Remarks of Assistant Secretary Strickling at the Istanbul Bilgi University Information Technology Law Institute (3 September)
Source: http://www.ntia.doc.gov/speechtestimony/2014/remarks-assistant-secretary-strickling-istanbul-bilgi-university-information-te

In response to community discussion at its Singapore and London meetings, ICANN has also announced a separate process to address ways to improve its overall accountability. Specifically, this process will examine how ICANN can strengthen its accountability mechanisms to address the absence of its historical contractual relationship with NTIA. This important accountability issue will and should be addressed before any transition takes place. The community is currently responding to the latest proposal from ICANN as to how to organize this work effort and we in the U.S. government expect that the process will be open, transparent and lead to consensus recommendations.

Lawrence E. Strickling comments at IGF Town Hall Meeting
See video here: https://www.youtube.com/watch?v=LbpDQ3lwflg

I mean Steve DelBianco gets the credit for having brought up the concept stress testing, and that's critical to this because at the end of the day when this comes back in to Washington to be evaluated and accepted, there will be an awful lot of people who are going to have a lot of opinions about this including folks up on Capitol Hill, and folks in the Administration, and the public more generally. So, they're going to want to see that all of the contingencies have been identified, they've been thought through, that no new problems have been created in terms of the solutions that are being proposed. So I welcome the opportunity to help select some people to participate in this process, who hopefully will bring that additional perspective to assist the group overall in working through these issues.

I just wanted to mention, to the extent that there's any confusion about whether this work stream was related to the IANA Transition work stream, I think I have been consistent from the start when it first emerged that there needed to be two work streams, that these had to be connected from the perspective of the United States Government, again, there that a lot of these concerns deal with these questions of what might happen to ICANN when the U.S. Government steps aside. They are pivotal to the ultimate success and completion of the U.S. Government transition. So from the start, I have always believed that these had to be linked, and we've said so, and I believe I've said so publically before that.

At the same time, I think it's important that the focus of the group really be confined to the question of what does it mean, for accountability purposes, that the United States Government is stepping aside. I've seen in some of the discussions that this opens up issues about ICANN budgeting processes, and other matters that, quite frankly I believe, are better dealt with in the Accountability and Transparency Review Team. Those are very intensive long-term processes, those of us who have participated on it

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Grace Abuhamad 10/28/14 12:39 AM
Comment [1]: Confusion of term – refers to Accountability process-- perhaps meant to say "Process 2" or "Track 2"

Grace Abuhamad 10/28/14 12:40 AM
Comment [2]: Confusion of term – refers to IANA Transition process -- perhaps meant to say "Process 1" or "Track 1"

Grace Abuhamad 10/28/14 12:38 AM
Comment [3]: Confusion of term – perhaps meant to say "Processes" or "Tracks"

devoted, you know, upwards of a year on each of those teams taking input from the community and to make recommendations back to ICANN management and the ICANN Board, and it seems that that's the right place to take on these more operational and day-to-day issues.

I think this accountability team's got challenges enough just starting with the question of "What does it mean for the U.S. Government to step away?" without layering onto this another, a bunch of additional questions that are better handled elsewhere. And so this process should not be viewed as something to replace, or add to, or augment the existing processes. As I've mentioned before, the stress testing is going to be absolutely important in this. And people can think up, you know, "Could there be a hostile takeover of the ICANN Board in the absence of the U.S. Government?" "Could governments somehow come together to take over ICANN?" And those all things need to be thought through, processes need to be evaluated, and a determination made as to what, if anything, might need to be added to the existing accountability processes.

Then I'm going to close with the last point, which is it's absolutely critical that what comes back to us whenever this process is completed, or the two processes are completed, is a proposal or recommendation that has been developed through an open and transparent process that's engaged anybody that wants to participate, and that we end up with a document or a proposal that reflects the consensus of the community. So I've heard questions raised about, "Well what happens if the Board rejects it and we need an appeal process?" and all that. I urge the community that while people might worry about that [inaudible] if we get to that point. We can have a proposal coming in to us in the United States that reflects a certain amount of continuing division dissention, [inaudible] its important to get everybody involved here at the front so I'll [inaudible] on Fadi and Steve for saying let's step back for a little bit and make sure everybody gets on the train starting now, because we have to operate in that fashion. And at the end of the day the community's got to come together with something that holds together [inaudible] in a very thoughtful and thorough manner, and represents the consensus view of the community. Because if it isn't there is a good chance that there may be [inaudible] intervention by people in Washington that perhaps weren't strong in support of this transition being completed. And the way to prevent that from happening is to make sure we get a consensus proposal that answers all of the issues that anybody could possibly raise about this.

Remarks of Assistant Secretary Strickling at The Media Institute (29 September)
Source: http://www.ntia.doc.gov/speechtestimony/2014/remarks-assistant-secretary-strickling-media-institute

ICANN has also launched a process to examine how to ensure it remains accountable to the global Internet community. Specifically, this process will examine how ICANN can strengthen its accountability mechanisms to address the absence of its historical contractual relationship with NTIA. NTIA believes that this accountability process needs to include the stress testing of solutions to safeguard against future contingencies such

as attempts to influence or takeover ICANN functions that are not currently possible with the IANA functions contract in place.

The two work streams on the IANA transition and enhanced accountability are directly linked and NTIA has repeatedly said that both issues must be addressed before any transition takes place. The latest round of comments on the accountability process ended last week and we are looking forward to seeing ICANN's response to the comments provided and the plan for how to move the community forward on this critical topic.

I am confident that engaging the global Internet community to work out these important issues will strengthen the multistakeholder process and will result in ICANN's becoming even more directly accountable to the customers of the IANA functions and to the broader Internet community.

Larry Strickling Comments at ICANN51 (13 October)
Source: Scribe Text – since transcript is not up yet, I've copied the full speech below. Since Larry confuses the IANA process and the Accountability process, I've made some annotations. The audio is available here: http://la51.icann.org/en/schedule/mon-accountability-governance

Given the confusion in the community that certainly existed when we were in Istanbul, I had an opportunity to make a few remarks at a session that had been organized in Istanbul during the IGF, and Theresa asked me to come back today and repeat some of those same comments, in the hope -- hopefully not futile -- that I can provide a little clarity, at least to the way we view this in the united states in terms of these different work streams and what we think will need to be done as we look ahead to how this process is going to roll out in the United States.

So I just have, I think, three basic points to make.

The first one, which again I heard some confusion about this yesterday at the GAC meeting, so I thought this had been well-settled but I want to reaffirm it for everybody's benefit, which is that the issue of the work stream 1, the IANA functions transition, and work stream 2, accountability, at least as it relates to the US contract and the expiration of that contract, are both efforts that we've always believed are interrelated, that they need to be working on a time line that brings both of them to conclusion at a time at which the overall proposal would then be presented to us sometime next year, and we're not dictating to anybody when the proposal comes to us. We've observed for the community that the contract has an expiration date of September 30th, but we're really leaving it to the community to determine the work that they need to do and to get it organized in the time frame that the community chooses to organize it in order to bring us a plan when it's ready to be brought to us.

> **Grace Abuhamad 10/28/14 12:15 AM**
> **Comment [4]:** Confusion of term – perhaps meant to say "Process 1" or "Track 1"

> **Grace Abuhamad 10/28/14 12:16 AM**
> **Comment [5]:** Confusion of term – perhaps meant to say "Process 2" or "Track 2"

And I cannot emphasize enough that it's important that both of these work efforts be well thought through, be performed in what open, transparent, and inclusive manner, and really think through the issues that are involved with this expiration of the contract, so that when it comes to the united states, where it will be heavily scrutinized by not just us but by lots of other people who will want to take a look at the proposals and will want to be asking lots of questions, which is, you know, "how did you take care of this contingency? Did you think about this happening? Did you solve for this problem?" it will be important that we can say, all of us at that point in time, that, "yes, we've considered all of those contingencies and the plan deals with all of them."

Because that's what's really important here is to have a well thought through plan. And we've heard the term "stress testing" before and I applaud Steve DelBianco for raising this early on in the process. That's really what people are going to look for. They're going to want to know that the plan has been thought there and has been stress tested in that regard. So that's kind of point number 1 that these work streams are related. I think the second one is that both work streams include some element of accountability but we're talking about different things in the two work streams, and I think Theresa just made this point, but let me punctuate it again for everybody, which is that work stream 1, as it focuses on the individual IANA functions, will need to evaluate how those functions are performed, what are the performance measures for each of those, and what are the consequences if the functions aren't performed as they have been promised to be performed to the community.

That's accountability.

But it's not accountability in terms of the larger issues in the second work stream, which will address questions like what happens if somebody attempts a hostile takeover of the board? What happens if there's some other challenge to the governance structure from organizations or governments or that sort of thing? People are going to want to know that at that larger level, that the absence of the United States and the absence of that contract between the United States, that there are measures that have been put in place to make sure that the board and that the ICANN management is responsive and accountable to the global internet community.

That's what people are going to be looking for. They're going to want to know that -- that the process and that the organization can't be hijacked.

So that's, you so that's very important as you all organize these two work streams to understand that accountability is present in both of them but in different ways. And then the third point I would just make is that I do hope that as the second overall work stream on accountability gets organized, that people do focus in the first instance on what are the accountability issues that are raised by the expiration of the US contract.

I know that people have lots of other accountability issues that they want to raise. And as a member of atrt1 and 2, I wish a lot of those had been brought to us last year when the team was meeting. Many of us devoted an awful lot of time working on these issues,

and, frankly, some of the things I'm hearing now, we would have loved to have had presented to us last year. But we understand that as the kinds of changes that are in the wind emerge and people think about them. People focus their thinking a little more than perhaps they did last year. So we have no issue, and we understand ICANN has proposed that this second work stream be able -- or not limit itself in terms of the issues that it might undertake. But it is really important that the group focus on in the first instance and set its timelines according to those issues that really emerge solely by the factor -- the fact that the contract might not be there. So to the extent people assume that the presence of the united states in a contractual relationship might have prevented bad things from happening to the organization or might have prevented the kind of hostile takeovers as we refer to them, those are the questions that the group really ought to take up in the first instance and solve for those.

If there are issues of budgeting and financial management and other questions that people want to take up, fine. If they can't wait till the next ATRT, fine. That's for the community to decide. But if you get bogged down in a lot of those issues, it may throw the timeline for the overall transition off to a point where the ability of this organization to present a plan and not just the organization but all of you, the community, to present a plan to us in a timely way next year could be put in jeopardy.

So those were the three main points I wanted to make. Again, I made most of these in turkey, but if it is important to keep repeating this, I will be happy to do so. And we will be happy to provide any other clarification during the discussion.

Fadi Chehade Comments at ICANN51 (13 October)
Source: http://la51.icann.org/en/schedule/mon-welcome/transcript-president-opening-13oct14-en

This transition has today four tracks.

Two tracks, the main tracks, are community-led tracks.

The first one, as you know, is to work together on how we're going to transition the specific IANA functions at ICANN from the current regime where the U.S. Government has applied some stewardship in the past.

The second part is to strengthen ICANN's governance and accountability.

Now, this has been on everybody's discussion list: "We need to improve ICANN's governance and accountability."

And the answer to that is: Absolutely we must.

And if we don't strive to improve our governance and accountability at all times, and especially this time, we will not gain and maintain the confidence of the world that ICANN leadership, ICANN board, ICANN community is committed to the best possible

governance and accountability mechanisms there are.

So whilst we had some discussion for the last few months how to organize this, I think all of us would agree that today we are completely aligned, we know where we're going, and we'll move forward together to start building these accountability measures.

The -- within this second track, we have also agreed to have two parallel efforts.

One to deal with accountability mechanisms that must be reinforced or added before the transition occurs or along with the transition -- and this is something Assistant Secretary Strickling made clear in his speech in Istanbul, that he will be looking for community consensus, community consensus, on how we improve our accountability with regard specifically to the transition, and then in parallel, another group - - because we are also receiving these requests -- needs to look at the broader ICANN accountability and governance improvements that we need to do that may not need to be necessarily taken care of before a transition occurs.

So by creating these two parallel efforts that are intricately tied but on different time lines, we satisfy the needs of the global community and our community to move forward and improve ICANN's accountability.

Now, these two blue tracks at the bottom, in case anybody is worried about these, this is simply what staff needs to do to implement what comes out from the green tracks.

So if the decision on how IANA functions will occur impacts our operations, we need to be prepared for that.