Transcription ICANN Toronto Meeting

Q&A Session with Council Chair candidates Meeting

Sunday 14 October 2012 at 10:00 local time

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Coordinator: The recordings have been started for this session. Thank you.

Man: The time is 10:08 am and we are going to begin the Q&A session. Thank you.

Stéphane van Gelder: Thank you very much. Welcome back, everyone. We are continuing our GNSO Working Sunday with a session of questions for the candidates for the job of GNSO Council Chair, which I can tell you is very easy. So we have two great candidates that have stepped up to do this and that will be - that we will be holding an election on Wednesday immediately after the open Council meeting so we will have the open Council meeting, as usual, on Wednesday.

We will then close. We will thank the out-going Council, invite the new councilors to take their seats and we will then reconvene for a one-item meeting - one agenda item meeting, which will be the election of the chair.

So we have two candidates for that position and they are both sitting here looking worried. We have Thomas Rickert and Jonathan Robinson. Thank you to you both for stepping up and being willing to do this. It's a heavy commitment so thank you for doing that.

And we've had some questions that have been sent in on the Council list already. So I was thinking of either doing this US Presidential debate style and giving you two minutes each or we could do it any other way.

But one message that I sent to the Council list earlier on just to reiterate here is that we've had some questions sent in so obviously we'll get to those. But that doesn't mean that anyone else that wants to chime in and ask things of you two gentlemen cannot do so so don't feel constrained.

We have set aside a good hour and a half for this session. It's an important session the idea being that you really get to know the candidates and can ask them what you want to ask them.

So with that perhaps I can just initially turn to you two if you want to make any opening remarks and then we'll possibly go down the list of questions. Who won the coin toss? The coin toss - what did I say? Who - okay who wants to go first? Who wants to get me coffee?

Jonathan Robinson: Thanks, Stéphane. Thank you very much for taking up 10 minutes of our time that'll reduce the time in the hot seat.

But, no, I think for me this - I suppose my opening remarks would be I'd first of all refer everyone to my candidate statement. And I'd love you to have it in front of you and to make any questions or comments from that if you'd like to.

I think you'll see from that that really I emphasized a couple of key points. And I think it was my view that I wanted to structure that quite carefully and build it based on a couple of key principles. And really that is my understanding of what one would expect from a candidate as a chair and the personality, style and approach to chairing something like the GNSO Council.

And in particular that chairing the Council is perhaps different to chairing some other forms of corporate or other bodies and that requires a unique and

specific style which I'm happy to make the case as we go through this for why I think I can meet that requirement.

The second thing that I focused on was the role of the Council, which I know is something that's on a lot of people's minds and making sure that the Council's role and way of working is both - is both understood internally and externally. And the third thing I focused on then was the role of the chair within the Council itself.

Stéphane, (unintelligible) being guided by you. I mean, I could talk for 10 or 15 minutes but...

((Crosstalk))

Stéphane van Gelder:. ...Jonathan and...

Jonathan Robinson: ...a couple minutes there.

Stéphane van Gelder:. Yeah, thanks. And let's just ask Thomas to give us a brief intro and then we'll go into questions. Thank you.

Thomas Rickert: Sure, thank you, Stéphane and thank you for having me. I'd like to thank everybody in the Non Contracted Parties' House for nominating me because that has been a huge honor for me since I'd only been on the Council for less than a year.

And as you may or may not know I'm one of the Nom Comm appointees to the GNSO Council, which means that I don't have a group that I report to or that directs me to take certain positions. So the feedback from various members of the community whether that I should consider a nomination for the position of the GNSO Council Chair was very, very flattering and ensuring that not everything that I had said over the last couple of - this last year - was wrong.

At the same time I'm fully cognizant that a completely different skill set or partially different skill set, I should say, is needed to be a good chair opposite to being a good councilor. And I think that this skill set is something, you know, that I checked against before I accepted the nomination.

And for those who don't know me, because I haven't been so visible in the domain industry in terms of ICANN, although I have been working in the domain industry as a lawyer since 1999, is that I have been working in on various projects, national as well as international projects, where I had to bring together stakeholders and organizations from various different backgrounds.

To give you one example I was President of the INHOPE Association for three years, which is an organization taking - umbrella organization of member organizations taking complaints from the general public about illegal material online.

And that meant to bring together outlines with a governmental background as well as an industry background, as well as an NGO background. And they all had different agendas and it was my task to bring them together, remind them of their common views and drive things forward.

And in that capacity I represented the group, I had to chair a lot of discussions, very controversial discussions, but I also had to represent the organization towards Interpol, the European Commission and very many other places.

So to put it in a nutshell I have a history in working on projects in the area of Internet safety, Internet security. I have been working with registries, registrars and trademark owners in various capacities that I'm happy to answer more questions about.

And I think that I have experienced the multistakeholder approach for the last 13, 14 years and that's what I can bring to the table since I know the needs of the various stakeholders I think I can balance the various (unintelligible) quite well and manage this very diverse group. I think I'll leave it at that for the moment. Thank you.

Stéphane van Gelder:.   Thanks very much to you. So we'll lead straight into the questions. And I suggest that we start with the questions that were sent in, which you may have had time to see, which is possibly the best way to start.

You have some questions on your screen. Marika has been kind enough to try and collate the ones that we got from the list. So let's start with Jeff's questions and these, I believe, are for both candidates. Jeff would like to know - would like for you to describe what you believe the role of the GNSO Council Chair is both from an internal Council perspective and from the perspective of dealing with external bodies please.

And perhaps we can start with Thomas this time.

Thomas Rickert: Thank you, Stéphane. I think that there is not an easy and there's not one answer to that question, which has a lot of aspects to it. When it comes to the role of the GNSO Council Chair within the Council I think it's a moderating role.

And if you look into the bylaws and look at the role of the GNSO Council it's managing the policy development process. So I would perceive the role as Council...

Jonathan Robinson: ...and coordinate and (unintelligible) sensitively manage those processes. And I think I would describe myself as, I mean, I'm not sure I totally like the term but as having emotional intelligence. And I think that's an important quality in this particular context.

This isn't a business that's producing product in a commercial way in a sensitive market. It's an entirely different organ of an entirely different type of body. And so it requires that recognition of all of that is.

Now you might say well, in Jeff's terms from yesterday, well that's motherhood and apple pie. The question is how the bloody hell are you going to do something about it.

And I think the important thing is that actually there is an element here of, you know, standing on the shoulders of giants. I mean, there are - there's some extensive experience in and around this group. Past chairs I see three of you in the room I think including Stéphane who, if you'll forgive me for the purposes of this referring to you as a past chair, our existing and esteemed chair.

There are, you know, stakeholder group chairs, there are councilors. This is very much not a job for a chair to stand alone. And in some ways - you reference to the Presidential debate is quite interesting because this is not about standing up on a podium and espousing a policy or personal vision.

I mean, I'd quite like to do that in some areas in my career and in terms of, you know, I have a lot of personal drive to achieve things. But I don't think this is the forum in which to express that kind of thing. This is far more about building, facilitating and managing consensus.

And I'll say one more thing about that because I think the critical skill to achieving that is that that doesn't only take place in our meetings whether they're on the telephone or in person. I think this is about working the room in the broadest possible sense. This is about going out and meeting others outside of this particular confine whether that's one-to-one, in groups and also relying on and using the resources available.

So in your case we've discussed the vice chairs, it's the staff, it's the councilors so there are many tools with which one can work. And it's simply not about a single individual standing up and saying - banging the table and saying this is how I'm going to do it. Thank you.

Stéphane van Gelder:.   Thank you very much, Jonathan. Can I open it up for any follow up questions? Wolf?

Wolf-Ulrich Knoben: Sorry, just to follow up, Jonathan, you mention about the external relations or could you add some, well, words to that extent?

Jonathan Robinson: Thank you, Wolf, and thanks for being on the money on that. I am sort of conscious of time and I didn't want to monopolize the mic. But, no, I mean, I'm aware of this issue. I think the external role of the chair, from my perspective, is - it's incredibly important to represent accurately and effectively the GNSO, the role of the GNSO, the diversity of the GNSO, the work that it's doing, any particular prioritization that may exist at the time.

I think these are all jobs that a chair could effectively do. And yet at the same time one has to be particularly careful and sensitive to the fact that, as we all know, there's a diversity of views and the Council does not necessarily have a single or specific view on a particular policy area that it's working with.

So I think it's - the word that springs to mind is an ambassadorial role. It's a role of convincing people, others in other stakeholder groups and other areas of the value and worth of the Council and the benefits of the work it does without representing specific policy positions. So thanks, Wolf, thanks for reminding me of that.

Stéphane van Gelder:.   Thanks, Jonathan. Any further questions following up on this point? In which case well move to the second question that Jeff asked which was, "What do you view as your role with respect to neutrality? Can you be

an effective advocate for your positions or your groups' positions while at the same time leading the Council in a neutral manner?"

We'll start with Jonathan this time.

Jonathan Robinson: Thanks, Stéphane. I mean, I'm slightly resistant to the term if only because I think it's absolutely implicit in the role of the chair to be impartial, balanced, fair minded and in a sense that is what neutrality defines.

But I think, you know, I talked a lot about - a moment ago about how the chair should work and I think those are encompassed in a form of neutrality in this fair-minded and balanced way. But I do think, you know, underlying that when we talk about neutrality we immediately - one's mind springs to being a representative of a stakeholder group and having a vote at Council.

It is my opinion that in many ways having a directed vote as I would puts one in a more neutral rather than less neutral position in that sense. But in any event whether you agree with that or not the vote is directed - and this is not about voting, it's not about a stakeholder group position; this is about one's effective ability to engage with the councilors, to understand their particular positions, to go beyond their positions and understand their group's positions and to try and bring that together in some way so thank you.

Stéphane van Gelder:.   Thanks. Thomas.

Thomas Rickert: ICANN is in a critical phase at the moment particularly with the new gTLD program having been launched. And this leading to an increasing attention to what ICANN does. And the GNSO, as the policymaking body and the GNSO Council as the manager of this policymaking, is under increasing scrutiny these days.

And I think it's imperative for ICANN and the GNSO that the chair is not to be (unintelligible) topic is so that for transparency reasons everybody is clear

about what they can expect from me in terms of voting behavior. But at the same time I would not advocate my position but I will then withdraw to moderating the discussion that is there.

And so I think in a nutshell I think I've covered the various aspects and I'll leave it at that for the moment.

Stéphane van Gelder:.   Thank you very much. Can I just open it up for follow ups before - does anyone want to follow up apart from Avri? Avri please.

Avri Doria: Thank you. I have a question - and it's mostly for Jonathan. As was mentioned I had the honor to be an NCA Chair. I also had - I also - is it on? Okay sorry. So I had the honor to be an NCA Chair. I also had the pleasure of spending a short time as a Chair from a constituency. Now I think I'm probably the only one that's had the opportunity to be both.

And the question I have for you, Jonathan - and it also relates to things I think I've seen with chairs from constituencies - is that there's two possible pulls. There is, as you mentioned, there's the pull of being in a stakeholder group that has directed voting and that you didn't see as a problem.

But yet if you seem to be - and chairs are fabulously neutral but in controlling the agenda sometimes you don't look at neutral a you think you're being. And those that are your mates from your stakeholder group often have suspicions that perhaps you weren't as neutral to them or you bent over backwards to not be - appear as if you were supporting them.

And those in other stakeholder groups and constituencies look at you with suspicion for fear that you're being prejudicial towards your group. So how do you deal with - you said it was a thing of emotional maturity. There is a good chance that at any chair from any constituency will be suspected both by their stakeholder group and by the others as being non-neutral even when they are.

And so I wonder how you - what you've thought about that and how you feel about that particular push-me pull-you.

Stéphane van Gelder:.   Thank you, Avri. Jonathan.

Jonathan Robinson: Thanks, Avri. It's a good follow-on question and it's an interesting point. I mean, I think I used the word emotional in a different context; I used it as emotional intelligence. And what I was referring there - in that context too was trying to better understand the particular motivations and drivers of individuals and groups.

So - but nevertheless I appreciate you referring to emotional maturity because that's one thing is to not be swayed emotionally, I guess, by any of the arguments.

I find it quite difficult to understand how there's, in many ways, a difference between the two of us in this context. But let me focus first on your question of - if I understand it is how to appear - it's about the appearance of not being - I mean, maybe I need you to state it succinctly because, I mean, I'm aware that you described the context but...

((Crosstalk))

Stéphane van Gelder:.   I can help you out. Any chair that's been in this - any person that's been in this role can - what Avri just described makes perfect sense and that is that once you get to this position you suddenly find yourselves without any friends because your previous friends suspect that you're not doing enough to uphold their position. And your previous not-so-friends continue to suspect that you're not behaving in a friendly way.

So you - what Avri is describing is the fact that to be neutral, to think that you're being neutral is one thing but that you have to face the situation where

the perception of neutrality from others is something very different. Is that correct, Avri?

Jonathan Robinson: Yeah, I don't have a difficulty understanding that. I think, you know, it's - what you describe is it's a tough job. You know, as you say - but you're not really in a leadership role like this to win friends. And I suppose Jeff touched on this a little bit is can you remain an effective advocate for your stakeholder group?

And my opinion is that in some ways you can't. You naturally, by virtue of going into the chair position, your ability to advocate is compromised. It's not removed entirely. Under certain circumstances, whether it is a requirement to reinforce your colleagues from your stakeholder group's position or indeed if they're not there to perhaps represent their position it may be a requirement to step aside from the specific chair role and talk as a stakeholder group councilor.

But I think that it would be - it's certainly my strongly-held view that one's advocacy ability is significantly diminished by taking on the chair. And it goes with the territory. So to sum up I think there's two things that go with the territory. One is a reduced ability to advocate on the part of your stakeholder group.

And frankly, as chair, it's probably inappropriate to advocate - well it is certainly, you know, inappropriate to advocate. And in general it's undesirable unless there's specific and necessary circumstances. So as to losing friends well I'm afraid it probably goes with the territory, as you know.

Stéphane van Gelder:. I've got many friends. Thank you very much. Just to follow up on that I've got Jeff and Chuck in the queue as well. But you mentioned - I'd like to hear you both on this, actually. You mentioned, Jonathan, that - you mentioned two things which might be difficult to reconcile, which are being kind of new you used the word 'ambassador' I think for the GNSO Council.

And you're now talking about advocating or not for your own stakeholder group or your own house. How difficult do you think, I mean, being an ambassador outside who are you advocating for and what positions are you advocating?

And once you're, as chair, running the Council, as it were, then how - do you have to step back - can you just clarify what you were saying?

Jonathan Robinson: Yeah, I think it's important because I think that conflates two different points in two different contexts. The first context was how do you represent the Council outside of Council meetings and that's when I referred to the ambassadorial context.

The second is is it possible or under what circumstances one might, notwithstanding being in the chair role, advocate for your stakeholder group? And I think I described the specific and limited set of circumstances that that's the case.

But, you know, I'm not sure I agree with the position that, as a chair, you can state your position up front and remain neutral. So I take some issue with the point that Thomas made. I wonder whether it's possible to start the debate off by saying and by the way my position is this; now have an open debate. I think that's quite difficult.

I think my thought on that would be in an ideal situation, I mean, the traditional role for the chair would be to have a form of casting vote and to only exercise that vote under extraordinary circumstances.

Frankly, the way in which it works with a directed vote is quite convenient because that - it will be known that one doesn't have a choice in your vote. Thanks.

Stéphane van Gelder:.   Thank you very much, Jonathan. Thomas, can I let you respond?

Thomas Rickert: As regard to timing surely I wouldn't be able to make an informed decision that I could correspond to the group prior to having followed at least part of the discussion. But so I think it would be immature to, without having heard the views of the various groups, to make a decision. What I intended to say is that I will go public with my views and not keep that close to my chest until the respective elections - votes have been cast.

As regards to the wider agenda and I think that, Stéphane, that is your question it's certainly something that is difficult for an NCA to announce up front because I don't have any specific interests that are as clearly shaped as would those from the Registrars or the Registrars.

But I think that there is a big opportunity and an advantage in that because, as an NCA, I can take the luxury, if you will, to make decisions in way that I think are best for the community. So to report a little anecdote after I had been on the Council for the first two hours in the first coffee break somebody came to me and I'm allocated to the Contracted Parties' House for those who don't know.

I was approached by a person who said you might be a good IPC councilor. So I think it depends very much on the specific point what position I will take. I will be as transparent with it as I can. But I think that adds to the neutrality because you can be sure that I would not drive one particular group - one particular group's agenda.

Stéphane van Gelder:.   Thanks, Thomas. I'm going to not hog the mic and pass it over to Jeff and Chuck. But I'm not sure - I'm actually not sure that I was clear in my question. My question was how would you defend the GNSO Council outside? You talked about an ambassador role. And do you think you should be doing that?

But - so let's leave that to one side for now and - yeah, let others speak. Jeff.

Jeff Neuman: Thanks. And then mine actually follows on to that so you can respond to his and mine at the same time because I think there is the notion that Stéphane says about advocating as far as defending the Council, as far as the - where we fit into the ecosystem.

But I also think - and this necessarily hasn't been done as much, which I think there's a stronger need for given a lot of the top-down decision making that we've seen - is really defending the Council's positions even if they're - not everyone on the Council agrees.

So how would you go about defending not only the role of the Council in the model but also defending the Council positions understanding that not everybody may agree with that.

Thomas Rickert: Thanks for the question, which is a very good one. As regards to the first aspect I think towards the outside world the - how the GNSO and the Council works needs to be explained. And I think what we need to ask for at the same time is patience with the time needed to come up with certain positions and policies.

And I think that we're at a perfect point in time to sort of restart this and have a good chance of conveying the message that we need to be patient in order to make good decisions and follow due process when making policy.

And that is that the new CEO, Fadi Chehade, he said that he is a defender of the multistakeholder approach and the (speed), I add. And I think that's a very important addition that he will defend the PDP process and with (speed).

And I think we can take advantage of that. But certainly we should remind ourselves that he didn't say that he would defend the multistakeholder approach and any speed it might wish to take. So we have to be as expedient

as we can. And I think that's a good starting point to actually build on as the GNSO Council Chair and advocate for the GNSO, the processes in terms of policy development in the GNSO and the role of the Council managing that process.

When it comes to positions that the GNSO Council chose to take I would be a strong advocate of these positions. And my personal view - and I certainly have personal views on all matters that are on the table - doesn't matter at all. So I would represent the group's view, which might not be a consensus view and the diverging views if necessary.

And I think that an NCA doing so would be in a better position and maybe even more credible rather than a particular group's representative that has to advocate for a group that comes from a completely different part of the community.

((Crosstalk))

Stéphane van Gelder:.   Thanks, Thomas. That was very clear. Jonathan.

Jonathan Robinson: Well I must take issue with Thomas's last point straight away. I mean, I think it's very, very important that, as I've stated at the outset, if you are in the role as a chair you are in the role as a chair and you are in the role in your capacity as a - both internally as a neutral facilitator, guider, director and manager of the agenda items and the motions and the issues within.

And similarly externally if you are representing the Council as the GNSO Council Chair in whatever way or shape or form that might take that is the role you are in. You are not - it simply manipulates the position to suggest that you are representing your stakeholder group.

Now, Jeff, your questions are very good questions because actually in many ways, to my mind, they represent two sides of the same coin because in

representing the way in which the Council works and the structure of the Council and the position of the Council within the ecosystem you are very well qualified then to move on from that to describe why the Council has taken any particular position or to represent why any facet of the Council has been - or has been, you know, is not in line with that particular position.

So you can describe how the Council works, how it comes to a position and why that won't always be unanimous. And if there's a specific case in point, if necessary, which portion of the Council may not have conformed with the consensus or the body of, you know, the rough consensus or whatever particular position the Council has taken. Thanks.

Stéphane van Gelder:.   Thank you, Jonathan. Chuck, please.

Chuck Gomes: Thanks, Stéphane. And thanks to both Thomas and Jonathan. Three points I'd like to make. The first one going back to Avri's statement about people being suspicious. Both of you have an advantage over me when I was chair; you're not with VeriSign.

And I guarantee you that the suspicions with regard to my Registries Stakeholder Group role were nothing compared to the suspicions with regard to the fact that I was with VeriSign so you both have an advantage there. It does happen.

I do want to comment about the - Jonathan, your comment about losing friends. I don't think you'll lose any friends unless you're really - really bad. I have found that people in this industry, whether we agree or disagree or whatever, to be great. I don't think - and anyone's welcome to come to up with me afterwards and tell me if I'm wrong on this - but I don't think I lost any friends because of being chair. And I don't think either one of you will if you're elected either.

And then last of all - and most important probably is is the role of the hat you're wearing. As chair your primary hat is chair hat when you're leading a meeting. But that doesn't mean you can't wear other hats because there'll be cases where that's not only needed but valuable.

The important thing is to be clear whenever you take off your chair hat. There will be times, Jonathan, in your case because you're from a stakeholder group, that maybe both of your other Council representative are absent. And so you may need to reflect a statement, a position from the stakeholder group that you represent and that's okay as long as you're clear that you're taking off your chair hat there and fulfilling that role.

Thomas, with regard to personal opinions, and this really applies to Jonathan as well, I think your personal opinions are valuable and it's good information. Just be clear that - and you have said that - that when you're expressing a personal opinion that you're stating that to the Council with your chat hat off for a moment.

Now last of all on that I think it's good to minimize those times as possible as chair. And one of the techniques - this is easier for Jonathan to do - is to try and get your other councilors to make the statements from the group. And I certainly tried to do that; it didn't always work out that way but that - minimizing those times I think is valuable.

But it's okay to put on a different hat than the chair hat and contribute something; just be clear so that the Council and the community knows when you're doing that. Thank you.

Stéphane van Gelder:.   Thanks very much, Chuck. Okay.

Jonathan Robinson: Thank you very much, Chuck; wise words indeed. I just - two very brief responses. One, the friends thing I responded to a question as to whether I was willing or prepared to lose friends; not whether I was going to go in all

guns blazing and start to lose - so I just indicated that that wasn't a basis on which I would work.

Second, I really appreciate your point about the hats. And I think in many ways it applies equally to Thomas. And times he'll have to take off his chair's hat, and as you say, express a personal and perhaps strongly held view on any particular topic. So really appreciate yours, and in fact Avri's before, wisdom as past chairs of this group. Thank you.

Stéphane van Gelder:.   Thank you, Jonathan. Thomas - no, thanks. Milton please.

Milton Mueller: Hi, this question is for both of you. I'm just curious knowing what I know about what the chair in this does and indeed how much time it takes to be just a councilor I want to know why you want to do this. I mean, I understand the - let's just - let's understand that both of you probably want to make some kind of contribution to the public interest here.

But - and that somebody has to do it; we all understand that. But, I mean, just beyond that what makes you actually want to subject yourself to this?

Thomas Rickert: That's a very good question. And, Milton, believe it or not when I joined the Council a year back I wouldn't have imagined to be sitting on this chair and being (unintelligible) to all these questions.

The decision to send in an SOI for the position of a councilor in itself was a commitment. So I - it was a two-tier approach, if you will, so I had to make a decision at that time whether I want to contribute to the Council, which, as you said is quite a huge investment in time and I accepted that.

And when I was approached by various people in the community whether I would accept a nomination for the position of the Council Chair it actually took me a couple of weeks to make up my mind.

And I carefully analyzed the impact on my personal life as well as on my professional life so of course my wife, we have kids. So I, you know, I needed to be reassured that there wouldn't be any issues with me spending even more time working in addition to the already much time that I'm devoting to my work and with the work of ICANN.

Nonetheless I have decided that I would spend that time and sort of accept the sacrifice both professionally as well as privately because I think that in this phase I can add to the Council's work and to ICANN with the qualifications and the experience that I have.

Now you might think that, you know, this is just lip service because we're, well, working for the public good. But in fact I should tell you - and for those who haven't read my candidate statement - I'm basically performing two functions; my day job is being a lawyer and so I have a law firm with a partner. There are seven lawyers in total and we have hired an additional lawyer a couple months back. So I have people to give work to, right? So that's one thing.

And as you well know I'm also working with ECO which is Internet industry association. I've been working with ECO for many, many years. I've done project management for ECO in various projects. I'm not going to dive in too much detail.

They also said this is a very important role so they would not, in any way, take influence on what I'm doing. But I'm a contractor, a consultant - consultant to this Internet industry association and that also adds flexibility to what I can do in terms of time.

But again that's very important. There's no influence whatsoever on positions that I take. And, you know, it's clear in my SOI as well that I'm working with that organization.

But having said that I know it's an enormous task and I know that the majority of the work that is going on is not visible to the public. So I have spoken to past chairs, I've spoken to staff, I've spoken to fellow councilors that were in that role before to get as much information as I could as what the implications of that would be.

And what I found really comforting is to know that, number one, I will have vice chairs that I will closely work with so it's not only on me; I'm a good team player. And I also know that there is excellent staff. And I know from previous chairs that staff is actually very efficient in supporting the GNSO Council leadership team. And that mix of facts actually made me believe that I can do the job and I'm prepared to invest whatever time is needed not only to do it but to do it right.

Stéphane van Gelder:. Thanks, Thomas. Jonathan.

Jonathan Robinson: That's a very good question, Milton and I really appreciate you asking it. I actually changed my mind. I heard too much already. I think, you know, my motivations are multifold. And I think you're not asking about how are you going to do it and what you're going to do but it's why; what really motivates.

And, I mean, not all of you know but I've worked in this industry since the pre-ICANN days. I was involved in the - even forgotten the name of it - but the ad hoc committee that tried to introduce new gTLDs - yeah, yeah, it's hard to believe.

But, and, you know, the green paper and all of that. Went to the Tokyo meeting in '97 and all sorts of stuff, Geneva. And so, you know, I've been involved in and around the perspective creation of new gTLDs and what that might mean.

I've also worked in the registrar business. I mean, our business was, if not, the first one of the first to define and create a particular value-added niche in

the domain name industry, which was about portfolio management of domain names and treating them as intellectual property or commercial assets as opposed to pieces of technology.

And that built a whole niche of business. And, you know, I've personally benefited from that both in many, many ways but including financially. And, you know, like many others in this industry I've managed to do well and earn a good living out of it so there is definitely an opportunity to - and in those days I didn't participate.

I was at ICANN meetings on a regular basis and following the process but frankly with a largely commercial motivation rather than being more interested in perhaps a broader or public good. So there's certainly an opportunity here to give something back in that sense. And that's a great opportunity.

I think it represents an enormous personal challenge as I set out at the beginning when we started talking about this. I mean, there's nothing I love more than a multifaceted, multidimensional problem. But if ever there was a sort of Rubik's Cube to solve I think in some ways the GNSO Council and the policy development process and working within the constraints of that is such a thing.

I mean, I suppose there's one other thing - and I really - I think it's important that I talk to, you know, the NCSG people a little about this. And you should recognize that I had the good fortune or misfortune, probably a combination of both, to grow up in the developing world. I spent many formative years in South Africa - in apartheid South Africa.

And I was, you know, I'm fully aware of the issues of state control of information, the control of the rights of the individual. I'm sympathetic and have a good understanding of many of the issues in and around data privacy; the sort of things that the NCSG focuses on.

And although I can't claim to be current on all of it I have - for me the synthesis of those kind of issues together with all of the sort of commercial, public interest and other policy drivers and trying - is an immense and personally interesting challenge to try and get that right.

So, you know, there's a composite of things that this represents at a personal level to try and synthesize and respond to the challenge. But, thanks, that's a good question. I really appreciate having the opportunity to answer.

Stéphane van Gelder:.   Thanks to you both. I have Alan next then Wolfgang. Can I just ask that we try and give some short answers? I'd like to get to the rest of the questions at least that are being sent in on the list. And Wolf was very good in scheduling 90 minutes for this but we may run short in the end so Alan.

Alan Greenberg: Yeah, just - it's a comment not a question and I'm due at another meeting in one minute so it will be short. I was intrigued as I was listening to the discussion of, you know, how will you handle not having - be able to speak on behalf of your stakeholder group.

And the idealistic part of me, which only rarely shows its face, says that I would think that for any stakeholder group here they would put far more value in having the Council run well than having another advocate at the table. I would like to hope so in any case.

So I'm not targeting saying you would be better than Thomas because of that. But I didn't hear that mentioned. And I would think to any stakeholder group, to any member of Council, having Council run well is a really important issue. And, you know, I suspect that happened with the Registrar Stakeholder Group and Stéphane. And I would hope it happens with any chair if they happen to come from a stakeholder group.

Stéphane van Gelder:.   Yeah, Alan, just thanks for the - the comment. I think it's a good comment to make. I'm not sure it's actually completely true but one would hope it is. Jonathan.

Jonathan Robinson: Well it's a very...

Alan Greenberg: I said it was the idealistic part.

Jonathan Robinson: Alan, thank you. It's a very good comment. And it also fits into a much bigger picture which is having ICANN run well. And if you believe in ICANN and the multistakeholder model and all that that entails you better have an effective and a functioning and well-run GNSO Council so spot on, thank you very much.

Stéphane van Gelder:.   Thomas.

Thomas Rickert: Yeah, talking about...

Wendy Seltzer: Sorry just seeing the way everyone is directing their attention toward Non Commercial here is absurd.

Stéphane van Gelder:.   Do you want to quantify that, Wendy? Wendy? Do you want to quantify that? So the candidates can respond? Okay, Thomas?

Thomas Rickert: Talking about the GNSO and its council work opens space for a multitude of things. I think certainly it should be - in the interest of the chair and I think that we both think along the same lines there that we should be as efficient as possible to make the GNSO and its council be as efficient as possible.

And if we are then actually ICANN will benefit from it because ICANN is bottom-up multistakeholder, so is the GNSO. And if we fail on delivering on that then ICANN will suffer. And in the international arena I think we need more excellence in ICANN in order to strengthen ICANN's role.

I have a multitude of ideas as to how we can provide for this excellent and deliver. Stéphane, I'm not sure whether you deem this an appropriate place to dive into that or...

Stéphane van Gelder:.   Please, it's your space to say what you will.

Thomas Rickert: Okay. Because what I think is needed, and I think that might be alluded to in some of the follow up questions - how do we make policy development more efficient? There have been cases in the past where the GNSO Council has felt that it was bypassed. And there was sort of the impression that whenever things needed to be done quickly you rather not ask the GNSO to perform work on it.

So I think what is needed and that is denying what the bylaws stating that the GNSO Council is the manager of the policy development process, we have to make sure that we as a Council and the leadership team in particular make sure that this process is running smoothly and efficiently.

And that goes back to the work of the working groups. So we have to make sure that we, as managers, number one, have something to manage so that there's substance coming to the Council and originating from the community. And also that we manage the process well.

And I think there is a lot of hope for improvement there. So what I would like to discuss with the Council, should I be elected, is to empower working groups and their work and thereby attracting maybe more people to contribute to the working groups.

We heard Mikey yesterday saying that there's - it's a free of charge way to contribute to ICANN so you don't even have to travel but you can work with working groups. And I think that we don't use that means to the best possible extent for various reasons.

One of them being that I think a good working group chair that knows the subject is not necessarily a good project manager. So I would encourage the working group chairs maybe to take a half-day course or whatever we can offer in project management so that the work doesn't linger on but that we actually have milestones, times, targets and that the leadership inside the GNSO Council helps by regular communication to achieve those results.

You know, to either have regular calls to ask the working group chairs are you getting enough support from the members of the working group? Is the attention good enough? How is the quality of the work? And if there are deficiencies then we could talk to other leaders in the community and ask them whether they can help with that.

So I think that we have to focus more on the management role and be more professional in making sure that management is actually taking place and that we come to results in a more timely manner. And if we do so the PDPs are kept as short as possible. Then I think people will be more encouraged to contribute because they see that their work is not in vain.

And then I think as a side effect to that the GNSO as such will be taken more seriously and that will help ICANN improve its reputation in the international arena.

Stéphane van Gelder:. Thank you, Thomas. I have Wolfgang and Mason. Wolfgang, please.

Wolfgang Kleinwachter: Yes I have two questions. In your external function a chair has to have also a lot of diplomatic skills. I think we have (placed) the situation in the last couple of months in the IOC Red Cross discussion that the GNSO was a little bit sandwiched between expectations from the GAC and expectations from the Board. And they had to maneuver.

You know, there were some people in the drafting team saying we have to please the GAC; it's a unique opportunity to get a higher profile. Others said no we have to be more independent and neutral and there is no reason to please somebody. So that means we have to come out with our own opinion.

So my question is, you know, in this triangle between the Board and the GAC and the GNSO, you know, where do you see, you know, what would be the role of the GNSO in such difficult situations where probably the GAC and the Board disagrees and try to play their game, you know, to bring the GNSO on their side.

My second question is with the representation. The GNSO is still, you know, a little bit unbalanced as it comes to the composition. That means if you go to various constituencies the representative from developing countries, in particular from Africa, was low, registries, registrars but also ISPs. And so that means we are - we'll move to Beijing, we will move to Durban.

Do you have any idea what can be done to (unintelligible) to do more outreach and to get more members into the various constituencies? Certainly that's, first of all, a question of the constituency but as the chair of the whole GNSO you have a certain responsibility and how you would describe your responsibility in this respect. Thank you.

Stéphane van Gelder:. Wolfgang, thank you. Let's turn to - whose turn was it - to start? Was it Jonathan? I forget. Who wants to start? Can I just ask you once again to keep your answers short? Yeah, Thomas.

Thomas Rickert: Wolfgang, thank you for the question. When it comes to the diplomatic skills and how to handle that I think that communication is key. I think what we haven't seen enough in the last couple of years is communication.

And the mutual understanding of the processes, the time and the impact and maybe even to remind the whole community - and I explicitly include the GAC

as one stakeholder in this community, right, so they're not outside, at least in my perception, they are a part of the community.

We have to do a better job in explaining what we would lose in case we would shortcut the system. And we need to highlight the benefits of the bottom-up multistakeholder approach. And, I'm quoting Fadi again, and the time needed to achieve results.

When it comes to my personal diplomatic skills I mentioned that I've been Chair of the INHOPE Association, that we are primarily (unintelligible) material so I have been presenting to Interpol, I've been presenting to the European Commission and I've been various other places where certainly, as an industry representative, which I was at the time, you're always under suspicion that, you know, the industry just (unintelligible) in order to be able to do their business.

Nonetheless I have been reported by many people that I was seen as somebody who was very neutral and also diplomatic in bringing across the messages. And I think that's vital. And that's maybe an area where I can bring to the table my long experience as a lawyer.

So I am doing a lot of contract negotiations, I'm asked to act as a mediator in terms of conflict. And my clients have particularly included me in cases because of my diplomatic skills and bringing people together.

And I think that what we need more is reminding all stakeholders inside ICANN about the importance of us all driving the same - or being driven by the same motivation in the bottom up multistakeholder in order to achieve results.

As regards outreach I think that the Council is not the appropriate place to do outreach so I would not perceive it as the role of the Council Chair to do outreach. Outreach, nonetheless, is an important subject.

But I think what we can do and what I would try to add as Chair of the Council by applying the management techniques or approaches that I explained earlier is to make the work inside the community more attractive and de facto attracting more people to contribute to it by doing so.

But I think it would be not - would not be the role of the Council Chair to go out to speak to the outside world and provide outreach. I think that that's something that is well placed within the respective groups that have direct contact to the respective target audiences.

Stéphane van Gelder:. Thanks, Thomas. Jonathan, please keep it short.

Jonathan Robinson: I'll keep it very short then, Stéphane. I mean, I think honestly, Wolfgang, I think you had put a lot of light between the way Thomas and I would handle these two questions. So, I mean, I think, you know, I have very similar views on the - on how one should deal with. I mean, I think we face a particularly thorny issue. We all know that the mechanics of how the example you gave was handled didn't work out for the best.

And it's something we need to learn from and the methods of dealing with that are certainly about communication, diplomacy, direct contact. And so I, you know, are very much in line.

I suppose the one other point I'd make is being ahead of the curve. I think to some extent we got caught behind the curve with that and our approach has been, in many ways, reactive and so the challenge, really for the leadership, not just the chair and the Council as a whole is to anticipate similar issues coming down the road and try and head them off rather than be on the back foot, if that expression is meaningful to you. So I think it's an English cricketing expression so it may be problematic.

And then I'm probably - suffice it to say if you want to drive it a little harder but I'm suffice to say I'm probably similar view with Thomas on the outreach. I expect that ICANN itself can do some work there as well.

Stéphane van Gelder:.   Thank you, Jonathan. Mason.

Mason Cole: Thank you, Stéphane. My question actually overlaps a bit of Wolfgang's. But mine was to both of you how you would deal with the issue of volunteer burnout in the GNSO community in the model because my observation is there is often the same people doing the same kind of work.

And over time that can become a problem. So I'm not particularly asking about outreach or how do you increase capacity but how do you deal with the problem of the same work tending to flow in the same direction to the same people and make that a refreshed situation inside the GNSO. And, Thomas, if you can somehow make GNSO work look attractive I will be very impressed.

Stéphane van Gelder:.   Thank you, Mason. Let's start with Jonathan once again.

Jonathan Robinson: Yeah, that's a good question, Mason. It's something which obviously concerns all of us because some of us are those burned out volunteers. And, you know, I guess what - one of the points is that we - that through the new gTLD program we're about to - we have already or are about to see significant increases in the resources available to us.

Now, you know, your point is slightly humorous about the attractions of the work. But frankly it is in an environment where there is significant unemployment issues in parts of the developed world and certainly developing world, I would think that if we can get it right there must be ways of attracting people into this.

One of the challenges we've got is the jargonized and the sort of some of the cultures of the way in which we work. So I guess my answer is twofold; one,

we have a wave of new resources joining and it's a matter of harnessing that. And I can think of some ideas as how to do that.

And ideally I guess it does link to Wolfgang's point about the outreach in the sense that if we could make it somehow attractive globally to recognize that ICANN is a forum in which you can exercise policymaking skills, you can have a say, you can influence the way things work it's great experience.

Stéphane van Gelder:.   Thank you, Jonathan. Thomas.

Thomas Rickert: As regards burnout I think that the Council leadership can play an important role in preventing that from happening by doing several things. One thing is what tasks do we take on? So I think that if you keep the list of tasks as short as possible that helps.

And I think there is a lot of uncertainty in the group - and I'm not excluding myself - as to what tasks the Council should take on. And I think what's needed - and that's something that I would really encourage the group to put on the agenda for the first session is to have proper timing about what is the picket fence. What is inside? What's outside? What is policy? What is implementation?

And by shaping our perception for that we might as well say that we're not accepting certain tasks because it's not for the Council. At the same time I would seek closer collaboration and more regular collaboration with the other leaders in the GNSO to see who's doing what and match that in order to avoid duplication. Now that's the Council level.

I should add one facet and that's trying to balance - and that's the point that Stéphane has made a couple of times over the last month to balance equally - as equal as possibly - over the year the production and release of documents to make it easier for people to cope with the workload.

At the working group level my feeling is that at least some working groups are sort of lingering on in isolation. And to make community work attractive it's not all about money or about, you know, getting free drinks or whatever people might connect with that.

But it's also about contact - interest that you show in them. So, you know, by applying management techniques such as project management - and at the same time being in close collaboration with them. Is it moving forward? Are you having problems? Are you on track with the work?

Would you like to present it? I think you can incentivize the work and empower the working groups. And if people see results being achieved in a timely manner that is satisfying. I think there is nothing more frustrating than working on a project maybe for a couple of years to see that it's been shelved by the Council afterwards. And I think we can work against that.

Stéphane van Gelder:.   Thanks, Thomas. I want to get to Carlos's questions, which he sent in earlier, which I'll paraphrase, Carlos, you'll correct me if I'm paraphrasing them wrong just for the - to try and get this - for the benefit of time.

Carlos's questions are, as I read them, do you know about the bylaws and the Operating Procedures that govern the GNSO Council's function? And if you do do you recognize that these rules are in need of some - possibly some change. Carlos, is that accurate?

Carlos Aguirre: Yes. My question is based off in the versions we passed we have situations in the GNSO would shown that the - at least in my opinion shown that the officers don't know enough bylaws and Operating Procedures so my question is in this way.

Stéphane van Gelder:.   Thank you. Thomas - is it Thomas first? Sorry I'm losing count. Whoever - no it doesn't matter just...

Thomas Rickert: I think there was another (pass) to the question which is are you planning to abide by the rules, I think, Carlos, that was one of the aspects as well. Well I'm certainly - I certainly know the documents. I don't know them by heart, to be quite honest but as a lawyer you learn that sometimes it's good enough to know where to find information and to work from it.

I will not say that I - that there might be mistakes but at the same time you have five chairs, we have fellow councilors and you have staff that are able to assist with that.

Certainly I would try to follow the rules. And as you rightfully said there were occasions where at least parts of the community felt that the rules have not been followed. And I would strive for abiding by them even though it might hurt at times.

And that's part of the - and part of the answer is what I said earlier and that is to make the community and the outside world understand that policy development at times is a painful and lengthy process but that we have to defend it.

And I would be a defender, an advocate, of this process and follow the rules rather than shortcutting them and by that eroding the credibility of the GNSO as such as not only as Council.

Stéphane van Gelder:.   Thanks, Thomas. Jonathan.

Jonathan Robinson: I think my first answer to - hello?

Stéphane van Gelder:.   Yeah.

Jonathan Robinson: Am I on? Yeah. I think my first answer to that I probably don't know them as well as I'd like to. And I already, as you might expect, as any sort of

respective incoming manager, person in a role, have an initial to-do list and certainly improving my familiarity and knowledge of those and reviewing them is something I intend to do.

Frankly I think everyone on the Council should do that to some extent. I think one of the areas where we could do better is perhaps with an improved induction and education program for all of us. And that's something that I'd like to look at. And that's not only on the bylaws themselves but on the mechanics of the way in which the Council works, on the role of the Council and so on.

That said I don't - I guess I'm a little bit in line with Thomas on this one; I'm not sure that the leadership necessarily has to be familiar with every detail to the extent that someone - there are gatekeepers of that function. And we are blessed with some incredibly strong staff and councilor institutional knowledge - I look to my left - of many of the issues contained within these.

So whilst it's valuable to have a good command it's not necessary to know absolutely all of the fine details. But a key point about being an effective leader, if you like, manager, as the Chair of the Council has to be, is to know what resources you have at your disposal, staff, councilors and others, in order to make best use of them.

Clearly my view is that in the broadest sense one should comply. The Council does have mechanisms at its disposal to modify and evolve bylaws and rules of operation over time. I think we should be aware of those and make good use of them if the existing bylaws or rules of operation cause us problems. But in general I would expect to comply with them.

Stéphane van Gelder:.   Thanks, Jonathan. I actually want to just touch on this myself because the point you made, Carlos, seemed to imply that there had been - and I know the incident you're referring to inefficiencies from the present leadership team.

And my response to that is, if you will, to both of you to provide some advice. Obviously I don't feel that's quite accurate. But if we turn to the recent questions that we've had on the Nom Comm - the status of the Nom Comm appointee, which were asked by Thomas and which were a key factor in this process obviously with regards to yourself, I think it's about being able to - and we got to these points earlier on - it's about being able to reach out to the people that may be able to provide the answer.

But it's also about being able to reach out within the groups, within the Council. So the role of the chair in this respect is to facilitate conversation so that the required rules or guidance can be provided and then work with the people involved to apply that guidance.

And I think in your case, Thomas, we've come to a clear understanding that if you were elected you would remain a voting member of the CPH and I think that's helped everyone understand what the situation is. Are there any more questions or can I continue with the list?

So, Marika, can you just scroll down? Thank you. Can I start with Wolfgang's last question? Wolfgang - sorry, Wolf, Wolf, unfortunately had to step out but asked me to take care of these questions on his behalf. Can I just ask the both of you on the last point how you think - and you may have answered parts of this already so we can perhaps move quickly on this one - the Council and - Wolf makes a distinction between the GNSO and the Council in this question is represented best towards other ICANN bodies.

We've touched on this slightly but perhaps you'd like to elaborate.

Jonathan Robinson: Stéphane, I'd like to pick up on Wolf's first question first, I mean, he's asked about prioritization. I mean, think we've spent a lot of time on outreach and representation external. We can come back to say more on that if you

like. But my opinion is that one of the critical, critical things - issues this Council faces is how to manage its own workload.

And I don't think we've given that perhaps sufficient attention in this discussion so far. It's clear to me that there are a number of tools that we have in our toolkit to work with and they're essentially management tools. We've touched on some of them.

I mean, there was talk of the PDP and we talked about - we touched on this with Marika yesterday - a PDP process taking on average of 620 days and at best 260-something days which represents the nine months under - with a perfect tailwind. So we have some constraints that we have to work with. But if we could bring that average down we would improve throughput.

So the question is - what I had once upon a time on the back of my school textbooks was more haste; less speed. And I'm not advocating that we rush anything but I do think that with effective management we can improve throughput.

So I'm talking here about planning, I'm talking about continuous and repeated review of where we're at. I'm talking about best use of resources available. And ultimately those are - that's all about process efficiency and the methods through which we improve our throughput.

Nevertheless even if we manage to make the Council with the resources available to us as absolutely and perfectly efficient as possible the workload may still exceed the resources. And as any manager will tell you you've really got two options then; you've either got to increase the resources, which of course may be a possibility and I'd be very interested to talk with councilors and others as to whether that's an option.

And the alternative is to prioritize. And the question then is how do you prioritize? Well, you've got to - you've got to - the chair should not be

responsible for prioritizing; the chair should work with the councilors and the views of their groups to prioritize. But that's something that can be done repeatedly and regularly in order to ensure that those priorities are up to do ate and reflect current views. Thanks.

Stéphane van Gelder:.   Thanks, Jonathan. We've got four minutes left. I would like to give you an opportunity both to make some closing remarks if you have some so, Thomas, if you can do what Jonathan did and mix all three questions together and try and answer very quickly that would be appreciated, thank you.

Thomas Rickert: Well I think I have elaborated on the first two questions already with sufficient detail. I also touched upon the third question but I'd like to maybe get back to that also because you asked for it.

I think it's twofold. And Wolf-Ulrich's question is actually a mixture of two questions. When it comes to representing the Council then certainly it would be the role of the chair to present the position that the Council has come up with. And this might not be a consensus position but it might also be an accurate reflection of the consenting opinions or the various positions that are present in the Council.

When it comes to the GNSO as such it would not, by nature, be the role of the GNSO Council Chair to represent the GNSO. And should there be an instance where there were the requests for the chair to speak I think that can only happen after close communication and consultation with the various group leaders inside the GNSO.

Stéphane van Gelder:.   Thanks very much, Thomas. Do you have any closing remarks that you'd like to make?

((Crosstalk))

Stéphane van Gelder:.   So okay. Thomas then.

Jonathan Robinson: All right thanks, Stéphane. You know, I think I will keep it brief because you've encouraged us to and that has been your style as an effective chair and you've always kept us to time so I'll try and not disrupt that at this stage.

I mean, I've heard at the beginning this is immensely challenging job. It relies on the support of staff, councilors and others. I have no doubt about that. I really appreciate the time that those of you who have spent - and there have been many discussions both prior to this session, telephone calls that have been supported, individual one-to-one meetings both in terms of interrogating me as a prospective candidate but also in terms of advising and giving the benefit of past experience.

So I'm genuinely appreciative of all of that effort that's gone into that. And frankly I very much look forward to working with all of you regardless of whether that's in the role as chair or as a continuing councilor so thank you very much.

And actually one fine thanks, which I missed at the beginning, was to Jeff for nominating me in the first place so thank you very much.

Stéphane van Gelder:.   Thank you. Thomas.

Thomas Rickert: Yeah, I'd also like to express my thanks to all those who have talked to me in preparation of my decision but also today and in the calls over the last couple of weeks. I would like to conclude by saying that I am ready to take whatever time is needed to fulfill this role with professionalism and with efficiency.

I think over the past years I have worked in enough (unintelligible) to understand the needs of the various groups both in my capacity as a lawyer as well as my work with the industry association. And I would like to bring this interdisciplinary expertise to - and my neutrality to the table and help the

Council and the GNSO as such to be as good and efficient as it deserves to be. Thank you.

Stéphane van Gelder:.   Thank you very much. I want to thank you both for, you know, submitting yourselves to this kind of exercise. And I know it's difficult. And also thank you, both, for being willing to serve in this capacity. My personal encouragements I know you - whichever is elected you will both do a very good job. And just being willing to stand is sufficient sanity check I think to show that you're right for the position.

So well done. Thank you and good luck to you both. Operator, this session is now closed. We will move straight into the new gTLD session as soon as the mic has been rotated. Thank you.

Coordinator: That concludes this session. One moment please.

END