

Responses to ccNSO questions on the proposed amendments to the CCWG-IG charter

Provided by the members of the CCWG Internet Governance

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This document provides a comprehensive set of responses to questions received from the ccNSO in and after April 2017. The document was drafted as a collaborative document that included significant contributions from several members and participants of the CCWG IG. Answers to the questions are to be read in conjunction with the proposed Charter for a Cross Community Engagement Group on Internet Governance (CCEG-IG) that the CCWG IG has sent to its then chartering organisations, the ccNSO, GNSO and ALAC in February 2018. (a copy of which is available upon request)

Questions from 4 April 2017:

- The CCWG IG does satisfy the need to discuss Internet Governance issues among SO/AC and ICANN relevant staff and provide a platform to share information and for discussion at the ICANN level as a whole.

- Is this properly reflected in the proposed charter? A related question is whether this provide enough basis to stay involved as a chartering organization?

The “Scope of activities” section of the proposed Charter explicitly makes reference to the following activities

- Discuss Internet Governance Issues amongst SO/AC and ICANN relevant Staff
 - Provide a platform to share information
 - Discussion between Board, Staff and Community

Being involved as a Chartering Organization provides for the following advantages:

- Appointment of a Co-Chair to steer the engagement group
- Appointment of a Liaison to formalize interaction with the Chartering Organization
- Ability to weigh in directly on the final results of the engagement group’s processes

- Assuming the ccNSO adopts the updated charter, will the CCWG be able to initiate a statement that would imply a position on ccNSO or ccTLD related matters without properly consulting the ccNSO? What mechanisms are involved to ensure proper consultation, if any?

The CCEG will not be able to initiate a Statement that would imply a position on ccNSO or ccTLD related matters without full approval from the ccNSO. The same would be true for any other supporting organization.

On the other hand, the ccNSO could make use of the CCEG to facilitate discussions with other SOs/ACs should it wish to ask the CCEG to convey written comments to any process, that it

finds helpful to co-ratify with other SOs/ACs, or that could reflect an ICANN community generated position. The decision on whether to use such a vehicle or not rests entirely in the ccNSOs hands.

There is a clear provision in the “Scope of activities” section of the charter that states, “the group shall not act as a representative of the participating SOs and ACs collectively or individually, nor others, unless they have been explicitly asked to do so by all the participating SOs and ACs collectively or individually.

The group sees its role as mostly ensuring and stabilizing the role of ICANN in global Internet governance and does not plan on taking a position on issues that have policy implications or any action that might affect the ccNSO. The group’s activities thus far have included interacting with other Internet governance fora to strengthen ICANN in global Internet governance without being involved in making specific statements regarding specific issues. The concept of general multistakeholder processes has been one of the most prominent concepts that the group has been repeatedly emphasizing. The role of the group has mostly been in explaining to other international organizations what ICANN and its SOs and ACs have been doing, relying on expert speakers provided from the relevant communities. Statements on behalf of the full CCWG-IG would only be undertaken if reviewed, circulated, and approved by the chartering SOs/ACs.

- Does the new charter provide a mechanism to ensure that the CCWG update the chartering organizations adequately and regularly? This was foreseen in original charter, but never been effective. How will such a situation be avoided in future?

Yes. The CCEG charter provides for more detailed and regular reporting. This is detailed in Section 3, the “Deliverables and Reporting Deliverables.” It was recognized by the CCWG’s Co-Chairs that reporting to Chartering Organisations has fallen short of expectations and certainly short of the processes that were laid out in its original charter. The lack of resources devoted to the CCWG IG impacts the ability of the CCWG to provide reports to other groups. Compared with other CCWGs, the CCEG has very little staff time/resources allocated making full reporting and regular comprehensive reports too time consuming to be written solely by volunteer resources. The new CCEG Charter sets out a more achievable target, with specific staff resources matching the level of expectation on the depth and frequency of reporting. There is also commitment from ICANN Government Engagement (GE) to support more of the activities of the CCEG-IG including reporting.

It is also expected that individual liaisons would be able to provide short up to date monthly report based on the CCEG’s monthly sized activities. Members from Chartering Organisations will also be actively encouraged to report back to their own community on an ad-hoc basis. The liaisons have clear expectations in term of reporting.

- Assuming the charter is adopted by the ccNSO, does the ccNSO need to invite more ccTLDs to participate (as members, observers, or otherwise)?

It is up to the ccNSO to evaluate amongst its members the level of interest in ccTLDs regarding the topics addressed by the proposed CCEG. Obviously a more diverse set of regular participants from ccTLD operators would be welcome as it would help with both geographical diversity, but also provide a more rounded set of input data from those ccTLD operators that are directly involved with some of the processes that are monitored by the CCEG. As a reminder, the input to the CCEG is derived from ICANN Staff, the ICANN Board WG on Internet Governance and its own members.

Additional questions:

- what is the envisioned role of a Chartering Organisation under the proposed charter, and what is the added value for the group to be chartered by two or more Supporting Organisation(s) or Advisory Committee(s)?

The envisioned role of a Chartering Organisation under the proposed Charter is four-fold:

1. Contribute through its members to the input that the CCEG receives about the processes that it follows
2. Receive through its members who engage in the CCEG current information about the input and discussions, as well as about the processes that it follows
3. In some cases, determine whether action might be required and what mechanism is best suited for action, whether directly, bilaterally with another part of the ICANN Community and Structure, or through the CCEG's engagement with the ICANN community, e.g. High Level Session at ICANN; via workshop at an external event, etc.
4. As noted above, providing leadership through appointing a Co-Chair and facilitating communication and engagement through a Liaison

The value of the group being chartered by two or (even better) more supporting organisations is that a communication channel is permanently ready between chartering organisations to address any issue that the CCEG covers. External factors in the Internet Governance space are both ongoing, multiple and sometimes need a very quick turnaround requiring a fast consensus response. The multiplication and diversity of information sources that is enabled by the diversity of CCEG participants is a force that has been shown to help with having members being able to provide advance notice on events that were yet to be openly publicised. When the CCEG as a group feels that a position statement might be needed from the Community, it has the ability to engage more of the ICANN community if more than just two Chartering Organisations are involved in order to gain community and SO/AC support. .

- Is there a clear picture, i.e. an overview of ALL internet governance related activities within ICANN? For example, there is this group, then there is a separate group on the Board, some activities are done by staff, etc. In light of the apparent need to be more efficient, wouldn't it be wiser to consolidate all these efforts?

There are currently three groups at ICANN that touch on Internet Governance Activities, but they are increasingly coordinated, rather than separate:

1. Several ICANN Departments monitor external Internet Governance Processes. Global Stakeholder Engagement (GSE) monitor Regional Issues. Government Engagement (GE) monitor Government work such as United Nations Processes, etc. Multi-Stakeholder Strategic Initiatives (MSSI) Staff provide a regular update of long term strategic issues that could affect ICANN. This might include Internet Governance Issues, although sticking to long term risks and trends.
2. The Board WG on Internet Governance considers IG issues, challenges and opportunities and provides updates to the ICANN Board about Internet Governance issues, as collected by its members who are active in Internet Governance issues, as well as ICANN GE staff and engages regularly with the CCEG.
3. The CCEG IG considers IG issues, challenges and opportunities and provides updates to the ICANN community about Internet Governance Issues, as collected by its members who are active in Internet Governance issues, as well as GE staff, and the Board WG on IG.

All three constantly exchange information, either through ICANN Staff, or mailing list cross-membership. It is worth noting that ICANN GE Staff supports both the Board Working Group and the CCEG, and participates actively in the CCEG. The value of both is the value brought by the members of each group. Some CCEG members are part of the executive leadership of some of the processes that are monitored by the CCEG and therefore might on occasion have more access to information than ICANN Staff.

The value of the CCEG is that this provides a recognized channel for such information to reach all three groups in a way that is formal enough to make sure Chartering Organisations are notified about processes that might affect them whilst being informal enough that it is not perceived as a conflict for those providing the information. Under normal circumstances, only the CCEG IG could have members that are inherently part of the executive leadership of some of these external Internet Governance processes, as there may be no formal provision for ICANN staff or Board holding such a seat.. The CCEG is playing a role of shared space for Board, Staff, and Community to have a dialogue and information sharing with regard to IG issues and help to coordinate actions.

- Why would this group advertise ICANN at various IG fora, and who is represented? Again, shouldn't that be done in a more efficient and coordinated way?

The CCWG has organised workshops and sessions at various Internet Governance events. Participation at events has always been coordinated with representatives of ICANN staff, Board and Community under the CCWG. In many cases, this has resulted in joint participation with other parts of the ICANN community. This is absolutely expected to continue under the CCEG.. The CCWG has not acted as a voice to advertise ICANN, nor has it held itself out as "the voice" of ICANN or the ICANN community in other IG fora. Rather, the CCWG acts as a convenor to allow those people directly involved with the ICANN processes to share their perspectives with a wider community. This has served to enhance ICANN's image as being community driven rather

than staff driven – including transmittal of the message that ICANN has a very international, balanced community. Panelists chosen by members of the Working Group have not necessarily been members of the Working Group itself. Their selection was directly related to their expertise and relevance in the issue, their level of trust from the community, as well as their ability to convey a message that is both clear and balanced about ICANN.

The response to this engagement has shown that it provides a worthy complementarity to ICANN Staff-led or Board-led events that have a very different scope.

It is also important to point out that no cost to ICANN has been generated by any CCWG IG (and therefore CCEG IG) activities. Participants and panellists have travelled under their own means or using other funding lines independent of CCWG IG. There has been significant misinformation on this point in some circles, and we hope that this can be cleared up once and for all. The exception of course, is the funding for Board member travel -- typically only the Chair of the Board WG on IG, and relevant staff, who are usually attending the relevant meeting for other ICANN purposes, so this has not been a unique costs. This cost is unrelated to the CCWG/CCEG IG.

ICANN needs to engage with the wider world of Internet Policy and Internet Governance Policy because the ICANN multistakeholder model and the Internet Ecosystem are either ignored or challenged by some of the processes launched by the United Nations, its agencies, sovereign country [government] and some other International as well as regional Organisations. The tip of the iceberg has been the emergence of calls from some countries for nationalizing IP address registries, for ccTLD allocation to be redefined to ignore the ICANN Framework of Interpretation, for “Critical Internet Resources” to be defined as a first step to envisage the replacement of ICANN’s model with a purely multilateral model; some country recommendations have also been targeted to declare CIR a matter of only sovereign responsibility of states (governments). New and growing concerns about cyber security are also adding to calls for intergovernmental oversight over CCTLDs; Root Servers; Internet Registries. Although no such proposal has made it to an actual implementation stage, this is thanks to continued and active engagement in these processes by ICANN org, its community members and/or its supporting organizations, but also including governments committed to the open and interoperable nature of the Internet. as well as the active engagement of the technical communities, such as RIRs, ccTLD managers, and other stakeholder groups within ICANN that have actively supported the multistakeholder model as it currently stands and actively engaged in the informational and awareness activities that are essential to prevent progression of such damaging proposals. .

For example, a number of ITU resolutions undertaken at the ITU Telecommunications Sector -- IP addresses (resolution 101) and DNS related resolutions (resolution 102), IDNs (resolution 133), and the transition to IPv6 (resolution 180) relate to ICANN’s core responsibilities and are included in the final ITU Plenipotentiary documents and ICANN and relevant members of the ICANN community need to constantly address related issues as they arise.

* 1998 ITU plenipotentiary final document

<http://search.itu.int/history/HistoryDigitalCollectionDocLibrary/4.16.43.en.100.pdf>

* 2014 ITU plenipotentiary final document

<https://www.itu.int/en/plenipotentiary/2014/Documents/final-acts/pp14-final-acts-en.pdf>

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RESOLUTION 101 (REV. BUSAN, 2014)

Internet Protocol-based networks

Resolves

1. to explore ways and means for greater collaboration and coordination between ITU and relevant organizations (see footnote 2 below) involved in the development of IP-based networks and the future Internet, through cooperation agreements, as appropriate, in order to increase the role of ITU in Internet governance so as to ensure maximum benefits to the global community;

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RESOLUTION 102 (REV. BUSAN, 2014)

role with regard to international public policy issues pertaining to the Internet and the management of Internet resources, including domain names and addresses

Resolves

1. to explore ways and means for greater collaboration and coordination between ITU and relevant organizations involved in the development of IP-based networks and the future Internet, through cooperation agreements, as appropriate, in order to increase the role of ITU in Internet governance so as to ensure maximum benefits to the global community;

Resolution 133 (REV. Busan, 2014)

aware

a) of the continuing progress towards integration of telecommunications and the Internet;
b) that Internet users are generally more comfortable reading or browsing through texts in their own language and that, for the Internet to become more widely available to a large number of users, it is necessary to make the Internet (DNS system) available in non-Latin based scripts, taking into account the progress recently made in this regard;

Emphasizing

a) that the current domain name system has made progress in reflecting the diverse and growing language needs of all users, while recognizing that more remains to be done;
b) that internationalized Internet domain names, and more generally information and communication technologies (ICTs) and the Internet, must be widely accessible to all citizens without regard to gender, race, religion, country of residence or language;
c) that Internet domain names should not privilege any country or region of the world to the

detriment of others, and should take into account the global diversity of languages;

Resolution 180 (Rev Busan, 2014)

Emphasizing

- a) that the current domain name system has made progress in reflecting the diverse and growing language needs of all users, while recognizing that more remains to be done;*
- b) that internationalized Internet domain names, and more generally information and communication technologies (ICTs) and the Internet, must be widely accessible to all citizens without regard to gender, race, religion, country of residence or language;*
- c) that Internet domain names should not privilege any country or region of the world to the detriment of others, and should take into account the global diversity of languages;*

resolves

1 to explore ways and means for greater collaboration and coordination between ITU and relevant organizations (2) involved in the development of IP-based networks and the future Internet, through cooperation agreements, as appropriate, in order to increase the role of ITU in Internet governance so as to ensure maximum benefits to the global community;

Footnote 2-- including, but not limited to, the Internet Corporation for Assigned Names and Numbers (ICANN), the regional Internet registries (RIRs), the Internet Engineering Task Force (IETF), the Internet Society (ISOC) and the World Wide Web Consortium (W3C), on the basis of reciprocity.

3 to collaborate closely with the relevant international recognized partners, including the Internet community (e.g. regional Internet registries (RIRs), the Internet Engineering Task Force (IETF) and others), in order to encourage the deployment of IPv6 by raising awareness and through capacity building;

More positive examples of IGO [Intergovernmental Organization] engagement exist in the activities of the UNESCO, which has been engaged in the 2014 world report on Internationalised Domain Names (found on: <http://unesdoc.unesco.org/images/0023/002316/231625E.pdf>) which has been tracking and thus promoting IDN use and acceptance worldwide. Engagement at UNESCO is helpful to those ccTLDs who are advancing the use of IDNs, given the needs of their local community, but are not able to devote direct time themselves.

As a conclusion, engagement by ICANN org, ICANN Board and broader ICANN community in the most relevant of the UN events and activities is an essential activity, as such events are typically attended by the most senior government officials from the broadest group of governments, thus presenting a unique opportunity for broadening awareness and acceptance of the importance of co-existence of ICANN, alongside the well recognized IGOs.

The CCEG offers comments to the Board Working Group on IG on ways to maximize the awareness of the multi stakeholder community engagement.