ABU DHABI – Middle East Space
Wednesday, November 1, 2017 – 10:30 to 12:00 GST
ICANN60 | Abu Dhabi, United Arab Emirates

TIJANI BEN JEMAA: The topic, the most appreciated or the most requested for, and then constitute Drafting Team to prepare the draft statement that will be here discussed, modified if any and then adopted. This statement will be sent to the concerned parties. In this case, it will be to the Subgroup on Jurisdiction and also to the Board, to the ICANN Board. So this is, in my point of view, a way to make our point of view heard, our voice heard.

So we restart with an opening address by our Vice Chair, Baher Esmat.

So we are honored to have our President and CEO already with us, thank you very much to come and Baher, you have the floor.

BAHER ESMAT: Thank you, Tijani. And good morning, everyone, and welcome to the first Middle East Space at ICANN60. I'm very pleased to see you today here. As Tijani mentioned, the idea of having space came from the staff basically learning from other experiences from other regions like in Africa, Latin America and the Asia Pacific region but it was actually implemented. The idea was

implemented by you, by the people in this room. You responded positively to the idea, created this working group to work on the topic or topics that our community would want to discuss. So I'm very pleased that we're seeing this happen in Abu Dhabi and we intend to continue this practice of the Middle East spaces in future meetings.

Just quickly and maybe for those who are not quite familiar with the work in the Middle East, I think the Middle East community has come a long way since they started with the regional strategy four years ago, the Middle East regional strategy four years ago. And all what we currently do in the region in terms of capacity development, in terms of regional events like the DNS Forum and others, these were all recommendations that came from the community in a bottom-up manner.

The key thing in all these initiatives is that the community is keen to have more presence and more active participation in ICANN. And as a staff, as ICANN organization, our role is to work with you to respond to your needs and to work with you on ways to strengthen your participation in ICANN, and I think that this space here is one way of doing so. It's a space for you, for the community to ensure that your voice is heard in ICANN. And, once again, I welcome you all and I'm going to turn it back to Tijani. Thank you.

TIJANI BEN JEMAA: Thank you very much, Baher.

Our next speaker is a guest speaker. Our President and CEO, Göran Marby. Göran will address you, so if you have any question to Göran, please ask it. Göran, you have the floor.

GÖRAN MARBY: Thank you. Thank you very much and thank you for recognizing I'm here.

First of all, I would like to thank the 54 members and 18 observers of the Middle East Strategy Working Group. It's actually very timely, so I'm going to lose my script here. I don't know if you recognized that but in Johannesburg, we told something that might have seen something very, very sort of internal where we renamed and reshuffled a little bit our offices, which we usually called hubs. But we now actually call them regional offices. And you can see that as the next step of our attempt to be more global.

So, let me share a little bit about the fourth process of this. I have realized that the world is different. Different parts of the world has different needs, different discussions and puts different perspectives onto what we do in ICANN, and that diverse, it is very important to us.

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So, what I asked the regional office had to do and the one in [Istanbul] who handles Africa and Middle East is really to come up what I called a narrative. And the narrative is really written but we're not a company who sells a product. ICANN, the Board, the community and the work, we're all there to provide the service to the world. That is what we do. And ICANN Org is there to facilitate that discussion.

So, what we do now and this is the first time we're doing it, is to think about how can we better support that part of the world? And I know if you combined Middle East and Africa – it's a lot of countries, a lot of different countries, a lot of different histories but there are also some different languages but there are also some things to bounce together.

I have done this in a very non-ICANN way because usually in ICANN we often like to have the answer before we have the question. This time, we started with a blank sheet of paper. We decided to do it the other way around. To use internally intelligence, we have the knowledge but also reaching out to different parts of stakeholders to really to form that narrative. We are in that process right now. We're doing it for the first time but very assumably start sharing how we can think we can work together with different parts of the community in these regions.

When I say things like this, it sounds like, "Yeah, why haven't you done that before?" I can't answer that because I've only been around for 18 months. But we have a very specific mission. In the end of it, we are a technical organization – a technical organization that has that when you as a community come together and decide something, that actually happens to change the user interface for most people who is connected to the Internet.

What we see more and more is that this is what we always called the global networks of networks. It's not in conflict with but we have to understand better what happens on a local area. Thus, when I often use my hands where you have the global and you have the local ones. And we are still in the beginning of the process.

We talk a little bit about local scripts, we talk about the next million [inaudible] but we're trying to figure out what does it actually mean. And just to give you an example, the engagement we're doing out of the Istanbul regional offices will be different from the one we do in Washington or in Brussels or in Singapore. And the whole intent with it is to really to make sure that we can provide the discussion, the opportunity for the discussion in those areas of the world.

Another thing that we have realized which probably doesn't come to surprise you. ICANN is not the Internet but we are an essential part of the user interface for Internet for the Domain Name System. For many of these questions that comes from your part of the world are related to other things as well. You have everything for how do you get energy to a bay station? How can people afford to have a connectivity? How can they afford to have a mobile phone? All the way up to how can then understand how to use this?

So, another thing is that we need to be better of corporation with other ones, not only in our immediate ecosystem, the RARs, IETF, ISOC and other ones who are very close to us. But how do we work, for instance, with governance? How do we engage and tell how this infrastructure will work?

We are not into content but we know that one of the essential part of this is that that has to be – when a country could be seen as really digital is when you have local content, when you have local knowledge, when you have local databases, you have local technology, that's where someone becomes really digital. If the only thing that is used is that because it goes on social media and go abroad, that doesn't help you. That's my own interpretation of that.

So, how can we work with other ones in this ecosystem together with stakeholders to really make this happen? We're starting that journey now. We're starting it together. The end result we will see down the road but that's the fourth process of this.

I think I will end there and you can ask me questions instead. It's much more fun. And I've also given this speech a couple of times this week but the importance of it I would say is that recognition from all of us, the diversity of the world and we have to be better understanding that. Thank you.

TIJANI BEN JEMAA: Thank you very much, Göran. Any question for our CEO?
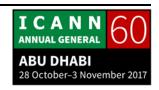
WALID AL-SAQAF: Maybe I'll –

TIJANI BEN JEMAA: Yes, please.

WALID AL-SAQAF: I'll introduce myself, Walid Al-Saqaf, Chair of the Middle East Strategy Working Group and we've been working really hard to make sure that we cover as much as we can of what the ICANN needs to do.

One of the interesting ideas I had in mind is the increasing diversity of staff. I think that might be an interesting thing that I've seen over the years. I mean, I'd like you to comment, is that become a strategy and has there been an influence that we can – tangible influence?

GÖRAN MARBY: Thank you for asking it. This is one of the questions we often discuss internally: what is diversity? And I know this is a discussion also the community discusses. Am I diverse? A middle-aged white man from North of Europe but I also come from Sweden, a country most of you never visited, a language you don't speak.

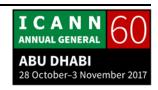UNIDENTIFIED MALE: Although I live in [inaudible].

GÖRAN MARBY: Oh, you do. So, one of the things we did was because gender equality is very important for me personally. I also come from a culture where this is important so I don't know if the – in the new CEO report nowadays, we actually report on that. How many people is working for us? Where are they in the world? Just by start measuring it and publish it, you also create a foundation for the discussion.

One of the things that we or I think had started to think about is the language capabilities. So we have actually started to measure that internally. We now speak I think 55 languages fluently among staff and I wonder how many organizations can actually say that we do that. And anytime you walk into any ICANN office, you will find many people from many different parts of the world.

So, by starting measuring things, you start getting established of it and then you have a discussion about it. We always hire on competence but apart of that competence is actually so we can cover parts of the world that needs our support. So currently, we have people in I believe 35 countries. So we have many places where we only have one person in that country. We're only 400 people so we can't cover every small centimeter of the world and we have, despite what might people think, limited resources.

But it is definitely something we have to understand better because we are here to support you in your work and if we would try to do that from one perspective, we would fail. So, it's more than a strategy, it's more becoming a part of our DNA and culture value.

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TIJANI BEN JEMAA: Thank you. Any other question? I think that one of the most important aspects of the diversity is the location of the hubs of ICANN because as you know, there is time shift and the Internet is working 24 hours. If you want, the stakeholders needs a contact then to help 24 hours a day. So people in Los Angeles, for example, they are sleeping when we are working in North Africa, for example. And now with the Istanbul office, there would be someone who can respond, who can answer any need. So I think this is a great improvement for ICANN.

Any other question?

GÖRAN MARBY: May I add, sorry to say, we don't have the hubs anymore. We have regional offices.
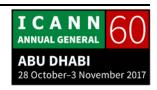
TIJANI BEN JEMAA: Okay. Sorry.

GÖRAN MARBY: No. Sorry. Communication exist when the receiver actually gets it and it's my fault if I have been unclear. So, we added them. So we added Brussels as a regional office, we added Montevideo as a regional office and then we actually called LA for the headquarters because it is.

But the notion of this, because the hubs was set up for very much time zones-related, which you're very right, sir, but we want to take the next step in that. In all the hubs will not have all the functions but our intention is that – sorry, I said that – or in the regional offices, we will not have all the functions but we will try to have the functions that is needed for the region.

TIJANI BEN JEMAA: Thank you. Any other question? Yes, please.

OMAR MANSOOR ANSARI: Thank you so much. My name is Omar Mansoor Ansari. I'm an entrepreneur based in Afghanistan. I'm an IGF MAG member and I've been on the Business Constituency for about a year now. It's an honor to be part of the community in the Middle East. We're a little bit towards the end of the Middle East touching the South Asia and between Central Asia.

So the only county in the Middle East we share a border with is Iran and we also share culture with the Middle Eastern countries. Iran specifically, it's a different language. We speak Pashto and Dari. Dari is very close with Farsi but Pashto is a little different that's spoken in Afghanistan and Pakistan, and parts of Tajikistan and also in UAE and some other countries where we have the Pashto-speaking population.

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We are trying our best to be more active but we also need support from the other side. There are certain countries who do not understand yet how to get involved in the ICANN, in the different constituencies like our ISPs, you didn't see anyone from there. TechNation, my company is the only member from Afghanistan and the BC.

We lost all GAC seats but I know Fahd and Baher are working to get that seat back because we had the transition, the MCIT leadership. They are working on this. We also had a really good collaboration with the ICANN team at the region, Baher and his team. Through our IGF Afghanistan that was the first Internet Governance Forum we did this year in March. There were about 70% of the speakers were remotely connected and they did a really good job. They woke up at 2 a.m. to deliver a speech. They were from your U.S. office at the regional hubs. Baher spoke there to some people from the Security and Stability Teams.

So we are quite happy about the first engagement we have seen and that was at the largest scale. [inaudible], which for example, did presentations on how people can apply for the Fellowship Program in NextGen. And this year Afghanistan got the first time we had about 17 applications. There was the second after Pakistan I guess, 26 from Pakistan and then we had Tunisia, Tunis and the Afghanistan number two.

So that was the largest number of applications but it's sad that we only had one person selected. I know there are limitations but being an underserved country, still in war, we are more interested in finding ways we can get involved more. So my question is, what are the programs that could help Afghanistan get engaged more?

TIJANI BEN JEMAA: Thank you very much. May I ask you please to ask your question very short – very short questions because we are running out of time. All right, go ahead.

GÖRAN MARBY: All right, you know, you probably even know all the programs better than I do. But your question is really Afghanistan still have a lot of problems and I just think in myself talking about Sweden and diversity. I happened to know that the former IT minister lived 25 years in Sweden and spoke fluent Swedish and here we have a gentleman who lives in Sweden.

Yes. I think that the answer – we often talk about funding, we all talk about getting people on board. I think that one of the things I've seen more and more is cooperation between the different parts of the ecosystem. We can't make you sort of online. It has

to come from you. We're there to support you with our service and our knowledge and it's not only [but] ICANN [made it].

One of the things that I have seen more and more are the local IGFs, which I think is – I truly didn't really understand the local IGFs in the beginning. But more and more, there is a connection point for this ecosystem of people coming because some of the issues that you have in your countries are so unique compared to other countries. They have to be discussed and sorted out there.

And that's what I talked about before, this local and global, how do you connect those two things together? I know that I had staff in Afghanistan a couple of months ago, which we were very pleased to have, and we would continue the journey with you but there is no simple solution that we would come up with a format. A lot of this has to come from you. I'm really happy about the amount of applications you did. That was impressive. I didn't know that. Thank you.

TIJANI BEN JEMAA: Thank you very much, Göran.

I want to welcome our second guest speaker who is Cherine Chalaby, the Vice Chair of the ICANN Board, the current Vice Chair of the ICANN Board and the Incoming Chair of the ICANN

Board. I will give him the floor immediately. He also has commitments elsewhere. So please Cherine, take the floor.

CHERINE CHALABY: Thank you, Tijani. Sabah al-khair and good morning to everybody. I'm told not everyone in this room speaks Arabic so I will speak in English.

So first of all, I want to thank the Middle East Strategy Working Group for all the efforts they put in. I think this is noted and it is quite important for the Middle East in general that this strategy keeps developing and keep working. I also want to thank Tijani for putting all the effort and organizing the space. It is essential that we from the Middle East have a space where we can talk and where our voice can be heard.

I want to talk a little bit about an experience I had earlier this year. There was a DNS Forum in Cairo. It was a Capacity Building Workshop and I attended that forum. It was a two-day – I think it was back in February, right?

UNIDENTIFIED MALE: May.

CHERINE CHALABY: In May, yes. And, two things struck me frankly and struck bigger chord with me. The first one was the desire and the hunger for participants in the conference to learn to acquire knowledge, to build skills, to find a way of getting involved in ICANN processes, find a way of influencing policies and be part of ICANN. That was really that hunger, that desire struck me very, very clearly.

The other thing that struck me is that those participants that were there were not just thinking of themselves. They were thinking of future generations. They were thinking how can the DNS evolve so that each economy and each country and the citizens of those countries reap the benefit of this evolution of the digital growth and the digital economy.

So to me, it was an amazing realization of those two factors, the hunger to learn and the desire to build a better future for the next generation. And I think this is also our responsibility whether –

UNIDENTIFIED MALE: Can I ask you a [inaudible] question?

CHERINE CHALABY: All right, I'm happy to answer questions. I really urge you whether young or older or experienced or less experienced to do participate in the ICANN is not only for your own benefit but it's

for your benefit of your country, your citizens, and the region as a whole and that's important. And, if we can do anything to facilitate and help and give you the tools and the training to help you improve your skills and feel you're part of ICANN, we will do everything we can.

It is important that our voice in the Middle East is heard, right? We are important. You are important. Absolutely important. Every community, every stakeholder group in ICANN is important. It's equally important. And, please, understand that we need you. ICANN cannot function if all of the stakeholder groups are not functioning well together if everybody is not contributing because otherwise, you only see one side of an issue.

So diversity is essential for ICANN. It is a big priority for the Board. Diversity at all levels from the Board to the organization to the community to everywhere, and diversity in all its forms, right? Not just regional diversity, language diversity, cultural diversity, gender diversity – every diversity possible, we want to embrace it. We want to make sure that this organization is truly a multicultural diverse organization and truly international by nature.
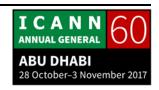
So, I am so happy to be invited here. I know you're talking about Jurisdiction. I really do not want to get involved in that. I'm not

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the expert. I know that there are working groups working and so forgive me if I don't engage in your main topic. But maybe I want to share with you also a little bit about the succession from, if you're interested, from Steve Crocker to myself, will that be a subject of interest? Because I think the community deserve also some clarification and feeling of comfort.

So, I joined the Board 10 years ago and I remember Steve Crocker in those days when he was a Chairman. We developed a very good relationship and not soon before I joined the Board, he gave me the responsibility of running the Finance Committee of ICANN and then after that, the responsibility of running the New gTLD Program Committee. And then after that, the responsibility for running the Ethics and Conflicts of Interest Committee of the Board. And then two years ago, I became the Vice Chairman. Throughout those two years, he gradually slowly, slowly hand over responsibilities to me and it was a very smooth and well orchestrated succession planning to the point where in fact I'm almost running the Board for the last few months and the transition will be seamless to everybody concerned.

Of course, I have to say that you can never replace a giant like Steve Crocker. I mean, he is a giant of the Internet. He's one of the founders but you have to admit that ICANN is no longer a start-up. We are 19-year-old. We have 400 people. We have a
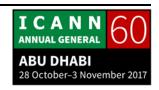
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huge community. We have a cost budget of $140 million and we have offices in 13 locations around the world.

So, ICANN has evolved and the Board has to evolve as well. But because ICANN has matured, ICANN has reached its independence and has its legitimacy well established, the Board felt very, very comfortable and confident that it can appoint a Board member like myself, professional from the outside to lead the Board and it didn't need anymore the legitimacy that of course always welcome that comes with those that actually invented the Internet.

So we're moving into a new era and with Steve, together we worked over the last two years and I think that we reformed the Board substantially. Reform and improvement and transparency, it's a continuous process. So people ask me, "What will you do differently?" And my answer is very simple. It's not revolution, it's evolution. He set the path and we will continue on that path.

Probably some of you may have had the opportunity to see a blog that I posted before ICANN60 here and being very transparent about the Board's responsibilities, the Board's priorities, the Board's activities and why we're doing that. We want to do that because we want to see the Board as the reliable partner of the community and truly reliable. By that I mean, we

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have to listen, listen to you, listen to everybody, understand your issues. We want our priorities to be aligned with your priorities, the community's priorities. We want to make thoughtful decisions that is in the collective interest of all stakeholders, not just one stakeholder. We want to be transparent. Part of the information we provide now is we want to be transparent and we want to be trusted by our community.

But partnership goes both ways. So we will make our part of the bargain in terms – and we expect the community to make their part of the bargain. And your part of the bargain here is to participate, participate, participate, make your voices heard and have the courage to say it so that the Middle East voices affect Middle East policies and travel very far in the world of ICANN.

With that, I'm so grateful to be here and so happy that you've convened this meeting and happy to take any questions but don't make it too difficult.

TIJANI BEN JEMAA: Thank you very much, Cherine. I'd like to thank you especially because you made every effort to come. I know that your schedule didn't permit you to come but you made a way for you to come. Thank you very much.

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If there are questions for our Upcoming Chair of the Board, I will take only two questions because we are running out of time. Yes, [Shukri], please.

[SHUKRI]:   [Speaking in foreign language]. No translation?

TIJANI BEN JEMAA: If you ask it in French, people will not understand. So please do it in English.

SHUKRI: Okay. By looking to some report, I see that our country, that's Morocco, Tunisia and Egypt are ranked as a rural, rural or lower Middle East [income center]. So, how we can do for this North African country in order to improve their ranked level? Okay. Thank you.
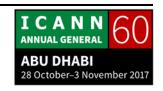
TIJANI BEN JEMAA: Thank you. Cherine, I will take the second question so that you answer both questions together.

CHERINE CHALABY: Okay.

TIJANI BEN JEMAA: Okay. Second question? Yes?

WALID AL-SAQAF: I mean, we have met many times and among them was the meetings between the ISOC Board and the ICANN Board. How do you perceive the future and relations between those two I-star organizations? Because it was rather interesting to see how this partnership had helped during the very critical IANA transition period where both Boards were quite actively engaged in while being and making sure that the transition succeeds. PS, it's over now but what areas and horizons do you think particularly with the scope of the Middle East since many of the ISOC chapters are also At-Large Structures within ICANN?

CHERINE CHALABY: Thank you to two very good questions. I don't know if I have the quantitative answer for each one of them. I think the second one first because I really believe that the relationship between ICANN and ISOC is important. I've already written to the Chair of the ISOC Board and we've agreed that, I think, the next ICANN Public Meeting or the one in Panama, I don't know which one, these two Boards are going to meet together. And it's been a good tradition that Steve Crocker has started and I'm certainly going to continue on that road. And we sit there and we have an agenda of these are the topics that the ISOC Board wants to

share and these are the topics that the ICANN Board wants to share and we really bring the two Boards together and we spend a good morning, two or three hours together discussing and debating.

Then, I'm looking forward to continue with that. I don't have any specific proposal for you but I can give you my assurance that this is a priority for me and that the relationship with the I-stars, in particular, ISOC, is an important relationship and it will continue and will continue to improve as well. So thank you for raising that point. I really appreciate it.

In terms of the first one, I'm a little bit blinded because I've not seen the report that you mentioned. But I think an example of how we can help is the Entrepreneurial Center that we set up in Egypt and I went and visited this Entrepreneurial Center in the [inaudible], right? I was impressed about the training program they put together for operators to come and learn how to be an operator of a TLD one form or another.

I think people need that capacity building, need the effort. But that on its own in my view is not enough. I think governments also have to play a role in these countries to facilitate two or three things. One is to have I think stable laws where people can do business without the fear of retrospective legislation, so that is important thing. Two – facilitate and increase bandwidths so

that there is sufficient bandwidth in all of these countries for undertaking business Internet. And the third thing is to facilitate a payment system that is trusted because if you want to set up new businesses, you want to have a means of paying and transacting through this.

We of course can help with capacity building with training but there's also the private sector and the public sector have to make contribution to create the environment through which those that are trained can then use their knowledge to get into business and increase the contribution of the digital economy to the wider economy in terms of GDP.

I don't know if I missed something specifically in the report but I don't – have I [inaudible]?

UNIDENTIFIED MALE: Yes.

CHERINE CHALABY: Okay.

UNIDENTIFIED MALE: Thank you, Cherine.

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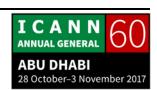| TIJANI BEN JEMAA:	Thank you very much, Cherine. And then, once again, I would like to thank you and Goran, to come and to spend some time with us and then answer the question of our community. If you can stay with us, it will be a pleasure. But if you don't, if you have other commitment, you are free.
CHERINE CHALABY:	Well, you know that the Middle East is close to my heart. I mean, I'm born in Cairo and Egypt is my country and anything to do with the Middle East gives me great, great happiness to be involved with. Unfortunately, I didn't realize that my new role, that my schedule suddenly will not be in my control at all. And, it's something I haven't got used to it yet but I'm sure I will get the neck of that pretty shortly.
	So, I unfortunately have to go but I am so happy to have been here and so happy to have met you and I wish you a very successful ICANN60 and very successful meeting in the Middle East space. So, thank you very much for inviting me. I really appreciate it.
TIJANI BEN JEMAA:	Thank you, Cherine.

CHERINE CHALABY: Okay. Thank you.

TIJANI BEN JEMAA: Thank you.

UNIDENTIFIED FEMALE: Thank you.

TIJANI BEN JEMAA: Okay. Now, to our business. As I explained in the beginning, we formed the drafting team. First of all, we selected this topic. We had several proposal of topics and the one who had more traction was the topic about ICANN Jurisdiction and access to domain name system in the Middle East.

As you know, the Jurisdiction issue is the most controversial issue discussed in Work Stream 2, in CCWG-Accountability Work Stream 2. And today, we will speak about the implication of the Jurisdiction on our region. And we formed the Drafting Team led by Farzaneh. And the Drafting Team prepared this statement that we distributed for you and we will start by – first, before I give the floor to Farzaneh to introduce this statement, I will give the floor to Tatiana Tropina who is one of the most active members of the Subgroup on Jurisdiction and the Work Stream

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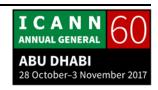ANNUAL GENERAL
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2. And, she's also a member of the Drafting Team of the Recommendations of this subgroup.

Tatiana, you have the floor.

TATIANA TROPINA: Thank you very much, Tijani. And thank you very much Farzaneh for inviting me and it's my pleasure and honor to be here and to do this talk. Because I also want to highlight that probably the most active person in the Jurisdiction Subgroup is Farzaneh Badii and she was the driving force for really bringing up hard topic for discussions and recommendations.

I think that I will not go to the content of your statement in details because it is very self-explanatory. I just want to highlight why this issue. Because when Subgroup on Jurisdiction started in the Work Stream 2 after the Work Stream 1, there were many discussions. It was very hard to define and to narrow down the scope of this group because there were all ongoing discussions about why don't we talk about ICANN immunity, why don't we talk about ICANN's location? Eventually, eventually, we came to the point where we have to deal with the actionable items because there will never be an agreement on relocation of ICANN, at least not in foreseeable – I don't know how many years – and there is no support. I personally do not support.

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But what is the present issue? That is especially important for your region that some of the countries cannot… registrars from their registries from there cannot normally function, cannot normally get access to the domain name system because of these sanctions, which are administered by the U.S. Department of Treasury Foreign Assets Control called OFAC.

Currently, ICANN is under no obligation to really pursue the exemption to get the license for particular registrar, for example, for the accreditation. So what this group, the Jurisdiction Subgroup is proposing is for ICANN to take an obligation to make all the effort to get this license on the first place, and secondly, to start the process to pursue getting a general license as an exemption from the sanctions for any DNS system. Well, maybe except some people who [are over] those abusers like Saddam Hussein if he would be alive.

So, I think that from my perspective, I read this statement and I think it is very balanced and it's very important for your region. I don't know if you're having your questions to me with regard with what I said but I believe that this would be enough of the introduction to allow for us now to go to the content of this statement. Thank you very much for inviting me again.

TIJANI BEN JEMAA: Thank you, Tatiana. Now, Farzaneh, if you can please try to introduce this statement, not to read it but introduce it, please.

FARZANEH BADII: Thank you, Tijani. Farzaneh Badii speaking.

First, I'd like to thank everyone who collaborated on drafting this statement. It proved to me how realistic and aware this group is and it is definitely was for me a ray of hope in it for a region in search of peace.

So the statement message is that ICANN's jurisdiction should not hamper access to domain name system and this is a problem that we have had in the Middle East and a lot of Middle Eastern countries are affected by the U.S. sanctions.

So the statement simply says that ICANN's jurisdiction should not affect people, and this is a problem that we have had because domain name registrants have faced problems of access and cancellation of their domain name. Also, we have had problems with the delegation of ccTLD and approval of registries.

So, the statement puts forward these problems, mentions that they had not been addressed for a very long time, and now was the time to talk about it and create that Subgroup in Jurisdiction talks about it. And then, after laying out the problems and what

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we faced, it goes to the work of the subgroup and it supports the recommendations of the subgroup with regards to the sanctions that – and the subgroup recommendation asks ICANN to look into getting a general OFAC license, plus a couple of other things.

That's about it, Tijani. Thank you.
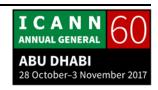
TIJANI BEN JEMAA: Thank you very much, Farzaneh.

So, this is a small introduction but we will read the statement for you and then you have the hard copy. We will discuss it and if there is any remark or modification you need to introduce, we're happy to listen to you.

So, Hadia, please. Hadia is one of the Drafting Team Members. She was very active with us. That's why she is the one who will read the statement.

HADIA EL MINIAWI: Thank you, Tijani.

So, the Middle East Space statement reads, "Middle East Space Abu Dhabi, UAE, 1 November, 2017. We, the Middle East Community Members participating in the Internet Corporation for Assigned Names and Numbers to ICANN60 International

Public Meeting in Abu Dhabi, United Arab Emirates and attending the Middle East Space Session on Wednesday, 1 November, 2017 discussed ICANN's jurisdiction and access to the domain name system in the Middle East. We believe that ICANN being the impartial coordinator of the DNS as a global resource should serve the global community regardless of their nationality or their country of residence. Thus, while considering applicable laws, ICANN should prioritize interconnection and refrain from arbitrary and unilateral measures that affect access to the DNS. Moreover, ICANN's Jurisdiction should not affect participation in ICANN's policy processes, nor the availability to the global community of the DNS training and other capacity building initiatives provided by ICANN."

"In consideration of the above, we appreciate the ongoing work of ICANN's Cross-Community Working Group (CCWG) on Accountability Work Stream 2 Jurisdiction Subgroup, which is addressing how choice of jurisdiction and applicable laws for dispute settlement impact ICANN's accountability and more specifically, the issues that ICANN's jurisdiction might trace for DNS customers including end users."

"Some of these issues relate to the registration of domain names, accreditation of registrars, approval of registries and delegations of country code top-level domains (ccTLDs). ICANN's Jurisdiction may create to an array of problems particularly for

some countries in the Middle East such as Iran, Libya, Somalia, Sudan, Syria and Yemen. These issues have not been addressed neither by the ICANN Organization, nor the community over the past 19 years. And we are pleased that they are now being considered by the Jurisdiction Subgroup."

"Several issues that ICANN's Jurisdiction raises for DNS users and businesses who are not on the specially designated nationals list provided by the U.S. Department of the Treasury's Office of Foreign Asset Control (OFAC) have been identified by the Jurisdiction Subgroup with the help of some of its members on the Middle East region."

"Most of these issues stem from the United States imposed actions. As a community that is most affected by the U.S. sanctions regime, we support the recommendation of the Jurisdiction Subgroup that within the framework of the OFAC Sanctions Program, ICANN should seek ways to provide optimal access for DNS customers."

"We specifically support the following recommendations of the Jurisdiction Subgroup. ICANN should commit to applying for and using best efforts to secure an OFAC license for all applicants for registrar accreditation and/or generic top-level domain registries residence in countries subject to U.S. sanctions. If applicant is otherwise qualified and is not on this

specially designated national list, during the licensing process, ICANN should be helpful and transparent with regard to the licensing process."

"ICANN should clarify to registrars that the mere existence of their Registrar Accreditation Agreement (RAA) with ICANN does not cause them to be required to comply with OFAC's sanctions and ICANN should take steps to pursue one or more OFAC general licenses with the U.S. Department of Treasury in connection with DNS-related transactions. If unsuccessful, ICANN will need to find other ways to enable transactions between ICANN and residence of sanctioned countries to be consummated with a minimum of friction."

"In summary, we support the abovementioned recommendations and we look forward to ICANN's concrete actions for resolving the jurisdictional issues and implementing the solutions."

TIJANI BEN JEMAA: Thank you very much, Hadia.

So, you have the hard copy, you heard the statement. I am looking for your questions or your remarks. Habib.

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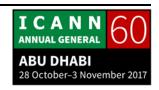28 October–3 November 2017

HABIB YOUSEF: Good morning everybody. I read the statement actually and I did not really understand very well the issue. I was actually a little bit surprised because it reminds me of a problem that the Palestinian Organization Chair, Yasser Arafat, [inaudible]. At one point he turned I think when he had to make a trade to the states, the United States objected to him coming, etc. But this has – he has to go physically there.

But as far as I'm concerned with respect to the Internet and ICANN, anything can be done electronically, etc. How come the states or any country will stop a transaction to be made? For example, if the United States has a problem with let's say Iran like now or any other country, does it have the right to basically stop Iran from registering their domain names, etc? It doesn't make any sense. You can stop, for example, I don't know, the President of Iran to come to your country, yes. But for an international transaction to be made, for international traffic to go through, etc., it doesn't make any sense.

And I was surprised to find out that ICANN has to fight for – this is really very, very dangerous and [inaudible] up here. This is not – we don't look forward because the importance of the Internet now I think the technology that has most importance now on people more than anything else.

TIJANI BEN JEMAA: Thank you, Habib. This is not new. This is something that exists in United States since they're very long. They have sanctions against some governments and some persons, they are listed. This is called OFAC. And this OFAC prevent any company, any American company or a company which is incorporated in America, even if it is not American. It prevent them to make any transaction with those countries. This is their law. Nobody can say anything about that.
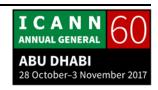
So, since the contract that ICANN do with registrar and registry out transactions, they may be affected. That's why we are working on it. That's why we are raising the issue. So it is not new, it is not specific for ICANN. It is general. It is like this.

HABIB YOUSEF: What I mean, it's okay. You can, for example, configure your router to forbid, for example, Iranian traffic to go through your country, that's fine. But for the transaction, it's something else.

TIJANI BEN JEMAA: It's about transaction. It's about transaction. I am sorry. Okay, Hadia.

HADIA EL MINIAWI:	I have some comments on the statement. But I would just want to make one comment on Habib's question. Yes, I just wanted to say that what if ICANN was in another jurisdiction, for example, Tunisia or that's your home country, right? And your country has some sanctions or not really good relations with some other countries, then by law, if ICANN follows the law of Tunisia, then it also should abide by the rules that your country has put whether it's the U.S. or any other country.

And then, I'll comment on the statement. So, I just wanted to refer to paragraph #4, "ICANN's jurisdiction may create an array of problems particularly for some countries in the Middle East such as Iran, Libya, Somalia." I just was wondering if we would like to leave Middle East, the two words, Middle East, such as – because I think that the statement is more general and maybe Somalia, I'm not sure if it's considered Middle East or not. I know of course that this is the Middle East space and that's the whole point.

However, I think that it might go better if we say particularly for some countries as and we just cross out in the Middle East because there might be some confusion if some of these countries are within the Middle East or not and maybe it's not really necessary to put it in there or is it? Because it's the Middle East space.

TIJANI BEN JEMAA: Yeah. Okay.

HADIA EL MINIAWI: Yeah.

TIJANI BEN JEMAA: Thank you, Hadia. Even though you were on the Drafting Team and those issues has to be raised inside the Drafting Team so that we can hear with the common statement approved by the whole Drafting Team, we note your remark.

Any other question? Yes?

HADIA EL MINIAWI: Yes, I still have some other comments. I know that I was on the Drafting Team but I must say that some of our comments, internal comments, we decided to leave it [unresolved] – yeah, to leave it for the entire community to decide on.
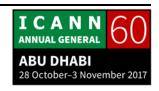
The other comment is on the paragraph before last, which says, "ICANN should clarify to registrars that the mere existence of their Registrar Accreditation Agreement with ICANN does not cause them to be required to comply with OFAC's sanctions."

I was suggesting that we change this – that ICANN should clarify to registrars that the Registrar Accreditation Agreement with ICANN does not require them to comply with the OFAC sanctions or does not require them to abide by the OFAC sanctioned rules or –

FARZANEH BADII: [Inaudible] we have discussed this, Hadia.

HADIA EL MINIAWI: Yes, yes, this is what I'm going to say.
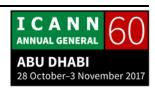
FARZANEH BADII: So, these three bullet points are the recommendations from the subgroup. We cannot change them or change the wording. What we have done, we have just made it concise but we have used exactly the same words.

HADIA EL MINIAWI: Yes, I just wanted all this to share it, yeah. Yeah, I know. I know that, yes.

FARZANEH BADII: Yeah. But I think kind of putting exactly what the recommendations might be.

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HADIA EL MINIAWI: Exactly. Exactly. And that's what's done. One last thing on the second paragraph where we say ICANN's Jurisdiction should not affect participation in ICANN's policy processes.

My comment will not change the meaning. It's just a suggestion to making it a little bit clearer. "ICANN's jurisdiction should not affect participation in ICANN's policy processes nor the availability." I would say we put nor the availability of DNS training and other capacity building initiatives provided by ICANN to the global community.

The reason is we are referring to the availability of DNS training and then putting the global community just after the availability makes it a little bit unclear.

FARZANEH BADII: I think that's a good edit if you can send me exactly how we should word it, then we can just put that.

HADIA EL MINIAWI: Okay. Thank you.

TIJANI BEN JEMAA: [Inaudible].

UNIDENTIFIED MALE: Thank you, Tijani. I would like to interact with the discussion between Habib and Hadia. In fact, we should make it clear that the debate on jurisdiction is not as it is going on now. I think that the problem comes from the conjunction of the fact that ICANN is under the U.S. jurisdiction and then that Internet use impacts seriously the economy of these countries, for example, and in fact, it impacts the economy of the whole world.

So, how can we accept that these transactions as – by the way, transactions through Internet are not common transactions. We are talking about something very special with some specificities, consequently, while I agree with the recommendation, I would say that we should give a little bit more explanations on where the problem comes from. The problem is coming from the fact that the ICANN is under the American law and that this impacts seriously the economy of the whole world and specifically some countries when it comes to suspension of service. Thank you.

TIJANI BEN JEMAA: Thank you, [inaudible]. Yes, [Shoki].

[SHOKI]:   I will ask a generic question. I didn't know why this statement is focused on OFAC. I didn't know why this statement is focused

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only on OFAC license. Why we didn't make a general recommendation about all the law or jurisdiction that will affect DNS activity?

The fear here is maybe we may resolve the problem with this, the OFAC license. But we can have another law or jurisdiction that impact the DNS market huge.
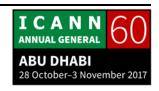
And on the other hand, why we are focused on the United States? For example, we can have this problem with other country if ICANN meeting will be held as mentioned by Professor Habib, it can have the same problem with other country if an ICANN meeting held in a new country that [inaudible] other. Thank you.

TIJANI BEN JEMAA: Farzaneh.

FARZANEH BADII: The reason why we are focusing on the OFAC and the subgroup is that because we wanted to state the problem as we do in the first paragraph. We say that ICANN's jurisdiction might have effects on our participation in ICANN DNS training, so we make that general statement.

But then in order to make a statement that actually can tell ICANN what we will support and what we want to be done, it was necessary to bring the subgroup work and recommendation into this statement. But in a brief paragraph, we do state what sort of problems ICANN's jurisdiction might in general bring or raise for the sanctioned countries or in general for countries.

In answer to your question, your comments, we actually mentioned that some of these problems that are raised are because of the United States' sanctions, so we mentioned this in the statement. Do you want any changes to be done to the statement?

TIJANI BEN JEMAA: You asked why we are focusing on the United States. It's simply because ICANN is incorporated in the United States. We cannot speak about other countries – why? There is no need to speak about them. Please, I would like you to discuss the statement and try to tell us what kind of change you wish to have.

[SHOKI]:   What I suggest is to generalize the recommendation to the all – law or jurisdiction that can affect the domain name activity, not only the OFAC license. This is what I suggested.

TIJANI BEN JEMAA: Okay. Why we are concentrating on OFAC? It is because OFAC affects our region. The title is ICANN Jurisdiction and Access to Domain Name System in the Middle East. This is the issue. There is other aspects such as applicable laws, venue, etc. This is not venue of the law. This is not, if you want, the subject here, our topic. Our topic is about the things that is affecting the access to domain name in the Middle East.

[MISAJ]:   My name is [Misaj] from Roman. This statement is start by the Middle East Community Members, which is mean all agree about what is written here. To totally agree, we need more example about what ICANN is do for these countries, just to have a clear idea about it, so please add some example, a really example about what ICANN do for these countries, which mentioned here.

UNIDENTIFIED FEMALE: The issues also.

[MISAJ]:   Yes, about the issues.

FARZANEH BADII: We have footnoted to a blog that lays down all the issues and examples that ICANN's jurisdiction raise for the domain name users in certain countries in the Middle East. We cannot go into all the details of those issues in the statement just to be concise but there is a link to the blog and also there's also all the issues are submitted to the Jurisdiction Subgroup that ICANN share on the mailing list as well to be more clear about the issues.

[MISAJ]:   But I think it is important to share at least a summary about it because not all of us are in that group.

FARZANEH BADII: But in the statement, we have pointed to the issues but I don't think we can go and broaden it, just the statement will be too broad and too long.

[MISAJ]:   Okay. A second question please, I have another question is what we expect from us as a member after this [statement]?

FARZANEH BADII: So, we are issuing the statement and send it to Board so that the Board after when the recommendations are passed, they implement it. So we are kind of reinforcing that the Board

considers these recommendations. So, after that, what we can do, we can discuss whether the Board has started the process of implementing, when it's going to implement, and help the Board with the implementation as well.

[MISAJ]:   Okay. Thanks.

TIJANI BEN JEMAA: Okay. We will take the remote participation but before that, I would like to tell you that, madam, that if you want us to explain a little bit what the subgroup is doing and what are all the issues, we will not need a 90-minute session. We need several days. The group is working for now more than one year and do you understand that this is the most controversial topic, the most controversial issue in the Work Stream 2.

So, we intended to address only the title that I announced that it means that ICANN jurisdiction and that says to domain name system in the Middle East. This is our target that's why we spoke only on that. But if you want broader information, there is the wiki, the website, etc. We have all the information. You have even the detail – even you can listen to the meetings that we do. So, everything is on the website, everything is on the wiki. Nothing is hidden.

FARZANEH BADII: But if you would like, I can tell you more about the issues later on and also I can send all the documents that we have submitted to the subgroup about the issues and what is available in blog post and articles.
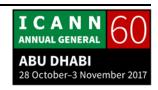
TIJANI BEN JEMAA: Thank you. Remote question, please.

UNIDENTIFIED MALE: Yeah, thank you. So we have a question from [Amar Cayuman]. He says, "Good statement. However, does this ME group think that ICANN is arbitrating unilateral access? If yes, do we think that ICANN is overstepping its jurisdiction or it is just because it has to comply the U.S. law? There will have two different courses of action."

And then, he goes on to say, "It appears through discussion that this is not overstepping rather compliance to U.S. laws, so the recommendations should emphasize on minimizing the impact of U.S. sanctions, example on access to DNS in these countries."

And then, he says, "Finally, do we have a solution to propose? Thank you."

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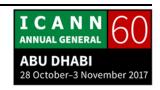ANNUAL GENERAL
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FARZANEH BADII: So, I think we kind of covered that about the issues and stating the issues in the statement. But about the solutions, what we are simply doing in the statement, we are supporting the recommendations of the subgroup, which are consideration that can address the problems. I'd say they can be framed as solutions for the problem of sanctions.

TIJANI BEN JEMAA: Yes, a moment. Solutions, the subgroup found some solutions. They are not the best. I don't know – they are not the best, yes, but they are the possible solutions. There was proposals, for example, immunity or partial immunity. This will make things to go back to this, I would say, to the Congress. And as you know for the transition, we had a headache with the Congress especially Senator Cruz. And if you go back to the Congress, we may even lose the transition because you know the [inaudible] administration in America are neglecting their previous commitments in other things. So they may decide to know. We don't want the transition. We come back to the previous situation. So, we have to come with possible and applicable solutions. That's why we are supporting the recommendations of the subgroup.

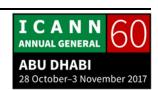Yes, [inaudible], please.

UNIDENTIFIED MALE: Well, concerning the Middle East region, the question is to try to understand what is the best way to deal with the issue of transition, of jurisdiction. Is it to go in a specific direction, which is in fact as it is dealt within this document, or remain with the whole community and raise the problems as they are raised by the whole community?

I think that for some reasons, we should for the time being deal with the issue of jurisdiction within general terms saying that we are very specific and we have problems in the United States law. It doesn't solve the problem. It may be solved if we just say that in general jurisdiction is a deal between parties. This deal has been established before the transition and it has been transposed after the transition with no reason. We have taken it as such and that's it.

So now, the question is to raise the problem as it should be raised. Our real problem is not if we are considered as terrorists or not. The problem is to know whether it is right to accept that the deal has been done in one way by one party. Thank you.

TIJANI BEN JEMAA: Thank you, [inaudible]. Please.

SAIF AL-MASHHADI: Okay. Hi, everyone. This is Saif from .iq. My question is why we have such sanctions after IANA transactions to BTI and only connected to Internet here through WBA and have One World One Internet. So this affects all of ICANN.

FARZANEH BADII: So, these sanctions are because of the political conflicts between the U.S. and some specific countries. Generally it affects ICANN but – because ICANN is in the U.S. where there are sanctions that other countries also take measures to put sanctions on other regions, so it's not because it is incorporated in the U.S.

So, because of the sanction laws that – and the historical conflicts that Iran and – for example, Iran and the U.S. had, there are laws that affects many aspects of transactions between these two countries and one of them is ICANN and its functions.

TIJANI BEN JEMAA: Thank you. Last question, please.

UNIDENTIFIED MALE: Thank you so much. I share some of the concerns that [inaudible] has raised. I know it's our responsibility as a community to update ourselves but I'd also look it from the

responsibility of ours to update the community. Sometimes it happens that we are not very active on the mailing list. We are not able to follow some of these trainings at the meetings and it's very difficult to go through all the videos, the transcripts after the meetings.

But it would make sense to share a little background about what has been done previously, what the problems and challenges are very briefly so that the community when they come together in the meeting, they understand some context.

And also, my question would be that is it for us as a community to adopt the statement or it's just like you're creating awareness? I think [inaudible] had the same question. Do we need to sign something? Do we need to say this is our statement as a community or what?

TIJANI BEN JEMAA: Thank you very much. The aim of this session is to adapt the statement and the statement had been developed by the community. All the mailing have been consulted. So normally, you should have already contributed. That's why we make this session to ask you if you have other contribution.

As for the information, etc., you wanted to have that and you said that you are not well informed. I will ask [Fadi] as an action

item to send on the list the link to the report of the Jurisdiction Subgroup. It is already released and you can have it. It will be for the public comments. So please comment in it, please. It is very important because it is there when you can make your voice heard.

And now –

UNIDENTIFIED MALE: Is there a timeline for that or do we need to do it now?

TIJANI BEN JEMAA: There is timeline. Yeah. It will be published. The public comment didn't start. It will start in the upcoming days, few upcoming days.

UNIDENTIFIED MALE: Okay. Yeah.

TIJANI BEN JEMAA: Okay. A moment, so now, I heard only a proposal for edit from Hadia. All the others were comments only. So I ask you if you like this statement or not. If we can consider this statement as the statement of this session also, of the mailing list and of the session. Yes, please. But quickly, please.

[HABIB YOUSEF]:   Just very quickly, the statement. Personally, I'm for but I think you have to be careful. I think the issue is much more general. It's is not a problem only at the top level like where OFAC is, etc., no. I mean, it's going to be at the level of countries and the countries might stop businesses from doing things, etc.

It's a much, much more wider really issues. And if ICANN is going to get into the national legislation of countries like what [inaudible] does with the – there is going to be [mess]. I don't know whether that's going to be possible or not.
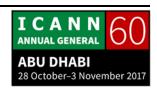
TIJANI BEN JEMAA: [Habib], you are speaking as if you didn't know about the statement at all and you didn't participate – you didn't read anything on the mailing list. All these things have been discussed on the mailing list. So we were supposed only to make small, if you want a change or a small adjustment, not to speak about the foundation of the ideas there.

So I ask again.

UNIDENTIFIED MALE: Probably. May I?

TIJANI BEN JEMAA: You may.

UNIDENTIFIED FEMALE: [Inaudible] also has a comment.

TIJANI BEN JEMAA: Yes, but –

UNIDENTIFIED MALE: Probably because –

TIJANI BEN JEMAA: Before you speak, please. We have only two or three minutes and Baher will speak at least for five minutes. So please, be very, very brief.

UNIDENTIFIED MALE: I'll be very short. Probably, we should add something saying that we will agree with the whole community. It is very important. We will agree with the whole community on the issue of jurisdiction. Let me explain very quickly why.

As it is, it is as if we were a special case. Probably we are a special case but if we put it like that, there will be no special solution. That's the issue. Thank you.

TIJANI BEN JEMAA: Yes. Can you please send us what you mean on the mailing list? So now, I would like to give the floor to Baher for final words before we close.

BAHER ESMAT: Thank you. Thank you, Tijani. And sorry for taking the mic. I really realize that the discussion is very important and I'm going to just make a quick sort of announcement. I just want to recognize two people in the room.

One to my left is Nick Tomasso. Many of you have known Nick for many years as the Head of the ICANN Meetings Team. They have been running ICANN Meetings for a long time. Nick has recently moved to Istanbul as the General Manager of the Middle East and Africa Regional Office. So I just want to introduce him in this new capacity in addition to his existing capacity.

I also want to recognize Manal Ismail. Again, many of you have known Manal for a long time. She's been a participant at the ICANN and the GAC, representative [regent] from the GAC for the past many years. I'm not going to say how many years. And yesterday, we heard the news that Manal has been elected as the Chair of the Government Advisory Committee of ICANN, so I just wanted also to take this opportunity to say that.

And I would like to, without putting them in the spot, just to give the opportunity for both Nick and Manal to say a few words. Thank you.

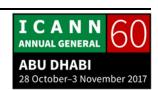TIJANI BEN JEMAA: Okay.

NICK TOMASSO: Manal, please go first.

MANAL ISMAIL: Thank you, Nick. And thanks, Baher, for the nice introduction. And, I apologize for coming in late but we have other meetings ongoing so I just wanted to also grasp the opportunity and thank you all for your support and hope to be up to everyone's expectations and to be able to serve the region and bring more active and effective participation at the GAC and also within ICANN At-Large. So, thank you.

NICK TOMASSO: Well, good afternoon, everyone. And, I'm sure that Göran has described our strategy for the Middle East and Africa Regional Office in Istanbul. We repurposed the Istanbul [hub] office. We, with the focus towards engagement in the Middle East and Africa working very closely with my good colleagues, Baher, Fahd who

have been so active there and so good at what they do for so many years. I look forward to collaborating with them.

And to perhaps further refining our offerings and our services to the community, to you, the community in the Middle East. And of course, we also have a mandate for Africa. So, thank you very much. It's very good to be here with you and I'm looking forward to working with all of you as we start this new adventure.

TIJANI BEN JEMAA: Thank you very much. And let me ask you to give a very big applause to both of our head of our office in Istanbul and our new GAC Chair. And I hope that you both will come to our African session just after lunch. We have exactly the same thing but for African people.

Okay. Thank you very much. It was I think a fruitful session and thank you. Bye-bye.

UNIDENTIFIED MALE: Just a quick note to everybody, so we have a Strategy Working Group session tomorrow, 10:30 to 12, so it's the same time but it's at Hall B Section A, so I look forward to seeing you all there. Thank you.

[END OF TRANSCRIPTION]