
YESIM NAZLAR: The recording has been started. Good morning, [inaudible].

UNIDENTIFIED MALE: Thank you. Go ahead.

YESIM NAZLAR: Thank you. Good morning, afternoon, and good evening for everyone. Welcome to the At-Large Capacity Building Program 2016, our second webinar of 2016 on the topic, the IANA Transition: What it Means to At-Large and ICANN held on Wednesday, 6th of April, 2016 at 13:00 [inaudible]. We will not be doing the roll call [as this is a] webinar, but we'd like to please remind all participants on the phone bridge as well as computers to mute your speakers and microphone, as well as state your name when speaking, not only for transcript purposes, but to allow our interpreters to identify you on the other [inaudible] channel. We have English, Spanish, and French interpretation. Thank you for joining, and I will now [inaudible] Tijani Ben Jemaa, Chair of the Capacity Building Working Group. Thank you very much.

TIJANI BEN JEMAA: Thank you [inaudible]. Good morning, good afternoon, good evening, welcome to this second webinar for 2016, the new program of Capacity Building Working Group for At-Large. Today we think about the meaning of this transition, the IANA transition for At-Large and for ICANN as a whole. We have chosen two very good speakers for this subject who are Alan Greenberg, the Chair of ALAC, and Olivier Crepin-Leblond, the Chair

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of EURALO. They are good because 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 Accountability, 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 the housekeeping presentation [inaudible] announcement? [inaudible]

YESIM NAZLAR:

Hi, Tijani. Yes, sure. Of course. Looking at the housekeeping presentation, we'll have a question and answer [post] during the webinar. If you have questions, we encourage you to type them in the question and answer [post] and staff will announce your questions and they will be answered by the presenters. We'll also have a pop quiz session, and we'll have some questions after [each] speaker's presentation. Please be ready to answer the questions posted in the [poll]. Finally, we'll have the user experience part. There will be a seven question survey at the end of the webinar. Please stay around for an extra three minutes or so to complete the questions. Here, you can find the words they will be [inaudible].

If it's all clear, I will be moving on to the presentation.

TIJANI BEN JEMAA:

Thank you, [inaudible]. The floor is yours, Alan and Olivier. [inaudible]

ALAN GREENBERG:

Thanks. 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. That is we have the core or the root zone of the DNS, which is the part of the Domain Name System that says where the registries are, where .ca is, where .com is, and so on and so forth. It handles the Internet parameters that are you 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. This is where time zones are. They also do the administrative function, but not the decision-making on the .int top-level domain.

Originally, IANA was a person. You'll find references in older documents to things like our IANA, the IANA. Indeed, IANA was a single person who handled 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. 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.

The question is, who was IANA therefore? Initially, the Internet was a project of the U.S. Defense Advanced Research Projects Agency, DARPA. It was put together with a small number of universities and research centers. 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.

In the timeframe that we're talking about when ICANN was formed, at the end of the 1990s, and when responsibility moved from DARPA to the NTIA, ICANN took over responsibility for IANA. There have 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 commitment. 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." It took a little bit more than a year. It took about 15 years. 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. The conditions included things like whoever is responsible shouldn't be governments. 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. I should be in the Adobe Connect, as well.

ALAN GREENBERG: You are. You were moved up the host. 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. It's Olivier Crepin-Leblond speaking, all the way live from Geneva. 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. Why was it done then? Because before that, the IANA functions and all that were all 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 have some really important text in them that deals with a new general top-level domain process and the reviews that were required to ensure the ability to have consumer choice, consumer trust, etc. There was obviously some reason why one needed to go – and many reasons, in fact, why one was going to go from the joint project agreement over to the affirmation of commitments.

Then came over the announcement from the U.S. government on this transition. Why the transition? Of course, the first thing that some came

out and said, “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 of the Internet.” There’s others that have equally far-fetched ideas as to why this was happening now. As Alan carefully said, originally, this was always something that was somehow in the pipeline, and it could have been done faster. 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.

If we go to the next slide, do I have control of this? Great, magic. I just need to say next slide and it works. The next slide shows you effectively. The first thing, I guess, is that the United States is really, when it comes down to ICANN, the U.S. is no longer in control. We put “in control” in quotes 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 there 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 to 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 the protocol parameters, who by the way, are merely very, very rarely changed

because you need to invent a new protocol parameter to then add it to the database. And 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 currently was performing the oversight, looking at the things and saying, "Yeah, everything seems to be 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 being transferred over to this private sector organization, was going to continue being run properly. The other theoretical control 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. Of course, one could say if that's the case, you could have had a position where the U.S. government could have said, "We don't like this country. We would like to transfer the country top-level domain away from this country to an entity that we trust or that we like." You could have used this on a political level. Over the 15 years that this was in place, I cannot remember of any time when this was really used in a political manner. In fact, it's never been the place 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 – was it '98, '99? – nobody really knew what ICANN was. We're talking about a brand new startup organization built up from scratch. The question then was we've got these players that have been around for a long time already. The

regional Internet registries, 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 those contracts 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 VeriSign 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 in the way that it runs the IANA function. ICANN is trusted enough to now be a counter party to these signing of contracts. That's the 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. That's why we then have this very important link with ICANN's accountability process. We're not going to go into ICANN's 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 processes, the IANA stewardship transition and ICANN accountability closely linked together on this.

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 organizations so far, but what we are doing is to relinquish this perceived U.S. control, which was both perceived and real. We, as in the community, have 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 was to find a solution that would transfer this control to a really balanced community that would not only be the direct operational people – what they call the customers of the IANA function. The numbers, the protocol, 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, bringing in 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? 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." Infrastructure is an interesting thing. If it's working well – another good example of infrastructure are sewers. 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 ICANN in general, but certainly in At-Large and the ALAC, have spent an enormous amount of time. I estimate that the amount of time I spent in actual formal meetings and in preparing for these meetings translates to a good part of a working year. If I had a full time job, eight hours a day, five days a week, I'd put almost that much time into it. I wasn't the only one. So obviously we do care, and the question is, why? 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 interests. 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, we're not the only one, but 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 the 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. So 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.

That's talking about the actual transition. 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. No one in the group was trying to break the Internet, but as I said, there were many different positions, many different views of how things should be done, and perhaps, in some cases, some with 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 stakeholders within ICANN, ICANN was trustworthy. The whole concept of accountability is such that we had to make sure in people's belief – this is a perception issue, 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 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 a 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 have been cheering. So this is not necessarily everyone believing it, but nevertheless, there was a real problem of trust.

I have a pictorial way of presenting it. Here's two typical directors. You may recognize them. This is George Sadowsky and Chris Disspain. This is pictures of them before they became directors. These are the pictures after they became directors. 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.

So 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.

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 it was distributed to the Board. So 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's 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 in ICANN are slow enough.

We had a strong interest in making sure that the vested interests – those who are 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 interests of governments, which have a very strong interest in the Internet, as well. The commerce of the world is running largely on the Internet these days, and there's very big implications if things happen 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 it.

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 has 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, and with that disappearing, we felt it was exceedingly important that it be replaced by something that would act as responsibly, and hopefully, that is what we've put together at this point.

So 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.

I'm prepared to open to questions right now. I'll turn it back to Olivier to handle questions.

OLIVIER CRÉPIN-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, and 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, Geneva. I'm in Geneva at the moment, so to Geneva, and as you know, 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 spoke about the accountability thread, looked at the parts of the requirements that the IANA Transition Group asked for. But 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. So that was one thing I just wanted to add before we open the floor for questions.

Lastly, the second I wanted to also add was that we're not at the end of it 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. So 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 world 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, and 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 arena without being the subject of one country's laws, and 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 CRÉPIN-LEBLOND: Thank you very much, Alan. I don't see anyone in the queue yet. 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? Wouldn't this be better than having it based in the U.S.?

ALAN GREENBERG: Well, 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 the 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, but at a gut level feeling, that probably would be good.

The only mechanisms 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, so certainly, the perceptions are such that there are some dangers in going that direction.

But again, it's a personal thing. Olivier, back to you.

OLIVIER CRÉPIN-LEBLOND: Thank you.

TIJANI BEN JEMAA: Thank you very much. Thank you very much, Alan, and thank you, Olivier, for the presentation. We have Olivier running the hands, but I will let Sébastien first ask his question, and then I will come back and I will make my comment. Sébastien, please.

SÉBASTIEN BACHOLLET: Thank you, Tijani. If you have comments or questions in the chat, then maybe it's better to take them. I have comments more than questions. I am ready to go now, but first, if you can release the presentation that we can scroll up and down, it will be easier for the discussion now.

The question is why it will be better after the transition than 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 with a lot of possibilities that we will as the end-user be taken out of some decisions, be taken out of some discussions, and that's one of the problems 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 body who will need to be created and all the people ICANN needs to be put in those committees, the last time I made the count – and it may have changed – it was something around 60 people. Who will be able to do that? Where will we be able to find people?

I'm not saying that we need 60 for At-Large, but we will need some, and it's already difficult. We are not paid for that. We already have a lot of things to do for the people who are participating, and that will be one of the big troubles. If it's the same usual suspects, it will not be good, and if it's some new people, how will we train them, and how will we find them? For me, it's one very difficult point of this transition.

At 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 ex-CEO, we need to escape from that as soon as possible. But at the same time – and I know that it will be [listen] 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 the European Commission, and we will deal with the French or Belgium or Italian law, and that's part of the complexity.

At 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, and it's where we are in trouble with what to decide, how to decide.

My last point – I'm sorry to be 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 anyhow. It's not because ICANN is the best, it's 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 any [inaudible]. I have a lot of other things to say, but I will stop here to allow others to chime in. Thank you very much.

TIJANI BEN JEMAA:

Thank you, Sébastien, for this large comment, and I fully understand your points. I share some of them. I see that Alan has his hand up, so perhaps, it is about that. Alan.

ALAN GREENBERG:

Yes, thank you. I also share some of the concerns that Sébastien raised.

I've said this before – and it's meant slightly humorously, but not completely – if I were king and would have 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 have 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, and I believe what we have done is acceptable and hopefully, Sébastien 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. There was certainly potential along the way for doing really bad things, and I don't think we've done any of that.

But is this perfect? No, it's not, and 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 Sébastien's comments?

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

TIJANI BEN JEMAA: Okay, go ahead.

OLIVIER CRÉPIN-LEBLOND: Thank you, Tijani. Now, yes, you will notice, Sébastien 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 interests 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 I originally thought, and I would say that I would find it particularly difficult today – not impossible – difficult for vested interests to start controlling ICANN and leading to ICANN's 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 disillusion 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, so that's one thing.

Where does this leave the ALAC? Has the ALAC's role been strengthened or diminished in any way?

Currently, 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 ALAC's role is actually, I would say, strengthened. It's currently not been diminished in this specific way, and I think that our goal was not to try and strengthen our role. But certainly, you have a role in a balance system where the balance would not shift towards one specific type of stakeholders and against another type of stakeholder, so 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 ALAC's role been diminished in any way? Well, one could always argue that because we had a good relationship with the Government Advisory Committee. There was a time when the Government Advisory Committee would have a special power with the Board. The Board would then have to negotiate with the Government Advisory Committee, and that if they reached a conclusion, it 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, and if at any point the whole committee feels it needs 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.

So 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.

It's the eternal question of who oversees the boss. Who is the boss of the boss? We seem to have 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 or explanation. You made your point of view, and I respect it.

I think that at the beginning, you said, why do we care about the transition? Why do the At-Large? Why do the end-users care about the transition?

It is essentially because we don't want ICANN after the transition to be furthering the financial interest or the political interest over the public interest. Our main mission is to defend the public interest, and if ICANN, after the transition, will not preserve the public interests over the other

interests, we have lost it, so this is why you care about the transition, and this is why we will have to have our say in the arrangement of the transition.

Now, I believe, Sébastien, that I saw your hand. I will give you the floor, but let me just make a compromise.

So I believe, Sébastien, that for the operational aspects, we are more or less put aside from the [PTI] functions, etc. Perhaps, the community will have some kind of consultation in the sense for the three functions. Not only for the domain name functions also for the parameter and officially set the parameters for the protocol parameters. Perhaps, it is a little bit better for the numbers functions.

But if we see the whole picture, the whole governance over ICANN, the transition will give more power to the community, and this power is taken from the Board to the community, which is very good.

But the problem is how the community is going to do this. How the balance inside the community isn't new. You know that each one who has money and who has the time to spend to make their interest [inaudible], are not the end-users. We don't have [rules] Internet, so it will be very difficult for us to make the balance. It will be very difficult for us to, if you want, to defend the public interests and to make it [clear].

But it depends on the effort of our commitment and our engagement. We have to be there, and we have to be very strong, which is our power. It comes from our unity of the At-Large or the end-users. We

have to be together to defend the end-users Internet and use of the public Internet.

So I think it is not a question of the power we may have in this arrangement. We may have a lot of things on the table, but interactive, people who will have responsibilities to [wake] will be people who have money and who have time. We have our commitment. You have our, if you want, engagement. We have to use it and to make the balance. If we manage, it will be very good and we will have to [exceed] our transition. If we don't, that means that we have lost everything, and that is no good, the [inaudible]

ISABELLE CAMILLA (INTERPRETER): This is Alberto Soto speaking. Thank you very much, Tijani. I fully agree with Sebastian's and Alan's comments. We have started our transition in a wrong way when we didn't have for example any representation of the ICT, but I remember that Sebastian complained about that in one of our public meetings. I also did the same on the mailing list. I personally made my complaints before Fadi, because he said we are, in the end, Internet end-users.

I said, yes, that's okay, but there is one GAC representative representing the interests of a government, and we represent the interests of end-users. Therefore, it was not good to be Internet end-users, because each of us were representing the interest 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 will not be able to achieve our goals. Thank you.

TIJANI BEN JEMAA: Thank you very much, Alberto. Olivier, you have your hand up.

UNIDENTIFIED MALE: [inaudible]

TIJANI BEN JEMAA: Yes, Seun, I will [hold] your request for the floor. Olivier?

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

TIJANI BEN JEMAA: Okay, so Seun, please go ahead.

SEUN OJEDEJI: Thank you very much to the presenters, thank you Tijani and [Gisella] for coordinating the webinar. I think [inaudible] about the transition. One thing that I think is going to remain important for At-Large going forward is how to grow participation of At-Large in the new community processes that has been proposed and that will be implemented [inaudible]. Apart from the fact that NTIA if they [don't find] the proposal, they say the possibility that some of the outcome of the CCWG will be implemented.

So that's [inaudible] what we have proposed would be implemented one way or the other, and then the issue of participation becomes a key

issue for At-Large, so I'd like to use this opportunity to also encourage our community to actually recognize that the only way we can defend the liberties of – I wouldn't say we have before. So much before opportunity before that we could have especially the private sector side of the stakeholders, and this group, the proposal [inaudible]

So it's [inaudible] may be little powers or the mutual opportunity we have, we made adequate but special and [inaudible] within the At-Large community. That is just a word, a comment for me to be part of this webinar. For transitions, I think it should be good to hear. Also, going forward for At-Large, you're going to [inaudible] those to improve the output and contributions to be processes [inaudible] Thank you.

TIJANI BEN JEMAA: Thank you very much Seun for this comment. Have any comment about what Seun said now?

UNIDENTIFIED MALE: No.

TIJANI BEN JEMAA: If you don't have any comments, let me say that we spoke about jurisdictions. For your information, the jurisdiction will be discussed in Work Stream 2 of the CCWG accountability, so it is not yet discussed. It had been mentioned a lot of times and there are a lot of suggestions [inaudible] but nothing has been formally discussed. We will discuss it in the Work Stream 2. It is not the only one controversial issue that will be discussed in Work Stream 2, but it's a list of 12 items. I hope we'll have

more time to decide then, because we don't have a deadline of the transition. It can be done after the transition, no problem.

So we're just waiting on Work Stream 2 now I think. Any other questions you have about anything, about this presentation? I think it is a very important presentation.

OLIVIER CREPIN-LEBLOND: Tijani, it's Olivier, I have my hand up.

TIJANI BEN JEMAA: Yes, Olivier, please.

OLIVIER CREPIN-LEBLOND: Thanks very much, Tijani. I'm not going to comment on what Seun has said, there are very valid points that are being made, but there was a question as to how does this really affect end-users, and 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 unchanged, they might even be improved on what service level agreements there were before.

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 concerns

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 unreasonable cost 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 those committees, yes, 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 is going to fight for those small number of seats and 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, and that's exactly I think what we wanted to try and avoid. Having committees that start having so much power that there's a concentration of power in some places. That was one of the things. If 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, for this clarification. Alan, you had your hand up.

ALAN GREENBERG: Yes, just a very brief comment on that. We fought very hard to have At-Large positions in some of these committees. It's going to be a real challenge for us to staff them, that'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, and when I say staff, I don't just mean put a name there, but put someone who is actually active in that environment. So it will be interesting to see how we go forward on this. Thank you.

TIJANI BEN JEMAA: Thank you very much, Alan. Any questions? Yes, Seun, go ahead.

SEUN OJEDEJI: Thank you, Tijani. I think what Alan just mentioned about the challenge of staffing is very real. It just also reminds me of the fact that these committees also are going to be making decisions. They're going to be making decisions even though encourage [inaudible] for consensus as much as possible. They also have the option to actually make decisions in different [way than of] consensus, so then it becomes very important that we have representation in that, because also of the imbalance of the representation by [inaudible] stakeholders. It's also at least a concern of the probably of the decisions being made and not in balance especially when it concerns [inaudible].

So I think all this, we are just right now looking at it, but it's going to be a challenge. We think that going forward with the transition, maybe we won't be exercising some of this sooner, my thoughts. I personally object, but because [inaudible] we're not going to be exercising some of

this [similarly] that we have adequate people available to actually defend the interest of end-users. That's all, thank you.

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

YESIM NAZLAR: Thank you very much, Tijani. Next, we do have some pop quiz questions. Okay, let me just switch to the [inaudible] quickly. Okay, there you are. The first question, IANA manages the .edu 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 .hint domain, but not .edu.

OLIVIER CREPIN-LEBLOND: And 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 to the 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. So 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 works for which of the following: A university, the U.S. government, [inaudible]? Please cast your votes 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. Moving on to the third one. ICANN can easily be replaced by the ITU. Is that true or false, [inaudible]? Please cast your votes now. And the answer, [inaudible].

ALAN GREENBERG: Both of the 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: 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 by 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 be particularly happy with the ITU performing those functions.

TIJANI BEN JEMAA:

Can I have a comment in that question? I think this question is very badly asked, because in fact, ITU can run it. It is possible, but the question is if it's suitable. Does the multi-stakeholder model work if it is run by ITU? The answer for this question will be no, thank you.

YESIM NAZLAR:

Thank you, Tijani. Moving on to the microphone. Question number four. Users will be personally affected when the transition takes place. Yes or no? Please cast your votes now. And the answer?

ALAN GREENBERG:

We certainly hope that the answer is no.

YESIM NAZLAR: Very good, moving on to question number five. The ICANN Board controls the root zone. It's a yes or a no, please cast your votes now. And the answer?

ALAN GREENBERG: The answer is no.

OLIVIER CREPIN-LEBLOND: The answer is no indeed. The ICANN Board doesn't decide what goes and what doesn't go in the root. 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. No one is taking the position of the U.S. government saying yes or no to an update.

YESIM NAZLAR: Thank you, moving on to question number six. The IANA Stewardship Transition process started because of the Snowden Declaration. It's a yes or a no, please cast your votes now. And the 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 or two years, six months or brought forward by three days is anyone's guess, but when asked Larry Strickling, who really is the person who 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 think that what triggered this declaration of the NTIA about the transition was the Snowden declaration. Even if this 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 of 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 very 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 get him a copious amount of wine.

ALAN GREENBERG:

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

UNIDENTIFIED MALE:

May I? I guess I was part of this process, and I can tell you that we had meetings with the right people prior to the Snowden revelation, and we were already working on that prior. Yes, Snowden put an acceleration but was not the cause. Thank you.

TIJANI BEN JEMAA: Thank you. Yesim.

YESIM NAZLAR: Thank you very much, Tijani. Moving on to the last question for the pop quiz. IANA stewardship transition is only about domain names. Is it true or false? Please cast your votes now. And the answer is...

ALAN GREENBERG: Most definitely false.

OLIVIER CREPIN-LEBLOND: It's about those three functions: names, numbers, and protocols, and 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 [inaudible] Tijani, would you like me to go on 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 webinar that we would like you to

answer. Currently moving on to our first question. ICANN and the Caribbean Islands, or North America? Please cast your votes now. Thank you. Moving on to the third one quickly, how many years of experience do you have in the ICANN community? Thank you, moving on to question number four. How is the technology used for the webinar [inaudible] audio, video, [sound wave]? Please make it from one to five, one being very bad and five being very good. Thank you very much. Moving on to question number five. This is [inaudible] demonstrates mastery of the topic. Again, from five to one, five being the extremely strong [answer] and one being extremely weak. Thank you very much. Moving on 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 webinars? Please type your answers in the blank and if you just click on the icon on the right hand side of that blank spot, we'll receive the answers.

TIJANI BEN JEMAA:

Just please, if you don't have time now to write it down, please send an e-mail and tell us what are the topics that you prefer for the upcoming webinars. It will help us a lot in programming the next stages. Thank you.

Okay, we have now two topics, very good. We are just on time. If you don't have any other remark or other question, let me adjourn this webinar. I thank very much the two 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.

UNIDENTIFIED MALE: Thank you, bye.

[END OF TRANSCRIPTION]