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DUBLIN – Francophonie @ICANN54  
Monday, October 19, 2015 – 16:00 to 17:30 IST  
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EMMANUEL ADJOVI: I think we should start. Before we begin, we are handing out the French version of the work on Internet governance that [unclear] Foundation has edited with the support of the IFO. So, these are documents that can contribute to the debate on Internet governance.

Thank you for being so many, as usual, at our francophone gathering. We have one hour and thirty minutes. It's already down to roughly one hour and fifteen minutes, so we'll try to go quickly.

To moderate the discussion I would like to introduce Mr Éric Adja, who is the Director of the digital Francophonie, he is the person to my left, he has taken over from Pierre Ouedraodo, whom I would also like to introduce to you.

Do you want me to introduce you, Mr Ouedraodo?

OK. Yes, you don't know him.

Good. At least now you know Éric, who, as a first-time participant at an ICANN meeting, wanted to stress the

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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importance that the IFO attaches to governance, concerning everything that has been developed within the strategy of the digital Francophonie and which signals the IFO's commitment to an inclusive, transparent and democratic Internet governance. Therefore, he wanted to attend this event to demonstrate his strong interest in our organization at all the debates that we are currently undertaking.

With that, I shall now give the floor to Mr Adja who will present the discussion so that we can move forward.

Mr Adja, you have the floor.

ERIC ADJA:

Thanks, Emmanuel.

Good day, ladies and gentlemen. In taking the floor, by way of introduction to this meeting, I would like to give you the greetings you from Mrs Michaëlle Jean, Secretary General of Francophonie, and of Mr Adama Ouane, the Director of the International Francophonie Organization, both of whom have asked me to transmit their warm congratulations for your presence here at the level of francophone cooperation, which is also the level of the overall management of Internet. You can imagine how lucky I am to have had Pierre Ouedraodo as a predecessor, for he has truly validated the field, he did a huge

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job with you. How lucky I am, therefore, to continue in his footsteps and also have colleagues like Emmanuel Adjovi and the entire DFN team, and have as partners at the ICANN level, at the level of the governance of ICANN, such as our illustrious big brother Pierre Dandjinou and all the others present here; our colleague, Mr Jean-Jacques Sahel, and each of us, whose presence here is very important because it enables us to add up our energies, our strengths, our institutional resources, our brainpower to have as much bearing as possible in issues which are currently discussed, including the internal reform of ICANN.

Therefore, in your respective qualities here, I would like to renew the commitment of Francophonie with an Internet governance that is plural, which can respect diversity, the cultural industry, and even policy represented by the diversity of the people here, of the governments represented here, of institutions such as the African Union or other structures represented here. At this point I would like to thank you once again for your commitment of having come from everywhere, near or far, from as close as France, or as far as Lebanon or even further, the Ivory Coast or indeed, I could not name all the countries, but I think that this diversity of origins and structures is there as a force at the level of these few days that we will spend together. Thanks again to the team that prepared the agenda that I submit to your consideration. If you agree, we will be able to adopt it, but I will

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leave you a few minutes to may be give any comments before formally adopting it and moving to the first item, which is a presentation from our colleague, Jean-Jacques Sahel, who will review on the IANA transition at CCWG level.

The floor is now open. Thank you very much.

In the absence of reactions, I consider the agenda adopted.

Without further ado, I would like to give the floor to Mr Jean-Jacques Sahel. Thank you.

JEAN-JACQUES SAHEL: Thank you very much, Éric. And welcome. We are very happy to have you and we're also glad to know that Pierre stays in our community.

Whenever I come here, I want to speak of so many things, and it would be nice if -maybe in the future we could ask my colleague Pierre to tell us more about his activities in Africa, but I hope that you can attend the AfrICANN meeting on the African strategy tomorrow. I strongly encourage you to do so. There is a lot of work underway and I know that there are issues that are often raised by participants on which Pierre is working very actively. So I encourage you all to go to the Africa meeting tomorrow and make your voice heard and participate in these activities.

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We only have ten minutes, so I'll skim through the slides I prepared, but I hope that we can distribute them so that you can look at the details.

I will immediately turn to slide 3.

[Rinatos], please...

I'll focus my presentation on the transition work, since there will be a presentation on accountability later with Tijani, I think.

So, as you all know, ICANN has a main mission regarding unique identifiers, both names and numbers. And there are functions which are central, which help coordinate these systems of identifiers, which are called the "IANA functions."

So, if we move on to the following slide -it's just for those who are perhaps new to the group because I know that this slide and the information it contains were shown before to others-, so there are three main IANA functions: the coordination of registries, protocol settings. In other words, there are about a hundred standards underlying the manner in which we address the packets transferred between the points connected to the Internet. The administration of some [unclear] that have to do with the management of the Domain Name System Root Zone, including the Directory; in fact, the global high-level Directory, of the domain names system and then the allocation or

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management of Internet numbers at the global level which is done in partnership with the Regional Internet Registries, such as [RALP] or AFRINIC.

In fact, when ICANN was created in 1998 one of the main reasons was precisely so that this organization could manage these IANA functions. Until then, these functions were managed by academics based in California who had developed the Internet project with funding from the U.S. Government. In fact, there was always a link between the Department of commerce and ICANN regarding the management of IANA functions. This link regards the proper performance of these functions, measured by parameters of quality, and the way in which these functions are managed. And it is all specified in a non-monetary agreement.

Next, please.

So, in fact, when ICANN was created, back at the end of the 1990s, it was already so the U.S. Government would retire from its supervisory role, that it set up an organization and then, when it would be stable, it would retire. Some believed that the U.S. Government could do so within two years, but it took a little more time.

Finally, in March 2014, the United States Government announced its intent to transition its stewardship of the IANA functions to the global multistakeholder community. Following

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this decision, a consultation was organized, several working groups were created and facilitated by ICANN through us, its employees, and it's really the community that forms and runs these working groups.

The following slide simply shows the requirements for the transition. I think many of you know these four major conditions that the U.S. Government has set out for this transition. They want the mechanism which will replace the supervisory role to support and enhance the multi-stakeholder model, to preserve the security, stability and resiliency of the domain names system, to meet the needs and expectations, in fact, direct consumers of IANA, of registries primarily, and to preserve the openness of the Internet. And they have also specified that they would not accept a proposal replacing the role of the U.S. Government by a governmental solution or a solution led by a group of governments. The intent is to have a truly multi-stakeholder structure to replace the U.S. Government.

In the following slide we see that in fact, there were two processes that have been implemented, at least at this level; there are more working groups below. First, the transition of the stewardship and then a process that is actually wider than just the IANA, to ensure that once the U.S. Government will have retired, in the absence of this contractual relationship, ICANN will have a governance and a structure which will enable it to

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exercise its supervisory role efficiently. I will focus on this arrow at the top and then Tijani will cover the second one, which is of course one of the big issues of ICANN 54 in Dublin.

So, it is for the transition of the stewardship, in the following slide, that a working group called the ICG, "IANA Stewardship Transition Coordination Group" was created. It is made up of 30 people representing all stakeholder communities, all of whom must, in fact, first ask the community to make proposals and synthesize them, consolidate them, communicate feedback and at the end of this whole process, formally submit a proposal to the U.S. Government.

Next slide. The three major subgroups which submitted proposals represent the three major operational communities. Starting from the left, we have the domain names community, grouped into the CWG, Cross Community Working Group - Stewardship. The one in the middle is the Numbering entities working group, called CRISP, which includes mainly the large regional Internet registries which contributed to this work. And then, on the protocols side, there was mainly the IETF community, of engineering and standards.

These three developed three separate proposals, three alternative proposals which were submitted to the ICG between last December and the spring of this year.



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Next slide...

So all in all, these three proposals of the CWG names, CRISP, IANAPlan or what you name it, will go back to the ICG. In parallel, there will be this Cross-Community Working Group on accountability that will develop its proposal and then the two proposals will be implemented together, presented to the ICANN Board, which will then pass them on to the U.S. Government. That is more or less the general process that is going to take place.

So, if we go down again... The proposal that has emerged here corresponds mostly to the naming community, actually. If you look to the left, that's the current contract between ICANN and the U.S. Government. You'll see a small box there, that's the IANA, which is in fact a team which is functionally separated from ICANN, which has its own status within ICANN, its own team and its specific office and, in fact, the idea is that after the transition the IANA -on the right- should in fact become a subsidiary with a legal personality of its own, with its own Board, having a relationship with ICANN in general and with the ICANN Board in particular. What is more important are the two boxes on the right, these are the two oversight mechanisms. The one below, the [unclear] *Committee*, is the committee dealing with everyday tasks, it is rather technical people, the people from the registries who actually have everyday relationships with IANA,

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who request changes to the registries, particularly for domain names, and who want to make sure, for example, that when they file requests, they will get replies within appropriate time frames, that requests are properly taken into account, etc. And then we have a Committee, let's say the "senior" committee, which can perform functional reviews, either because they will be asked by the community or by the [unclear] Committee or properly at intervals of several years, they will perform a functional review so that the IANA functions are well managed by the team set up by ICANN. Therefore, there is a legal separation between ICANN and IANA.

If you go down... here is another representation - this is the last chart that was made, it's more or less what I've already shown you, it's simply two slightly different illustrations, but it's basically the same thing... Let's go on.

An important link was made with the working group on accountability, which includes five elementary groups. There is this proposal on the major mechanisms that should replace the U.S. Government, which I just showed you, but acceptance of this mechanism is conditioned to having five elements of good governance, actually. On the one hand, having the right to look over the ICANN budget and some rights in connection with the ICANN Board, including the appointment or the removal of Board members or even the recall of the whole Board. Thirdly, a

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comprehensive review of the IANA, this Committee is [not clear] and this IANA Functions Review should be -their existence and their mandate should be included in ICANN's *Bylaws* and there should also be consolidated appeal mechanisms. And the sixth element here is that in fact, these five great elements be represented as Fundamental Bylaws of ICANN, i.e. which can not be changed unless there is a general review of these articles by the entire community.

Let's move on. Now, the summary. I spoke mainly of the main proposal by the names community with these two oversight committees, the [not clear] and the IANA Functions Review that you see at the bottom right. And then, in fact, there are specific arrangements regarding numbers and standards since in fact, these are elements that are determined elsewhere. On the left - the standards- it is related to the IETF community, which is working to determine these standards, to develop and approve them and then [not clear] by the numbers community. In fact, it will work through memoranda of understanding between ICANN and these communities and then through SLAs, Service Level Agreements. In fact, it's a bit like the case of companies which have, for example, computer contracts properly performed. That is the general model.

There was a comment period that ended in early September for this proposal. It received 150 comments of a wide variety of

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stakeholders. There was general support for the proposed principles, for the proposals made. It had been asked - rather, certain groups are asking for clarifications, for example regarding the kind of cooperation that there should be between the different groups, whether to change the IANA operator, if, for example, it was thought that ICANN did not do its work related to IANA, that had to change, it would be necessary to find another operator to manage the IANA functions how these three communities, names numbers and standard parameters, could cooperate. Then, regarding specific number communities within CRISP, how would they participate in the mechanisms proposed by the names community, as well as other details on the mandate, the composition of the mechanisms proposed? So it's mostly about details. But the general proposal was accepted.

We are almost at the end, don't worry.

So, next steps - these clarifications, it just happened and then, of course, this meeting in Dublin is important, it is here that we'll discuss the role of the ICG group once the proposal will have been fully approved in the implementation stage which, it is hoped, will take place in the next half year. Those are the main steps.

So, let's switch to the time line for the transition. Some of you have probably already seen this time line. The idea is that we are

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heading, it is hoped, towards a community agreement on the various proposals. Once this agreement is reached, once the proposals are passed to the ICANN Board and by the ICANN Board to the U.S. Government, the U.S. Government will review, consider these proposals for 70 to 90 days, so it may take three or a few months, that is more or less the expected time line. And then, it will be submitted to the US Congress for 30 legislative days, so it is more than 30 days, it's a month and a half, two months. Once this legislative and governmental stage will be passed, we will arrive at the implementation stage and so, once they have approved these proposals, there will still be some changes to be made, including software for example, simply to give information to the community on how the IANA function is managed, etc. That may take a few more months. And once this implementation is finished, that is when the contract could stop.

I think that Tijani will perhaps have other slides which might give even more details on the stages, but that is more or less the expectation. And as you may know, the contract between ICANN and the U.S. Government has been extended until September 2016. That is more or less the kind of target date we aim at.

And the last slide, I believe, is related to all the meetings for this week - sorry, it's in English, but... it is here just to give you an idea. There are still a lot of working groups and I hope that some of you were able to participate in this morning's sessions, which

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were very very interesting, - which gave a bit of a status update. There are still another three working sessions -in fact, two working sessions on this -I don't know exactly how many... So, there is a naming session on Wednesday morning then something specific on the implementation, quite short. On Wednesday afternoon, two sessions: one on accountability and the other for the ICG, on Thursday. And yet another one all-day on Friday here in Dublin, by the ICG. It's a busy schedule, but it's true that we've already had quite a few meetings in Dublin and a lot of progress was made. I think that Tijani will be able to give us a little more details on that. That's all.

If you want to get involved in the discussion, if you're not yet, you will find many details on the site, you can join the various mailing lists. Most of the documents are published in French, they are actually available in the six languages of the United Nations plus Portuguese, so we're trying to translate it as soon as possible. That's it. There are many resources and then, of course, we are available to try to answer any questions that you may have.

Thank you.

EMMANUEL ADJOVI:

Thank you, Jean-Jacques, for this clear presentation.

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At the organization level, we planned to take questions after the second presentation, as they are both related and there are some closely related aspects. The second presentation is by Mr Tijani Ben Jemaa, who joined us a while ago. We welcome him here. And we will listen to him.

TIJANI BEN JEMAA:

Thank you so much. First, I want to apologize for being late.

I am sorry I was late: I was in the accountability room and time flew by.

I'm here to talk to you -I was asked to talk about accountability. In French, Aziz and I found a word which might not express it very well which is: "redevabilité", but I think that it is not exactly it. So it is best to speak of "accountability."

I won't talk about dates or -all of these presentations were prepared by Teresa and many other staff members. I think what's interesting is to explain a little bit about the story of accountability , how it came about, how things are going and what the problems are.

At first, when we started to talk about the transition, we thought that it was a very difficult job, it'll be difficult to find a way to have a transition plan accepted by everyone, but it turned out that it was much easier to find accountability mechanisms that

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work for everyone and that everyone will accept. There was a lot at stake, as you know, high stakes, and the goal was to develop accountability mechanisms from ALAC to the community. The problem is that the community is very diverse and the community has many interests and its interests are sometimes contradictory. That is why it was very difficult. And -I would say that until yesterday, personally, I wasn't sure that the transition would take place because of the great differences and contradictions; I felt like we could not reach an agreement.

So first, what were the problems? The community began working on this subject to find mechanisms, as I said, that enable it to oversee the Board's work somehow. That's basically it, right? No diplomacy. So we started to identify, to see what accountability mechanisms existed and then we tried to see what the necessary aspects were. And after that, we began to work on the mechanisms.

The community has identified -sometimes I say "six", sometimes I say "seven", sometimes it becomes "five"- powers that the community may have. And these powers are to recall - remove individual Board Directors, i.e. to dismiss a Board Director, to dismiss another Board member, or to recall the entire Board at once. To replace the entire Board. Second power.



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Third power: to reject a budget adopted by the Board. Also, to reject an operating plan and to reject a strategic plan. There's also the change to the Bylaws. Then there was a breakthrough: we changed the Bylaws, or rather, we proposed to amend the Bylaws so as to have two parts of the Bylaws: those called 'fundamental' bylaws, which will be more difficult to change, and the rest, simply called 'bylaws'.

One of the powers is to approve the amendment of the Fundamental Bylaws, that is to say that in the future the Board will not have the right to change that Fundamental Bylaw. Another power, is to oppose any change in the Bylaws. If the Board adopts a motion to change the Bylaw and the community isn't happy, it may reject it. These are the powers. So the number varies because sometimes two powers are counted together and sometimes they are separated, that is why the number varies.

A moment...

During the discussions, which have gone on for a year now, we identified many problems, for example for the rejection of the adopted budget. There is a large part of the community that did not agree, amongst other ALAC and At-Large, in general. Because rejecting an organization's budget means paralyzing it. If an adopted budget is rejected, it means that we will enter a

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fiscal year without a budget and so it's true paralysis for the organization.

We have proposed to replace it with a consultation mechanism - no consultation, say participation in the development of the budget. That is to say that the community will formally participate in the development of the budget from the beginning and in this case, normally, there will be no risk that the budget be rejected. Because the community will have participated in the development of this budget. It was not enough for others who actually wanted to have the power to reject the budget. Finally, on Saturday we arrived at a rough consensus about this by making a difference between the budget in general, the operating budget, if you want, the budget that will be running the organization and the budgets related to initiatives and all that. So the rejection will only be made for these initiatives and not for the operating budget of the organization.

The second problem was recalling the members of the Board. The proposal which had been made wanted each organization, each SO or AC, each - what is it called...? Committees, if you will - they wanted the entities that appoint Directors to the Board, to have the right to recall them without any reason and to have those rights exclusively. That has been a big problem because this means that Board Directors will no longer pay attention to the interests of the organization as such, in whole or in the

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public interest: they will pay much more attention to the specific interests of the organization which appointed them. Otherwise, they may be removed. In addition, there is another problem, which is that not all Directors are appointed by the SOs and ACs. So, how to remove a Board Director who is appointed by the NomCom? Could the NomCom be asked to remove that Director? The appointing NomCom will be gone, there will be a new NomCom instead. You see, it is very complicated and it is not logical. It was said that the California law provides for this. I'll talk to you later about modes of governance, but in the end we arrived at a mode of governance which would be that of a single member or a unique elector. As it is unique and it contains the entire community, it means that the entire community will recall the Director. As such, it was asked that this single member perform this action only upon the request of the organization that appointed that Director. That was fiercely insisted upon. Also, for this item, we could only find the right combination last Saturday, by proposing that the proposal to recall the Director be made by the SO / AC that appointed that Director and we should further that discuss this in a community forum and this [unclear] here should say why they want to remove the Director and the Director should have the chance to defend him or herself. This provides for more transparency and minimizes the risks.

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We have further added another step to the process, which is that the SO or AC that wants to remove its Director must ask the whole community, so all SOs and ACs, to provide their views formally. This is a limit for this type of removal.

There were other issues that were very disturbing for a part of the community -because the community was divided. Some people have an interest that it be like that, but there are people who have no interest in it being like that. Those who believe in public interest, those who have no financial interest in this matter, well, they always think of the public interest. The others, they think of their interests. And this is normal, we cannot blame them. But [what you can blame them for], is that they think of their own interests. It should be for the organization and not for the organizations' specific interests.

There is also the power to recall the entire Board. And it was well explained that if that happens, it means a failure of the multi-stakeholder model. It means a failure of this experiment because the multi-stakeholder model is a unique experience and if we end up recalling all the members of the Board, it will mean that there is a true failure and it could be detrimental to the entire process, to this whole approach. But they said that it's not going to happen -it will only happen -there are very little chances that this happen.

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So finally, this power was kept. It will probably be in the proposal with more limits because the limit for the approval of this action was set very high.

I mean, when you want to recall the entire Board, there should be at least four SOs and ACs who accept to and there should not be more than one objection. The bar was set very high Normally, it is very unlikely to happen.

What else can I say? Yes?

So, what is the model of governance that has been proposed? At the beginning, when we started, they wanted to use the members model. ICANN is currently an organization without members. The proposal that was made was that ICANN should become an organization of members, which would be the SOs and ACs. This was a big problem because to become a member, you must declare yourself an unaffiliated association under American legislation, so you need a legal identity as such. Almost all of the SOs and ACs have the opportunity to do so. But the GAC is unable to do this, for example. No Government would accept to do that. Therefore, it can't be done. The same goes for the ccNSO, because it is often governmental or semi-governmental entities. There is also the fact that SSAC and RSSAC cannot do it because they are appointed by the Board. So who will be a member? There will be the registries, i.e. the GNSO

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and the ccNSO, there will perhaps be the SOs, although this is not sure, and there will be ALAC. So, here the capture -How do you say capture in French? To seize it, yes... that's it, "capture"? Right. The capture is very likely and very possible. So this model was rejected and we finally found lawyers - our legal advisors in this group found a better way: it is a one-member; a single-member organization, and that member would be the sum of all the SOs and ACs. It's true that this solves many problems, but there are other problems because according to U.S. law any member has statutory rights which will allow it to even dissolve the organization, so it's still problematic.

And as ALAC, as [unclear], we proposed the sole designator, the designator as defined by American legislation. Designators means "those who appoint Board Directors." And if we used the full designator model, it would mean that all SOs and ACs can be designators. Not all of them, actually: only those who appoint Directors to the Board. RSSAC, SSAC, ALAC are excluded. Not ALAC but GAC. So the sole designator model works, because the sole designator includes the whole community and it is a name to be defined in the Bylaws together with the way to reach consensus under this sole designator model. I believe we're going to go through with it. There were also objections from the Board regarding the sole designator model, but they announced today that they accept it. So we'll probably go through with it.

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The sole designator model has many advantages. In it, the powers are equally distributed within the community, contrary to the full designator model which would give statutory rights to each SO and AC appointing Board Directors. Thus, each of them would do what they want, they could even sue ICANN in U.S. Courts. Under the sole designator model they cannot because it is one entire community. And like I just said, the limit for consensus was set very high.

So initially, we had opted for voting and they began to say: "It takes 75% of the votes", etc. And afterwards we realized that this was also a problem since the GAC will never vote. They have a problem - you know very well that the GAC is very special. And this consensus solution was found: it is either accepted or rejected. The motion can only have one rejection and must have a minimum delay for approval.

Now, I think I'm being told my time is up. I'll stop there. If you have any questions, I am willing to answer them. Thank you so much.

EMMANUEL ADJOVI:

Thank you very much. From one presentation to another, I think that the questions are being prepared. And to finish with this momentum, we also wanted to give the floor to Mr Moctar, who will give us his presentation now because he has to attend other

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meetings. Therefore, with your permission, Mr Moctar, Head of the African Union, you have the floor.

MOCTAR YEDELY:

Thank you so much. I apologize for making you reorganize the agenda, it is simply because we have to chair a meeting on public safety starting at 5 pm, and I hope not to be late.

I'll go quickly. I will try to be brief on the importance of the .AFRICA project and its history, etc., because I believe everyone is somewhat aware of that already. I would just like to provide you with an update and tell you of the progress of the situation to this day by inviting you to be vigilant of the future actions that will take place. Especially as in the coming months there will be a number of compromises, even on a number of topics which - I don't know exactly what their impact on everything we do will be. However, as you know, after the execution of the contract two years ago, the DCA has made claims against ICANN. Then there was what we call the Internal Review Panel, the IRP; which stated that the delegation of .AFRICA should be interrupted and that we should ask for the DCA's application to be reconsidered. What the Board did was to stop the delegation of .AFRICA exactly two years ago. Recently, ICANN resumed the evaluation of DCA and I am pleased to know that the evaluation did not pass the initial evaluation phase. It is associated since October 13. But



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what concerns us are the different processes and procedures by which the consideration of this complaint was made - first, DCA lied about everything and even accused some members of ICANN of being corrupted, but DCA further claimed that a letter signed in 2008 by the Administrative Secretary of the CAA could serve as a letter of support replacing the 60% of the [not clear] letters from the region. What concerns us is not the letter but the fact that the process saw it as something possible. And this shows in fact that the whole system does not actually understand how governments work in general. However, African ministers met in early September and they asked that all the countries that had given a letter to DCA withdraw them [unclear]; two, that [CAA] also withdraw the letter it had given, and three, they invited all African countries to provide any letter or any necessary support which would be later used by ICANN or by its process as part of the delegation of .AFRICA.

So, one: [CAA] withdrew its letter. Two: Kenya, which was used as a proxy country, also withdrew its letter. And there, I would like to ask all those who are aware of a duality of letters having been provided to inform us as soon as possible so that we can talk to the countries concerned. Three: we will also ask all the countries to remain vigilant and to express their potential proposal to a delegation -to postpone the delegation of .AFRICA.

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That is what I wanted to say. I'll spare you all the details on the story. I would like to ask that you remain vigilant and to provide your impression to share your views on ICANN with the Board of Directors. In particular, I would like it if during the meeting with the Board that we will have during the GAC session member states could also express their impatience and frustration over a phenomenon that lasted two years, knowing that we still have the possibility, regardless of the circumstances, to strengthen and to file a complaint in agreement with a contract that we have, but that we don't want to get there. We do our best to be patient and try to settle the problem amicably.

That's it. Thank you very much. If there are any quick questions, I can answer quickly. Otherwise, let me leave.

EMMANUEL ADJOVI: Thank you very much. The floor is open for questions.

Yes, Mr Senator, you have the floor.

Is anyone following the list to see whether there are other interventions?

Yes?

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UNIDENTIFIED:                    These powers -should the questions be related to the whole or to...

ERIC ADJA:                        To the whole...

EMMANUEL ADJOVI:            Yes, because Moctar must go. We'll first address questions specifically to Moctar and then afterwards, the others. We'll open the floor for the other presentations after he's gone.

It is for Mr Moctar?

Yes, go ahead, then.

UNIDENTIFIED:                    Personally, I would like to thank you very much, Mr Moctar, for...

UNIDENTIFIED:                    Microphone.

EMMANUEL ADJOVI:            There is a microphone behind you. There is a microphone there.

Aziz is hiding the microphone.

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UNIDENTIFIED: So, I would like to thank all those who have already taken the floor and especially Moctar for this update regarding .AFRICA.

I don't really have a question, but I would rather like to express a sense of frustration and indignation for this case of .AFRICA, the evolution of which we are all aware.

Personally, I have been involved with the Internet since practically the beginning of ICANN and we have followed the movement and the birth of .AFRICA.

The person who made the claims is a person who joined the ICANN community very recently and I would like to say that - I do not know if I am expressing the feeling of all technicians, of all the pioneers of the Internet in Africa, but I would like to express my indignation at the ineffectiveness of ICANN to treat a simple case, a case where all the African continent is meeting to operate .AFRICA, and where ICANN still doubts us because of a single claim of a person who, apparently, although the other party is accused of corruption, apparently... I think that if we were to suspect corruption, it would be from the other party. And I would like to express my appreciation to the African Union for its tenacity towards the defense of this process. And I would like the delegation to be effective as soon as possible, for it to be delegated to the applicant who has submitted the application and is fully entitled to do so.

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So with that, thank you very much.

EMMANUEL ADJOVI: Thank you very much.

Pierre.

PIERRE: [Not clear] to commend the African Union for following up because we, we did it at the beginning, but you have continued. We must go on. And I wanted to take this opportunity to appeal to all those who are here: support this individually before your government because people are sometimes unaware of what is happening with the changes of ministers and everything, so it is very important to be responsive, especially on the list, when Yedely sends something out, we should each forward that; we should all contact our ministries to make them aware.

That is the real question. There are some questions that I would like to ask Yedely before we address the item on stress test 18. Because there was an intervention that was not moderate enough. It might be wise to be a bit more moderate there. Because the entire community here and across Africa has not yet had enough time to express itself. And at the francophone level, it was only yesterday that a draft text was put forward to see -we might have to wait until the next time to approach it with

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moderation in order to allow the tactical reactions in all directions at the same time with the way it was introduced. It is difficult to maneuver past that point. Anyway, I do not advise you to be a chameleon performing a balancing act, but moderation is what allows us to consider the voice of Africa as one when the community takes a position. For example, in connection with .AFRICA, as soon as there is something, everyone must refer to the African Union before you start to do anything because they are the ones who present it, they are the ones in charge of the case. We must support them and we must try to agree on all points, if possible. That's all.

MOCTAR YEDELY:

I would not go on with this issue, Pierre, but go ahead. And I hope that you have spoken [not clear] and that we can support them as you have advised. Thank you.

EMMANUEL ADJOVI:

Thank you very much. Now that Moctar yields, we will be able to open the floor to discuss the first two presentations. Perhaps with the help of our colleague Emmanuel we can keep track of the list of participants and then we can open the debate.

You have the floor.

Yes, there is a colleague from the Department... Dalila.

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UNIDENTIFIED: Dalila. Then, Pierre.

EMMANUEL ADJOVI: There is Dalila, Pierre [unclear], Mona, and [Pierre D.]. Is that okay? Ah, I see, there is a remote participant. There is also Justin.

We will start with Dalila.

DALILA RAHMOUNI: Firstly, regarding the governance model adopted with the single member, and then concerning the vote, you said, if I remember correctly, that you have decided that it would be by consensus and we would like to know - of course, in connection with stress test 18 -if this consensus is already determined in advance. Is it unanimous or not?

EMMANUEL ADJOVI: We'll now give the floor to Pierre Ouedraodo.

PIERRE OUEADRODO: I had two comments. The first is for Tijani, concerning the removal of Directors, in particular of Board Directors. This morning, during the debate, there were participants, people

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who participated in the room, who asked that the possibility of limiting the reasons why this can happen be considered so as to prevent the possibility of there being a certain disorder at that level, for XY reasons that have nothing to do with ICANN.

Secondly, a comment for Jean-Jacques Sahel, because I have thoughts on both presentations. I was a bit shocked when you showed the time line, especially in terms of risks. We are all aware of them. It is true that there were a number of laws which were voted by the U.S. Congress which aim at limiting a little the possibility of moving forward, there is the work of lobbyists, how you do handle that risk? Because it poses a potential threat to the time line. If you could explain that. Because you follow this matter more closely than we do, you understand better what the American legal niceties are. Have we reason to fear that the time line will not take place as expected or are these only gestures which will not interfere with the time line?

EMMANUEL ADJOVI:

Thank you, Pierre.

[Inaudible]... Excuse me, I have not observed the discipline.

[Unclear], after the first three interventions, there will be answers that will allow us to move forward before the rest of the list participates, if you allow me.



UNIDENTIFIED:

I will pretty much add on to what was said. First, I would like to thank our two presenters for -not for the quality, it was minimal, it is especially for the persistence of their efforts, because we did not start off at this point. When the debate began, it was obviously something difficult to do, and it is being done. That is a very good point, and I wanted to emphasize it.

However, I have a few small - well, let's say I am hurting.. Where? In that, gradually, in a confirmed assertive position, we have gradually evolved towards an indexation of labor on the degree of acceptability of the solutions by the American party at the NTIA and Congress levels. Of course, it is a nuisance, but it is a reality, this is the way it is unraveling. And I have a very specific question that somewhat echoes what Pierre said: since things are like this, where are we with the acceptability of what will be - of the proposal by the NTIA at the end? Have we actually adapted to their wishes to the point that they have no reason to say "no"? Alternatively, are there still any small points on which we should come back? But overall, I would say that there was a job of indexing the acceptability and this, whether we like it or not, at the end of the day, will come at a price, right?

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EMMANUEL ADJOVI: [Inaudible.] I would like to ask Tijani to start because he left another meeting to come speak here. I would like to thank him on behalf of the IFO.

TIJANI BEN JEMAA: Thank you very much, Emmanuel. So, in my opinion, there are four questions. The first one from Dalila, on the mode of governance. She has not understood the mode of governance which could be because nothing has been done yet, right? She asked about the mode of governance which could be accepted by everyone, which could be adopted. That would be the sole designator model. It is a sole designator model, meaning that ICANN was an organization without members and it will become an organization with a designator. That designator will be the whole community. The difference with the former solution recommended was the sole member. But the sole member had, like I said before, many statutory rights which entitled it to even dissolve the organization. And we cannot know - I repeat, such member will consist of the community, but not of everyone. There are many - for instance, the GAC has never accepted, and has not accepted so far, to participate in the decision-making to vote. They do not accept that. And I understand why: they have difficulty in voting as a single voice. The SSAC and the RSSAC will not be included. They said "no". Thus, it will end up being the registries and ALAC, and since the registries have a lot of money,

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a lot of time to spend, many interests to preserve, they will most surely be stronger than everyone, and their interests will be protected. It is for this reason that the sole member was not the right solution; the sole designator would be the right solution as the sole designator does not have the same statutory rights as the member, in the first place. And secondly, with the consensus system, we will get everyone to participate, so there will not only be the GNSO, the ccNSO and ALAC; everyone able to participate will be included in the consensus.

So, consensus. Is consensus stopped from the very beginning? For each power, it is what is being discussed right now. I will go back to be in a subgroup dedicated to the removal of Board Directors. What would be the necessary consensus for that? So, for now, in general, let me tell you that it has not yet stopped definitely, but we are moving towards the solution of giving a minimum acceptance threshold for the adoption of the decision and a maximum number of objections to the acceptance. The highest number of acceptances which has been expressed so far was four. Four out of seven, I think it's fine. But with a single SO and AC objecting as a maximum. So, that is still another limitation. But in the end, we will end up stopping all this. All this will be stopped and we will work according to well-defined models. That was one of the [not very clear].

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So, the question on consensus, I have answered it. Now, regarding removal...

Pierre. To limit the reasons for removal. What kind of removal? Is it the removal of a individual Director or the recall of the entire Board? For the whole Board, we could have – there is a trend to add– because, as you know, the bylaws already include a description of the Directors' duties. And so, normally, a Director who does not comply with its duties would be removed. That's how it is. And consequently, to remove all Board Directors, we will most surely apply these criteria. For the removal of an individual member, however, there will be no list of reasons for removal. Why? Because if there is a well established list, there is also a risk of appeal. Thus, the Director, even if he is wrong, will appeal: this would enable him to at least finish his term of office. As lawsuits are very long and given that he has a three-year term of office, if he is in the middle of his term, the decision will surely be issued after the end of his term. And we can have not only one appeal: we can have an appeal and a cross-appeal, and so on. So, the appeal system may hinder the enforcement of this power. So, how are we going to replace that? We've said: "There should be – how do you call that...? – There should be a statement of the reasons". There is no predefined list, but the SO or the AC wishing to remove its Director, should explain why. And that doesn't mean that if the reason is not good it won't be

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possible to remove its Director, but it should explain why. And if it's going to explain why to the whole community in a public forum, well, I believe it will have to think three or four times before giving a reason that will not be convincing. And also, then, another step, is that once that has been discussed in the public forum, it would have to ask each SO and each AC to provide their opinion in writing, formally. That is also an obstacle since it will be something that will be registered and I would be surprised if a SO or an AC wanted to have that in its file, removing someone for silly reasons.

So, NTIA...

When the NTIA published its intention to transfer its role, it fixed its conditions. It did not hide them. Those are very clear conditions, well defined. And if we fail to comply with all those conditions, well, there will be no transition. This is clear. There are no hidden intents, this is clear. It's just one of these things. You could tell me...

UNIDENTIFIED:

Because - I think what I say [not very clear]. Where do we stand with that?

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TIJANI BEN JEMAA: OK. So, to index all the work on - all right, listen, we will make a transition according to the conditions. That's how it is. That's where we started. And now, where do we stand? We are carrying out work that will comply with the NTIA's requirements and also, which will be able to have everyone's acceptance of this proposal. Because it is useless if the CCWG gives a proposal, even unanimously, within the CCWG. But if the Board tomorrow says "no", the NTIA told us very clearly that it would not accept two different proposals, i.e., the one from the Board and ours, it would not have to choose one of the two proposals: it would reject both of them. That is to say that it's in our best interest to have a solution that would be adopted by everyone, among others by the Board. And for that reason these last few days we have been working like crazy. Really. I cannot tell you how much work has been carried out and under how much pressure. How - you do the work; tomorrow, you do the work all over again and then you rectify it the day after tomorrow in order to have something that would be acceptable for everyone.

I hope I have answered to your questions.

EMANUEL ADJOVI: Thank you, Tijani.

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If Jean-Jacques can take over quickly regarding the concern that was raised and then, we will run through the entire list in order to...

JEAN-JACQUES SAHEL: Thank you very much, Emmanuel.

With regards to the question, I think that it is Pierre's mainly, on the time line -so in terms of risks regarding the Congress and in general regarding the time line, there is a slide which was used regarding accountability last week, I should say, it was already in one of the working groups last week, I was not sure it would be presented, so I did not include it in my presentation because it dealt with the transition exclusively - which, in fact, gave four different time line scenarios. In fact, in order to try - too bad I don't have it with me, but in order to try to give an overview on that, roughly, the U.S. Government, specifically the NTIA, told us more or less that if we want to comply with the time line and the idea of having a contract ending more or less by the end of next summer, we should be ready to deliver a proposal by the end of the year or early next year. That would enable them to have roughly a three-month analysis period at the Government and then the Congress period, which is 30 legislative days, which may be up to two months possibly. And then, once they have agreed to it, we have an implementation period according to the

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complexity of the practical demands of implementation. The implementation requires changes not only to the articles of association and bylaws, for example, but there is also a whole range of changes to be done, such as software changes, as I have mentioned before, of the IANA software to enable the community to check the way in which the IANA is managed. That would take a few months. We were talking about four months, it depends a little on estimates and on the final proposals which will be made. So, that leads us roughly to June, July, even August, if we manage to submit this proposal to the U.S. Government by January. Once more, according to our estimates, etc. This means that if we push a little further, if we take more time, we find ourselves with -right in the middle of the U.S. election campaign which is always a difficult time to make things move forward, especially as regards Congress, even if it was three or four months earlier, these are nevertheless some busy times over there. That makes it even more complex in terms of dynamics.

So, more precisely concerning the U.S. Congress and its power, at least what they would like to do, they have indeed passed a bill – I am not sure if it has been officially ratified, but a priori it should be —, which is called the *Dot Com Act* and it is a bipartisan law as they call it, so it a law by Democrats and Republicans together. And the idea, would be an actual analysis. It would not



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be, a priori, something that could block things. And there was even a communiqué of – I don't know how is it called in English... let's say, it's the U.S. Department of Commerce senior attorney that we call the General Counsel – last year, which stated that the decision to terminate the IANA contract with ICANN was an exclusive decision of the Executive branch. So, a priori, the Congress cannot object to this transition as such. Having said that, they may of course put a certain pressure, mainly if we come close to the eminent U.S. presidential campaign or try to put obstacles asking for certain things, ultimately extending the process. They cannot stop things, but they can make things a little bit more difficult.

That's it. I hope - thus - I hope that this has clarified things for you.

EMANUEL ADJOVI:

Thank you for this clarification on the intervention of the General Counsel of the Department of Commerce, which had stated what had best be done.

Tijani, yes?

TIJNAI BEN JEMAA:

Yes. Just a quick note. As regards the time line, there is a deadline that will be the termination of the contract in

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September 2016. So, if we take a look at the time line, we have to make a countdown and there are three to four months - there are three months for analysis, two months for Congress, there is the implementation and the technical work to do, so early next year we must have a proposal that has already reached the NTIA with the accountability mechanisms. What I wanted to say - only one thing here, is that people say that the arrival of a new U.S. President or a new administration may stop the procedure if the procedure has not been completed before. Personally, I don't think that at all since it is the interest of the U.S. in general, it is the interest of the American industry in a general way. And there will most surely be a political explanation, I am sure that the Republicans will make [not very clear] as we are giving away a bit of our heritage that is ICANN, how can we give it away like that? It is just for electoral reasons, but then, I am sure that everyone will go back to the transition solution. The transition is not an interest for the others, but it is an interest for the U.S. Thank you very much.

EMANUEL ADJOVI:

Thank you, Tijani. We will hurry up since a priori, we must end by 17.30 and it is 17.26. We will make an effort to continue the list. We hope the room won't be claimed. So, I would like the next speakers to be able to ask the question in 45 seconds.

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So, that's it. So, I will - Tijani - I don't know if Tijani can wait a little longer and the people from the CCWG can accept that we keep you here a bit longer - in any case, we have given Tijani to the CCWG for many months, now it is time for them to make concessions as well.

So, Mona, yes.

MONA:

Yes. Briefly. I would like to consider the legal status since this transition is already conditioned; conditioned by the U.S. Government, who doesn't want other governments in the world to be able to play a role and furthermore, there are principles which must be defended for an inclusive, democratic Internet which are usually defended by governments, by public authorities and not by the business. We are very much aware, we are adults, we know that in the U.S., it is the business which may even have an influence on the government's decisions. In fact, I shouldn't say it "may": it influences every decision of the U.S. administration, even concerning peace and war. So, what is that? It is a transition of an American corporation, i.e. a legal status which does not effectively guarantee what is stated as principles. And besides, how will there be or how will we guarantee such balance concerning the sharing of powers in a

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multistakeholder system where governments must play a role?  
And on the other hand, we talk about consensus and...

EMANUEL ADJOVI: Thank you...

MONA: OK. Thank you.

EMANUEL ADJOVI: Yes. Pierre Dandjinou, VP, ICANN Stakeholder Engagement for Africa.

PIERRE DANDJINOU: You understand that I have no questions. We don't have the time anyway...

I just wanted to draw attention on the political aspect, but I believe that the first questions have already done that. Especially with [not clear] in the room when the representatives of the U.S. Congress reacted - I believe, yesterday -, well you understand very well that as regards America, it is very clear. And so, the big question, is to have that in mind as well when you deal with things like that.

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So, personally, I would like to thank the community in one way or another since we have started this movement to inform more about all this, but I have told you that I [not very clear] now that all this is starting, information at the level of the erent countries, right? Because I have ministers who tell us: "It's all right, you are having fun, but us, what is our role in your business?" And I believe that these questions will be asked [not very clear]. That's it.

EMANUEL ADJOVI: We are not here to play because we have not played [not clear].

Ok, Mister Justin from Rwanda.

JUSTIN: I would just like to make a comment. It is very unfortunate that mister Moctar has left.

Well, I have learned a lot of things in the case of .AFRICA v. *African Union*. Wen the verdict was given, it was said that we had to pay - reimburse to [not clear] the amount of \$500,000 which represented the fees which it had incurred for the IPR procedures. But I wondered if an African Internet community, if it had to get into a [not very clear], would it be able to cope with such an amount?

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And then, I had said to Moctar: "I am a representative of the GAC, is there really no point in presenting a project to protect the Internet communities? ", [not clear] ICANN Internet system, and we will not be able to cope when we have [not clear]. And fortunately, yesterday, in the GAC, England - the United Kingdom submitted this project in this sense on what it called "community application," which aims at trying to see how to alleviate or face those very high requirements of ICANN's so that the communities can manage. That's it. Thank you.

EMANUEL ADJOVI: Thank you, Justin.

Now the minister [not clear].

UNIDENTIFIED: Former minister.

EMANUEL ADJOVI: Still minister!

UNIDENTIFIED: If I understand correctly, within ICANN's stewardship, there is a part with the ICANN and a part with VeriSign. So, if Tijani and Jean-Jacques have explained to us the ICANN part, is there also any paper or a proposal for the VeriSign part? Especially, I add

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that some senators have sent a letter to what they call Government Accountability Office – I believe it's kind of an audit office in the Congress –, to inform that the root file is U.S. owned and consequently, it cannot be assigned without the agreement of the Congress. That's it.

EMANUEL ADJOVI: Two questions from our colleagues who are following on remote...

TIJANI BEN JEMAA: The root zone maintainer is VeriSign. It operates as such under a contract between VeriSign and ICANN. The U.S. Government has nothing to do with it. That is why we currently carry out our work with the U.S. Government because we have the oversight of the U.S. Government over the IANA functions. But whatever is agreed between ICANN and VeriSign would be treated differently, it would be treated subsequently. That's between ICANN and VeriSign. That is why it is not included.

[Mixed up discussions]

No, no...

EMANUEL ADJOVI: Yes. Olivier? Mister Bidron?

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Go ahead.

UNIDENTIFIED: Yes. I would like this point to be verified since in my view, the contract was between the U.S. Government and VeriSign.

JEAN-JACQUES SAHEL: In fact, there are two. Indeed, there is one between ICANN and Verisign, and there is another between the U.S. Government and VeriSign.

I think there was a statement a few weeks or a few months ago concerning the termination of such contract between the United States and VeriSign. I confess that I should look to it into detail: I don't remember precisely how it has been worded, so I should go back on this point, unless my colleagues...

UNIDENTIFIED: As I recall it, in the announcement from the NTIA, originally, the intention was to make this transition towards - asking ICANN to make proposals for this transition and that also included the relationships with VeriSign...

UNIDENTIFIED: I remember I asked the question to Karry Strickling when he presented the initiative to us, so that goes back to March 2014. I



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was the first one to take the floor and I asked: "Does it involve changes in the VeriSign contract?" He said "No". But maybe that has changed ever since.

JEAN-JACQUES SAHEL: That is what I was talking about, that I think there was an announcement a few weeks ago, so I should look into the details. What was already said in March 2014 by the NTIA – I have the exact quote: "it's in the FAQ which is on the site of the NTIA" —, it is, thus, in English, and it goes like this – in fact, "required NTIA coordinate related and parallel transition of these responsibilities".

UNIDENTIFIED: If that means that the contract has to be rewritten, it's normal, but that does not mean - I had not understood that the role of VeriSign was being questioned.

EMANUEL ADJOVI: I believe this question shows the complexity of the process as well as the need to clarify a certain number of points. I think that we don't have time right now to get into the details. What I propose on this subject, is that - if Jean-Jacques can help us clarify this and have a little comment on it that we'll send it to the whole community. Do you agree with this proposal?

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Thank you.

LAURENT FERRALI:

Sorry, Laurent Ferrali from the French delegation.

I think that indeed there is a statement that was drafted a few weeks ago. I believe that it was Larry Strickling in the framework of his statement on the extension of the IANA Contract until September of next year. He also stated that ICANN was starting to work with VeriSign precisely in order to work on the transition of the VeriSign contract. That's it. The executive order.

EMANUEL ADJOVI:

The executive order.

LAURENT FERRALI:

I think so.

EMANUEL ADJOVI:

Alright.

TIJANI BEN JEMAA:

Can I add something?

The transition is carried out between ICANN and the U.S. Government. Any contract that is not between ICANN and the

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U.S. Government has nothing to do with the transition. Thus, if VeriSign has a contract with the U.S. Government, if we make the transition, that contract is irrelevant since they no longer have oversight over ICANN. Second, and that has been said – I have read what Laurent has just said, the U.S. Government had stated that ICANN is beginning to work with VeriSign on this root zone maintainer contract.

EMANUEL ADJOVI:

There are two remote questions. From Mamadou from Senegal: "Could Mister Tijani go back to the recent objections from the Board on the proposal of the Working Group and on the accountability of the ICANN group? "

Second question coming from the islands, from Mister [Adi]: "Could Mister Tijani tell us what kind of powers are projected and in which framework the community may get involved to support or reject the decision of the multi-stakeholder model that we are currently imagining? "

TIJANI BEN JEMAA:

A power to reject the multi-stakeholder power?

EMANUEL ADJOVI:

Yes, it's... I think it's...

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TIJANI BEN JEMAA: I prefer not to answer a question like that.

However, as regards the first question, which are the Board's objections, there were many. There were objections everywhere. On budget rejection, on the removal of Directors, on nearly all CCWG proposals. But, if you like, they adopt the principles, our principles, but they believe that the means we adopt are not the right ones. And, in a way, they are right about certain things. For two things, they have proposed means that were even worse and so, we have managed to flatten it all. Now, they agree to move towards the sole designator model.

EMANUEL ADJOVI: Tijani, we will thank you and Jean-Jacques and also Moctar for your interventions, your input on this matter.

There are other items on the agenda. I think there is a lot of impatience. I don't know if we can address this item quickly...

I would like...

UNIDENTIFIED: So, there is the intervention of Mister Emmanuel Adjovi, the intervention of Laurent Ferrali and then the AOB. [Not clear]. So,

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if each one - we give five minutes each to really listen to you and reach a conclusion.

EMANUEL ADJOVI:

Yes. I wanted to address the stress test 18. It will not take long since the process has begun, everyone knows the stress test, I don't want to get into the details. And taking into account the acceleration of the process within the GAC, we were asked to move the discussion forward since we wanted to discuss this here, but we have verified there is an acceleration of the process at the level of the GAC to force through. That forced us to react quickly and to propose a statement from the French-speaking countries at the level of the GAC so that we could take that element into account and that it could lead to consensus-building. In that process, there was, I believe, Belgium and nowadays also the [not clear] who said that they are neutral regarding this process, in any case regarding position. And Mister Moiny from Belgium would like to give an explanation on this position. So, he has one minute and thirty seconds to provide an explanation.

JEAN-PHILIPPE MOINY:

I would like to apologize for our statement of the Belgian position. To be really honest, I didn't realize, I didn't realize that a position would be adopted on behalf of, especially,

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representatives of the French-speaking GAC members through Belgium. So, there was some distraction on my behalf, to be really honest, and I would have preferred to react in the francophone list, instead of directly in the GAC list. Now, when I realized that the statement had reached the GAC level, I had to react since it's not the current position of my country. For now, we have indeed a neutral position, we are open for discussion, we have not yet decided on this matter, even if - sorry - we share...

UNIDENTIFIED: Your position is not good, right? You are coughing a lot!

JEAN-PHILIPPE MOINY: I am not used to this kind of explanations! That's why! It's uncomfortable. And so, that is the reason why I expressed myself after and we have expressed our desire not to be part of this statement, at least at this time. So, I am not saying that we have a position that is immutable, but for the time being, it is our position.

EMANUEL ADJOVI: Thank you, dear friend, Jean-Philippe. I don't know if there is anyone else who...

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Pierre?

PIERRE:

Thank you. I thank my [not clear] from Belgium who is here today, but what are the reasons motivating this current position? They fall under what scheme? It's just - it may enlighten us too, help us to think and prepare us as well for the discussion with the others because there may be elements of which we are not aware.

JEAN-PHILIPPE MOINY:

No, I don't think there are elements of which you are not aware. I can possibly inform the position which was expressed on the francophone list, maybe. Let's say that at this time, we thought: "All right, if this stress test is a condition from the NTIA on the one hand, and if on the other hand, there will be no consensus within the CCWG to eliminate such stress test, then, in a spirit of compromise, we could be ready to think of an alternative path to the outright opposition to the stress test and the outright elimination of the stress test." That's kind of the idea, actually. But now, that may change, maybe we will realize that there is room for negotiation. That, I don't know, but it's the position we have chosen right now: we are open for discussion.

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UNIDENTIFIED:

Thank you, Jean-Philippe. Thank you for these explanations. We just need to understand that we are in a situation that's a little complicated since many countries are trying to put pressure for us to respond quickly. A prerequisite in their opinion or in the opinion of some at the NTIA we have been at the GAC for the last few days, the U.S. representative has taken the floor a significant number of times, she has never mentioned the fact that it is a prerequisite. There are rumors. It's important. But we are states, we are gathered within the GAC, the GAC discusses in a way - the doors are open. And, to my knowledge, the only arguments presented by the NTIA within the GAC are stability - that's it now?

No, no, the last one because...

No, but that, that's over...

[Mixed up discussions]

Well, it's the week of stability. So, well - sorry. Because I'm getting confused.

So, that's it, it's just to - and we, we have started to move because we can see very clearly that there is a willingness from certain actors - not only from the NTIA, but there are others, but in this case the NTIA, who wish to see on their desk the signed report of the community that will best suit its interests. Because



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it's complicated to say to the community: "Here are the rules. You have five rules. On this basis, you have to work. Give us an ambiguous report." If they have to say "no" to the community report when they had set up the rules and that it's not within the rules, the position becomes uncomfortable. What led us to move, is that they move, there is a pressure that has been applied and that is completely artificial since the GAC - how to put it, Mathieu Weil at the CCWG - because he is the one who talked about it, who closed the first day and said: "I hope stress test 18 will be put on hold and we are waiting for some information from the GAC." He never talked and we are waiting for the GAC's advice. So why, this week, would we be forced to reach a consensus on this issue? What's the rush?

That's all. That's why we have moved. Because it's important that at least there is a balance of power and it's important to have a clarification because when arguments are changed three times, it becomes difficult to follow. When sponsors are changed several times as well - at the beginning, Steve Delbianco talked about the community that supported him. At the meeting in Los Angeles, he was asked several questions and, apparently, it is a community that he himself has defined. Because, until proved otherwise, there was no strong position in support of ALAC, there was no position in support of the ccNSO.

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So, for the time being, there are very few people who talk and [not clear] everyone. Which means that - to make it simple, if, for example, he had to count the affirmative and the negative votes which include, in fact, according to his position, the undecided in the affirmative or in the negative votes or those who have not spoken in the affirmative or negative. To make it very simple, you are the President, you have elections, there is a 60% abstention: you are elected. That's it. That's how it works. So, it is important now to have positions since if you have no position, you don't exist. Or you are, rather, with him. And that's how it works everywhere. Here, he is asking for support from the - I don't remember how they call those who are not businesses at the GSNO... the Non-Commercial Constituency. That's it. He is trying as he goes along and now, he is obliged to make people leave again because he is counting. That's it. Then, I think that it's not worth to talk about it much longer. For my part, at least.

JEAN-PHILIPPE MOINY: Just two points. I'll be quick because I have to go, too. In terms of timing, when will you have a final position - when can we expect final positions?

[Mixed up discussions]

I have a mission that was rather specific to come here and I have no authority to challenge such mission.

UNIDENTIFIED:

It's a good question to which we have no answer. The CCWG has shared copies of a document with three different time line proposals. It goes from November 2, 2015 – I specify – for, how do I say it, to send the report to the chartering organization, from November 2 up to March 2 or I don't know what – no, until February 2 through January 25... There is no date. Now, the CCWG would like to know how all this is perceived within the GAC. There are people who have answered to public consultations, not everyone has responded to them. There are very few countries. He relies on the fact that there are four countries which have responded to the consultation to say that in the GAC, in fact, there are very few countries which do not agree and that the others agree. Just like that. Because when he - if we do not object, it means that we agree. And it's the first person that has [not clear] the first time, there would be a risk of capture if the GAC advised against the freedom of expression. It is the definition of freedom of expression. It is rather particular since when you say nothing: you agree with him. So, that's it, he's most probably a specialist on this topic. I probably have a definition that is obsolete, too old. Maybe he adopts a post-modern definition of freedom of expression.

But we have no time line, that's why today, there is no pressure. It means that we don't mind - we, we don't mind - we have been

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working together for years in francophone consultations. We have several [not clear]: the .SPA, I .VIN, the [not clear] and all the rest of the family. We've had a lot of issues. We understand perfectly that there are times when you have proposals, times when you don't have proposals, but that is not an issue. The issue is just that we are in a position where we are told: "You represent very few people." And then when we draft a statement people say: "No, no, in fact I am not a part of it. They have counted me in, by I am not a part of it." So, then, there is a tactical argument - a gathering of information, sorry, or - how do I say it...? People start asking themselves questions after that. There is a statement saying that there are a lot of countries and then it says: "There may not be as many people since there are already two which were counted but that were not a part of it. If there are two, there may be four, there may be eight, there may be twelve, there may be just one country or maybe it's just Francophonie that invented it as well." That's it.

So, I think it is - there are no others - there is not much more to be done right now. Maybe if it is informed to the CCWG, we will receive a list of countries who have responded favorably, that will be more clear, and that's it. There is no [not clear], we have to talk about the GAC, we must not get ahead of ourselves and say: "We will fight over stress test 18." First of all, people have to understand what the background is, what are we talking about,

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who is requesting it. Because "who is requesting it" is important when your response depends on your interlocutor. If I say...

OK. My freedom of expression...

**JEAN-JACQUES SAHEL:** A sentence to say that we have counted up since yesterday's session: 25 countries, at least 25 countries have expressed themselves very clearly and expressly in favor of rejecting stress test 18, especially China, especially India. It means that, already, with those two, we have more than half of the world's population.

**EMMANUEL ADJOVI:** We will now give the floor to Yves. Five minutes... five minutes now reduced to four.

**YVES MIEZAN EZO:** I will try to be extremely brief. For those who are already on the ICANN Francophonie mailing list, you must have received information on a statistical study that the international Organization is performing on francophone ccTLDs. And the problematic angle, in fact, is digital sovereignty. While it's true that the objective could have been to provide more details about that, the idea is to provide a statistics stocktaking, in fact,

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of national domain names from francophone countries, especially from Africa and then to have relatively reliable databases of the DNS industry on the continent. In fact, the subject of the stress test is timely since there will be a number of implications thereafter.

So, for those who are concerned by this study, I kindly invite you - today, I've had 48 responses, but which are not all necessarily representative of the whole continent and even less from francophone Africa. I have seven, eight - ten complete responses, I think. Typically, for Senegal, it is a piece of data in which I am very interested. For those who have not received the link to the study yet, I will resend it on the list today so that we gather the most data possible. And then, at the end of this study that will take place until the end of the year, we'll try to produce at least a memo in writing of the strategic outlines which may be drawn and which may enable the ccTLDs to actually guarantee the elements of their digital sovereignty.

For those who are not on the list, your personal data will be gathered after you accept it, so...

EMMANUEL ADJOVI: Thank you very much.

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YVES MIEZAN EZO: So, you will receive the information.

EMMANUEL ADJOVI: Four minutes and you have used three. We will grant three minutes to the next then. It is Laurent Ferrali.

LAURENT FERRALI: Thank you Yves, for speaking for three minutes instead of 30 seconds, that will give me more time.

In a rather logical way, we will just focus on the [not clear]. It is a document that has been drafted mainly by the ccNSO. As you know, it is the support version which groups people - the structures in charge of the ccTLDs, thus of country domains. At this time, there is no international legal framework regarding ccTLDs, there are certain countries that are rather ahead. Some countries have rather complete frameworks, especially France. It is not our fault, it's just that we have a lot of litigation, so... so, it's not triumphalism! We've had a hard time! So, that forced us to develop a framework since enlightened citizens have realized there were some rather important loopholes.

So, that's it. We have to understand this document which intends to simplify, to clarify the rules, which may be a problem for some countries since they set rules which will be applied in fact to countries which don't have a specific legal framework,

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especially regarding delegation, redelegation. For instance, it is expected that the understanding must be accepted by the outgoing to operate a ccTLD. There's no need to tell you that it'll be complicated. Besides, if the outgoing wishes to run away, it is unlikely that it will let the incoming enter. At the level of the IANA, there may be things blocking because you can't - the IANA will apply the rules. If you don't have rules in your country, well, that will involve rules resulting from the RFCs, resulting from [not clear]. So, that's it. It's just to tell you that it's important that these ccTLDs are well framed in your countries. It is a sign... as it's called... a sign of sovereignty from the country, it's the image of the country on the Internet, it's its domain on the Internet and it's important that it have the legal framework it deserves if you want it to become a promotion tool of the country, whether it is cultural or economic, it is important that your administration work properly in that domain, etc. I could send a little sheet in the following weeks to be more specific since it's a bit more complicated to talk at great length about this subject.

UNIDENTIFIED:

Thank you. This sheet will be most welcome to enlighten us more.



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So, maybe to sum up, I will give the floor to Emmanuel to make sense of it all before concluding. Thank you.

EMMANUEL ADJOVI:

I think that this consultation was useful to enlighten us on a certain number of important issues related to two big reforms underway. And what I would like to propose - there is a certain number of speakers who are sending us the documents and I would like to ask them to send the presentations which have been developed to enable us to better understand the problems and challenges. Because behind everything that is going on, there are economic challenges. We must be well aware of these economic challenges. There are also economic challenges related to the values that we champion. So, in connection with that, in order to have very clear positions, camouflaging is over, now, as I said this morning, we must stop talking and embark on the journey.

Thank you very much.

[Applause]

UNIDENTIFIED:

Thank you very much. So, the journey, we're on it already here in Dublin, as you say, with the agenda which is scheduled to

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represent the different positions which are ours at the level of francophones and at the level of states.

On behalf of the IFO, I would like to thank you for your patience, for the appropriateness of your presentations, and the debates held. We will report faithfully and we count on your support for the French presence and voice to be strengthened even further at these instances for a multilateral Internet, for a presence of cultural, linguistic, and technological diversity in cyberspace.

With these words, I would like to thank you once again and wish everyone good luck. Thank you.

[Applause]

**[END OF TRANSCRIPTION]**