

CCWG INTERNET GOVERNANCE: IG PUBLIC SESSION AT ICANN 64; KOBE; 11th MARCH, 2019 – NOTE OF SESSION

This Session took place on Monday March 11th 15.15 – 16.45; see details at <https://64.schedule.icann.org/meetings/962130>; this link will also have an audio recording of session in due course.

Summary

This was a well-attended, interactive and constructive session. The presentation by Rinalia Abdul Rahim from ISOC engendered a useful discussion on the effect of national and regional legislation on ICANN and the Internet in general. The latter linked to the discussion on the draft “Charter” published by ICANN on the legislative tracking initiative, in which many expressed interest in and asked for opportunity to comment.

We also heard useful updates on the Global Commission on the Stability of Cyberspace (GCSC); IGF 2019 and the UN HL Panel on Digital Cooperation.

Detail

There were around 60-70 participants at Session including Board members from the Board IG Working Group

1. Introduction and welcome

Olivier Crepin-Leblond (chair of CCWG IG) welcomed participants to this public session.

2. Approval of Agenda

Olivier went through the agenda (which was approved)

3. Discussion on Extraterritoriality - ISOC presentation by Rinalia Abdul Rahim, SVP, followed by discussion;

Rinalia went through presentation (see attached).

She highlighted the two extremes in terms of approaches by governments on Internet Regulation; with China at one end and US at other, with EU somewhat in the Centre.

Noted though that the most headlines have come from Europe; for example, with the GDPR.

On the specifics of Externalities, she noted the Russian law which established its own framework of IG.

Introduced concept of Internet Invariants, essentially the characteristics of Internet working which are of Importance to us in the Internet Community. Not following them potentially leads to fragmentation.

Matthew Shears – agreed with Rinalia on importance of setting out consequences of legislation and regulation. Said there was a link here to the part of the ICANN Strategic Plan which looked at Geopolitical threats and challenges. He noted he had personally contributed to this work.

Nigel Hickson noted the usefulness of this dialogue which was linked, to an extent, with the ICANN proposed Charter and legislative tracking.

In discussion

Sebastien Bachollet – noted Link to the work of “Internet and Jurisdiction” (<https://www.internetjurisdiction.net/>) – wondered whether their work addressed these issues;

Wolfgang Kleinwachter asked about concept of “national Internet Segment” and how this linked to work; Rinalia said she would look at this.

Klaus Stoll – don't just talk about concepts but about real examples affecting us.

Collin Kurre – We tend (re GDPR) to fight battles of yesterday must look ahead instead; agreed that the invariant approach was important as analysis here could show “power grabs” by governments.

Olivier: What is on the horizon that affects ICANN related to legislation that has extraterritorial effect?

Klaus – mentioned Indian E-Commerce proposal – the monetizing of data whatever source was, thus could affect wider audience

In response was noted that this was a draft idea and that the Government welcomed ideas;

Marilyn Cade – mentioned the IGF Dynamic Coalition and work on DNS,

Peter Major – We must do more in IGOs as stakeholders to address these issues of legislation - still optimistic we can find a way forward on Enhanced Cooperation (UN CSTD work). The previous work had failed not because of the issues but on countries not being able to compromise; this has to change.

Rinalia – Will be re-looking at Variants approach again and updating.

4. ICANN proposed “Charter” and IG Engagement Strategy; Theresa Swinehart

<https://www.icann.org/en/system/files/files/proposed-org-engagement-govt-standards-charter-25feb19-en.pdf>

Theresa Swinehart presented on this noting the work on legislative tracking and what the purpose of the Charter was; noted how it linked to the ICANN agreed 3-level model for IG Engagement. She clarified that it does not limit ICANN org just to look at legislative issues.

Mandy Carver also spoke on the basis of Charter and the complication of information, analysis and compilation of Reports on legislative tracking.

In discussion

Marilyn – Community lacks a road map of where further initiatives would “pop-up” – this took us by surprise – there should have been a consultation. At first glance this looked as if it was narrowing scope of ICANN Engagement work.

Olivier – asked if it was a draft and whether it could have input from Community?

Mandy Carver – confirmed that although posted it seeks feedback from all;

Tony Holmes – Thought this important; noted the ITU SG 20 work at ITU; ICANN could be setting itself up if it does directly engage in process (ie through Sector membership) where members hold different views

Jim Prendergast – what is genesis of document on “Charter” and what will it change? Will it for example stop the lobbying in DC which ICANN undertakes?

Sebastien – why is there not a comment period for this?

Summing up Theresa noted we would come back to CCWG IG with further developments on this.

5. IG Updates including on UN High Level Panel, IGF 2019 and the GCSC (20 minutes)

Wolfgang (as a Commissioner of GCSC) said their work even more important given top-down approach of UN through GGE and Open Ended WG; noted genesis of GCSC and its composition. He referenced the draft Norm on “protection of public Core” which was subject of discussion with ICANN.

Noted work with ICANN in past year or so, both previous to this meeting and here in Kobe; where we have been talking to SO/ACs. Looked forward to partnership that would be useful ahead of UN discussions in GGE and OEWG. He noted importance of allowing stakeholders who were experts to speak in these fora.

Will produce a Paper on ICANN related issues for GCSC.

On IGF 2019, Chengetai Masango spoke; noting the upcoming 14th meeting in Berlin; Noted the preparations and that it will have a tighter agenda focusing on three specific themes; with Workshop proposals closing on 14th April; the same date for applications for Open Forums. There will be a High-Level Segment / Ministerial on Day 0 with also space for other sessions.

Finally, Chengetai said that there would be an IGF Workshop tomorrow on “Workshop writing”.

On the HL Panel on Digital Cooperation, Chengetai gave a brief progress report noting early April for a final physical meeting of Panel, then “road testing” of Report with different stakeholders with the final Report delivered to UN Secretary General in late May or early June.

6. Any other Business

There was none.

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