
TIJANI BEN JEMAA:

So, good morning, good afternoon and good evening everyone. This is the 5th webinar in the framework of the Capacity Building Program, that was set up to prepare the ALSes for the upcoming ATLAS II Summit. Today we have Olivier Crépin-Leblond and Nigel Hickson, who will speak about the future of Internet governance, the second part, and I'd like to emphasize the fact that every participant in those webinars has to fill in the evaluation sheet that's been sent to you.

Every time you receive an invitation, you have an attachment with this evaluation sheet. So please fill them in, because they help us to understand if you are happy with the Capacity Building Program, if there's something to correct. We're ready to react if you express it. Thank you very much. Now I'll give the floor to Terri, to give the normal [concern 00:01:34] that she always gives, before each webinar. Terri, go ahead please.

TERRI AGNEW:

Thank you Tijani. Welcome to the Pre-ATLAS II webinar on the topic of the future of Internet governance, part two, on Monday, 12th of May 2014 at 21:00 UTC. We'll not be doing a roll call, as it is a webinar, but if I could please remind everyone on the phone bridge, as well as the speakers, as well as those on the computer, to mute your speakers and microphone as well as state your name when speaking. This is not only for transcription purposes, but to allow the interpreters to identify you on the other language channels.

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.

We have Spanish and French interpretation today. Thank you everyone for joining today's webinar, and I'll turn it back over to you, Tijani.

TIJANI BEN JEMAA: Thank you very much Terri. Now over to you, Olivier and Nigel.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Tijani. I'll ask staff to go to the Brazil document, the one that is called the Net Mundial multistakeholder document. What I'll be doing is just take you through the document, as to the final document that was created over in Net Mundial. There was an initial document that was shown and distributed among all the participants, and everyone started working from the first document then moved onto this final document you have on the screen.

In fact, both documents are linked to the Agenda of this call. If you click on the Agenda you can download the documents at your leisure and read through them. I was just going to go through this quickly and then hand over to Nigel for a presentation on what this really meant – what Net Mundial actually meant, and basically where we have to go from here. The document itself, as you will notice, is marked 24th April, the last day, the second day, of the meeting, at 19:31 Brazilian time.

There was a good number of hours that passed by, nerve-wracking hours thinking, "What's going to come out of all of the discussions that we've had during the past two days?" The preamble is just an explanation of what has happened. What's important is the document is in two pieces. It's got the first part, which is the Internet governance principles, and

the second part, which is the roadmap for the future evolution of the Internet governance ecosystem.

You'll find that as far as the Internet governance principles go, there was a lot of work done, the first time they actually sat down, and a sub-set, if you want, of all of the different pieces of work that have been done prior to this meeting, which some groups are having an Internet freedom and rights, Internet rights and principles. There's been an enormous number of different pieces of work. The Council of Europe did some work on this.

Several other societies did some work on putting together some government principles, but there was never any document that was actually agreed in a multistakeholder method, and by all stakeholders that were present. You have to remember Net Mundial has governments, civil society, the private sector, and the technical community, all in one room. That really is a first. There was a lot of interaction and a lot of input from all of these different stakeholders.

First, the principles. Well, I guess the first of the principles, which everyone has agreed one, and was pretty straightforward – and quite surprisingly so – bearing in mind a couple of years earlier, the World Conference on International Telecommunications, the WCIT, that took place in Dubai, there had been such a problem with regards to having human rights included in a treaty that was dealing with telecommunications.

In here, the human rights [ensured 00:06:17] values were all brought in, and in fact were spelled out specifically, but are not limited to the ones which were spelled out.

These are the basic ones that everyone agreed on. First, the freedom of expression. That's of course to do with those countries that block the Internet. Freedom of assentation is again, basic human rights as well. Right to privacy, that again has to do with agencies that listen to the Internet, and surveillance. Acceptability, and that deals with people with disabilities. Freedom of access to information. One has to remember that sometimes this document might seem a little disjointed, but it was done in the heat of the moment and as fast as possible, so sometimes there are a few repeats around, but most of the time they're all well structured.

Then of course there's the development of the Internet, and this is the way that the Internet has been developed so far, as to the IETF, and it also makes sure that the Internet is developing worldwide and is not just in one country. Protection of intermediaries was interesting. It is interesting. This is for a any telecommunications supplier or any ISP. That effectively protects them from being sued, in case there is content on a website or on a network.

It protects them from actually being sued, and it was something that was quite important for ISPs. Culture and linguistic diversity, that's pretty straightforward. Unique [unclear 00:08:31] and fragmented [space], that really is to do with the Internet being one Internet, rather than being cut into smaller bits, especially when one sees the danger, and

[unclear 00:08:44] danger of the Internet breaking into several parts, all behind firewalls, etcetera.

Security, stability and resiliency, very important if you want an Internet that's stable and reliable. An open and distributed architecture. That again is something that the IETF on one hand, and the Worldwide Web Consortium, the W3C, on the other hand, has been practicing very much. It needs to remain like this. Then enabling the environment for sustainable innovation and creativity. That really is a case of making sure the Internet continues to remain open, so as to foster innovation, and doesn't end up being blocked up in one way or another by the established players today.

Then you've got Internet governance process principles, and that is to do with the actual governing of the Internet, not the way the Internet works. Here there's a very significant part – the multistakeholder aspect of it. As you might or might not know, some countries are advocating a multilateral model, which effectively means that only governments would be able to decide on the future of the Internet and make decisions. That's obviously something that was rejected here. It really pushes for the multistakeholder model to be the core of Internet governance in the future, and today of course.

Open participative, consensus-drive governance – again, use consensus. Transparent and accountable, inclusive and equitable, distributed and decentralized, also quite an important point that was made here. Collaborative and enabling meaningful participation. All of these really are parts of the way the Internet is run today. Here you have, on this document, and actual commitment from those that were present, that

this is the way the Internet should continue to be governed in the future.

Then of course the universal access and the promotion of high quality Internet access worldwide is important in there. It mentions in there that the policy should be future-oriented and technology neutral, so you would not end up with a vendor controlling, or having the ability to control, the way the Internet will grow in the future. Then you've got open standards. That's a bit of a repeat of what was said earlier, but it's a paragraph that basically spells out the resiliency of an Internet that's global, interoperable, decentralized, secure, etcetera. That was the first part.

The second part was a bit more tricky, it's the roadmap for the future evolution of the Internet governance. Here the document basically points at several things. First it mentions the Tunis agenda, and it mention the implementation of the Tunis agenda, having demonstrated the value of the multistakeholder model in Internet governance, and basically asking for this model to be strengthened and to evolve and to be improved and continue in the direction that it's been going in so far.

Then of course it speaks about several issues. I'm not going to go through all of the issues that are there, but it certainly repeats again the fact that it requires multistakeholder Internet governance processes, and the selection of those people involved in the multistakeholder process, to be open, democratic and transparent. These are some words that are being used and repeated a number of times. I think you'll notice "multistakeholder", certainly used in this paragraph, is positively important.

It's important because in the future you might think that some might just pick one or the other of the paragraphs and say, "Well, we agree with this but you don't agree with that." Here you've got really something that is across everything. We've got this first part, and then the issues dealing with institutional improvements, again, quite important. Of course there's a significant paragraph about the IGF, the Internet Governance Forum, which has been going on for a while but has never really been taken seriously by some governments.

Here it is the first time that there is an actual real significant step forward towards making the IGF very important for all stakeholders. It mentions here a number of improvements, which are suggested with regards to the IGF. One of them of course is the funding of the IGF, and to strengthen the IGF itself, to extend its mandate beyond those five-year terms. The questioning whether the IGF will go on next year and the year afterwards is something that's not contributed to the stability of the process itself.

Then finally, further down, there's a paragraph about the IANA functions, and it welcomes the recent announcement of the US Government, with regards to the transition of stewardship of IANA functions. There's a small paragraph on there. There was a concern initially that the majority of the discussions at New Mundial was going to be about this, and due to some good scheduling of the meeting, it only took a small part of it, towards the end.

You can see here there is the IANA function on one side, and then there's the globalization of ICANN as well, which asks for ICANN to become a truly international, global organization, serving the public

interest. Then issues dealing with [significant 00:15:40] Internet governance topics. There were a few issues, which were added as a part three. The security and stability is something that was important, and there are several sub-paragraphs about this in the document.

Then there's a paragraph that civil society really pushed for, and which has made it into the final document. That's to do with the mass and arbitrary surveillance, mentioning that it undermines the trust in the Internet and the trust in the Internet governance ecosystem itself. Then there's a small paragraph about capacity building and financing.

It's important for all stakeholders to be able to have a participation at the table, and that's something that I think we all resonate with – being able to meet face-to-face and also perform a lot of capacity building at the edges, so as to bring more people in the Internet governance space. Some points could not be agreed on my all stakeholders present, and therefore they were put into a paragraph called “points to be further discussed beyond Net Mundial”.

That's interesting, because some of these are issues that have been round for a long time, and which for different stakeholders are very important. That effectively means that it's impossible to get consensus, or at least not in a two-day meeting such as this one. The first one, the different roles and responsibilities of stakeholders in Internet governance. The application of this equal footing – in other words, that every type of stakeholder; civil society, private sector, governments, technical community, will all be on the same level.

It's something that some stakeholders did not particularly agree with, feeling that for example governments, due to the issue of sovereignty, would have more of a say than other stakeholders. Jurisdiction issues are particularly complex. What jurisdiction would Internet governance run under, if you're looking at a global network with thousands – maybe not thousand but hundreds – of different national jurisdictions, benchmarking systems and the creation of indicators to some metrics effectively, regarding the application of Internet governance principles – again, that's a big amount of work that will probably need to be done in the next few years.

Finally, network neutrality is such a vast set of words for so many different things. There were interesting and productive discussions that took place there, but some stakeholder – clearly the telecommunication companies – did not wish to have this principles of network neutrality included, at least without it being clearly explained as to what network neutrality means, as such. To some it means all traffic should be treated the same way, but to others it means something else.

Of course you've got network neutrality, as far as the telecommunication traffic is concerned, and you can also say that search engine neutrality is another thing you would want to ask. You could also... You have various different levels of network neutrality, so that's something for future work. Finally, the way forward. Well, that basically tells everyone that there are a number of other processes currently taking place. Of course the IGF is coming up in Turkey. The World Summit on Information Systems, WSIS+10.

That's ten years after the launch of the WSIS, and a number of other follow up discussions and so on. So that's the current state of the document. In order to take you even further, what does it all mean? I guess I can hand the floor over to Nigel Hickson. The only thing I would say, before handing the floor over, is to recommend you read an article that was published in Circle ID by Wolfgang Kleinwachter. Although Professor Kleinwachter was not able to come to Sao Paulo, he followed this very closely via remote participation.

One very important thing, the remote participation was very well done. In this article he writes a very interesting set of historical data, and the background to it, and what really led to this Net Mundial. He is rather pleased with it. I must say, I think the majority of people were rather pleased. The few countries did not like what was going on. That's their prerogative to do that. All together, it was a very good meeting, so thank you. Over to you, Nigel.

NIGEL HICKSON:

Yes, good evening everyone. Thank you very much indeed for giving us the opportunity to talk to you again. Thank you Olivier for outlining what happened at Sao Paulo. I think those of us that were there were privileged to be there. It was, as many have said, quite a unique experience. All I wanted to do was run through a very few brief impressions of it. I don't know whether you've got the slides at all? I just penned three or four slides on this. Really it was just some impressions of Net Mundial and the impact that it might have.

As Olivier said, it was quite unique in the sense that it was an experiment in the multistakeholder approach. The whole issue was conceived by Brazil, but the whole organization of it, the way it was carried out was done in a multistakeholder way. I'll run through these very quickly. As I said, a unique multistakeholder process, I think, in many ways. First of all, the organization of is, although it was led by Brazil, there was an Executive Committee and a High-Level Committee [audio distorts 00:23:58] from government and the technical community and people were appointed to those roles.

[00:24:33] all the proposed inputs. There were 188 papers that were put in, as many of you will have known. Those papers themselves were fairly evenly split between the different constituencies. Not exactly, but a fairly good, even split. [audio distorts 00:25:02] was conducted in a stakeholder way, apart from the statements. The first [00:25:14] taken up by the first lunch on the...

OLIVIER CRÉPIN-LEBLOND: Nigel, we've lost you. I see a lot of notes on the chat that we do have problems with your audio at the moment. Heidi, is Adigo working on this, or is Nigel perhaps on a mobile phone in an area with no reception?

TIJANI BEN JEMAA: No, Olivier, Nigel was speaking on the Adobe. Please call him, please.

OLIVIER CRÉPIN-LEBLOND: Apologies for this. It's technical problems that one usually has when you're scattered around the world. Maybe I can pick it up from here?

Well, these are personal impressions from Nigel, so it would be difficult for me to mention his personal impressions. My personal impressions, if I can just fill the gap for the time being, is I think at the beginning I was a little suspicious – maybe not suspicious, but surprised – at the way this was going to run. There were four... Nigel, you're back?

NIGEL HICKSON: I'm so sorry. My Skype dropped out. I do apologize.

OLIVIER CRÉPIN-LEBLOND: I was just saying there were four microphones on the floor. One for governments, one for civil society, one for the technical community and one for the private sector. That was certainly a format that brought a lot more input and had [urgency one line 00:27:05], especially since governments usually don't stand in line, but strangely enough the government line was the longest one of the lot, of the four. Anyway, back to your Nigel. You were sharing personal impressions. I'm sorry. I'm just filling in for you.

NIGEL HICKSON: I'm very grateful. I'll be quick because I don't know why it dropped off. I'm in a hotel and hotels Wi-Fi is not so good. As Olivier said, I was going to come onto that. The [plenary 00:27:37] session, the microphone of mine was quite [00:27:45] we were all a bit worried about it beforehand – whether it would not stand. They certainly did and they spoke to it. I think that says something to the future for all of us. Remote participation, as I think Olivier said as well, was excellent.

I think there were about 12 hubs, and it was just incredible, during the discussion in the plenary. All of a sudden, from the floor in Sao Paulo, we'd go to a computer room in San Francisco or in Beijing or wherever it was. There were 10 individuals clustered around a PC looking at what was going on and speaking to us. That was quite amazing. Some of you were going to try at ICANN to recreate that, during the Thursday of the ICANN London meeting. There's going to be some form of remote participation, hopefully.

I think, as I said, we had a true mix of all the different players and everyone took part. I think a widespread endorsement, as Olivier said, of the final document. There were two or three government; India, Cuba and Russia, that expressed some concerns, to say the least, but there were endorsements.

OLIVIER CRÉPIN-LEBLOND: Saudi Arabia as well.

NIGEL HICKSON: Saudi Arabia as well. Sorry. All I wanted to do was just give you one word on the impact. Of course, this is [audio distorts 00:29:33] only been a few weeks. It's very interesting, because those of us that are in discussions on what the impact of what Sao Paulo would be. I think it's somewhat mixed. I put down there we need to be realistic, but also not ashamed. I think [audio distorts 00:30:00]... agenda item... Am I online?

OLIVIER CRÉPIN-LEBLOND: Nigel, yes you're online, but it would be better if someone could dial out to your or something, because the network isn't going too well at the moment.

TERRI AGNEW: Nigel, this is Terri from staff. I have private chatted you on the Adobe. If you provide us with your phone number we'd be happy to dial out to you to see if we can get a better connection.

NIGEL HICKSON: Thank you. Okay, yes. I'll type it into the system if I can.

TERRI AGNEW: In the private chat area.

NIGEL HICKSON: Okay. Just if you can hear me at the moment, all I was saying was that the impact was going to be varied, and at this UN meeting, people described Net Mundial as just another private conference on Internet governance and no more significant than many other conferences. We are going to have to work at it, and we have to be realistic that although it was a true multistakeholder event, for some governments it doesn't have that much significance.

OLIVIER CRÉPIN-LEBLOND: I could add also, just to make sure we are aware, this is not a treaty, this is just a document. So it's non-binding, and in other words it was never

signed by anyone, it's just a consensus document from the participants that were there. It doesn't actually mean that any of this should be implemented as a matter of [inaudible 00:32:41] as such.

NIGEL HICKSON:

Absolutely. I think in the long run, let's be optimistic. In the long run, I think it is going to be seen as important. I'm hoping that those participants that turn up at the very important plenipotentiary in October/November in South Korea, will at least be able to acknowledge that this was a multistakeholder environment discussing Internet governance that did produce something, and therefore that the system that we have does produce something.

Not necessarily something that everyone likes, but does produce consensus policy statements. That's all I have to say on that, and I'm sorry for the audio.

TIJANI BEN JEMAA:

Thank you Nigel. Thank you Olivier. Thank you for this presentation. I hope everyone could understand more or less what happened in Sao Paulo and what the Net Mundial was about. I open the floor for any question, if there are questions for Nigel or Olivier. I see that Antonio Medina... Antonio, please?

ANTONIO MEDINA GOMES:

Good afternoon. I have an important concern in relation to the participation of governments and the telecommunication and [inaudible 00:34:57] companies in general. We have not seen a document in fact

summarizing the different points of view. I think it would be positive to see or to know your perceptions about this participation group in Net Mundial – the government on one hand and the technology sector on the other hand, to see the path to follow in the future in terms of the multistakeholder model.

TIJANI BEN JEMAA: Thank you. Olivier or Nigel? Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you very much Tijani. I was waiting for Nigel to speak on this, but that's fine. Certainly it would be interesting to see the different points of view around this. Personally, looking at the end document I'm pretty pleased with it, bearing in mind the fact that before the conference, if you read the different inputs that were brought into the conference, I think the Net Mundial team has done an incredible amount of work, in order to be able to bring forth the consensus between the different parties.

I'm particularly surprised with how few things were put into the [oath 00:36:50] "to be decided later" section. There certainly are some points that are listed in the document today, and which some countries definitely don't agree with. Yes, they have understood the meaning of consensus and felt that they could live with it. Now, then again, it might be the case that this document paints a very beautiful picture of the future, because it is non-binding.

If it was a binding document, we might have seen a lot more dissent and we might have probably seen some more entrenched positions against some specific bits of the document, which would have then made it a lot more difficult to manage. As it's non-binding, I think everyone felt this was something that could be lived with, as such. Analyzing what the other points of view are, and why they had those other points of view, is something that I think...

I guess if the Net Mundial team feels they have the stomach to do that, then they might proceed forward with this. I think many people just see, "Let's look at the positives, and let's not focus on what the differences are." There will be plenty of other opportunities to find what the differences are, in the future.

TIJANI BEN JEMAA: Thank you Olivier. Any other questions?

OLIVIER CRÉPIN-LEBLOND: I was going to ask whether Nigel had any point of view on that, and whether he felt the same way. This is my point of view, by the way. I'm just sharing this.

NIGEL HICKSON: Hello! Yes, this is Nigel here. I'm sorry, I was just connecting on the phone when that question came in, so I didn't get eth question. I do apologize.

TIJANI BEN JEMAA:

The question is about the different points of view. Antonio was asking if there is a document that summarizes the different points of view expressed during the Net Mundial, and Olivier has... Go ahead.

NIGEL HICKSON:

I'm so sorry. Very briefly, what happened during the conference of course, as Olivier explained, is that the input document, if you like, was turned into an output document through a number of drafting sessions. All the comments that were made just before the conference – the comments that were made on the document in the ten days or so before the conference started; all the written comments – and all the audio comments that were made during the first plenary sessions, were all noted down for the drafting teams when they re-drafted the documents and had all those comments.

Now, how many were taken into account of course is quite difficult, but a written record does exist of all the comments that were made; both in writing and on the floor of the conference itself. There is a historical record of, if you like, what took place, and how one ended up with the output document. As Olivier said, of course, there were compromises. At one stage, on the Wednesday night, we thought we were in trouble, because there were lots of differences on certain sections.

It really only was because of the flexibility that people showed, and the ability to put some controversial issues, like net neutrality, of course, into that last section of the document. Thank you.

TIJANI BEN JEMAA: Thank you Nigel. Carlos Raul please?

CARLOS RAUL: Thank you very much. Either to Olivier or to Nigel, I'd like to ask if there's going to be another meeting on this methodology. I think it's very funny that we have these experiments, as you said, but now the ball is going back to the IGF, or the plenipot, where we know there is no multistakeholder [instrument 00:41:45]. I think it was excellent, and I like it very much, but the IGF, as we know, has not the power to make anything binding, and the plenipot, if you are not a minister or part of the governmental delegation, there is no chance your voice will be heard.

I'd like to hear from both of you on when do you think this methodology will be working for everybody forever? Thank you.

TIJANI BEN JEMAA: Thank you Carlos. Nigel?

NIGEL HICKSON: I'll be very brief here because I know we haven't got much time. that's a marvelous question and it really is a great point, because yes, as I said before, we went from Net Mundial and the following week we were in a UN meeting, which was multistakeholder to an extend, where governments were the only ones that did any voting. Of course, at the plenipot, it will only be the governments that really have any say in how things go forward. So yes, it was a multistakeholder experiment.

I think it worked, and I think it will perhaps persuade other people that that is the way to go to discuss these Internet governance policy issues. We'll have it at the IGF of course. We'll have discussions at the IGF. Hopefully at the IGF we might have some output papers coming out. That might well take us forward. Who knows? Perhaps this time next year we'll be preparing for another Net Mundial somewhere else. We don't know that, and nothing is planned as far as I know, at the moment

TIJANI BEN JEMAA:

Thank you Nigel. May I add something? I think that first of all there were a lot of calls for another Net Mundial, but for me, I don't think it's a wise decision, to make another Net Mundial. Because what is the Net Mundial? It was a meeting initiated by a government and by some technical organizations in charge of the Internet. It was a meeting to make things move, because of some things that happened some months before. After Net Mundial, if we start to think to make other Net Mundials, that means that will kill the IGF, and that will be a pity.

The IGF is very good. You said the IGF has no power, but Net Mundial has no power either. We need to make IGF outputs compulsory, that their recommendations have to be taken into account by the decision makers, but we need to improve the IGF and make it a standing event – not performed five years only. Trying to make another Net Mundial? Perhaps if there is a new thing that will happen, major things that will happen, perhaps we can make another Net Mundial.

In normal conditions I think that we have to go to the IGFs and make it better, to make it with outputs, etcetera. You spoke about the plenipot,

an ITU conference. I don't think that it is about the Internet. It's about telecommunications in general. It doesn't replace any of these [routines 00:46:00]. Thank you. Any other questions? Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you Tijani. I wanted to answer the question from Johnny Laureano in the chat. Johnny Laureano asked, "In Net Mundial, was considered, and actors for governance, governments, civil society, academy community, technical community, and private enterprise and Internet users. What is the form of organization and participation of the technical community and academic users, as [nuclear 00:46:40] is recognized in Sao Paulo?"

Now, the technical community was primarily those people, whether they are companies or individuals or organizations, that take part in the Internet Engineering Task Force, the IETF. There were also some telecommunication companies that were present, and that were part of the technical community. The academic users, there were some people that came from universities and colleges around the world, and some organizations that study Internet governance. They were also present.

I must say, with regards to being in the civil society, or technical community or academic users, many people were wearing more than one hat, and you did have some people who were there perhaps in the civil society, but also representing an organization that was a university. They were involved in IETF, so that kind of put them in a number of different hats, basically.

What's important is that there were lines for everyone. I personally did not know what line to go into, if I was to go as the Chair of the At-Large Advisory Committee, would I be in the technical community, in civil society, in private enterprise? We are a very diverse group, so when I registered I registered as "other", and when it was time to choose the line to queue in, I basically just chose the shortest one. The shortest one was the technical and academic community, funnily enough.

Then Carlos asked, "Who manages and chooses the IGF Secretariat?" The IGF Secretariat itself is just a function. The actual work done in choosing workshops, etcetera, for the IGF is done by the Multistakeholder Advisory Group, the MAG, which is, I think, made up of over 50 people from... Real multistakeholder system. 50 people from around the world that meet a number of times and also have conference calls I think, to prepare the IGF.

The Secretariat itself is just run on a shoestring budget. You can count the number of people working in the Secretariat on your hand, which I personally think is terrible. They should have been given a proper Secretariat, but that's just my personal thought. Thank you.

TIJANI BEN JEMAA:

Thank you Olivier. Any other questions? By the way, I'd like to remind you that the multistakeholder model was implemented for the first time in the WSIS. That was in 2003/2005. The stakeholders were four stakeholders only; the government, the private sector, the civil society, and the international organizations. The civil society was a very broad family, a very broad constituency. Academia, technical community,

parliamentary – all participants who are not private sector and who are not governments, are considered as civil society.

Now we're witnessing some new division. From civil society we took the academia and the technical community. This is the new distribution. I think that both [inaudible 00:51:03] and technical community have the same concerns and the same position as the civil society in general. Thank you. Any other questions? Cheryl?

CHERYL LANGDON-ORR:

Thank you. Just following up from the point Olivier was making – the most desirable and need for support of the IGF Secretariat, I just wanted to bring to the ATLAS members and communities awareness that one of the side benefits of Net Mundial was an opportunistic gathering of ccTLD operators, which has resulted in Australia, .au, Canada, .ca, Denmark, .dk, China, .cn, Netherlands, .nl, United Kingdom, .uk, Brazil, .br, and Mexico, .mx, to committing funds to the tune of an additional US \$100,000 over the next several years.

That's per year, to better ensure that the global IGF does continue to be a successful venue to discuss and resolve issues with the Internet and Internet governance. So I think it's important to note that sometimes things that happen off the agenda are almost as important as things that happen on. Thank you.

OLIVIER CRÉPIN-LEBLOND:

it looks as though we've lost Tijani. I'm so sorry about this. I note there are still four minutes left until the end of this call, and we have not gone

into the second part of this call, which is the IANA function – what is it and what is the US Government doing. For this, I wonder if I could ask Heidi – are we going to be able to have a small extension for the interpreters?

HEIDI ULLRICH: Yes, I believe so. Gisella or Terri can confirm how long we have.

TERRI AGNEW: Yes, we do have interpreters a while longer.

OLIVIER CRÉPIN-LEBLOND: Okay, thank you very much. I guess a while longer enables Nigel to launch into a second presentation. Over to you, Nigel Hickson.

NIGEL HICKSON: Okay. I know colleagues will have other things to do, and it's getting late in certain parts, but I'll be very brief, because these slides which I'm showing you, I think there's a lot of information in them that's on the ICANN site. As you know, a consultation has taken place and inputs have been given in terms of the IANA issue. I'll be very brief, because a lot of this is on the website. I just wanted to give you a bit of a flavor for it. The US Government announcement – I think you're aware of it – essentially took place before Net Mundial.

It took place before the ICANN meeting in Singapore, and essentially ICANN were asked to act as a convener to carry out a dialogue on how

the US role in the IANA process would be replaced – so effectively how the stewardship of the US would be taken forward. So that’s the essence of it. Why now?

Well, lots of people have different views on this, and I’m not pretending that any particular view is exactly right, but essentially the US Government did envisage its role as transitional. Indeed, this slide is slightly wrong in the sense that in fact, when ICANN was set up – and many of you will of course have a greater sense of history than I do – initially, the US were not in the feedback role. The US didn’t have this function. Then after some dialogue it was decided that they should have, and they have done every since.

They always said that it would be something that should be transitioned to the international multistakeholder community. That’s something that is consistent. I think from a large extent, politics have played a significant role in this, of course, as well, and we needn’t go into that. The transition proposals guiding principles, the US have laid down some criteria, as many of you will know. ICANN is consulting.

ICANN is having the dialogue, but at the same time the US has, if you like, said, “Go away ICANN and come back to us with a proposal, but that proposal must be shaped in the following way – it must be round, it must be red, it must be pointed,” whatever. They haven’t given ICANN a free hand to come back with any sort of proposal, which is quite fortunate really, I suppose. The proposal has to support the multistakeholder model, it must maintain the security and stability of the DNS, of course, and the openness of the Internet.

They've specifically said that they will not accept a solution that replaces the NTIA role with a government-led or an intergovernmental organization solution. That's important, because essentially what that's saying is that in that feedback loop, which the NTIA are in at the moment, no one – or the US Government – is saying it wouldn't be acceptable for ICANN to come up with a solution that another country in that feedback loop.

I'm not suggesting that ICANN or the community would suggest such a thing, but the US was saying they don't want an individual country or a group of countries to be in that feedback loop. They certainly don't want an international governmental organization solution. They don't want the UN or the ITU or some other IGO organization. I think that's fairly important. It doesn't stop governments having a role in that solution, but not a leading role, as such.

So what are the IANA functions? Well, I think many of you will of course know this. It's not just the TLD, it's not just the root zone management – it's also the allocation of Internet numbers, in cooperation with the RIRs, protocol parameter registries on behalf of the IETF as well, as well as coordination of the root zone management. So a number of different functions, but clearly a significant function is the updating of the root zone file, that goes on the DNS root zone, which is the politically sensitive element of it.

So those are the functions at a glance. I don't think we have really time to go through them. As I say, this is on the website. Development since the announcement. The announcement was made, as I said, just before the ICANN 49 meeting in Singapore. There, at that meeting, was where

the first dialogue took place, and the wider Internet community was invited to provide their input via a mailing list.

That led to on the 8th of April ICANN posted the scoping document, and issued a call for public input, as many of you will know. The proposal that ICANN set out, on which they invited public input, was a draft proposal, which included a set of principles, the creation of a steering group, and the process to develop a proposal. That scoping document has been subject to a lot of discussion amongst the ICANN community, and outside of the ICANN community, because of course what's very important in this is that ICANN were asked to, if you like, consult the global Internet community.

Now, we can all debate what the global Internet community is, but it's certainly wider than ICANN. ICANN's job in this dialogue is beyond ICANN. It includes the IGF, so there'll be a discussion at the IGF. It includes discussions in other international fora as well. We're having a discussion at the WSIS. ITU host an event in June. We'll have a discussion on IANA as well. So it's beyond, if you like, the ICANN community.

Obviously, the ICANN community is very important in that role. So what's in scope? Defining accountability mechanisms that would serve to replace the USG role, as I said, and what's out of scope is policy development related to the IANA function, and the IANA function operator. This is where some of the debate has really taken place – what's in scope and what's out of scope.

What's very clear in terms of the scope that IANA's set out in the [consultation 01:02:45] document – and this was supported by the US Government in discussions in Net Mundial and other places – is the process that's being determined is what should replace the USG, the US Government, the NTIA in the feedback loop. It doesn't include staff, it doesn't include the function of IANA within ICANN.

The IANA function in ICANN is the function, if you like, that sends the message to the computer to update the root zone file, and as that message is going towards the computer, the NTIA has a role in looking at that message. So it's the NTIA function in that communication path that's being, if you like, replaced or affected. It's not the sender of the message. It's not the IANA function itself that's in scope. So that's the scope that was consulted on.

A steering group was suggested, and as you know, that's been subject to some consultation as well, and some comment. This was the proposed steering group made up of the so-called affected parties – the IETF, ISOC, the NROs of course, and the various constituency parts of ICANN. Also laid out in the consultation was opportunities for participation. Lots of different conferences going on, as I say, both within the ICANN communities, the various technical conferences that go on, and the ICANN meetings themselves.

Also though, outside of ICANN, as I've said, including the IGF, etcetera. What happens next? The community has been providing its feedback, and that process finished on May 8th, as you know. Work is now carrying on, and I understand that a team is being set up to look at all the responses. We've seen a lot of responses, and on the basis of that, in

the next couple of weeks, as I understand, there will be some sort of document brought forward that will outline what the next steps will be.

I think I'll finish there. As I said, there's quite a lot of information on the ICANN site. Also – and perhaps Olivier might be able to say something more about this – there is a special webinar taking place tomorrow, that I think Theresa Swineheart, who's leading this process for ICANN, is conducting. She's conducting a webinar tomorrow on both this and the accountability consultation. I'll finish there. Thank you very much.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Nigel. If I could ask staff to put details of that webinar on the chat? Of course it's open for everyone to participate in, and especially if you are interested in this, the webinar is not only on this, but also on ICANN's accountability and transparency, and also the globalization of ICANN. These are all issues that have to be performed in parallel at the moment, and there's a lot of pressure for it to be done quickly. Thank you for this presentation, Nigel.

I was going to mention two more things before opening the floor for questions. First, the ALAC has written two statements regarding the transition of stewardship. The first statement was one drafted during the last ICANN meeting in Singapore. That effectively is welcoming the announcement by the National Telecommunications and Information Authority, the NTIA. The second statement is one that the ALAC is currently voting on. There's a draft final version.

The statement has already been sent to the process, since the process closed on the 8th of May, but the ratification is currently taking place,

and so a follow up message will be sent with the ratification. Ariel has very kindly put the link in the chat for the second statement. Thank you. That effectively is supporting the proposal for the creation of a steering group, on the condition that the creation of such a steering group should not jeopardize or otherwise hinder the creation of a community-led, ICANN cross-community working group on the same topic.

There is a cross-community working group on the same topic that is going to be created about this. So, I don't know if Tijani is back. I'm sorry Tijani, I'm assuming Chairing in your absence. I hand the floor back over to you. I'm told we have until half past. We have an additional 30 minutes of interpretation time, so there's plenty of time for questions, if people have questions.

TIJANI BEN JEMAA:

Thank you Olivier. Thank you Nigel. I really apologize for this technical problem I had here. Now I'm online. If there are any questions to Olivier and Nigel, please go ahead. I don't see any hands. I see Olivier. Olivier, please?

OLIVIER CRÉPIN-LEBLOND:

Thank you very much. I had a question for Nigel. It will be a [sub point 01:09:34] because that's been going around my head for a little while. If we backtrack on this presentation, over to the question as it was brought forward by the US Government here... What's in scope, defining the accountability mechanisms that would serve to replace the US Government's role to ensure ICANN's performance of the IANA

function, based on the agreement and/or policies provided by the respective bodies.

In there it mentions the current bodies that are directly involved with the IANA function. I wonder how this has to be read. Whether this is read as these are the only bodies that will assume a role in the future accountability mechanisms, or is this just basically saying, “No, we need to design accountability mechanisms, which are absolutely open, to make sure that that is able to oversee the activities of those respective bodies”? I’m not quite sure how I understand this scope.

NIGEL HICKSON:

Well, a very good question. I won’t suggest I’m an expert, but the way I’ve read that, and the way that I’ve heard other people talk about that, is that that is the last part of that paragraph is effectively saying that the accountability mechanism that has to be defined, has to be based on the agreements or policies provided by the respective bodies. What that’s saying is that whatever comes up – whatever replaces the NTIA – has to be able to take account of the roles and responsibilities of those bodies. That doesn’t have to be the be-all and end-all.

In other words, ICANN, in its dialogue, would be global Internet community, could say, “Ah, we’ve got a great solution here, and it’s that there’s this little organization in Scunthorpe, or Versailles, or in Prague,” or wherever, “that could do this function. It’s a multistakeholder organization and it would be an ideal body to do this.” Obviously that’s not going to happen, but in other words, the solution, the mechanism

that is alighted upon in the end, obviously doesn't have to be within the ICANN community.

It could be made up of a number of people from outside the ICANN community, or whatever. So the mechanism is a multistakeholder mechanism that of course could be made up of people in various places. So I think that's the answer really.

TIJANI BEN JEMAA: Thank you Nigel. Yes, Sebastian, please? Are you still here? I don't hear you.

OLIVIER CRÉPIN-LEBLOND: It's an Adobe problem, Tijani. Sebastian has put in the chat he seems to have a problem with the Adobe. I must say, there has been some very poor performance from the recent versions of the Adobe Connect recently. I don't know why.

TIJANI BEN JEMAA: I'm waiting for Sebastian. I'd like to make a small question to the presenters. Net Mundial, among others, there were two important concerns that remained in my mind. The first one is net neutrality, and I remember the private sector was against net neutrality, and they said there is not consensus about this. The second point was about enhanced cooperation – the very known enhanced cooperation. There was, in the Tunis agenda, a paragraph about enhanced cooperation, and some governments still repeat exactly the same words, for years now.

They are always speaking about the role of governments on equal footing, and Internet governance. I thought that with the decision of the US Government, this problem would be – I won't say solved, but at least there is no more big concern about that, because now there will be an equal footing, really, for all governments and all stakeholders about the Internet governance. Unfortunately, I see that the same people say the same things.

I have a concern about this point, because as you all know, [inaudible 01:15:42] still have this opposition. I think that now it's not because of the equal footing between governments. It's more about multistakeholder. This is the problem, so I don't know what you think about that. I'll hand it over now to Sebastian. If one of them is able to speak... Yes, Sebastian? [Pause] No. So, Olivier or Nigel until Sebastian is ready?

NIGEL HICKSON:

I'm not sure what Sebastian has asked. I haven't seen it. Tijani, just in answer to what you said about enhanced cooperation, you're obviously right. Clearly the criticism, if you like, before the US announcement, was that governments were not on an equal footing, because the US had this role that other governments did not have. Therefore the US announcement, or what happened in the future, should take that argument away.

As we saw in the Working Group on Enhanced Cooperation a couple of weeks ago, at the UN, the [southern 01:17:22] governments were still saying, "Well, effectively there's still not equal footing, because the US

has predominance, if you like, as the industry in the US. They have dominance because they are the ones that have a [focus 01:17:38] on the Affirmation of Commitments, although that might also change in the future. It is difficult to... Some governments would still argue that they don't have an equal role in this process.

TIJANI BEN JEMAA: Okay, thank you. Sebastian, do you still want to speak? Otherwise, Olivier please.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Tijani. I put my hand up because there was a question in the chat from Eduardo Mendez. The question has been translated by At-Large staff, whom I thank very much. The question is, "Why is it a prerequisite that NTIA, being a government organization, as that no other governmental organization assumes the control of IANA? It's [true 01:18:46], but it was a specific point in there that it was not supposed to be taken over by a government, or an inter-governmental organization."

I think – and this is my own interpretation of this, and perhaps Nigel has a different organization, but my interpretation was that the US Government did not want the [01:19:05] function to be... Hello? I believe we had a bad [01:19:15] The US Government did not want the whole function to fall in the hands of a government, as such, that would not be running things in a multistakeholder way. What I think they mean by that... It is written nowhere that no government should have a say in the system that would be put together.

What it does say is that it should not be a government that will take over that function. There's a slight difference between the two. It's basically saying, in other words, that there should be a multistakeholder system to oversee that function, and it should not just be governments. Governments in general have the tradition of operating not in a multistakeholder way, but in a multilateral way, i.e. governments with governments, civil society with civil society, private sector with private sector.

The last word is always with the governments, and I think that's what the US Government wanted to avoid, but Nigel, you might have a better explanation than me. That's what I understood.

NIGEL HICKSON:

No, I think you're absolutely right Olivier. I think the US Government believe as many of us have thought in the past, that replacing themselves in the feedback loop by another government, or an intergovernmental process, would not be appropriate. I think many people think the same way, and so that is one of the conditions that we're working with.

TIJANI BEN JEMAA:

Thank you Nigel. Sebastian? We don't hear you Sebastian. In the meantime, is there any other...? Yes, Sebastian, your system doesn't work, but if you're called by Adigo it will work. Are there any other questions? We still have five minutes. If everything is clear, I will thank our presenters, Olivier Crépin-Leblond and Nigel Hickson. Thank you

very much, and thank you all for attending, for participating. Please don't forget to fill in the evaluation sheet.

It will help Nigel to correct what is not working well, so please fill it in and send it back to staff. Thank you very much. Thank you all and good morning, good afternoon and good evening to everyone. Bye-bye.

OLIVIER CRÉPIN-LEBLOND: Thanks to the interpreters for staying another 15 minutes.

NIGEL HICKSON: Yes, thank you very much. Thanks for putting up with us. Thank you all!

TIJANI BEN JEMAA: Yes! Thank you interpreters and thank you our wonderful staff. Goodbye. Thank you Terri.

[END OF TRANSCRIPTION]