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LONDON – Enhancing ICANN Accountability  
Thursday, June 26, 2014 – 10:30 to 12:30  
ICANN – London, England

THERESA SWINEHART:

Okay. Is everybody ready? Okay. Well, not quite. Hold on.

Okay. So as everybody can see, this is not your standard public forum session. This is not the board. So we're taking a bit of a different approach.

Today, we're going to have a session this morning on a dialogue with the community around enhancing ICANN accountability, and then this afternoon a dialogue with the community as well, led by members of the community, around the NTIA IANA stewardship transition.

So this is a very interactive discussion and really an opportunity for the sharing of views and thoughts.

So on the enhancing ICANN accountability, I was asked to just give a few remarks.

The context, I think, as people are aware, in the discussions around the NTIA IANA stewardship transition, one of the issues that's come up is what is the accountability of ICANN in the context of its changing historical relationship with the U.S. administration, and if there's any gaps or issues to be addressed, how would those be addressed, and how would any existing mechanisms that we do have be utilized in that context or what new mechanisms should be used.

We posted a document on the 6th of May. Comments close on the 27th, so tomorrow.

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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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We have received over 40 comments, to date, addressing a range of areas and suggestions and ideas.

The proposed document and the outline first encapsulates a bit of an inventory of what we currently have, which Steve will address briefly.

It then also proposes the creation of a working group. Now, remember this is just a proposal, so I -- this is still out for discussion and of course comments haven't closed yet.

A working group which is comprised of experts addressing various areas that are relevant to accountability.

And it also suggests in light of the breadth of the range of discussions around accountability but also trying to ensure that specific subject areas in the context of NTIA IANA stewardship transition are addressed, that the output would actually identify key elements for strengthening ICANN's accountability in the absence of its historical relationship with the U.S. government, to prioritize those elements for development and/or refinement, and to set forth a time line and mechanisms for implementation and improvements that are identified.

Again, recognizing that there's been a range of suggestions for that.

So with that, we have today the feedback from the community, obviously. We've received over 40 comments to date. And for this dialogue itself, we have the opportunity for having remote hubs. We have 11 interactive hubs and five broadcast hubs and I don't know if we have the map up yet, but we have hubs from around the world.

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So with great appreciation for those that are in time zones that are not the normal ones that they're used to for participating in this process.

So with that, I'm going to introduce board chairman, Steve Crocker, who is going to touch on some of the accountability mechanisms that we currently have, and then we'll move on to Professor Jan Scholte, who I'll introduce right after Steve has spoken. Thanks.

STEVE CROCKER:

Thank you very much, Theresa, and thank you all for coming.

This is an exceptional meeting. We've purposely taken a good chunk of time for this meeting and for the one after lunch to focus on two very important topics.

They are, in some sense, taking time away from the public forum, but in another sense taking topics that have often been focal points within the public forum and we've turned these into even stronger and more strongly organized sessions on these topics.

This one is on ICANN's accountability efforts, and as Theresa said, what I'm going to try to do briefly -- and it is going to be a bit of a task -- is to do a quick recap of the existing accountability mechanisms.

ICANN was organized originally to be the home for the IANA function, but I think if a -- somebody from another planet came and stumbled over ICANN and then tried to report back what the purpose of it was, it would be to create new accountability mechanisms, and we probably put as many new accountability mechanisms into operation as we do TLDs into the root, as best I can tell.

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I've already mentioned we have these two separate, but interdependent, processes that are underway: Examination of ICANN's accountability processes and the cause of this new focus, the -- working with the community to develop a process or a proposal to replace the NTIA's role as steward over the IANA process.

We want to make sure that -- in the absence of NTIA's role, that ICANN remains accountable to the community and to the principles which it has also ascribed.

It's a bit of an interesting challenge because if one looks at what the role of NTIA has been, it's a little bit uncertain as to exactly how you ascribe it. All of that will come out in the wash for the other session, and here we're going to look just at ICANN's accountability on its own.

So the recap.

You have a slide showing 10 bubbles there, 10 -- and I'm going to try to be brief about all of that.

We have the bylaws which have existed from the beginning, get modified every once in a while through an extended process. It lays out our commitment to transparency, our mission, core values, and our relationships with component entities, particularly including supporting organizations and advisory committees.

We then have the Affirmation of Commitments. Let's see. We have detailed slides.

So that's the bylaws which has documented relationships with the registries and the registrars and ccTLDs and so forth.

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Next slide, please.

Now, the Affirmation of Commitments, we have a -- the operative part of that is a sequence of reviews that are carried out repeatedly.

There are four: Accountability and transparency review, which is perhaps the lead -- first among equals, if you will; and then a security, stability and resiliency review; a WHOIS policy implementation review; and I purposely skipped over the competition, trust, and consumer choice review because that's the one that has not yet occurred. The other three have already happened, and in fact, the accountability and transparency review has now happened twice and we're on the cusp of accepting the recommendations, having studied them, and this afternoon we'll pass a formal resolution to that effect.

And the others have all been in process.

So that's the Affirmation of Commitments and the associated reviews.

In principle, those happen every three years. It may be that we'll slide some of that a little bit. They seem to keep coming wave after wave.

We then have -- next slide -- redress mechanisms that are mandated within the bylaws. We have an office of the ombudsman. Show of hands, how many people have -- know about our ombudsman? I'll start with an easy question.

Oh, that's good.

And I won't probe much further, but he's a lonely man. I recommend going and visiting him.

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[ Laughter ]

STEVE CROCKER:

We have a reconsideration process which allows for challenges of either staff actions against ICANN policies or board actions that may be taken without consideration of all material information.

And we have an independent review process which is an external process that has been exercised occasionally.

Most famously, the board's decision originally not to go forward with XXX. The independent review process came back with strong advice that we should have done -- should have permitted it to go forward. We gave that quite serious consideration. I won't spend a lot of time on the back-and-forth, but it was effective in the sense that we changed our original decision and XXX is in the root.

Those -- those are the redress mechanisms. We also have organizational reviews that are mandated within our bylaws. We do a component-by-component look at the supporting organizations, the advisory committees, the nominations committee, and including the board. We organize a separate review and run those under the aegis of our structural improvements committee within the board, but the reviews are carried out by external bodies. An enormous amount of useful information comes out of that, and each organization, each component, takes those seriously.

I was chair of Security and Stability Advisory Committee and took that process on full -- with full willingness and eagerness, actually, and out of that came some useful things that helped improve the way SSAC

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operated, and I watched our parallel organizations, our sister organization- -- components do the same thing and I think that's all very healthy.

Let's see. Next slide.

We have -- a little out of sequence here, we have documented relationships. We enter into agreements with various other parties. We have contractual relationships with the gTLD registries and so forth.

I've mentioned the organizational reviews.

We have operational processes listed there on the slide: Finances, metrics and performance. We hold ourselves accountable and we make it all quite visible to everybody, and we're in a continuous improvement cycle.

The finances are pretty much now, finally, where we need them to be in terms of providing information and providing relationship between what we expected to happen and what actually happened.

We are building and improving metrics on other aspects of performance, trying to improve our internal measures of business excellence.

And moving fairly rapidly toward much more disclosure of everything that goes on internally, including making it available in electronic form in a most modern way.

Next slide.

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The board of directors is the ultimate -- ultimately responsible and accountable for the operation of the organization. I can tell you with total certainty that we take that responsibility very heavily, and we're all extremely conscious that if we are seen to screw up, we probably won't get selected for another term. There are other mechanisms for which we can be removed even more rapidly, but on the whole, the accountability that comes from the selection process is a real process and every once in a while takes its toll.

And then -- and I guess as a part of that, I should say that we're fairly careful to -- quite careful to document what we do. In every resolution, we have a rationale. We're gradually improving the qualities of those rationales so that they are readable by ordinary people and make sense in English and, indeed, in other languages.

We keep track of advice coming from other committees and try to report back on that. That's a work in progress. And in general, try to make things as visible as possible.

Next slide.

Just before I get to that, I will mention that we -- as gets mentioned to us frequently, we're a California corporation. The -- that means that if we violate the laws of California or if somebody wants to take us to court, all of those mechanisms are available. They get used occasionally, but they're not the primary source of control for us.

You are, frankly.

But in the extreme, we're also subject to laws of the U.S. and laws of the -- California. And for people who think that that provides a considerable



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bias, perhaps, but it's also true that in addition to many of the qualities about the United States, rule of law turns out to be one of our strengths, and so without embarrassment or any reticence about it, it's not that there aren't other competitive venues but I don't think that anybody in the world should feel ill-served by the way things are actually working.

That's not part of my script here. That's just an offer-up.

So with that, let me turn to Professor Jan Scholte, an expert in these matters, and we'll get the benefit of his expertise and opinions.

JAN SCHOLTE:

Thanks. Good morning. Thank you very much. That's actually just the introduction that I didn't want.

It says "newcomer."

[ Laughter ]

So the description of expertise is rather way off the mark.

I'd say this is one of the more intimidating moments when you face hundreds of people to talk about something that they know much more about than you do. So anyway, we will try.

I do work on questions of accountability and global governance, and have done so for some 20 years, and have been involved in a number of global governance arrangements, both governmental and nongovernmental, and have had a huge privilege of actually spending a lot of time going around the world -- about 50 countries in all world

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regions -- talking with people about what they think a democratic and accountable global governance could look like, and that has yielded all kinds of fascinating insights, but mostly questions.

So I'll talk a little bit about those sorts of experiences and try to relate them to your new debates, your new discussions about accountability in ICANN.

There's a specific puzzle that's facing you at the moment, which is what ICANN accountability would mean and how it would work as the U.S. government withdraws its stewardship through the IANA contract.

That's your specific issue and that's where you have much more expertise and much more ideas than I would do, but there's an interesting way of fitting this into a larger puzzle, which is a more general puzzle about how one establishes effective and legitimate accountability in circumstances of private global governance.

This is one of the really interesting trends of the last couple of decades, that more and more governance of global issues is actually done by nongovernmental, private agencies like ICANN. But ICANN is only one.

If you go to areas like the environment, you have Forestry Stewardship Council, you have Marine Stewardship Council.

You go to finance, you have the credit rating agencies, you have the International Accounting Standards Board, Hedge Fund Standards Board -- I'm not sure if that's quite the appropriate term, but anyway -- and so on.

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We can go to investment. There's all kinds of corporate social responsibility schemes. In sports, we have the FIFA, the IOC. All of this is private global governance and all of it raises issues about accountability and how you actually make accountability work in those kind of circumstances.

So what ICANN is doing is actually of more general interest to how we're going to run global governance in general.

ICANN is a pioneer. I mean, I guess there's a -- ICANN has done a lot of work in this area. Both ICANN as the institution and ICANN as the various stakeholder communities that are engaging with ICANN.

You've made -- you've made accountability a headline issue over a number of years and that -- and I think you've done a lot of things that are interesting for others to engage with and learn from.

I think few global governance agencies have explored as much or given as much attention, have had as much of an obsession, perhaps about account- -- healthy obsession -- about accountability as ICANN has done.

Why such an interest on accountability in ICANN? I was trying to think about this, because one is that there are high stakes involved in Internet governance. There's a lot of money, there's a lot of power, and there's also a lot of identity.

The Internet is so much about who we are, who we're becoming, and who we belong with. Our solidarities and so on. So it's touching on some very sensitive commercial, governmental, and cultural nerves.

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There also has been this situation in ICANN so far -- this kind of anomaly -- that there's been global accountability but then vested ultimately in the hands of a single state.

And that's obviously been a tension and something that's probably provoked or irritated or caused a lot of discussion, anyway, over a number of years.

And now, of course, that situation is about to change and that raises all kinds of issues again.

But the people -- people have been talking about ICANN accountability, I think maybe that much more, because of the U.S. role, whereas something like the international Accounting Standards Board, which is another private global governance agency, for example, lots of impact -- I mean, they're determining how you calculate profit, after all, in global markets. Pretty big stakes. But they haven't had the U.S. state or something hovering over it in the way that ICANN has been perceived to be.

Of course there's the whole openness discourse around the Internet as well, which encourages people to -- to think about accountability in the Internet sphere more. And of course there's been, as this room manifests, a lot of public interest manifest- -- mobilization around accountability in ICANN.

So I think that's perhaps why you're talking about accountability a lot more than a number of other agencies, but those other agencies actually should be talking about it as much as you do.

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As I say, I don't know anything about ICANN. I hear all these acronyms go by and I sort of think, "Okay, okay." But I can raise some general questions, perhaps, and maybe that's useful. Maybe it's useful to have somebody who doesn't have a past, doesn't have passions, doesn't have a direct interest, and just raises the kind of starting questions maybe about accountability to remind us at the beginning of this discussion what we're trying to do.

So what is accountability? With what components? For what purpose do we pursue accountability? Accountability by whom? For what? To whom? Through what channels is it pursued? How equitably? And how accountably? Again, I'm only going to ask questions and then I really basically hope that you will give me answers.

What is accountability? Just to put that -- I notice -- I was in a session yesterday, and there was a whole discussion about what is actually accountability. And people were debating and suggesting different phrases, new ways of putting it, different formulations. So after all these years, people in ICANN still don't know what accountability is. That's not actually a problem because we don't actually agree, and it is actually not all that clear what accountability always is.

Note also, it is an Anglo term, and it doesn't translate into most of the world's languages. Okay. I put it down as processes whereby an actor answers to other actors for the impacts on them of its actions and omissions, but that's going to be problematic for lots of people, too. That's just where I've got after 20 years.

In terms of ICANN, it means that ICANN answers to its constituencies for the ways that ICANN's actions and omissions affect them.

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What comprises accountability? I guess there's -- "consensus" is too strong. Most of the literature when they talk about "accountability," they talk about transparency so an actor is open about what they do.

Consultation, an actor explains what they do and listens to affected stakeholders about how their proposed actions will affect them.

There's monitor and evaluation of the actions that the organization takes. And when it messes up, there are mechanisms for correction and redress.

So your question, of course, is: Does ICANN adequately answer those processes? Does it adequately do those things? And as the contract with NTIA is withdrawn, do you need to change these things to make it work better?

Accountability for what purpose? I just want to put that in there --- performance goals. Are you reaching the policy goals that you reset? Or you could say "accountability." Are you giving voice and influence to those affected in an adequate democratic way? You could say you want accountability on moral grounds, ecological grounds, et cetera, et cetera, et cetera. It is just to remind yourselves when you ask what is -- what you want ICANN to be accountable, well, what do you want ICANN to be accountable for? And people will actually have different answers to that question.

Accountability by whom? I just want to put this down because if you look at governance today, it's really complex. It used to be that you could go and say, Well, accountable -- the ultimate accountability lies

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with the sovereign state over a particular country and its jurisdiction. But that's not what we have these days.

If you go to any issue area, there are so many actors involved in the governance with overlapping jurisdictions, working on regional, global, national, local levels, working in public, private, and overlapping sectors. It is really hard sometimes to figure how who exactly is accountable for what. So when is it ICANN as opposed to other actors and whom within ICANN is the one that is actually accountable?

I suspect that in this field as in other areas where I spent more time, trade, finance, and so on, there is a lot of finger pointing and saying, "No, you're the one who did," "No, no, no," a lot of blame games going around and passing bucks rather than bucks stopping anywhere. But that's just governance as we know it today.

Accountability for what? That was -- I mean, I'm going to guess that you have lots of debates about this in ICANN, too. Though, again, I'm not sure. But in other areas, one finds this. People demand accountability from an organization either in terms of what its formal mandate actually says it should do, but then a lot of other times, they also have a lot of other things that they wish that organization did or they think the organization should do and they start demanding accountability there, too.

I'm thinking of something like the World Trade Organization, for example. The WTO, people are always pressing it on labor standards and environmental issues. Well, it's not actually in the WTO's Articles of Agreement, but everyone thinks that actually trade does affect environment and trade does actually have to do with labor issues and so

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one should consider those issues. Now, is that legitimate or not? WTO will often say, "No, no, that's not on our mandate. We're not accountable for that." But the communities are pushing and saying, "But, yeah, you should be." Anyway, I'm going to guess that when it comes to digital access or content or spam or whatever, things that aren't actually formally in ICANN's remit, actually people may often say "But you should be doing something about it."

Accountability to whom? Okay. This one is really -- this one is really interesting. Mostly people are talking about the public or you hear always "the community." It is kind of, "But who is the community actually?" Well, I think what you're saying is, it is the public. It is the people whose livelihoods are significantly affected by what ICANN does.

You might want to just remember -- I put this in here just to -- I once dealt with some people working on the organization of the Islamic conference. And they said, well our ultimately accountability is to Allah. They had divine accountability, and they said we actually have to bring that into account. It is not just about accountability to publics. It is about accountability to the divine as well. Or someone might actually come up and say, "Well, actually, the ultimate accountability is the wider web of life and it's not great if we as the public sort of destroy the wider web of life and we all go down together. We have to have an accountability beyond humanity."

Okay. I'm just saying those things in terms of remembering that times the "to whom" goes beyond who we might actually think it is, in terms of "the public" as is usually understood.



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Other thing though to say, the community, the public, it's multiple actors, yes? It is divided. And sometimes it's interesting that people talk about the public as though it were one. And, of course, there are people, constituencies who are affected in different ways.

I'm just putting this slide in here. I smuggled it in at the last minute because I remembered accountability for whom. This is the Busigu (phonetic) civil society discussion group. They meet in the rural area outside Umbali (phonetic) in eastern Uganda.

The one who's veiled, her name is Zaneb Wannaby (phonetic). And when I met with her and had a talk with her about global governance accountability, she said -- well actually, maybe I should position her for a moment. She's a woman. She's in a rural area. She's in Africa. She's black. She's Islamic. She works with the mentally ill. Basically, if you take every social hierarchy's going, Zaneb's on the bottom side of it. She related -- when I was talking with her about global governance, then she related a Swahili proverb or adapted it to it and said, "Yeah, we are the grass that the elephants trampled on. No one hears our voice."

Anyway, whenever I'm talking about accountability and global governance, I do remember that line and that conversation with Zaneb and think, "Yes, where is Zaneb in this case in ICANN?"

So I would say -- I would caution, accountability for whom? I don't think there is a universal global community where everyone has the same interest and equal power and there will be skewed accountability I put here on many lines: Age, caste, class, disability, faith, gender et cetera.

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I just would maybe ask you this question going forward: How diverse, how inclusive and how empowering is ICANN accountability as it exists? I'm not an expert. I can't give you an answer, but I would raise the question, the Zaneb question. Where is Zaneb? I don't think she's in this room.

Then there is accountability via what channels. And there is multiple ways of doing this. There's a hegemonic veto, and people have -- whether it has actually been true or not, people have pursued that's kind of the ultimate accountability that ICANN has had to date, this U.S. government contract on IANA and so on.

Whether that was a real veto -- anyway, it was perceived and to that extent, it probably was real.

Now you are moving that particular channel of accountability out of the picture. So what's going to come in its place? Well, the old-fashioned answer would be to take into governmental multilateralism. That would be, I suppose, to throw everything into the GAC in an ICANN context. That's probably unlikely to happen. That's not the way ICANN works, and that's not the way global governance works today anymore. Okay?

So are we going to have global political parties in an ICANN parliament? That's what some people have advocated. They say you should have global elections because the real democracy, the real democratic accountability is one person, one vote. So I don't know. An ICANN parliament? Probably not likely for various philosophical and technical reasons.

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Okay. So multistakeholder arrangements, that's what you're doing. That's a lot of what you're doing. And so are you going to get accountability through that? And if so, how? Are you going to redesign the board? Are you going to change the way various committees work? Are you going to rejig and redefine the constituencies from the definitions that exist right now? What will be the relationships between the constituencies? How do you communicate and coordinate amongst the constituencies? Anyway, you know all this much better than I do. But those are the questions about the multistakeholder arrangements.

But how much should you vest the accountability in the multistakeholder arrangements? That's -- as opposed to these other things. You could also have civil society deliberation and mobilization. There is a lot of accountability achieved in global governance by street protests. You don't sit inside the room. You watch from the street. I don't think ICANN has attracted MIF antiglobalization type of protests so far. Maybe that's another way of getting some accountability.

Judiciary, courts, inspection panels, evaluation exercises, ombudsman, I guess some of that is in place. Mass media, just plant stories in the media and press that way.

What combination of these mechanisms is the best way forward for ICANN?

The last point may be about accountability of accountability. There's actually -- this first phrase, "when you point a finger, you need to do it with a clean hand," that also comes from a conversation I had with a grassroots mobilizer in a place that will probably never bring them into this room.

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But her point was that when you demand accountability, you also must be accountable yourself. And so there is always the question: How transparent? How consultative? How monitored? And how open to correction and redress are those who demand ICANN's accountability? And those who claim to speak for the affected publics? Again, that's a question for everybody to think about.

Non-conclusion... people have said, you know, they want a consensus on how ICANN accountability will work. We went through all these exercises four or five -- we held all these reviews, et cetera. Now we're going to find "the answer." And the occasion of the withdrawal of the contract is going to be the moment when ICANN finally gets accountability right.

My suggestion would be you ain't ever going to get it right. There's too many interests. There are too many power relations. There are too many identities wrapped up in this. And different accountability mechanisms will serve certain identities, interests, and powers better than others. And those who don't -- aren't as served as they wish to be by that will always object. That's politics. That's healthy.

I think you're great, though, as an organization for trying to hard on accountability. It is so much better than organizations that don't.

Thanks very much.

[ Applause ]

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Theresa Swinehart: Thank you very much. That gives us quite a bit to think about and discuss at this session.

With that, I will turn it over to Chris.

Chris Disspain: Thank you. Okay. Let's get this started before we -- the microphones are here. I'm going to do a bit of setup while everyone is queuing up. There are two mics.

If the panel wouldn't mind, just quickly introducing themselves, those who haven't already spoken, just in case people don't know who you are starting with Avri.

Come up to the mics to speak.

Avri Doria: I'm Avri Doria.

Chris Disspain: Well done.

James Bladel: James Bladel. Avri and I are the GNSO submissions to this panel.

Becky Burr: Becky Burr on behalf of the ccNSO for .US.

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PAUL DIAZ: Paul Diaz from Public Interest Registry representing Brian Cute, the chair for both. He unfortunately had a scheduled conflict and couldn't be here today.

FIONA ASONGA: Fiona Asonga on this panel from the ATRT2 and representing the Affirmation of Commitments but also member of the Address Supporting Organization of the ICANN.

LOUIE LEE: Louie Lee, chair of the ASO Address Council.

STEVE CROCKER: I like Avri's non-introduction. After winning the ethos award, she can rightfully claim that she does not need any further introduction.

[ Laughter ]

AVRI DORIA: That is not what I meant.

[ Applause ]

STEVE CROCKER: I'm Steve Crocker, but I'm not on the panel here.

CHRIS DISSPAIN: You have already spoken.

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Lyman?

LYMAN CHAPIN: Lyman Chapin here today for the SSAC, the Security and Stability Advisory Committee of ICANN.

DAVID CONRAD: David Conrad, member of the ATRT2.

ALAN GREENBERG: Alan Greenberg, member of ATRT2 and representing the At-Large Advisory Committee.

LARRY STRICKLING: Larry Strickling from the U.S. Department of Commerce and a member of both of the previous ATRT teams.

CHRIS DISSPAIN: Thank you. Okay. Just so everyone is clear, the panel is not here to make speeches. The panel is just here that if somebody makes a comment that might justify an example that relates -- that there might be an interesting CC response to, we might ask Becky what she thinks. Some of these panelists may say nothing for the whole morning, although I would be surprised if that happens.

This is a dialogue. The comments that you make will all be synthesized. The slides that Jan presented, everything will all be put into a document and published for the community. If you have a written statement, you

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are very welcome to read it. But if you could send it as well, then we can actually put it into the document.

I know I've asked you to queue up. I just want to say one more thing. I know people want to talk about -- we want to talk about substance. I also know people want to talk about process. Am I right? Some people want to actually talk about the process that we're in right now to decide what to do next.

Yes?

So what I would really like to try and do is to keep those two subjects separate, if we can. So if you come to the microphone, perhaps you could just say "I want to talk about process" or "I want to talk about substance," and that way we won't get confused.

Paul, you were first.

PAUL TWOMEY: Thank you, Chris.

CHRIS DISSPAIN: Could you introduce yourself and say where you are from and all that stuff.

PAUL TWOMEY: Unlike Avri, I do need to introduce myself. I'm Paul Twomey, former chair of the GAC and former CEO. Unfortunately, I have to go from here to Heathrow, so I'm going make three points, if I may.



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First one is a process point. The discussion of Jan's list of things that he went through, it strikes me that this community since '97 has been talking about exactly those topics and other issues. And we have a long history of that discussion and its output and its synthesis. But a core part of that long history is actually the arguments themselves and the positions people have put.

I would suggest to whatever emerges out of this, that it is very valuable to be both efficient and, I think, informed to bring as much of that -- correlate that, bring it together and make that as available to people from the discussions in '97 around issues like, for instance, membership through to where we have been in ATRT.

There is quite -- there was a very lot of -- there is a huge amount of this discussion that's taken place. There is a lot of material, not just in the synthesis of the material, which is actually what I think -- a lot of what Steve went through. But actually on the record, there's a lot of the arguments and the pros and the cons. And I think that would be incredibly valuable. And if we don't do that, it would be a real shame. So that's the process point.

If I could make a point more on substance, I work about -- I worry about where does ICANN stand in 10 or 15 years' time. And so in the discussion around accountability, I think one of the things we do need to think about is: How does it contribute to a stable ICANN and its functions in 10 or 15 years' time?

One of the things that has been a reality of ICANN before there was an ICANN has been that it's been imbued with a certain political halo --

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[ Timer sounds. ]

-- by the processes that have been engaged in it. There has been a degree of -- this has been a matter of political debate in the international systems since its very formation. And we need to think, I think, very, very carefully about having become part of the big game but not being one of the players in the big game, how does the ICANN community ensure that there is some form of -- well, I'll put it another way, that we need to have a discussion about not to put ourselves in vulnerable positions in the future. And there are certain scenarios I can think of which might emerge. I don't have an answer for that, but I think a deep discussion about how do we ensure we do not end up in vulnerable positions 10 or 15 years out is important.

Sorry. Can I make one last comment unfortunately because I am leaving? I want to make -- Steve, if you will indulge me -- a comment about the transition. Just two things from experience.

I've been involved in redelegations for 11 years deeply. The outlier cases that really make a difference are actually failed states. And you won't find failed states well-represented in the discussions. So the context of what happens in failed states is something I would say think carefully about.

The second thing I would say to you to think very carefully about in the IANA review thing, this move towards streams, CC stream, streams around the numbers, et cetera, think carefully about the implications of antitrust law. Don't leave the authoritative statement vulnerable to accusations that there is any trust problem where one group who

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benefit from the decision are actually the ones who are authorizing the decision. Thank you.

CHRIS DISSPAIN:

Thanks, Paul.

We're going to form two queues, so if you could use both microphones. We do have a two-minute clock. I should have said that in the beginning, which was studiously ignored by Dr. Twomey. But that's okay.

Next.

JONATHAN ZUCK:

Jonathan Zuck from ACT, the app association. I'm interested in talking about both process and substance eventually, but I really wanted to make just a perspective point, if I could.

It is very interesting how questions are framed and how much that determines how the debate proceeds. And I enjoyed Jan's presentation.

And I noted early on when he was talking about accountability, one of the things he got to as the question is: Does ICANN meet these standards of accountability? Does it accomplish accountability was one of the questions of you asked.

And I wonder if asking the question that way is part of what leads to the kind of emotionally charged environment that sometimes surrounds this type of debate. If we approached it another way, which is to look back at Steve's slides where we had all the little bubbles of

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accountability mechanisms, and one of them was, in fact, the presence of NTIA in the ICANN ecosystem and we simply looked at this problem as one of those bubbles being taken away and looking at how it might be replaced, there is nothing embedded in there that's a criticism of ICANN or saying anybody is doing a bad job or that we think the world's going to end. But simply there was a matrix of accountability mechanisms. One of them is being removed. What type of accountability did that represent and how best to replace it?

And I think if we can look at it in a much more analytical fashion, we can be less emotional about the discussions from this and simply look at how to replace that which is being removed.

CHRIS DISSPAIN:

Does anyone want to respond? Just checking in. So far you haven't said anything. So, Jonathan, are you saying basically -- I think what you're saying is, do -- take that bubble away, see if you should replace it with anything, and if so, what? And presumably at the same time look at the other mechanisms and make sure that -- you'd still have to look at them to make sure they're still fit for purpose because of the removal of that bubble, wouldn't you?

JONATHAN ZUCK:

Certainly. I mean, there's more to it than that. You need to look at the other accountability mechanisms and see what that matrix of accountability mechanisms looks like. But my point is simply this, it was in fact an accountability mechanism that was in place that is now going to be removed. And I think too much of this debate has led to a lot of

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defensiveness and offensiveness because somehow embedded in the conversation is, you're not accountable, we need to figure out how to make you accountable. We would suggest the organization is. But one mechanism of that accountability is being removed. How do we replace it?

CHRIS DISSPAIN: Thank you.

JONATHAN ZUCK: It's a simpler question.

CHRIS DISSPAIN: James and Avri want to say something. So James is first.

JAMES BLADEL: Hey, Jonathan. Yeah, I agree with you actually in some respects is that there is a lot of emotion injected into this conversation and getting that -- stepping back from that is probably beneficial. One thought that I had is that the chart, I think, was helpful as an inventory of all the mechanisms but it puts them all on equal footing and they may not be that way in practical realities. And I think the concern that some might have would be that by removing one of those bubbles, do you put the other ones at risk and does that now open up the -- there's no permanence to any of the other mechanisms and that if you take one out, then the checks on all of the other bubbles starts to fall apart.

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JONATHAN ZUCK: And ironically NTIA wasn't one of the bubbles.

CHRIS DISSPAIN: Yes. Avri.

AVRI DORIA: Yes, thank you. The one that -- the reason I think that it's not quite that is it was -- and perhaps never used, but it was one of the redress mechanisms. And I think that there's a lot of concern in the community that it's within redress mechanisms, not the overall multitude of bubbles of accountability, that there is a weakness. And so there was always this -- this notion at the back of many people's minds that ultimately yes, there was a greater redress. Removing the possibility of that redress mechanism opens up the concern that there may be -- well, if that one's gone, are the others sufficient, and perhaps that's where questions come. So I really do believe that removing one does make you have to rely on the others more and therefore have to look at them in greater detail.

CHRIS DISSPAIN: Thanks, Avri. Jonathan, thank you. I think we'll move that along. Lyman, yes.

LYMAN CHAPIN: Jonathan, before you leave or go too far away, what you said reminded me of something else from Jan's talk about accountability in general. What we have with respect to accountability in the ICANN world is not a perfect consensus, and, you know, Jan reminded us that a perfect

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consensus is not available to us. What we have is what I might call an uneasy detente and what happens is whenever you modify any piece of an uneasy detente it looks to a lot of people like an opportunity to go back and pursue whatever individual element of that detente they're most unhappy with. And I think we're seeing a lot of that. And I think that your comment, at least to me, sounded like a appeal to try to avoid doing that as much as possible and focus on in fact those pieces of the puzzle that have in fact changed, or are in fact about to change. Unfortunately I think that, you know, for reasons that Jan made very clear, we may not be able to avoid that as a community. Although we might wish it were otherwise. So I thank you for raising that point. I think it's a good point to have raised early in this discussion.

CHRIS DISSPAIN: With apologies to those at the microphone, I know Becky wants to say something. Can we make sure we run the clock on the panel as well, please. No, that wasn't -- you actually came in well under two minutes, but I just want to make.

BECKY BURR: It's interesting that you raise that just when I come to the microphone.

CHRIS DISSPAIN: Because we know each other so well, Becky.

BECKY BURR: I think it is important for us to step back and have perspective, not be pointing fingers or blaming things. I think we do have an uneasy

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detente and moving one piece of the puzzle provides an opportunity. You sort of present the opportunity as negative. What I would like to say use this opportunity for is, without blaming anybody for anything, see if we can get to a better and less uneasy detente.

CHRIS DISSPAIN: Thanks.

>> Hear, hear.

CHRIS DISSPAIN: Thanks. Okay. I think the gentleman on the left was before you were, Steve, so sir.

DAVE MISELL: Hello. My name is Dave Misell. I'm a local. Steve, welcome to London. I'm glad you made it back here. And I think you've made a terrific effort. Jan brought to the front authorization. If you go back to RFC-1498 written by Saltzer, an MIT professor in security, we seem to have gone full circle with the requirement. Obviously the point that Jan made about a clean hand pointing the way to go is going to be critical because you now have the control of world trade at your fingers. The DNSSEC extensions that are going in and being extended in DANE and other IETF groups have the potential to change and remove all plausible deniability so that everything from a patch to a small contract of trade has 100% auditable and accountability behind it. So as the top level organization



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responsible for it, thank you very much for considering your own top level requirements first. Thank you.

CHRIS DISSPAIN: Thank you very much. And the next comment, please.

STEVE DeBIANCO: Steve DelBianco for the business constituency who labored very hard over the past four weeks to submit both initial and reply comments on enhancing accountability. I know you will get around to reading them eventually, but it's a substantive point that I want to lob into the discussion and see if we can get some reaction. We really put three elements of substance into the B.C. proposal. The first was to move the affirmation of commitments into the bylaws so it's permanent and not a temporary, cancelable bilateral. That was a natural. Also to strengthen the IRP in the reconsideration processes.

The third element was kind of different, though. We thought that the success of the ATRT teams, these cross community review teams and success of cross community working groups indicates a model that we know how to work with. And the model would be a permanent cross community accountability committee, permanent cross community group. It would include all the folks at the table, all the groups that participate in communities, and the powers of that group are delineated in our comments. But let me just give you a couple of highlights. The first of this group is the one to name representatives to affirmation of review teams, without necessarily asking the GAC and board chair to approve them. Another would be to invoke the Independent Review

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Process for decisions that management and board would make. Another is to review and approve proposed ICANN budgets, to approve changes to ICANN bylaws or articles of incorporation, and finally, to give it some consequences and heft, this new permanent cross community working group would have the power to spill the board. To ask the whole board to resign and then all of the constituencies and communities would reelect the board members. So again, the purpose of this constituency-based, community-based council is to provide a little external accountability but within the community but external to the board and management because board and management quite naturally serve the interests of ICANN the corporation or organization, and this is a way of returning a layer of community oversight to the process. So what are your thoughts on that?

[ Timer sounds. ]

CHRIS DISSPAIN: Well done, Steve. Ten points. Larry.

LARRY STRICKLAND: So Steve, who's that group accountable to and why are they any more accountable to whatever group they're accountable to than you can make the board?

STEVE DeIBIANCO: That's a great question, Larry. The group is elected and selected by the constituency --

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LARRY STRICKLAND:                    So is the board.

STEVE DeBIANCO:                    Yes, it is. But the minute the board is elected -- the minute a sitting member of the board steps into that role, the bylaws require them to serve the interests of the organization, comma, and not the entities that represented them. The board has to live up to the interests of the corporation. They bring with them the perspective of coming from the community, I understand that. But their fiduciary duty, as indicated in the bylaws in virtually all corporate organizations, is to the entity and the organization. The organization has now achieved such mass and such reach and scope that it's hard enough to keep that entity running smoothly, and that is what management and board are focused on. What they tend to lose focus on is whether the community they are serving has the chance to sort of achieve redress, I think was the word that was used earlier.

LARRY STRICKLAND:                    But let me ask whether or not you could accomplish the same goal by evaluating and taking a fresh look at how board members are chosen. Are they truly chosen by their constituencies or are they chosen by a tap on the shoulder somewhere. How do you recall board members? If -- since they do have representation on the board set by -- at least half of it by representation of the constituencies, how do you go about recalling a board member when a constituency decides that that board member is now gone beyond the pale? I've heard these proposals of super appeals courts and yours is, I think, a very creative and intelligent proposal. But worry -- and when we've addressed this in the ATRT I've

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worried about the fact that you've now created a new accountability problem for which you're going to have to craft a new solution.

CHRIS DISSPAIN: So I think that the response is more -- is yes, but the devil is in the details. There's a lot more work to be done than simply throwing that suggestion out. I mean, if you're going to spill the board, for example, the NomCom appointed members to the board, how do you make -- how do you deal with that, given that the community would only be for the elected members of the board? So all that sort of stuff is there, is important and needs -- needs detail, I think, in the discussion. I mean, that's really right, isn't it?

STEVE DeIBIANCO: And you asked about process versus substance. So this was a substantive discussion.

CHRIS DISSPAIN: Oh, absolutely.

STEVE DeIBIANCO: And we're going to participate in the B.C. and the working group that will help to work that out. But I do think that it's -- Larry, it's so important to see the distinction that the board's duties are the organization and that's -- that's baked into the bylaws. When you ran the ATRT team, you were representing community. I shouldn't say, that. You were on the ATRT team and you represented an element of the community and the ATRT really represented a community scrutiny

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of the ICANN organization. That's a model we're seeking to replicate and keep it permanent.

CHRIS DISSPAIN: Thank you, Steve. We're going to throw to a remote hub now. Brad.

BRAD WHITE: Chris, we've got a comment in the queue from the video hub at the Internet Society's Kenya chapter in Bondo, Kenya.

CHRIS DISSPAIN: Hi, guys, you're good to go. Come in, Kenya.

REMOTE HUB: Hello?

CHRIS DISSPAIN: Hello.

REMOTE HUB: Can you hear me?

CHRIS DISSPAIN: Yes, we can hear you.

REMOTE HUB: Hello, can you hear me?

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CHRIS DISSPAIN:                   Everybody.

>>                                       Yes!

REMOTE HUB:                       Can you hear me?

[ Laughter ]

CHRIS DISSPAIN:                   Well, they clearly can't hear us.

BRAD WHITE:                        I'm holding you accountable for this, by the way.

CHRIS DISSPAIN:                   Thank you very much, Brad.

REMOTE HUB:                        So Bondo, I have just one question for you. That in your presentation for accountability in global governance, one interesting thing really that the DNS security policies are also developed and we were just thinking how could this actually be beneficial to the students as communities. Our student population here is very big and therefore, (indiscernible) big population of students. So we are just asking, how would (indiscernible) the DNS security policy will be beneficial to the students.

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CHRIS DISSPAIN: Thank you. I'm tempted to ask Steve to talk about it because it the words "DNS" and "security" in it. David, you get it.

DAVID CONRAD: So if I understand the question correctly, it's asking how would the policies associated with DNSSEC be beneficial to students. I think, you know, I'm not sure how to focus it specifically on students, but in the context of sort of users of the DNS in general, as was mentioned earlier, there are technologies that will, in the future, allow for the DNS to be used as a -- a global infrastructure that can help ensure security, and sort of key within that -- that global infrastructure will be the ability to trust the mechanisms by which the keys are generated and are used. So the -- within the context of ICANN's role, there is something called a DNSSEC policy statement that actually details exactly how the keys are generated in a very open and transparent manner. ICANN's process has actually been seen by many within the PKI community, the Public Key Infrastructure community, as almost a model of the way it should be done because it is so open, it is transparent, it is also quite accountable in the generation of those keys. So by using processes such as that, it should be able to ensure a level of accountability for all of the systems that are dependent upon that infrastructure going forward.

CHRIS DISSPAIN: Thank you. Rubens, you're next.

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RUBENS KUHL:

Rubens Kuhl, NIC.BR. I have a question to you about how we replace the existential threats that currently exist that provides government accountability as well. Currently U.S. government does not only have veto power of specific ICANN decisions but it could really milk ICANN out of existence. So there is a behavior that ICANN follows, they say hey, if I don't do like that, I can be terminated. So what could replace that existential threat, that deterrence mechanism, so that the organization continues to behave on the face of this threat and on the face of an economic threat that is the Internet gets fragmented, all actors in the ecosystem has economic interest that they lose. So those threats that exist today define how ICANN keeps acting and keeps it existence. So how can we replace those mechanisms with other accountability mechanisms and keep the organization behaving?

CHRIS DISSPAIN:

Thanks, Rubens. Despite the fact that I promised that I wouldn't put Larry on the spot, Larry.

LARRY STRICKLING:

So we don't have veto power. Why do you think we have veto power? And as a practical matter, the contract, all it really does is when the United States in 1998 was looking for somebody to take over these functions so that the functions could be privatized, all the contract really does is designate ICANN to perform that role.

ICANN's legitimacy today is largely through the voluntary nature of relationships that have built up over the years in this community and beyond that now support this as the appropriate way to go. I would



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seriously question our practical ability to change horses, even though yes, we do renew the contract over a period of time and we do go through a process to make sure, as we did the last time, that the wishes of the community have been taken into account in terms of that relationship and the way in which ICANN performs that.

The community is well-equipped to take over that function, I think. But as a practical matter, this idea that somehow we're in a position to take the contract away and give it to somebody else, yes, I guess it's a theoretical possibility, but I question in this community that operates now largely on voluntary arrangements with each other, whether it's really a practical threat.

RUBENS KUHL: Well, there is no practical threat in having nuclear weapons but that is also a deterrence mechanism.

CHRIS DISSPAIN: Good response.

LARRY STRICKLING: I've not thought of the Department of Commerce as a nuclear power.

CHRIS DISSPAIN: True. Okay. Milton, you're up next.

MILTON MUELLER: Yes. Milton Mueller, Syracuse University, Internet Governance Project.

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I wanted to ask Jan Aart about something he said.

I was a bit disappointed in the way you dismissed elections for the board, kind of taking it to a -- maybe a bit of an exaggerated notion of a global parliament with competing political parties, which may, in fact, exaggerate the political nature of ICANN's functions. Not that there aren't many policy and political issues.

But all you said was that it was unlikely to happen. And the only reason I know that that is unlikely to happen is that the people who have been in control of ICANN since about 1998 don't want it to happen and there are other people who really do want it to happen.

So unlikeliness is maybe a little more than a self-fulfilling prophecy as an argument.

Having members of ICANN and elections of those members is not necessarily a global Parliament. The regional Internet registries have members. They elect their board. The Internet Society has members. They elect their board. Major corporations have shareholders who elect their board.

What is exactly so unusual or crazy about the idea that ICANN should have members that elect their board, particularly given that it's incorporated as a California nonprofit public benefit corporation, the main purpose of which was to regulate the relationship between these nonprofits and their members, despite the fact that ICANN declared that it had no members in a very unusual act?

So could we hear more about that?

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CHRIS DISSPAIN: Thank you, Milton.

Jan, do you want to respond?

JAN SCHOLTE: No, I was thinking in the strict terms of a global parliament that served a global public where one person, one vote anywhere on the planet would -- that would be direct -- that would be indirect represented democracy into ICANN.

It's -- certainly you could construct other electoral constructions, but I would still have questions about how do you ensure that the mini-publics, who would be involved in those elections, would reflect the wider public interest, as opposed to being special interests.

MILTON MUELLER: You don't think that's a problem in any form of democracy?

JAN SCHOLTE: It's the problem -- well, it is a problem of parliamentary democracy per se, yes, and transferring it into global governance is not necessarily a solution. That could exacerbate the problem.

I'm not saying there's no role for it at all, but I'm not sure I would put all my eggs into the global democracy basket on that basis. We've done that in national democracy and it doesn't work terribly well.

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MILTON MUELLER: Well, I would agree with that, but I think that the membership would be one very important form of accountability that might have a closer tie between the board and the members, and you raise some very good questions about that.

JAN SCHOLTE: But again, what constitutes a member in relation to ICANN and how do you decide who is a member and who is not? I mean, it's obviously a problem.

CHRIS DISSPAIN: Membership fees. We could collect some more money.

[ Laughter ]

No? Just a thought.

[ Laughter ]

MILTON MUELLER: Maybe we should nuke Chris.

[ Laughter ]

CHRIS DISSPAIN: Thank you, Milton.

[ Laughter ]

John?

JOHN CURRAN:

John Curran, President and CEO of ARIN.

I actually find myself in the ironic situation of also having a question for Jan Aart of similar nature, and having followed Milton, I'm now wondering if I should even proceed, but I'll forge ahead.

In 2004, in "Civil Societies and Democratically Accountable Global Governance," your paper, you start out with a -- you start out with a note of the rise of financial economic institutions of great power over the last 150 years that these institutions have risen, and they have weak or no accountability mechanisms.

The example you go to cite is a lack of an elected leadership.

And I guess I'm wondering: In 2004, you thought that, and I'm wondering is that only because of the regulatory nature of those organizations that you cited a lack of an elected leadership as an issue and it's not applicable?

Have you thought about your comparison of things like IMF to ICANN, which has importance of economics, but is not, per se, a regulatory body?

CHRIS DISSPAIN:

I guess that's for you again, Jan.

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JAN SCHOLTE:

Yeah. John, you raise a -- that 2004 piece was one of those happy occasions, a bit like today. It was a wonderful occasion. You ask questions and you don't get answers. It makes life a lot easier.

Now you're asking me for answers.

No, I think the -- how you get democratic accountability -- again, there are different kinds of accountability.

How you get democratic accountability in global affairs, in global issues like communications, finance, and so on, that's obviously a huge, huge puzzle for us today.

One alternative is just to say, "We just can't move, we can't have democracy in global spaces. We'll just surrender it. Goodbye. You know, we'll do technical expertise, just make sure the Internet works, and that's all we need."

Most people don't accept that.

But then the question is: How do you do it? How do you do it?"

And some people say, "You get -- you get democratic governments, you make all governments across the world democratic, and then you have those democratic governments work multilaterally together and then you've got democracy."

And then most people say, "Well, no, because we can't guarantee that the states, when they involve themselves in that area, are going to be democratically representing the various people behind them."

Okay. So we say, "That's not good enough."

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Then people say, "Okay, let's have global parliaments and let's take this -- let's take the national liberal model on democracy and elevate it to global scale."

And we say, "Well, that doesn't work either for various complications and limitations of national liberal democracy."

And then we say "Multistakeholders" --

Anyway, and so it goes.

And other people just say, "Well, just keep protesting, because if you just keep protesting, you'll keep everybody on their guard."

It's probably a combination of all of those, but you ask big questions, and I mean I -- actually, there are lots of deeper philosophical questions that would come in as well, including things like how do you bring cultural diversity into a global democracy so that it feels and is democratic, is experienced as democratic by all of those affected.

Because we haven't worked that one out either.

JOHN CURRAN: Thank you.

CHRIS DISSPAIN: Thank you. If you don't mind, so we're going to take another remote and then I'll come to you. Brad?

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BRAD WHITE: Chris, we've got a question, remote participation question from Javier Rodriguez.

REMOTE INTERVENTION: In the other room, it was stated that ICANN cannot extend the accountability to the administrators of ccTLDs because they existed before ICANN. Is this correct?

Secondly, ICANN got the IANA Postel duties in trustee agreements, so the board thinks that the ccTLD administrators are a separate part of ICANN, or are they under the accountability obligations too?

CHRIS DISSPAIN: So I'm guessing "in the other room" means at a CC meeting, perhaps yesterday or the day before, but Becky, do you want to see if you can answer the question?

BECKY BURR: The question of "cannot extend the accountability to the administrators of CCs," ccTLDs exist in a slightly different paradigm, which is -- and they're all different, but generally they are accountable under national law and they have a duty to serve the local Internet community, and the ccNSO here does have a policy development process and we are -- I assume we would be accountable to ICANN to follow our rules with respect to policy development and ICANN would have an obligation to us to be accountable with respect to that.

But the primary source of accountability to the relevant community to be served is through national law for ccTLDs.



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CHRIS DISSPAIN: Thank you. Sir.

GARTH GRAHAM: My name is Garth Graham and I'm participating in the ATLAS Summit on behalf of TeleCommunities Canada.

This is a remark I've poked into a couple of events here in relation to linking transparency and accountability within ICANN, which I think is an advantage ICANN has in achieving global acceptability, so this would be a comment of substance.

It has the arcane name of "accountability before the fact." And in effect, the open and transparent decision-making process that ICANN has allows statements of accountability to emerge out of decision-making that are very clear and can be made even clearer, and then after the fact, when you have to answer for them, they become part of the standard by which you answer.

So in effect, deciding and doing become self-referential, and I think there's ways in which then accountability by issue itself becomes very clear and very acceptable to those who are participating in an issue.

CHRIS DISSPAIN: Thank you. Does any -- anybody want to respond to that as well? Just checking in with you.

Okay. So we have a remote video. Brad?

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BRAD WHITE: We do, Chris. We've got a comment or question from the ISOC chapter in Quezon City in the Philippines, where it's about 6:45 at night. The speaker is Dr. Celso Acadame, I think.

REMOTE HUB: I'd like to ask a question. How about if you're in a country that is repressive and of course you want to broadcast that there could be some massacre like what happened in Syria?

So how would you say the accountability of Internet from the point of view of the government or from the point of view of people rebelling?

CHRIS DISSPAIN: So I guess that's a question about one root and open access to the Internet, I guess.

Does anybody want to --

>> It's a content issue. No.

CHRIS DISSPAIN: Sorry? It's a content issue, so no.

>> I guess.

CHRIS DISSPAIN: Well, you have spoken, so it shall be no.

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[ Laughter ]

CHRIS DISSPAIN: Does anybody want to talk about that briefly? That's fine if you don't. Don't feel you have to.

Jan?

JAN SCHOLTE: Just a quick one. This is one of those cases that I pointed out where someone is asking for ICANN to have a stake where it's -- where they answer, it says, "We don't deal with this." But that doesn't mean that someone doesn't have the right to ask, or that ICANN has that responsibility.

CHRIS DISSPAIN: Thank you. David?

DAVID CAKE: I just generally wanted to comment on the -- couple of things to do with the issue of transparency.

I happen to think transparency is incredibly important in this process, that ICANN is very transparent, that many of the -- that one of the big criticisms we often have of multistakeholderism is that it gives, you know, corporate voices a pretty strong thing and I actually think the wonderful thing about it is actually the transparency, that it forces them to have their voice in a very transparent, open way, and that that is -- that is healthy.

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I do think there are two issues -- specific issues about transparency that I wanted to discuss, and one is the -- we've been talking about sort of these high-level transparency mechanisms to do with perhaps recalling a board or a board member.

Actually, I think in one of the things there is that the current level of sort of opacity of the board, the board is not -- we have very little -- it's one of the few parts of ICANN where we do not have much idea of their specific internal deliberations.

It would be very hard, I think, for us to work out whether -- at the moment, whether a single board member was doing their job well or not, or representing their community well or not.

So I'd ask just a general comment, maybe from the board, about do they think that -- about that? Do they think -- do they think --

Obviously I think the board does need some opacity, some privacy, but perhaps not --

But the other question I also wanted to raise about transparency is I wonder how interrelated these rights are. And actually, while I think ICANN is generally very good on transparency, has very good rules about transparency, the right of redress is the one where ICANN is very lacking, and that effectively does limit the transparency, because if ICANN does not -- it has great rules on transparency, but if they're not followed, it's very hard to have any redress, so in practical terms, they can have limits.

I'm urging are we going to concentrate not just on the -- these high-level accountable issues but these specific internal ones, specifically the

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mechanisms where -- where requests for reconsideration fits in the process. That seems to be quite inadequate. Are we -- is that going to be part of this process.

[ Timer sounds ]

CHRIS DISSPAIN: So I think Theresa, can you just address the issue of dealing with the -- what, in summary, is dealing with the ATRT2 recommendations on our current redress mechanisms within the context of the accountability piece that we're doing? Are we bringing those into the accountability piece? Dealing with them separately? How are we going to deal with them?

THERESA SWINEHART: They'll certainly be looked at in that context, yes.

CHRIS DISSPAIN: So they're going to come into that piece instead of being done in isolation as part of an ATRT2 implementation? They're going to come into the accountability piece?

THERESA SWINEHART: Well, it's going to depend. We haven't closed the comment period yet -

CHRIS DISSPAIN: Right.

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THERESA SWINEHART: -- so we're still waiting to get that information before we know what process will be used.

CHRIS DISSPAIN: Right. But I think the answer, David, is yes. I mean, whichever way you look at it, yes, it needs to be dealt with, and that's ---

THERESA SWINEHART: Right.

CHRIS DISSPAIN: Does anyone else want to make --  
Avri and then Becky.

AVRI DORIA: Thank you. Yes. And I think part of what you said about the -- the transparency in ICANN being very good, but it is inconsistent, and some places are indeed more transparent than others.

I think with regard to the ATRT2 comments -- and in fact, it's one of the things that sort of has forced me to hold various comments back is still waiting to see how they handle that, how they handle the recommendation of a notion of default transparency, which would account even to the board where you decide specifically when you're not going to be open, as opposed to what seems to be a general principle in ICANN now is -- especially with the board and some of the

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other constituencies, stakeholder groups, et cetera, is that you are opaque unless you decide to open. So trying to flip that.

So ATRT made some, I think -- and I'm somewhat biased -- made some great recommendations on that, but until we see how those are actually implemented, it's hard to judge where that's going.

CHRIS DISSPAIN: Thanks, Avri. Becky?

BECKY BURR: When we opened this, Steve had made a joke about ICANN having more accountability mechanisms than -- or a martian would view this as an accountability-mechanism-generating environment, and I think that the -- that goes to the comments that the ccNSO has had on this.

We might be able to have a lot fewer accountability mechanisms if we addressed the one problem that I don't think we've solved yet, which is the sort of review and redress and dispute resolution portion of this.

So account- -- transparency, critical. All of those things need to be backed up with an ability to review, redress, and resolve disputes about it in an effective manner.

CHRIS DISSPAIN: Thanks, Becky. And just a comment from Alan.

Go ahead, Alan.

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ALAN GREENBERG:

Yeah. One of the issues that hasn't been mentioned yet is perception. Like in conflict of interest, it doesn't matter how accountable you are or how transparent you are, it matters how much people think you are accountable or transparent, and all you need is a couple of areas where there is opacity -- and the last speaker talked about the board itself and can we tell if our board members are actually, you know, agreeing with us or disagreeing with us or not doing anything, and every time you have a bit of opacity like that, it opens -- it opens up to people presuming there are other areas. You become suspicious and you question whether things are working the way you would want them to, where they're invisible.

So it really becomes a matter of ensuring that there are very few places where there is opacity and lack of transparency because if there are some, one makes assumptions about the other parts.

CHRIS DISSPAIN:

Fair enough. Bertrand?

BERTRAND DE LA CHAPELLE:

Good morning. My name is Bertrand de la Chapelle. I'm a former vice chair of the GAC, former board member, and currently the director of the Internet and Jurisdiction Project.

Whenever wants to answer an issue, the best and most important thing to do is to formulate the issue in a way that is shared by all the different actors in the same way, so that they have a common problem rather than a problem with each other.



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In this regard, I note with interest the fact that the -- the page on ICANN accountability is indicating clearly that the topic is the impact of the NTIA transition on ICANN accountability. And I think it's very important to make the distinction between the dimensions of the transition aspect that we'll discuss this afternoon, where one question is who has the right to give the mandate to ICANN to do the IANA function and to potentially rescind it, from the general questions of accountability that we are addressing now.

And here I would make a -- would like to make a very concrete suggestion that instead of talking about just ICANN accountability, we talk about accountability in ICANN.

And the explanation is that it makes a big difference because there are many pieces and many interlocking pieces and processes in ICANN, and accountability in ICANN means that we can talk in different ways and with different solutions about the accountability of the board decision, about the PDP processes, about the accountability of the GAC when it makes an advice, about the accountability of staff when it makes one function or the other.

And in that regard, the solutions are likely to be different, potentially, from one to the other.

Accountability is different from legitimacy, and there is one element that I think is worth using as a word is the notion of due process.

And in that regard, I strongly endorse what has been said before regarding the mechanisms of redress and reconsideration, which is one of the core elements for the discussion of accountability --

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[ Timer sounds ]

-- in ICANN.

CHRIS DISSPAIN: Thank you, Bertrand. Just checking in? Okay. Sir.

PIERRE BONIS: Hello. Pierre Bonis from AfNIC. I'm very happy to have heard various time the terms "review" and "redress" -- thank you, Becky, for that -- because it's part of the definition that has been given in Brazil during the NETmundial meeting, "independent checks and balance," as well as "review" and "redress."

So we are talking about something that has to be independent and that has to redress as well as review.

The thing is that currently within ICANN, most of the accountability mechanisms are not independent. I think there is only the ombudsman and the California law. The California -- the California -- sorry. The California law is independent from ICANN, of course, and it's binding, and the ombudsman is independent but is not binding.

So what we would suggest is to work on first how to legitimate the decisions of the board and we really think that it goes through something like a general assembly or a member assembly. Of course it's difficult to put in place, but that's just food to think about it. This general assembly should confirm the board, confirm the budget, decide when there is bylaws changes, for instance.

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And there is something else that is slightly different is that how can we appeal decisions of the board --

[ Timer sounds ]

-- and this is an independent and outside body that should be multistakeholder, international, independent, and binding. Thank you.

CHRIS DISSPAIN:

Thanks. Just for clarity, I think the IRP, the independent review process, is also independent in the sense that it is independent of ICANN but, otherwise, acknowledged and accepted.

Yes, Avri.

I'm conscious that we haven't heard from some of our panels, so I just want to ask the ones that we haven't heard from -- and you all know who you are -- if you want to say anything. Don't feel you have to. It is open to you at any time.

I'm guessing no.

Avri?

AVRI DORIA:

Thank you. Apologies for always having opinions. I would like to add one word to that for the IRP which is affordable.

CHRIS DISSPAIN:

Oh, no. Sorry. I wasn't suggesting it was by any means perfect or whatever but just that it was independent.

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Brad, we have some remote?

BRAD WHITE:

We do, Chris. We have got another comment or question from Richard Amalo who is in the video hub in Bondo City, Kenya.

REMOTE HUB:

Thank you, I'm Richard Amalo from Bondo City in Kenya. I have got a comment. This is a very informative forum that we have benefited from. When the discussion was about ICANN enhancing accountability, something (indiscernible) my mind, (indiscernible) there are several constituencies (indiscernible) one of the principle stakeholders.

Now, I want to note also from the meeting, what role, what contribution that the academia can offer to the accountability of ICANN issues and (indiscernible)? Because (indiscernible) is a concern for the choice of development (indiscernible) which is very important. It is also good for them for contributions so that they can enhance accountability in ICANN. So I just wanted to state those comments. Thank you.

CHRIS DISSPAIN:

So thank you. It is really hard to understand some of what you are saying because we're getting not great sound and the transcribers are not picking up every word that you said. I think actually the most useful way of dealing with that would be to see if you can send an email to us or on the chatroom, if you have access to that. And then we will be happy to address the issue.

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But it is pretty hard to understand at the moment what you were trying to say, unless anybody else has a handle on it that I don't have.

Okay. So we want to go to the --

BRAD WHITE:

We have another comment from Javier Rodriguez on remote participation.

REMOTE INTERVENTION:

Thanks for taking my previous question. I just want to note that there is double accountability for ccTLDs: One, as Becky has stated, to their local, national laws. The other accountability is in front of the organization that gave or gives the trustee category to the local administrator of the ccTLD. If ICANN gives that responsibility to an organization, then that organization, that administrator of the ccTLD becomes accountable in front of ICANN. Postel stated in RFC-1591, "It is for serving communities. Don't talk to me about property." So in my opinion, ccTLDs have double accountability.

CHRIS DISSPAIN:

Thank you, Javier.

I hope you can hear me. It is Chris Disspain. Yes, in two respects. First of all, ccTLDs are run pursuant to RFC-1591. There are some ccTLDs who claim that because they existed before, they don't have to abide but generally speaking 1591.

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And, secondly, a large number of ccTLDs have entered into what's called an accountability framework with ICANN which is a sort of joint recognition document. And that also handles to some extent accountability of the ccTLD. But understand that the overarching accountability -- speaking personally as a ccTLD manager, my overarching accountability is to the population of Australia whose TLD .AU is.

Okay, sir. Yes?

RICK LANE:

Thank you. My name is Rick Lane. I'm with 21st Century Fox. My first involvement with ICANN was back in the late '90s when I was the point person for U.S. Chamber of Commerce dealing with eCommerce and Internet technologies. Back then ICANN had a staff of 40 and maybe less than 10% of the U.S. chamber members had Web sites.

Things have changed dramatically. Right now obviously ICANN has a staff of going up to a 300, \$250 million budget. I would say that 98% of the chamber members have Web sites.

Right now we are at a point in time where we can look at ICANN, how it has changed, not where it was. I think some of the comments that Steve DelBianco made and Becky Burr in terms that we have an opportunity here to better improve what ICANN has created and what this community has created.

And, also -- because I do work on government affairs for 21st Century Fox, we need to sell this from a U.S. perspective to the U.S. Congress. And having strong accountability, having strong transparency will allow

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us as we did back in '99 and 2000 when Congress was threatening to destroy ICANN and get rid of it and create something new, we would move to go back up with you guys as a business community and with the community as a whole to say, "We are comfortable with the transition. We are comfortable in the direction they're heading, and we are comfortable with what they have put in place to make ICANN accountable and transparent in a way that benefits all in the Internet community." Thank you.

CHRIS DISSPAIN:

Thank you very much.

Sir, you're next.

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Good morning. My name is (saying name). And I come from the telecommunication regulatory body. Thank you very much for this panel. And I want to congratulate you.

I have listened to your presentations and certainly appreciate what Jan Scholte said because he redefined the framework and the context of ICANN, about what the roles and responsibilities of ICANN should be.

As a matter of fact, several topics were dealt with and certainly we didn't have too many answers for the definition of the global accountability of ICANN, its components in the global community.

It is a complex issue because all international associations, organizations, sometimes they have a clear purpose, a clear goal.

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Sometimes we're talking about business associations, but ICANN encompasses the global community as a whole as well as the concerns and interests of the businesses, the people, government officials.

So it makes really very difficult to define the responsibilities of ICANN. However, the analysis should be made starting from my point of view not only based on the care and responsibilities but the evolution of the responsibilities in this transition of the stewardship role.

The point marked by Somalia that was translated and was mentioned by Professor defines the level of attention to be paired to the needs of the interested parties because governance is in the hands of non-governmental organizations. So there are certain corporate rules. There are certain international rules that should be taken into consideration.

And accountability should be a milestone for the future ICANN meeting --

[ Timer sounds. ]

-- so as to have a clear discussion -- so as to receive answers -- to receive answers to these questions. Thank you very much.

SIVASUBRAMANIAN MUTHUSAMY: I'm Sivasubramanian Muthusamy from India. And I have a comment that's on accountability, but the comments pertain to the topic of the next session as well.

ICANN accountability, we have a foundation already in place for accountability process. We have the executive answerable to the



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board, the board executive answerable to the community, and one -- the user advisory body being balanced by the business constituency and so on.

So this could be expanded and strengthened by making participatory process across constituency, parliamentary-like process so it would become the policy-making organ of ICANN. And we have executive and board which becomes the executive and all that needs to be done is to strengthen the review process. Whether it's -- you call it a review process or a judicial process or an arbitration process, that process can be strengthened.

Then it becomes a perfect body which is balanced within, which is answerable to one another, one organ answerable to another. So the need for an external oversight will be completely denervated. That's one of the thoughts that the board could consider, community could consider. Thank you.

CHRIS DISSPAIN:

Thank you very much.

Anyone want to comment on that?

Okay. Just to let everybody know, it's 7 minutes past. So we're due to finish at half past. So if you want to join the queue, now would be a really good time.

We have a clarification from Kenya from Brad.

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BRAD WHITE: Yeah, Chris. Mr. Bondo who was having a hard time communicating with us because of the technical problems was seeking elaboration about the role of academia in ICANN accountability as a principle stakeholder in the Internet ecosystem.

CHRIS DISSPAIN: Okay.  
Fiona?

FIONA ASONGA: I will comment on that as well as the previous microphone in-room comment. I think when we look at ICANN's accountability, it has to come through twofold: Internally through the existing mechanisms we already have in place and externally. Externally because if ICANN is going to be accountable to the global Internet users, that's a very large group of stakeholders who realistically we shall never be able to get them into one room.

And what that means is that they will be represented by different entities who are participating in ICANN's different constituencies. And through the existing internal mechanism, we will be able to carry out activities in such a way that we are accountable externally as well.

So we cannot have ICANN's accountability focusing only internally but externally. When we look at it externally, it means we look at both academia, the larger business constituency, the larger end users, all the groups that would not physically be able to come in for an ICANN meeting but are interested in Internet use and are dependent on the

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Internet to a level that it significantly impacts on their lives and would be affected by decisions made at ICANN that have an impact on the stability of the Internet within their regions, the issues of access and all Internet-related issues that ICANN has some role to play in as far as the relationship with IANA is concerned and ensuring that the transition is smooth enough to give the global stakeholder the comfort that they need to feel in the Internet's continuity.

CHRIS DISSPAIN: Thank you.

PHILIP CORWIN: Good morning. Philip Corwin. I'm a member of the business constituency, but I'm speaking in a completely personal capacity. Since we're here in the U.K., I'm going to start by paraphrasing Winston Churchill and note that ICANN is the worst possible way to manage the Domain Name System except for the alternatives.

Every organization and its accountability mechanisms is going to be imperfect, but that doesn't mean that there shouldn't be a serious effort for continuous improvement or, with all respect to the professor, that there is some infinite regression of accountability that makes the effort somewhat futile.

The goal is to have within the organizations checks and balances between the various constituencies and components.

There's also within many members and sectors of the community a feeling that accountability and transparency need to be improved

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regardless of the fact of the NTIA transition and the IANA transition, the NTIA exit. And thus we have an opportunity here now because of the situation to make some comprehensive improvements and to make a good organization even better.

Finally, personally, I think my view is that in any organization, not specific to ICANN, when you combine the important public policy roles and a capacity for very large self-funding, that is, there is no power of the purse from any outside group to control the organization that presents certain dangers and that the accountability mechanisms we devise through this exercise should recognize those dangers and address them in advance to preserve the long-term viability and reputation of ICANN. Thank you very much. I hope those are helpful comments.

CHRIS DISSPAIN:

Thanks, Phil.

And the lady in red.

[ Laughter ]

MARILYN CADE:

My name is Marilyn Cade. You have to reset the timer now. I'm a member of the business constituency, but I'm speaking actually as someone who's involved in the very, very early pre-ICANN days. And I just want to say something about the importance of translating what we're doing into human language. And by that I mean, decoding what we're talking about. We have so many new people. We have some

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returning people like Rick Lane. But we have so many new people, and it isn't just the acronyms we talk in. We are talking about very complicated stuff.

So, you know, I want us to think about how important it is in our outreach to decode, decode, decode. One of the questions asked was how does this affect the misuse of the Internet. And our answer was: That's not in our scope. Our answer needs to be a little more complicated and informative. And if we do that, then we explain to students and to academics that, in fact, DNSSEC is really a critical part of a secure, reliable Internet and blah, blah, blah but in human language.

But the other thing I wanted to say, there have been three phases in ICANN when it's been so important to communicate, communicate, communicate. That is, after we launched ICANN via sort of an executive order and then had to go educate both the U.S. Congress, U.S. citizens, U.S. business and others around the world, not just in the United States, about what ICANN is and what it isn't, during the WSIS when Internet governance was equated with just being about ICANN. And we had to spend a lot of time. And we all did, this whole room and many, many others did, government, civil society, NGOs, explaining, "No, no, ICANN does this part. There is this other stuff."

And here we are again with a great opportunity to educate, using the accountability issue to not only build the accountability mechanisms but to explain when and how you participate.

And, Fiona, I really want to congratulate you on helping to kind of explain that there will be a need for representational engagement.

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[ Timer sounds. ]

So I look ahead to this journey with excitement.

CHRIS DISSPAIN:

Thank you, Marilyn.

Before you go -- And thank you for bringing up the points about the questions.

I think, if I may, I will take the prerogative as moderator, I would like to ask if the staff could contact the people that asked those questions about DNS security and academia and actually provide fulsome responses to them in the manner that you suggested, Marilyn.

So thank you.

Sir?

KRISTO HELASVUO:

Thank you, Chair. Thank you, Chair, and thank you for the professor for providing comprehensive introduction to problems of global governance. I would just like to mention -- my name is Kristo Helasvuo. I would just like to mention that the whole world of accountability is quite deeply connected to the question of legitimacy. And some people or some governments or instances seem to already have lost their kind of trust or feel of legitimacy towards ICANN. SO that's what we remain concerned about, propose ICANN to take -- pay attention in the future. For example, if you consider the European Union, that would be a clear

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partner for ICANN in the future because they share the problems of legacy nations and global governance issues. Thank you.

CHRIS DISSPAIN: Thank you very much.

David, did you want to say something about the previous comment?

DAVID CONRAD: Yeah, actually to just sort of expand on something that Marilyn had said.

One of the issues that I have seen on many occasions is there's often in common conversation, particularly in this community, there's a tendency to refer to ICANN without being clear exactly what part of ICANN you're actually speaking of, whether it's ICANN staff, ICANN as the corporation, ICANN as the constituency, ICANN as the global community of people interested in ICANN-related issues or even ICANN's board. And sometimes the questions of accountability and transparency and openness can actually -- the answers that you get can depend on which part of ICANN you're actually talking about. So in -- particularly in discussions outside of, you know, this sort of not really closed environment but this -- this environment of understanding when you're actually dealing with governmental folks or folks who don't have as much exposure to this community, being clear as to which parts of ICANN are actually being discussed can actually be quite helpful, I believe.

CHRIS DISSPAIN: Thank you. Brad?

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BRAD WHITE: Chris, we have a question from the ISOC video hub in Yaounde, Cameroon. I'm told that the video quality on this is a little rough but the audio is apparently clean. The question will be asked in French so attention will naturally turn to the scribes and hopefully the audio will be clean enough so that they can understand it.

REMOTE HUB: I'm Benny from Internet Society, Cameroon chapter. So about the accountability of ICANN, we think that it (indiscernible) initiative between ICANN and its partner most effective for the success of the process. Now, what -- we want to know what is the strategy of ICANN to really involve ccTLDs in the process, knowing that in Africa they have strong impact in our ecosystem and in our Internet name ecosystem. So what ICANN plan to do with -- to involve our ccTLD to -- in the process. Thank you.

CHRIS DISSPAIN: Thank you. I think two things. One, I'll ask Becky to make a quick comment but also, Theresa, maybe we could get Bart or someone to follow up, that would be cool. Becky.

BECKY BURR: Yes. The ccNSO considers it very important that all of the ccTLD community, whether or not they are participating in the ccNSO, be involved in this process and, in fact, we intend to do -- we have done outreach through the regional organizations. We also are working with



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ICANN to get contact information for all ccTLD managers who will be invited to participate in an official capacity in the process.

CHRIS DISSPAIN: Thank you, Becky. Brad, just for your information, that wasn't French.

BRAD WHITE: I was prepared to translate for you.

[ Laughter ]

>> Well done.

CHRIS DISSPAIN: Robin.

ROBIN GROSS: Thank you. My name is Robin Gross. I would like to make a couple of points, and the first one is, the current lack -- ICANN's lack of accountability to a governance responsibility of protecting human rights. All of the accountability mechanisms that we heard at the beginning of this session don't -- don't address this issue at all, they're not intended to address this issue. The issue of human rights has not been brought into this discussion or this forum at all.

Now, despite ICANN's corporate status, it does undertake governance responsibilities, so it really does need to address this duty to respect human rights. ICANN claims that it governs in the public interest, so I

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think some effort should be made to uphold the rights of users in its own policies.

The other point I wanted to make was on the IRP process and how that needs to be strengthened. Presently it's not at all affordable for 99.9% of the world to actually engage in that process. So that needs to be fixed. We call it Independent Review Process, but it's only independent up to the point where the decision is made and then goes to the board and then the board can choose to --

[ Timer sounds. ]

-- reject it or not. So it's really only independent to a point.

And the last point I wanted to make was that the standard to win an IRP has been raised to a malfeasance or bad faith standard which is nearly impossible to win, and so it's really been eviscerated from a practical standpoint. So these are the points I'd like to see addressed. Thank you.

CHRIS DISSPAIN:

Thank you, Robin. Thank you. Fantastic. Just for clarity, the line is now closed with John. And Young Eum, you're up next.

YOUNG EUM LEE:

Thank you, Chris. My name is Young Eum Lee from .KR in the ccNSO council but speaking on my own behalf. I would like to just emphasize that we are -- we should be aware that we're talking about the operation of something that will affect the global community in years to come. Paul Twomey's comments about the stability of ICANN 15 -- 10,

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15 years from now, I guess partly reflects this concern. And currently the international community outside ICANN is actively seeking to address this issue as we are all aware. And today I've heard many useful comments regarding increased transparency, accountability, internal mechanisms to ensure that. Again -- and yes, they will be difficult, but I believe I have hopes, I'm optimistic, that we will be -- we will be able to arrive at a reasonably acceptable solution, I hope. But still, we need to consider the global community that do not yet have a voice, and the NTIA transfer statement from the Department of Commerce also states that aspect. And if we -- if we think back at the number of people -- or the types of people or if we try to group the people that have spoken so far, we -- I'm sure you will be aware that they are -- that is -- that is in no way a -- an adequate representation of the global Internet community. And so in trying to come up with an acceptable accountability mechanism, I would like to strongly urge this community to consider mechanisms to -- mechanisms for the inclusion of a truly global voice.

[ Timer sounds. ]

Thank you.

CHRIS DISSPAIN:

Thanks, Young Eum. We have one more video. This time from Togo, I believe.

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Crashed.

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CHRIS DISSPAIN:                      Okay. Alan, you are now our token video from Togo.

ALAN GREENBERG:                    I'm actually responding to the last comment. For a long time in ICANN we said At-Large represents the two billion users and were subjected to great amounts of criticism saying just how do you contact them? How do you get feedback from all two billion.

CHRIS DISSPAIN:                    Try the Internet?

ALAN GREENBERG:                    Sorry, my hearing isn't what it should be without the earphones. I think we now use terminology that we represent the interests of the users, and I think that applies to academia and a lot of other things. We need to make sure in the process as we go forward that we are representing the interests of all the affected disenfranchised bodies that are not here to talk on their own behalf. And I think as we choose our groups to decide on the process and then to oversee, you know, to make sure we keep on track, we have to make sure that we are -- that we are covering all of the groups who don't travel to ICANN meetings and don't participate in their processes.

CHRIS DISSPAIN:                    Absolutely. Sir.

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ALAN BARRETT: Hello, this is Alan Barrett. I'm a member of the ASO AC. I'd like to point out that in the Internet ecosystem we already have organizations which attempt to be accountable to their communities, which develop policies, which perform administrative functions without any kind of oversight from governments or the U.N. or anything like that. I'm referring of course to the five regional Internet registries, ARIN, APNIC, RIPE, AfrINIC, and LACNIC. So I just wanted people to be aware that we can have organizations that are accountable to their communities without any sort of government involvement. Thanks.

CHRIS DISSPAIN: Thank you, Alan. And the last word goes to John.

JOHN CURRAN: John Curran, president and CEO, ARIN. I just wanted to thank ICANN for the excellent panel. I wanted to thank Steve in particular for his introduction. The introduction of the accountability mechanisms is very helpful to see what -- what the current accountability is. I would ask in the future if you could sort the accountability mechanisms when presenting this, to help the community, into the contractual ones with other parties and the non-contractual ones. Because the contractual ones may or may not be subject to change. A lot of times they're negotiated and they're not subject to change. Might be slightly more durable. The non-contractual ones, absent a membership, are subject to the will of the board and can be changed at any future time, and that's something the community needs to think about in this process. Thank you.

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CHRIS DISSPAIN: Good point. Steve, do you want to respond to that?

STEVE CROCKER: Thank you, John. This recitation of the accountability mechanisms will certainly get used in subsequent things and I'm sure it will undergo some evolution and sorting. Appreciate it.

CHRIS DISSPAIN: Thank you. We do have apparently -- Togo has returned to us on video. So try to get in touch with them.

REMOTE HUB: ---

CHRIS DISSPAIN: Hello.

REMOTE HUB: Can you hear me? Good morning to the panel. This is Togo. This is Togo. Can you hear me? Good morning. We belong to the Togo ISOC chapter. You have talked about the new policy for accountability and implications for the communities. And I would like to know if we want to be more involved, what is it that we can do in order to become more involved in this process so that our community can participate more actively in this activity. Thank you.

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CHRIS DISSPAIN: --- to talk about that?

THERESA SWINEHART: Yes. There's multiple ways to be involved in the process, either through some of the respective constituency groups and obviously in the overall dialogue which is with the broader community. And we can send some information directly to provide that as well. But this is an open process. It is an inclusive process. And there's various avenues through which the stakeholder communities can engage.

CHRIS DISSPAIN: Thank you. So we've come to the end of our time. We're reconvening on the stewardship transition in an hour, I guess. I want to -- I want to thank everybody for being here. I want to thank the hubs for being available and for their contribution. First time try for us, but I think we'll do that again, and I would very much like to thank Professor Scholte and the rest of the panel for their comments. Thank you very much.

**[END OF TRANSCRIPTION]**