
SINGAPORE – Update on Internet Governance Issues

Wednesday, March 26th 2014 – 15:30 to 17:00

ICANN – Singapore, Singapore

NIGEL HICKSON:

Ladies and gentlemen, can we start this panel? This is the Internet Governance Update Panel. If you're here for another panel, please stay. You're very welcome.

I'd like to introduce our moderator this afternoon. Oh God, spotlight. We're very pleased that our moderator is Board member, Olga Madruga-Forti. Thank you very much for agreeing to moderate our panel. Here we go.

OLGA MADRUGA-FORTI:

Thank you very much, Nigel. Thank you, everyone, for coming this afternoon and for having the stamina for a third day of very interesting and active and lively dialogue and debate about Internet Governance.

Let me just take a minute to introduce our distinguished panelist and tell you a little bit about the format of the panel. We're going to try out with you today a format that's a little bit different than just giving you an update of what we know are the most important international meetings and events having to do with Internet governance this year, but we're going to try a question and answer format with an active participation by all of you.

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With that said, though, we need a bit scene setting and distinguishing this panel from events earlier in the week and everything that's happening in Internet governance.

We hope to take time in this panel to really hone in and focus on the principal international meetings that are coming up in 2014 and bring them into a context of all of our activities on Internet governance. So with that, let me briefly introduce you our Internet governance experts and distinguished panel.

We have today Peter Major. Where's Peter? There's Peter. Peter is chairman of UNCTAD UNCSTD Working Group on Enhanced Cooperation. Thank you for being with us, Peter.

Samantha Dickinson. Where is Samantha? Samantha is a very distinguished and well-known researcher and writer and blogger on Internet governance and also on women in IT issues.

We also have to my left is Avri Doria representing civil society. She is a researcher and writer and a very active ICANN participant in civil society dialogue issues.

Chengetai Masango – where is Chengetai? Chengetai is a program and technology manager of the IGF Secretariat.

We're also pleased to have Markus Kummer. Markus to my left. Markus is vice president for Public Policy of the Internet Society and he is also executive coordinator of the Secretariat of the IGF.

We also have and who will be giving us an introduction and a scene setting, Tarek Kamel. Tarek is senior advisor to the president of ICANN



for governmental engagement. He is considered the “Father of the Internet” in Egypt as well as one of our principal proper ICANN, the corporate entity [inaudible] with governments around the world. Thank you.

Andres Piazza to my right, also from Argentina. Andres is public affairs officer of LACNIC. He is also an attorney. So we have two Argentine attorneys here.

With that, we will scene set what’s happening this year, what are the principal meetings, what do they mean for many of our mutual interests in Internet governance. And without more, Tarek, please. Thank you.

TAREK KAMEL:

Good afternoon, everybody. I’m glad to welcome you in this Internet Governance session moderated by Olga, and to say a few words for scene setting before the session really starts and the discussion starts. What do we witness this year in the IG global landscape?

First of all, I want to thank the team Nigel, Mandy, and Baher for helping to organize with Olga this session because we call this a conventional session of Internet governance that we do at every ICANN meeting because the rest of the week was also about Internet governance and the first day included many Internet governance issues, but this is the conventional session that we keep each time and each ICANN meeting about Internet governance and Internet governance [inaudible].

Again, what do we witness this year in global Internet governance? Definitely many changes that are happening. We were used for many



years that we go to ITU meetings, we go to UN meetings, as such to a great extent as a multi-stakeholder community in a defensive way to defend our multi-stakeholder mechanism, and to say that the Internet is working since the WSIS and that the technical infrastructure is working and the technical identifier is working and there is no room for changes, there is no room for enhancement, there is no room for improvement.

In the last couple of months and after the WCIT, it became clear that the world is divided and the world is looking for change. This has been also reflected in the IGF meeting in Bali last year. So it was clearly needed to create a second track. I call it a second track, if we may call it like that, of events that are organized by and supported by the multi-stakeholder community. We're starting with NETMundial until we see the high-level panel of president [inaudible], and we see the high-level panel of Carl Bildt, the ex-Minister of Sweden for Foreign Affairs.

We've seen new initiatives by the multi-stakeholder community that are creating a second – an additional – track of dialogue in addition to the UN dialogue that we were used to at the ITU and at the different events.

So we are now faced in 2014 with the following. We need to empower the tracks like NETMundial and other events that are coming and panels that are coming into this direction and One Net is an example, as well. But we need as well not to forget the conventional dialogue of Internet Governance that is happening at the ITU and at the IGF and at Work Group for Enhanced Cooperation and at the different other for a, WSIS follow up that is coming in June and at the UN general assembly.



So we have a parallel responsibility so to say now as the community to continue to be strong defending our case and making our case very strong on the international arena, in the so-called conventional mechanism and conventional fora and to be lively engaged as a community, but as well to participate actively in the dialogue that is happening starting with the process of NETMundial, but definitely we will be followed up by other processes.

So, it is an interesting year. The IANA declaration of NTIA the other day added definitely a new dynamics to the whole dialogue. It's not necessarily going to be the focus of this discussion today, but it adds definitely to the year and to the complexity of issues, a new interesting dimension that we're very happy to work on.

I just wanted to say a few introductory words as such that we have an interesting year in 2014 and 2015. As Fadi said the other day during the opening ceremony, we have a huge responsibility as a community to prove to the world that the multi-stakeholder community is functioning and is able to deliver up to the expectations of the community and the global community in an inclusive way.

Thank you very much and I wish you all the best. Thank you, Olga.

OLGA MADRUGA-FORTI:

Thank you, Tarek. Seldom do we have a year as unique as this year where you have the usual unexpected Internet meetings, IGF, etc., but they also come together with major multilateral global ITU meeting such as the Plenipotentiary and the World Telecommunications Development Conference to take place just next week. So it's in that



context that we should be asking ourselves in what we're going to face in the context of the year's activity in Internet Governance.

Let's hear first from each one of our panelist their view on how these global events relate to and impact the specific role of ICANN and the ICANN community. How would you put ICANN's interest in the context of this global engagement and how would you define that? Why don't we just go across the panel beginning with Markus? Thank you.

MARKUS KUMMER:

Thank you. It's a pleasure to be on the panel. It seems I drew the short straw being asked first. Just a small correction, I was executive coordinator of the IGF Secretariat, but not anymore.

Yes, it's a good question. Thank you, Tarek, for the very comprehensive introduction. It is indeed a very, very busy year and at the same time I can also say it's a momentous year. Something has happened we have been waiting for for the past 15 years now. It is a momentous occasion and the community I think is living up to the challenges I've started discussing. And obviously we're not here to discuss the NTIA announcement but it provides a backdrop for the whole discussion.

Last year we had a more sinister backdrop that was the disclosures of pervasive surveillance and that clouded the discussions that had undermined the trust in the Internet and challenges now to restore the trust. And the announcement by the NTIA showed at least that one government has the trust in the community, and it is for us an incredible opportunity but we need to get it right.



We don't have a tight deadline. I made clear that the deadline may be extended but these are tasks ahead that will need a lot of discussions, a lot of consultations, and this has already started.

But now looking at the other conferences already next week – there is the World Telecom Development Conference in Dubai – this provides an opportunity to go back to the same place where we were at the end of 2012 at the WCIT, which was unnecessarily [inaudible]. I think it will provide an opportunity to mend fences. At least we as Internet Society go there with the intention really to reach out to the developing world and show them that the Internet works, that we are there to work with the developing countries, that we want to help to make their connectivity better, to bring down the cost, to help them to create their own local contents, to improve their Internet experience. We hope that will have a positive impact as we go forward then to Busan to the Plenipotentiary.

That is a very critical conference because the Plenipotentiary is a conference with teeth. There, governments can take decisions. They can change the mandate of the ITU. Our hope and ambition is that the mandate will remain focused on what the ITU is supposed to do and this is an important enough task to make sure that the Internet can thrive on a solid telecom infrastructure.

But before we go to Busan, we will have the IGF in Istanbul. The IGF is a conference without teeth. It's not a meeting that has the power to take the decision to change the landscape but it is a meeting that has the power of recognition. It can identify issues. It can share best practices. It can exchange information. It can help people understand complex



issues. The issues are complex as we have again seen in this week already when we discuss the IANA functions. This is something my **mentor [inaudible]** used to say when talk about Internet governance, people's eyes start glazing over, the IANA function even more so.

This is so highly specialized, the average Internet user does not know what to do with that term. So we also have to break it down and to make it clear to the man in the street. This is important. This is important for the Internet going forward if we want to maintain stable, secure and open Internet that is global and interoperable. We need to build on the multi-stakeholder governance approach and that does have an impact for the everyday user that we need to get across. That's my introduction. Thank you.

OLGA MADRUGA-FORTI:

Thank you very much, Markus. So, the importance of the multi-stakeholder process in the context of all of these more multilateral oriented meetings in the course of the year. For the civil society perspective on what is ICANN's role in the mix of all of these meetings, Avri please.

AVRI DORIA:

Thank you. Please forgive me, but my safety relies on it and I have to indicate that I'm by no means a representative of civil society. Those are the kinds of words that we get somebody lynched in civil society. I happen to be a participant in civil society and, in fact, happen to be on the Working Group of Enhanced Cooperation as one of the civil society types that where put there. So it's fair to call me civil society but



representative would get me in trouble. I tend to think of myself mostly as non-governmental person.

One of the things I want to back up on because it's happened already several times this week and it constantly happens as people come up to me and sort of saying, "What's multi-stakeholder? What does it mean? What is this Internet governance with the multi-stakeholders?"

First of all, I don't want to go back to working definitions of Internet governance [but] what we're engaged in, but I do want to take us back to what we're doing. It's a continuing and evolving process that is enabling all of us stakeholders – whatever we call ourselves, whether we're governmental, we're non-governmental and how you divide that up – to participate in the decisions necessary for achieving the goals – society's goals, or in this case, ICANN's goals – for the Internet. It's that constant evolving process.

So this year is really quite a conflated set of processes. ICANN really has two different roles within that. In fact, perhaps the announcement last week gives it a third role which really complicates its position. In one sense, it is a stakeholder. It is one of the stakeholder's among the many stakeholders that has a role in trying to achieve the Internet that society wants, that society needs. And in that sense it has to look at this ongoing process and processes as a place where it needs to defend that particular role that it fulfills.

It also has a role in terms of sort of the evolution of the processes it's doing because of the questions that have been asked it. And this is one where I think it needs to be very careful because it's been given a role



where it's supposed to behave neutrally. And it's a very confusing role I think for ICANN at the moment because somehow ICANN looks at itself as – because it has the contract for IANA, it kind of thinks of itself as owning IANA and that IANA is part of it. And yet, as you approach the outside world, you'll find that that's not necessarily a position that everyone agrees with. As you look at the other IANA functions, whether it's the ccTLDs, the root zone operators, the number of folks – they necessarily have different views of IANA and how it's all situated and its relationship with ICANN.

Since ICANN has to be neutral in terms of figuring out the future process, yet ICANN is one of the players dealing with its functionally separated entity, it has a dichotomy where it has to both protect but it has to not protect. It has to leave it open. It has to allow it to be talked about in an open way and actually take the risk of letting go so that it can keep perhaps the most important functions that it wants – an IANA that actually works for everyone. So that's a big part of ICANN's position in that is showing the bottom-up process by living the bottom-up process. Thank you.

OLGA MADRUGA-FORTI: Thanks very much, Avri. The duality of the ICANN role. And from Andres, from the perspective of LACNIC, the recognition of an ICANN role in Internet governance, what is your perspective on that?

ANDRES PIAZZA: Thank you, Olga. Also I want to clarify that I am just a representative of LACNIC and not the rest of the RIRs which the colleagues of RIRs are



here so I won't speak on their behalf at all, but we do have a lot of coordination, so we do have a lot of things in common concerning in what we consider ICANN's role should be.

We have established also our expectations to ICANN and the major role at this moment, the hot topic is of course the IANA. The transition of the U.S. stewardship on the IANA functions. We expect – and this is in coincidence on what Fadi asked us to help them – that ICANN becomes the facilitator and not the one that runs the whole process of evolution and not major milestone on our evolution because it has been an evolution. Clearly, we have been working together with the rest of the Internet organizations, the one that have a coordination of – one of the parts or every part of the Internet infrastructure in this evolution.

The Montevideo Statement is also another hot moment last year in this transition, so this is a coincidence. And I want to also agree with Avri in what she perceives ICANN's role should be the one stakeholder running the process where multi-stakeholders are involved and the input of all of them should be there, but a global entity that is becoming effectively more global and it's facilitating a process where not only each community, which we are part of its community of course but the global community – the whole global community with the rest of the stakeholders – are providing input in different also places.

The Internet governance map, there are more and more meetings related to telecom and related to IG or meetings in the Internet community across all over the world, regional and global meetings. If you look, every month you have more than four – more than once a week we really are meeting on this matter, so this is like a match that



explains all over the field in all countries and all regions and we try to be present in all those discussions as ICANN does.

I am myself also a member of the working group that Peter chairs – the Working Group on Enhanced Cooperation – and we are also involving in the ITU discussion in the regional level in the LACIGF in the CITEF discussions. And when we do that, we try to coordinate – because we’re relating to ICANN [inaudible], and I want to say that we have different interests sometimes but we want the same Internet and we want the same outcome. We are coordinating a lot with ICANN in the regional level at the global level with the whole RIR, and we will be for sure trying to help ICANN in this role of facilitating the global community to provide input on the process that it’s starting – on the termination also of how the process should be. So they are two different things. And in both. This is a major thing.

Another thing is that makes me also be proud of being here is regarding the second end of ICANN which we keep saying that second end is not casual. It relates to addresses, to numbers. Sometimes when you come to an ICANN meeting – I came to many ICANN meetings, and sometimes when you come you forget that IP addresses is another part of the ICANN function but the community is much more focused in domain names, which of course is natural. But also this IANA transition help us to understand the importance of the numbers policies and the number functions, the oversight, the policy, the operational part of our part because what [inaudible] said in the Monday session was very [illustrative] for me, at least. I haven’t thought about that IANA’s only N is from number, so this is interesting to remind also.



I hope ICANN has a good role in facilitating that. It becomes even more global. I think they are succeeding in their intent of globalizing their structure. I hope you remain in that path and we will be there to support. That's right. That's it. Thank you very much.

OLGA MADRUGA-FORTI: Thank you very much, Andres. You would often see Andres at CITEC OAS meetings in the setting of the Americas multilateral preparation of America's positions to the world conferences. So if you wanted to talk to him offline about some of that process, I'm sure he'd be happy to share.

Chengetai, for somewhat of a perspective, what is ICANN's role in this mix of international meetings? A bit of a view of ICANN from a third perspective, from the IGF Secretariat perspective. Thanks, Chengetai.

CHENGETAI MASANGO: Thank you very much. To start off with I'll just make a comment on the NTIA announcements since everybody else has. The United Nations Secretary General did put out a very positive statement out taking note of the important development and encouraging everybody to work in a multi-stakeholder way – government-to-government organizations or society, the private sector and the Internet community – to engage in furthering the process to ensure a single open, free, and secure and trustworthy Internet. So I think everybody's on board to work towards finding a solution and participating in the discourse.



As far as the other questions that have been asked, is there global recognition of ICANN's role in Internet governance? I think among the core community, yes, there is a very strong recognition to that. Maybe not clear in all aspects, but the further you go outside of it, it's very, very unclear. Because through the IGF, I do get to speak to a lot of people who are in there, Internet users and in the Internet business as such, and also governments but they are not as clear to ICANN's roles. But work has been going on in that aspect and it's becoming more and more known what ICANN's role is.

What's important about ICANN is that it is one of the organizations that show how a multi-stakeholder model can work. We watch it from the IGF Secretariat and also the UN perspective, how they're working. I think that is very important as well and I'm sure it's going to continue to improve and we're going to continue to learn from it. Thank you.

OLGA MADRUGA-FORTI:

Thanks very much, Chengetai. So obviously the global debate on Internet governance actually fuels an awareness of what is this thing called ICANN and the ICANN community and the multi-stakeholder process. That's very interesting. Sam, your views.

SAMANTHA DICKINSON:

Okay. I'm not going to talk about IANA. I'm going to talk about a larger picture. To me, there is a link between ICANN and the global Internet governance discussions that are happening, to take a step out.



Again, to WSIS there are a number of action lines that are currently being looked at and have the WSIS goals been achieved. Many of them haven't. The WSIS process is multi-stakeholder, so in multi-stakeholder processes we often champion the successes we have but we also have to look and take responsibility for the deficits. So we have to look at the ecosystem and see what parts we can play in helping achieve those.

For me, many of the issues within ICANN could probably be – what's the word I'm looking for? – reach consensus in an easier fashion if everyone had a greater understanding of the variety of issues that are impacting on things. At the moment, there's often a bit of a division between the evil GAC who you know think about public policy issues and things like data privacy and human rights and the registry-registrar community that it's thinking about. We've got to do business. Stop trying to impose things on us.

Whereas if people are participating in the larger dialogue, there's a greater understanding of issues like human rights and understanding why – from the GAC's point of view, understanding why civil society is concerned about things like publishing all details online. Because if you're a gay person in a country where homosexuality is prosecuted, if your details are in a WHOIS record available to everyone, guess what? You may not be alive tomorrow.

Similarly, if registrars and registries are able to understand a bit better issues to do with cybercrime and not just listening to the GAC, but actually going into some of these other environments and discussing the issues, they may see that, "Yes, there is a reason for this. Let's see if we can find solution." If you understand the greater context, I think it helps



inform the more specific technical issues that are being discussed within the ICANN environment.

OLGA MADRUGA-FORTI: Thank you, Sam. Peter, please. UN CSTD perspective.

PETER MAJOR: Thank you, Olga. I am one of the evil guys from the GAC. They are drafting over there, so I just came over.

To your original question about the ICANN's role and the perception of ICANN in the IG system – well, personally I have been always working with the representative of ICANN in my groups. First, I started with the improvement of the IGF, then in this present group which is also a multi-stakeholder group within the UN and I have to underline that, that we have in the CSTD (Commission on Science and Technology for Development) multi-stakeholder group where we have representatives of civil society, technical community, international organizations, and national governments and apparently we are working quite well together. I didn't say that we have results, but we are working quite well.

As for the ICANN, I perceive ICANN in these groups as being treated equally. They are contributing. They are being recognized. On the other hand, I think there's some curious approach that "How come ICANN is involved in Internet governance issues? Why not only numbers and names and that's it?" But if you a bit beyond the natural, you'll find out that, yes, it's natural that they are involved in Internet governance



issues. Because as Sam mentioned, the WHOIS, for instance, is full of traps and full of unexpected consequences. So probably ICANN should be involved and is being involved. If I still have the mic just let me give two more remarks.

Getting back to Tarek introductory remarks that the parallel processes have started with the WCIT which is I fully agree with. However, we have ups and downs. After we had the World Telecommunication Policy Forum, which was kind of relieving even, and I think Markus could agree with me that people could take the mic on an equal footing and we came to some agreement on that. Beyond there again, in a different environment and we shall see what's going to happen.

So the other thing that's probably we should do our best that the parallel processes should cease to exist and we come to some kind of common understanding. I hope this working group on Enhanced Cooperation is going to be a kind of test case for that we are able to work in UN environment in a multi-stakeholder approach. Thank you.

OLGA MADRUGA-FORTI:

Thanks very much, Peter. With that kind of introductory global question, we're going to move into some more detailed questions regarding general themes and topics that seem to come up continually in each one of these types of meetings that we're going to participate in, in the course of this year.

An appropriate place to start is always at the beginning, and the beginning includes a consideration of what you would typically call in a multilateral setting preliminary views or general principles. So if you



were to consider an evolving Internet governance panorama, honing in on what should be some themes or principles that should guide one's consideration of the issues, Avri, what is your perspective on say the top three fundamental principles that should be embraced or always take into account in considering an evolving Internet governance framework?

AVRI DORIA:

Thank you. In thinking about principles, the first one I've come up is really easy to come up with. Internet rights are human rights. Human rights are Internet rights, and we can never forget that. Now, that doesn't necessarily answer our questions because there are competing rights that we need to answer. But we must always keep that first principle in mind is that human rights and Internet rights are indeed interchangeable.

The next one I think has to do with stakeholders, and basically that all stakeholders are fundamentally equal and all stakeholders always deserve a role at the table and the ability to speak and participate in the processes and the decision-making processes. But that also has a corollary that admits that all stakeholders have varying roles and responsibilities depending upon the task at hand, the context, the time within a task, so that while they are equal over time and in various issues, those roles and responsibilities change and are variable. So equality does not always mean they are the same.

And then the final thing that I would think of that we have to remember when we are talking about Internet governance and the stakeholders is

that no stakeholder can define the roles and responsibilities of the other stakeholder on their own. None of us can sit here and say, “Governments, your only role is to do that,” or “Civil society, you only get to do the following.”

So we have to understand that there’s a multiplicity of roles, there’s a multiplicity of the responsibilities, there’s a multiplicity of stakeholders beyond the three that governments defined. So keeping those three things in mind as we then start to look at the different issues that we face can sort of help keep us grounded. Thank you.

OLGA MADRUGA-FORTI:

Thanks very much, Avri. You underscore a principle of inclusiveness in dialogue of all stakeholders.

So, Markus, just building on that kind of a primordial fundamental principle, how do you ensure a process of dialogue that does indeed take into account the multiple communities and both within the ICANN community and as we engage in the broader set of international meetings? How do you accomplish this?

MARKUS KUMMER:

Okay. I think on the whole all the Internet institutions, including of course ICANN, have done a fairly good job of being inclusive. The open door policy I think is absolutely vital in this regard.

My three favorite principles for multi-stakeholder Internet governance are it has to be bottom-up, it has to be open and it has to be inclusive. Nobody has to be taken out of the room. Everybody is allowed in, and



everybody has a right to go to the microphone. And that I think allows the community to move forward, listening to sometimes dissonant voices, that this is part of the game. Democracy can be messy and the multi-stakeholder processes can be even messier. So, I don't think ICANN has a particular problem with that. I would say basically continue on that path.

OLGA MADRUGA-FORTI: Continue on the path and steady as you she goes. You're welcome at this portion of the panel to ask questions. Either come directly to the mic or give us a signal so that we welcome an active participation as the panelist answer the questions.

Taking into account the fundamental principles and how we've become accustomed even though we're challenged every day within ICANN and the multi-stakeholder process to engage in a process of inclusiveness, there are other institutions that also practice this kind of multi-stakeholderism. So, Chengetai and then Peter from the perspective of other organizations that operate in this fashion and it would seem that it's becoming popular – multi-stakeholderism – and we see it taking hold even in the most traditional of multilateral settings. Are we setting a fashion, gentlemen?

PETER MAJOR: I listened to your remarks, but some amusement because I was thinking when we created the first working group in the Commissioner Science and Technology for Development, and there was a fierce fight from the part of the government to let other stakeholders in the room. And once



they were in the room, there was a real, real fight to include them in the newly formed working group. So, that was something memorable. We have this discussion until 10:00 in the evening, starting I think from 6:00, and finally, that was a breakthrough. You may call this popular.

But after that, once you break through, it takes its own turns for the setting up of the second one. It was relatively easy. So, we just followed the pattern what we had before.

There are nuances, which I should mention in the first one, the members of the group were from the government and as for the stakeholders were called “invitees.” Then the second one, probably they are still invitees but they are being treated as members. There’s still some kind of distinction in theory, in practice. I tried to have it as a real multi-stakeholder group.

I can find also very interesting initiatives in the ITU itself to allow other stakeholders, as ITU allows membership from technical community and academia so they are being a part of the different sectors, so they can participate in different working groups, so they can participate in focus groups, and so on and so forth. So I believe the process is going.

CHENGETAI MASANGO:

Thank you. Yes. In the UN system, which is a very traditional intergovernmental type of role of operating, it’s also very important to set a precedent. And starting off with WSIS which was multi-stakeholder but of course was a lot of issues with the way it was done.

Then there was the Working Group for Internet Governance (WGIG). I think that was one of the first groups within the UN – I stand to be



corrected – that had the multi-stakeholder role model and it acted as an example for where later working groups could follow as well. That was a very interesting group. And at the end, we did manage to get a paper out and also managed to get the definition of what Internet governance – the most commonly used definition back then in the working group. Markus was the Executive Coordinator of that, too. That was my first taste of how it was going to be like at the IGF.

As Peter has said, once that has been set, we have seen that it's been encroaching within the UN, within the ITU as well, also out of various groupings within the UN that is more and more multi-stakeholder.

We may not be at that perfectly [inaudible] that Avri would be perfectly happy with, but I think she would agree that – she's a panelist – we are making great strides and it is improving as we go along. So, it's something to watch and hopefully we might change the whole nature of policy discourse within the UN. Thanks.

OLGA MADRUGA-FORTI:

Thank you, Chengatai. Lots of cross-pollination as between how multi-stakeholder is and what operates within ICANN and also in the multilateral settings and meetings, not only in terms of participation but who may speak on what, who can take the mic without a country authorization. So there's much going on in that setting.

With the plethora of meetings taking place this year, inevitably one has to stop and say, "Okay, how do I measure success? What will it mean at the end of, let's say, the Plenipotentiary? How shall we measure success?" For that, we turn to Sam.



At the coming Plenipotentiary, what would you consider a successful outcome for the ICANN community in its broadest definition, shall we say?

SAMANTHA DICKINSON:

At a very broad level, I think a mark of success is if we can break down some of the silos. Then we saw at WCIT very deep divisions between one set of participants and another. I think if we can continue to work on breaking down those barriers, that's a success. I don't think that happens in the main rooms. I think that happens a lot in the corridors when people are talking and exchanging views. The more people can exchange views, the more they see the other person's point of view and the more chance there is of reaching some sort of understanding of each other.

On a very specific level, I have three things that I think are marks of success. One is that the Member States decide to open up the Council Working Group on International Internet-Related Public Policy Issues. Or if not opening up the group, at least opening up their documents.

Two, moving recognition of the Internet organizations from that rather contentious footnote in resolutions to the main text. Now I can't read my handwriting.

Yes, agreement amongst everyone that we are not going to duplicate each other's work. There was an interesting moment during the Council Working Group last November where the questionnaire that has now gone out to governments had been answered. There was discussion



that it was duplicating the work of the CSTD Working Group and Enhanced Cooperation.

The justification for going ahead with that question was, “If ITU Member States want it, we can do it anyway.” But it’s a kind of duplication, so if everyone agrees to respect each other, if everyone comes out of [inaudible] agreeing to respect other UN bodies and other UN bodies work, ICANN’s work, etc., I think that’s a major achievement.

OLGA MADRUGA-FORTI:

Thanks very much, Sam. Turning a bit to the question asking ourselves, why is so much debate happening if in dialoguing or around the world you're often told, “There’s a perception that governmental public interest considerations regarding governance of the Internet require a greater role or greater attention or generally government public interest, public policy considerations should have a greater voice and a greater role within ICANN and how ICANN functions.”

One has to ask, “Is this a concept or is it a myth conception?” If it is a concept, if it is indeed an issue, how would you address that? For that, let’s turn to Peter and Avri.

PETER MAJOR:

I think it’s neither concept nor a misconception. It’s a natural evolution. The number of Internet users and the number of applications you have, the number of issues which are related to public policy are increasing. I think governments realized it or the governments were made to realize it that they should have a role to play. Sometimes they start playing this



role and sometimes they're overplaying this role. It's very much different from the government, but it's undeniable that, yes, they do have a role.

Now, if their perception is the correct one, that's another issue. Probably they are also in a learning curve as all of us, because the word of the Internet – the cyber space – is so complex and you can't really expect to have so many experts in the government to cope with all of these problems in a new way. They have the traditional approach. They have the traditional methods, processes. And probably these processes do not fit into this new world or do not fit in an optimal way. So, I think it needs also patience from other stakeholders, as well.

AVRI DORIA: My turn?

OLGA MADRUGA-FORTI: Thank you. We have a remote question. Yes, please.

AVRI DORIA: Okay. In some sense, I've boxed myself in on this one. In that I said one of my principals was that no stakeholder could determine the roles and responsibilities of another stakeholder.

So if governments think that they need more of a role, who am I to say they don't? Just like when I say the civil society needs more of a role at the ITU, who are they to say that I don't?



Certainly when I look at something like ICANN – and personally I don't know how they could have a greater role, but be that as it may – there certainly is a role that they could fulfill. For example, if more of the regulators, if more of the privacy and data retention people, if more of the government folks that were actually doing and fulfilling the policy roles within governments we hear participating, I think that would actually add to the richness of our discussions.

As we've seen more law enforcement and data retention people get involved, we have seen our discussions deepen and get richer. I think that there is indeed value in working the discussion of what roles and responsibilities one thinks they have, one thinks they should fulfill. I always argue that governments are the protectors of our human rights. They've taken that role on. If governments were here arguing human rights, that would not necessarily be a bad thing.

Within the tussle of stakeholders saying, "I have roles and responsibilities, you have roles and responsibilities," the way we handle it is to keep discussing it to keep bringing people in, having more discussions, expanding the discussions, and finding various annealing points – various points of balance that can work.

OLGA MADRUGA-FORTI: Thank you, Avri. I believe we have a remote participation question. Yes, please.

UNIDENTIFIED MALE: Thank you, Olga. Yes, we do have a question from John Curran, Internet CDs. The question is for Markus.



Markus, you indicated that there some basic multi-stakeholder principles such as openness and transparency, which are very important.

First, do you know if there is a common norm or standard list of such principles?

Second, do you know if all the ISTAR organizations have committed to abide by those principles?

MARKUS KUMMER:

Thank you for the question. Yes, we made a submission – a joint submission – to the NETMundial in Brazil which contains a fairly elaborate list of principles which include these very basic principles of openness, transparency, inclusiveness. I understand that all the ISTAR organizations are committed to live up to these principles, whether or not they succeed to implement and to the satisfaction of everyone is yet to know the story. But I think the commitment and the intent is here.

OLGA MADRUGA-FORTI:

Thank you, Markus. So considering that preparations for the set of international meetings that we face this year usually it takes place over a period of years, a certain momentum begins to build and a steady stream of expectations regarding what the issues will be in the given meetings and in each setting. Perhaps it was unexpected to all that there should be something like the NTIA announcement about the possible – the sun setting of the IANA contract. So, we must ask ourselves, take a moment and say, “Oh, how does this impact what to expect in these international meetings? How does that event in and of

itself change the dialogue and change the ambiance and the context of what the outcomes might be of some of those meetings?”

For that, we turn again back to Markus. And a question at the mic – yes, Peter?

PETER MAJOR: May I hold my question? Because I think what you’ve asked is a very interesting question. I’ll come back because otherwise I’ll interrupt your flow.

OLGA MADRUGA-FORTI: No. Thank you, Peter. We’ll come back.

MARKUS KUMMER: Yes. The announcement is big news. Obviously, it has an impact. My assessment of it, it will have a positive impact on the atmosphere because looking back to when the discussions on Internet governance started – it was roughly 2003, early 2003 in the in the WSIS context – it was very much focused around the role of ICANN and the U.S. government. It was very unclear what people were talking about.

I remember there was one meeting where a delegate was talking about the DNA and meant the DNS, so there was very little knowledge about the Internet. They knew the U.S. government had a role and they did not like it. That was about it, but they would not know what this role exactly was. But there was a general feeling “there is the U.S. and they control the Internet.” That came up strongly during the Iraq crisis and



there's no coincidence. It was the Arab group that started first talking about Internet governance and how bad that all was.

Obviously, this has a huge impact that the U.S. government now announces its willingness to withdraw from this traditional role and transfer the stewardship of some core resources to the multi-stakeholder community. We heard in the GAC I think the first reactions were throughout very positive. At the same time, it may create some desire of some government to move into a [vacuum] left by the U.S. government, which is obviously not something you would want.

Again, the NTIA statement was very helpful in this regard. This is not on the table. U.S. government said they would not hand it over to any solution that would give other governments the role from which they are withdrawing, so that is positive. But we have to be aware that there will be a push to replace the U.S. government with other governments.

In order to fight back, we have to collectively as a multi-stakeholder community show that we are able to find the path forward. But obviously that also includes governments. Everybody says governments are part of this process, that they are part of the stakeholders.

OLGA MADRUGA-FORTI: Thank you, Markus. Turning to Peter, your question.

DENNIS JENNINGS: My name is Dennis Jennings. I am an Irish and Internet citizen. I find the juxtaposition of two nouns, Internet and governance, a very unhealthy



phase. It is intrinsically meaningless. It conveys no semantics, because it's two nouns juxtaposed.

So when one talks about Internet governance, I think it's very useful to define better what aspect of Internet governance was talking about. If one is talking about the ISTAR and ICANN role in creating a global interoperable, end-to-end, any-to-any, many-to-many infrastructure that is outside any particular territorial governmental structures, then that's one aspect of Internet governance that one can focus on, and it's the aspect that we deal with here in ICANN.

In that sense, the multi-stakeholder model, including governments, is extremely important. Governments have to be involved, but also all the technical and other civil society and other stakeholders must be involved, because intrinsically this is global. This transcends any national or territorial interest.

If you're talking about Internet governance, to mean applications that run on the Internet, our content matters, our legislative matters, our intellectual property matters, our data protection matters, then I think again the multi-stakeholder approach applies. But in that case, clearly those aspects are more rooted in territorial legislative and national aspects. Governments have a greater role. To what extent they have a greater role is of course debatable and depending on what you're talking about.

If you partition it like that and if you agree with that partitioning, then you're dealing with two distinct discussions. In my view, Internet governance as it pertains to maintaining a single interoperable, end-to-

end global Internet is very definitely a multi-stakeholder model with much less involvement of governments. I think ICANN has got it right. I leave it to the discussion as to when you're talking about the other aspects, what's the correct balance? That's my view. Thank you.

OLGA MADRUGA-FORTI: Thank you, Dennis. Should we be talking about governance at all in the context of the [word] Internet? Avri?

AVRI DORIA: Most definitely. As I tried to explain at the beginning, the governance part of it is how we bring all of the stakeholders' views into the process and come up with solutions that benefit society as those users end up agreeing.

So you have Internet governance because you don't have just one governor and one decider. You basically have a stakeholder community, many stakeholder communities, and the work that brings them together, that brings them into some kind of – in our case, an ICANN consensus; in IETF, a rough consensus; in other places, whatever. It's that process of coming to the decisions of how to actually go forward. There's no such thing as a technical decision that doesn't have a social implication.

So, understanding that there's always a social implication to every policy and to every technical decision, the governance is when you bring all of these actors together to determine the right way forward. So, yes, I believe there's most definitely a role for Internet governance.



OLGA MADRUGA-FORTI: Thank you. We have a question. Anyone else on the prior question? No. Marilyn, please.

MARILYN CADE: I actually thought I was coming to give an answer or a comment. My name is Marilyn Cade. I appreciate the opportunity to sit in the room with so many interested folks who share the interest in Internet governance, whatever particular definition we ourselves embrace.

I would say two things. In response to your question in some ways, Olga, in the United States – and this might not translate so may have to help me – we would say to response to your question, “Should we even be talking about Internet governance?” I would say that train has left the station. As a matter of fact, it seems to be spawning additional trains as it goes.

And I think that’s reflective to your point of, at one point, during the World Summit on the Information Society – and I’m looking around the room and see people like David Farris and others from business who were, and I think Keith Drazek is behind me from business who were heavily involved in this issue. And when we tried to interest our CEOs and our executives in letting us go to that [inaudible] in Geneva to a room we couldn’t get into, so that we could hang out in the hall and have coffee with government delegates, it was very hard to explain why.



The interesting thing to me is the shift that happened at the end of only a four-year period that has created almost a commonality of interest, if not a commonality or a single commonality of definition.

I think I'm pointing to something that you said, Avri, and that is if we were creating the phraseology ourselves, perhaps we would not have picked the words "Internet governance." We might have even, since we're business people, done a little research and figured out that you can't translate the word "governance" into Russian very easily or into Chinese. But we were given that phrase out of a very complicated process.

I think what I'm very excited about right now is that at the end of the WSIS, the thing the WSIS did was to put concern and interest in the minds of senior leadership of NGOs, civil society, governments, and businesses about the success of the Internet, the reach of the Internet, and the importance of bringing a governance environment that everyone could feel comfortable with. Then we went back to work from 2006 until recently. Something really magical happened very recently.

Instead of having to write five-page briefing papers for senior executives or government ministers in order to get an appointment to talk about Internet governance and why it matters to them is really easy to begin the conversation. I think that we should be embracing this as a really moment of opportunity for all of at ICANN and all of us who are interested in the broader Internet governance issues and think of this as, in fact, the train is moving very rapidly. Maybe we need to find ways to slow it down a little bit or use buses in certain cases. But it is a great opportunity for us to capture the questions and work on the answers.



OLGA MADRUGA-FORTI: Thank you, Marilyn. I think we had a further comment from Markus. Then we'll take another question to the mic.

MARKUS KUMMER: Thank you. Also on Internet governance, Avri and Marilyn have said much of what I was going to say. I understand there is intellectual criticism of the term, but as Marilyn explained, it came from the outside and we have to fill it with meaning. And collectively, I think we managed to do so in saying Internet governance is not about governments. It's the abstract notion of running the show and it includes all stakeholders.

Governments cannot do it alone. That was in popular parlance more or less the definition of Internet governance. I think that was a remarkable collective achievement. Governments accepted this and they recognized they do need to work with all the stakeholders. They cannot do it alone. And that was the outcome [inaudible]. As such, I think that was a very positive achievement.

I would also turn around to say I fully agree – of course, Avri has already mentioned that – all stakeholders have different roles. In certain areas governments play a bigger role than they would in technical layer of the Internet, but also their intellectual property for instance. Yes, there is a territorial aspect, but that is one of the challenges we face. The Internet is not territorial. And precisely to apply rules that were set up in the 19th century based on national boundaries don't make sense anymore in the borderless nature of the Internet. There we think all the stakeholders should have a role to say when it comes to designing new legislation on



how to deal with content on the Internet because it can have a negative impact on the Internet.

Hence, I think building on what we have achieved so far with our Internet governance discussion again is the multi-stakeholder approach, its discussions that involve all stakeholders. And in the area of intellectual property, that is often not the case. It's usually dominated by content owners and the users a very little say there, and we always say discussions on these important issues should be held in a truly multi-stakeholder fashion.

OLGA MADRUGA-FORTI: Thank you. Can you tell us who you are and your affiliation, then your question?

GRACE GITHAIGA: My name is Grace Githaiga from the Kenya ICT Action Network. I just loved what you said about stakeholders and the fact that no stakeholder can define the role and responsibility of the other stakeholder, and the fact that we should consider all stakeholders equal in all processes. However, I'm not sure that some [quarters] would agree with you on that. I guess that's debatable.

My question is we have been talking about multi-stakeholderism and we do know that this is what is required of Internet governance because almost everybody has a role to play in society. My question is can we continue talking about multi-stakeholderism, the need to participate,

and the need to treat all stakeholders equally when we don't discuss how to finance this participation?

We do know that participation has almost always cost implications. It doesn't matter whether it's face-to-face meetings. It doesn't matter whether it's online discussions. Sometimes those of us who are from the developing world, we have challenges over [collection].

Before I ask, we also know that when we participate, the fact that you are able to articulate your position, you're able to actually offer a counter-proposal. You meet face-to-face with people. It sort of creates relationships and people start to understand you. So my question is: can we continue talking about multi-stakeholderism without the need of discussing and looking at whether we need a multi-stakeholder model of financing participation?

OLGA MADRUGA-FORTI:

Thank you. I think that's an apt question for Chengatai and that the IGF efforts. I have to note that the question of "How do you ensure that an international dialogue takes into account the views of all?" actually permeates not only multi-stakeholderism in the ICANN environment, but really just about any manner of international dialogue. It's a very important and significant issue. The UN has tried such a variety of different ways to ensure that in financial ways and in other ways. Why don't we get an IGF perspective on that, Chengatai?



CHENGETAI MASANGO: Thank you very much. Yes, that is true. We do believe in the value of face-to-face communication. We do try our best to have remote participation in all its forms from video conferencing to the transcripts, etc. But that cannot be a replacement for the true experience or value you get with face-to-face communication.

Funding for this is a perennial problem. We try and increase our funding for participation every single year and we are working together with other donor organizations to help people come. ICANN sponsors a few people to come to the IGF, ISOC as well, and we are trying different models to get people to donate money so that we can have funding for people, at least from developing countries, who need it most to come to IGF meetings.

Yes, thank you.

OLGA MADRUGA-FORTI: Thank you, Chengatai. I think Avri had a further comment.

AVRI DORIA: Yeah. I just wanted to add a quick comment to that. It's incredibly true that the funding – one of the things that's always been a regret of mine, and by no means one of those that puts the Tunis Agenda on the stature of scripture. But many people do. You see many people walking around with their little Tunis Agenda books quoting chapter and verse.

The Tunis Agenda was about two things. It was about Internet governance and it was about financing models. It was about funding models. We seem to spend all of our time when we talk about Tunis



Agenda quoting the Internet governance stuff and almost no time anywhere at any place talking about the funding models that were just as hard to negotiate. So it is absolutely critical that we keep bringing that.

Yes, we can keep talking about Internet governance without solving the finance, but we will not be achieving full multi-stakeholder until we solve that.

OLGA MADRUGA-FORTI: Thank you, Avri. Next question.

LEE HIBBARD: Hello. My name is Lee Hibbard. I work for the Council of Europe in Strasbourg, an international organization with 47 Member States. It's one of those organizations that you spoke about earlier on. It's also the home of the Budapest Convention on Cybercrime and the European Convention on Human Rights.

My question is about equal footing. We talk about equal footing, we talk about having governance with all the actors – that's very important. We're a very progressive organization which is very multi-stakeholder. I would say more multi-stakeholder than many of the organizations.

Governments have legal obligations and responsibilities. They have a role to play and they have to account for that role they play. When we talk about other actors, very importantly we talk about their roles, their inclusion, their ability to do things. That's very important. But what are their obligations and commitments? I'm not talking about their legal



obligations and commitments, but their obligations and commitments. That's what we don't discuss.

For example, now we see through the UN with business. Actually, business and human rights is a good topic. We have the rugged principles and we see more and more discussion towards what other responsibilities of businesses in protecting or respecting human rights. But we don't talk about that in the context of other actors in the Internet governance field.

So one has to remind oneself that governments have obligations they're held to account. In the UN Universal Periodic Review, for example, they have to account in different mechanisms which have legal basis. They're held to account in different ways. They have roles and responsibilities.

I'd really like that we discuss at some point, not maybe now, but what are those obligations and commitments of the stakeholders? They have legitimacy increasingly. You see the principles. We see these high-level panel discussing these things, but what are their commensurate roles and responsibilities like those that governments have? Thank you.

OLGA MADRUGA-FORTI: Thank you. Yes, Andres?

ANDRES PIAZZA: This was a question for a huge other panel or maybe a huge other forum to cover that question. But just to make clear, I guess there are several stakeholders with very well-defined obligations. I'm thinking about the so-called technical community which are the organizations



that have a role – operational or policy role – in the administration of the resources.

I can find even we don't have a constitution as a state has or we are not created by a treaty, but we have very, very well-defined functions and obligations. It will be harder to define other stakeholders. It's a little disturbing that with government officers, I totally understand that they have their mindset done, they tend to think that they are the sovereign representations of their citizens and nobody has the same right in representing that and nobody should be [inaudible] or as they should be.

But when I think about the role of our organizations, we really have very well-defined obligations and if we don't meet those obligations, the consequences are – I don't know. It's really hard to compare but I don't think the rest of the stakeholders are just casual participants of the discussions, especially in the technical community. I won't speak on behalf of the technical community, but as a member, of course one of the organizations I really believe that there are very well-defined obligations. That's my point. Thank you.

OLGA MADRUGA-FORTI:

Thanks, Andres. Yes, we all have passes. One further comment from Peter, then we'll come back to the questions in the queue. I'll ask you to formulate your questions as briefly as possible so we can get you an answer. Yes, Peter?



PETER MAJOR: I can't see Lee anymore. Oh, he's there. Thank you for your question. I think it was mentioned that it needs a bigger forum. I would call it a bigger process. In the end, I can see the third working group in CSC being formed on this issue. It's a very valid point you have mentioned. Thank you.

PAUL FOODY: I'm Paul Foody. I'm looking at the Internet Governance Forum description of itself. It says that the IGF facilitates a common understanding of how to maximize Internet opportunities and address risks and challenges that arise. The NTIA announcement that it's going to step back from its oversight function is very clearly a challenge and a risk. So probably the first thing that we've got to do is we've got to give ourselves enough time to look at all the various opportunities – and 18 months is not sufficient.

So let's start off by setting a reasonable time scale. Let's agree that we're going to resign the NTIA Agreement next year, September 2, 2015 and not go about this in a hasty manner that is almost certainly going to produce a result that will not please everybody. Thank you.

OLGA MADRUGA-FORTI: Thank you. Next question, yes?

KAREL DOUGLAS: Hello. My name is Karel Douglas. I'm a fellow and somewhat new to Internet governance. I'm from Trinidad and Tobago, just in case you're wondering.



My question is somewhat to find out exactly how far has the issue of IANA, the decision by NTE, to transfer or transition the functions of IANA to another body. And also the Edward Snowden issues somewhat usurped the issues of Internet governance. Because what I've heard since I've been here is that those seem to be the issues that are now on the plate.

As a newcomer, I'm wondering whether any other issues have been usurped, as my friend rightly said, the technical issues. But I'm from the developing world, and the many issues including freedom of speech. How does it affect development of a country? I'm wondering whether these issues – those two issues in particular – are going to some whole usurp all the other issues, and it's going to be narrowed down to just IANA functions and Snowden. Are there any other issues that are going to be discussed and that are of importance to the community? Thank you.

OLGA MADRUGA-FORTI: Panelists? Anyone want to cover what are other significant issues that are likely to come up in our international meetings this year that are not related? Yes, Andres?

ANDRES PIAZZA: Just a brief comment regarding an issue that, for us at least, [inaudible] is a very key element, and is development and speaking about the same perspective. There will be ITU Conference next week in Dubai and governments are one of the key players who seem turning to provide



and to help the Internet to develop and the Internet as a way as an important tool in order to provide development.

But at least for us and our organization, it has a specific role in the administration of the IP addresses. But we are an organization that in its constituency – our key goal as an organization is to help with development. So I should raise this issue and I guess this is one of the other issues that should be taken into account in all the forums, not only in the technical of course.

OLGA MADRUGA-FORTI: Thank you. Last question is our remote question, please.

UNIDENTIFIED MALE: Thank you, Olga. More than a question is a comment by Nick Ashton-Hart from the International Digital Economy Alliance. He wants to express his strong support to Avri's comment earlier on saying that the place to talk about human rights is the Human Rights Council rather than the Internet Governance Forum. That's where the expertise is and where government's responsibilities are discussed and engaged. The Human Rights Council is also very active on human rights and the Internet in privacy, surveillance, free speech, and free expressions. Thank you.

OLGA MADRUGA-FORTI: Thank you. Before we answer that question, I think we have one further comment from Chengatai on the matter of other non-IANA related issues that are likely to come up.



CHENGETAI MASANGO: I just wanted to say on the IGF agenda, we have several themes that we're going to discuss this year. Some of them are policies enabling access. Another one is content creation dissemination and use, Internet as an engine for growth and development, Internet and human rights, and IGF and the future of Internet ecosystems. There are themes there that are not related to IANA.

OLGA MADRUGA-FORTI: Yes. Sam, did you have something to add?

SAMANTHA DICKINSON: We all know that the calendar for 2014 Internet Governance Discussions is very crowded. So one of the discussions that's happening at many of these meetings is a meta discussion about how to manage Internet governance. Not only are we looking at individual issues but looking at how should the whole system itself be developed, as we know from NETMundial.

OLGA MADRUGA-FORTI: Thank you, Sam. We will close with Avri's answer to the last remote question.

AVRI DORIA: Thank you. A very quick answer. With all due respect, I think that human rights and Internet rights is a topic that we have to discuss everywhere. We have to discuss it in businesses. We have to discuss it in civil society.



It would be lovely to discuss it at the Human Rights Council if it was a multi-stakeholder organization that allowed us to all go there and discuss it. Yes, we can sit in maybe one hour get a few of us to make a statement at the end of their dialogues. It would be truly lovely to be able to go and discuss human rights at the Human Rights Council. Thank you.

OLGA MADRUGA-FORTI:

Thank you, Avri. To close our panel, I want to thank Nigel Hickson and his staff, and mention that Nigel puts in a lot of good work and preparation to help ICANN proper as well as Mandy Carver who is here. Mandy, you want to raise your hand? They're always available to answer your questions and to help guide you or get you the right information that you might need for your active participation in what will be a very busy year. So please join me in thanking our panelists for all their very insightful contributions this afternoon. Thank you.

NIGEL HICKSON:

Perhaps I could thank you indeed for your moderating. Thanks to the panel. We welcome your feedback on this session. We try to change the format and change the subject matter of the session a bit as we go forward.

The London Meeting obviously in June, we might well concentrate perhaps a bit more there on the Plenipotentiary and some of the issues that we know might coming up by June. But if anyone has any feedback, if anyone would like in the other, particularly Internet governance, if you think we missed some issues that we should have picked up, then



please let us know. Thank you very much for turning up, and enjoy the rest of the afternoon.

[END OF TRANSCRIPTION]

