

ICANN69 | Community Days Sessions – European Perspectives on ICANN and Internet Governance - A
Stakeholder Roundtable hosted by EURALO, Part 2
Thursday, October 15, 2020 – 10:30 to 11:30 CEST

YEŞİM NAZLAR:

Thank you very much. Hello. Welcome to “European Perspectives on ICANN and Internet Governance, a Stakeholder Roundtable Hosted by EURALO, Part 2.” Interpretation for this session will include French, Spanish, and Russian languages and will be conducted using both Zoom and the remote simultaneous interpretation platform operated by Congress Rental Network.

Attendees are encouraged to download the Congress Network app following instructions in the Zoom chat or from the meeting details’ document available on the meeting website page.

If you wish to speak, please raise your hand in the Zoom room. Once the session facilitator calls upon the name, you may unmute yourself. Please state your name for the record and the language you will speak if speaking a language other than English.

When speaking, be sure to mute all other devices, including the Congress Rental Network application. Please also speak clearly and at a reasonable pace to allow for accurate interpretation.

Finally, this session, like all other ICANN activities is governed by the ICANN expected standards of behavior. Please find the link in the chat

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 your reference and, in the case of disruption during the session, our technical support team will mute all participants. With that, I will hand the floor over to Sébastien Bachollet, chair of EURALO. Over to you, Sébastien.

SÉBASTIEN BACHOLLET: Thank you very much, Yeşim. Thank you for joining this second roundtable during ICANN69. It's in virtual Hamburg, Germany, Europe. We set up this session to try to see how we can work, I would say, against or on top of the silos, and then it's one of the reasons here.

The first roundtable was about ICANN, will say, "internal topic." The second is more focused about Internet governance from an ICANN perspective. The speakers were chosen to be from Europe and from various stakeholder groups, and we tried to have a gender balance as much as possible, and I guess it was not too bad.

And as I say, in the first roundtable, we pick up the chair of the board and the president and CEO, not because of the title but because, first, from Europe. And indeed, that's good that they are the one, chair, and the other, president and CEO. We are happy to have them in each of the sessions. Thank you.

We will start soon. I hope that everybody from the speaker list saw my last e-mail. I changed the order because I got a few of you talking about the same topic but, I am sure, with not the same point of view. It's why I keep this as it is/didn't ask you to change the topic you wanted to talk. And I want to give the floor first to Olivier Crépin-Leblond, who will, I am

sure, set up the scene of this discussion. Thank you, Olivier. The floor is yours.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Sébastien. I hope you can all hear me correctly. I'm really happy to be here. Thank you for arranging this, Sébastien, especially in a region where Internet governance has moved from just being a word or an expression to being a reality of challenges that we're now facing—not personally, but certainly challenges that we're facing on the internet—when it comes down to regulation of the Internet space.

For those who don't know my background, I have been, for a few years, the co-chair of the Cross-Community Working Group on Internet Governance that was used to exchange information about Internet governance between the different component parts of ICANN, and now I am the facilitator, I guess you'd call it, or coordinator of the Engagement Group on Internet Governance. That has a session next week and I'll mention that shortly.

Internet governance, I guess, is something which often, in ICANN, you think, "Well, wait a minute. We're doing policy for domain names primarily, top-level domains primarily, and we really are not in this matter of discussing other issues that Internet governance usually touches on," but it is important to know that ICANN doesn't operate in a vacuum.

ICANN is absolutely a part of the overall Internet ecosystem and legal ecosystem on which it runs. One of the reasons why one has to track what is going on outside of ICANN is the very reason that, basically, brings [abruptly] the Expedited PDP, for example.

Something happens outside ICANN's doors, a regulation gets passed, and it has a direct impact on not only ICANN's operations but also the parties that are contracted to work with ICANN and, potentially, also some of the communities that are directly related to ICANN.

So, I think it's super important to track what's going on out there and, not only through a single source, which usually is a nice, reliable source, but through various sources, because each one of our component parts of our community has an angle that is different from the others, might have entry points into the Internet governance space, that varies.

Some have direct influence, or interest, or entry into the discussions that are taking place out there. And so, it's always better to get the information from the people that are directly involved, rather than getting it through second/third/fourth-parties.

We have a real strength in ICANN in that we have various stakeholder groups that work together. I don't think there is any other organization out there that has stakeholder groups that work together making policy.

Yes, they discuss things and so on, but when it comes down to actually making policy, it's something absolutely unique in the way that we

work. There is no final say. There is always this discussion that we had, actually, earlier about compromise.

There is a compromise between the communities, and this is something that also allows us to be able to talk to each other frankly on other things, and Internet governance is one of them where, if we manage to find a consensus point/consensus view and we manage to continue pushing for the multi-stakeholder model out there then, obviously, we will continue being able to defend the model within ICANN and the way that ICANN operates. I think that's really important.

Regulation is something that's coming down in all parts of the world. We've seen COVID-19 is one thing but, for some reason, now, it's the time when there has been a certain surge into thinking we need to regulate the Internet. When one speaks about regulating the Internet, what are they talking about?

Way too often, governments think, "Well, it's the Internet! The Internet!" But of course, there is content—there are diverse layers of the Internet, and the DNS space is just one in one of these or, in fact, a couple of these layers which are not related to the content part, which is usually the thing that governments want to regulate.

Unfortunately, often, we stand on the side and end up being the part that ends up being regulated as a sort of side issue that gets affected, and we've seen that, for example, with the GDPR.

And I think that we need to be totally aware of what's going on and, already, forecasting what's coming toward us, especially when ill-

founded regulation suddenly lands on our doorstep and affects us not only globally but also locally, and we certainly need to help our local players.

What I'm talking about here, of course, are the providers of services in each one of the countries that ICANN has these providers of services, and that is, obviously, pretty much everywhere around the world. I'll stop here as a starting point, but I hope that it conveys to you the importance of Internet governance in the ICANN context.

SÉBASTIEN BACHOLLET: Thank you very much, Olivier. As usual, very useful input, and I guess it's a good start of this roundtable. I will give the floor now to Elena Plexida. Please, Elena, take the floor. Thank you.

ELENA PLEXIDA: Thank you, Sébastien, and thank you, Olivier. Indeed, I intended to speak about legislation in Europe, as well, so that was a great introduction. Thank you. So, the GDPR was one of the first, if you will, of the increasingly more Internet-related legislation and regulatory initiatives—not only Europe, but worldwide. Governments, because of the pervasiveness of the Internet in our lives now, and rightly so to protect their citizens, are adopting or considering legislation.

The Internet has brought the world together in ways that were unimaginable further years ago, or even ten years ago, and, at the same time, there are real threats on the Internet that, of course, need to be

tackled. The issue is that, often, we are seeing legislation around the world that could have an adverse impact on the technical underpinnings of the Internet, and it goes without saying that this is unintended.

As an example, in the EU space, we've seen the European Data Protection Board recently taking the position that the processing of data, such as the domain name and URL, by Internet access services/providers for traffic management and billing purposes is unlawful unless the content of all users is obtained.

Now, if regulators embraced this interpretation, there could be impact on some fundamental functionality [inaudible], such as the traffic management.

Currently, in Europe, there are the important initiatives unfolding. The Digital Services Act is attracting everyone's attention, so I thought that this is the one important topic that it is worthwhile pointing out in the context of this session.

Now, the Digital Services Act, DSA in short, is a legislative initiative launched in response to growing concern over the roles and responsibilities of online platforms. It will update some elements of the already-existing E-Commerce Directive in the EU, including the liability provisions for intermediaries. The DSA is expected to introduce updated rules on removing illegal content posted online.

Why should the ICANN community pay attention to this initiative? Well, to begin with, the consultation questionnaire that was launched on the

initiative indicated that the European Commission is considering measures that might be applicable to DNS services. The questionnaire also included questions on the WHOIS.

Then the DSA will apply to companies operating in the EU, regardless of whether they have their headquarters in the EU or not, which is similar to the GDPR. ICANN responded to the public consultation of the DSA. We highlighted that it is important that it is understood that the DNS service does not host or have visibility into content. It should be seen more in the light of a directory service, allowing users to find their way in the Internet.

From a legislative standpoint, it is critical that these functions don't become conflated with intermediaries with a great degree of control over data and content, and it is also very, very critically important not to conflate the Internet's core infrastructure and operations with the applications that ran on top of that infrastructure.

Some ICANN community members also responded to the DSA consultation. So have the other technical organizations in the technical community family. The legislative proposal is expected at the end of the year. I would encourage everyone to engage or keep engaging. It is expected to be an important initiative. Thank you. Thank you, Sébastien. Oh, I have 20 more minutes. Thank you.

SÉBASTIEN BACHOLLET: 20 more seconds.

ELENA PLEXIDA: Seconds, seconds.

SÉBASTIEN BACHOLLET: But thank you for bringing that to us because, at the end, it will be tough. I guess almost on the same subject but with another point of view, hopefully, Polina Malaja, please, the floor is yours.

POLINA MALAJA: Thank you, Sébastien. Yes, gm from my side, as well. I am Polina Malaja from CENTR. CENTR is an organization representing the interests of European ccTLDs, including in the context of global Internet governance. I would like to build upon what has been already said by previous speakers and also touch upon the increasing legislative pressure on ccTLDs in the European space.

So, we've seen a number of legislative initiatives popping up for some time now and, of course, starting from the first cybersecurity legislation in the EU, the NIS directive that considers TLDs to be the critical digital infrastructure, to, of course, the technology-neutral GDPR, the impact of which I don't need to reiterate. And of course, also to the e-evidence proposals aiming at ensuring cross-border access to non-public WHOIS by law enforcement.

So, some of these legislative initiatives that mention TLDs explicitly, like the NIS directive or, also, I would like to mention the Consumer Protection Cooperation Regulation in the EU, attempt to reflect on the

role of registries in ensuring the societally critical functions in cooperation with public [competent] authorities, such as [E-Certs] or consumer protection authorities, for example.

However, one particular upcoming EU initiative deserves a special mentioning, and Elena already outlined at length that in her intervention. That is the Digital Services Act. So, why is it important for ccTLDs as well as for the rest of ICANN community?

So, most importantly, it's important because it has a potential to completely reform the current dichotomy between governance of the Internet and the governance on the Internet. Namely, in the upcoming reform, DNS services will most likely be equated, at least in principle, with the services built on top of DNS.

Registries and registrars are very likely to be considered online intermediaries, such as platforms, access providers, and other information society services that could, in principle, be held liable for online content.

But including the DNS into the current online intermediary framework, it would not only mean the increase of potential liability for something that registries have no control over, but it can also potentially have negative consequences on the e-commerce in Europe.

That is particularly due to the fact that the separation between content moderation duties and maintaining the Internet infrastructure is not a bug but a feature of a global, stable, open, and free Internet that allowed many businesses to flourish and for dissent to be expressed.

Taking action on infrastructure level, such as DNS, in response to unwanted online content will have collateral effects on individuals and legitimate services. There is no targeted way to take down a URL, a page, a sub-domain, or a second-level domain at the registry level. Therefore, any action mandated from the registries needs to be necessary, proportionate, and based on appropriate legal basis, in addition to being a measure of last resort.

We see that there is still quite some amount of misconception around the suspension of domain names and DNS blocking, especially within the discussions on the revision of the intermediary liability.

And in order to address these misconceptions, CENTR responded to the public consultation on the DSA that [commission has run] earlier this fall, and the link to our full response will be posted in the chat for your information.

In addition, I'd like to also highlight the recent animated video that CENTR created that explains the role of ccTLDs in connection to the take-down of online content. We will also post a link to the chat of that video, so please take a few minutes to look into these resources and share them across your networks.

And my last point is that it's time for the technical community to speak in a more united voice. Looking at the respective submissions to the European Commission's consultation on the DSA from ICANN Org, RIPE NCC, and CENTR, there are several overarching commonalities in our responses calling for a clear and proportionate distinction between

infrastructure [access] and applications work working on top of these, of DNS and the infrastructure they're maintaining, when designing new rules for content responsibility online.

So, there is definitely room for more thinking and collaboration between our organizations and for the technical community to be included around the negotiation table for the future-proof and adequate legislation. So, thank you very much, and I'm looking forward to the Q&A.

SÉBASTIEN BACHOLLET: Thank you, Polina. Yes. Thank you. I didn't say that at the beginning but we will have a short Q&A session at the end of all the presentations. thank you very much. Next, Ceren Ünal. Please take the floor, Ceren.

CEREN ÜNAL: Hi, Sébastien. Hi, everyone. Thanks a lot for having us. I'm Ceren Ünal. I'm the regional policy manager at the Internet Society for Europe. I will be building upon my colleagues' already-raised concerns, and I will also be focusing on the Digital Services Act and how it can impact the infrastructure of the Internet, as most of the discussions currently are evolving around the content side and services offered by online platforms on the upper stack of the Internet. So, we also provided a response to the DSA consultation as the Internet Society from this perspective and how it can impact the Internet infrastructure.

So, there is this global trend emerging as policy-makers reconsider the role and responsibilities of intermediaries in dissemination of illegal and harmful content, and this is evident from the DSA on a regional level, and also UK's Online Harms White Paper, Germany's NetzDG, France's proposed [inaudible].

And most of these regulatory initiatives focus mainly on online content and platforms offering services higher up on the Internet stack, meaning that they concern user-facing applications but not the network infrastructure in itself.

However, while exploring the appropriate and proportionate measures for online intermediaries for digital services, special attention needs to be paid to actors other than online platforms as Internet infrastructure services may also be directly or indirectly impacted by such measures.

Decisions of this kind normally would require the use of content-blocking measures at the infrastructure level, as well, including IP and protocol-based blocking, Deep Packet inspection, and URL and DNS-based blocking.

So these measures, as you all know, could severely impair the ability of Internet infrastructure providers to execute their core function of facilitating the free and efficient flow of data by making them responsible for the content of the information that passes through their systems, even if they are neither the author nor the editor of the content. Moreover, such measures often result in disproportionate and

erroneous blocking and removal of content as they inevitably over-block to steer clear from questionable content.

So, taking the appropriate and proportionate measures to keep Internet users safe means ensuring a robust and resilient Internet infrastructure, as well. To make sure that the Internet is secure, safe, resilient, and agile, infrastructure providers should not be required to do things they were not originally meant to do, including the policing of user-generated content or the weakening of encryption.

To this end, such measures for combating illegal activities and preventing content online should not become part of the responsibilities of infrastructure providers.

The existing E-Commerce Directive has provided quite a positive framework throughout the years through sound intermediary liability policies and enabled the development of the Internet infrastructure industry in Europe, from registries and registrars to ISPs and IXPs.

So, we believe the current liability exemption regime under the E-Commerce Directive serves Europeans and the industry so well, in the Internet in Europe overall so well, and stood the test of time.

While there might be a rationale for introducing new rules for introducing new rules for online platforms based on, of course, their size, capability, or, to the extent of risks to exposure to illegal activities conducted by their users, we believe the current liability regime governing infrastructure intermediaries under the E-Commerce Directive remains effective and relevant still.

So, a key objective for the DSA is to pay serious attention to the diversity of roles and scope of Internet intermediaries. So, the concept of characterizing intermediary service providers as having [mere] technical, automatic, and passive nature under the Recital 42 of the E-Commerce Directive is sufficiently clear and valid.

So, intermediary infrastructure providers, such as IXPs, are far removed from application services, such as consumer-facing websites that are essential service providers, have a wide variety of relationships to data and knowledge of content.

The Internet is a network of networks made up of almost 70,000 independent networks that use the same technical protocols and choose to collaborate and connect together without any centralized control or coordination, based on their own needs, business models, and local requirements.

So, reducing liability protection would force intermediaries to impose additional requirements on routing policies that conflict with the current goals for maximizing resilience, reducing costs, and optimizing traffic.

This will also interfere with the autonomous and agile distributed routing of the Internet and reduce the ability to collaborate with other networks and, ultimately, constraining the Internet's global reach.

So, one of the key considerations from the Internet Society's point of view is, in order to design better regulation for the Internet, it is important to understand two things.

The first one is that today’s Internet, despite how much it has evolved, still continues to depend on its original architecture, and the second one relates to how preserving this design is important for drafting regulation which is fit for purpose.

So, given all this complexity, the Internet Society is of the view that a regulatory impact assessment for the Internet is not only required but should become an integral part of the DSA, as well as any future regulation on the Internet.

So, the Internet is in constant transition. It owes its success not only to the technology but also the way it operates and evolves. This is what we call the “Internet way of networking” and, from that perspective, we have developed the critical properties of the Internet way of networking and also this framework which describes these core properties also comes up with a toolkit for an Internet-impact assessment. So, this is a tool for policy-makers to conduct their technical regulatory impact assessments before implementing policies that—

SÉBASTIEN BACHOLLET: You need to conclude, please.

CEREN ÜNAL: Okay. Before implementing policies that might adversely disrupt the architecture of the Internet. So, I’ll stop here. This toolkit is something that we’re very excited about. I’ll share the link there and I’ll look forward toward the Q&A, as well. Thanks a lot.

SÉBASTIEN BACHOLLET: Thank you very much. Thank you. It seems that the DSA and other European legislative laws are very important for both ICANN as a whole ICANN, by CENTR and its members, by Internet Society.

They talk about it. But I am sure that RIPE NCC is also concerned, even if they didn't pick up that as a choice of discussion for today. Now, I will give the floor to the last woman in this panel, but I am sure that it will be great also. Joanna Kulesza, please take the floor.

JOANNA KULESZA: Thank you, Sébastien. I'm going to try and start my audio. I hope it works. Thank you for having me here.

SÉBASTIEN BACHOLLET: Great.

JOANNA KULESZA: I welcome the discussion. I welcome, also, the first part of this discussion. I think it was tremendously useful and I'm really glad we're getting to have this European perspective.

Since we are on a timer, I'm going to try and speak very briefly. I welcome the discussion on the multi-stakeholder model, on its evolution; all of the points that have been made around European legislation I find of tremendous significance.

I did, however, decide to put another topic on the table because I think it's quite relevant also in the European realm that, on one hand, is so strongly unified, but on the other hand is so diverse.

So, I wanted to put one aim on the table for us to discuss as well, and that is capacity-building. Now, this is something I have been active on within At-Large, and the At-Large seems the natural environment for capacity-building around all things Internet governance, specifically when it comes to the names and numbers.

I will refrain from [reiterating] what the At-Large has been doing around capacity-building. I'm certain that the members of this community are well aware of the series of webinars, ICANN Learn courses, resources that have been provided.

I would like to highlight a few issues or topics that I believe would require more attention, more focus, from this regional community and from the ICANN community as a whole.

On the one hand, I welcomed Jorge's remarks on coordination. I think it's tremendously important. We would benefit from coordinating capacity-building efforts across the community. There was a lot of work done regionally but there is also a lot of work done within other platforms and other forums.

So, I would welcome participation from community members spreading the good word on ICANN beyond this specific, somewhat bubbled, community. There are good opportunities to build that

coordination, making sure we make the limited human resources we have here our benefit.

There are different platforms and different initiatives that are being, now, coordinated. Among those, please let me emphasize a plan to coordinate academic engagement, and I welcome GSE efforts in that respect.

But also within At-Large, there are various initiatives that are trying to put Internet governance on the agenda of academia, and vice versa. We're trying to learn better what academia knows and does with regard to Internet governance, specifically when ICANN would be on the agenda/would be one of the focal points of such lectures.

Now, this spans across different disciplines and different communities. A coordination of those efforts, supported by the community, not just GSE, would be welcome.

Another issue would be to coordinate resources. This is something that has been strongly on our hearts here within At-Large. There is the launch of the Virtual School on Internet Governance. There is a series of Internet governance schools that have been supported specifically by this community, also in Europe, but equally outside of the specific geographic space.

That is a capital we can build on. Capacity-building is crucial for protecting end-users online and for ensuring their interests/for effectively protecting their interests.

So, I wanted to emphasize the need to coordinate capacity-building efforts around ICANN and IT in general. I would welcome, therefore, efforts coming from the community to better represent the work that has been done already and to ensure we act globally but also reflect our needs more locally when it comes to Internet governance.

I'm going to stop here. I'm out of time. I know we're a little bit beyond the planned time-scope, so I'm going to stop here. Thank you for listening. I'm looking forward to the Q&A. And thank you, Sébastien, for setting this up. This discussion is most useful. Thank you.

SÉBASTIEN BACHOLLET: Thank you very much, Joanna. Well done. I want to give the floor now to Georgios Tselentis. Please, Georgios, take the floor.

GEORGIOS TSELENTIS: Yes, hello. Can you hear me and see me?

SÉBASTIEN BACHOLLET: We can hear you. I am not sure yet seeing you, but I guess it will come. Go ahead, please. Thank you.

GEORGIOS TSELENTIS: Thank you very much. I'm Georgios Tselentis. I work for the European Commission, the part of the DG CONNECT. I would like to share with you some thoughts about my personal experience after two years being in the multistakeholder exercise of Policy Development Process in the

WHOIS and the ePDP, and also some thoughts that are relevant to what was said before about the regulation and some initiatives that we're about to bring on the table.

So, I will start by saying that the European Commission is a committed supporter of the multistakeholder principle for the Internet governance. We do that not only in the ICANN but also in other fora, like the Internet Governance Forum, in the ITU, and whenever Internet governance issues are in discussion.

We believe that ICANN does phenomenal work in the field. As discussions [were pointing], the function of Internet and the DNS operations that are done within the ICANN are of primordial importance. We know that that also through the current COVID crisis where the Internet has proven the backbone of our society.

When I joined this community and we worked together the last years for the WHOIS ePDP, I thought as an engineer—my background is engineer—“Okay, WHOIS is a simple protocol in technical terms, so that would be a very easy issue to solve,” which I knew, here, how difficult and how complex the whole discussion is through the challenges of solving this by trying to respect the rights of the Internet users and the obligations.

So, this is, more or less, in a high level, what do we need to do there? How can we enshrine the rights and the core values, such as the privacy and the [factioning] of the protocol while the private data of the data subjects are crossing different jurisdictions.

And this gives the overarching current debate of multi-stakeholder model versus multilateral. Do we want an Internet that is open, accessible to all, and respect the core values that the European Union would believe are universal, like the right to privacy, or do we want the Internet to be just inter-connected with world governments? We are fervent defenders of the first.

At the same time, as previous speakers mentioned, we are moving with regulation, as we did with GDPR, that have an extra-territorial effect, and we do so when we believe that we need to protect the rights of the citizens.

So far, the work in the multi-stakeholder model that was done in ICANN, we believe, is on the right track. We should continue to prioritize and focus on the important topics and seek to agree on core, concrete principles and policy standards that can be applied by the concerned stakeholders: the governments, the private sector, and the citizens.

At the same time, as I said, the work that is done by the well-functioning of the DNS with all the technical support is highly, highly praised. The communities like the SSAC ... Sorry.

So, does this mean that the multi-stakeholder model works perfectly? No. There is a need to continue giving a stronger and more active role to the regional and national instances of ICANN/involve further the community.

And here is a plea, also, to my colleagues in the GAC and the regional groups for more active participation. At the same time, we expect that

Internet innovators and the technical people, as they are the ones that point to the future of the Internet, also have a very active participation. So, we find that, to this end, all of the discussions about the emerging protocol and the technical solutions are highly relevant.

So, one issue that is, for us, important is also the timing, that the multi-stakeholder model goes to the right direction, but it has to give the right answers in time. So, we are trying to push this, also, with relevant regulation when this is possible.

So, we do that, as I said, with regulation, and we will do so as needed, as mentioned by previous speakers, in the upcoming Digital Services Act. While we will try to keep the right of Internet users to operate in an Internet that is safe, secure, and resilient, we will do also that by taking into consideration the opinion of the stakeholder.

So, I urge the community to provide feedback as needed so that the regulation is that, after all, voices are properly heard and the impact is properly assessed. I stop here and wait for the Q&A session to answer any questions. Thank you very much.

SÉBASTIEN BACHOLLET: [inaudible], Georgios. Thank you very much. Let me give the floor to Pierre Bonis from AFNIC. I am very happy that you are here with us. Pierre, the floor is yours.

PIERRE BONIS:

Thank you very much, Sébastien. Good morning to everybody. Thank you to give me the opportunity, not only as AFNIC but maybe a little bit also as chair of the Internet Governance Liaison Committee Group, which is a group established in the ccNSO, to talk about a topic that I think is pretty important today, which is the topic of digital sovereignty.

We talked a little bit about that yesterday during the IGLC meeting. Why? I think it's a kind of heads-up because it's forming [it in] direction. So, why I wanted to work on that topic is that, when you look from a European point of view toward what is happening in the Internet governance, there has been, for a long time, debates related to Internet governance on one side and digital sovereignty on the other side. I can give very, very few examples, but you all know them.

The European Union was keen on making sure that the transition of ICANN and IANA to standard stewardship would be done on time. That was, in a way, a question already of digital sovereignty, or a way of looking at one government, one particular government, and asking him to make sure that he would not have more power than the others in the critical infrastructure of the Internet.

But you have, also, of course, more recently, during the COVID-19 crisis that we are still in the middle of, the recognition by a lot of politicians, legislators, but also civil society, that, in some crisis time, we were facing some problems because we were not independent economically. I mean, it was obvious, for instance, for masks, or for drugs.

And then, people thought of, “Yeah, is it true, also, for the digital economy?” And this question of digital sovereignty is rising everywhere, and not in the same way as it rose before. It looks like a few years ago, talking about digital sovereignty was a polite way of asking to be able to censor the Internet in your own country when you were not a democrat.

Today, it’s something more. It’s, how do you achieve the independence of your country and make sure that you have the means, technically, and the knowledge not to shut down to the rest of the world but to be able to be autonomous on this so-much-important thing that is the Internet, even if you have problems with other countries.

So, it’s slightly different from the way the debate was organized a few years ago, and I think it’s very interesting. And it is, in a way, a challenge through a lot of organizations that were defined by a kind of global approach, denying, in a way, the importance of the national one. And that’s not the case of ICANN, of course, because that’s a long time that ICANN is recognizing the national approach to the GAC and through the ccNSO, by the way.

So, I think this is something we have to work on. And by the way, I think the CC’s—of course, I’m talking for my own church—have a good place to speak from on that topic of digital sovereignty because it’s in our DNA to be at the service of the local community, maybe the national one, and, at the same time, what we do every day is to advertise the “one world, one Internet.”

So, there is no opposition between the two, and I think this is a view that could be dug a little bit and that could fit a European view on the Internet governance. And with that, I close, because I think I still have seven, or six, or five seconds to thank the organizers and to thank you all for having listened to me.

SÉBASTIEN BACHOLLET: Thank you, Pierre. Thank you for your input. May I give the floor to Chris Buckridge, please? Chris, the floor is yours.

CHRIS BUCKRIDGE: Thank you, Sébastien. Thank you very much, and good to be here. I realize I'm at the end and everything is running a little behind, so I'll certainly be quite quick. The brief here was "main or primary issue in EU governance relating to ICANN."

I want to go back to something that Olivier said at the beginning about Internet governance in this region having moved from an expression to a reality, which I think really captured something.

I can point to a number of issues that the RIPE NCC—so, Regional Internet Registry for this region—has been engaged with or seen emerging in recent months, or years, the Digital Services Act. I think other speakers have gone into plenty of detail on that. It's obviously a very important issue for RIPE NCC members and for the service providers in this region.

The NIS Directive is another one that has been of significance for us. I know a lot of ccTLD operators are already very involved and affected by that, this directive.

UNIDENTIFIED FEMALE: [inaudible].

CHRIS BUCKRIDGE: Yeah, RIPE NCC as operator of K-root is potentially affected there and, obviously, it's something that applies to us, and we have provided some input to the recent open consultation on the revision of that and this directive. And I'll actually share in the chat a link to where we post all of the responses we do to these public consultations.

The other issue that's really front of mind for us right now is engaging in relation to the EU sanctions regime. I think we're certainly not the only Internet organization that has had to engage and handle sanctions regimes in the past, but I think this is really one of the most complicated and challenging intersections of state-based political decision-making/policy-making and a more international multistakeholder approach to policy-making.

And so, we're working very hard at that intersection right now to ensure that the registry services provided by the RIPE NCC are not going to be diminished or affected by sanctions regimes if at all possible.

So, in looking at all of these, I think what I would come back and say is the really big, overarching issue is that, having developed capacity in

the RIPE NCC and in other organizations for many years in terms of engaging on public policy, in terms of engaging government actors, a lot of that was in anticipating the moment that we are now at, where we are suddenly finding new regulation really coming, and affecting the operation of the Internet, and affecting the administrative structures that we have.

So the big issue is, how do we deal with that? With an increasingly proactive approach to Internet regulation and, really, an accelerating process, which is now comping at us from many different vectors at once.

And I think, if we look at that, then, it really does come back to—and I think Polina made the point, and Sébastien, as well, of working together, of bringing the different organizations and making sure that we're coordinating our engagement with public policy actors to make sure that there is awareness of, particularly, the unintended consequences that some of this regulation in many different spaces might have. And I think I'm starting to approach my time so, with that, I'll say thank you, again. And ... Yeah.

SÉBASTIEN BACHOLLET:

Thank you very much, Chris. As we are a little bit late, I will immediately give the floor to Göran. I want to thank you, Göran, to come to this session, and sorry it is very early for you. We faced the same thing when we were in Malaysia, Kuala Lumpur, but I am sure that, one day, the sun is turning around and you will be happy. Thank you. The floor is yours.

GÖRAN MARBY:

I had the same problem with Kuala Lumpur as I have right now. But anyway, I don't know if it's either morning or evening. It's around a quarter-past-two, here, in the morning when I happen to be here, and thank you, Sébastien, for this initiative. It was a real pleasure to listen to people.

So, I'm going to be very brief and I'm going to take a step back because, yes, I'm a European, but I'm also working for ICANN, which is a global organization. I want to point on some of the things we talked about.

First of all, it's important to recognize that ICANN is sort of a tree with two different branches. And here, we often talk about the policy arms, where the ICANN community does the policies for top-level domains, with the exception of the country-code operators, of course.

But we also have another arm, which is ... We often call it "IANA," but it's a whole range of services that we provide from a technical perspective. I mean, any time ... Together ... And there we have other partners or stakeholders where the country-code operators is one of them, together with the RIRs. You all worked in the Root Server Operators, where ICANN is a part of a technical ecosystem.

And what we're seeing now which has been talked about is that we see sort of new avenues for ... If we believe in the inter-connected Internet, the fact that people can go online into one system all over the world, connect any type of device, and reach other people—or whatever they reach—on this system.

If we think that's important, we can not only talk about the policy part that we often talk about—we also have to talk about the technical part. Because what's happening right now is kind of interesting, because now we see, [new for us], new threats to this model from places we haven't seen it before. We have seen it, but not to the extent we see now.

And we see that, for instance, in 5G, which is one of the places we see proposals that will change how people interact with Internet, where the mobile Cloud becomes the central hub for all traffic complication, which is against the model that we are representing. Not [not good, but] it's just different.

You've seen the proposal about the so-called "new IP," and it's interesting because it's not only a threat to the ecosystem ... And we believe, of course, that this kind of ... Any developed [inaudible] IP should be handled by IETF inside the ecosystem because it has been very successful.

And there are, sort of, two things. First of all, there is a new technical model, but it's not inside our active system. It's actually somewhere else. It's in [Standardization House], it's in the [UA].

We've even seen proposals where the UN system would like to sort of say that the Domain Name System is a ... What do you call it? The Domain Name System is something that should be contained within the UN system. They say something like it should be recognized by the UN

as a critical infrastructure. That's moving it away from the multi-stakeholder model and the governance models we have.

So, on top of all of this, we also see new technical challenges when it comes to threat levels to the actual system itself, to the actual DNS system. And as you know, we are working, together with stakeholders and parts of the community, to see how we can evolve to make sure that top-level domain operators around the world can have a more secure environment to deal with.

So, that's why we came up with this notion, what we called "technical Internet governance," and it's just to, maybe, in a way, make the difference between the governance models that are contained within the ecosystem.

There are new threats. We have the legal threats, we have the unnecessary legal threats, or "based on wrong assumptions" legal threats, but it's all contained in the ecosystem. We all work with it. But there is this new one where there are new venues, and new technologies, and new standardization.

And we came up—as I said—with this notion, what we call "technical Internet governance," because we have to work with them differently. There are other people inside that group, there are other histories around that group, and we need to enhance doing that.

Well, I believe that every ... I mean, some of you have been along in this much longer than me. I think that the fight that you have done to

preserve and create this fantastic thing we call the Internet—not the tax forms, not what people are using it for.

If you walk into a social media platform, you leave the Internet, you walk into someone’s computer. Isn’t that reality? But I think that we have to be better. When I listened to many of the speakers today—and it has been really interesting—we have to figure out new ways of working together to protect what I and you think is important: the ability for people to connect on one system.

So, I want to leave it with that. Sorry for ... I’m closer to over time, but I want to thank you. This has been a very interesting middle-of-the-night session for me. Thank you.

SÉBASTIEN BACHOLLET:

Thank you very much, Göran, and thank you for all the input. We are late and I am sorry for that, but I will keep ... Let’s go to the next slide, the Q&A session. But I want to take, first, the time to have this poll. We will ask you ... Can we have the next slide, please?

We will ask you ... Each speaker spoke as a European leader of the ICANN community about one topic. Please choose your top three among the following items. I guess staff will open this poll straight away, and please answer it. In the same time, I will get back ... No.

First of all, I know since a long time that Jorge wanted to speak to this session, and even if I will not go to Q&A, I would like to give him the floor. But you have, really, one-and-a-half minutes, please, Jorge, if you still

wish to talk to this audience. And during this time, please, please answer the questionnaire here.

[JORGE CANCIO:]

Okay. I hope you hear me okay. I was just waiting to ask for the floor, so thank you for giving it to me without asking. I just want to comment very briefly that we live in an age of interdependence. It's so self-evident. And self-determination, paradoxically, is only possible through more digital cooperation, not through unilateral action, because nobody is self-sufficient in this digital age.

So, my plea is that we are aware of this and that we engage in the different international and global fora on digital cooperation and Internet governance—not seeing them as a threat but seeing them as an opportunity where, also, the ICANN community benefits from, because the more understanding we bring to those fora of how these [layer] works, the less trouble we will have in reaching the right solutions. So, thank you, and I'll leave it by that. Thank you, Sébastien.

SÉBASTIEN BACHOLLET:

Thank you, Jorge. Once again, I apologize, but we will go back to the speaker for their conclusion now that we have all the input from the various speakers. I will start in the reverse order and I will first give the floor to Göran. Göran, please, some conclusion words if possible.

GÖRAN MARBY:

How do I? It's hard for me to conclude. I think that we need to continue to discuss not only how we do things in the multi-stakeholder model but also which avenues and where we have to fight, how to protect what we believe in, because I think it's [essential environment].

And if I'm able to engage for a second, we are sometimes a little bit too good of taking history into account too much. I often hear references to [Tunis] or a reference to things that happened a long time ago, and I think we have to be fair enough to ourselves and sometimes think about how we can reinvent ourselves, and never, ever forget why we're here.

Why does ICANN exist? ICANN exists for a very specific purpose. We're here to provide a service to the world. And if we can't adopt that one, if we can't even challenge that one, I think it's going to be something that is really ... We need to evolve.

I like this conversation because you pick up a lot of things where we need to do things differently, and we need to do things better. The good thing about ICANN is that we actually do things differently, and we change all the time, with the help of you. It's not me, it's not the board, it's not the chairmen.

It's a multi-stakeholder model and it's a bottom-up process, and I think that is the answer to many of the questions we raise here: it's through you that this change is going to happen. So, I actually feel very positive, despite the time in the morning, or night. Whatever it is.

SÉBASTIEN BACHOLLET: Thank you, Göran. Chris, please.

CHRIS BUCKRIDGE: Yeah. I mean, I'll be very brief as I think I have responded to many of the speakers. So, to respond to the two speakers who came after me, I think Jorge's comment about interdependence is a really fundamental principle. I think that really needs to drive a lot of the engagement and the narrative that we have when talking to public policy-makers, when thinking about how public policy affects the Internet.

And I think Göran's point about prioritizing/understanding the many different areas and making sure we have a clear priority on how to engage is also one very well taken, and something that good coordination between different organizations will really help with. Thank you.

SÉBASTIEN BACHOLLET: Thank you, Chris. Pierre, please.

PIERRE BONIS: Thank you, Sébastien. Just to conclude, we are used to "one world, one Internet." Maybe we could add "one size doesn't fit all." "One world, one Internet, one size doesn't fit all," and that would be a way to acknowledge the shifts that we are experiencing now. Thank you.

SÉBASTIEN BACHOLLET: Thank you, Pierre. Georgios, please.

GEORGIOS TSELENTIS: Yes, thank you. I think it was a really good message from Jorge. Cooperation and awareness, I think, are underpinning what the multi-stakeholder model aims to do. So, I will extend, also, this to what we're going to do with the regulation and legislation. I think we need, also, first, the awareness, but then the feedback that whenever we go toward this path everything is well-thought in advance, the impacts and everything, so we welcome any input on these issues. Thanks.

SÉBASTIEN BACHOLLET: Thank you very much. Joanna, please. Joanna, if you speak, we can't hear you.

JOANNA KULESZA: Yes, Sébastien. Thank you. I hope it's working. Yeah. I appreciated the discussions. Thank you very much for having me. I particularly appreciated the European threat to this, as much as I did want to focus on capacity-building and on the work that needs to be done there.

I really appreciate the discussion around cyber-sovereignty and all the issues that come up here locally that have a huge effect, through legislation but not just through legislation, on the entire universe.

So, just not to take up more time, I wanted to congratulate you on the session, thank all the speakers. I think it's a useful discussion. I'm looking forward to having it face-to-face when we eventually do meet face-to-face. Thank you very much, everyone.

SÉBASTIEN BACHOLLET: Yeah. I agree with you, Joanna. I hope that it will come soon, but I don't see it yet. Ceren, please.

CEREN ÜNAL: Thanks a lot, Sébastien. Thanks a lot. This was lovely. The collaboration is in the essence of the Internet itself, and there is this tremendous expertise in the room. We really need to work together to make sure that the Internet itself and its infrastructure is included in this dialog when it comes to these regulatory initiatives. Thanks a lot.

SÉBASTIEN BACHOLLET: Thank you. Polina, please.

POLINA MALAJA: Yes, thank you from my side, as well, to all the speakers, all the leaders. I think it was a very enlightening, interesting session, and thank you, Sébastien, for bringing us all together in a focused and efficient manner.

Yeah, I can only agree with all the previous speakers and just reiterate on the need for us to cooperate and collaborate more the line on our messages, because I think what the session has really proved is that we all agree with each other, and the only thing we need to do is to communicate this to outsiders, to others who might not be really aware

of all the technicalities, and we have all the expertise to bring to the discussions. So, thank you very much, everybody, once again.

SÉBASTIEN BACHOLLET: Thank you. Elena?

ELENA PLEXIDA: Yes, thank you, Sébastien. I think it would be no surprise if I also echo the collaboration that previous speakers spoke about. It is really in the Internet tradition to work that way. If I may add something to that, I would only add that I think we need to find new ways to work together—not just us who are on this call and who are in this community, the technical community. I mean all of us: the civil society, legislators, everyone who is involved in the Internet. We have to find new ways are there are new discussions/new issues on the Internet—a new forum. Thank you very much. Thank you for this discussion.

SÉBASTIEN BACHOLLET: Thank you. Olivier, please.

OLIVIER CRÉPIN-LEBLOND: We always run out of time to discuss these issues but, fortunately, help is on the way. There is an Engagement Group on Internet Governance call next week during ... I think it's on Wednesday, from 13:30 to 15:30 UTC.

We'll be speaking about digital platforms and regulation, taking digital platforms as an example and "regulation" being the keyword here. You'll see plenty of our colleagues on there, and I hope to see you all here, as well. We've got 70 minutes just on those topics, plus a number of other topics. So, yeah, hopefully, we'll see you there. Thank you for the invitation for this call.

SÉBASTIEN BACHOLLET: Thank you, Olivier. Thank you, all. I wanted to re-thank all of the speakers and just to say a few words about EURALO. We have a memorandum of understanding, of course, with ICANN. It was the way we were created. But since then, we have an MOU with RIPE and also with CENTR, and maybe, one day, we should have one with Internet Society and other organizations.

I wanted also to thank the help from all staff, and specifically from the GSE team, to help me to set up this session. I guess with these two roundtables, we do a great job in discussing some European issues. I hope that we will be able to continue that.

Thank you very much, everybody. Have a good day. There are many other meetings of ICANN during this week and next week. Please follow, then. It's important that the European voice will be heard in all those arenas. And yes, thank you for all the speakers. Bye-bye, take care, and see you soon, hopefully.

[END OF TRANSCRIPTION]