OLIVIER CREPIN-LEBLOND: Good morning, good afternoon, good evening, everyone, to the Cross-Community Group on Internet Governance. Today we've got a number of things we'll be discussing. First we'll have an update on the Internet governance activities since our last call. There have been quite a number of things going on. Then we'll have a discussion on the charter. We have feedback from the different supporting organizations and advisory committees. Then, if we have time, we'll have a brief overview of where we are on the ITU-D membership application from ICANN and also Any Other Business. If anyone has any amendments to make to the agenda, then you can ask now, I guess, if you wish to add or amend things on the agenda.

I'm not seeing anybody putting their hand up, and I'm not people have used Zoom before. This is the first time we're using it for this process. It's quite straightforward, hopefully. If you're not able to use Zoom to raise your hand – I know that it does happen sometimes for some platforms – then just shout your name out and I'll give the floor open to you.

I'll turn it over to Desiree Cabrera to do the roll call please.

DESIREE CABRERA: Okay. Apologies if I inadvertently mangle your name. In the room, we have Olivier Crepin-Leblond, Jahangir Hossain, Ben Wallace, [Joffe Caragaia,] Jim Prendergast, Shreedeep Rayamajhi, Sivasubramanian M, Yrjo Lansipuro, and [Leonard Obono].

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.

For staff, we have Dierdre Sidjanski, Mandy Carver, Nigel Hickson, Veni Markovski, Vera Major, and myself, Desiree Cabrera.

OLIVIER CREPIN-LEBLOND: Thank you for this. Did you mention Jim Prendergast as well on there? Because I see him listed on the phone.

DESIREE CABRERA: I think I did, but just in case, we also have Jim Prendergast in the room as well.

OLIVIER CREPIN-LEBLOND: Okay, fantastic. Thanks very much for this, Desiree. Let's get the call started. The first thing we have in our agenda is an update on the Internet governance activities since our last call. For this, I'll turn it over to Nigel Hickson, who will be able to lead this part of the call. Nigel, you have the floor.

NIGEL HICKSON: Thanks very much, Olivier. Good afternoon, good morning, to all. As Desiree said, we've got a number of people from the organization on the call. No doubt they'll jump in. Veni Markovski in particular will be able to give us a brief update on what's happening at the U.N. As you know, Veni has been very helpful in updating this group on the cybersecurity activities at the U.N.

Perhaps if I may start, we didn't specifically add anything to Any Other Business, but perhaps we ought to have a more general discussion about the WSIS Forum. I could report on the WSIS Forum, but perhaps we could have a separate brief discussion on that because obviously the Cross-Community Working Group had an involvement in that back in April.

Other activities that are taking place at the ITU itself, in addition to the WSIS Forum: there's been various study groups and working groups that would be associated with Study Group 20 in relation to smart cities and the Internet of Things. We also this year attended the study group of ITU-D. This is the development sector, which we're joining. We'll come onto that. The development sector has two study groups and we attended one of the study groups that touches on things like OTT (Over-The-Top) services, broadband services, cloud services, and [anonymous] policies surrounding those types of services.

Away from the ITU, this week the United Nations [has] the annual Commission on Science and Technology for Development (the CSTD). This is an annual meeting of the commission. Half a day of it is dedicated to looking at the WSIS action lines. This is: the WSIS agenda was adopted in 2005, and discussing process since then. We had a good session on Tuesday afternoon on that, chaired by Peter Major, to which we contributed some of the work we're doing on IDNs and universal acceptance.

The other main feature of the CSTD week – some of you will know, and many in this group … I don't think [Marin] is on, but [Marin] in particular have been involved in this before. This is the drafting of the WSIS

resolution. This is a U.N. resolution that goes through the machinery here in Geneva, at the end of the week goes out to ECOSOC in New York, is adopted by ECOSOC later in the spring, and then goes to the U.N. General Assembly. This resolution touches on a number of issues, including the vex question of enhanced cooperation, which we discussed in this group before. This is the role of governments in the whole Internet governance debate.

The resolution started discussion last night and is going on today and this evening and will go on tomorrow during the day and might go into tomorrow evening, and then it will be agreed on. Nothing too controversial. Enhanced cooperation is still there, but not further action is called for it at the present. We'll update the group on that. I think I put around some of the CSTD documents to the group.

On the high-level panel on digital cooperation, which we discussed before – of course, we had the briefing on the high-level panel at our meeting in panel from the Secretariat – as I understand it from the Secretariat, talking to them earlier today, the report is on track to be delivered to the Secretary General in the next few weeks, as has been discussed before. It will also be made public soon after it's submitted to the Secretary General. So it will be out for us to look at and assess and whatever.

Perhaps Veni would like to say something about the IGF and the U.N.

VENI MARKOVSKI: Yes. Can you hear?

Hello?

DESIREE CABRERA: We can hear you.

OLIVIER CREPIN-LEBLOND: We can hear you, Veni.

VENI MARKOVSKI: Okay. I was thinking I'm still muted. So the IGF – we actually had a session yesterday at the U.N. hosted by the German mission and the UAE mission on the IGF with participation by [Ming Changcomo], the chair of the MAG, Jane Coffin from ISOC, myself, [Tereza] from the [inaudible] Foundation, and a couple of diplomats from [Ncaput], the people from the German coast. Everything seemed [scheduled with the German excitement]. There is a lot of expectations that will be a very successful meeting. The government is engaged. The German parliament is engaged. Also, the German government has allocated a pretty big amount of money for people from the developing world to go to Berlin. I don't know if you can reach out to your communities, but let them check the IGF website, where all the information is or will be published.

We also finished with evaluation of the workshops, and then we have a discussion which is going on as we speak before they are finally published. There were not as many workshops as last year, but some of them were really well-prepared.

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Also, we finished with the –oh, actually, no. That's on the MAG side. We used the opportunity also to say that we heard from the Secretariat actually about the Day Zero event. I'm almost sure that they're publicly available. Somebody can correct me if they're not. They're on the IGF website, a lot of them – 62, actually – and, with a lot of organizations behind them, ICANN has also one of the Day Zero events. [It will be on] the evolving ecosystem and ICANN's role in the security and stability of the Internet.

[Can I use] time, actually, also about what happens at the U.N.?

OLIVIER CREPIN-LEBLOND: Yeah, absolutely.

VENI MARKOVSKI: Okay. Nigel already mentioned that the focus this year will be on cybersecurity, but that doesn't mean that there are not other things happening. Parallel to that, there are things happening outside of the U.N. which might have an impact. Interestingly enough, one of the [inaudible] conferences on all things Internet, called [Economy], had taken as a main subject, if you will, the sustainable development goals. So they were talking all the time about [inaudible]. I spoke at one of the panels. There were a lot of people talking about what's happening at the U.N. So that shows you that there is an understanding that whatever happens in the U.N. might actually have impact on the global development of the Internet.

We are monitoring the cybersecurity groups. There are two of them. One of them is called the Open-Ended Working Group and the other one is called the Governmental Group of Experts. They're both going to discuss cybersecurity issues. They are still not quite clear who exactly and how these two groups will cooperate or coordinate their work between each other, so we don't know that yet as we speak. But in the beginning of the June is the organizational meeting for the Open-Ended Working Group, and we will know what's happening. There is also a side event at the U.N., where my colleague, Joe Catapano, will be participating and will inform us after that work has happened. Also other people will be there from ARIN, ISOC, and other organizations. This is a side event, not the actual meeting at the U.N. As you guys know, the U.N. working groups are commissioned by the General Assembly to not allow other actors but members states unless somebody is invited. So far we don't know whether there will be some organizations invited or individuals as experts. Most [likely] they will decide that at the beginning of June when they meet.

What else? The next MAG meeting is also at the beginning of June, before the ICANN meeting. It's June 5th through 7th in Berlin. We will not be at the venue where the IGF will take place, which reminds me: if any of you is planning to go to the IGF, you should probably start booking hotels and stuff, just to make sure that you have a place near the conference center.

I think maybe that's all. If you have any questions, just go ahead and ask.

OLIVIER CREPIN-LEBLOND: Thank you very much for this, Veni. Nigel, are there any other updates? Then we can open the floor for discussion on all of these issues.

NIGEL HICKSON: Thanks you, Olivier. No. I mean, there's a number of other things, but it's probably best to have a discussion. I see Marilyn Cade is on the line, and I was name-calling her in relation to the CSTD earlier. If anyone has any questions, we can try our best. There's been various other events happening globally, but we don't know everything.

OLIVIER CREPIN-LEBLOND: Okay. Thanks for this, Nigel. I note in the chat there are questions as to what hotels are close to the venue. I'm not sure. If you can check where the venue because I personally don't know, and I don't know Berlin much, either.

I have one question – the floor, by the way, is open for questions and comments now – regarding the U.N. processes and the whole focus on cybersecurity. What aspects of cybersecurity are they looking at? Because that's a very, very wide space, I guess. Are they looking at content? Are they looking at hacking? Malware? Are they back on their idea of critical Internet resources? By that, is DNS one of the things that they are putting within their cybersecurity remit?

VENI MARKOVSKI: Well, they may look at everything they want. Because one of the groups, the Governmental Group of Experts, has actually existed before, and they have looked in fact at the physical Internet infrastructure,

norms of behavior of countries, etc. etc., but this Governmental Group of Experts has only 25 members. They come from 25 countries. So geographically distributed, as per the U.N requirement. The Open-Ended Working Group, even though [inaudible] not because it's open for others. It's open to every member states. So all member states will be there. They will have to have to list some content on what they will be discussing [outside] the meeting in the beginning with [Joe] to figure it out. The first formal meeting will be at the beginning of September. It's very difficult to say exactly where they want to figure. You can figure out some of the items because of the countries that were proposing the resolution or the creation of those groups. The OEWG was proposed by [Russia and] supported by [G77]. The GGE was proposed by the U.S. Obviously they both were supported by G77. It's going to be interesting to see what will happen.

I would not be surprised – Olivier, to answer your question – if the DNS in particular comes into question. Because the Open-Ended Working Group will continue working until the fall of 2020, and the GGE until 2021, they have the opportunity to expand or to focus on several items and try to reach consensus on this. It's going to be very challenging stuff because the last GGE – again, with 25 members – did not reach consensus. So how are they going to reach consensus among 193 countries? I'm not quite sure. But it's the first time when they do two parallel groups, and we'll see what comes out of it.

In any case, we are talking to the Secretariat. We're talking to the U.N. staff and to the diplomats, and we are explaining in informal gatherings that we are here to provide factual information. We continue doing our workshops and participate in educational efforts among the U.N. staff

and U.N. diplomats on the subjects of what ICANN does and how the Internet works. We try to be the best objective provider of factual information as possible, and we hope that this will be enough for them when they start their negotiations behind closed doors to have an understanding of what can be achieved with technical means and what can be achieved with policy means, which is of course their priorities anyway. But we just don't want them to mistakenly think that the technical aspects of the Internet can solve some of their problems.

OLIVIER CREPIN-LEBLOND: Thank you, Veni. Could you just remind us who haven't followed this that closely what are the topics historically that had been brought forward by some countries that would relate to ICANN?

VENI MARKOVSKI: Yeah. Usually the conversation has been going about the [inaudible] countries, in case of cyber incidents, and how they should [knock the package] out of critical Internet resources. There has been a continuous effort by Russia and China. The big countries have been discussing all this in a number of ways at their meetings. The U.S. and the western world, so to speak, have not been actually very active in that area. We have been asked a couple of times – "we" meaning ICANN – to provide expertise to the GGE in an informal setting. Again, they do not allow experts to sit during the negotiations and during the deliberations but in other settings outside of the U.N. The questions would be, for example, is there a technical way or a standard to answer the question of attribution; who has done something? I'm just giving you it as an

example of what questions have been. So I wouldn't say that there are group of countries that necessarily push one way or the other. There is some movement between ideas [inaudible] all the time.

OLIVIER CREPIN-LEBLOND: Okay. Thanks for this, Veni. I note in the chat a question from [Jeffrey Carigaia] asking if there was any place to grow a national IGF. I do see Marilyn has provided a response, but I know that some people are just on the phone.

VENI MARKOVSKI: I'm sure. Is this a question? Or, since Marilyn already answered—

OLIVIER CREPIN-LEBLOND: Yeah. Is there any plans in place to grow a national IGF? Oh, I see. You're only on the phone, too. Okay.

VENI MARKOVSKI: Yeah. So I don't know what the answer is, but there is—

OLIVIER CREPIN-LEBLOND: Shall I give the floor to Marilyn?

VENI MARKOVSKI: Yeah.

MARILYN CADE: I think, Veni, if it's okay with you, I should probably take this.

OLIVIER CREPIN-LEBLOND: Marilyn Cade?

VENI MARKOVSKI: I agree.

MARILYN CADE: Jeffrey, under the previous MAG chair, I was appointed – my name is Marilyn Cade – as the substantive coordinator to grow and enhance the role of the NRIs. We've grown the number of NRIs from 56 to 111. They're all in various stages. In that 111 are also a number of use initiatives. We were successful, working together from the community, in bringing into the Secretariat a focal point named Anya Ganko, who is responsible for engaging very directly in supporting the existing NRIs but also working to establish more. I work with her very closely, but so did many, many others.

One thing I would just say is, right now, enhancing the engagement of the existing NRIs and the future NRIs to be able to take effective positions and engage with their governments is one of the key issues that is facing the NRI network. If you're not already signed up for the NRI network, I will privately send you the link, and Anya will add you.

I'm going to give two examples. In Nigeria, the national IGF actually accomplished something really major in they challenged the lack of engagement. Now, customarily, recommendations/messages from the

national IGF are given to the ministry, and the ministry has agreed to hold a consultation to discuss how to make the changes in the recommendations.

The second major recommendation from Nigeria was that U.N. delegations would include at least one or two private sector advisors. I don't mean business. I mean private sector. That could be the technical community, the NGO, or business. So those changes have begun to happen. That's also the case in some of the other NRIs, but we need many, many more of those changes, where this kind of information that Veni is providing can go back to the NRIs, and the NRIs can then customize how they engage with their governments – Veni will help me on this – getting a [demarche set] from a national level into a [mission], either in Geneva or in New York. It's a big step. It's hard. But it has happened before. I think – Veni, if you don't mind my saying this – this is how we might be very, very effective in leveraging the voice of the NRIs and helping them figure how to [demarche] by working with their ministries locally to get messages then back into what's going on in groups like this at the U.N.

VENI MARKOVSKI: I agree with what you, say, Marylin. That's exactly what has been happening. You say it has happened. It continues to happen even know as we speak. There are countries which are taking expertise and taking outcomes of their national IGF, sometimes even without necessarily calling it an IGF. They provide this information back from the capital to the mission. That's very helpful for our work because we hear messages that come from not the foreign ministries but the telecom ministries,

too. That also is how the GAC members sometimes are very helpful when they reach out to their foreign ministry colleagues because, as you know, most of the countries came to the GAC [inaudible] telecom administration or the [inaudible]. Only a few sent foreign minister [folks.]

OLIVIER CREPIN-LEBLOND: Thanks for this, Veni, and thanks for this answer, Marilyn, on the topic of NRIs. We now could speak also about the CSTD. Nigel has sent an update to the mailing list a couple of days ago.

Nigel, could say a couple of words on what the process is?

NIGEL HICKSON: Sorry. Yes, Olivier. I think I've said all I really need to on the CSTD. As I noted, we're drafting this resolution this week, which will then go forward to ECOSOC and then the U.N. I'll be able to post the resolution when it's formally adopted to the list.

Did we want to touch on the WSIS Forum that took place in April?

OLIVIER CREPIN-LEBLOND: Yes, Nigel, I think we should. Whilst we touch on that, I have updated the agenda to have a link to our WSIS Forum page. That WSIS Forum page now also have the slide deck that was used at the WSIS Forum. Do you want to say a few words, Nigel?

NIGEL HICKSON: Yes, and others should as well, including yourself. The WSIS Forum is quite an important event for ICANN and the ICANN community. This year, our CEO, Goran Marby, and spoke in the high-level session. The WSIS Forum attracts over 200 governments, I think, this year – or 200 separate entities, anyway – and about 50 ministers. So it has a high-level track, and Goran Marby spoke in the high-level track on what ICANN was doing on capacity building, etc.

The Cross-Community Working Group held a workshop on data protection and the GDPR process, the [EPDB]. Also, ICANN's organization held a workshop on capacity building. So we had quite an involvement in it, including a number of bilterals, including with the U.N. Secretary General and the Director General of the World Intellectual Property Organization.

I think, generally, the WSIS Forum was a reasonable success this year. But others will comment.

VENI MARKOVSKI: Nigel, just to correct, the meeting with the ITU Secretary General, not the U.N. Secretary General.

NIGEL HICKSON: Sorry. Yes. Too many secretary generals. I do apologize.

OLIVIER CREPIN-LEBLOND: Thanks very much for this, Nigel. Indeed, the CCWG held at the WSIS Forum went pretty well. It had a good turnout in the room. Funnily

enough, on the second row, a person by the name Janis Karklins sat there to listen quite carefully to what was being said. At the end, we didn't manage to get a balanced panel on the stage due to logistics, I guess, having people turn up and so on. So, instead, what we did was to have Keith Drazek, the Chair of the GNSO, and also Kurt Pritz, the Chair of Phase 1, take us through a slide deck, which actually is linked there. You'll see it provided quite full details of what processes were used and so on. I think that, for a lot of people in the room, it actually really enlightened them as to how the whole thing went. So, really, I thought it was a worthwhile exercise. It was good to shed some light over what sometimes can be seen, from an outsider point of view, as outsider to the ICANN processes, as something which is very obscure.

One of the – [voice lost; it's back] – points, of course, is that we kept on saying that those processes are open. Certainly, Phase 2 is now coming up. We invited people to participate as observers and be able to experience this firsthand. So that was the process.

Unfortunately, of course, we haven't managed to come to closure on putting together a workshop for the forthcoming IGF. That being said, the IGF is at a time when it would probably late news for Phase 1 if we were to speak about Phase 1 and too early to speak about Phase 2. So perhaps that was a better option, not to have something this year and perhaps do something in the future.

I'm not seeing any other hands up at the moment. Are there any questions or comments on any of these processes: WSIS Forum, WSIS, IGFT, CSTD, U.N. processes, etc.?

If there are no further questions, then I think we can close this agenda item and move on to the next one, which is more of a process item. That's the discussion on the charter. In the agenda, there is a link to a page which says here, "CCWG-CCEG on IG charter." What does it have there is to have a copy of the original charter of the CCWG IG and then a copy of the proposal that was sent to the different supporting organizations and advisory committees.

The response that we have received so far: from the ccNSO, we received a response in writing. You can see, actually, that the responses are also on the screen. Effectively, the ccNSO would not ratify a formal charter as such. They don't want to be a chartering organization. In fact, the ccNSO has started in the past couple of weeks its own Internet governance coordination group for the country codes for their members. As soon as they've worked out their processes and so on, then they will be in touch to see whether they will appoint a liaison. The Chair of that working group in the ccNSO is [Pierre Bonees] from AFRINIC. I know [Pierre] very well. We have spoken, and he said he just needs the time to work things out on their side.

The GNSO has responded that they would also not ratify a CCEG. They have a preference for an uncharted group, like a discussion group, that could continue in the same way as it is doing now, if you want, but without any chartering; so without – how do I phrase this? – submitting formal advice, per se.

The GAC is still considering the process. Of course, the GAC was not a chartering organization of the CCWG, but what it does say is there will

be some members of the GAC that will participate in the calls and also on the mailing list.

The ALAC has said that they're okay with ratification if others are ratifying. I think there's a high interest in the ALAC and in the At-Large communities for these issues.

That's where we are at present. That brings us to the question as to, if this group was not to be chartered officially, then would it be able to continue its activities, and would it be able to receive the current support that it has, which is effectively to have conference calls and space at ICANN meetings, and also, have Nigel and other GE staff being able to report over to this group on a regular basis?

MARILYN CADE: Sorry. It's Marilyn. Could I ask you a quick question?

OLIVIER CREPIN-LEBLOND: Yes. Go ahead, Marilyn. Then I'll go over to the queue. Well, just before that, should I just let Nigel speak if there's anything that I've forgotten or missed out on this and then I can give you the floor?

NIGEL HICKSON: Thank you very much, Olivier. I think you've outlined the situation. There was actually a letter from the GAC saying that they would continue to monitor the activities of the Cross-Community Engagement Group.

Just really to note that, since our Kobe meeting, which, as we've reported on this call before, attracted an awful lot of people and was a great success, both the face-to-face and the Internet governance public meeting, we've received an awful lot of requests for people to go on the mailing list, including, I would estimate, at least 30-odd GAC members, who have gone on our mailing list. So certainly there's a continued interest in what we do in this, whether it's a chartered group or whether it's not a chartered group. There's interest in being able to have the dialogue on these Internet governance issues that affect ICANN. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Nigel. Over to Marilyn Cade, and then afterwards I'll take Sivasubramanian's question. So, Marilyn, you have the floor.

MARILYN CADE: I'm very disappointed about the GNSO Policy Council's comment. I want to be really clear because I know there are many newcomers to ICANN and we're very blessed and appreciative of that on this call. The GSNO Policy Council is a narrow part of the GNSO. It is not the equivalent of the ccNSO Council. The bylaws define what it's responsible for.

I'm not questioning the fact that we did not get endorsement from the GSNO Policy Council, but I am raising a point here that what we're seeing is a growing interest and a growing concern from various parts of the community as they become more aware through our work about how external Internet governance ecosystem activities affect ICANN and may even limit ICANN's effectiveness or even harm it. I think the growth

of that is a sign of the importance of the continuation of this group, whatever we're able to call it. I understand that, if we're not a chartered group, then we can't provide formal advice, but informal advice is sometimes just as powerful if it raises awareness and creates an activized and informed community of discussion within ICANN.

So I'm hoping that we will all be very positive and strong and encouraging about the importance of continuing the work that we do and the importance of having the effective [inaudible] and engagement of the ICANN staff that is supporting this right now: Nigel, Vera, and Desiree, etc.

OLIVIER CREPIN-LEBLOND: Thanks for this, Marilyn. I totally agree with the points you're making. In fact, I should mention that, in his e-mail, Keith Drazek was highly supportive of this group continuing its activities, just mentioning that there were issues with regards to using "chartering" and using the word "cross-community," as some felt that it wasn't completely cross-community since specific members were there but there was no balance or exact balance of participants. That's, of course, going into the detail, but certainly the important point there was that Keith did mention he was – and there was good support on the Council for the group to continue its activities, just in a slightly different format, I guess.

Sivasubramanian Muthusamy, you have the floor.

SIVASUBRAMANIAN M.:   Thank you, Olivier. I think we have to get past raising awareness and discussing informal advice and formalize the Cross-Community Working Group as a multi-stakeholder chartered initiative. That would be significant, especially in the context of more and more pressures from the multi-lateral forum on the Internet governance process.

ICANN, as a multi-stakeholder organization, is the first or probably the only significant successful experiment in the multi-stakeholder process. A cross-community working group being chartered by the stakeholders of ICANN would be another step in formalizing the multi-stakeholder process. That would be a good defense against excess [inaudible] from the multi-lateral process. I think we should charter this. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you for this, Siva. That was what was on the table, but that's not what the supporting organizations and advisory committees went for. So I think that we've gone past that point now. We put it on the table. It's been refused. Maybe we might wish to bring this up a year from now or later in the future, but certainly, at present, the answer has been given, and this is not where we are at the moment.

I should add, by the way – and I did mention requiring the support of the ICANN Government Engagement department, but also the very good relationship that we have with the Board Working Group on Internet Governance. I just remembered that we have received an apology from Leon Sanchez for today's call. He wanted to be on it but he has a conflict on this. So if we could please record the apology from Leon.

But certainly in my discussions and interaction with Leon Sanchez, there is complete support from the Board Working Group to continue the work that we're doing with them, or at least continue the interaction with them.

So that's where we are now. Nigel, just to get an answer, I guess, on the question that's on the table here, if this group was not chartered officially, would it still be able to benefit from the ability to book rooms, etc., and all that? Or is there an actual barrier for this happening one way or the other?

And I do note, by the way, the parallel that I'm looking at being with the Cross-Community Work Party on Human Rights, which is primarily supported by the NCUC or NCSG, where they are able to continue their work as well [and are] supported by a single stakeholder group.

NIGEL HICKSON: Thank you, Olivier. Yes. We, staff [of] Government Engagement – it was formally Global Stakeholder Engagement – have continued to support this cross-community work since it was initiated back in 2013. We certainly intend to go on doing so. I don't think it fundamentally changes the ability to book rooms for sessions and [inaudible] quite an issue, but not because of the status of the group, so to speak. It is true to say that there is a cross-community working party on human rights, and that has staff that has staff support as well. So [inaudible] in this frame.

But certainly we do think here in the organization that we do need to come to a decision – not today – on how we move forward because, if

we accept, as I think as Olivier has pointed, that the majority of the SOs and ACs that had a locus with the Cross-Community Working Group on Internet Governance have no, if you like, come back to us and say they don't really wish it to be charted group, taking that forward then, perhaps we should review our charter and perhaps a number of us produce a revised draft of the charter. [inaudible] so everyone is aware of what the situation is. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks for this, Nigel. The strange thing, of course, for this is that the preference for an unchartered group, where we need to develop a charter for the uncharted group – I don't know. Maybe we won't call it chartered again. We'll just call it another name.

But that's where we are now. I'm reticent to spend too much time on the topic, but obviously it's something we have to move forward with. What I suggest moving forward is perhaps, if anybody is interested in this, that we can just put a few terms of reference, maybe a subset of what our charter is or what our proposed charter is, as guidelines of what the group would be doing, recognizing that this is not a charter, a bit like a document that is not a document, or a proposal paper that's not a paper – a non-paper. That's what it is. Then we could have a non-charter.

"Terms of reference." There you go, yeah. Terms of reference rather than a charter. That can be done. I will try and follow up with staff to see what we can do with this.

We've got ten minutes left. On Agenda Item 4, we have a tabled discussion on ITU-D membership. This is primarily as a starting point. I know that there was a big discussion that took place in our last face-to-face meeting. Some points were made by various people during the meeting. But, of course, things have moved on.

First, I guess we can have an update from ICANN staff on where we are on this and whether there's been any progress. I'm not quite sure who wishes to take this. It is Nigel again?

NIGEL HICKSON: Well, I [inaudible] on where we are on the process. So thank you. As I think was reported in Kobe, which was in March, ICANN submitted an application to be a [sector] member of ITU-D at the end of February on what's called a [inaudible]. This means [inaudible] organizations apply under the [fee] exemption category, where you have to – sorry? Can you hear me?

OLIVIER CREPIN-LEBLOND: I'm not quite sure whether it's my line that is breaking up or whether it's your line that's breaking up. Can everyone else hear you correctly?

JUDITH HELLLERSTEIN: He was breaking up a little bit but not much.

NIGEL HICKSON: Okay. I'll try and continue. I do recognize that we have a problem in this office sometimes with the Wi-Fi.

OLIVIER CREPIN-LEBLOND: It's a lot clear now, so that's fine. Go ahead.

NIGEL HICKSON: Very briefly, we've applied on a fee-exemption basis on the basis of reciprocity and [that] the ITU Secretariat and ITU members can attend meetings in an open fashion, etc. The application goes before the ITU Council in a few weeks' time, in the second week of June. It goes forward to the Council in a paper that lists also other organizations that are proposing to be members on a fee-exemption basis of ITU-D or R or T. There's about eight organizations listed in this paper.

If the paper is approved, which is usually is – it's not a controversial issue in particular – then we automatically at that point become a member of ITU-D, but the ICANN Board has said that they would ratify that position after the ITU had granted the membership at the Council. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks for this, Nigel. I see a hand up from Sivasubramanian. Is that a new hand or was that from the previous intervention?

Okay. The next is Judith Hellerstein.

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JUDTIH HELLERSTEIN: Nigel, my question is, is ICANN looking to be only a member of ITU-D, ITU-T? Are you looking to participate in the regional groups? Because I had heard that, I think, someone from ICANN was at the [Seetell] meeting. So I was just curious about that.

NIGEL HICKSON: Thank you very much, Judith. The application is for ITU-D, as we have outlined in Kobe. The Board have noted that, in due course, there are good arguments, perhaps, for membership of ITU-T, the standardization sector. That would be subject to consideration once we become members.

In terms of the regional groups, we are already fairly active in the regional groups. Fortunately, the regional groups of the ITU often reach out beyond the, if you like, the membership base. So we take part in the regional groups in Africa, in [Seetell], Latin America, the Americas, and in Europe and elsewhere sometimes as well. So that wouldn't change, but it might become easier being a sector member. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks, Nigel. Next is Marilyn Cade.

MARILYN CADE: Thank you, Olivier, and, Nigel, thank you very much for this report. I am one of the people, along with Tony Holmes, that raised a number of substantive concerns about ICANN org taking this decision when there were so many questions raised by informed and experienced members of the community. While I appreciate the rationale that was presented, I

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also must just speak in support of the concerns that were raised before so that they are continually reflected because many of the participants in this working group, whatever we call ourselves, haven't spent 20+ years, like Tony Holmes and I have, working in study groups at the ITU. You have not spent the hours and hours and hours of sitting in a room where the only people who are actually allowed to speak are the governments. It's a farce if anybody is telling anyone else that being in a room necessarily brings you to the same level of a government. The ITU is a specialized agency – and that needs to be continually reflected – of governments and government representatives.

I understand the importance of ICANN staff and the RIRs and ISOC and others wanting and needing to attend certain working sessions, but I think it's really important to understand that that's not where the decisions are taken. The decisions are taken at Council. So I am not any longer objecting to the fact that this decision was taken over the strong objection of many of this from the community, but I am just noting the importance of everyone on this group understanding that specialized agencies of the U.N. are not open and inclusive and multi-stakeholder. They allow an observer-type participation.

Now, we can keep thinking we have a crowbar in our hand and we're prying the process open. It's important to have informed participants, so I applaud that need. But I think we have to continue to remind ourselves that there are parties – some on staff, some in governments – who do not believe in what ICANN is about. So, while we defend ourselves, let's not think that we are changing the culture that exists in that organization.

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OLIVIER CREPIN-LEBLOND: Thanks for this, Marilyn. Just a quick follow-up question for you on this. Would you have thought that a different path would have produced or had the potential to produce better results than this?

MARILYN CADE: Yes, and Tony and I both spoke to that: a very tightly-managed memorandum of understanding, which, by the way, certain other organizations have negotiated at a very high level. I don't want to leave that out as a future possibility because you cannot … Members of the ITU Council are elected. Those are governments only. You don't get to be in the room. I've attended many Council meetings as a member of a government delegation, but even when you're in the room as a member of a government delegation, you are bound by the position of that government. When you attend the ITU Plenipot as a sector members, you're in the observer category. If you're on a delegation of a government, you are bound by that position of that government.

Now, you can influence the position of that government by a lot of hard work. I think ICANN is trying to do much of that by participating in the regional groups, but in order to affect the national governments, you got to work at a national level.

OLIVIER CREPIN-LEBLOND: Okay. Thanks for this. I guess this provides us, or least provides ICANN staff, with an aim moving forward. I'm sure there are plenty of others

that this is an interesting one to. Perhaps this could be a good first step to get further involved and then move towards an MOU in the future.

Nigel, is there anything else that you wish to add to this? Or is that it?

NIGEL HICKSON: Olivier, I note there's a question in the chat if you want to take that.

OLIVIER CREPIN-LEBLOND: Ah, okay – oh, yes. Sorry. So there was a question from Abdeljalil Bachar Bong. The question was, "What is the impact of ITU-D membership of ICANN to the current multi-stakeholder model inside ICANN?"

I'm not quite sure who wanted to answer this one.

NIGEL HICKSON: Olivier, I'll just say one word and conclude on this from our perspective. First of all, thank you very much for the comments. Thank you, Marilyn. Marilyn has done more than anyone to champion the multi-stakeholder model in a range of different institutions. So I certainly would not take issue on anything, and it is a constant – not battle, exactly, but it's a constant process to try and get our voice head in these institutions.

In terms of the membership and the multi-stakeholder model, I don't think it affects it. Being a sector member of ITU-T doesn't fundamentally change what we do. We'll always report back into ICANN any issues that arise in ITU in the same way as we do at the moment through this group

and through the appropriate fora. So I don't think it changes the model inside ICANN. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks very much for this, Nigel. Indeed, we are reaching the end of this call. Let's follow up, if there are further discussions about this, on the mailing list, with still the option, if there is a demand for that, a call that will focus specifically on this and perhaps on discussing any forward from here or any potential next steps and so on on this topic.

                            Let's move to Any Other Business.

MARILYN CADE: What happened to the discussion – maybe I missed it – on the draft document that ICANN staff developed about engagement? Maybe I missed it. I thought we were going to have a call on it and I could have missed it.

OLIVIER CREPIN-LEBLOND: There was the one – in what way? Engagement with the ITU?

MARILYN CADE: No. It was a document. Theresa Swinehart and others showed up at our last public meeting and presented a – I hesitate to use the word "charter," but I think that's what it was called.

OLIVIER CREPIN-LEBLOND: Thank you for this. I'm not sure. Nigel, do you have a follow-up on this?

It's correct, yeah. Theresa did share a document with us and got some feedback on [it].

NIGEL HICKSON: Thank you, Olivier. Mandy Carver is on the call, who'd be in a better position to perhaps answer that. I know the draft charter that Goran Marby put out had various people comment on it. It wasn't put out to public consultation, but people were able to comment on it. Mandy might be able to update us more on that. if not, we can provide something in writing. Thank you.

MANDY CARVER: Hello. The document Marilyn is referring to was a draft charter for the legislative tracking initiative. It rather confusingly was titled "About Government Engagement." It was a document specifically looking at an evolution of the way ICANN org was following a proposal for how to follow legislative regulatory initiatives in nation states, in regional inter-governmental organizations, and also in the resolutions, norms, principles, etc., that come up in the global IGF space.

The premise was to identify the focus areas, which is anything that appears to impact ICANN org's remit or the ability of the community to make policy in the ICANN multi-stakeholder space. It was a request for feedback and thoughts. We've received some written commentary and also from participation in GNSO Council call[s] sand ccNSO commentary.

So where things are right now is the process that was in place for tracking and reporting – we've put the reporting process on pause in order to take on board the rich and detailed amount of feedback we've received from the community, both on the nature of the charter but also on the nature of the reports to better align what we're doing with the reports to what the community would find useful and also to further discussion mechanisms for engaging the for the community. The priority that has come through to us from these comments has very much been about the importance of engaging with the existing community. We take that on board.

So that's where we are right now. We're in a listing and information-gathering/feedback-gathering phase. There'll be further communication on the changing of the reporting cycles and what's in those reports to the community.

If there are comments on the legislative tracking initiative and thoughts about changes you want to see in that charter, we'd be more than happy to receive those. Again, it was a proposed draft charter for the legislative tracking initiative, which is an evolution of the work that was already going on within ICANN org following legislative, regulatory, and IGO activities that potentially impact ICANN's remit.

OLIVIER CREPIN-LEBLOND: Thanks very much for this, Mandy. Marilyn has put a follow-up on the chat, asking whether there is a location where we can see any of the comments of the consultations. Where can the comments be shared with this group? Or is there a way – I guess there is a way to comment

and so on, but … That was one question. The other one is, where we do we post the comments? I know that it's been mentioned during the face-to-face meeting, but perhaps if a reminder note could be sent to our mailing list, that would be helpful.

MANDY CARVER: Yes. Thank you. I can send out to this mailing list both the link for tracking feedback, where people can write directly in, and, as Marilyn has noted in her comment, blogs aren't the best way to communicate with the ICANN community. Yes, we absolutely take that onboard. This was done via an announcement. It was done via a blog. There were three different iterations of the report that were posted. What this has taught us is a lot about what is effective communication and what is not. So I will send you the e-mail link, or people can send me things directly. I'll put the e-mail link into the chat here.

OLIVIER CREPIN-LEBLOND: Thank you for this, Mandy. As I mentioned, perhaps just a reminder to the mailing list with the link. I'm not sure whether the blogs themselves have a specific link, but that would be helpful for those people that didn't participate on the call today and weren't able to [inaudible] in the room over in Kobe.

With this, I think we need to close the call because we are eleven minutes past the official end. If there are no further discussion on Any Other Business, then thank you very much to everyone for having participated on today's call. It's been very informative. We are working to try and obtain a space at the next ICANN meeting in Marrakech. As

you know, it's a policy meeting, so it's only a four-day meeting, a bit short. Traditionally, we've managed to get an hour with the Board Working Group on Internet Governance. It's still in discussion at the moment. So, as soon as we know, then we'll announce the results of this.

I don't know, Nigel. Have you had any feedback on this or not yet?

NIGEL HICKSON: No. [Sam and] I will be following up fairly immediately. We have to get a position very soon so we can announce it. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks, Nigel. I understand that the deadline for the request is the end of this week, tomorrow, so please check maybe with Gisella, who I know has submitted some things in the past and see how that works because she's been very close to the whole process of agenda preparation and so on, [especially with Tanzanika.]

Thanks, everyone. This call is now closed. Thank you. Have a very good morning, afternoon, evening, or night.

[END OF TRANSCRIPTION]