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SINGAPORE – At-Large - AFRALO / AfrICANN Joint Meeting  
Wednesday, February 11, 2015 – 14:00 to 15:30  
ICANN – Singapore, Singapore

AZIZ HILALI:

Welcome everyone, hello and welcome to the AFRALO/AfrICANN Joint Meeting. We started in Brussels in 2010 and the topic for this one is going to be ICANN accountability. After the decision of the US Government that decided to have the IANA functions not taken care of. We talked online with the African community and every time we meet we choose a topic to cover, which has to do with what's going on today at ICANN. We have some guests that are going to talk to us. It's going to be very interesting, and we will conclude by talking about the draft statement that was prepared by the Drafting Committee with Tijani.

We'd like to thank Tijani for all his work. I'd like to thank all the people that were involved in this draft statement. We're going to validate or not this draft statement, and later on we're going to send it to the Working Group, and hopefully, possibly, to the Board. I'd like to let you know that Fadi will be here soon. He's going to try to come and see us around 3:00 PM. In front of you on the screen there's the draft statement as well as the Agenda of the day. I'm going to give the floor to Rinalia, who has a meeting to attend. Thank you Rinalia. As you know, she's a Board Member and she was represented by ALAC. She represents ALAC at the Board. Rinalia, you have the floor.

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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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RINALIA ABDUL RAHIM: Thank you Aziz for that kind introduction. I'm very pleased to be here, and I'm very grateful for your kind invitation to say a few words about the accountability effort that's going on. Before I do that I'd just like to say that in this whole week I was imagining that we would be in Marrakech, and it was indeed a difficult decision that we had to make to postpone it, but we did make a commitment that we would go back to Marrakech, and we know that will do that next year. In every difficult or unfortunate decision that I personally have to make, I always look for the silver lining.

The silver lining for me is that it has given us an extra time to prepare a stronger engagement of the African community at the ICANN Meeting in the African region. This is extremely important for us in the Board, and I think also very important for the community. I think you've had some meetings to plan in terms of engagement in the African region, to strengthen the community's participation at all levels; in government, for young people, the business people as well, and I think we're all going in the right direction.

The second thing I want to say is that ICANN is now at a key junction in its evolution, with the offer of the IANA stewardship transition from NTIA. This is a very important event in our history, and what I am extremely proud of, even though I am not from your region - I'm from the Asia Pacific region - is to see representatives from the African region participating actively, robustly, in the IANA Coordination Group, and in other groups related to the transition effort. I admire that tremendously. We have people sitting in this room who actually do that, and they do know who they are.



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Of course, you have Mohamed El Bashir, you have Seun Ojedeji, who participate, and of course [Adeyao 00:07:35]. I think that's really encouraging. I admire that, and I hope to see more people from the African region doing that. It's really encouraging. The thing that I want to say about accountability is that in this effort in moving forward there's a lot of work being done - especially with the establishing of the CCWG on Accountability. What's really important is to get all the input and voices in from all the relevant stakeholders. That includes the Internet community in Africa. It will be important for you to have your voice in that process, and hope that you participate.

I note that you already have a draft statement related to accountability, and I know that in the future you'll continue to produce this, and I hope that you'll continue to channel your input into the CCWG on Accountability, because that is how the Board will consider the accountability proposal from the community. So if all the inputs go to the community, through the CCWG, and it comes to the Board, that makes it easier for us to see whether there is consensus or not, whether there are sufficient checks and balances in the proposal, and I think that it would be great to see robust engagement from Africa. Thank you.

AZIZ HILALI:

Thank you very much Rinalia. Thank you for your information. If you weren't here this morning, like we said this morning, it was unfortunate but it's absolutely true that we're going to have more time to prepare our meeting in Marrakech, and we're going to have three projects that are going to take place in Marrakech. We are working on it. We are planning that. We are planning a high-level meeting with the different



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ministers of information. We also have a project to put together a two-day workshop, Friday and Saturday, before the ICANN Meeting. This workshop is going to be with African regulators. This is going to be a first for those African regulators, and the third project with Tijani is going to be a new generation program.

Thank you very much Rinalia. Do you have any questions for Rinalia before she leaves us? We can keep going. I'll give the floor to Alan, the President of ALAC. I'm very happy that he's with us today. He's here to encourage us.

ALAN GREENBERG:

Thank you very much Aziz. If Tijani is part of the new generation, I guess I am too. Thank you very much. The subject of our talk today is accountability. Now, it's interesting - if you go to the ICANN Bylaws they actually talk about accountability. In your normal life, how often do you use the term "accountability"? Anyone, ever? That's not the word we normally use. Accountability is something that we ask for when we don't trust people - when there's not a lot of trust then we ask for proof that you're accountable, proof that you're following what we want to do.

You don't ask that question when you have a strong trust relationship, and for a number of reasons at this point someone within ICANN, many outside of ICANN, and a lot of them associated with history that is way before many of us got involved in ICANN, there is certainly a lack of trust, or a perceived lack of trust, sometimes. Because sometimes there is trust, but other people don't think there's trust. So it's a complex relationship. But ultimately, what we're looking for is trust. If you look



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at the kinds of things the CCWG on Accountability is doing, they are mechanisms to fix problems. They are threats that if you don't do something that the community likes, we will remove you as a Board Member.

We have to ratify things you do, because we don't trust you to do them properly on your own. If you don't do something, we may have to take some action to force you to do it. All these things come down to trust. If we are doing our job properly, they should all be mechanisms that never get used. The mechanism to ratify something to all of us vote that we like the budget before the budget goes forward, clearly we'll use that. But hopefully we will not decide that the Board was wrong in what they're putting forward. We're talking about the Board cannot change the bylaws without community approval. But again, if they've done their job properly in preparing, we're not going to say no, because we were part of the decision.

So all of that is there, in case. Now, the question is you can see why the registries, whose business depends on this, wants to make sure that ICANN is accountability, so why do we care? It's a question people ask: "Why do we care? We're here to think about users. Why do users care if ICANN's accountable?" Well, there are two reasons in my mind. The first one is if ICANN makes decisions that affect users - if you look at all the new gTLDs that are being rolled out - if they make decisions that will ultimately confuse users or make life more difficult for users, then we probably want to be part of the decision process.

We want someone to hit on the head if they're not doing a job that we like. But there's a second reason, and in my mind it's much more



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important. If we're here, we're probably here because we believe ICANN is a good mechanism to manage some of the core functions of the Internet. We're not really here because we worry about - this is my personal opinion - we're not here because we're worried about IANA - that ICANN will mismanage IANA and the wrong entries will go into the root zone, and then users will not be able to find the things they want.

That's a concern, but to be quite candid, the registries and root zone operators are going to notice first, and will likely get that problem fixed before most of us will ever see the problem. So chances are that just the physical infrastructure of the Internet will make sure that it's working. Why we care is if you look around at other mechanisms for overseeing this core part of the Internet - people obviously talk about a UN agency, the ITU, governments forming an inter-governmental organization to do it - most of those are not acceptable answers to us. We look at groups like the ITU, like many IGOs, and they are slow. They do not necessarily make decisions that support the users, but more often make decisions that support the companies.

ICANN, with its multistakeholder model, seems to be something that cares, at some level - we don't always think enough - but it cares about users and it cares about the public interest. Therefore we need ICANN to be strong. We need ICANN to be respected, and if we go around the world, as many of us do, and tell everybody how great the multistakeholder model is, we have to live it. we have to make sure it's part of our organization, and that implies strong accountability where the multistakeholders, the component parts of ICANN, have control over its destiny.

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So the largest reason in my mind of why we care about accountability is not to make sure they don't come out with TLD we don't like. That may be important, but the most important thin is to make sure that ICANN is strong so it can do all of its job, and do it without being continually threatened by various entities around the world. At least, that's how I see it. Thank you.

AZIZ HILALI:

Thank you very much Alan. I absolutely agree with what you say. We need a strong ICANN, we need a transparent, responsible ICANN within the communities in general, and the big question is = and we'll look at this in our draft statement, with the issues we have, particularly with Arica - the question is: what are the mechanisms that are going to help us out? What are the mechanisms we're going to use to have a strong accountability? We talk about the community of users. This is a question I send to Tijani, to all of you. Tijani is working on that Accountability Group. Can you give us more details about those mechanisms?

ALAN GREENBERG:

I certainly can. Leon is sitting there. Are you replacing Thomas, or is Thomas also coming? Leon is one of the Co Chairs, and I'm not sure I want to take all his great information, but I'll summarize the kinds of things, and I already suggested a number of them. The kind of mechanisms we're looking at are ones to make sure that if ICANN is not going in the direction that users want, that we have a mechanism for fixing it, and really, that's what it comes down to. But I'll remind you we are a multistakeholder organization. Why do we need multiple



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stakeholders? We can't we elect Aziz as King and he'll do everything for us?

The reason we are multistakeholder is because we don't necessarily agree with each other. It's relatively rare that we agree with each other. So we're talking about accountability mechanisms saying if the community in general - not unanimous perhaps - but if the community in general feels that for one reason or another the Board is taking a direction that is not the one we want to go in, we want to be able to correct the direction we're going in. Exactly what mechanisms we're going to come out with, Leon can talk about those. Are those mechanisms we're looking at now what will come out of this process a month and a half from now? Maybe.

One of the things we're doing is looking at the legal issues of what can we do. It's fine for us to say, "If we don't like someone, off with his head!" but that may not be legal in any given situation. So we're going to have to change our details to match the end effect. As Sebastian has said a number of times, we want to make sure that we do it in as simple a way as possible, to have a certain effect. But I don't think the Accountability Group right now is wedded to a particular option. Certainly I'm a Member of it, Tijani is a Member of it, Cheryl's a Member of it, and all of us have targets, but I don't think we're particularly tied to solutions. I'll let Leon talk about where we think we're going today, and of course that may well change.

LEON SANCHEZ:

Thank you Alan. Thank you very much Aziz, and thank you to my AFRALO colleagues. This is the first time I'm with you, and I'm very





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pleased to be with you here. I will definitely try to do this more often, because it's very pleasant. Going to substance - of course we need to think what we're going to do as the stewardship from the US Government just goes away from ICANN.

ALAN GREENBERG:

Could I interrupt? I have a copy of the presentation used at the last accountability session. Would that help you?

LEON SANCHEZ:

Definitely. What we've done in the Working Group is to try to organize the work into looking into the actual mechanisms that deal with accountability in ICANN, like the bylaws, the ATRT process, the Ombudsman, and those mechanisms already in place. We've also taken a look into what needs to be improved, because the Charter has mandated us to enhance ICANN's accountability, so it doesn't mean that everything is wrong, but it's also not right in many ways. For example, we'll continue to look into ways in which individual users may have a stand to try to overturn a Board decision that doesn't go according to the Internet users' interests, for example.

Or we'd be looking at mechanisms that can give us the power to maybe remove the Board of Directors at some point, say if they are acting against the bylaws, if they're acting against the community interests, et cetera, we'd be looking at some mechanisms that could be triggered by the different stakeholders - not only users but all stakeholders have to have them maybe removed. We're looking at this in different ways. We're looking at this from the transparency and consultation



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perspective, as a way of having preventative actions, and then we're looking at this also from the redress point of view - those would lead into corrective actions.

So we're trying to organize the method we're working on, as to then produce a document that will reflect all these concerns and comments that the community has raised, and the review process has been bringing to the table. We are looking to simplicity as well. We'll end in a simple process that can be triggered in those occasions in which the ICANN administration is going out of line. So we have established a timeline. We have a plan for this. We began working in December last year, and our aim is to have a first draft proposal by the end of March, which will be put into public comment, and I'd encourage you all to review this draft proposal, when the time comes.

Of course, let us know your comments and concerns - whether we're heading in the right direction, or if we're missing something that's important for you, and that we should be including there. What makes this process important and constructive is to have as many eyes on the process as possible. The more people that get involved in the process, the better we'll be able to carry this task out. It's important for everyone, so everyone should be involved. I'm available for taking any questions or comments that you may have. Aziz, I'd like to reiterate my gratitude for being here.

AZIZ HILALI:

Thank you very much Leon. I'd like to give the floor to Pierre. Pierre Dandjinou is Vice President of Engagement for Africa. I'd like to thank Pierre.



PIERRE DANDJINOU:

Thank you Aziz for inviting me. It's always a pleasure to come here and see you. I think I am not going to go to the matter at hand in depth, because we already did a lot of work at this briefing about where we are at, and we have our Working Group on that. So I'm not going to go into details, but I just wanted to talk about two different aspects of the issue regarding Africa. We noted that we have participation of Africa in those mechanisms. This is good; that Africa is represented, but just like was said, we need more people interested in the process. I think that we have to look at the Africa participation.

Most Africans should participate more - not always the same people, like Adiel, Tijani, Mohamed, that's very good, but always the same five or six people being involved. So we have to make it larger, more inclusive, and to reach a critical mass. This is very important. The second point I'd like to raise is that two weeks ago I was in an African country and I was talking to a minister, and he asked me, "What is ICANN?" He didn't know what ICANN was all about. I didn't talk about the details, about IANA, about accountability, it wouldn't be clear at all. So in order to be more involved, our African governments should be more involved, more knowledgeable and informed.

Our African strategy is trying to become a market. It's really a market, Africa, but Africans do not benefit much from that market. Africans should benefit from the DNS market. So how are we going to make sure that the message goes through? It shouldn't be a closed, small club. What can we do? In our African strategy we have many activities of engagement with the countries. The message has to get through. I'd



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like to thank At-Large. When we were in Mauritius I saw the strong contribution of At-Large and I understood that you need to have documents with a strong message. That's very positive. What we need is more participation in events going on in Africa. You have to be there.

We are preparing the Marrakech meeting. We need to use those events going on in Africa, when several ministers meet the African Union and those events. We have to be present - not only ICANN staff, but we also need a small group of experts, as Sally talked about this morning. They could go with the staff and explain what it's all about. Let me conclude: an African participation, but an informed African participation - not just a presence - a contribution. We have to understand what's at stake. We have an issue with information. Terminology! I talked to a regulator and he said, "I don't understand anything - you talked about those ccTLDs, those acronyms, that's very complex."

We're not being understood. Our terminology is not always very clear, and we have to work for people to better understand ICANN. That's what I would like to do, and that's what I wanted to share. Thank you.

AZIZ HILALI:

Thank you very much Pierre. As you say, there's a very interesting presence in Mauritius. I [unclear 00:32:31] could be well represented. We made a presentation and we had a chance of addressing those who were present there, and showing them what we had prepared, thanks to the work of Fatimata and the Task Force. In that document we explained to people what the different positions with ICANN are. Everyone knows that every time there's an African applying, it never matches the profile. For the last call for applications, no Africans were



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engaged - none of them were taken on. Tijani, the ALAC Vice Chair and the Executive Director, has led the group that presented this statement. Tijani?

TIJANI BEN JEMAA: I am going to speak in English for all our colleagues and friends from Africa who don't understand French. As you see, most of the discussion is done in French, and we are making use of our very, very good interpreters. Sometimes they miss the meaning, as they did at the beginning. They said I am from the new generation. What was said is that I'm preparing a project to bring the new generation into ICANN.

ALAN GREENBERG: They got it right, we were just making fun.

TIJANI BEN JEMAA: Okay, thank you. I apologize, because I will speak French too, because the majority here speak French. It's always like this. We try to make the best use of the language so that the majority understand better. That's why. Thank you very much. This joint AFRALO/AfrICANN Meeting started in Brussels, and at the time we were speaking of new gTLDs, and the Applicant Guidebook had only just started being a project. We were commenting on it, and there was a new version that was published, and every time there's an open policy we always say, "The application is too expensive, it's only accessible to developed countries and the third world won't be able to participate," and it's always the same.



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Then following the Applicant Guidebook had the same cost per application, and so Africa decided to no longer express itself individual in public comment processes, but to have a joint voice by following the process that we have undertaken to follow, and by submitting a collective statement to the Board. That's why the first AFRALO/AfrICANN Joint Meeting was organized, and then it went on, because every time there was a new matter of interest for Africa, we felt the need to express Africa's view point with a joint, common voice. As you know, we are on the verge of a historical event today for ICANN and for the Internet in the world in general. So there are two very important subjects under discussion right now.

There's the transition. On the one hand, there's a lot of people working on it, and we've already discussed that. In our last meeting in LA we discussed transition. Today rather we decided to discuss accountability, so as not to repeat ourselves, but also because accountability, if you will, is the element that is actually going to change the essence of the organization. We are going to have an organization that's going to have different mechanisms for accountability. I'm always going to say accountability, because I don't think there's a work in French that actually translates the sense perfectly. Accountability is a lot of words in French. It's transparency, it's responsibility, and so I'm always going to say accountability.

In the statement that we've prepared, the draft, you'll see we haven't gone into detail, and that's precisely because our Working Group hasn't yet gotten to a point in its work that's far enough in order to go into details. So we're still trying to define what is necessary so that ICANN can be accountable to its stakeholders, to its community, but we're still



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not quite there. We don't know how that's going to be done. So in our statement we cannot say we support or we are against - so we stayed at a very high level. We defined the general principles for accountability, and I really hope you might have contributions to make. You might ask us to amend certain things included here.

Sébastien Bachollet has already asked us to add linguistic diversity, cultural diversity and all of that. We're going to add that to this draft statement. I'm going to give the floor back to Aziz here. Thank you.

AZIZ HILALI:

Thank you Tijani. Sébastien was asking for the floor. He's our former Member of the Board appointed by ALAC, and he'll take the floor now.

SÉBASTIAN BACHOLLET:

Hello. Yes, I am here, as you say, I am a former something to many people, surely. What I wanted to explain is the discussion around accountability, in the sense that I think we should be wise and pay attention to a risk, which seems to be quite significant to me. That's the fact that we should not try and implement something that's going to get back at us. That is to say that if we try to say that with 75 per cent of the community we don't know what the community is, but picture 75 per cent of committees, ACs and SOs, 75 per cent of all that can vote that someone from the Board be removed; that they be dismissed.

So 75 per cent doesn't require At-Large's opinions, because At-Large could have an opinion that's in the 25 per cent that remains. So the rest of ICANN could decide that the Member of the Board that's been appointed by ALAC be removed, because he always disagrees with the



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registrars, with registries, with what they do, because it's someone who never shuts up, who always has something to complain about. So you vote, as you did last time, so you changed your Member of the Board. You were in your right to do so, of course, but the others shouldn't have that right for you, so I think you should pay attention to this.

The decisions that are taken shouldn't be turned against diversity, that we assure that there's a diversity in the origin from the structure that Board Members come from, but also linguistic diversity, and diversity in terms of studies. When you have a look at Board Members, I think it's hard to find those who haven't studied in the US. Which of them have studied elsewhere? When you start going through the checklist there aren't very many of them. So you should pay attention not to implement too many structures or principles because we're afraid of the Board turning against us, and particularly against minorities. Minorities should be users here.

They shouldn't be the majority, actually, but I mean to say the community as a minority. As Tijani was saying, for gTLDs, I think you weren't exactly heard. No one took into account what you said. As you said in English, this rings a bell.

AZIZ HILALI:

Thank you very much Sébastien. That's very important, as you say. I think we should speak of positive diversity. As we speak of positive discrimination, I think it would be for the representation of all regions. I said this a while ago - we're always looking for a profile. If someone doesn't match the profile, perhaps we could speak of not positive discrimination but positive diversity. Tijani?



TIJANI BEN JEMAA:

Accountability isn't going to solve all that is wrong with us. Not everything corresponds to accountability, so Aziz, I think you can go very far, but the sun always rises from the east. If there is an issue, it's not all about accountability here. I don't think we should go into that. Going back to what Sébastien just said, your concern is shared, you're understood, you were heard. We're going to try and find accountability mechanisms, but these new accountability measures would entail new issues that might be even more serious. So your concern is shared, like I say, and no decision has been taken to implement a process or principle so far.

So we shouldn't start speaking of what should be, what could be, what would be, but rather of what we can actually do to improve the accountability of the organization. I don't think we should make fun of procedures. I do understand your concern though, and I share it.

AZIZ HILALI:

Thank you Tijani. Now Seun is going to take the floor.

SEUN OJEDEJI:

Thank you Aziz. Sorry for breaking the line of language. I like to point out a few things, and it's in relation to participation, as Pierre mentioned earlier. I'm going to talk about participation in relation to the resources that we have for those who are participating. I think in this process, the accountability and the CWG, they are things that are time-related - that is that they are supposed to be achieved in a certain timeframe. However, this seems to have become so flexible recently. Some of us



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joined with the hope that our resources would be able to meet up within the specific timeframe that was initially set. However, things are getting extended and prolonged for long, which could mean that some of us could pull out at some point.

It wouldn't be because we're not interested, but it would just be because we have exhausted our resources. I think it's important to consider this. I have to give a practical example. Some of us work under an employer and we do have a vacation period that we can use. Once that is gone, it's gone, you can't participate again. Some of us are married. We do have hours of time to spend with our family. You can't continue to dedicate that to this process that does not have a definite start and end time. My summary is that please, as we consider to extend this process, let's be mindful that those of us participating have limited resources, and those who join to continually participate...

I was encouraged that we'll try to have more people to participate in this discussion. Thank you.

AZIZ HILALI:

Thank you Seun. Alan, quickly, if you will?

ALAN GREENBERG:

Just in response to Sébastien. I'm one of the people who's been a very strong supporter of being able to remove Board Members. That does not necessarily mean that the community can remove the At-Large Board Member unilaterally. There are a lot of variations and flavors to it, and no decisions have been, so I think it's a bit premature to be waving that flag. It may be one we have to worry about at one point,



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but we're not there today. In terms of diversity and representation from Africa, I noted in the NomCom presentation, which some of you may have participated in, this year - and I'll be blunt - it used to be that if you were not white, male and from North America or Europe you had no future in ICANN.

This year, the NomCom cannot name anyone from Asia Pacific because there are already at the maximum. The world changes and maybe next time it will be Africa.

AZIZ HILALI:

So much the better. We're a bit late as regards our Agenda, so I suggest a last intervention, and then we're going to move onto the reading of our draft statement so that we can discuss it. I'm sorry, but can you please introduce yourself? I don't know your name.

SPEAKER:

[Unclear 00:48:07], first time Fellow from ICANN, from Sudan. I am a civil society organization member. I think if we are thinking of the accountability of the ICANN, we first need to introduce the [unclear 00:48:26] community, because unless we introduce what ICANN is to our community it will be very difficult to speak about accountability, and we have to know that ICT is not a part of the pressure and not a priority in most of the countries in Africa, so we're going to face a big problem in introducing ICANN accountability to our community. A good example is me. I am a member in a telecenter movement where more than 87,000 telecenters are sharing knowledge, experience and best practices in 72 national networks.



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We never talk about ICANN. We never talk about ICANN. If we are ICT people, we never talk about ICANN. What do we think we can learn from others? Actually, all the times we are thinking of [unclear 00:49:29], especially after the first time, when I attended the School of Internet in Kuwait last year - I was invited there - since that time I thought blogging and writing about ICANN and its importance. Before I thought ICANN was just a property of IT people; not a property of others. I did not think that in ICANN I could find a civil society, but I changed the attitude of many people. This ICANN is including a civil society. It's including many people from civil society. You can join from any part of ICANN and you can do that.

So what do we think actually, if we think about the ICANN accountability, we have to do a lot of work. We have to hold a lot of workshops, especially in Africa. This is why I myself, as the chair of the [unclear 00:50:33] organization in Sudan, with my colleague, who's my friend here in ICANN, and he's also a fellow - Professor [Abdu Monet 00:50:44], he's from Sudan Science and Technology University. We decided to start a series of workshops. We will hold a workshop in Sudan University so we can introduce what ICANN is, what accountability is, what is the transitions and all these things. Because unless we start with the universities and ask some people from the government, as mentioned before, to come and attend, we cannot improve this process.

So we are going to start it immediately after we go back. We are going to spread it in Arabic language and also in English. So I think by the next time, when we come to Buenos Aires or any other ICANN Meeting, we



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can have good progress in Sudan, and many African countries can do the same as that.

AZIZ HILALI:

Thank you very much. We have just had the honor of having our CEO, Fadi Chehadé with us. He accepted to intervene in this AFRALO/AfrICANN Meeting. I think he's going to encourage our initiative that we've been working on since 2010. At each ICANN Meeting we hold this joint AFRALO/AfrICANN Meeting. I think this is our 14<sup>th</sup> meeting. Each time we draft a statement. Today's subject is going to be accountability. Of course you will receive this statement at the end of the meeting. You have the floor, Mr. Chehadé.

FADI CHEHADÉ:

I thank you all for having invited me. I can address you in French, in Arabic or in English. What would you like? In Zulu? [laughs] Lucky that will take me a little work, but I would love to one day speak in Zulu. I know that when I went to Tanzania, I spent a week there and I listened to people speak Swahili. It is so close to Arabic. I think if I spent a little bit of time, I'd start picking up so many words. Words are so important, by the way. I love words. I read a great book from Oxford on the history of words, and it's amazing how much words really connect history and connect us together in so many ways.

Anyway, I will speak to you in any language you prefer. Africa is a diverse continent. Many people don't remember that. It's a continent that combines not just different tribes and different languages and different backgrounds. It's a beautiful continent. I must tell you something that is



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private, but I know nothing is private at ICANN. I've got used to that. One footnote before I tell you the real story. One very big country sent me some intelligence agents to inform me that, "We know that your phone, personal and work, and all your communications are being listened to by six governments." I said, "I presume yours as well?" and they said, "Well, yes, we listen to it too."

So I asked my security team what to do, and they said, "Nothing. This is ICANN, everything is transparent. Just get used to the fact that you are in a fishbowl." I actually like that. It makes me conscious of my public responsibility all the time. I cannot close my office door and think, "I'm alone." It's just a fact, and it's good in a way. It keeps me very much on my toes in my commitment. The story I wanted to tell you is a dream I have that one day, if I have health and the time, which I hope I will at some point, my dream is to spend a year or two in Africa - to go to Africa and do that. It's a big dream of mine. I know I already have many friends in different parts of Africa - many of them here around this table - but it's a real dream of mine.

Nowhere else am I attracted to go and... My dad was a very proud Egyptian, very proud African. He loved Africa. He lived in Ethiopia for ten years and my mother went to school in Ethiopia in the 1930s. So I still have pictures of her on her white horse, going to school in the 1930s, so Africa is a very rich place, a beautiful place. This is why it pains me to be having this discussion with you here today, not on African soil, not in Marrakech. It would have been great to be in Marrakech today, but it's a long story, and I want to, in front of you one more time, thank Aziz for his... I don't know what adjective to use. I spent a few days in



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constant contact with him. I woke him up at different times. We spoke all the time.

Truly, Aziz, I don't know how to thank you. We have become friends during that period, truly, we became friends. Aziz was under great pressure. He worked with me as a friend, as a brother, and together we reached a decision which was truly sad to us both. Truly, it was a transformation, what he did, because he turned the negative into a positive. We'd build an honest relationship. We discussed many things. We met with the different ministers over the phone, and it was a very, very hard time for ICANN's history, and for my time at ICANN. What's positive, and the silver lining here, is that we'll go to Africa at the beginning of next year.

If all goes well with the transition, it's going to be the first ever ICANN Meeting as an independent ICANN in Africa. That can be great. I really hope we can be together for such a particular time. I hope we'll have finished the transition before we get to Africa. Aziz, once again, thank you. Thank you all who have helped me during these hard times. We had many discussions to reach that decision. As you see, this meeting is very important to ICANN. In fact, even before I got to Singapore, honestly, the idea was that there were so many obstacles to making this transition happen, but for two or three days we've already realized that the fact of having us all together here in the same room helps us move on with discussions. We have done so very positively.

To the best of my understanding, the transition is even further along than I thought it would be by now, because of the work that we could conclude here in these three days. When we took that decision from



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Morocco I will say once again - and I'm going to repeat it tomorrow at the Public Forum - I want to be clear that this decision was not taken with the Moroccan Government. This was our decision. The Moroccan Government still promised all they could until the very end. They offered everything to us. They said they guarantee anything we asked for. So they were not only generous but positive, all the way to the end.

But the bottom line is it was a discussion on the risk - the risk of having delays. As you see, Singapore is very important, so we wanted to make sure that this Meeting, ICANN 52, whatever the reason, would not be late. It's not easy to tell 2,000 people that you're going to change the location, the venue, the flights, at the last minute. It's complicated. That's all in the past now, and I think we should look into the future. I'm going to start again in English so that I'm equal to both of you. I'm sorry, I'll switch to Arabic otherwise. That's my parents' language that I love so much.

Let me switch a little bit about accountability for a few minutes and tell you the following: we come from a continent where there is many issues of accountability. We have a lot of governments that have a lot of work to get there. But it's okay. Our continent is growing and our governments will become, with time, more accountable to our people. That's okay, that's a journey. It's a journey we can participate in by making ICANN a model of accountability. We cannot look in the eye of one institution or a government and say, "You're not accountable," when we're not accountable. So we should first focus on ourselves, and do the best for ICANN to be an accountable institution.





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What accountability means to me is that people have confidence that an institution says what it does, and does it with transparency and openness. These are the two things. We have to do what we say we will do, right? Because if I'm very sincere, but every time I come and tell you, "We're going to do it," and don't do it, that doesn't make me accountable. It may make me sincere and willing and well-meaning, but that's not what makes us accountable. What makes us accountable is when we say we will do something and we do it. Then how we do it makes us even more accountable. Do we do it with inclusivity? Do we do it with openness? Do we do it with transparency?

So these are the two things. Now you ask me what is my sense of where ICANN is on these two things. I think we are okay on these two things. If you look at our record I speak at least for my administration over the last two and a half years, and we have done great progress in many areas. We said we will make ICANN more global. ICANN has become more global. We are now in 28 countries. When I started I could count them on one hand. We have people all over the world engaging, building bridges and so on. We have changed the way our team thinks. We had a team that was largely US-centric.

Now we have a team that hails from all over the world. We have women, we have men in my Global Leadership Team - almost half and half. This is diversity, this is openness. We have people from Asia, we have people from Africa, we have them from different places. So this is important. We have changed the face of ICANN, and we are now building operating plans. I must tell you a small anecdote. I attended every ICANN Meeting - the ccNSO Meeting with our Board - and at every meeting the ccNSO told our Board, "Your Strategic Plan is bad, your



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Operating Plan is bad, your Financial Plan is not working,” and they were right! They put a lot of pressure on our Board.

I don't know if you heard them this time, but the ccNSO Report this time was five minutes of superlatives, “Excellent plan. Wow, you've delivered a great Operating Plan.” This and that - of course, they will engage with us and give us more comments, but a very, very big change. And that's accountability, because if I tell you I'm running an organization that spends \$100 million a year just on the core operations, plus the gTLD Program, which is another significant amount, and we don't have proper operating plans, business plans, accountability key performance indicators...

We've just published 20 KPIs that we will publicly publish, starting in the next fiscal year, and allow you to track us and tell us, “You're not doing well.” We'll get a community scorecard. This is accountability. Then the second part, doing it transparently, also involves governance issues. I'll give you two examples where I think we today can improve, and I hope you help us improve. One, we have something in ICANN called the reconsideration. When the Board makes a decision, if anyone doesn't like the decision they can file something called a reconsideration. This reconsideration doesn't go far enough in my opinion, so if he is our judge and he makes a decision, and we don't like Alan's decision, we send him a reconsideration.

We say, “Could you please reconsider your decision? It was not good,” I think that's a good first step. Maybe he will think it again. But let's say he comes back and says, “No, I stand by my decision,” what is the next step? The reconsideration in the ICANN system right now would be



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dead. Well, maybe we should introduce a new mechanism that says if we go to him to reconsider and he sticks by his decision, maybe we can take this reconsideration to an independent panel, because it's his decision, and most likely he'll stick with it. But maybe we need another panel so there is clear independent view into the process.

That's an example of ways we can get even better. In the case of .africa the applicant was not happy with the reconsideration decision. So her company went to a step we have now, beyond reconsideration called IRP - Independent Review Panel. That's good. The company can go and apply for that, and we are working with her on that process. But that process itself could also be improved, and we will work on that.

One final example of accountability. I love this one: let's say we have a very important decision - not any decision, but a very important decision, maybe pertaining to policy or something like that - and the Board makes a decision, and the community goes through step one, step two, step three, step four, and the Board sticks with their decision. What do you do then, today? The answer is you can't do anything. You're stuck. One potential new mechanism would be to have the ability, in certain cases, and after many escalation points have failed, to actually tell the Board, "Out!" to spill the Board, is what it's called in English, or to recall the Board. Remove the Board, entirely.

I think that's a good thing. I really do. I think it gives people the sense of comfort that this Board belongs to the people. We don't want to keep interrupting them if they're doing basic day-to-day things, but in certain matters, after certain steps have been made and the Board has not been responsive, why not spill the Board? What do you think, Sébastien? You



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used to be a Board Member. Do you think it's a good idea or a bad idea? Honestly, just a simple yes or no. What do you think?

SÉBASTIAN BACHOLLET: I just explained to them that it was a very bad idea. Let's talk about it.

FADI CHEHADÉ: This is the courage and accountable organization should have - not protecting our Chairs and protecting the power we have, but remembering every day that when we make a decision, if it's not rooted in the global public interest the community will take us out of our seats. That's a good accountability measure, and I'm sure you have many other ideas. I encourage you to participate in the accountability track. Give your ideas. Make sure the world knows that ICANN is open to these ideas, that no one - not me, not the Board - will stand in front of strengthening the institution and the confidence in us that is necessary.

So not only will we become a beacon on the hill and an example of an institution that builds confidence, but that we actually live it - we do it, in fact, and we don't take ten years in long discussions to do it. By the end of this year all of this should be moving and being implemented to show the world who ICANN is. You're ICANN. Now, tell me about this thing that you've been working on for five years.

AZIZ HILALI: Yes. We did several statements, and just before Durban we worked on the scorecard concept in order to measure the impact of those statements on the decisions of the Board. About 20-25 per cent of those



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Board decisions took that into account, and they looked at our statements - we can go further, we can do better. There are many requests that are coming from the African community where we didn't get any answers or they were set aside, and maybe we can tell you more about the Toronto declaration and statement. After our meeting in Toronto we talked about creating a [font 01:12:00] that would help the African community for outreach. Maybe Tijani has more details?

TIJANI BEN JEMAA:

Yes. We are working on it. This is in progress. We are being heard more and more so that developing countries get more recognition. Yes, so there is an impact of those AFRALO/AfrICANN Meetings, and I was listening to you, sir, and we realized that at ICANN we are deciding something that's going to have a very strong impact for the future of our community. Thank you.

FADI CHEHADÉ:

It was my pleasure to talk to you. I'm very interested in those scorecard. Please give it to me. I'd like to look at it. I want to know about your opinion, your point of view, and I want to have an ICANN that performs well for you. I'll bring it to the Board for informal discussion so that they know what's going on, to know where you're at with those scorecards. I like this community scorecard concept, because that brings a lot of accountability. It will be a pleasure to look at it. I thank you so much for the work that you do for Africa at ICANN. Please, be vigilant with me. Altogether I am responsible and accountable for ICANN and for my continent.



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I talk to my mother, who's 88 years old, and I have to tell her that I do something good for Africa. Please include me in your plans. This is very important. To conclude, I'd like to thank you for Adiel. We have another African in our team. We have Adiel, we have Pierre, and this is great, and Adiel is going to bring a lot. It's going to reinforce our Leadership Team. Thank you so much. To give us another African at this time, which is very important for ICANN. I thank you all for really being here and believing in the ICANN model - a model that I think will serve Africa well. Thank you all very much for including me this afternoon.

AZIZ HILALI:

Thank you very much Fadi. Thank you so much. Bring your mother to Marrakech. We want to see her in Marrakech.

[photo break]

Okay guys, your attention please. We'll continue please. Now, we have an Agenda. We have to read this draft statement and we can take 15 extra minutes. We're going to read it, we're going to discuss it, to validate it. Alan?

ALAN GREENBERG:

I do have to leave now. I have another meeting. I have read the statement and I think it's great. If I you can make it better, that's great. Fadi was sitting beside me and could not think of a word to describe Aziz. I have that word. It works in English, and I hope it works translated



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into French. I've known Aziz for almost 20 years now. We first met very close to here in Kuala Lumpur in Malaysia. Aziz is a real gentleman.

AZIZ HILALI: Thank you very much.

ALAN GREENBERG: I'm proud to have him as a colleague and a friend. I'm sorry, I have to leave, and I'll let you get back to your real work.

AZIZ HILALI: Thank you Alan. Okay, Beran, you have the floor.

BERAN GILLEN: Thank you. I'd like to read the statement now. "The African ICANN community members participating in the ICANN 52<sup>nd</sup> international public meeting in Singapore and attending the joint AFRALO/AfrICANN Meeting on Wednesday, 11<sup>th</sup> of February 2015, discussed the issue of ICANN accountability in light of the NTIA intention to withdraw its stewardship on the IANA functions. After reviewing the existing accountability mechanisms, ICANN Bylaws, Affirmation of Commitments, jurisdiction of the state of California, jurisdictions of the other nations where ICANN has a presence and contracts, the participants found these mechanisms in need of improvements to satisfy the Internet community stakeholders' expectations.

"They think that an improvement or a new accountability mechanism should 1) be based on a multistakeholder approach, 2) bring minimum



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change to the organization’s structure, 3) preserve the multistakeholder nature of ICANN, 4) not give privilege to one or more stakeholders over others, 5) keep and enhance the bottom-up decision making system, 6) empower the community to ensure ICANN remains accountable to its stakeholders, 7) ensure and improve the security, stability and resiliency of the DNS system, 8) serve the public interest above any other kind of interest, be it political, financial or other, and 9) improve the trust of all interested parties in the organization.

“The AFRALO/AfrICANN Joint Meeting participants strongly believe that all stakeholders should participate in the ICANN accountability process on equal footing.”

AZIZ HILALI:

Thank you very much Beran. Let’s open the floor to the debate, remarks, if you want to add something. We have to validate this statement. Emmanuel, then Tijani.

EMMANUEL ADJOVI:

I’ll speak in French. I think that this is a good draft statement, and I’d like to thank the people that worked on that draft statement. I’d like to thank the Committee that drafted it. This is a good statement. It’s balanced, and we listened to Tijani earlier. We’re at the beginning of the process. We’re not at the heart of the issue, and we need some principles that are going to guide us in the process. That’s why I’d like to congratulate you on this process and maybe propose an amendment in the same spirit.





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The second point is you said to bring minimum change to the organization's structure, and I believe that we could say appropriation, [speaks French 01:28:25], because "minimum" can mean we don't do much. "Appropriate" would be a better term. I think that would be in line with everyone's wishes, so "appropriate" is the change I wanted to add.

AZIZ HILALI:

Thank you Emmanuel. Please take note. Tijani?

TIJANI BEN JEMAA:

Thank you. This is to let you know that I got a request from Sébastien, who'd like to include diversity. We should add a bullet point for improving diversity; cultural diversity, different generation, language, gender... At the first point, to be based on a multistakeholder approach, to add ensuring the cultural, generational, linguistic, gender diversity. Now, let's go back to what Emmanuel told us. We used those terms there because we want a minimum of changes to the structure. If the mechanism necessitates bigger changes we will do it, but we have to keep it to a minimum. We only have to do what is absolutely necessary.

It means that we shouldn't change everything, because things are working. ICANN hasn't had any operational problem for the Internet. This is really very, very good, and if we change everything and go in a totally different direction, we're going to have operational problems and issues. That's why we say that we should bring a minimum of changes, but of course those changes are going to be the appropriate changes for the organization.



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AZIZ HILALI: Thank you very much Tijani. We have my friend Lucky.

LUCKY MASILELA: Just one change, Chair, which I think might improve the intended message, is on 5). I think if we replace “system” with “a process” it will give more meaning and intent. That’s my addition. Was there any change on 2) where we referred to “organizational” instead of organization structure? It is okay.

ONICA MAKWAKWA: Good afternoon. The name is Onica Makwakwa from the Fellowship Program out of South Africa. I have a comment on 4), which is not give privilege to one or more stakeholders over others. Of all the statements, this is negative, and I think we need to make it a positive statement and maybe something like “treat all stakeholders equally” as opposed to emphasizing the negative point. One other little one, with regards to 2), I understand the discussion with regards to “minimum” and so perhaps you could add “bring minimum required change”, and that way it speaks to what Tijani was saying - that instead of going for the most required change that we need. Thank you.

AZIZ HILALI: Wonderful comment. Mary, you have the floor.



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MARY UDUMA: Thank you. Mary Uduma speaking for the record. I want to congratulate Tijani for this great work done and precise statement, but it seems to me that most of the bullet points are still saying the same thing. If we look at the multistakeholder approach, the multistakeholder approach is the same thing is “keep and enhance the bottom-up decision making” and is the same thing as “preserve the multistakeholder nature of ICANN.” So maybe we collapse some.

What I’m saying is that one statement can take of all that, as well as “empowering the community to ensure ICANN remains accountable to its community”, which is still the multistakeholder approach. So I’m suggesting that we remove one or two of them and keep one.

AZIZ HILALI: Seun?

SEUN OJEDEJI: I was about to comment on the second item before, but I think the edit Mary provided is good enough, and it’s acceptable. I just wonder whether we could try to emphasize the need that this process, based on a historical, passive approach of the Board to recommendations of the community, could it be possible to actually add a bullet point that says, “Considering the limited access to resources, implementing recommendations from this process should be done in a timely manner, and as presented by the CCWG,” or we could be specific, but that could be discussed? I think the intent is just to ensure that the Board actually see the need that whatever comes out from the process is implemented, and implemented in a timely manner. Thank you.



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AZIZ HILALI: Thank you Seun. Beran?

BERAN GILLEN: I want to agree with Mary that points 1), 3) and 4) are basically saying the same thing: be based on a multistakeholder approach is 1), then 3) is preserve the multistakeholder nature - that's the same thing again - and 4) is not give privilege to one or more stakeholders over others. I think those three can be put together under the one point, because they're basically all saying the same thing.

SEUN OJEDEJI: I don't think so. I think 1) and 2) do, but the last one doesn't.

AZIZ HILALI: Emmanuel?

EMMANUEL ADJOVI: I don't want to be controversial here, but I think the "minimum change" isn't really a great idea. That could be criticized in the sense that not everyone knows that there's a minimum to be done. That's not the African viewpoint. When there's a statement that's to be decided upon on a consensual basis, I think we should all agree. So I think it would be more appropriate to say "appropriate changes" or "necessary changes" otherwise there wouldn't be a consensus here.



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AZIZ HILALI: Thank you. We are very late. I'm not sure if staff do this on purpose, but usually there are no more sessions at the end of this meeting, because they know we're always late. Tijani?

TIJANI BEN JEMAA: I don't think that those three bullet points say the same thing. The first one is speaking about the accountability mechanisms; so the accountability mechanisms be based on a multistakeholder approach. The second bullet point is speaking about the multistakeholder nature of ICANN. This is different. 4) Not give privilege to one stakeholder over another - no, this has a real meaning. I don't know if you know, but one of the solutions proposed not by the Accountability Working Group, because the Accountability Working Group hasn't proposed any solutions yet, but by the CCWG, one of them gives certain mechanisms where only certain stakeholders have the control.

This is very dangerous. That is why I wanted to make it clear that we don't have to give any privilege to any stakeholder or to more than one stakeholder over others. That's why this point is here. But for the other comments I understand. Coming back to Emmanuel, I perfectly understand what you're saying - that's true. There are different opinions. But what if we didn't say we don't have to make changes? When there's Contract Co or when we mention internal processes, the change is there. There are two changes. There are different types of changes though.

What I'm trying to say here is that whatever the nature of the change that we'd like to make, it would be a minimum change so as not to change the basis of the organization, which is actually what turned this



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organization into an effective corporation, and truly it must be acknowledged - it works extraordinarily well. There's been no problem. The Internet has still been running, whatever the conditions. That's what I meant to say. So I think that the amendment that Mary just proposed speaking of "minimum required change" would be a common ground. That's a mutual concession. I think we could "the necessary change".

That's the idea: we're going to change whatever is necessary, but not more than that. That's the concept. Yes, of course I'm going to try and remove this "minimum", but if I remove "minimum" then it makes no more sense to have this bullet point, because that's the whole idea here - the minimum required change.

EMMANUEL ADJOVI:

Yes, but what if it's not a required change? When you speak of required change, the minimum change might be not so little. You see, it could be a greater change. It's the minimum required, but since we haven't gotten so far ahead with our work, we can't say what the minimum is going to be. I understand your concern that we wouldn't have to change everything, but at the same time I think if we started by saying "minimum" from now it would be a problem really.

AZIZ HILALI:

I think we should end the discussion here on this item. Anyway, what we usually do is take down all our notes and comments on the statements. All the comments that Tijani answered on of course are not going to be discussed again, but we're going to send to you this



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statement before it's sent to the Board. So once Tijani has amended and edited the document to reflect your contributions, we're going to send you a new version of the statement and we're going to give you a week's time to consider it before we submit it to the Board. Madam, do you wish to take the floor?

SPEAKER: I was going to ask if "most necessary" change would get that down? Because I think it's more semantics than anything else.

MARY UDUMA: Can we add the issue "to aim at" - "aim at bringing minimum..." would that help? For 2).

AZIZ HILALI: Thank you. Lawrence?

LAWRENCE OLAWALE: Thank you. My name is Lawrence, a first-time Fellow. The [new goal 01:44:18] that Mary mentioned, I think will help out. I just wanted to stress the fact that...

AZIZ HILALI: Sorry, where do you come from?

LAWRENCE OLAWALE: Nigeria. I just wanted to say that in some organizations it's conventional that they have annual general meetings - maybe twice bi-annually or



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something, and that's when you expect there to be changes. But since change here is ongoing, it's not tied to a timeframe, then definitely I see to the fact that it needs to be curtailed such that it doesn't interrupt the process. The clause of "minimum required" is just specifying time. In other words, we're not as much as possible wanting to interrupt the process of operations and all that, and so feel that since it's defined in the time of the kind of duration we want to interject or to bring change, that it's something we should maintain.

So if we're now adding "aim at bringing minimum required change to the organization's structure" I think it's something that will serve us well.

AZIZ HILALI:

Thank you very much. I suggest we leave it here, because we're already 25 minutes late, so we're going to stop here. I suggest we adopt the statement with reservations, of course. We're going to try and reflect the changes suggested by amending this version and once we send the new version we'll give you a week's time to assess it, and if there are no more comments it will be validated. I thank you all. I thank the staff. I thank the interpreters. Heidi, what did I forget? I forgot the name of a group that had a meeting, and when they heard of our statement they asked that we read it out so that it be recorded to the CCWG. Would you allow us to read it in this new version? Because the amendments aren't really significant. What do you think, Tijani?

TIJANI BEN JEMAA:

I think most of the amendments are a matter of semantics. Everyone agrees with the substance of the statement, so it could be read. Even





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regarding the comments on “minimum” I’m going to delete this “minimum” so there are no more problems here.

AZIZ HILALI: So you’re going to be working tonight.

LAWRENCE OLAWALE: There was a point that Seun brought up; that if this is going to be adopted we might as well go ahead to frame it properly - the one that has to do with implementing records. Maybe you could read it out so that we have a consensus on that? I think with that we should be able to proceed.

AZIZ HILALI: Thank you Lawrence. Tijani?

SEUN OJEDEJI: I can send that to the mailing list to maximize the time, and there we can discuss it. But if there is time then... But I think we’re late already.

AZIZ HILALI: We’re forced to stop the meeting because otherwise they’re going to kick us out of the room. Tijani, you speak and then that’s it.

TIJANI BEN JEMAA: ...A bullet point regarding the implementation of the accountability mechanisms in a timely manner. That’s all.



AZIZ HILALI:

Thank you all. We're going to stop now. I thank the interpreters and I thank the staff for their support. See you soon.

[END OF TRANSCRIPTION]

