

Question & Response	Commentor	Comment	Attribute			
Question 1						
Do you believe that the transition from the NTIA should happen (Please provide the reasons for your answer)?			Yes	No	Not Clear	
	Malcolm Hutty:	It would be desirable that the transition should happen with all the points that are necessary before transition being properly covered. But that is contingent support based on getting it right. I think that transition failing to happen is a lesser evil than getting it seriously wrong.	1			
	Xiaodong Lee:	I believe that transition should happen as two reasons. They have no reason to reject the hospitality of NTIA. Second one is we want to prove that the multistakeholder the governance model is successful. And to be, you know, reasonable and deployable and to be used in the future so ICANN, therefore the naming and addressing (unintelligible).	1			
Response (JR): Do you have any view on the timing?						
	Xiaodong Lee:	If I speak as a community member as the CEO of CNNIC, I prefer to finish that as (unintelligible). But now it is a very, very, you know, impossible to finish that before September. But I do hope we find some method to make it time short.				
	Bill Gibson:	My view on the timing is this: It's better to get it right than to get it right away.	1			
	Matthew Shears:	I'd like to think that we're all working to this target date. That is our first and foremost responsibility. So whether or not we need to compromise I think is a separate issue but certainly we are in favor of the transition; we are in favor of working to that target date. And I think that's what we should all be doing.	1			
	Andrew Sullivan:	I would like to ask a question of those who say it's more important to get it right than to get it by the date, why they believe that if they don't get it by the date they're going to get it at all. I think that's an important consideration that maybe some people have not taken into - have not internalized and so I would like people to consider that.			1	
	Martin Levy:	We talk about times I just want to remind people that it is 231 days until that date specified by the NTIA. It's actually 231 days and one hour and 11 minutes if you want to be accurate. Just keep that in mind when you think about what we're doing. That's not many days.			1	
	Milton Mueller:	I just want to point out that this question, one, we're probably asking the wrong crowd. There's a lot of people in Washington DC or in the United States that may have a different perspective on it and the people who participate in ICANN are probably committed to the idea of a global multistakeholder private sector based institution for global governance. And there's a lot of people who are not. Sure, if people here don't want the transition to happen it would be useful information to know that. But I wouldn't feel too confident about obstacles arising based on our positive response to this question.	1			
Response (JR): That's a fair point, Milton. But nevertheless it's - asking this group doesn't mean we've got the world's view but it does mean we've got this group.						
	Eric Brunner-Williams:	I don't think a transition should happen as, one, the IANA functions contain both USG property and significant government interest which may not be disposed of except through a surplus property process; and, two, the existing contract was led competitively for a finite period. Transition transforms this.		1		
Response (CG): In the public comment period that we did in the first of December, there was one comment that said they didn't want it to happen. There was another one but it was kind of a special case but there was only one comment in the public comment period that said they didn't want it to happen. But I just want to call that to your attention. There is analysis and summary of the public comments that's out there as well.						

Question 2								
Are you comfortable with ICANN as policy-maker also being the IANA operator without the benefit of external oversight?			Yes	No	Not Clear	Internal Accountability	External Oversight	Form of Agreement
	Sivasubramanian Muthusamy:	I'm very, very comfortable with ICANN as a policymaker and being the IANA operator. And I believe that as a multistakeholder organization it has the inherent capacity to create its own internal accountability mechanisms. So there's no need of external oversight.	1			1		
	Xiaodong Lee:	First I'm comfortable with ICANN as policymaker. I think it was proved to be best practice in the past 16 years. But second, I'm not comfortable ICANN be the IANA operator without the extra oversight. I think we need to get the community expertise to make sure that the IANA function have the service level agreement to the community.		1			1	
Response (JR): Xiaodong, can I just clarify that in your view an effective SLA would comprise some or all external oversight?								
	Xiaodong Lee:	Yeah, I think it's - we need to make sure and have a service level agreement but how to make sure that it is reasonable for the service level agreement and how to make sure that it was implemented rightly.						
	Donna Austin:	I've got a transcript from some of the discussion we had in the Registry Stakeholder Group about this question during the week. And I'd like to channel Bret Fausett who's actually gone home. He said, "[...] Am I comfortable with ICANN as policymaker? I'm not comfortable with ICANN processes being applied to the IANA processes because ICANN processes don't work and IANA processes work. So to the extent, I'd like to see that sort of separation maintained. If anything I'd love to see ICANN work like IANA works because IANA works."		1			1	

Peter Dengate Thrush:	<p>The answer is yes. I think the first part is that there is an issue that needs to be teased out in relation to policy and operation and we're going to talk about functional and structural and other separations that deal with that.</p> <p>The starting point is what's the internal oversight? And when you look at what we've done in building an ICANN starting really here in Singapore in 1999, we now include so many parts of the global community and the global Internet community and those that use the Internet that it's hard to imagine, you know, where you would go to find any body relevant outside.</p> <p>Just a quick list, it's not intended to be a summary of the structure of ICANN. But starting personally with the ccTLDs, we needed 30 ccTLDs to get the ccNSO off the ground and we got that and now we've got about 130 of the ccTLDs and we've had further CCs joining the ccNSO here in Singapore.</p> <p>We started off here in Singapore I think with about 30 or 40 GAC members and now there's about 150 and we've welcomed new governments, the government of Ireland and others have joined us. The governments are well represented, ccTLDs are well represented.</p> <p>I can remember the day when it was one registry and one registrar. We now have several hundred of the registries and all the registrars. So as you go through the Internet structure and the Internet user base you see that what's inside is extraordinary. And the question really is, is that sufficient given its understanding and its connection to the Internet to conduct appropriate oversight?</p> <p>My answer is yes because that is the body - those are the skills, those are the people and I haven't even mentioned all the At Large structures representing the user base and the non commercial users, everywhere you look in ICANN we have tried and I think reasonably well succeeded to bring in to the debate and bring in to the oversight process those people that are important.</p>	1			1		
Avri Doria:	<p>On this one the general trend in NCSG answers is that we're not comfortable with the ICANN as policymaker without something.</p> <p>So we're not saying we must have an external oversight, what we're saying is if we don't have the external oversight then we need an arm's length relationship that enables there to be agreements very similar to protocols and numbers have.</p>		1				1
Stephanie Perrin:	<p>I don't quite understand what we mean by external oversight because we seem to be confusing it with having a healthy robust multistakeholder participation.</p> <p>Yes, we have many, many stakeholders within the tent, keeping each other honest. That's not the same as having a totally independent body that has a look because there's always capture within a group.</p> <p>And the purpose of having external oversight is to have somebody, and they don't have to be expert in the actual functions of IANA to do decent oversight. They're looking at process and procedures and at the risk of sounding like a quality auditor, that's more or less the function that they're doing.</p> <p>So I think you do need external and I'm not comfortable with ICANN. And that's not a comment on ICANN as a multistakeholder, that's a comment on ICANN growing into being a more accountable organization. We're on a path, we need to keep on it, and that's why the external oversight is so important. You may get through some kind of a hybrid model in the mean time because we're on a maturation curve, but we need that.</p>		1		1		
Response (JR): There's a significant parallel track of work going on, on accountability. So in one sense in my opinion one has to continue to look at this both of those tracks and see does that question get answered by both rather than just by the work of this group. But nevertheless we feel it's an important question to ask and relevant to the transition.							
Martin Boyle:	<p>I think for me (unintelligible) answers are conditional answers.</p> <p>Firstly, ICANN as policymaker and the IANA operator, yes, so long as this is actually quite clear that the IANA function operator part of the business is exactly that, it's the function operator. It doesn't define the policy.</p> <p>We need to get it right, it is our responsibility to get it right. Whether that is external or not I think has to be decided. One of the major problems though I think we have is to try and make sure that is accountable to the people, the organizations that it needs to be accountable to. And for the moment it does seem to me that ICANN does provide a forum and we should be looking at that forum carefully.</p>	1			1		
Milton Mueller:	<p>I think people are kind of expounding on their solutions and talking about what forms of external oversight. But I understand you're saying external oversight here means NTIA.</p> <p>Take away NTIA are we comfortable with ICANN being policymaker also being IANA operator? My answer to that is simple: No. And I think most of the people in Non Commercial Stakeholder Groups who have discussed this would also say no.</p>		1			1	
David Cake:	<p>I don't think anyone feels that we should have no oversight at all or can ICANN manage to construct a sufficiently separate internal oversight mechanism so as to be effective.</p> <p>I don't think we can. We can try to create a mechanism within ICANN that is sufficiently separated from the same mechanisms that created policy in the first place. But I'm not sure we can (unintelligible) if it's going to be oversight it has to have some separation from what is going on and it's very difficult to say if we can build that separation strongly enough.</p>		1			1	

Russ Mundy:	<p>It's very, very easy for people to get that what we have right now works extraordinarily well. Okay. It's functioning and it's past, it's efficient. When you take away the NTIA's contract then you say what pieces have we really taken away for those things that are being done right now?</p> <p>We really may not need a huge amount of oversight type of activities because when one looks at what the NTIA does right now it's not a huge amount of things.</p> <p>So when you look at the multistakeholder approach think about how ICANN has orchestrated it you may or may not agree that it should be part of ICANN. But I think one of the things I'd like to ask that people really think hard about is the multistakeholder way of thinking and doing things maybe done within ICANN or within a different organization but we've had pretty good luck with ICANN over the last 15 years.</p>			1			
Bertrand de la Chapelle:	<p>When we talk about ICANN we need to always keep in mind the different dimensions. ICANN is not so much the policymaker as the GNSO is the policymaker for the names.</p> <p>Having been on the Board, the concept is that the Board validates what the GNSO does. And in this regard ICANN the policymaker, being theoretically the GNSO validated by the Board, is not the IANA operator.</p> <p>The functional separation that has been introduced by the last contract, can be strengthened.</p>			1			
Seun Ojedeji:	<p>One could say the need for audits just like what Stephanie said could be required at some point but that could possibly trigger it. It's not a yes or no response to this particular question. But if it is a matter of whether we need a standing external oversight it would be an outright no from me, personally. But do we need a (unintelligible) oversight I think is a yes.</p>	1			1		
Xiaodong Lee:	<p>I think is (unintelligible) that the community have a concern about ICANN because of the transparent and accountable issues. But we never find another one which is better than ICANN in the past 16 years.</p> <p>The second one is ICANN is the operator for IANA for the past 16 years but we need to clearly note that the function of IANA now is the big difference whereas before because of the new gTLD opening.</p> <p>In the future that be a lot of TLD to be added into the IANA. So IANA now is really like a registry of root servers. So it will have the same function and the same concern, same security (unintelligible) as a registry of root server zone. So how to have the oversight. I think it's not (unintelligible) at this time what is external or internal. I prefer that the IANA function need to be separate from ICANN.</p>						
Nurani Nimpuno:	<p>Very clear suppression of operation and policymaking; those two things need to be very clearly separated. And when looking at the policymaking we need to ensure that that structure is bottom up, mature, robust and is trusted by the community.</p>		1				
Kurt Pritz:	<p>There's really two questions up here for me. One is am I comfortable with ICANN as policymaker also being the IANA operator. And the answer for me is yes. It's easy to say there should be more separation but I don't think we really understand what separation exists.</p> <p>And in my opinion part of the reason why IANA works so well now is ICANN has a broad breadth of expertise and on complex questions having to do with different regions and handling different countries it's very helpful to walk down the hall and ask somebody a question. So I would be careful about arbitrarily increasing separations without knowing that the separations that are already mandated and in place work.</p> <p>Without the benefit of external oversight I think there should be an external or some sort of backstop and not necessarily oversight. So where NTIA provides significant value to me is in backstopping IANA decisions if they're controversial. Think about some controversial delegations. NTIA could point to IANA and say they followed their processes and IANA could point to the NTIA and say they verified that - and that cut off, for me or helps avoid for me a lot of the controversy around these decision</p>	1			1		
Peter Dengate Thrush:	<p>The question was posed in a unbalanced way in suggesting that there is a benefit of external oversight. If you take this question any further I suggest you take to the word "benefit" which is pretty loaded. What you mean is the presence or even you could say the absence of oversight.</p> <p>What's important about oversight is that it be independent, that it be objective, that it be reviewable, that it be accountable.</p> <p>So where it sits whether it's external or internal is actually not a terribly valuable issue. If they're external but completely corrupt I don't really want them. If they're external but have values that I know don't approve of, I don't care that they're external, that doesn't bring me any benefit whatsoever.</p>	1					
<p>Response (JR): When I read it, it was pretty clear to me that what this meant was a question around, you know, assuming IANA is within ICANN the question related to external oversight or as you, perhaps more effectively put it, independent oversight of ICANN. But I do notice that some of the answers referred to oversight of IANA.</p> <p>And so I think that's a subtlety in there. It's what is the form of oversight - independent oversight of IANA? And there's Kurt's point about backstop. So we need to tease apart the oversight of IANA and what form of oversight is required and in addition should IANA be part of ICANN what the independent or external oversight of ICANN is.</p>							