
ICANN81 | AGM – Joint Meeting: GAC and ASO
Tuesday, November 12, 2024 – 15:00 to 16:00 TRT

JULIA CHARVOLEN:

Hello and welcome to the GAC Joint Meeting with the ASO on Tuesday, 12 November at 12:00 UTC. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior and the ICANN Community Anti-Harassment Policy. During this session, questions or comments will only be read aloud if submitted within the chat pod. Interpretation for this session will include all six UN languages and Portuguese.

If you would like to speak during this session, please just raise your hand in the Zoom room and please state your name and language if you will speak if other than English, and remember to speak at a reasonable pace. As a kind reminder, tables with microphones are reserved for GAC members, observers, and guest speakers. And with that, I will hand it over to Nico Caballero. Please.

NICO CABALLERO:

Welcome everyone, please take your seats. We're starting the session, the GAC meeting with the ASO. And for that, let me welcome Hans Peter, sorry, Hans Petter. Petter? All right. Hervé Clément, and Nick from the ASO, and I have my distinguished vice chairs, Christine Arida from Egypt, Thiago Dal Toe from Columbia, and Mr. Nigel Hickson from the UK. So this session will be running for 60 minutes, that is still four

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

pm local time. And we'll be covering some very interesting details that Hans Petter and his fantastic team will be walking us through. So, welcome again, the floor is yours, Hans. Please go ahead.

HANS PETTER HOLLEN:

Thank you very much for that. It's a pleasure to be back. We gave you an introductory session on what is the ASO, what is the ICP-2 and everything on a couple of days back. So now we've had time to reflect on that. So now we will get into a deep dive on the proposed ICP-2 version 2 principles.

So if you move to the next slide, yeah, that would be it. Back in 2020, no, year, 2025, years ago, quarter of a century ago. There was a document, criteria for establishment of new regional engine registries. And back at the time, I actually had this position as the policy chair, the address council chair, and I got this document and sent it out for final consultations before it went to the ICANN Board for ratification, and then it was used to establish LACNIC and AFRINIC. So this is an existing policy criteria for establishment of IRS that has been used exactly twice.

Now, a quarter of a century or later, we have seen that the world has changed and it needs a review, it's time for an update, but I would wanted to briefly take you through the original principles here. The first one was that the region of coverage should meet the scale to be defined by ICANN, and we were talking continental insights. Therefore, not hundreds of regional internet registries or thousands gTLDs, but, you know, five-ish is an appropriate number, has been. The new RIR must demonstrated as broad support.

NICO CABALLERO: Sorry for the interruption, Hans. Could you please close that door because we're hearing some noise in the background, could you. So out of respect to Hans and his team, if you could please take your seats and close that door. Sorry for the interruption, Hans, but we were being a little bit --

HANS PETTER HOLEN: Thank you. All right. I see that the ICANN CTO is very busy discussing in the back corner, but I guess we will get his attention now. Anyway, the next principle was, demonstrate broad support from the RIRs from the community in the proposed region. So it was envisioned to be a bottom up process, not a top down. Bottom-up self-governance structure for setting local policies, it's also a principle. Neutrality and impartiality in relation to all interested parties, equal treatment basically. And then there is a requirement for technical expertise.

And moving to the next slide, adherence to global policies regarding address-based conservation, aggregation, and registration. And the RIR needs to have a published activity plan, a funding model, record keeping, and confidentiality.

Now, of course, there is much more detailed in that document, but I don't want to take you through that. But that's the backdrop of what was in place, what was the requirements for AFRINIC and LACNIC. Now, the three oldest RIRs, RIPE NCC, APNIC, and ARIN, they were established prior to ICANN, but we all adhere to these principles.

So then I'll hand over to Nick that will then talk about the review project that the NRO EC, the executive console, the four RIR CEOs because the AFRINIC doesn't have a CEO at the moment. We task the address console to help with two things implementation procedures for the current ICP-2, but then reviewing the full ICP-2 and seeing if that needs update. And that's now what Nick is going to take us through.

NICK NUGENT:

Thank you, Hans Petter. So we provided, well, I should say first of all, we decided that not only was it a big project to revise a document that was 23, 24 years old and has governed the RIR ecosystem for as many years, not only was that a large project, but the best approach might not be to simply produce an entirely new document with full text and send it out to everybody and say, what do you think?

We thought perhaps a two-stage approach would work best whereby we would distill the V2 project into a set of recommended core principles, each with what we hoped was a modestly catchy name and then inviting the community's feedback on those principles and judging by the feedback that we got from the community proceeding to draft a full text document.

And so, we sent the principals out for review, both through the RIRS and through the ICANN's consultation process. There have been RIR meetings where the community has been free to express their input, but the main venue through which they can express their input is by the survey that accompany the principles when we sent them out.

And you all are free to participate in that to the extent that you haven't already. We welcome feedback on the principles for each principle. We ask whether you agree, disagree with various gradations of those options and we provide a free text form field for you to provide anything you want to offer on your thinking on the principle, and then a free text form field for anything you want to offer on the broader project. So that is currently out and it will be available for comment through December 6th. Once we have closed that consultation period, we will look at the feedback and we will begin to proceed to draft the full document.

But one of the pieces of feedback that we've gotten already is that perhaps we need to walk folks through the principles a bit more rather than just offering them to be read. And so, that's one thing that we're going to do in this meeting. We're just going to actually show you every single principle that we have offered. I won't read them all, but I will highlight and I literally have highlighted in yellow the principles that we think are most interesting, the principles that most justified this V2 project and the broader enterprise of updating this important governance document.

So onto the principles. We've organized the document into certain categories with headings, the first of which are our governance principles. And starting off the document is the authority principle, which makes clear that ICANN ultimately makes the final decision, makes the final call to recognize or derecognize an existing RIR.

But ICANN does not proceed unilaterally, the issue must be referred to ICANN by agreement of the RIRs, and each RIR must have been

consulted and given the opportunity to provide input in advance. And as you can see, I'm summarizing the principles rather than just reading the language out loud. But they are available for anyone to read in detail.

We made it explicit, the mechanism whereby ICP-2 may be amended, namely upon the agreement of ICANN and all of the RIRs. How frequently ICP-2 will be updated after this process. One, we can't say, but it is good to have a very clear update mechanism and perhaps it won't be another 23 years before we do it again.

We added a rectification principle, and what this essentially means is that suppose an update is made to ICP-2, but an existing RIR's policies, it's bylaws. Some aspect of this governance is inconsistent with that update to ICP-2, what happens then? Well, we decided, and of course, we seek input on all of these, that we didn't want to have a situation where an RIR can simply be grandfathered in and not operate by the same principles as the other RIRs.

And so this is now a mechanism that can require RIRs to bring their policies, their bylaws, their practices into conformity with ICP-2. So it really acts as a broader governance document of the RIR ecosystem. We have an RIR ecosystem section of the document, and in these ones where I haven't highlighted it yellow, I'm gonna largely just fly past these because they're carrying forward the largely almost verbatim principles from the existing document.

So, for example, the fact that RIRs are supposed to work together to ensure that all areas on the globe continually are serviced, and that the

service region is expected to be a large multinational region for each RIR. The RIR lifecycle is where the ICP-2 V2, which is still in search of a better name, is really making improvements over the current version in that it recognizes three distinct cycles, or I should say phases in the lifecycle of an RIR.

There's the recognition cycle, the part where the entity can actually be recognized as an RIR, and that was largely the focus of the current version. But one of the main drivers of this project was the need to ensure that after an RIR is recognized, it continues to operate by the same principles and the same criteria by which it was recognized in the first place. So there's a requirement that after being recognized, an RIR must continually meet the same requirements, and must do so in an automated, I should say, an auditable fashion.

Importantly, there is now a derecognition principle, which states that an RIR that does not continue to meet all the requirements may derecognized. And important language there is maybe, it's not an automatic. And you'll see as we talk about some of the later principles, that there is a strong desire to rehabilitate an RIR that might be having difficulty.

The recognition principles I'm gonna fly through because they're largely carryforward from the existing version namely that the community must support recognizing the entity as an RIR and must commit to support the RIR both financially and by participating in governance. Again, largely carryforward.

These next six principles under the operation heading are all carryforward. Again, I'm just gonna fly through them. An RIR must be financially stable and independent, must operate on a non-profit basis, or I should say not-for-profit, follow corporate governance procedures, must be member controlled and community driven, and must operate in a neutral manner.

But there are some operational principles that we propose that we think potentially can address some issues that may arise down the line. Namely, a transparency principle. If RIRs maintain and publish comprehensive records of their governance activities and finances, this can help ensure that any problems are identified very early in the process and that interventions can be made.

An audit principle. The idea is that a third party external independent auditor would perform regular audits to ensure that each RIR is complying with its obligations under ICP-2. The service region, I'll largely skip over as it simply requires an RIR to provide stable, reliable, and accurate services. A continuity principle that requires an RIR to build in mechanisms that could allow other RIR to assist it, or if the need should arise to even take over in the event of an emergency.

We proposed with very broad language here, an anti capture principle that an RIR must insulate itself from becoming captured. This is the full language of the principle, and perhaps this is a good time to emphasize a point that this is not the full document. The language is broad. How this might be operationalized for any given RIR could vary considerably. Perhaps it's a requirement of a certain number of Board seats being

independent or representation along certain lines. Those details will, to a large extent, be fleshed out in the final document. We're really just seeking feedback as to how important this principle is or is not.

And then what we regard as a sort of catchall ecosystem stability principle. Perhaps we've missed something. Perhaps there's something important that we forgot to include here to protect the integrity of the RIR ecosystem. If so, this is a catchall principle that ensures that each RIR is operating in a way that maintains the stability of the broader ecosystem.

And finally, in the de-recognition section, because an RIR can be de-recognized, there must be approaches backwards for a second or in reverse order. There must be a handoff mechanism to ensure smooth transfer of operations. And this is one that we really want to emphasize as much as possible. We have proposed a remedial bias principle, and this obligates not so much the RIR that might be struggling, but the other RIRs who are not, that the purpose is to rehabilitate a struggling RIR, and both ICANN and other RIRs commit to provide support to doing so.

And that is all of the principles. As you can see, there aren't that many, covers a full two pages. We expect the final document to be longer, but these are the principles that we have put out for comment, and we very much welcome your comments on them.

NICO CABALLERO: Thank you so much for that, Nick. Let me open the floor for questions or comments from the- sorry. Sorry, sorry, sorry. Go ahead.

HERVÉ CLEMENT: Yeah, if I may, just to emphasize the presentation from Nick. It's a four pages document, but the idea was to be simple as possible from the first stage. It's information we wanted to provide. We did not create, we invent anything from scratch to build this principle.

And it was the opportunity finally to revise and to ask ourself a lot of question, legitimate question and how the system is built, and there was in 25 years, finally, a lot of experience which help finally to update and adapt these new criteria. But it's something from our eyes more consistent than existed before, and that still exists, by the way. And the short number of pages adds the amount of papers we can have written before to finally reach this proposal. Thank you.

NICO CABALLERO: Thank you for that, Hervé. Before I give the floor to Trinidad and Tobago for a question or a comment, do we have Rodrigue Guiguemde in the room? I think I saw him. Let's give him a big round of applause for getting the Tarek Kamel Award. He's a former GAC vice chair. Congratulations. I understand you were a vice chair. I wasn't around at the time, but I didn't want to miss this recognition, so congratulations again. Please sit down. Thank you for being here. I have Trinidad and Tobago. Please go ahead.

KAREL DOUGLAS: Thank you, Nico. Karel Douglas, Trinidad and Tobago. And of course, congratulations again to Rodrigue. Just back to the policy, the two questions I had, or one question is in reference to definitions. So it spoke to community and it spoke to members, but I'm not sure, at least from my perspective, who would that be? Thanks.

HANS PETTER HOLEN: So thank you for that question. The existing RIRs operate as membership organization. That's one of the criteria and the membership is open, so anybody can become members. Now, our policy processes are not restricted to the membership. They're open to the community. So it might be slightly confusing, but the community is bigger than the membership. So any stakeholder, any multi-stakeholder, even governments are invited and welcomed to participate in the policy processes of the IRS on equal terms. Does that help?

KAREL DOUGLAS: Thank you. Karel Douglas, Trinidad and Tobago again for the record. So in the typical RIR, who would be the members?

HANS PETTER HOLEN: So in the RIPE NCC, you would find the big telcos like Deutsche Telecom, France Telecom, KPN, Telenor, and you would find small companies that operate their own network independently of an ISP, you would find internet exchange points, you would find governments, institutions, you would find banks, it's very diverse. RIPE NCC has 20,000 members,

I think ARIN has close to 4,000 members. It varies across the region, but it is internet service providers or small and large corporations that manage their own network.

NICO CABALLERO: Thank you, Hans. Thank you, Trinidad and Tobago, for the question. I have Egypt next.

MANAL ISMAIL: Thank you, Nico. And thank you very much to everyone for the presentation. In fact, it already answered so many of the questions I already had in advance regarding the new principles, which of these are the new principles meant to take care of not running into similar situation like AFRINIC again?

And regarding the may, why are we saying maybe they recognize? Then already explained the reason. So starting in good faith first to help. I still have a couple of questions, if I may, in the dear recognition. So the remedial bias, it reads, ICANN and all other RIRs must provide all reasonable support if requested.

And I'm just wondering about the if requested. I know no one wants to intervene without being asked to, but again, sometimes it's difficult to be requested. I mean, if we take an example of the current situation, who should request this from RIRs and ICANN. I mean, can we say if appropriate or as appropriate rather than requested? I'm just thinking out loud.

HANS PETTER HOLEN: Should we take one question at a time so I don't forget them? Maybe that's easier. So RIPE NCC is a membership organization under Dutch law. Now, if ICANN as a US corporation wants to come in and help us, it's going to be very difficult legally for them without being invited by the Board or the CEO or something to provide financial support or provide on the ground support to help us in a crisis.

So that's why that principle has been written this way, because as long as we don't have any jurisdiction over the-- I mean, all of these are private organization in each country. That is why this is worded like that. So it's very difficult for ICANN to come into my office in Amsterdam and say, here is the help you haven't asked me for. That would be, you know, yeah.

MANAL ISMAIL: Yeah, I fully understand the very good reasons behind this. Just in a trial to apply it on the current situation, it raised questions. So that's why I'm triggering this. And in the glossary, I was just also wondering whether the resource holder, is this the LIR? So are we having here change in terminology or?

HANS PETTER HOLEN: No, we do not have a change in terminology. So in the RIPE NCC, we have two types of resource holders. It's my members, the LIRs, and the term LIR is used in the policy works, why the term members is used in the governing documents.

So I have two different definitions for the same thing, but I also have end users that have provider independent space that is sponsored by an LIR, but they're also a resource holder. So the definition is the resource holder, those that have a contractual registered right to use the number of resources in my database. And the legal terminology may vary a bit across the region, but the resource holder is the terminology that we've used and we'll use for this going forward.

NICK NUGENT:

Yeah, just to piggyback on that a couple points. The ICP-2 V2 will use the term resource holder instead of LIR, definitely RIR, can't get rid of that. Definitely resource holder instead of LIR. If you divide the reasons why an ICP-2 update is necessary, you could really divide it into three, perhaps more. One of which of course is the need for explicit post recognition obligations, which we've talked about.

Another is simply the fact that we want to update the terminology. We've moved on from a world in which a resource holder was largely synonymous with an LIR or an ISP. So we're making it a more generic term, simply resource holder. And third is simply updates to the technology or the broader internet. The RPKI, for example, did not exist in 2001.

So to your point, yes, we are gonna use resource holders our generic term. But of course, like everything we seek feedback. Don't take any of this as gospel that we we're definitely going to do this. And then I just want to touch upon one thing that you said. It is true that I've

highlighted in here the principles that are sort of most interesting for purposes of this revision project.

But I just want to be clear, I wouldn't say that every highlighted principle is therefore a net new principle. We believe that a number of these are fairly implicit in the current version of ICP-2, even de-recognition we believe fairly implicit in the current version of ICP-2, hence the NRO ECs development of implementation procedures to effectuate that. So again, pardon if I've created any confusion by my highlighting,

NICO CABALLERO:

Thank you so much for that, Egypt. Thank you, Nick, for the answer. I have Papua New Guinea, Egypt, and Mauritania. Please go ahead, Papua New Guinea.

RUSSELL WORUBA:

Thank you chair. Russell Woruba from Papua New Guinea, from the government of Papua New Guinea. I just want to thank the ASO for the wonderful presentation. I think for us in the APNIC region, we are very fortunate to be benefiting from the good work that our colleagues at the APNIC office have done.

We appreciate the leadership of Paul Wilson, and now that Jia Rong has taken over, and also the work of the APNIC Foundation. My comment and question would be centered around what the principles of a government's relationship within RIR, and the principles of sustainability of an RIR to a foundation, which APNIC has under Hong Kong law.

The RIR in APNIC is registered in Australian law, and it's based in Brisbane, and we have since been working with the APNIC Foundation in rolling out programs in Papua New Guinea. My question is that, we have signed as a government an MOU with APNIC for capacity building and work to build our digital infrastructure and our digital government efforts.

What would be the expected principles of a relationship between a government and a RIR to allow us to progress much of our work in the region, especially in an underserved region like the Pacific? And is that kind of principle captured there, or is it somehow managed through some other headlines?

HANS PETTER HOLEN:

Thank you. So this document describes the function of a regional internet registry. Now, all of us, due to various extents, capacity building, as part of that mandate or as a part of a bigger mandate for the RIPE NCC, and I think also APNIC as an information center, NCC as a network coordination center, we do have a bigger role than just the RIR, and capacity building comes into play in that sense. So we have various means of signing MOUs with governments for various things, and this is something we develop. So I think this is an area where we welcome input from you on what you would see would be appropriate here.

The APNIC Foundation is, as I understand, separate from the APNIC RIR, it's a separate legal entity, although they share the same name and they greatly support each other. So I wouldn't necessarily create an

expectation that all RIRs would have a foundation that can do capacity building in their regions.

NICO CABALLERO:

Thank you, Hans, for the answer. I have Egypt next.

CHRISTINE ARIDA:

Thank you very much. And very interesting presentation indeed. If you allow me, I want to go back because we mentioned that the story of the session-- I'm sorry for the record, this is Christine Arida from Egypt. We talked about in the capacity development session, you talked about the ASO, and I wanted to ask a bit about the process that we're following here for this specific review of the ICP-2.

As far as I understood, you consulting with the community with ICANN and beyond within the RIRs, and eventually the NRO/ASO AC will be drafting the new version based on comments that will be received. And as far as I understood given that there is no functioning AFRINIC board, there are three seats empty that are representing the African region, hence there is no African representation in that process of actually taking the consultation further towards a document.

So my first question about the process is, is there a room to appoint or to have those seats filled from the African community in order to have African representation specifically, because I think it's a very important time for the African continent at this stage to be part of the drafting of those rules. The other point I wanted to ask about the process is what if you get conflicting messages from the consultation, how do you

preview that, how are you gonna handle that? And then I have some specific questions about the content, but that's [00:32:53 - inaudible], back to you.

HANS PETTER HOLEN:

Thank you for the questions. I think the questions regarding the process, we realized earlier today that we may not have done the best on communicating the process, so we will go back to our communications team and make an even clearer process description. We have a calendar with a lot of detail in, but it may be difficult to spot the process in there.

Currently, the ASO AC or NRO NC, the policy body, the volunteers, are seeking input on the principles. When they have the principles, they will analyze the feedback and there may be conflicting feedback. And I don't know what they will do with that, that's the challenge that they will handle. They may have to come back with further consultation, and this may take 10 years, or they may figure out that there is a clear direction here, we propose this, and based on those principles, they will draft a document that we will then do a community consultation on. So there will be a more extensive update to the process, and we will then do extensive community consultation.

So now we're, as was said earlier by my colleagues, rather than throwing out a new document and discussing that, we're focusing on principles first and then drafting the document. So there will be more possibilities. If you don't really know what feedback you want to give

now, you can come in the next session with that. But then the principles will be more or less set. So that was the first question.

The second question is more interesting. So there are three vacant seats. The MOU says that one of them is to be appointed by the AFRINIC board, two of them are by the community at large. Each RIR have their own processes for this, so then we would have to go and have a look at the AFRINIC processes. While it's true that AFRINIC does not have a board currently, there is no one official receiver that has the legal power of the board.

So one way would be for the official receiver to appoint or reappoint the previous board appointed representative to the address council and to call for elections of community members according to the AFRINIC procedure, and then have them rectified by the board if that's selected or by the receiver at that point. That would be, I mean, my rough legal translation of what could do now.

There may be more creative ways of having the community coming together and shaving out some of the steps in the process and moving forward. I think then we will have to discuss whether this is legitimate representatives, whether it's broad support. Looking back when AFRINIC was started, there were servers from AFRINIC before it was formally recognized.

So I would rather look for community broad support than to be too hung up on processes. But in this case here, it's very difficult to see what it would be because so much have ended up in court and formal processes. But there are ways to make sure that those seats can be

filled sooner rather than later. But what I want to focus on is let's get a board elected by the members so AFRINIC can move forward. That's my primary goal. Thank you.

CHRISTINE ARIDA:

So yeah, thank you for the response. And yeah, of course, I think that's something everyone is looking up to. Only that I understand you are starting 6th of December as far as I understood, and we're talking about two months at least for a board. But anyways, so yeah, I'm not sure whether the legal passes the best, but that's another story.

Now on the content, I really thank you for highlighting all the principles, and I have a couple of questions. Actually, I have three questions. One of them was already mentioned, the community, and the community is obviously not well defined because it's not the holders of IP addresses, but it's a bit larger. So my question is, is there some definition of the community that RIRs abide to? And I will state the questions quickly if you want, or you want to respond to one by one? I'll put them quickly through. The other one is --

HANS PETTER HOLEN:

I think it's much easier to take one at a the time.

CHRISTINE ARIDA:

I just don't want to monopolize. Go ahead.

HANS PETTER HOLEN: So, in the RIPE NCC, I'm thinking about my community as being my members, anybody who is interested in shaping policies, including civil society, rights holders, law enforcement agencies, government, so my community is large. I don't create separate constituencies for them. I do interact with them slightly differently. I interact with young professionals in hackathons, and I interact with governments in government roundtables.

I'm going to Jordan to meet the Middle East regulators next week, right? That's very different from the hackathon or the measurement lab that happened in the university here before this meeting. So community has different meanings to different people, but to me, it's about outreach and involving those that are interested in shaping the policies.

CHRISTINE ARIDA: Should I give the room for someone else and then come back?

NICO CABALLERO: Yeah, that's a good idea because I have Mauritania. Sorry to keep you waiting. Please go ahead.

MOHAMED EL MOCTAR: Thank you, Chairman. Mohamed El Moctar, GAC representative of Mauritania. Thank you very much for the presentation and for the new principles that you are getting into the ICP-2. I have two questions.

The first relates to the case study that we have in AFRINIC and whether you have taken that into consideration when developing the new

principles so that we could avoid such cases in the future. And the second half of that question is whether you have had the opportunity to get feedback from AFRINIC or the African community as asked by Egypt earlier, so that you can have better inputs on real case situation. So that's the first question.

HANS PETTER HOLEN:

Yeah. So let me take one at a time so I do not forget them. So the first part of this, of course, we are very aware of the AFRINIC situation to the extent that the information is public. The motion courts are closed, and we do not have access to what's happening in the courts unless when it's published. So it's a very difficult situation to be in, but from what we know, of course, we take that into account.

And there are principles here about governance, and one of the things that I would expect feedback on is how to strengthen governance and what requirements to put on that. I know for my own organization, we have followed this closely and added provisions in our bylaws in order to, for instance, be able to call for election even if the whole board disappears. I, as the CEO, now have the power to call for elections. Previously we had needed 200 members to do that, so we wouldn't be in the same deadlock. But those things would be details that wouldn't be in the principles document, but would need to be operationalized in bylaws of the RIRs.

For outreach in Africa, that is, of course, very difficult when we don't have a fully functional AFRINIC. There has been one webinar organized by AFRINIC staff, and there was an African internet summit in Mauritius

in December where this has been discussed. So we are doing our best, and if you have ideas on how we can do more and better outreach there and assist our colleagues in AFRINIC to get with other organizations on the ground, we're more than willing to help. But it's also, as you said, we should be invited rather than intrude into this process.

MOHAMED EL MOCTAR: Thank you. The second question is related to the new anti capture principle, I guess, and whether that, sorry, and whether that would be useful, given the fact that you have already identified certain criteria or principles that guarantee transparency, that guarantee inclusion of the community, and that guarantee all the things that you would ensure the right mission of the RIR regardless of "who owns it." Thank you.

HANS PETTER HOLEN: So one of the current requirements is that it's a membership organization. Now, the legal implementation of that varies from jurisdiction to jurisdiction. I can speak for RIPE NCC, we're a membership association under Dutch law, which means one member, one vote, it's 20,000 members.

Is capture possible? Well, you can do a study into that and see what that means, and then we can look at what legal mechanisms can be put in place to stop for capture. The ownership is with 20,000 members, so it's very distributed. It's difficult to go in and take over, but on the other hand, not everybody comes to a GM to cast votes.

So I think this is an area that I'm in no way a subject matter expert in how to prevent capture of organizations, but I do believe it's an important principle, and we would like to hear feedback from the community on whether that is formulated in the right way and how we should address that going forward.

NICO CABALLERO: Thank you very much, Hans. I have Nigeria and the UK. Nigeria, please go ahead.

ADERONKE SOLA-OGUNSOLA: Thank you, Nico. My name is Ronke from Nigeria. I think I'm the same headspace with Mauritania. Thank you ASO for your presentation. I think it's also act that we are reviewing the ICP-2. What hit me or what pointed out when we are presenting your principles was the anti capture issue. And what I noted was what do you expect, what comments are you expecting in this regard from the community, your members?

Then also, coming from the government perspective and as GAC, what do you expect us to come up with to help address this anti capture issue? The guy from RIPE was talking about not being an authority on capture. Yes, let me wear my regulator cap. Yes, we have issues or regulatory capture that want to try to ensure it doesn't happen independence of a regulator or probably independence of that organization. But let me trade back to you. What kind of comments do you want us to come up with in this regard? Thank you.

HERVÉ CLEMENT:

I will first infer that we have absolutely no idea of which type of comments we could have regarding this questionnaire because a goal finally of this questionnaire is to have the feeling of the communities and the members of the organization. To what they feel about this anti capture, we give the idea of there could be a problem, an issue with anti capturing because in some moment, that could be seen that it could be movement during the vote to do something. But it's something more concrete, so we want to build with you that way. The only thing is that for us, anti capture should be problematic to solve and to protect from.

NICK NUGENT:

I really appreciate the question because it highlights exactly what the purpose of the consultation is. Just off the top of my head, speaking only for myself, what I would love to see back from the community is, number one, who's concerned about capture. Maybe this is a concern that we've come up with that really isn't a broadly shared concern. So that's an important piece of information if folks are also concerned about that.

Number two, what do folks think about the likelihood of capture? How feasible is it? Different RIR structure, their membership, they're voting in different ways, and so feedback as to even feasibility is an important data point.

Number three, if we did want to flesh out anti capture provisions in the final document, what mechanisms might we explore? I'll just reveal

that we started with more detailed language around, okay, X percent of the board seats should-- no existing entity or a group affiliated entities should be able to elect more than X number of board seats.

And then we just realized we're getting into implementation details. We really need to broaden it out, state the broad principle and then see what the feedback is. But it's precisely in the community feedback portion where we might get some really great ideas as to what that might look like.

And then fourth would be, at what risks, there are always the potential for unintended consequences. We might solve one problem at the expense of introducing another. So just off the top of my head, those are four very interesting pieces of feedback that if folks are inclined to provide would be useful to us.

NICO CABALLERO:

Thank you so much. Thank you, Nigeria, for the question. And thank you Hervé and Nick for the answers. I have the UK next.

NIGEL HICKSON:

Yes. Thank you very much. Nigel Hickson, UK. Really, I just wanted to go on to process just for a second. Thank you very much for your overview of what is likely to take place. So I think two or three specific questions. So after you've worked on this document and got the necessary consultations in, you also mentioned that ICANN have to give their approval before you go forward and perhaps do more work. So I just wondered in what form that approval takes.

I noticed in the 2000 iteration rev one, I suppose, or not rev one, but it was the ICANN board of directors, which approved the sort of promulgation of the principles. So I wonder what sort of consultation mechanism. I know you are consulting everyone on the principles, but once you have a way forward how the board takes that into account. And secondly, what is the stage after that? I think you said, and correct me if I'm wrong, once you have the principles, there's some further work to do as well and presumably fleshing them out in some way. And then does that final document then go through a consultation process or an approval process? Thanks.

HANS PETTER HOLEN:

I don't think I said that the principles would go to the ICANN Board for approval. The final document will go to the ICANN Board for ratification the same way as we did in version one. Now, the ICANN processes have changed significantly since V1, and I'm not intimately familiar with the details of the current ICANN Board processes, but we will make sure that's very clear in the communication going forward. But I assume that ICANN Board wants their regular consultation process and GAC advice or whatever is part of the standard package before they make any decisions. But that would be at the end of a broad community process.

Currently we are doing consultation both through the ICANN consultation process and in the RIR processes. So we are trying to go as broad as possible. So at the end, we would follow regular ICANN processes, but I can't cite those to you on the top of my head, but we

will get back to you to bring comfort that we are not trying to take any shortcuts here.

NICO CABALLERO: Thank you again, Hans. I have the US next. Please go ahead.

OWEN FLETCHER: Hi, thanks. This is Owen Fletcher from the United States. We wanted to commend the ASO for releasing the proposed principles for implementation into an updated version of ICP-2.

We support efforts to strengthen the multi-stakeholder system of internet governance and increase its resiliency because the multi-stakeholder system enables an open global internet and we think it must be capable of evolution to ensure it remains robust. So we welcome the principles being released for input and we'll continue to follow discussions on ICP-2 with interest. We also wanted to encourage interested GAC colleagues as we will do to continue reviewing the principles.

And we looked at the questionnaire and found that you can fill it out either on the number resource organization website or the ICANN public comment page. Sorry if this was covered, but I wanted to verify that it's the same questionnaire in both places and input will be treated the same way regardless of how it's submitted. Also noting that it appears to be a series of a multiple-choice question for each of the principles, followed by free form text. So it seems like a substantial-

HERVÉ CLEMENT: I confirm it was a goal to have the same questionnaire. I would say the same format as possible as the ICANN as the proper format for public consultation. But the idea is to have the same text and the possibility to have the same outputs to provide for the two channels.

NICO CABALLERO: Thank you very much. UK, is that an old hand or you want to take the floor again? All right. I have Egypt next.

CHRISTINE ARIDA: Thank you, Nico. I have a question about authority. And in the authority, it says that in the case of a de-recognition, it has to, if I recall correctly, go through ICANN and then through the individual, through the RIRs. And my question is, is that a collective thing of the NRO or is it each individual RIR in itself? And in that sense, if that's the latter, how can that be possible? I mean, if a rerecognition of a specific RIR would be in consultation with that specific RIR or is it the NRO that would look under? That's the question.

HANS PETTER HOLEN: I think if you read the text here very carefully, provided that ICANN has first consulted with and given substantial consideration to the input of each RIR, leaves all RIRs, including the one that is in question, the opportunity to give input to ICANN's decision process. The way this is written right now does not give me, as an RIR, a veto right. My

community may come back and say that, oh, but you should have or you shouldn't. We are curious to see how that plays out.

But I think it's an important principle that our understanding, the RIR's understanding of the current situation should be taken into account in order to make sure that decision has all the facts on the table. One comment that I've got from a community member already is that it should also say from the broader community in general. So there may be more input coming here that shapes this principle going forward. So this is where we would actually like to hear from you what you think about this.

CHRISTINE ARIDA:

And one last question. Now all those principles, obviously, will go into more details, and when they go into details, would they vary from a region to another? I mean, would they be broadly or-- like if we take for example, the anti capture principle, would just the documents say the RIR should put measures and then leave it up to the RIR to do that each in its own way, or would there be some specific measures of how this should be done?

NICK NUGENT:

The document would not vary as to any RIR, but there might be some principles that do leave some matters within the discretion of each RIR as to how to implement that. Anti capture could indeed be one of those examples, if that answers your question.

NICO CABALLERO:

Thank you so very much. I don't see any other hand up. So going back a little bit to the de-recognition issue and regarding the handoff situation. What are the established procedures for the handoff of responsibilities and resources if an RIR is de-recognized? And the second thing, and sorry to make it a little bit longer, but how does the ASO or ICANN for that matter ensure that a smooth transition to minimize disruption to the affected communities?

HANS PETTER HOLEN:

So we have two examples of this in the past. We have set up LACNIC and we have set up AFRINIC. Both of those were done with good cooperation between RIR staff from the existing RIR and the new RIR staff. AFRINIC staff worked out of RIPE NCC's office in Amsterdam for a period while the systems were built up and the data transferred with very close cooperation. We had the development resources from RIPE NCC and ARIN coming to help to set up a suitable system. And then the organization was built and they took it over from there.

Now, AFRINIC was then also transferring resources from ARIN. So it was multiple data going into that. So we do have experience from that, although it's a long time ago. In a more dramatic scenario, what I'm considering and looking into is how I can escrow my data in a neutral place, whether that is directly with IANA or whether that is with the third party. And one of the difficult things with that is what data should I escrow? And the WHOIS data is today shared with all the other RIRs, that's easy. My business data is not because of business confidentiality laws and rules.

So it's a complicated matter of exactly how much do you need to run regional interest registry, which is very different from a domain name registry where you need the email address and the credit cards to be a bit on the short side there. So we don't have the full answer to that, but it is something that comes up in our risk analysis and is built into our individual governance frameworks, and we are comparing notes to the extent that is appropriate and trying to build a robust system together.

NICO CABALLERO: Thank you very much for that indeed, Hans. We have time for one last question, and I have Nigeria, please go ahead.

NIGERIA: Hi, Nico. I just want to bring to your attention that we have a lot of questions on the chat, just to let you know. Thank you.

NICO CABALLERO: Well, thank you for that Nigerian, but I don't have time to read all the questions in the chat, but thank you for letting me know. We have three more minutes. Are there any other hands in the room or online? And I have Netherlands. Please go ahead.

ALISA HEAVER: Yes, thank you. Just to do kind of an honor to all the questions that have been posed in the chat. I would recommend those questions to be put forward to the ASO board.

NICO CABALLERO: Okay, thank you. So GAC staff, could you please help me with that because there's absolutely no way for me to pay attention to the session. Read the questions in the chat room and then ask them. I'm a very stupid man. Sorry about that. My apologies. Any other question in the room or online? So if not-- sorry. Yeah, go ahead, Hans.

HANS PETTER HOLEN: Yeah, so if we're closing off, I really want to thank my volunteers here and I want to stress that the Address Council is made up purely of volunteers that do this to help the community and do this for internet at the large. Of course, I have staff or the RIR members, the RIRS have staff assisting, but really all the heavy lifting is done by volunteers here. So thank you to Nick and Hervé and the rest of the other consult.

NICO CABALLERO: So thank you so much. We're finishing one minute ahead of time. Please, apart from enjoying your coffee, please be back at 16:30 for the second commune drafting session. Get extra caffeine, please.

[END OF TRANSCRIPTION]