
ICANN81 | AGM – Geopolitical, Legislative, and Regulatory Developments Update
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MAEVA DEVOTO:

Hello, and welcome to the Geopolitical, Legislative, and Regulatory Developments Update. My name is Maeva, and I'm a participation manager for this session. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior.

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All are welcome to use the chat. Please note that private chats are only possible among panelists in the Zoom webinar format. Any message sent by a panelist or a standard attendee to another standard attendee will also be seen by the session's host, co-host, and other panelists. Thank you for joining us today, and I will now hand it off to Elena Plexida.

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ELENA PLEXIDA:

Thank you, Maeva. [Speaking in foreign language]

ANGELA WIBAWA:

Next slide. Okay. Thank you so much. Good morning, good afternoon, and good evening to all. I will take this opportunity to provide you with a snapshot of the legislative and regulatory landscape in APAC and our observation of it.

APAC countries comprise mostly of developing nations, so it is natural that digital transformation is a key focus to many, and this is reflective of the types of leg/reg they are considering. So when compared to other regions like Europe, APAC's leg/reg are comparably less mature. So it is natural that many APAC countries look to existing leg/reg when they are developing their own. For instance, many data protection rules in APAC reference EU's GDPR. But it is also notable that APAC countries do not typically copy/paste from other regions. They will try to customize the rules to fit their unique needs, and this is, of course, understandably. In addition, unlike the EU where many of the rules are coordinated by centralized body, APAC countries do not have a centralized coordinating body. Therefore, leg/reg developments could appear disparate. In our observations, we have noted several patterns in leg/reg developments in APAC.

When compared to many years back, open public consultations before any leg/reg is adopted or sometimes even drafted is almost a must. This is a very positive development. However, like many maturing regions, there are still areas that could be improved. Often, consultation period can be very short, on average, around one month,

although we have also seen one week consultation period. In addition, there have been occasions where we learn that consultations were done only with a very small selected group. While we note the merit and purposes of such close consultation, we hope such practices could be minimized to ensure inclusivity.

Another area that I think could be improved is the tendency or maybe I should say temptation to overregulate. As with the nature of many developing countries, often regulation to the unknown is a safe way to go. Because of this, there have been instances where regulations could appear to be disproportionate to the risks as assessed through other international practices. So many regulations that could become overlapping to one another, as an example. That being said, it is heartening to see that there are APAC countries who are looking at the non-regulatory approach, such as through advisory guidelines. So while the numbers are still growing, this is a sign of a healthy balance in the APAC region.

APAC countries continue to engage one another in regional coordination and platforms facilitated by the International organization in the region. The results have been encouraging. So just to give an example, ASEAN produced a joint guide to ASEAN model contractual clauses and EU standard contractual clauses to help bridge the regulatory gap between the two regions. The APAC countries also work closely at regional IGOs for ICT, such as the Asia Pacific telecommunity, which ICANN is a member of. We will continue to broaden our engagements with IGOs in the APAC region to help regulate this.

In terms of the trends of the leg/reg being focused in the APAC region, relevant to ICANN's remit, cybersecurity and data protection rules are key to governments. More APAC countries are increasingly developing or amending their cybersecurity rules. This includes separating their cybersecurity rules from older telecommunication rules or considering a separate set of rules for critical or digital infrastructure. In addition, there are further clarity on how data protection rules will be implemented. I am glad to see that the rules on cross border data transfer are generally either aligned with international practices or increasingly clarified for better certainty for businesses.

And that is the end of my update. I thank you for this opportunity to share with you on developments at the APAC region. Back to you, Elena. Thank you.

ELENA PLEXIDA:

At the end, it will be louder, right? And now, over to Dimitris from some updates from the European Union. Thank you.

DIMITRIS SYMEONIDIS:

Hi, everyone. Since the last Geopolitical session in Kigali, we have the final composition of the European Parliament. And right now there is ongoing progress in terms of finalizing the composition of the European Commission. What is happening in between is that there is a strong focus and pivot on implementation, rather than proposal or creation of new proposals, communication of new proposals from the European Commission, as the mandate kind of takes its form and

commissioners take their portfolios and they're invested in their positions.

In terms of updates of the ecosystem and what is happening at the EU, ICANN was invited to participate in the telecommunications working party of the Council last Thursday, right before the start of ICANN81. This was a deep dive session with telecommunications attachés from the 27 member states, nominated delegates, as they call them, specifically on the topic of Internet governance. ICANN was one of the organizations that was invited to present, and it was a great opportunity to also raise awareness about the community, the organization, as well as the developments in the Internet governance space, also knowing what lies in the year ahead.

Another very important thing in terms of the Council of the European Union, which is essentially the representatives of national governments, is that the incoming presidency, which is going to be held by Poland for the first semester of 2025, is going to be focusing its Council conclusions on Internet governance. What it really means, Council conclusions is the positions that the member states communicate, the common positions that they communicate as governments in terms of the priorities that they want to feed into the legislative work of the entire ecosystem of EU institutions. So knowing what's happening in 2025 for the Internet governance space, it's very important and relevant for the organization that the presidency, so the leader of the representatives of national governments, they're going to be working on conclusions on Internet governance. We're keeping our ear to the grindstone on that.

In terms of the European Commission, so far, there is an ongoing process of the confirmation hearings of the European commissioners. The European Commissioner relevant for ICANN and our community will be the commissioner designate and also executive vice president will be Ms. Henna Virkkunen from Finland. She belongs to the center right party or belongs to the certain right party in the European Parliament, and has also served as a minister in Finland in the past. In the mission letter from the president of the European Commission—so the president of the European Commission produces mission letters for each of the commissioners. There are priorities, but what is most important is that the agenda, as well as the title of the incoming commissioner, includes tech sovereignty as well as defense. The nice thing that we have seen so far is that normally commissioners designate the need to respond to questionnaires from the European Parliament, and it was great to see that ICANN was named in their responses from the commissioner designate in terms of better coordinating European voices in the international context, including coordination with international organizations such as ICANN.

In terms of policy initiatives, as I told you, there is more of a focus on implementation right now. Most significantly for ICANN's remit is the transposition of the NIS2 Directive, and we'll get a little bit into more detail later on that, which is currently ongoing in EU member states, despite the passing of the deadline on October 17. But two relevant things for ICANN is an upcoming EU strategy on Internet governance which we expect to be a non-regulatory communication, joint communication between the European Commission and the European External Action Service, which also means that there is going to be like

an international context to it, rather than only a regulatory one or legislative. As well as the review of the Cyber Security Act, which is a landmark piece of legislation that kinds of set the standards for cybersecurity in the EU. Next slide, please. Thank you.

So in terms of the NIS2 Directive, which I'm sure that a lot of people in the audience are familiar with, but just to give you a very quick summary, this is a minimum harmonization directive that means that it's transposed in each country in a different way, but it really has a minimum bar that each member state needs to regulate on. It refers to or it imposes obligations in terms of reporting cybersecurity incidents as well as adopting cybersecurity risk management measures. What has happened in between ICANN80 and ICANN81 is that we had a consultation from the European Commission that ICANN participated in by submitting a response to the consultation of the Commission. The consultation referred to clarifications to what constitutes a significant incident, specifically for DNS service providers as well as TLD name registries, as well as certain cybersecurity risk management measures that were part of the Annex.

In terms of what's happening with NIS2, the transposition deadline was October 17. So far, only two member states in the EU have notified a formal notification to the European Commission that they have adopted national law implementing NIS2. Three member states have done so partially. And there's about 11 member states that have concluded the consultation processes and have published a draft law that is now undergoing parliamentary scrutiny. And then we also have some member states that are just finishing the consultation process

and talking with stakeholders to refine what they had originally proposed. The issue with the delay in transposing NIS2 so far from our discussions, most is based on three reasons so far. The first one is the exponential increase in the amount of entities that are under scope, which requires a lot of retrofitting in terms of the national ecosystem. The second is that there's need in member states to kind of reorganize the national frameworks. A lot of member states have SEI CERT, CERTs, military intelligence services, and they needed national laws in order to be able to comply with the provisions of the NIS2 Directive. And of course, there have been elections in member states, changes of government. These are things that normally delay the legislative process. Next slide, please.

Now, what is most important for ICANN from the NIS2 Directive is Article 28 which refers to the database of domain name registration data. There are several issues here that are important to ICANN, but one of the things that has happened since the last time that we had this conversation is that we had the publication of the Article 28 recommendations from the NIS Cooperation Group Work Stream on the implementation of that article. The NIS Cooperation Group is a forum for exchange, and it includes representatives of member states, as well as representatives of European institutions in that space. These are, of course, non-binding recommendations, but they do serve as guidance for member states when adopting national implementation on how to deal with certain issues in Article 28, spanning from what type of data should be provided at the moment of registration all the way up to verification procedures, as well as validation, operational or not, part of that information.

Now, what we see is that already, even though we don't have a lot of implementation statistics or at least a lot of the text to go through in terms of final implementation, we already see that from the small sample of member states that we have in implementing NIS2 in Article 28, there is already divergence in the implementation of that article. So we have five member states, and out of those five member states, we see already a couple of member states that have taken a different route in terms of how they transpose NIS2 in that specific article. This is something that could potentially create divergence across the EU in between member states, but also potentially distinct from ICANN policies, where we see things that are happening at the national level. So just to give you an example, there is a member state that has so far transposed NIS2 and they have added within the list of legitimate access seekers IP rights holders. This is also a recommendation that came from the NIS Cooperation Group, but we don't see that happening across other member states, which creates a little bit of a disparity in terms of the harmonization that we would want to see in the EU. We also see that there could be a risk of that trickling down to other aspects of implementing NIS2 from legitimate access seekers to response time for requests, all the way to the validation of data, operational or syntactic in that sense.

With that, I think I will pass it back to Elena. Thank you very much.

ELENA PLEXIDA:

Thank you so much, Dimitris. Then we'll go on to the next slide. We will turn to some IGO activities and events. And to that end, I will go back to Angela. Angela?

ANGELA WIBAWA:

Thank you, Elena. Thank you for the opportunity to allow me to speak again. I will be sharing on behalf of our colleagues who can't be here in Istanbul. I will speak slowly because apparently I've been speaking too fast. In the latter half of the year, we witnessed significant developments at the UN in New York, alongside pivotal discussions at the ITU that touch on Internet governance. So on the Global Digital Compact, the Summit of the Future adopted the Pact of the Future and the GDC as its Annex on Sunday, 22 September 2023. The input provided by stakeholders during the process of consultation appear to have yielded some positive results with key elements relevant to technical community captured in the final version of the GDC text. Some of these elements, largely drawn from the WSIS+20 agenda are: the recognition of the technical community as a distinct stakeholder group with specific roles and responsibility in the operation and evolution of the Internet. The clear distinction aligns with the WSIS+20 Agenda and the WSIS+10 Outcome document, clarifying the collaborative balance among all stakeholders in the Internet ecosystem. Language on multistakeholder approach to Internet governance was also included. Additionally, the recognition of the Internet Governance Forum or IGF as a primary multistakeholder platform for Internet governance is positive and presumed to some extent the IGF may continue. The future of IGF will be taken up by the UN during the WSIS+20 Review next year.

While the outcome is largely positive, especially the fact that the GDC recognizes the significance of multistakeholder collaboration in the

implementation, it is not clear where the follow-up and review will be concentrated, in Geneva or in New York, and how the follow-up will be implemented. The GDC is an important document that serves as a capitalist for stakeholders, including the technical community, to activate their effort in support of WSIS+20 and the IGF renewal. In order to inform our community and interested stakeholders, ICANN organize webinars for our members of the WSIS+20 Outreach Network to discuss and share perspective on various developments. In order, we also shared views in several blog posts. You can find this in ICANN website.

So as the next step, the GDC calls for the establishment of an office to facilitate system-wide coordination for digital cooperation. It would leverage existing activities and resources from the Tech Envoy's office or it has been known as OSET for short. The negotiations on the follow-up on the implementation are behind closed doors, between you and member state and some relevant organization. OSET recently held Town Hall session on the GDC and the next step. There are still a number of things that are unclear, such as the new office, the implementation, and how it would interact with WSIS Review. OSET expects the situation to be much clearer with the appointment of the two co-facilitators of the GDC implementation by the end of November.

On the next point about the UN Cyber Crime Convention, you might have heard that on 9 August 2024, the Ad Hoc Committee to elaborate a comprehensive international convention on countering the use of information and communication technology for criminal purposes, a

very, very long name, or AHC for short, adopted the UN Convention on Cybercrime, as it's more familiarly known. Once adopted formally by the UN General Assembly likely by the end of this year, this convention will become an international instrument once 40 states ratify it. Further negotiations on the specific of the protocols will resume in 2026 if 60 states ratify this convention. It's encouraging to note that the involvement of the stakeholders into the negotiation of the convention was rather intensive. Stakeholders had an opportunity not only to give statements and receive feedbacks from delegation but also to talk to negotiators directly on the UN floor. Observers have noted that there are some drawbacks on the current convention text such as human rights aspect, those related to content, and the possibility of wide search and seizure activity. The next slide, please.

On the second cluster, moving on to updates related to ITU. The second cluster of ITU, CWG, and Expert group meeting for the year were held from 30 September through 11 October in Geneva. I will update on the meetings where ICANN participated. Therefore, related to some of the activities related to us.

The focus on CWG, WSIS, and SDGs—a lot of alphabet soup—is to facilitate inputs from the ITU Membership on the ITU implementation of relevant WSIS outcomes and the 2030 Agenda for Sustainable Development. Most pertinent to us are the processes that will eventually inform the WSIS+20 Review Outcome document such as preparations for WSIS+20 high level event that will take place in July, UN CSTD, UNCTAD, and UN [DMFAS] preparation, open consultation for all stakeholders for input that will take place in January 2025. We

will try to take part to highlight important initiatives such as the Coalition for Digital Africa.

The CWG Internet held an open online consultation on the topic Developmental Aspect to Strengthen the Internet that ran from February to early September this year. There were 32 submissions from non-governmental organizations in some member states, including from the technical community. ICANN submitted written contribution, and we participated remotely at the physical consultation to share the main points of ICANN submission. We are glad to see that there were several views on the value and importance of the multistakeholder model in the Internet development. So the next CWG Internet Open Consultation kicked off last month and runs through the end of January 2025 with the topic of the Role of Public Policy in Promoting Multilingualization of the Internet. Once the once the consultation is published, we will post it on ICANN's website. ICANN welcomes this consultation so that we can share perspective with all stakeholders, and we do plan to make written submission. Okay. I've been told to go slower.

The Informal Expert Group on Preparation for the ITU World Telecommunication ICT Policy Forum or IEP WTPF 26 convened its first meeting on the early weeks of October. The WTPF essentially is a grouping that facilitates sharing and exchange ideas on emerging issues in the telecom and ICT landscape. It's a non-treaty forum and all members can speak. In addition, WTPF does not render regulatory updates or adopt resolutions. Instead, WTPF produces consensus opinions and Chairman's Report. And these opinions are usually

referenced in ITU resolution, and therefore can translate into new work items in the ITU. So while it does not adopt resolutions, their outcomes are influential.

The theme of the WTPF 2026 is accelerating an inclusive, sustainable, resilient, and innovative digital future where the meeting will discuss opportunities, challenges, and policies to address issues such as bridging digital divide, green digital transformation, resilience of telecommunication and ICT. ICANN has nominated a member of the OCTO team, Ulrich. Our main interest is mainly in the area of resilience of telecommunication. But of course, we will keep a lookout for relevant issues. So ICANN is involved in the preparatory process to the WTPF to contribute our technical experts to the technical views on to the conversation and work.

I will move on to the last point on the development on what happened at the WTSA 2024. The ITU World Telecommunication Standardization Assembly or WTSA-24 took place in New Delhi, India, from October 15 to 24. WTSA occurs every four years and set the work program for the ITU telecommunication standardization sector for the next four-year cycle, which in this case, 2025 to 2028. ICANN attended the WTSA-24. Other I* organizations were also present, and there was effective coordination among I* organizations in the lead-up and at WTSA-24. ICANN's Board chair, Tripti Sinha, was invited to the inaugural opening of the WTSA and at a panel on AI standards in the ITU Global Standards Symposium that happened the day before the start of the WTSA.

Why ICANN at WTSA-24? ICANN's mandate is to address geopolitical issues impacting our mission. And there are WTSA resolutions that

deal with Internet resources, DNS, and Internet governance. ITU resolutions play a role in shaping the questions for pre-standardization work at ITU-T. Consequently, ICANN pays close attention to those Internet related resolutions as they have the potential to undermine not only ICANN's multistakeholder model but also impacts the DNS and the Internet. So for ICANN, the key issues that we pay close attention to is primarily on things like the IDN and UA, specifically, whether the ITU-T will develop technical solutions to address issues with Universal Acceptance and lack of understandings and awareness of ICANN and ICANN communities' effort in the areas of multilingualization in the Internet. We are glad to see and we are glad to report the WTSA reached a consensus to revise the relevant resolution accordingly, which is to help encourage the adoption and promotion of Universal Acceptance in multilingualization of Internet. Other issues that were we also paid close attention to included Internet resolutions and protocol management of Internet resources and ITU's role in implementation of the WSIS action line.

We are happy to note that the WTSA outcomes are positive for ICANN insofar as they do not impact the ICANN's mission and the open Internet. Other resolutions were also adopted by WTSA, such as artificial intelligence, digital public structure, and metaverse. While we note that these resolutions are not related to ICANN's mission, they could open the door to discussion during the next ITU-T study period. So therefore, vigilance is required by ICANN and our I* partners, and we will continue to coordinate in this platform. Thank you. That's it for me.

BECKY MCGILLEY:

Thanks, Angela. I will provide an update on what ICANN has been doing in preparation ahead of the WSIS+20 Review in 2025. So to briefly recap, the WSIS Tunis Agenda will be examined for the second time at its 20-year anniversary in 2025 in September. And pertinent to ICANN are the Tunis Agenda's commitments to the multistakeholder model of Internet governance, its mandate to extend the IGF, and the recognition of the unique role and distinct contributions of the technical community as a stakeholder of Internet governance.

So with these objectives in mind, we've been rolling out initiatives that seek to highlight facts to inform the general public and decision-makers on the significant impacts of our desired outcomes. ICANN's contributions can be classified into two broad categories, those that are initiated and driven by ICANN Org and those that we do to facilitate participation by interested community members.

So we conduct our work through providing fact-based evidence to support our goals, such as how the multistakeholder model has created the rules around IDN and UA, which subsequently support the creation of a multilingual Internet for a meaningful connectivity. We're hopeful that our sharing will help inform policymakers and interested stakeholders who are keen to support this endeavor. We have also been actively engaging governments through our internal processes, such as the high-level government meeting in ICANN80 in Kigali, and also through our regular engagements with the GAC. Noting that there is increasing interest by our community members on the WSIS+20 Review, especially as we get closer, we've recently organized the

WSIS+20 Small Discussion Group with interested SO/AC members. My colleague Elena will elaborate on this activity later. This group serves to be a platform for members to coordinate to help achieve our desired outcomes. And of course, an important but often unseen platform to convey our message, our bilateral meetings that serve as a valuable opportunity to have frank and open conversations with governments, often done quietly. Next slide, please.

I mentioned earlier that ICANN—we regularly provide written contributions to relevant UN processes that will inform the WSIS+20 Review Outcome document, and we have some examples on the screen. Based on our conversations with the UN secretariat, the WSIS+20 Review process will not start from scratch. They will consider these inputs collected through the open processes to build a foundation for the Outcome document, which subsequently will be proposed to the UN member states for further negotiations. So this is why it's very important for ICANN to provide input when we have the opportunity and will continue to do so throughout 2025 and beyond. We will also make sure that we're notifying interested stakeholders through our external engagements when there are significant opportunities for contribution, and we will share our key messages so that stakeholders may echo them if they wish. In addition, where there are no formal processes, like the GDC, for example, where the outcomes of stakeholder consultations were not recorded, we will publish a blog, as we did for the GDC, to keep the community aware and to share our views. We also organize and participate in events where Internet governance topics are discussed and a list of these is on the slide as well. These activities have been proven to be effective

in reaching out to our stakeholders beyond government stakeholders, and therefore we're going to also continue to do them in 2025, leading up to the WSIS+20 Review. Next slide, please. Thanks.

In terms of facilitating conversations with interested stakeholders, ICANN has facilitated the two separate groups, the WSIS+20 Outreach Network, and as mentioned before, the Small WSIS+20 Discussion Group. Some of you may remember that the Outreach Network was established earlier this year, while the Small Discussion Group is a more recent establishment and has only had the chance to meet a few times, tomorrow being another meeting.

The Outreach Network is open to all. So, understandably, it does have a much larger membership, and the scope of activities is broad. So through activities such as webinars, mailing list, brief fact sheets on topics of interest, members are kept informed of developments, not only by ICANN, but by the other members as well. And we advise on platforms where stakeholders can contribute their views.

I do want to bring attention to the fact sheets, which are available on the webpage and I'll put a link in, which the community may find useful. They're short, easy to digest, direct to the point of information intended to provide readers with necessary resources which may come in handy to engage other interested parties. Topics so far have included a WSIS 101 fact sheet, Multistakeholder Model of Internet Governance 101 fact sheet, and also one on the Achievements of the Multistakeholder Model. And we have more on the way. Next slide, please.

So, lastly from me, last week, our Comms team launched the Internet Governance Advocacy Project. This project aims to demystify Internet governance and inform people of its importance by highlighting the need for an inclusive, multistakeholder approach that represents the global community. We're going to be releasing a series of video testimonials that dive into topics like government roles and digital inclusivity, breaking down complex issues in Internet governance. You can already check out some of the video stories on ICANN social media platforms such as YouTube and I will also share a link to that. We also have a blog detailing with more details of the Advocacy Project. And with that, I will pass to Elena to provide more information on the WSIS Small Discussion Group.

ELENA PLEXIDA:

Thank you so much, Becky. The Discussion Group serves as a conduit for ICANN Organization and the ICANN community for discussion, information exchange, and shared understanding. It was recently formed, as Becky has said, we have met so far three times, and today, actually, after this plenary, we will have another meeting. It was set up in response to the ccNSO letter to the ICANN CEO and the chair of the Board. It is distinct from the network, which is a wider effort beyond the community that ICANN facilitates. It consists of two members from SO/ACs, or to be more accurate, up to two members from each SO/AC. ICANN also participates as a member. We're not just facilitating there as a member. It is a direct exchange with SO/ACs. The group is there as a platform to exchange ideas, share analysis, discuss messaging and advocacy. All in all, develop a shared understanding. So we all row in

the same direction, if you will, as the WSIS+20 Review is approaching. It is an informal group. It will cease to exist with the completion of the WSIS+20 Review. It is not directing ICANN engagement or ICANN overall.

I will call on a member of the group to talk to the mic, please, to help me talk about the exchanges we've had so far and ideas we have been exchanging to give you an idea of that. Chris, can I please ask you to go to the mic? Thank you so much.

CHRIS DISSPAIN:

Good morning, everybody. Thank you, Elena. I'm just going to be very brief. I just wanted to give everybody a feel for the Discussion Group. Elena has basically explained very clearly what it is. It's intended to be an interface, a think-tank, if you like, between the SO and AC people who understand spend a lot of time on Internet governance and ICANN's team. We've spent some time talking about things like what ICANN can use its time at the IGF in Saudi Arabia for. Assuming that the IGF next year happens in June, what opportunities there are for that which will be just before the WSIS+20 Review and so on.

We just kind of talked things through. So to give you a concrete example, most of you will know that the GDC produced a compact. It didn't get consensus, but nonetheless, it seems to have been endorsed and published by the UN. And it's on a website, and there is an encouragement for governments and people to endorse it. So we kind of talked about, what does that mean? What would we be endorsing? Would we be endorsing the whole thing? Could we say we endorse the

principles but we don't like the process? Would that feedback report be recorded anywhere? How does it work? In those discussions in the Discussion Group, as an idea bubbled to the surface, which was, well, what we could do is we could have ICANN look at the principles and say, "These are great principles. Congratulations. Here's what we're already doing that meets these principles." So ICANN could create that document and publish that on its own behalf as a statement, without actually endorsing the process, to say, "We're ahead of you because we already operate to these principles, and here's what we actually do." So that idea bubbled up, and now that idea is with ICANN, and it's up to ICANN to decide what to do next with it. But that's the sort of level that we're talking at, and those are the sorts of things that we're doing. Is that enough, Elena? Thank you.

ELENA PLEXIDA:

It is more than enough. Thank you so much, Chris, and thank you for helping me out. Yes, those are the sort of ideas, but we're bouncing off in the group. It's, I think, really good for everyone. And we'll keep coming back to you to explain with these ideas. Before I finish off with that one, I will just kindly ask if there's any other member of the group that would like to take the floor? No? Okay. That would conclude the slides and the presentation on our side. We would now open up to the questions. Please come to the mic or put your question in the chat box.

HISHAM IBRAHIM:

Good morning. Hisham Ibrahim, RIPE NCC. First of all, thank you for the updates and the great work that you and your teams are doing in this alphabet soup of events, meetings, and agencies. As somebody that has teams doing work in these areas, I know how resource heavy it is, and these updates are very useful. So thank you for that.

Listening to the updates, I could hear at least four different words: Internet, obviously, cyber content-related and application-related topics and digital-related topics. My question to you is how much of a distinction do you see government seeing the difference between these topics? What is ICANN Org doing to make this distinction clearer? Because the way that I see it is, each one of these has issues, and everybody's looking at the Internet to fix those issues. And the last bit of the question is what does ICANN Org need from the ICANN community to do to help? Thank you.

VENI MARKOVSKI:

I think I can take that one. I'm Veni Malkovsky. I'm head of Government Engagement for the moment. Sorry for running late, but we held a bilateral meeting with the Turkish Deputy Minister. On the question of what are we doing to make this distinction clear between the technical underpinnings and what you are talking, Hisham, that's part of the briefings that my colleagues were mentioning that we did together with the ITU this year. We are planning to do more such briefings next year, leading to the WSIS+20 Review. We usually invite, actually, speakers from other organizations. When you are asking what other organizations can do, your second question, we could definitely use your skills and capacity to come to talk to the diplomats in New

York and in Geneva. This year, we had Paul Wilson speaking to the people in New York, and we had two of our colleagues speaking to the diplomats in Geneva. The head of our IDN program, Sarmad, was also in New York. This is one of the possible ways to approach this, which is we provide all the information that we have and the other I* organizations have, so that when the diplomats get behind the closed doors to negotiate the WSIS+20, they will have that information in their minds. We have seen this work very successfully, both in the GDC process and also in the WSIS+10. Thank you.

CHRIS DISSPAIN:

Hi, everyone. I saw on one of the slides a reference to coordination or discussions with I* organizations, I was wondering if we could get a little bit more information about that. Thanks.

VENI MARKOVSKI:

Thank you, Chris. First of all, there have been always—whether you can call it informal or formal, it doesn't matter, but there has always been coordination with the I* organization in all issues related to Internet governance. The I* CEOs are here at that meeting and their meetings, so we will see what comes out of that meeting. But we already have started long time ago conversations with colleagues from the other organizations, including the IETF and the RIRs, on how we can better coordinate between ourselves so that we utilize the resources that we have because each of us has certain resources, but together, this is much better to be used at the UN and the other UN agencies. I hope this answers your question. Thank you.

MARCO HOGEWONING: Good morning. My name is Marco Hogewoning. I'm speaking for the Dutch government. I'd like to come back to your ITU slide. As being head of delegation in that recent WTSA, I would also like to thank you and the rest of the technical community for helping us there. It's really valuable for us governments to get timely feedback from the technical community on these discussions where we are at the crossroads between policy and technology. Thank you for that. Not as much question to the group, to the panel, but to the rest of the room. We can still use more support. Please realize that many of you do work for organizations that are an ITU-T sector member. So please make use of the ability to provide input. Also, as our colleagues already mentioned, there are several open consultations to which everybody from any organization can write into. Please make use of that opportunity and feed into that process because it's not as closed as some people might perceive. Thank you.

ELENA PLEXIDA: Thank you, Marco. Please go ahead.

OKSANA PRYKHODKO: I'm Oksana Prykhodko, European Media Platform Ukraine. You have some unofficial information regarding the venue of IGF 2025. All of us, I am sure, are expecting official information. But my question regarding the procedure of decision-making on this issue, is it really a multistakeholder approach? If no, what we can do to change the situation? Thank you.

VENI MARKOVSKI:

I assumed your question, Oksana, is about the choice of the venue for 2025. We are expecting to hear from the United Nations secretary general, who is the one to convene this meeting. We don't know yet where it's going to take place. But we are expecting to hear it hopefully today, actually. There have been two countries that are willing to host it next year but I don't want to speculate where it's going to be. The countries are Norway and Russia. We'll see what comes out of the secretary general's office. But this is not the decision. Where to host the venue is not a multistakeholder decision. It is the United States secretary general's decision. He is the one to convene this meeting under the WSIS+20's Agenda rules. Thank you.

UNIDENTIFIED MALE:

Hi. Can I? Speaking of EU regulation, I wanted to know if you have the Cyber Resilience Act on your radar. I mean, the Cyber Resilience Act is an act that was actually passed in the last Commission but now it's still in the implementation phase, and it doesn't directly affect the DNS but it affects the Open Source software community, which is, I mean, enabled for this entire community, since I guess everyone, every business, every activity here relies heavily on Open Source software. There's efforts going on. I think we're going to have a discussion in the SSAC. But I wanted to know if also in terms of ICANN staff, this is on your radar, you're following it or maybe you want to interact more on that.

ELENA PLEXIDA:

Thank you so much for the question. You're absolutely right. It's not directly impacting ICANN Org. It doesn't directly involve the DNS. But we are indeed monitoring and keeping an eye on the CRA. Overall, the approach that we see, not only in the European region, but generally, exactly what you just said, this approach of putting there the idea that standards might not necessarily be made by the multistakeholder communities that are there to do it, respectively. Again, this is not about the DNS, the CRA. But overall, this approach to standardization, yes, it's something that we're keeping an eye on and with a very deep focus. For the same reason we're following the eIDAS Regulation for Article 45, which you know is, again, the same idea. Hope that answers the question. Thank you.

Okay. I don't see any other question. Therefore, I will take the opportunity to come back to and compliment what Veni said and come back to his question because I really think that he's put his finger on it. No, in the discussions with policymakers, mostly, it is clear that there is no distinction or sets between cyber and digital, and to come to our space more in particular, what is content level? What is the network level? And what is cables? ALAC, for example, nowadays, there's a lot of discussion about the undersea cables for other reasons. As Hisham said, yes, people are talking about that and they're looking at the Internet overall.

To add to what Veni was saying, we are trying to insist a lot on differentiating so people understand what it is that we're talking about. We think that by differentiating and people knowing what it is that they're talking about, then they can actually get to better

outcomes with respect to the policy related goals that they're intending to achieve. To that end, I would also like to say that outcomes such as the papers from example that come from SSAC or the work of RSSAC, I mean, from our community, they're very useful and relative in our discussions. Yes, that's what the community can do and persist with explaining, explaining, explaining. Thanks, Hisham, for the comment. Over to Nigel.

NIGEL HICKSON:

Thank you. Nigel Hickson, UK government and GAC. Three very brief points, if I may. First of all, let me join with others in thanking you for this session, but also thanking you for the engagement you do. It's really excellent to hear about the positive results at the ITU WTSA. It was really great to hear about the developments in Brussels with the new arrangements there and that ICANN very integrated into the work of the commission there and telecoms council, etc. So that's really great to hear.

On the GDC, the Global Digital Compact, well, it was mixed, I suppose. I mean, there were some good points. It was good to hear the ICANN Board chair mentioned it this morning in the opening session. I think for many of us, the outcome was better than we thought it might be and it was really great that it did endorse the valuable work of all stakeholders and their contributions to Internet governance as well as the IGF. So congratulations on ICANN's involvement in that and their work in the UN as one of the prime stakeholders there.

In terms of endorsing the Global Digital Compact, we know there's a request for different types of communities to input into that process. Let me just say that as a government, we were disappointed in the process. We were disappointed that stakeholders, especially towards the end of that process, didn't have more of a substantial role in the discussions. We know that it was difficult. We accept, of course, that at the end of the discussions, it is many governments that have a role in negotiating. But we do hope that for the WSIS+20 process, it might be rather more open to the views of stakeholders as we go through that process. The proprietary process, of course, is very important. In terms of what ICANN or the technical community says to the UN, of course, is in your hands. But I think a nod towards the need for more transparency, more openness and more involvement of stakeholders in the WSIS+20 negotiations might be appropriate. Thank you.

VENI MARKOVSKI:

Thank you, Nigel. You made some very good observations. Now is the time to actually say that we usually are following those developments because ICANN is not a member state so we can follow as much as it can through the publicly accessible means. But the GDC indeed, the parts about Internet governance are better phrased than the WSIS+10 outcome document which was better phrased than the WSIS+20's agenda. We see some progress in the understanding of the governments of how the Internet works, what Internet governance is. Some of the people in the audience, I noticed, were members of the Working Group on Internet Governance and have been around this since the beginning 22 years ago, 21 years ago, and they know that

back then governments didn't know what Internet governance means. Now with these texts, we see that there is a much better understanding and we are hopeful that next year, there will be a much better version of the WSIS+20 Outcome document compared to the WSIS+10. We urge all the organizations, SO/ACs, to work with us to make sure that we provide enough information to the governments around the world and to the UN diplomats so that they actually reach to that point. Thanks.

JORGE CANCIO:

Hello. Good morning. Jorge Cancio, Swiss government. I think that Nigel made many of the points I would like to make. Perhaps to add two things. The GDC is now adopted but the implementation is still in the air. I would urge everybody to take part into the implementation work which is happening in many places as we speak, the discussion about the office on digital matters that also will cover AI governance matters and will have an important role in the times to come or how the AI governance will be dealt. I know this is beyond the scope of ICANN but affects many people here in this community or also how the interaction between the WSIS architecture that has been existing for 20 years will be used or not for the GDC implementation.

My message there is really the ball is in the air. It's not decided yet how it will be done. It is not only about where it is done, so the specific location, be it Geneva, be it New York, be it Vienna, be it other places where the United Nations has offices, headquarters, and so on, but it's also how it is done. Because we have seen how the process went when it got intergovernmental in New York. Intergovernmental in New York

is not the same as intergovernmental in Geneva, for instance, or in other places. It's the style of how you do things, how transparent, how open, how inclusive the processes are. I think that it's very important to take into account, because depending on where the ball lands with the implementation, we will have a different kind of multistakeholder approach or multilateral approach or a combination thereof.

That's a message I would like to pass and to really keep engaged. Especially with WSIS+20. Because WSIS+20, we shouldn't reduce it to the continuity or not of the IGF or about what is written in the documents. It's about a whole architecture of how the UN is doing its work in what used to be called 20 years ago when we were a much younger information society and today, it's digital governance or digital cooperation. It's the action lines, it's the mandates of UN agencies that have been investing hundreds of millions, mobilizing billions of dollars of other currencies in the last 20 years. And updating that system, updating that architecture is really what is at stake. Of course, the IGF is a very important piece of that architecture, but it goes much beyond that. I think that affects also many people in the community. We heard before, Marco and others talking about IDNs or resolutions also being negotiated in the ITU. That's part of it. That's part of WSIS. That's part of the WSIS mandates. It's about connectivity, it's about content, it's about so many things. My plea to the communities, keep engaged, the ball is in the air, let's kick it into the right direction. Thank you.

ELENA PLEXIDA: Thank you. All good points about the ball being up in the air. Wolfgang, please.

WOLFGANG KLEINWÄCHTER: Thank you very much. My name is Wolfgang Kleinwächter. I'm a retired professor from the University of Aarhus and a former ICANN Board member. Veni is right, I was a member of the WIGIG 20 years ago. Governments had no idea what Internet governance is, but now governments understand it very well. Sometimes I have the impression they know too much about Internet governance.

What I see in the GDC was that it was a consensus that the multistakeholder approach is the best way to govern the Internet. But the problem is there is a broad confusion about what the multistakeholder approach is. That means 180 governments have probably 50 different ideas what multistakeholderism is. For some, it's just consultations or bilateral exchange of views. But it's, for many, not the basic idea of the WIGIG, sharing decision-making and sharing policy development. It is a broad spectrum. I was a little bit waiting that somebody in the podium refers to the NETmundial+10 meeting a couple of months ago in Sao Paulo because the Sao Paulo meeting closed an important gap in the system. Ten years ago, the first NETmundial adopted a declaration on principles which went beyond the definition. The definition was agreed in Tunis. Ten years later, in the NETmundial conference, we have this declaration on principles for the multistakeholder approach. But we have never discussed the procedures how to proceed with these principles. The WSIS+10 closed this gap because it has adopted the so-called Sao Paulo

Multistakeholder Guidelines. There are 13 very clear criteria where you can measure what a multistakeholder approach is. The discussion in the weeks after the NETmundial+10 have produced an interesting new proposal which says what we probably need is a measurement mechanism for the multistakeholder approach so that we say here we have intergovernmental processes and then we can measure how multistakeholder these intergovernmental processes are. That means if we take the 13 guidelines and compare them with the practices in these various groups, the open-ended working group on cybersecurity, the ad hoc committee on cybercrime which you mentioned, some other negotiations on digital trade, the Human Rights Council, everywhere where you have intergovernmental discussions and Internet governance, you could take the 13 criteria from the NETmundial+10 conference and tend to say, “Is this close to multistakeholder or is this far away from the multistakeholder process?”

The academic network in the IGF, the Giganet, has started to discuss such a proposal. There will be a debate in the forthcoming IGF in Riyadh in Saudi Arabia about an IGM-3 process that is an Internet governance multistakeholder measurement mechanism. The basic idea is that a number of academic institutions come together and produce an annual report where they have identified 10 intergovernmental processes and then rate whether this process is high multistakeholder or low multistakeholder. This is still on paper, it's an idea, it's not yet fixed, but it would be very good if ICANN would support this academic initiative. Thank you very much.

VENI MARKOVSKI:

Thank you, Wolfgang. You're mentioning several different things which are important. I'm happy to hear that there are more initiatives coming from the academic world because people like you and others who are involved in this and have been involved since then are crucial for the better understanding of us. There is echo. But also—interesting. Jordan, what are you doing? I'm just kidding. I'll stop here because this echo is—now it's gone. I think that this whole approach where everybody contributes and you provide information to us, the way we provide information to you is very important, because the more information we exchange with everyone, we all become more knowledgeable. That's part of the way we are working with engaging with everyone so that we understand better what's happening, they understand better what's happening and if we can support in any way possible, of course, we can talk about it. Thank you.

JORDAN CARTER:

Thanks. My name is Jordan Carter with auDA. I just wanted to share that I think it was day minus three on Friday. A number of the members of the Technical Community Coalition for Multistakeholderism were getting together to think about our strategy for the WSIS+20 Review next year. One of the things that came through as a goal is to try and help make sure that the process to do the review is as open a multistakeholder as can be possible. The point of mentioning that here is to ask community participants that have influence in shaping how that process will work, governments primary among them, so any GAC reps in the room, to please do everything you

can to help shape the process in that way. As the primary stakeholders in the UN system, you have an outsized voice in shaping its processes. I'm asking you to take that up with your foreign ministries, your New York Posts and so on, to help us all be able to have a voice in the process by making sure it's an open one. Thank you.

VENI MARKOVSKI:

Last one.

RENATA MIELLI:

Good morning, everyone. My name is Renata Mielli. I'm a coordinator from the Internet Steering Committee from Brazil and from Minister of Science, Technology, and Innovation. I would like to reinforce some of the points made previously by other colleagues. Particularly on the importance of focusing on the debates around how the governance process will take place. I believe that as a community, we have managed to build important points of consensus on general principles that should guide the development and use of the Internet and the digital DEMs that are part of the GDC. But we need to deepen the debate on the governance architecture that we want to build, involving the role of governments, other sectors, and how the UN reorganizes the debate on digital DEMs.

As Wolfgang said, we made significant progress at the NETmundial+10. We must continue to debate these DEMs. We recognize the importance of the role of nation states in the decision-making process, but it is essential that other sectors, technical community, academia, civil society, private sector, have an effective role and participation in this

process, which needs to be inclusive and transparent. In particular, I'm referring about the process at WSIS+20 debate. The leadership of ICANN in this debate is very important for us, so thank you for all the information that you bring and this force you are making in turn this debate more broad. Thank you.

ELENA PLEXIDA:

Thank you so much. I don't think there are more questions or comments, which means we can wrap up unless—no? Okay. Then we will wrap up the session. I will thank you so much for your attendance, for your comments, and for also sharing information together with us during this plenary. Thank you.

[END OF TRANSCRIPTION]