

UNIDENTIFIED FEMALE: The recording has been started. Good morning.

UNIDENTIFIED MALE: Okay, thank you. Go ahead.

UNIDENTIFIED FEMALE: Thank you. Good morning, afternoon, and good evening to everyone. Welcome to the At-Large Capacity Building Program 2016, our second webinar of 2016 on the topic of the IANA transition, what this means to At-Large and ICANN. [inaudible] 2016 at 13:00 [inaudible]. We will not be doing the role call, as this is a webinar, but we'd like to please remind all the participants on the phone bridge, as well as computers to mute your speakers and microphones [inaudible] while speaking, [inaudible] identify you and the other [inaudible]. We have English, Spanish, and French interpretation. Thank you for joining, and I am now [inaudible] Tijani Ben Jemaa [inaudible]. Thank you very much.

TIJANI BEN JEMAA: Thank you, Yesim. Good morning, good afternoon, good evening [inaudible]. Welcome to this second webinar for 2016, with the new program of the capacity building working group for At-Large. Today, we speak about the meaning of this transition, the IANA transition for At-Large and for ICANN as a whole. We had chosen two very good speakers for this subject, who are Alan Greenberg, the Chair of ALAC, and Olivier Crepin-Leblond, the chair of ERUALO. They are good because they are

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both – one is the member of the CWG transition, the cross community working group about the transition. And the second is a member of the CCWG, [inaudible]. But he is also an active participant in the CWG transition.

I will not tell you more. I will give the floor immediately to Alan Greenberg and Olivier Crepin-Leblond to start the presentation. But, before that, can I ask the staff to make a housekeeping presentation, a housekeeping announcement? Yesim?

YESIM NAZLAR:

Hi Tijani, yes, sure, of course. Looking at the housekeeping presentation, we'll have a question and answer part during the webinar. If you have questions, we encourage you to type them in the question and answer part, and staff will note your questions, and they will be answered by the presenter. We also have a pop quiz section, and we'll have some questions after each speaker's presentation. Please be ready to answer the questions [inaudible]. And finally, we'll have a user experience part. There will be seven questions [inaudible] at the end of the webinar. Please stay around for an extra three minutes or so to complete the questions. Here, you can find them, where they will be [inaudible]. So it's all clear. I'll be moving on to the presentation.

TIJANI BEN JEMAA:

Thank you, Yesim. And the floor is yours, Alan and Olivier.

ALAN GREENBERG:

I will be starting. I thank you very much for arranging this. It's an interesting topic. I hope everyone will find it as interesting as I do. The overview of what we're going to be doing is first we'll talk a little bit about what is IANA and what is the transition. Most of you probably already have this down pretty well solid, but it's worth repeating quickly. We'll then talk about why the transition is important to ICANN, and lastly, why the transition is important to At-Large. Some of the answers may surprise some of you.

IANA is the Internet Assigned Numbers Authority. It handles a number of things that are absolutely crucial to the Internet, and relatively easy at the same time. There are people who say it is largely a clerical function. I think that's underestimating a little bit what is done, but it is not a decision making process in general. It is simply making sure that the various parts of the Internet work properly, and that is we have the core, the root zone of the DNS, which is the part of the domain name system which says where the registries are, where .ca is, where .com is, and so on and so forth. It handles the Internet parameters that are used to actually make much of the Internet work, and they are the core distribution process for IP address and autonomous system numbers working through the regional registries of course. They do a few other miscellaneous things. For the last number of years, they've been handling the world time zone database that says where time zones are. They also do the administrative function, but not the logical decision making on the .int top-level domain.

Originally, IANA was a person. You'll find references in older documents to things like RIANA, The IANA. And, indeed, IANA was a single person

who handles much of this for the early years of the Internet. And that person is Jon Postel.

Unfortunately, Jon died in 1998, and there were other people who were handling some of the administrative tasks with him. And on the interim basis, they did take over the task, and the Internet kept on running, because of course, the Internet must keep on running.

Now, the question is who was IANA there for? Well, initially, the Internet was a project of the U.S. Defense Advanced Research Project Agency, DARPA. And it was put together with a small number of universities and research centers. And the IANA function was run out of the University of Southern California at the Information Sciences Institute.

In 1998, responsibility within the U.S. Government was transferred from DARPA to the U.S. Department of Commerce and National Telecommunications and Information Administration, NTIA, and we'll be hearing that term over again several times today.

Now, in the timeframe that we're talking about, when ICANN was formed, the end of the 1990s, and when responsibility moved from DARPA to the NTIA, ICANN took over responsibility for IANA, and there had been a number of agreements between the U.S. Government and ICANN over the years. It started off as a memorandum of understanding. There were seven different versions of it. The last was called a joint project agreement, which gave the tone that this was not

something that was being managed by the U.S. Government as such, but it was actually joint.

In 2009, the joint project agreement, the memorandum of understanding, was cancelled in favor of an affirmation of commitments. This is a document that was signed jointly by the U.S. Government and ICANN, cancellable by both of them, and essentially laid out the responsibilities of ICANN in managing the root zone and the other things it did.

If you go back in history, you'll find when ICANN was created, there were people who said, "We'll probably transition from the U.S. Government to ICANN completely in a year or so." Well, it took a little bit more than a year. It took about 15 years. And in 2014, just about two years ago, the NTIA announced that they were willing to give up control of the IANA and implicitly – although they didn't explicitly say it – of ICANN, assuming a number of conditions were met. And the conditions included things like whoever is responsible shouldn't be governments. So we can't replace the U.S. Government by another government or a group of governments. The overall process to do it, and the resulting management had to be responsible to the global Internet community, not to individual companies, and not to governments.

The first part of the question is, "Why is this transition important?" We're going to turn it over to Olivier, who I hope is on the call right now. I do see him in Adobe Connect. Olivier, are you with us?

OLIVIER CREPIN-LEBLOND: I'm certainly with you Alan, and I should be in the Adobe Connect as well.

ALAN GREENBERG: You are. You were moved up to host and I didn't see you.

OLIVIER CREPIN-LEBLOND: We are in the same room, that's good.

ALAN GREENBERG: I'll turn control over to you for this section, then.

OLIVIER CREPIN-LEBLOND: Thanks very much, Alan. I'm all the way live from Genova. I was going to say this is now the first slide which has a, "why," in there. Why is transition important to ICANN? Why is there a transition? Why are we doing all of this? Of course, we all like to have a reason why things are done, and it's true, things are done always for a reason. Alan mentioned the joint project agreement, and why was it done then? Well, because before that, these functions, the IANA functions and all that were run by the U.S. Government. How are you going to have a global network that has these functions run by the U.S. Government?

The affirmation of commitments, yet again, had some really important text in them that dealt with the new generic top-level domain process, and the reviews that were required to ensure the ability to have consumer choice, consumer trust, etcetera. There was obviously some

reason why one needed to go, many reasons in fact, why one was going to go from the joint project agreement over to the affirmation of commitments.

And then came over the announcement from the U.S. Government on this transition. Why the transition? Now, of course the first thing, some people came out and said, “Oh, it’s because of the Snowden revelations. Nobody trusts the U.S. Government anymore. That’s why they have to let go of this control, this control of the Internet.” There’s other that had equally far-fetched ideas as to why this was happening now. As Alan very carefully said, originally, this was always something that was somehow in the pipeline, and it could’ve been done faster. And it just seemed to be that now, really, things needed to move forward. It had been 15 years since ICANN had been created. That’s pretty much why. There’s just a number of factors that came through for this.

Now, if we go to the next slide, it shows you effectively, the first thing I guess is that the United States is really, when it comes down the ICANN, the U.S. is no longer in control. We’ve put in controlling codes because you really are dealing with this perceived control. The way that the IANA functions were being stewarded by the U.S. Government was that they would first look at the oversight of how well the functions were being run by IANA. And if something was wrong, or if it was poor customer service, poor service level, then the U.S. Government could always step in and either take away the function from IANA and allocate it through someone else, or take back the function and run it themselves. That was the first thing.

As Alan said, the whole functions are just very clerical functions of basically running that database, and making sure updates are done properly. Bearing in mind, it's not only just domain names. We're dealing with domain names. We're dealing with protocol parameters, who, by the way, are nearly very, very rarely changed because you need to invent a new protocol parameter, then add it to the database. The third one being the regional Internet registries, the numbers. These, again, are not updated that often.

You're dealing with functions that don't require hundreds and hundreds of people to run. You're just looking at eight or nine people altogether. One person, only one person in the U.S. Department of Commerce apparently was performing the oversight, looking at the things saying, "Yeah, everything's running well," and that's it. That was one of the reasons why the U.S. Government was there. Make sure that this function, which was been transferred over to this private sector organization were going to continue being run properly.

The other theoretical of the U.S. Government was that before a transfer of top-level domain was effected, the U.S. Government had the ability to say yes or no. And of course once could say, "Well, if that's the case, you could have had a position where the U.S. Government could've said, ah, we don't like this country, and we would like to transfer the top-level domain for this, so the country top-level domain away from this country to an NTT that we trust, or that we like." You could use this on a political level.

Over the 15 years that this was in place, I cannot remember any time when this was really used in a political manner. In fact, it's never been the case that a country was effectively wiped off the map by its top-level domain being taken away or deleted from the root zone.

Secondly, when ICANN was created, 1998, '99, nobody really knew what ICANN was. We're talking about a brand new startup organization, built up from scratch. The question then was, "Well, we've got these players that have been around for a long time already." The regional Internet registry, the organizations that were running the IP space were already there, and certainly the Internet engineering task force, as far as the protocol parameters are concerned, had been around for quite a few years before that. There was this issue of trust in that if you're going to have a contract for this to happen, for this database to be run by an organization, we need to have this contract with a trustable organization. And ICANN wasn't really trusted back then.

All the contracts actually took place via the U.S. Government, the IETF had the contract with NTIA. NTIA then contracted ICANN to perform things. Even Verasign was part of the contract with the NTIA. Having the NTIA walk out of this means that all the contracts have to be rewritten. I guess that now, 15 years later, it certainly means that ICANN is trusted enough or in the way that it runs things or runs the IANA function, ICANN is trusted enough to now be a counter party to these signatures, signing of contracts. That's the sort of first thing about the perceived control because the U.S. Government was so central to this. Now that the U.S. Government is out of that, we really are looking at having

contracts with an organization currently running the IANA functions that needs to be accountable.

And that's why we then have this very important link with ICANNs accountability process because, and we're not going to go into ICANNs accountability per-se, but if ICANN is an unaccountable organization, would we really be trusting ICANN to then respect the contracts that it would sign with all of the different operational communities? Big question mark. We had to have those two process, the IANA stewardship transition and ICANN accountability closely linked together on this.

Now, as far as the international implications are concerned, are we globalizing the IANA functions as they currently are? We're not specifically globalizing them. They're still going to be run by the same organization so far. But what we are doing is to relinquish this perceived U.S. control, which was both perceived and real, and we are now basically – we as in the community – has now designed a system which made sure that this was not going to be used in any political way by a single country as such.

The importance, I guess, was to find a solution that would transfer this control to a really balanced community that would not only be the direct operational people, so what they call the customers of the IANA function, so the numbers, the protocols, and the names. But actually transfer this control to the overall community, which is the one that the ALAC has a really important voice in, as in bringing the voice of the Internet end user into the ICANN processes. That's where the question

is. Why is this transition important to At-Large? This, Alan Greenberg is going to tell you.

ALAN GREENBERG:

Thank you very much. The question is why is it important to At-Large? To answer that question, you've got to back up a little bit first and say IANA is largely infrastructure. Now, infrastructure's an interesting thing. If it's working well, and another good example of infrastructure are sewers. Now, how often do people talk about sewers? I'll give you a chance to answer to yourself. Most of us don't talk about them very well because infrastructure is invisible, to a large extent, until it stops working. If the sewers are working, you rarely comment to your friends, "The sewers are really working well today." If they don't work and they back up, and they flood your house, then it matters more.

If the transition is done properly, it will be invisible. The users will not have a clue, the typical user, that it happened. Things will still keep on working and nothing changes.

Why do we care? Apparently we do care. Many of us in At-Large, many of us in ICANN in general, but certainly in At-Large and the ALAC have spend an enormous amount of time. I estimate that the amount of time that I spent in actual formal meetings and in preparing for these meetings, translates to a good part of a working year, that is a good part of if I had a full-time job, eight hours a day, five days a week. I've put almost that much time into it. I wasn't the only one. Obviously we do care, and the question is why?

Well, if the transition is done properly, it will be invisible, that was the previous slide. We had a very strong interest in making sure that it was done properly. To understand more about why we had to be involved, you've got to go back a little bit and look at the whole concept of multi-stakeholderism. Multi-stakeholders come from all parts of the community. They have different perspectives. Many are passionate about their beliefs. Many have long memories and remember things where someone didn't do something right, and want to prevent it from happening again. Many have territories they want to defend. Many have very large financial interest.

This is a big business, lots of money involved. There are some people who wanted to see ICANN out of the picture altogether. There was such a lack of belief and trust in ICANN that they believed it should not be in a position to "control the Internet" and to replace the U.S. Government. Finding common ground among these kind of parties was certainly not going to be easy. In At-Large, one of the few groups that really had no territory to defend, our real aim was to make sure that we end up with a good Internet. We weren't trying to increase our scope, our ability to control things, although in fact that will be changing to some extent, but that wasn't our aim going into it.

We had a very strong interest, on the other hand, to keep ICANN in the picture. ICANN gives users a voice. We may not always have the voice that we want. We may not always be listened to, because in a multi-stakeholder environment, not everyone wins everything. But if you look at an organization like the ITU, there is no opportunity for users to participate. The only groups that participate are governments and large

corporations. Although governments have a responsibility for the public interest, they don't always look at things from the point of view of individual users and how they're going to interact with the Internet. It was very important for us to make sure that this was done in such a way that users still had a voice. For them to have a voice, ICANN had to stay in the picture.

Now, that's talking about the actual transition, and At-Large was very active in it. And along the way, there were many proposals that we felt, if they had been implemented would break the Internet one way or another. Now, no one in the group was trying to break the Internet. But as I said, there are many different positions, many different views of how things should be done. And perhaps, in some cases, somewhat unrealistic views.

If the responsibility for IANA was going to be turned over to ICANN, it became absolutely crucial that in the eyes of the world and in the eyes of the stakeholders within ICANN, ICANN was trustworthy. Both concepts of accountability is such that we had to make sure in people's belief, this is a perception issue in many cases, that we were not going to be able to take the Internet in a way that it should not be going. That came down to a lack of trust, or a need for trust, and the perceived lack of trust.

There have been a number of reasons why that as we have gone forward in running ICANN, the board has been in the position where they were not trusted by some groups of people. Often, in a way that was confusing because if group X did not trust the board because they thought they had done something wrong, group Y might've been

cheering. This is not necessarily everyone believing it, but nevertheless, there was a real problem of trust.

And I have a pictorial way of presenting it. Here's two typical directors, you may recognize them as George Sadowsky and Chris Spain These are pictures of them before they became directors. These are the pictures after they became directors. Now, this is clearly a joke, but there was a perception that once someone from our community who we elected, who we selected to go onto the Board, who was not trusted as soon as they got on the Board. At the same time, we often reappointed them again a second time. So it's a very confusing situation where, at some level, we believe in them, and at some level we think that they have done and will continue to do things that were at odds with where the community wanted to go.

As I said, it was very much a matter of perceived trust. There was a perception that ICANN and the ICANN board was there more as an instrument of the commercial interests rather than users and the good of the Internet. And there were, in fact, some examples where that can be demonstrated. And certainly, the ALAC did not traditionally have an awful lot of power and authority within ICANN. There was a time, certainly no longer the case, where if we gave advice to the Board, we weren't even sure if it was distributed to the Board. We're in a very different world right now, but nevertheless, there was certainly historically a perception that we had to fix things because if we didn't, ICANN would be continually accused of not being accountable, even if it was.

Now, from the ALAC point of view, we needed to make sure that we had a perception of community control. We needed to ensure that the community does have leverage to make sure, in extreme cases, that the Board cannot go in some other direction. On the other hand, we needed to keep things running. We needed to make sure that the complex job of ICANN is actually performed, so we didn't want to see a lot of bureaucracy introduced which would slow ICANN down. Things at ICANN are slow enough.

We had a very strong interest in making sure that the vested interests, those who have a financial position, and specifically registries, both generic and ccTLDs were not in a position where their interests were more important than interests of users, for instance, or interest of governments, which have a very strong interest the Internet as well. The commerce of the world is running largely on the Internet these days. And there's very big implications of things happened in the Internet, which are out of control of those who will suffer from the results of it, or hopefully benefit from the results of this.

And that's why we were involved. We were involved because we believe that it was exceedingly important for this transition to be done properly, for this transition to involve, in the long term, users, and that meant, in our minds, that ICANN had to be involved, and that users had to be in a position where we were one of the stakeholders that did end up having the control that was originally sitting with the U.S. Government and is now being transferred into the stakeholders responsibility.

We talked before about the fact that the U.S. Government was somewhat benign. They certainly did not use, in any outward way, and I think at all, any political implications. The U.S. Government had been at war with countries and their Internet kept on running. That's a really important thing to remember. On the other hand, the U.S. Government did exercise significant control over the detailed operation of IANA. With that disappearing, we felt it was exceedingly important that it be replaced by something that would act as responsibility, and hopefully that is what we've put together at this point.

We've left lots of time for questions and comments. This has been a really quick overview. Both Olivier and I can go into infinite detail on some aspects of what we've talked about, and I'm prepared to open to questions right now. And I'll turn it back to Olivier to handle questions.

OLIVIER CREPIN-LEBLOND: Thank you very much, Alan. I was just going to add one more thing to what you have mentioned. Obviously there's been all this work, in the ALAC solution, as far as the IANA transition is concerned. We have, throughout these past, is it two years now that there's been work on this? We have received a lot of questions as to why there is no issue of jurisdiction, for example, that ICANN would transfer out of the United States. Currently it's registered in California. It would transfer out. It would move over to, let's say, Genova. I'm in Genova at the moment. To Genova, and move to a different jurisdiction and so on.

This was not within the mandate of what the IANA transition was all about. The IANA transition was just these functions that we spoke about, the accountability thread looked at the parts of the requirements that the IANA transition group asked for, that now there is further work going on in the ICANN Accountability Cross-Community Working Group that's ongoing. Yes, jurisdiction will be one of the discussions there. There will be a lot of other discussions there, and the work is expected to last several months, if not years, depending on what the topic is.

That was one thing I just wanted to add before we opened the floor for questions. Lastly, second, I wanted to also add was that we're not at the end of it at all. We are right in the middle of this process. On the one hand, the IANA transition proposal has not been transmitted to the U.S. National Telecommunication Infrastructure Administration. They are going to present it through Congress. From Congress it's going to be given a green light, or not a green light. The whole process is ongoing on the one side. And on the other side, as I said, the accountability process is ongoing. Anyway.

ALAN GREENBERG:

Olivier, thank you. One more comment on jurisdiction. There are two different jurisdictions that people talk about. And unfortunately, we use the same term. There is the jurisdiction under which contracts are written. And currently, most of the ICANN contracts say they follow California law. That's purely a business decision. If ICANN were to say that any contract could be written under anyone's law, the amount of

legal effort that would have to go into signing contracts would be much, much larger.

That's a business decision. And some businesses decide to be flexible. Some businesses decide to be less flexible, and that's certainly something that can be done. The other jurisdiction issue is whose laws does the organization operate on? Whose courts are you subject to? That's a more interesting one. One of the problems is people have been talking about ICANN should be an international corporation. It's not clear there is a concept in the work of an international corporation. There are a number of units that operate under the auspices of the United Nations, and the ITU is perhaps the best example in the telecommunications area. There's been strong feelings that this is not what we want ICANN to be.

On the other hand, it's not clear how one can operate in an international area without being the subject of one country's laws. In fact, even if ICANN were some concept of an international agreement, it's not clear it would be immune from the courts of various nationalities, should those courts choose to get involved. So it's certainly an interesting question, and it's going to be really interesting going forward, but it's important to remember that the words that we use often have multiple meanings, and people don't always distinguish between them. Thank you. Olivier, back to you.

OLIVIER CREPIN-LEBLOND: Thank you very much Alan. I don't see anyone in the queue yet, or if you are unable to speak, then you can also type your questions in the chat. I am scrolling to the bottom of the chat. I can't see any questions there. Alan, I have a question for you, actually. You've mentioned, on a couple of occasions, that having the functions transferred over to something under the United Nations is not something that we want. Why is it not something that we want? I mean, wouldn't this be better than having it based in the U.S.?

ALAN GREENBERG: Again, this is a very subjective issue. Would it be better not to have a single government controlling the laws under which we're operating? At some level, yes. If we could magically have a treaty saying, "This would be operated like ICANN is right now, and under control of the multi-stakeholder community, but magically not eligible for a U.S. court to tell ICANN what to do, or a British court, or a Swiss court, or a Brazilian court." Yes, probably at that level, it may well be good. It's not something that we've looked at in real detail. At a gut-level feeling, that probably would be good.

The only mechanisms that we have right now for doing that are under United Nations control, which essentially give governments the full control over the process. And that was not felt to be something that we really want to do. Although the U.S. Government has operated this in a pretty hands off way, it's not clear that all governments operate in that same way. The perceptions are such that there are some dangers going in that direction. But again, it's a personal thing.

TIJANI BEN JEMAA: Thank you very much Alan, and thank you Olivier for the presentation. We have already [inaudible], but I would [inaudible] first ask this question, and then I come back, and I will make my [inaudible]. [inaudible] please.

SEBASTIEN BACHOLLET: Thank you, Tijani. You have comments or question in the chat, and maybe it's better to take them. I have comments more than questions, and I am ready to go now. First, if you can release the presentation that we can scroll up and down, it will be easier for the discussion now. Globally, the question is why it will be better after the transition that it is now. I am not sure that the answer is it will be better. From my point of view, we are taking a very difficult role, and with a lot of possibility that we will, as end user, be taken out of some decisions, be taken out of some discussion. That's one of the prime of this organization.

If you look to the proposal of both the CWG on IANA transition stewardship and the CCWG, if you take all the [inaudible] who will need to be created, and all the people who we, ICANN, need to be put in those committee, it's the last time I make the content it may have changed. It was something around 60 people. Who will be able to do that? Where we will be able to find people? I am not saying that we need 64 At-Large, but we will need some. It's already difficult. We are not [inaudible] for that. We have already a lot of things to do, other people who are participating. And that will be one of the big trouble.

If it's the same usual suspect, it will not be good. And if it's some new people, how we will train them, and how we will find them? For me, it's one very difficult point of this transition. In the same time, I am sure that we need to go ahead because when you look to the last letter from Senator Cruz to ICANN chair and ICANN [inaudible], we need to escape from that as soon as possible. In the same time, I know that it will be lessened eventually, use, but the problem we have with the current place of ICANN is that we are dealing with the U.S. Government and we are in the Californian law. I will say, to make a comparison with my part of the world, is that we will be in discussion with European commission, and we will deal with the French, or Belgium, or Italian law. That's part of the complexity.

In the same time, if we don't say that we will stay in U.S. one way or another, I am not sure that the congress will give the green light to go ahead for the transition. Then it's where we are in trouble with what to decide, how to decide.

My last point, I'm sorry to go a little bit long, is that when we talk about ICANN, we need to be clear that we are talking about a multi-stakeholder, equal, transparent, and so on and so forth, organization. It's not ICANN NEO, it's that because ICANN is the best. ICANN is a good organization today, and we need to keep, for example, the place of end users there. That's important to describe what ICANN we are talking about when we say that it's better than anything else.

I have a lot of other things to say, but I will stop here to allow other to chime in. Thank you very much.

TIJANI BEN JEMAA: Thank you Sebastien for this large comment. I will fully understand your points. I share some of them. I see that Alan has his hand up, so [inaudible] Alan.

ALAN GREENBERG: Yes, thank you. I also share some of the concerns that Sebastien raised. I've said this before, and it's meant slightly humorously but not completely. If I were king and had been given the responsibility for making all of the decisions we've made over the last two years, or, for that matter, if At-Large had been given the first responsibility, we wouldn't have ended up with what we ended up with now. We would've ended up with something a lot simpler and a lot easier to manage, and hopefully, in our minds anyway, as effective. But the whole concept of multi-stakeholderism says we have to compromise.

I believe what we've done is acceptable, and hopefully Sebastien is wrong, and we will not end up greatly damaging ICANN by putting all these new rules in or adding a lot of processes which require extra people to do work. Only time will tell whether that's true or not. Hopefully we've not done anything really bad. Because there was certainly potential along the way for doing really bad things, and I don't think we've done any of that. Is this perfect? No, it's not. Hopefully it will be acceptable though. Thank you.

TIJANI BEN JEMAA: Thank you very much Alan. Olivier, you have your hand up. Is this about Sebastien's comments?

OLIVIER CREPIN-LEBLOND: Yes, thank you very much, Tijani. I was going to say one small thing about Sebastien's intervention, and then also I was going to attempt to answer some of the questions that [inaudible] in the chat.

Yes, you will notice, Sebastien was one of our representatives on the Cross-Community Working Group on Accountability. We've all got different concerns and fears. Certainly, I had a fear that we were transferring control of ICANN from a position where the ICANN Board would be listening to all of the community and performing this system of checks and balances between the different voices that it heard in the community, and making a middle-of-the-road decision that would actually be for the public interest rather than favoring one part of the community over another.

With the community powers that were then brought forward through the ICANN Accountability Cross-Community Working Group, I certainly had concerns that you would see vested powers in the community use those community powers to threaten the ICANN Board of doing something if the Board didn't actually follow their own vested interests.

I think that, as time has gone on, and with the fact that the ALAC has one of the voices in the community powers, to the same level as the other component parts of ICANN, and the very fact that you do need quite a high threshold of the community to be displeased with an action

of the Board for these community powers to take place, we are actually in a place which is not as bad as originally thought. I would say that I would find it particularly difficult today, not impossible, difficult, for vested interests to start controlling ICANN and leading to ICANNs destruction one way or another.

Let's be clear. If we start as a community, having to use some of these community powers, the most extreme of them being the dissolution of the Board, basically the expulsion of the whole, entire board, that organization is in real trouble anyway, whether that power is there or not. I think the different customers of the IANA function would be looking elsewhere to have those important functions run for the good of the Internet. We really are talking about very extreme cases. That's one thing.

Where does this leave the ALAC? Has the ALACs role been strengthened or diminished in any way. Certainly, when it comes down to community powers, because the ALAC has the same power as the other component parts of ICANN that are taking part in the community powers, my feeling is that the ALACs role is actually, I would say, strengthened in the way that it's certainly not being diminished in this specific way. I think that our goal was not to try and strengthen our role, but certainly have a role in a balanced system, where the balance would not shift towards one specific type of stakeholders and against another type of stakeholder. The balance was important. I think we managed to get that balance in there, and I'm glad that it is this way.

Has the ALACs role been diminished in any way? Well, one could always argue that because we had a good relationship with the Government Advisory Committee, and there was a time when the Government Advisory Committee would have a special power with the board, and the board would then have to negotiate with the Government Advisory Committee, and that, if they reached a conclusion, was going to be the final conclusion and nobody else was going to be able to overturn that. We could say, "Well, there has been a loss of power in that direction."

You know what? I think that, again, we are trying to read way too far into these things. If, at any point, the whole community feels the need to overturn a Board decision, and looking specifically at a Board decision after a negotiation between the board and the Government Advisory Committee. If the rest of the community needs to overturn that decision, we're all in real trouble anyway. Let's not try and read too much into, "Do we have more power? Do we have less power?"

I think that, ultimately, everyone has enough power so that the public interest is going to be sustained, and we're going to be able to, hopefully, work together to make sure that we've got a brand new way to make an organization accountable, whilst, at the same time, we don't have another organization that oversees the accountability of that organization. The eternal question of, "Who oversees the boss? Who is the boss of the boss?" We seem to have kind of worked out some solution where we don't need to have a boss. Thank you.

TIJANI BEN JEMAA:

Thank you Olivier for this long comment [inaudible]. You gave your point of view, and I respect it. I think that [inaudible] why we care about the transition? Why is it At-Large? Why is [inaudible] care about the transition? It is essentially because we don't want ICANN, after the transition, [inaudible] financial interests or the political interests over the public interest. Our main mission is to defend the public interest.

If ICANN, after the transition will not preserve the public interest over the other interests, we have [inaudible]. This is why you care about the transition, and this is why you have to have [inaudible] of the transition.

Now, I agree with Sebastien that [inaudible]. So I agree with Sebastien that for the operational aspects, we are more or less [inaudible] from the [inaudible] from the [inaudible] function [inaudible]. We [inaudible] the community have some kind of [inaudible]. That's only for the [inaudible] function. Also for the [inaudible] and [inaudible] for the [inaudible]. Perhaps this is a little bit better for the number function. But, if we see the whole picture, the whole governance over ICANN, the transition would give more power to the community, and give power [inaudible] from the Board to the community. This is very good, but the problem is how the community [inaudible], how the balance inside the community is [inaudible].

You know that people who have money and who have time to spend to make their interests [inaudible] are not the end users. We don't have those [inaudible]. So it will be very difficult for us to make the balance, which would be very difficult [inaudible] defend the public interest and to make it [inaudible], but it depends on the [inaudible] of our

commitment and our [inaudible] engagement. We have to do that, and you have to be very strong. [inaudible] comes from our [inaudible] for the At-Large [inaudible] have to be together to defend the end users interests with the public interests.

So I think it is not a [inaudible] we may have [inaudible]. We may have a lot of things on the paper, but interactive people who will have the possibility to [inaudible] would be people who have money and [inaudible] time. We have our commitment to have [inaudible] if you want engagement, we have to [inaudible] and to make the balance. If we manage, it will be very good, and we'll to [inaudible] our transition. If we don't, it may that we have lost everything. And [inaudible] years.

ALBERTO SOTO:

Thank you very much, Tijani. I [inaudible] fully agree with Sebastien's and Alan's comments. We have started our transition in a wrong way, when we didn't have, for example, any representation at the ICT. But I remember that Sebastien complained about that in one of our public meetings. I also did the same on a mailing list.

I, personally, made my complaint before Fadi because he said, "We are, in the end, end users, Internet users." I said, "Yes, that's okay, but there is one GAC representative representing the interest of a government. And we represent the interests of end users. Therefore, it was not good to be end users, Internet end users because each of us, we are representing the interests of every single group."

Based on those complaints, we made it, I think. We are moving forward. But I believe that there is a long way to go. We need to stay in that way because otherwise we won't be able to achieve our goals. Thank you.

TIJANI BEN JEMAA: Thank you very much, Alberto. Olivier has his hand up.

ALAN GREENBERG: I think that was an old hand for Olivier.

TIJANI BEN JEMAA: [inaudible] please go ahead.

UNIDENTIFIED MALE: Thank you very much to the presenters. Thank you Tijani as well for making this webinar. I think [inaudible] about the transition. One of the things that I think is going to be the main [inaudible] for At-Large going forward is how to improve participation of At-Large in the new community processes that are [inaudible] and they will be implemented [inaudible] for himself.

Apart from the fact that [NPIA] if they don't fund the proposal, they [inaudible] that some of the outcome of this [inaudible] implemented. So that's [inaudible] that what we have proposed will be implemented one way or the other. And then the issue of participation becomes the key issue for At-Large.

I'd like to use this opportunity to also encourage our community to actually recognize that the only way we can defend and make good use of – I wouldn't say we have [inaudible] so much [inaudible] opportunity [inaudible] especially the [inaudible] of the stakeholder in this group [inaudible]. So [inaudible] my [inaudible] powers of an issue of [inaudible] At-Large community.

[inaudible] there was a comment from me to be participant of this webinar. [inaudible] transition, I think it should be good to hear. I also [inaudible] going forward for At-Large, we're going to [inaudible] to improve the [inaudible] to the processes that [inaudible]. Thank you.

TIJANI BEN JEMAA:

Thank you very much [inaudible] for this comment. Do I have any comments about what has been said now? If you don't have any comment, let me say that we spoke about [inaudible]. [inaudible] jurisdiction will be discussed and [inaudible] accountability. It is not [inaudible]. It has been mentioned a lot of times, and there is a lot of suggestions [inaudible] but nothing has been [inaudible] discussed. We will discuss it in the next [inaudible]. It is not the only [inaudible] issue [inaudible] issue that will be discussed in work stream 2, but there is a list of 12 items. I hope we will have [inaudible] more time to discuss them because [inaudible] we don't have the deadline of the transition. It can be done after the transition, no problem. So we will start working on work stream 2 now I think or very soon.

Any other questions? Do we have a question about anything? About this presentation? I think it was a very important presentation.

OLIVIER CREPIN-LEBLOND: Thank you Tijani. I am not going to comment on what [inaudible] has said either. Very valid points that are being made, but there was a question as to how does this really affect end users? I understand politically we might not be entirely happy with things. But what we should be happy about, though, is one thing. In the implementation phase of this, we have found a way to now have contracts replacing the current contracts. And to have service-level agreements, that are going to be, if [inaudible] changed, they might even be improved on what service level agreements there were before. And what I mean by that is as far as the IANA functions are concerned, these will be run in a manner which will be as reliable as they've been run so far. For end users, I think that's a good thing. We want to have these functions run in a very stable way.

Politically speaking, we had concerned in the early days, I think, that these IANA functions could be used in a commercial sense to discriminate one way or another, or perhaps to introduce an unreasonable cusp that would eventually end up having to be paid by end users. It seems that this will probably not be the case, at least the way that the whole system is designed it will not be the case.

As far as the number of committees are concerned, and the number of people required to be in all of those committees, that's a concern. But

then we can't have the cake and eat the cake at the same time. We either have no committees, or very small committees, or just one committee, in which case everyone's going to fight for those small number of seats. It's quite unlikely, at that point, with so many people out there, that we would have that ability to have that seat on this committee. Or we have more committees, and then there is a balance of power, and it doesn't become that important to be on all of these committees, but it's still important to have someone there.

As I said, a lot of committees, less power, less committees, more power. That's exactly, I think, what we wanted to try and avoid. Having committees that start having so much power that there is a concentration of power in some place. That was one of the things. There's a concentration somewhere that breeds corruption, that breeds ways to play the system, that breeds potential for capture, thanks.

TIJANI BEN JEMAA: Thank you, Olivier. Thank you for this clarification. Alan, you had your hand up.

ALAN GREENBERG: Yeah, just a very brief comment on that. We fought very hard to have At-Large positions on some of these committees. It's going to be a real challenge for us to staff them, there's no question. So how it turns out will become interesting. I don't even know if we're going to be able to staff some of the positions. When I say staff, I don't just mean put a name there, but put someone who's actually active in that

environment. It will be interesting to see how we go forward on this.
Thank you.

TIJANI BEN JEMAA: Thank you very much, Alan. Any questions?

SEUN OJEDEJI: Yeah, thank you Tijani. I think what Alan just mentioned regarding the challenge of [inaudible]. It just also [inaudible] the fact that this committee also are going to be making decisions. They're going to be making decisions in the middle [inaudible] consensus as much as possible. There are some [inaudible] to actually [inaudible] consensus. So it then becomes very important that we have representation in GAC because also of the imbalance of the [inaudible] stakeholders. It also forces the concern of possibility of the decisions [inaudible] made in an imbalance [inaudible] not used. If majority, for instance, is used [inaudible] number falls.

I think all this, we have just [inaudible] looking at [inaudible] is going to be a challenge. We hope that going forward [inaudible] transition, we hope that we don't [inaudible] some of this sooner [inaudible]. I, personally, hope that [inaudible] the concern, mainly, is that whenever we're going to be exercising some of this [inaudible] that we'll have adequate people [inaudible] to actually defend the interest of [inaudible] users going forward. Thank you.

TIJANI BEN JEMAA: Thank you, Seun. We have 15 minutes left. Any other questions? Otherwise, I will give the floor to Yesim, [inaudible] staff member who will [inaudible] the pop quiz.

YESIM NAZLAR: [inaudible] Tijani. [inaudible] questions. IANA manages the [inaudible] domain. True or false? [inaudible] If Alan or Olivier would like to share the answer?

ALAN GREENBERG: The answer unfortunately is false. .edu is managed by a different organization. IANA does manage the .int domain, but not .edu.

OLIVIER CREPIN-LEBLOND: If I could add to this, I think part of the confusion is that yes, IANA runs the updates for the root. The root itself is run by a contractor, but the updates are brought in, so the updates to database are dealt with by IANA. Managing a top-level domain is a completely different thing. When you manage a top-level domain, you're effectively managing a registry of the domains under that top-level domain. IANA manages the .edu domain, no. There is another organization that manages all of the domains under .edu.

YESIM NAZLAR: Thank you, Olivier. Moving on to the next one. Our second question is Jon Postel worked for which of the following? [inaudible] workplace, the

U.S. Government, [inaudible], all of the above? Please [inaudible] now.
Can we have the answer for this one as well, please?

ALAN GREENBERG: This was a trick question. Because he technically worked for a university. He was funded by the U.S. Government, and therefore, from some perspectives he was working for the U.S. Government. So, all of the answers are right. No one loses this one.

YESIM NAZLAR: Thank you very much, Alan. Now we can go on to the third one. [inaudible] replaced by the ITU. Is that true, or false, or [inaudible] all of the above? Please [inaudible] now. And the answer is, please?

ALAN GREENBERG: Well, [inaudible] people were right in this case. Technically, ICANN could be replaced by the ITU. It couldn't be replaced well by the ITU. But generally, the answer is false. It could not easily be replaced by the ITU, certainly in my opinion.

OLIVIER CREPIN-LEBLOND: I could actually add, Alan is correct. In many people's opinions, what ICANN does and so on is something that's very peculiar especially when it comes to this multi-stakeholder policy development. When it comes down to running the IANA functions, if one was to say well, "IANA can easily be replaced the ITU," it's a different thing. One has to remember

that out of those three functions, two of them are actually willingly given to IANA to run by the operational communities that decided that IANA would run them. They're the ones to decide whether they want to keep them with IANA, or whether they want to give them to someone else. Judging from the history of the ITU, I don't think any of them would particularly be happy with the ITU performing those functions.

TIJANI BEN JEMAA: [inaudible] I think this question is very badly asked just because in fact ITU can run it. It is possible. But the question is [inaudible]. Does the multi-stakeholder model will work if it is run by ITU? And the answer for this question will be no, thank you.

YESIM NAZLAR: Thank you, Tijani. Moving on to the next one. Question number four. Users will be personally affected when the transition takes place. Yes or no? Please [inaudible] now. And answer?

ALAN GREENBERG: We certainly hope that the answer is no.

YESIM NAZLAR: [inaudible] moving along to question number five. [inaudible] ICANN [inaudible]? It's a yes or a no. Please [inaudible] now. And the answer is?

ALAN GREENBERG: The answer is no.

OLIVIER CREPIN-LEBLOND: The answer is no, indeed, yes. The ICANN Board doesn't decide what goes and what doesn't go in the route. The whole point is that so far there was the ability for the U.S. Government to control what goes in there, and there is no replacement for that. But no one is taking the position of the U.S. Government saying, "Yes," or, "No," to an update.

YESIM NAZLAR: Thank you. Moving along to question number six. The IANA stewardship transition process started because of the Snowden revelation? It's a yes or a no. Please [inaudible] now. And answer is?

OLIVIER CREPIN-LEBLOND: The answer is, in general, it could be but it could not be. It's well understood that there were a whole lot of factors for the transition to take place now. Certainly, the transition process itself was on the cards. Whether it was brought forward by a year, two years, six months, or brought forward by three days is anyone's guess. But when asked, Larry Strickland, who really is the person that drafted the original letter from NTIA to ICANN and to launch the whole process, when he was asked this question he said, "Heck with this. We've been thinking about doing this for years, and it just felt like we needed to get on with it."

TIJANI BEN JEMAA: Yes, but I have another opinion. I [inaudible] this declaration of the NTIA about the transition was the Snowden declaration. Even if the Snowden declaration doesn't have anything to do with ICANN, it is about content, and ICANN doesn't do anything about content. But the trust [inaudible] people for the U.S. Government was really affected by the declaration of Snowden, and it was a way to make the trust better. That's how I think it happened. I know it was planned for a long, but it wasn't triggered. It was triggered just after the Snowden declaration. Thank you.

OLIVIER CREPIN-LEBLOND: Thanks Tijani. I guess you'll have to ask Larry himself. Maybe take him out to dinner, and give him a copious amount of wine.

ALAN GREENBERG: Perhaps we'll let the historians decide 50 years from now.

SEBASTIEN BACHOLLET: I guess I was part of this process, and I can tell you that we had meeting with the right people prior to the Snowden revelation. And we were already working on that prior. Yes, Snowden put the [inaudible] but it was not cause. Thank you.

YESIM NAZLAR: Thank you very much. Moving onto the last question for the pop quiz. IANA stewardship transition is only about domain names. Is this true or false? Please [inaudible] now. And the answer is?

ALAN GREENBERG: Most definitely false.

OLIVIER CREPIN-LEBLOND: It's about those three functions, names, numbers, and protocols. Because we're in ICANN we tend to talk about the names 99% of the time. But let's not forget the other communities.

YESIM NAZLAR: Thank you very much. This was [inaudible]. Tijani, would you like me to go around and move to the follow-up questions?

TIJANI BEN JEMAA: Exactly, go ahead, please.

YESIM NAZLAR: Sure. Thank you everyone for joining. We have some questions regarding our follow up on this [inaudible] that we would like you to answer. Currently moving on to our first question. Yes. How was the timing of the webinar for you? Too early, just right, or too late? Please [inaudible] now. Thank you very much.

Moving on to the second one. What region do you live in at the moment? Africa, Africa, Australia and Pacific Island, Europe, Latin American and the Caribbean Islands, or North America? Please [inaudible] now. Thank you.

Moving along to the third one, quickly. How many years of experience do you have in the ICANN community? Thank you.

Moving along to question number four. How is the technology used for the webinar? [inaudible]? Please mark it from one to five, one being very bad, and five being very good. Thank you very much.

Moving along to question number five. [inaudible] demonstrate [inaudible] of the topics. Again, from [inaudible] to one, five being the extremely strong [inaudible] and one being extremely weak. Thank you very much.

Moving along to question number six. Are you satisfied with this webinar?

And our last question, question number seven. What topics would you like us to cover for the future webinar? Please [inaudible] your answers in the blank, and if you could click on the icon on the right-hand side of that [inaudible]. [inaudible] answers.

TIJANI BEN JEMAA:

[inaudible] if you don't have time now to write it down, please send an e-mail and fill out what are the [inaudible] that you prefer for the

upcoming webinars, which will help us a lot in programming the next [inaudible]. Thank you.

Okay, we are now [inaudible]. Good. We are just on time. If you don't have any other remark, any other questions, let me adjourn this webinar. I thank very much [inaudible] speakers, Alan Greenberg and Olivier Crepin-Leblond. I also thank all our staff and our interpreters. Thank you very much everyone, and see you in the next webinar. Bye-bye.

[END OF TRANSCRIPTION]