
BARCELONA – CCWG IG Public Forum
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OLIVIER CREPIN-LEBLOND: If I could ask the speakers in this session to come to the head table, please. I apologize for the delayed start, but we're still waiting for a number of speakers.

I've been prompted to ask if anybody sitting in the back would like to move forward, they're absolutely welcome to do so so we can actually see you from here.

UNIDENTIFIED MALE: No. You cannot move the microphone. They muse [inaudible]

OLIVIER CREPIN-LEBLOND: Okay. Let's start the recording, please.

Welcome, everyone, to this Cross-Community Working Group on Internet Governance public forum, which we are doing every year, customarily on the first and the third meeting of the year, to provide you with an update and chance to participate in discussions around Internet governance issues.

Sitting next to me is Young-Eum Lee from the ccNSO Council, the other chartering organization. I am Olivier Crepin-Leblond from the At-Large, the other supporting organization that has co-charted this group. We have quite a large channel today of participants from various part of the

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ICANN community. They will be able to speak to you about a variety of topics.

We've got, I think, about 90 minutes together. Apologies for starting a few minutes late. But, it's going to be quite interesting and exciting. The idea we're looking at is to look at each section, have some introduction and input from the members, and then, afterwards, engage in an open discussion.

We'll have to be quite tight on our interventions because we're trying to cover quite a number of topics together.

Young-Eum, did you wish to say a few introductory words on your side?

YOUNG-EUM LEE:

I would just like to welcome everyone. I would like to emphasize that the issue of Internet governance, although since 2013 and 2014 the prominence of the issue may have been diminished a bit. But, nonetheless, it is very important, and I appreciate the fact that everyone here is attending. Thank you.

OLIVIER CREPIN-LEBLOND:

Thank you very much, Young-Eum. Let's therefore plow directly into our first topic, and that's the Internet Governance Forum, to take place in Paris in a few weeks' time, just preceded by the Paris Peace Forum. The two are back-to-back. There's some linkage between the two, since this all taking place in Paris.

Do we have Chengetai Masango already online, Nigel?

Where's Nigel, actually? Nigel is over there. Ah. Do we have Chengetai already online?

NIGEL HICKSON: I sincerely hope so, Mr. Chairman.

OLIVIER CREPIN-LEBLOND: Okay. Let's try to give the floor over to Chengetai for a quick introduction. Chengetai Masango.

UNIDENTIFIED MALE: He's not on the phone yet.

OLIVIER CREPIN-LEBLOND: He's not on the phone yet. Okay. Then, we can turn over to Nigel Hickson. It's interesting. We were supposed to have IGF Secretariat first, but Nigel Hickson from ICANN staff.

NIGEL HICKSON: Thank you very much, Mr. Chairman. Good morning. Nigel Hickson, Government Engagement. All I wanted to do was note the ICANN involvement in this year's IGF 2018, which is in Paris in a couple of weeks' time.

We'll have a number of members of the ICANN Board participating, as well as members of the organization. Of course, we'll be joining with a

range of members of the community as well that are taking part in a number of different sessions.

As our Chairman mentioned, this year in Paris, the French are obviously the hosts of the IGF, and it's linked up date-wise to the Paris Peace Forum, which is the celebration of the end of the first World War. The Peace Forum starts on the Sunday and goes on on the Monday and the Tuesday. Goran, our CEO, and Cherine Chalaby, the Chair of the ICANN Board, will be attending the Paris Peace Forum on the Sunday.

On the Monday, during the IGF session, there's a high-level segment in which there'll be discussion on Internet issues, Internet policy issue, and Goran Marby will be taking part in a panel on that. There'll also be an IGF opening session.

ICANN itself has an open forum at the event on the Monday, where we'll be discussing GDPR, not surprisingly, I suppose, and new gTLDs. There'll be an open part of that forum, where anyone in the IGF will hopefully be able to ask our Chairman and Board members any particular questions that they may have.

We're also taking part in a workshop on GDPR, WHOIS, and certs later in the week.

We'll be working with our technical community partners – ISOC and the RIRs – in hosting LACTLD in hosting a reception on the Monday night. So, if there's any members of the community that are going to be in Paris, for the IGF, please let me know or whatever. We'll try and get you an invitation to this reception.

That's all I think I need to say. Hopefully see some people there. Hopefully, Chengetai, who's a member of the Secretariat, can tell you a bit about the IGF.

OLIVIER CREPIN-LEBLOND: Thank you very much, Nigel. If Tech will wave at me when we have Chengetai online, that would be great.

UNIDENTIFIED MALE: He's waiting for a call or a call.

OLIVIER CREPIN-LEBLOND: He's waiting for a call. Okay. Is he on there yet?

I can't hear him. Okay. Then, let's turn over to Raul Echeberria from the Internet Society. The Internet Society has been very much involved with the IGF for so many years. What are the issues for the Internet Society? What are, in your view, the important items to look at?

RAUL ECHEBERRIA: Thank you very much, Olivier. Good morning, everybody. It's interesting that we are meeting here to talk about IGF. I'm seeing here to my left my colleague, Bill Drake. 14 years ago we were serving together on the working group for Internet Governance. By the way, Bill was the first person that I heard to speak about the potential forum discuss those things on Internet governance in that group. Now we are here, 14 years later, discussing something from an absolutely different perspective.

By the way, I'm seeing David Gross there. Gross was representing the United States at the summit, and I was part of the Uruguay delegation, so we were sharing the table – small table, very crowded, in a very crowded room – [and in] the last-minute negotiations in Tunis right before the summit.

Okay. Now we are here to discuss what we think about the future of our Chair 14 years later. The Internet Society has been promoting – myself, personally; you have seen me probably many times speaking about this – changes for the IGF.

I have to confess that I'm a little frustrated with the lack of progress on this idea. Many people have supported the points that we have made about the need for improvements of IGF, but no actions have been taken – or very little action. In fact, I have had very good discussions in many forums, like EuroDIG, the Asia-Pacific regional IGF, the Latin America IGF, and many other places. The support of this view in that we regard the need for changes seems to be very big. But, it's time to take actions.

The IGF is the most [inaudible] governance experience. It's not only limited to Internet governance, but governance in general. But, we should keep it alive. In order to keep it alive, we have to work in making it more relevant for other stakeholders.

I was in a meeting yesterday with some colleagues that are here in the room. We were discussing some governance issues, some relevant things related to emerging topics that are getting attention, and we were discussing how to advance this discussion. It was interesting. At

some point, I pointed out that nobody had mentioned the IGF in the room as a possible venue for having that discussion.

I asked of my colleagues, “What does it mean?” It means that neither ourselves see the IGF as the most relevant place, the most appropriate venue, for having this discussion. This is something that we have to change. We have to change the perception that the IGF is a relevant venue for having relevant discussions. We should stop trying to look for new places and trying to build new mechanisms for dealing with the challenges that we face.

If not positive reforms are implemented, the risks is either the IGF days, or either that it’s taken over and transformed into a more top-down intergovernmental process, or that the discussions are moved to other forums, other venues, that are less friendly to the participation of all stakeholders.

We built this, and we know how to interact. We know how to work in IGF. So, moving discussions to other places means to start to learn again. Some of us have more people dedicated to this, have more resources, but some of us have less. It would be very difficult for many stakeholders, especially people from developing countries, to get on board and try to participate meaningfully in multiple venues and places. So, that’s one thing that I want to remark on.

Taking no actions is taking an action. The time to act is now. So, later, it will be too late. We at the Internet Society have been extremely supportive of IGF since its inception, and we still are. So, we are sending a lot people to this IGF in Paris, our own staff, contributing with content,

driving discussion, bringing [Fellows], and supporting many others to organize their own discussions there.

But, if not changes are introduced, many of us will have to reevaluate our priorities and to reevaluate how much resources we have to dedicate to this and to many other governance forums.

Thank you very much.

OLIVIER CREPIN-LEBLOND: Thank you very much, Raul. I understand now that we have Chengetai Masango on the line. Chengetai, can you here us?

CHENGETAI MASANGO: Yes, I can. Can you hear me?

OLIVIER CREPIN-LEBLOND: Yes, we can. I should have, Yes, ICANN, too,” as well, as a bad pun. Yes, please. You have the floor then, Chengetai.

CHENGETAI MASANGO: All right. Thank you very much. First of all, I’ll just start with a very brief introduction of the IGF 2018 meeting. So, this is our 13th meeting, and it’s going to be from the 12th to 14th of November at the UNESCO HQ. The main theme of the meeting is the Internet of Trust.

Registration is going to be open until the 5th of November, and I do urge all of you who intending to come to please register before the 5th of November because registration at the site is going to be very difficult.

For the registration, you can pick up your badges on Saturday. That is the 10th of November. Also, on the Monday, as you said, there's going to be a high-level panel meeting. There's actually going to be two in the afternoon. There's going to be the Secretary General of the United Nations, who's going to come at 3:00 P.M. to open the meeting. The President of France is scheduled to arrive at 5:00 P.M. to give a speech.

We'll also endeavor to have the 2019 M3AAWG announced before the end of the IGF meeting.

Now, we've made various improvements to the schedule. We streamlined the schedule and also the workshop process. Just to answer a little about what Raul said, there are efforts with the IGF and within the M3AAWG to improve the IGF. We have a multi-year plan group that is planning the IGF so that it's not just a yearly meeting, that discussions are carried on to the next year and we don't start from scratch every single year, which we seem to be doing.

We do invite anybody with any ideas to please come and approach. You can either approach me or approach them, or just send something to the IGF Secretariat. We'll publish it and share it with the M3AAWG, [the] [inaudible] community activity. We can only improve it with the help of everybody who is involved.

Thank you.

OLIVIER CREPIN-LEBLOND: Thank you very much, Chengetai. I know turn the floor over to Farzaneh Badii.

FARZANEH BADII: Thank you, Olivier. Hi, everyone. So, basically, I'm going to cover what the ICANN community stakeholder groups are going to talk at the IGF about. I'm from the Civil Society Non-Commercial Stakeholder Group, so if I have missed any workshop that the other groups are holding at IGF, then I apologize. It's not on purpose.

So, basically, what we are going to talk about at IGF this year is WHOIS and GDPR and how GDPR affects the access of certs and security [research] to information and personal data of domain name registrants because, for a long time, they have been using the personal information in WHOIS to provide security and to combat botnets and mitigate them.

Basically, they need to have access to that data. So, at the session, we're going to talk about access to WHOIS and how GDPR affects that. Of course, from the Civil Society perspective, we are going to talk about how WHOIS has affected the privacy of domain name registrants. So, this is one session.

The funny thing is that M3AAWG has always rejected our sessions about privacy and GDPR and WHOIS and then suddenly that, now that GDPR came into effect, we can discuss it.

We are also going to talk about human rights assessments at IGF, about how we can look at ICANN policies and assess them with regards to respecting human rights. We are going to discuss that. We have various community members that are going to be on those panels.

Also, there is a session about DNS and alternatives to DNS. I hope we'll find alternatives to DNS – oh, and also enhancements of DNS. So, they are going to discuss that.

That's about it, Olivier. Sometimes we are asked why we go to IGF and discuss the ICANN issues that we are discussing here because we want the broader Internet community and other stakeholders who do not attend to understand what issues are at stake. This is the purpose.

So, that was it. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you very much, Farzaneh. Now I'm opening the floor for any comments and feedback.

A number of people are running. We have two mics. There's no one to move the mic around, so if you could queue, please, that would be good.

WOLFGANG KLEINWAECHTER: Okay. My name is Wolfgang Kleinwaechter. I'm speaking as a member of the Global Commission on Stability in Cyberspace. I'm one of the 27 commissioners in this commission. The commission will have activities, both in the Paris Peace Forum and in the IGF. The commission was

established by the Dutch government, and the purpose is to produce norms for good behavior of state and on-state actors in cyberspace. So, it substitutes, to a certain degree, the failed [U.N. GTE], which works under the first committee. Governments were unable to agree on norms, and this mighty stakeholder group tries to do this.

So, we have, meanwhile, finished a package of eight norms. One is very relevant for ICANN. This is a norm to protect the public core. The understanding of our commission is that this is in the interest of all the countries of the world, all stakeholders, all the communities, and that the attack against the public core of the Internet, which includes the domain name system, routing, and peering, could be treated “as a crime against humanity,” because this will really disrupt the security and the economy of the world.

So, we had a summit meeting between ICANN and the Global Commission at the end of August in Tallin. Marina Kaljurand, a former foreign minister of Estonia, had a meeting with Goran and with Cherine, and we have agreed to continue working together.

We have a presentation of the norm package both in the Paris Peace Forum and in the IGF. ICANN is invited. I would also invite all other people in the room. It’s on Monday at noon. We have planned also a joint activity in Kobe during the next ICANN meeting.

By the way, the Paris Peace Forum will adopt a so-called Paris Charter on trust and security in cyberspace. So, I think this could become an important document. Some people are asking, “What are you doing with your norms? You have no mandate.” So, what we have seen now is

that there is a number of eight norms, like the [inaudible] or the cyber hygiene or the non-intervention inter-electoral systems are part now of this Paris Charter for Trust and Security. So, it would be good if we have a bottom-process on these norms to strengthen the norms because this is really crucial for the security and stability of the Internet.

Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Wolfgang. We'll alternate between the microphones.

LORI SCHULMAN: Oh, I'm sorry.

OLIVIER CREPIN-LEBLOND: So, we'll get Jorge and then to you, Lori, afterwards.

LORI SCHULMAN: No worries.

OLIVIER CREPIN-LEBLOND: Jorge, please?

JORGE CANCIO: Hello. Is it afternoon already? No, it's good morning. I just want –

OLIVIER CREPIN-LEBLOND: Introduce yourself, please?

JORGE CANCIO: Jorge Cancio from the Swiss government.

OLIVIER CREPIN-LEBLOND: Thank you.

JORGE CANCIO: I wanted to react a little bit on what Raul had said before because I think it's very important. I wanted to react to that, to state once more that the Swiss government is very strongly committed to the IGF. We tried to help with some improvements with the 2017 IGF.

At the same time, we know that the IGF has itself many things that it can improve. I think that we shouldn't blame it for shortcomings of the overall cooperation framework.

So, there are some things that are tied to the IGF but which are not dependent on the IGF, like, for instance, it would be closer to the attention of the U.N. Secretary General, which would give it more visibility, that the Secretary General would appoint a special advisor, like we used to have, for the IGF and for digital matters.

Another shortcoming, which is not really a fault of the IGF, is that we can shape the discussion in the IGF, as Markus Kummer and others have said for so many years. But, we need to follow up in the framework of the digital environment. But, that follow-up can't be given by the IGF alone. So, we have to look for improvements to that in a wider context, not only in the IGF.

Of course, the IGF Secretariat – again, this depends on the U.N. structures and also on the funding of the downers – has to be stronger if we want the IGF to deliver more because we need resources to do that.

Last year, when we were organizing the IGF, it was four people from the Secretariat and four people from the Swiss government organizing an event of four plus one days for more than 2,000 people.

So, we need resources. We need money, as others have said so many times. Lastly, as to the visibility and the tangibility of the outcomes, we cannot change – and I think we shouldn't change – the nature of the IGF as a discussion forum.

But, we also would need to take, each of us in our organizations – this goes also to a follow-up issue – the outcomes from the IGF seriously as the Geneva messages, which [is] the Swiss government and the multi-stakeholder community addition to outcomes last year, but also the outcomes from all the intercessional work, and really make an input to our other frameworks and arrangements where decisions are taken.

So, I think we have to make that point, not blame the IGF for what is beyond the IGF. I hope that we come later on a discussion on the high-level panel on digital cooperation because I think that's a good place to make those improvements.

Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Jorge. Lori Schulman?

LORI SCHULMAN: Hi. I'm here, first of all, to say thank you to Jorge. I think what you said about finding follow-up mechanisms is really important. I would definitely +1 to that particular comment.

But, I'm here to say that I have a tentative view of the M3AAWs on behalf of my organization, the International Trademark Association. One of the clear messages that we've been getting in the private sector is that more private sector participation would be welcome.

I know our NCUC colleagues really pull a lot of weight and really devote a lot of time and effort to developing the programs that we do. On our side, for the second time, we will be offering a lightning session. We will be featuring small and emerging business owners, speaking with experienced intellectual property practitioners, not from the U.S. or Europe. We have a panel that is actually from the Middle East who will be discussing how trademarks and IP protection mechanisms enable sustainable and inclusive growth on the Internet.

As we do feel it's very important that the considerations around intellectual property protection, and while at ICANN they may create some tensions from time to time, in fact there is a lot of data out there that suggests that having good trademark and rights protection mechanisms in place enable economies to grow.

So, with that message and with a desire to participate more on this side of the private sector, I just want to alert people that we will have this

session. It will be on Tuesday. We don't have a time yet, but please look for it. We welcome your support.

OLIVIER CREPIN-LEBLOND: Thanks for this, Lori. I've frozen the queues where they are, so we'll now turn to Lousewies.

LOUSEWIES VAN DER LAAN: Thank you very much. So, I've been to three IGFs, and there's a wonderful energy always at the IGFs and lots of people coming together. Then, I have the feeling that absolutely nothing happens until the next IGF.

So, I really share the frustration that Jorge and Raul and others have said. They said, "How can we make sure it's actually sustainable?" There's also the frustration of people who don't get their sessions approved by the M3AAWG. That means that somehow their ideas freeze and then maybe, hopefully, next year something will happen again.

So, I'm just going to throw something radical out here now that I'm no longer on the ICANN Board, just to get people's ideas thinking. I'm going to really freak out Nigel now.

ICANN pays about half, I think, of IGF, right Nigel? It's a huge amount of money. So, the golden rule, of course, is "He who has the gold makes the rule." I think to have some kind of conditionality to people who have sessions that there's going to be follow up to, that there's going to be

continuity to, is really nice. I like the idea of saying, “Look, here’s the money. Get on with it.” That’s fine.

But, if, year after year after year, we’re all frustrated because it’s not doing what it should be doing and, at the same time, there’s going to be a plenipotentiary, where governments are going to start taking over and doing all the stuff that they think we’re not doing or that the IGF is not doing, this is getting really urgent.

Is there any way that we could make this more sustainable, that the system – I don’t know how the M#AAWG works – can be made so that you have to come in with, what would be a success? Which stakeholders do you need? Are you looking for a community? Are you looking for a treaty? Are you looking for an action plan? Are you looking for norms?

You’re going to have an outcome. You’re going to have a process to go there. Then, maybe instead of having it one year this, one year that, say, well, let’s commit to three years if you really have some good idea that needs to be done and put the resources behind it because the frustration is everywhere. To make it more sustainable and more long term and for it to be more outcome focused I think would make a huge difference.

I’m really afraid – I’m going to be in Paris – that there’s going to be panels with eight people, they’re all going to say wonderful things, and the, next year in Berlin, we’re going to be doing the same thing over again. We need to start thinking of real solutions because it’s urgent. I think the plenipot should really focused us all because otherwise we’re going to be too late.

OLIVIER CREPIN-LEBLOND: Thank you, Lousewies. Marilyn wanted to respond quickly, and then I'll also get Farazaneh to respond to a comment from Wolfgang, and then we'll have the last speaker.

So, let's have Marilyn, please.

MARILYN CADE: I'm just going to offer a point of clarification and ask for you to speak to me, please, afterward. I want to be really clear about how the Secretariat is funded. The Secretariat is funded by a large number of donors. ICANN is one donor but is by no means the largest.

The largest donors come from WEOG countries – the Swiss government, the U.K. government, several others – and from the technical community, broadly. So, we need to put into perspective that ICANN provides major support. I would refer you to the U.N. Donor's List, not the ICANN budget.

The second thing is that – that's why I'll just point it out to you offline – the country hosts spend millions of dollars in hosting the event. So, you can find all that information on the website. It's public information. Afterward, I'll be happy to point anyone to it and help them find the appropriate pages.

OLIVIER CREPIN-LEBLOND: Thank you, Marilyn. Farzaneh?

FARZENEH BADI:

Thank you, Olivier. Just to quickly respond to the Board member – oh, no – actually you are. Yes, Lousewies. Actually, IGF is not supposed to have any kind of concrete outcome, really. We wanted to keep it like that. I think they convened the IGF. I was not there, but I think they convened the Internet Governance Forum to discuss their global Internet governance issues in a non-binding fashion.

So, we are communicating the issues. We are discussing the issues. I really wish it was more about Internet governance. IGF this year is not really about Internet governance. But then, we make policy at other venues.

So, I don't believe that we need to do more than that. What we need to do is we need to also have the governments to participate in IGF. Government participation is not high, or private sector participation.

Also, I had a question or comment, Wolfgang. How does the work of the commission of the or the peace conference relate to ICANN's mission and what ICANN does?

WOLFGANG KLEINWAECTHER: As I said, the key issue is the norm under protection under the core of the Internet because this is very related to the stability of the DNS. So far, here it's an overlapping of interests.

OLIVIER CREPIN-LEBLOND: Thank you. I'm going to turn over to –

RAUL ECHEBERRIA: [inaudible] 20 seconds.

OLIVIER CREPIN-LEBLOND: Well, okay. 20 seconds, but we are starting to be behind. So, 20 seconds and 10 seconds from the table.

RAUL ECHEBERRIA: 20 seconds. It is true that the IGF was designed as a non-decision-making body, a non-negotiating body. It doesn't mean that they cannot produce outcomes. In fact, it should, and it's part of the mandate.

We have seen in the last few years very [inaudible] ways to produce in different meetings, like the NETMundial in Brazil in 2014, and EuroDIG, and the Asian-Pacific regional IGF are really applying [inaudible] ways to produce outcomes. I think we should learn from those experiences.

OLIVIER CREPIN-LEBLOND: Thank you, Raul. Ten seconds from Bill.

BILL DRAKE: Just to support what that comrade said, the Working Group on Internet Governance wrote into the original draft mandate the notion that the IGF should be able to adopt recommendations. This was included in the Tunis Agenda. Recommendations does not mean binding agreements. There are all kinds of ways we could have been more creative with the agenda over the years to establish even one day of NETMundial-type

discussion in the context of the meeting that would try to focus on one issue and come up with some soft general conclusion that had been prepared over the course of the year.

This would have been a useful contribution. We haven't done anything like that. As a consequence, many actors, particularly developing countries, have found it to be of little value to them.

OLIVIER CREPIN-LEBLOND: Thank you, Bill. Matthew Shears is next.

MATTHEW SHEARS: Matthew Shears. [Board], speaking in my personal capacity. This is marvelous. This discussion is a microcosm of the discussion is a microcosm of the discussion that occurs every year about the IGF.

So, Raul, I completely support your drive to move this issue along. But, the reality is, unless we actually sit down and come up with specific idea, specific ways of addressing this, we're going to keep having this discussion every year.

So, we need a much more methodical and planned approach to making this happen. I'm fully supportive of it, but I've been saying this for a whole. Everybody has been saying this for a whole.

So, if we want this to happen, we want to the IGF to move forward and to progress, then let's really do this, rather than inputting comments on review sessions. They get lost and they say things at the end of the IGF

and they never get acted on. There's like a void in where all these good ideas go in.

So, let's actually come together as a community and actually ask for these changes to be implemented because, otherwise, we're going to hear this again next year. Thanks.

OLIVIER CREPIN-LEBLOND: Thank you, Matthew. Alan, you've been very patient waiting. We'll close the queue.

ALAN GREENBERG: I am [inaudible]. My question is, in general, about Internet governance itself, not related to any working group or something.

As you know, the output of Internet governance [globally] is just as a Chairman message, nothing more. So, I went to three or four IGF meetings and I was the [inaudible] remote hub moderator from ICANN for four years. Most of the people know that the agenda of the Internet Governance Forum needs an update because it's the same workshops, the same sessions, and the same thematics. Even the name of work is the same sometimes.

So, all the audience in Internet governance asked for updated, new issues. One of the new issues will be GDPR and WHOIS, but I think GDPR and WHOIS must be under privacy, not the big topic as GDPR under certain topics.

As a GAC member, at the high-level meeting opening ceremony, most of the delegation maybe mentioned the stakeholder model more than 100 times. You know that the multi-stakeholder model is related to Internet governance.

With the GAC issues and the ICANN issues, there's a lot of conflict, or you can see that they don't understand the issue very well. So, I think we have to discuss the multi-stakeholder model from every side, from every corner, to understand it every well. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you very much, Alan. I'm sorry for the gentleman standing at the back mic, but we had actually frozen the queue. So, we're running behind already. We do need to move on.

UNIDENTIFIED MALE: Okay.

OLIVIER CREPIN-LEBLOND: I apologize. Let's go to Agenda Item #3, the ITU Plenipotentiary, a particularly important – oh, okay; I thought I was supposed to give you the floor – thing that's coming up, of course, again, within the next month or so.

For this, we have several speakers who are going to be there. We'll start with Mary Uduma.

Kavouss, you can speak about this afterwards. I know you like ITU plenipots.

MARY UDUMA:

Thank you, Mr. Chairman. Thank you. My name is Mary Uduma. I am from Nigeria. I'll be at the PP '18.

I want to say that, at the country level, the Ministry of Communications of our own country has a department and sections that attend ITU issues as against the ICANN or IGF issues.

But, the good thing we have done is that we run the Nigerian Internet Governance Forum, where is the Ministry is a collaborator with other stakeholders and sometimes would run through this and produce what we call our communique. We do send it back to the Ministry and other stakeholders. Sometimes, it resulted in policy actions in our country.

But, for PP '18, why I'm there is to support the Nigerian delegation in taking care of some of the aspects of the IGF issues that those that are attending may not know because sometimes they take decision resolutions on that.

But, there is nothing very specific that would affect ICANN that is coming from Nigeria because we brought a minister here. He was at the high-level meeting. He also stated that Nigeria supports the multi-stakeholder approach.

So, that's good for us. So, he's moving from here to the PP '18, so he would also have to get balance in coming up with resolutions.

I also want to mention the AfrICANN common position. During the meeting in Nigeria, the plenipotentiary meeting, I attended, and one of the resolutions that AfrICANN may be looking at it, is concerned about, is that the world is using two ideas: the old ideas and then the new idea. There was an issue of how do we harmonize? Which one is bigger and better than the other? Which one to do we follow? Even though the ideas may not be that much of a hot topic, that's one of the things that came out from the AfrICANN preparatory.

Then, the domain name management. The African countries are concerned about who – that their domain names should be managed – I mean, their country code – I'm sorry; I'm not talking about domain names – should be managed in-house, should be managed in-country, not having another person taking it over.

Some are saying it should be managed by government or it's an issue that should be managed by regulators. Those are the models we have in Africa.

So, before I stop, I want to raise something about the NRIs (the National Regional Initiatives) of the Internet Governance Forum. We are strong. We have [inaudible] session on the evolution of Internet governance, and we invite all to attend and participate.

We also have collaborative sessions on fake news and new technologies and cybersecurity and access. Access is, what do we talk about when we come to the developing countries? So, that's another thing that I want to raise.

At the African level, the Internet governance for Africa is hosted and managed by the Secretariat in the AUC. In West Africa, the Internet Governance Forum has a Secretariat in the [inaudible]. So, government is getting integrated. But, we need the private sector to play more of a part in our region.

Thank you.

OLIVIER CREPIN-LEBLOND: Thank you very much, Mary. Next is Jimson Olufuye.

JIMSON OLUFUYE: Thank you very much, Olivier. Good morning, everyone. My name is Jimson Olufuye. I need to just say this briefly about IGF. I used to be a member of the M3AAWG and a member of the working group on the improvement to IGF.

So, IGF has benefitted the developing world a lot in times of capacity development. A lot has cascaded into local development because of that. So, as a means of information exchange, it's continuously relevant as we progress forward in the evolution of the Internet.

Now, for the benefit for those who do not know much about ITU and those that are listening to [inaudible] listening to the recording, the ITU was founded in Paris in 1865 as the International Telegraph Union. It became the International Telecommunication Union in 1932. In 1947, it became a specialized agent of the United Nations.

So, ITU is a treaty, regulation, and a standard organization for telecoms. It is wholly government [inaudible] and is not fully multi-stakeholder, though it's making a lot of effort to be a multi-stakeholder entity.

It has three key [inaudible]. First, the radio communication [inaudible] and the standardization [inaudible] and the development [inaudible]. The development [accepts] developing countries a great deal. It's also the other [inaudible] happen to ship telecommunication around the world.

Of late, it encourages its delegation to be multi-stakeholder, which is good. So, I'm in the Nigerian delegation as a business member of the delegation. So, I will be there. I was there in the last meeting.

Well, Mary Uduma said, "We want more business people." So, we also want the government to reach out, too, to us more. ITU happens every four years for two weeks. This PP happens every four years.

So, this year, there'll be elections across leadership. The Secretary General is also going to stand for election, who is the only candidate. You have Deputy Secretary Generals, too. The assistant one from the U.K. will be standing, and then the gentleman from Africa will be standing. They will elect directors of each of the three sectors and the Secretariat.

A key resolution that I noted has a lot to do with unfinished of the working group on the CSTD. The CSTD Working Group only has cooperation on international policy and public policy matters pertaining to the Internet.

I happen to be a member of the WICD the last two phases. The first phase was very successful, and the second was really close to success. Professor Wolfgang made a very good presentation on that at the high-level. I believe that, if we try maybe one more round, perhaps we will hit what we need because there was a talk about some other outcomes of the IGF itself being substantive in terms of policy direction for the global space. I think we are very close to achieving some form of consensus.

So, at the ITU, there has been a proposal that maybe ITU should take it over, while business does not support that because we're not on equal footing right there, whereas, in the CSTD itself, there is a measure of equal footing in terms of ability to express one's opinion and fill in about policy direction.

But, in the ITU itself, or the private sector, we don't really have the liberty and the privilege to be able to speak, though we can speak through delegation.

So, maybe I thought we'd get – I don't know – [inaudible], a legal framework for international public policy on the issue [of] the Internet to be brought forward at the global level. At CSTD, most of us feel that that can happen because it already has international public policy responsibility in its mandate. But, ITU I don't think has that structure to handle the proposals that are being put before it. So, if you expect the [inaudible] before it, the ITU should be the clearinghouse for international public policy. But, business does not really buy into that.

Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Jimson. Next is Patrik Faltstrom.

PATRIK FALTSTROM: Thank you very much. Patrik Faltstrom. I'm a delegate in the Swedish delegation for the plenipot. Just like Jimson, let me tell you a little bit on what the Swedish position is.

Sweden was one of the 20 countries that participated in the regional creational of ITU, just like Jimson said. Those 20 countries represent 16 countries that exist today. In 1865, Sweden and Norway was one country, for example, for those who know history.

Anyway, Sweden was one of them. We have always been a member of ITU and followed all the work that ITU has been doing. We are not a member of ITU Council this round, and we have not put any nomination forward for election.

We are also a member of the European Conference of Postal and Telecommunication Administrations, CEPT, and because of that, we have participated in both the CEPT coordination and also the E.U. coordination. The work, of course, in those coordinations are more or less frustrating, but we do believe that we have come to a conclusion with is satisfactory. CEPT is one of the six regional groups that are recognized by ITU, by the way.

The last meeting that was kind of significant was believe was WICD 2012. As some people remember, there were 89 out of the 152 members

that signed the proposed treaty at the end of the day. Sweden was one of the countries that did not sign. There are a lot of stories to talk about that. Could be kind of interesting story history lessons for the future.

So, Sweden did not sign the treaty for various reasons, and our reviews have not changed since WICD. Our views are based on multi-stakeholder processes, that ITU should recognize other organizations, should not expand its remit or do overlapping work. We need all standard organizations of the world to work together with each other, as well as other entities, according to the established multi-stakeholder model that is discussed all over the world.

We also believe that the current coordination of Internet resources works really well. So, those who know a little bit about what we think in Sweden know change.

Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Patrik. We'll close off this topic with Nigel Hickson.

NIGEL HICKSON: Thanks very much, Olivier. Just really, again, a sort of factual account of ICANN's involvement in the Plenipotentiary over the next three weeks. ICANN, as a member of the technical community, has been involved in ITU discussions over the last 20 years or so. We're not a sector member, but we cooperate with our technical partners – ISOC and the regional Internet registries.

We take part in the regional coordination groups through our Global Stakeholder Engagement team. So, I personally take part in the European coordination.

So, in the preparation for the Plenipotentiary, we're involved in that regional coordination and therefore have an overview of the proposals being developed and are able within our remit to give factual advice or whatever, where those proposals might be affecting the domain name system.

At the Plenipotentiary next week, Goran Marby, our CEO, will be speaking in the opening session on the Monday afternoon. He's been invited by the ITU Secretary General to give this address. As some of you might know, the ITU Secretary General was here earlier in the week at the high-level government meeting.

Then, over the next three weeks, there'll be a number of members of the ICANN organization on the ground, including myself.

In terms of the resolutions before the Plenipotentiary, as others have mentioned, there more changes to resolutions than in any other plenipotentiary. So, we're probably in for some late nights.

There are proposals touching on ICANN's remit. I was going to say something in a meeting between the ccNSO and the Board yesterday, which completely and accurately described the work of the ITU. The ITU does consider proposals which touch on country code top-level domains. It's as simple as that. The ITU considers proposals that touch on international domain names.

In this plenipotentiary next week, there was a regional proposal for – well, it’s not. It’s a proposal from a number of Arab group countries that challenges the governance structure of the Governmental Advisory Committee and also raises concerns on the way that generic top-level domains are allocated within the system of the governance in ICANN.

These are proposals, and, of course, countries are free to put in proposals. But, that’s why we’re there to provide factual advice on what ICANN does. I think this is a good discussion.

Thank you very much.

OLIVIER CREPIN-LEBLOND: Thank you, Nigel. Now we are running out of time, but I should open the floor. I think Kavouss wanted to take the floor, and Richard Hill. We can’t have a discussion on IT without Richard Hill being involved.

So, Kavouss, would you like to take the floor, then Richard? Then, we’ll close the floor after that.

KAVOUSS ARASTEH: Yes. Good morning, ladies and gentlemen. I don’t want to go through the structure of ITU. It is outside the patience of this group. What we have in the Plenipotentiary, which is the highest organ of the ITU – it governs the policy of the union. Every four years, there is a Council, 25 of the 48 member states. They are authorized to implement the decision of the Plenipotentiary and guide the union.

However, just picture the issues related to the Internet. There are four resolutions – in fact, five: Resolution 101, Resolution 103, Resolution 102, Resolution 130, and Resolution 180. These five resolutions relate to the activities of the Internet.

All of these resolutions now are subject to several changes from several countries. Sometimes the changes are very drastic. Sometimes they may go outside -- I said “may” – the core mandate of the ITU. Nevertheless, these are the resolutions. Some of them are calling for reciprocal collaboration within ITU and various entities, including ICANN, the Internet Society, and so and so forth. Currently, it’s in the footnotes. Some people propose that they’ll bring it into the resolution.

I recall that, in 2010, there was a resolution from the United States to delete all these resolutions and it substituted one single resolution. It was not accepted, but it resolves all four resolutions, saying that there is a need to collaborate within all these issues and so on and so forth.

Now, the most severe, I would say, hot issue before the plenipot is the ITR. There are three categories of proposals. Proposal 1 is extreme: to have another WICD (World International Telecommunication Conference) in 2020 from one group of countries.

The second category. There was a working group to see whether or not it’s possible to have this conference. This the second category proposal.

The third category proposal comes from the six countries in Region 2. The United States and others, plus Europeans, think to stop anything about ITR because there is no consensus.

So, these three issues are before the plenipot, and we have [to start].

If you want to know my personal view, working 45 years in the ITU, there is a likelihood that this working group will continue, but there is no consensus that there'd be a conference in 2020. So, we have to work.

All of these resolutions were given to the working group of the plenary under the lady from Malaysia, [Selena Abdullah], and I'm going there to help her in order to also convey some of the messages formed in ICANN, saying how ICANN works and so on and so forth. Everyone doing [inaudible] what I said in the ITU during the last five years saying that.

As Fadi Chehade said, we're going on a long journey. We can't go alone. We need others. ITU could contribute like any others, collectively and so on and so forth. Nothing prevents [inaudible]. This is one thing.

The other thing is that they are putting some sort of the resolutions with respect to the Internet and so and so forth. I don't want to read that resolution, but this is very important. People should be very careful about that.

One good example and good message is that we have been successful not to change the constitution and convention of the ITU. I am the architect of that since 2010. I put a proposal from APT, accepted, another proposal in 2014 accepted, and now this proposal is accepted. We don't change constitution conventions.

Resolution is easy to do that because sometimes the resolution is, I'm sorry to say, just words and may not be implementable at all. So, we

should be careful about something that is just words, but if there is something critical, then we should be careful. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you a very informative contribution, Kavouss. Let's go to Richard Hill, please.

RICHARD HILL: I have three separate comments, but they're quick. Jimson, it's not a very well-known feature of the ITU rules of procedure, but in fact, sector members can ask to speak at conferences as observers. You simply have to ask the chair and they'll let you speak. Nobody has ever done it, but technically it is possible. That's similar to the other U.N. organizations" non-state actors speak as observers.

Patrik, you'll be happy to know that, having looked at all the proposals, or most of them, my hunch is exactly the same as Kavouss. I don't think anything is going to change. So, although you'll have to be there to make sure that happens, I think you will succeed in the end.

Then, the more serious comment. For those of you who are concerned about government intervention – I think you're very right to be concerned; I am too in certain areas – as Kavouss and others have pointed it out, the plenipotentiary can make treaties and change treaties, but it's actually not going to do that this time. There's not much prospect that any ITU treaties would be changed any time soon.

What they're going to do is do resolutions, but those are non-binding texts, so they have some impact but not that much.

On the other hand – I know Bill's going to talk about that – the WTO (World Trade Organization) and free trade agreements are merrily running along, concluding treaty-level binding obligations, and those of you who might be interested in this –

OLIVIER CREPIN-LEBLOND: Sorry to interrupt you. We're dealing with WTO afterwards.

RICHARD HILL: I know. I'm just going to say two words, please. You should work at the U.S.-Mexico-Canada agreement, which even has a provision on ccTLDs having published their WHOIS data. So, if you're worried about government intervention, worry more about trade negotiations than about ITU. Thanks.

OLIVIER CREPIN-LEBLOND: Thank you, Richard. Let's move swiftly, unless any of our panelists wish to comment on what we've heard, to the next agenda item, and that's the U.N. Panel on Digital Cooperation.

I believe Chengetai Masango is still on the phone for us. Chengetai, you have the floor.

CHENGETAI MASANGO: Thank you very much, Olivier. I'll try and be as quick as possible to speak on the U.N. Secretary General's high-level Panel on Digital Cooperation.

So, on the 12th of July, the United Nations Secretary General announced a high-level panel on digital cooperation. It's purpose is to advance proposals to strengthen cooperation in the digital space among governments, the private sector, Civil Society, the international organization, the technical community, and so on, and it's to contribute to the broader global dialogue on how interdisciplinary and cooperative approaches can help ensure its safe, inclusive digital future.

So, it's supposed to look at methods and mechanisms and also [inaudible] areas. It's not supposed to propose a new body or anything like that, but it can forward recommendations to enhance or strengthen those mechanisms that are already existing and also highlight where we can fill the digital collaboration gaps.

Now, I don't know – can you see the PowerPoint presentation or not?

OLIVIER CREPIN-LEBLOND: We're working on it at the moment. Upload in progress.

CHENGETAI MASANGO: Ah, I see. Okay. No problem. I'll just carry on then. So, this is broader than Internet governance. It is the whole digital realm, so it includes things like laws, [inaudible] autonomous weapon systems, etc. So, it ...

OLIVIER CREPIN-LEBLOND: Have we lost Chengetai?

CHENGETAI MASANGO: -- there is a panel ...

OLIVIER CREPIN-LEBLOND: And, he's still here.

CHENGETAI MASANGO: There is a panel of 20 members, and they range from people that we know – Vint Cerf. Fadi Chehade is also on the panel. There is the Minister for the UAE, Doris Leuthard from Switzerland, Nikolai Astrup from Norway, and, from Botswana, there's Bogolo Kenewendo. She's the Minister of the Investment, Trade, and Industry from Botswana.

There's also Civil Society members. We have Marina Kaljurand, the Chair of the Global Commission on Stability in Cyberspace, and Akiliza, who is from the W3C, if I'm not mistaken.

So, the Co-Chairs are Melinda Gates and Jack Ma. Jack is from Alibaba and Melinda Gates is from the Gates Foundation, I'm sure you know.

We've had two meetings so far. We had our first virtual meeting, which was on the 24th of August. The first in-person meeting happened in New York on the 24th and 25th of September.

Next slide, please. During that meeting – just two more slides down, where the circles are. Yeah.

So, during that meeting, they focused on what exactly is going to be the core of the report. So, in October, we're going to have panel working groups, where we're going to have a public call for input. That is live now.

The deadline for the call for inputs is on the 30th of November, so I do encourage all of you to put in something. In December, there's going to be a second virtual meeting of the panel. In January, there's going to be the second input meeting of the panel. We hope to launch the report in June 2019.

Next slide, please. So, the panel members decided to focus on these areas: values and principles, methods and mechanisms, and illustrative [actionarios]. So, the illustrative [actionarios] are increase of development and capacity building, inclusive participation in the digital economy and big data – all issues that are concerned with data – human rights and human agency, and digital trust and security.

So, we also have a consultative approach. Next slide, please. So, the Secretariat and the panel members are going to go on road shows. There's a Silicon Valley Road Show. We were in [OCED] meeting. I myself went to [inaudible] with Vint Cerf, and we did some consultation there. We also are going to AI meetings, etc. just to inform stakeholders of what we're doing and encourage them to contribute to the panel's work.

In IGF 2018, there's going to be an open forum held by the panel and some panel members. That's going to be in Room 10 on Monday. That's the 12th of November, from 12:20 to 1:20. I would encourage all interested people to come to that. We are going to have a discussion on digital cooperation and the work of the panel.

Next slide, please. So, to get involved, as I said, there's a call for inputs that's on our website. There's also a survey that's on the website. That is DigitalCooperation.org. There's events and meetings, and you can see the list of events that people from the Secretariat to panel members will be attending. We also got Host Your Own Discussion kits, which is downloadable from the DigitalCooperation website.

Final slide. Next slide, please – yes. Thank you. So, there is the website. You can follow us on Twitter. If you have any questions, I'm ready to answer them.

Thank you, Olivier.

OLIVIER CREPIN-LEBLOND: Thank you very much, Chengetai. Next is Marilyn Cade.

MARILYN CADE: My name is Marilyn Cade, and I have the crystal ball in front of me to predict what the impact of the panel will be on ICANN and on the IG ecosystem.

If a tree falls in the forest and there was no one there to see it or hear it, does it matter? I think it matters. So, the important thing for all of us is

to be aware that the panel is in fact doing this work. There's an opportunity to provide input.

Those on the panel are not experts in Internet governance, in the Internet Governance Forum, or in ICANN. They bring different perspectives, and no single person on the panel, just because they may have been employed by one of the organizations, should be the representative or then spokesperson or be the person decoding for the other panelists what the issues and the perspectives are.

So, I think that the panel could have a significant impact, particularly if it is not informed by a broad number of inputs and opinions about digital cooperation.

I also just want to quickly say, let's all be realistic here. We're on a journey. This is a marathon. It's not a flash race. As Kavouss said, our colleague from Iran, if we want to go forward, we must go with others. If we want to go fast, we can go alone.

So, I hope we will all look at the panel and we will strive to provide, even if it's individual comments, and that we will help to educate and bring forward thoughts about the digital cooperation because our world is being increasingly digitized, and many, many, many of our citizens are not prepared for that socially, culturally, or economically – the changes that technology will bring and the importance of digital cooperation.

So, the impact on ICANN – very quickly – I think is yet to be determined, as well as on the IGF. I will just lend my hope to something that my colleague, Jimson, said. I was on all three of the CSTD working groups.

I have great hope that, after the panel presents its report, it will be possible to return to the Commission on Science and Technology and to complete a track of work there that is focused on enhancement cooperation.

But, I do I think we also need to realize that the recommendations that come out of this panel on digital cooperation are far more reaching and should be than just the implications for ICANN and the implications for the Internet Governance Forum

Thank you.

OLIVIER CREPIN-LEBLOND: Thank you very much, Marilyn. So, not seeing anybody excited to go to the mic, let's – okay. Jorge, if you have a comment, please make it very brief.

JORGE CANCIO: Yes, if I don't break the mic. This is Jorge Cancio from the Swiss government again. You might have heard that our Minister is on the panel, so we are trying to push the panel in what we think is the right direction, which is very strongly linked to the multi-stakeholder approach to Internet governance, to digital governance, and to digital cooperation.

We think that this panel is really a big opportunity to draw the attention of world leaders to the issues that affect the digital economy, society, and politics, of which Internet governance is a part.

It also draw the attention of the Secretary General of the United Nations, which you know is beginning, really, still his mandate.

At the same time, this endeavor is outside the structure of the United Nations. It has a multi-stakeholder composition, although we all [inaudible] have our favorites for that panel.

We think that they are trying to be as open as possible. They can improve. We will try to push them to improve. I really wish and I really encourage you all to make your inputs so that the panel, as Marilyn has said, is really well-informed and also can expand the good ideas about multi-stakeholder cooperation we have been developing in ICANN, in the IGF, in our environment, to the wider space of digital cooperation.

So, I would really hope that you make good contributions so that, also, the work of my Minister within the panel is easier.

Thank you.

OLIVIER CREPIN-LEBLOND: Thank you very much, Jorge. So, let's now move to our next topic, and that's the World Trade Organization trade agreements and the DNS. For this, we have Bill Drake. Bill, you wrote to me that you might need five minutes to do it, but I think you can do it probably in 10 or 15. We do have time, since our last item will actually be a little shorter.

BILL DRAKE: Okay. Well, I'll try to squeeze. Okay. In the time available, I will make – good morning, by the way – I'll try to make five clusters of points.

First point: Digital trade governance is Internet governance. It always has been. We tried to make this point during the World Summit. Civil Society people tried repeatedly to get trade issues into the discussion and failed. It was mentioned in the Working Group on Internet Governance report, though.

Nevertheless, in the years to follow, the two communities, the trade community and the Internet governance community, have gone their separate ways and have very little interaction. This, I think, has been deleterious in a lot of different ways.

Nevertheless, we do have an international institution that is very well-established that's establishing binding treaties with dispute resolution and enforcement with teeth that pertains to the conduct of commercial transactions over the Internet. That is completely consistent with the definition of Internet governance that was adopted in WSIS, which includes both the underlying Internet's organization and its use for commercial content, as well as other forms as forms of content, etc. and transactions. So, it's worth paying attention to.

Second point: There's been much talk, a lot lately, about digital trades in the news a lot. People are getting excited. Sometimes people say, "Oh, this is all new. Oh my God! This is happening! Wow!"

Actually, this is not at all new. It's a continuation of work begun in 1982. That's when I started as a grad student writing about global data flows and international trade agreements. There has been work conducted in the WTO and other international forums since then, and among a large, global epistemic community of scholars who are experts on this

area, looking at how one could apply trade rules to digital transactions and data flows and so on.

The instruments that are negotiated in WTO already apply to digital transactions. They simply haven't been tested in the dispute resolution mechanism for a variety of reasons. So, instead of having dispute resolution mechanisms try to legislate the effort, it's now to try to develop bespoke new rules that are much clearer so that people understand precisely how the relationships work.

There was an effort that went on, beginning in 1998, to have a work program on global electronic commerce that would sort through a lot of the very complex issues involved in this space. Unfortunately, that effort has basically failed. The issues that were on the table were often too complex for trade people, I think, who were not Internet experts, to really resolve, and because, frankly, the efforts to try to cram digital transactions into the categories of the existing trade frameworks just didn't work.

Part of the consequence of this has been that, as this process of trying to develop rules within the WTO atrophied, more and more effort went in to pushing the effort of the multi-lateral framework and into a wide variety of bilateral regional and plurilateral preferential trade agreements, which typically are exclusionary and do not extend benefits to non-members.

This has been, of course, a great concern to developing countries who feel excluded from many of these agreements. At the same time, developing countries' negotiation tactics have been part of why things

are moving out of the WTO. So, it's an interesting situation. Nevertheless, this is what's going on.

In looking at some of the current discussions, I would only ask you to be aware of some of the mythologies that are being floated around. This is not only happening because of the special interests of [guffaw]. There are a lot of people with [Guffaw] Derangement Syndrome. "Oh, Google, Apple, Facebook, Amazon – they're destroying the world!"

Guess what? According to McKinsey, \$2.8 trillion of global GDP in 2014 was attributed to cross-border data flows. Cross-border data flows now generate more economic value than traditional flows of trading goods. 90% of all the data in the world has been generated over the last two years. It's being used by companies and organization, commercial and non-profit, across all sectors of the economy.

Many countries are interested in trying to deal with this. There are now 72 countries, only one of which is the home to [Guffaw], that are engaged in negotiations with the World Trade Organization, trying to sort out a framework to deal with this stuff.

It is also not simply a battle between the global north and global south. It's 2018, not 1978. This is not the new international economic order. The world has moved on. Most people recognize that that does not at all capture what's happening. Many developing countries are very much interested in being part of this.

Finally, one other popular misconception: Data is not the new oil. For God's sakes, please don't say that. It's the most ridiculous, bad

metaphor, and it has inspired some of the most ridiculous technonationalist thinking on the part of some of the developing countries, which has been very, I think, contrary to their own self-interests and risks leaving some countries out of discussions that actually could have benefited them. So, that's problematic.

So, turning then to my third point: Preferential trade agreements, which have taken over much of this slack in the international system. The most important of these, of course, is the CPTPP – a terrible acronym – formally the TPP. But, since Trump left, they decided to make it CP.

Just so that you know – it has been mentioned already by Richard – there are two provisions pertaining specifically to domain names. Provision 1828 says that, for ccTLDs, appropriate procedures for the settlement of disputes based on and modeled on the UDRP, as approved by ICANN, or similar procedures, must be employed amongst member governments. So, you have an international treat directly referencing ICANN as a source of authority on a particular subject, by the way, which is not something you see – the references you see in ITU instruments and so on are not quite the same.

It also says that there should be appropriate remedies available in case of rights disputes, etc. And, there is indeed language that says, “Online public access to reliable and accurate database of contact information for domain name registrants in the member ccTLDs.” This is not gTLDs. What exactly the involvement of the ccTLD community has been in this, I don't know. But, it does not, as far as I can tell, subvert policies, given

that ccTLDs make their own kinds of policies in ways that are very different from what we do with gTLDs.

There's also a provision on country names generally, that says, essentially, that there should be legal means for interested persons to prevent the commercial use of names that are intended to mislead consumers as to the origin of the good.

There are also provisions in this agreement on personal information protection, which says all countries must have data protection and personal information protection agreements or privacy protection agreements and that these should be somewhat interoperable, etc.

The most important provisions that most people talk about are the provisions pertaining to cross-border data flows and data localization. These say that governments can adopt "legitimate" public policies that restrict these things. However, they set forward certain criterias of evaluation that are really important and need to be sorted out, and not just by dispute settlement panels.

They also say that, if you're going to have a policy that restricts data flow or forces a company to localize data as part of their entering into a market, the measure must not be applied in a manner that would constitute a means of arbitrary or unjustifiable discrimination or disguise restriction for trade and does not impose restrictions on transfer of information greater than are required to achieve the objective. This is the so-called necessity test.

So, the point is that there's an effort there – I just did a whole session on this in the World Trade Organization's public forum – to balance obligations to have data able to move with exceptions that are deemed legitimate, subject to certain constraints.

There are other key provisions in the CPTPP as well that are very relevant to Internet people, requiring, for example, that customers have the ability to access and use services of their own choice, subject to reasonable network management – this is essentially a soft net neutrality requirement – a requirement not to impose customs or duties on electronic transmissions, and not to give less favorable treatment to products that happen to digital, and so on.

The USMCA that was recently negotiated essentially apes those provisions. It has absolutely parallel language on domain names in both cases. The only big difference in the approach is that – I insist I'm calling it NAFTA, just like I insist on calling the Washington National Airport Not Reagan National Airport.

The provision on location of computer services does not put any limitation on it and say that there that could be possible exceptions that would allow for legitimate data localization. They just say, full-stop, that no party shall require a covered person to use or locate computing facilities in a party's territory as a condition for conducting business.

So, fourth: The World Trade Organization and what's happening now. There's a joint statement initiative on global electronic commerce. It is pointing towards trying to negotiate a plurilateral deal; that's to say a deal among a subset of the WTO members.

It is anticipated that the decision to launch a negotiation will be taken in Marrakech at the ministerial meeting in 2020. The group that's working on this is meeting informally because the Indians insisted that this could not be viewed as a regular WTO group. So, they're meeting informally. They're making a lot of progress. There's a lot of good energy in the room.

What's likely to be accepted is – the big question I think is whether a plurilateral deal like this will be exclusionary – that is to say, only people who sign up for it get to benefit from it – or it will be open, in which case subject to the MFN rule, benefits would accrue to members that did not participate in the negotiations.

The content out of that – simply, I will say, among the keys worth noting, data localization and barriers to data flow are at the core of the deal, but there are also proposals to address web blocking, making sure that all digital products are treated fairly, having requirements pertaining to proprietary information, such as the forced disclosure of source code, provisions on security, such as dealing with encryption and cybersecurity issues, and so on.

There's a lot of flash points for potential conflict there, and I think people need to follow this relatively closely.

This brings me to my fifth and last point, which is to say we need to broaden the process. There are real risks of overreliance on trade solutions to very complex global economic problems here.

I've been arguing in a project that I'm doing for the World Economic Forum that we've been evolving over the past two years. We'll have a white paper out in the first part of next year for a multi-track approach, where would nest a reformed trade process alongside a multi-stakeholder dialogue process and greater use of informal non-binding types of declaratory soft law rules, such as those adopted in the G20. I can give you the rationales for why that would be so, but that would take me over my time.

So, I'm stopping and saying, in conclusion, that big things are happening in the digital trade environment. They directly impact the world of the Internet. They will directly impact some aspects of the ICANN operation. There are things that people in the Internet community I would hope would begin to follow more closely because I don't like the idea that negotiations on such important issues take place in closed, non-transparent environments. We should have a process that allows inputs from other actors as well.

Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Bill. We really are out of time. It's quite a number of things that you've told us here. It would be great if we could have updates on the CCWG-IG mailing list.

I note several people at the mic. If you can make 30-second interventions, that would be absolutely great because we will be running over the end of this.

So, let's start with Marita.

MARITA MOLL: Okay. 30 seconds. I was hoping you would say something about what's going on –

OLIVIER CREPIN-LEBLOND: Say your name, please.

MARITA MOLL: Marita Moll. I was hoping you were going to say something about a statement before WIPO that takes about geo TLDs and also mentions ICANN's discussion that's going on in geo TLDs.

BILL DRAKE: WIPO is a different space. I was talking about the trade agreements.

OLIVIER CREPIN-LEBLOND: Okay. We'll go to the back mic, rear mic, first, and then the one in front.

RICHARD HILL: Thanks very much, Bill. I must be getting old because I agree with almost everything you said. But, not quite everything.

You mentioned that the existing commitments apply. That’s actually somewhat disputed. Some people think. Some people think something else.

I agree that data is not exactly the new oil, but it is a valuable resource. Much of the thinking is, what do we do about that resource? Do we allow it to be traded freely? Do we want to collect royalties or not collect royalties?

So, as you said at the end, this is complex area, including the data privacy. As you know, the devil is in the details in the WTO text and how they’re going to be interpreted by the dispute review panel. That also applies to ccTLDs. In the USMCA, there is a clause saying “national law,” but I think that it subject to some interpretation. It’s not yet clear which way it’s going to go there.

Finally, a point that you made at the end, which I want to reinforce: WTO is really not multi-stakeholder. It’s the only inter-governmental organization that I know of that has no provisions for the formal participation of non-state actors. Everywhere else you can be an observer or sector member or something. WTO is just only member states. I think we really have to be worried about that, just exactly as Bill said.

OLIVIER CREPIN-LEBLOND: Thank you, Richard. Allan MacGillivray, 30 seconds, and then the gentleman in the back. Then, we have to close because people are coming in the room for the next session.

ALLAN MACGILLIVRAY: Thank you, Bill, for bringing the whole issue of trade agreements forward. It's very important. I'm with this ccTLD in Canada, and I have to respond to Richard's comments about the ambiguity about the carve-out agreement in both these TPP and NAFTA. I'm like you, Bill. I use the old language. That language is broad enough to include our policies. It's a broad carve-out.

We actually participated in the negotiations with our council. Our own council was very comfortable that that has no application or effect on us. But, the point is, for those that don't have something that's already compliant, it could catch them. So, your point is well-taken. It has to be followed.

Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Allan. Gentleman in the back, please.

FIRDAUSI FIRDAUS: Thank you. My name is Firdausi. I have two questions. First, because you talked about the digital trade, I was wondering if there has been any discussion to use cryptocurrencies as the medium.

Also, because when we talk about the WTO we talk about trade and there has been so much news about the trade wars, I was wondering if the trade war is also entering to the digital governance trade as well. And, if there is, what has been done by WTO? Thank you.

OLIVIER CREPIN-LEBLOND: Thank you. Bill?

BILL DRAKE: I'm sorry, but I don't think I understood the second question. Did you?

FIRDAUSI FIRDAUS: So, the second question is, because the trade war is happening –

BILL DRAKE: Because what?

FIRDAUSI FIRDAUS: The trade war is happening, so I was wondering if the trade war is also entering in the digital trade as well.

BILL DRAKE: No.

FIRDAUSI FIRDAUS: It's not?

BILL DRAKE: No. Trump lives in a world of 1960s industries. That's what he cares about. He couldn't care less about the digital.

FIRDAUSI FIRDAUS: Okay. So, just the first question.

BILL DRAKE: As far as blockchain, like everywhere else, people like squirrels and chase them whenever possible, so there are people who will say, “Ooh. We should talk about the blockchain,” but nobody is really proposing that there should be some significant inclusion of blockchain technologies involved in the agreement.

FIRDAUSI FIRDAUS: Okay. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you very much, Bill. Thanking our panelists, thanking, of course, our participants on the floor, and Chengetai Masango remotely. We’ll continue with the face-to-face meeting of the working group starting in about 10 or 15 minutes in Room 133. Thank you.

NIGE HICKSON: Thank you very much. If everyone is not on the Cross-Community Working Group list ...

[END OF TRANSCRIPTION]