the fact that several governments have put together proposals, I mean separately and together to discuss universal acceptance and ideas. And my only hope is that in January or February, when is the next council working group on internet meeting, maybe you can put those proposals in a little bit

different shape, maybe coordinate with other governments. These are proposals for public consultations.

Those of you who don't know, the ITU Council Working Group on internet has opened public consultations where they publish one topic and invite every stakeholder, be that government, civil society businesses, doesn't matter, to technical community to provide comments on those. And if you go to the ITU Council Working Group website, there are a lot of topics in the past few years which are very interesting to read the contributions and the outcomes. I think we have an online-- oh, Elena, please.

ELENA PLEXIDA:

Just a quick comment on the UK regulations under consideration that my colleague Nora mentioned, and Nigel, you referred to it again. Just a very quick comment on that. We very much appreciate the UK's openness to discuss with us and take our input on this matter, as well as the fact that the proposal and the consultation did recognize very clearly the multi-stakeholder model and the multi-stakeholder community and its work. So thank you again. Thanks.

NORA MARI:

Just a very quick point on that because we went through it very, very quickly. Just for the upcoming regulations, they will address the only serious failure. And it would be considered only-- there are situations in which this serious failure would be considered. But I just want to stress that there could be measures undertaken in case of serious failure.

VENI MARKOVSKI: Becky, was there an online question?

BECKY MCGILLEY: Yes. this is from Dr. T.V.Gopal. "In incidents related to cybersecurity, the effect of an incident is local, but the incident response needs to factor possible global reach. Are there any geopolitical guidelines to deal with incident responses?"

ELIZABETH OLUOCH: I can just quickly mention they are national C certs and I know there are quite a number of countries that don't have national C certs. But there is the first guidelines as well dealing with the global nature of instance reporting, but also, national C certs have mutual assistance agreements in place where they coordinate cross jurisdictionally to share information. This is not really an area for us, but a good place to start is go to the first website, and I'm sure you can be guided there. But thank you, in any case, for your question.

JAMIE HEDLUND: Sorry, and just to add to that, within ICANN, the RSSAC, the Root Server System Advisory Committee, kicked off an effort to develop cyber incident reporting for the global root server system. And that's an effort that they've launched and they're taking seriously, and I think they will tell you that they completely recognize the global impact that an incident happened.

They'll also say that there's never been a cyber incident that affected the operation of the root service system and that there's lots of redundancies built in, but they also understand why other parts of the world, and globally there would be interest in the security instability, the root service system. Thanks.

VENI MARKOVSKI:

Thanks, Jamie. Oh, sorry.

RUSSELL WORUBA:

Thank you. Russell Woruba, Papua New Guinea. Just want to thank everyone for the wonderful presentation. It gives a lot of context especially for IGO engagement on behalf of the Pacific Island nations who are here today for ICANN78. And I acknowledge the good presentation on the updates, we acknowledge the support from the New Zealand government and the Australian government for Pacific Island Nations. We welcome the idea of IGO engagement with APT, it's a very good move.

We currently have a lot of bilateral involvement and multilateral involvement in the Pacific, but there needs to be coordination, and the good work done by survey needs to be supported more where we have APT, we have the PRFP, the policy and regulatory framework discussion for the Pacific, we just had it in August. So that was a really good opportunity for ICANN to be there.

That was back to back with the Pacific ICT ministers, and we signed a declaration, it's called [00:53:44 - inaudible] declaration, and that will

be taken to the Pacific Island Forum heads, signed next month at Rarotonga Cook Islands; my colleague, Pua, is there. So it's a wonderful opportunity where we can get convergence in the spirit of multi-stakeholder from everyone's involvement. We are trying to push for an ITU sub office in the Pacific Sub-regional office. We have a current Asia Pacific one that's based out of Bangkok, but the Pacific is not getting much benefit out of that.

We know that India has received a sub-regional office and we would like one in the Pacific. So we need ICANN support, because at the end of the day, it's the service that uses the DNS and that rides on it. So we welcome that. We've got two countries in the Pacific that have digital government legislations, [00:54:46 - inaudible] and Kiribati, and we need more of a regional interoperability framework of some sort that works, and we hope the declaration achievement for us. So on behalf of the PNG delegation in the Pacific we very much welcome the initial steps to integrate at the APT. Thank you.

VENI MARKOVSKI:

Thanks. And to use the opportunity-- yes, thank you. We actually do work with our, you mentioned Save, who is based in Australia, our colleague that covers the Pacific. He's from global stakeholder engagement. We do work with our colleagues from stakeholder engagement and we try to coordinate as much as we can with the local communities, be that ccTLDs or others wherever we are reaching out. I think we have one more. Well, you can go here Bertrand because we only have three minutes, four minutes.

BERTRAND DE CHAPELLE: Okay.

VENI MARKOVSKI: So quickly please. Thank you.

BERTRAND DE CHAPELLE: You. So my name is Bertrand de La Chapelle, I'm the Executive director of the Internet Jurisdiction Policy Network. A few comments to compliment what Wolfgang and Jordan have mentioned. There is a plethora of processes that are taking place in the next two years, and I am very glad that this session allows to have the landscape. Unfortunately, I do not expect anything really interesting to come from those processes. There was a discussion at the IGF in Kyoto a few weeks ago. And the consultations regarding the WSIS+20 are indicating that we're going to have just a resolution, more or less like the WSIS+10.

And if we get the continuation of the IGF, that's already a good result, but not a milestone moment. And the fuzziness around the global digital compact is making it extremely difficult to kick it to bigger meaningful contributions. So I want to suggest the following or contribute the following. The first thing is that in this distinction between the definition of internet governance on the evolution and use of the internet, there is a message that has to be reiterated over and over again is that the technical infrastructure and the technical governance infrastructure, [00:57:09 - inaudible] trust test of the pandemic brilliantly, this is something that was not expected, it was a massive challenge, and it has gone flawlessly.

Meanwhile, when I look at the WSIS+20, 20 years after the WSIS in which some of us have participated, including Wolfgang and others, the stress test of whether the international system has been able to produce anything meaningful in terms of solving the problems that the digital society has brought is-- I'll let you evaluate whether it was producing anything. I think in this environment, when we are getting into those processes, the first message by the technical community is to make this distinction and encourage people to focus on what has not worked instead of what has worked, one.

The second thing is, in terms of the message by the community, I completely agree with Wolfgang that there's an interest in having a strong common message. But in this environment, one of the dangers is that if we contribute to the global digital compact, for instance, there will be one common message, and it will be drowned in the entirety of all the contributions.

In addition to the one common message, there needs to be a coordinated multi contributions that repeat over and over again the same kind of message to the community, the first message I mentioned and the second one that is based on the experience of the technical community and the governance system that has been put in place. One thing is to try to defend the system that we have, to defend ICANN and so on, and it's fine, but the message is not about ICANN.

The message is about the technical governance of the internet is distributed and on an issue-by-issue basis, distributed and on an issue by issue basis within an ecosystem of organizations. All the proposals that are emerging in the context of the WSIS+20, the global digital

compact and so on, seem to imply the creation of very centralized structures, can be a new forum, it can be a new commission for sustainable digitalization. I think one of the strong message from the technical community can be, we build from the experience of 25 years of ICANN, 50 years of the internet.

The governance of a network society needs to be a networked governance and not a centralized system. And I think that is a single message that is incontrovertible because it is built on the actual success of having withstood the stress test.

VENI MARKOVSKI:

Thank you. Unfortunately, regardless of my request to you to be short, you are actually long, I mean it took too long. However, before we finish, I want to thank to the hosts of the meeting. This is an amazing venue that we are in, the city is beautiful and I want to thank everyone who came here and especially the people who are standing about 20 of you, there were no seats. Next time, we'll choose even a smaller room so that it'll look even more packed. But thanks again for being here and we are happy to answer your questions in the hallways. Please, reach out. Thank you.

[END OF TRANSCRIPTION]