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MARRAKECH – Fellowship Afternoon Sessions
Tuesday, March 08, 2016 – 18:00 to 19:30 WET
ICANN55 | Marrakech, Morocco

UNIDENTIFIED MALE: Starting fellowship afternoon sessions, March 8 at 1800 WET [inaudible]

JEANNIE ELLERS: I think we've all had a long day today. Everybody looks a little bit more tired than I saw you at 7:00 this morning. How is everybody doing? Everybody is good?

UNIDENTIFIED MALE: Yes.

JEANNIE ELLERS: Alright, that sounded a little bit fake. There are some of you who can't even try right now. It's okay, it's alright. We're going to start our session. We are about two minutes in, so we're doing really well. I'm proud of us, good job. Thank you for arriving on time. I think we're still missing a handful, but that's okay. We're going to start with a presentation or a discussion about the NomCom, and at 6:30 we're also going to have a conversation about the GAC.

Our previously scheduled speaker had a calendar mishap that was probably my e-mail's fault. So Tracy Hackshaw is here, and at 6:30 he is going to come up and talk about the GAC, and answer some more of your questions hopefully in some more detail than I was able to, despite my little presentation that I was able to give you on our last session. Please, take it away, the floor is yours.

STEPHANE VAN GELDER: Thanks Jeannie. Hi, my name is Stephane Van Gelder, I Chair the Nominating Committee. To my left is Hans Petter Holen who is the Chair Elect. I'll explain what that means in a minute. And we have Wolfgang Kleinwachter as well who is the Associate Chair, so you have the full Nominating Committee Leadership Team with you. I'll explain all that in a minute, just a few words by means of introduction.

First of all, it's a pleasure to be here. We make sure that we take the time to meet with the fellowship attendees at every ICANN meeting, we feel it's very important, and that means some of you may have heard us speak before, in which case I apologize, this may be slightly redundant. But I'm hoping that there's a sufficiently high number of new fellows in the room to keep it interesting. And even if you have heard it before, every time we've done this, we've had some very engaging

and interesting questions, so I'm sure that will continue.

What is the nominating committee? The nominating committee is ICANN's way of bringing outside blood, new blood, or different people to its key leadership positions. As I'm sure you have discovered in your meanderings around the ICANN meeting, ICANN is a community that can sometimes be obscure, closed, or difficult to penetrate. That means that inherently, you tend to get in leadership positions, those people that are ICANN regulars rather than getting people that may bring new perspectives into ICANN's work.

So to counteract that effect, a nominating committee was created. The nominating committee itself is not a new governance tool. It's something that's used by many Boards. Many organizations use nominating committees to recruit and do what we do, so that's not new. But what the ICANN nominating committee does is enable people that would not necessarily have heard of ICANN before to participate in this unique governance experiment that you have heard all about. And That is ICANN and that's a pretty exciting place, in my mind at any rate, and I'm sure all the volunteers that you have heard from will have told you the same thing.

It's a pretty unique and exciting thing to be part of. Even though it does consume time, even though we do give a

lot of our time, we do volunteer a lot of our time, all of us that are here. Which means that yes, we do look a bit haggard at the end of the day. Well, I look sporty, he looks haggard. But my day started a little later than yours, but it's been a full day of meetings and panels, etc.

One lesson that I've learned and that you might want to take on Board if you choose to continually participate at ICANN is to take whatever free time you can get. Mine was 30 minutes in the gym just before this, and I'm glad. It meant my brain was a bit refreshed.

Back to the NomCom, I wanted to explain what we do. I now want to explain what we're doing this year specifically, because each NomCom is a unique cycle. It's a standalone body that works for a year and serves for a year. To give you an example, this year, we are recruiting three people for the ICANN Board of directors. I'll let Hans go better into the detail in a minute. One seat of the GNSO council. One seat on the ccNSO council and two seats on the At-Large Advisory Committee. We're very much working as both an outreach, ambassador, recruitment kind of role. We're going out, using all of the channels we can, including yours. The message here is for you, but also for your networks, if you know of people that might be interested to participate and to apply to the NomCom. We use all those channels to try and

get people to apply to these positions. Generally, we are quite successful. We get on average around 100 applications per year for this general number of seats, so less than ten seats.

It's quite a tough process. We open an application window, this year it closes on March 20th, so that's close by. At that point, once it's closed, we then go into assessment and selection, and I'll let my coaches explain that process in a minute. What I do want to say, though, before we go into the detail of the process is that this specific process really is about reaching out to this type of community as well. People that will bring, as I said, into ICANN different points of views, different cultures – I think that's very important.

It's all about diversity, and diversity has many forms. It's also diversity of language. It's also diversity of habit. It's diversity of problem solving, because ICANN does a lot of problem solving or problem non-solving, but at least we try. All those different approaches, this is what the NomCom is designed to do. It is important, because if you just take the ICANN Board, we recruit half the ICANN Board. 50% of the ICANN Board is populated by the nominating committee, so this is an important chunk of work and it's something that I'm hopeful you'll be interested to at least observe if not involve yourself in. Hans Petter, can I pass it to you?

HANS PETTER HOLEN: Thank you, Stephane. Stephane has told you all about the positions, so how do you apply? Anybody know that? Exactly, online. Of course we use the Internet for everything, right? That's a very good one. There is a URL called nomcom.icann.org and you will find all the information you need there. The deadline is on the 20th of March, and then that's when the application period closes.

We still allow for all the applicants to update their forms before we go into evaluating the forms. Then we use a professional recruitment firm to do the first round of interviews for the Boards while we do the first round of interviews for the other positions ourselves. Then, the challenge in front of us that we spend a couple of months on is actually to reduce the list of 100 to, let's say, 10 for the three seats and so on.

So if we have seven seats in the different positions altogether, we may bring it down to 20/25/30 at most. Then we need to go into on-site interviews. At the next ICANN meeting we will invite the candidates we have shortlisted, after we've gotten the results from the professional firm as input to our process, and we've done online research and checked references. And then we do the face-to-face interviews of the Board candidates there.

After that's done, the process is like when they select the Pope in the Vatican. We are locked in the hotel, and we have to agree on who to select to the positions before we're allowed to go home. After that, there is a due diligence process done by the ICANN legal to see that the persons that we have appointed are actually who they say they are, they're legally qualified to fill the positions of a U.S. Californian corporation.

We're living in the real world, so the lawyers have some say on the formal qualifications like not being convicted and so on. Then, when all this is cleared, we announce the candidate and they take the seat at the Autumn ICANN meeting later this year. Then, when that's done, this NomCom is done and a new NomCom takes over. And as Stephane mentioned, I'm Chair Elect this year. That means that if I do a good job, the ICANN Board may appoint me as chair for next year's NomCom. What does Wolfgang do? Yes, do you want to tell us that, Wolfgang?

WOLFGANG KLEINWACHTER: Thank you very much, my name is Wolfgang Kleinwachter. I belong to the old veterans of ICANN, this is my 51st ICANN meeting. I went through this organization in many positions. I was six years in the NomCom, two years in the GNSO Council, two years on the Board. So I know quite well what are

the expectations.

Let me add to what Stephane and Hans Petter said. Two remarks, one on the history and the other one on philosophy. If you go back to the history books of ICANN, when ICANN was designed 18 years ago, the idea was how to create a decision-making body and how to populate it. the original idea of the people who drafted the first bylaws was let's put the governments in an advisory capacity, and then to have a balance of the Board between the provider of the services – you could say the private sector – and the user of the services, you could say the civil society, to have a balanced 9/9.

But how to find the representatives of the users? The first idea was elections. We organized, in the year 2000, a global election for at least five seats. It was like a pilot project, "Can this work?" Election took place, more than 200,000 people participated in the elections, and we learned a lot of lessons. We said, "Okay, if we will continue this way with elections, we'll end up with 4 billion voters." Nobody can manage elections that's 4 billion voters, because every e-mail owner had a right to participate in the election, so that means in the reform which ICANN started in the two years to '01 and to '02, we said, "Okay, we have to move to a selection process, not an election process. But the selection process has to be as democratic as possible and has to

guarantee that the voice of the users can be heard also in the Board."

This brings me to my second point, to philosophy. I think the nomination committee is probably the most democratic element in the ICANN architecture, because the community itself selects its leadership. That means each constituency – the supporting organization, the advisory committee – send voting members to the nomination committee. So the Chair, the Chair Elect, and the Associate Chair are non-voting members.

It's the community which has the vote to select their representatives. This is really a very important element. It's not a group of special experts who hand pick some candidates, it's the community which has the power to select the candidates. And I think this is really important to know. That is part of the issue of accountability, which we're discussing now in a broader way. But the nomination committee is an important element of this whole system of accountability. These are the two points I wanted to raise. Thank you, and if you have questions, all three of us are happy to answer.

STEPHANE VAN GELDER: Thanks, Wolfgang. Perhaps just before I open it up for questions, just to add two things. First of all, on the

leadership team itself, to add to what my two colleagues have said, this body has specifics in terms of its leadership and the succession planning that's built into it. The three of us represent that. Hans Petter and myself are chosen by the Board, so the Chair and the Chair Elect. The current year and the next year's Chair are chosen by the Board, which may or may not have its own issues but I won't get into that now.

The Associate Chair is chosen by the Chair, so this year I chose – or asked Wolfgang if he would do us the honor of participating. The idea behind that is that – this year was a bit of a hiccup, but in standard years you have the outgoing Chair who becomes the Associate Chair, so he's there to advise the incoming Chair and provide experience. And then the Chair Elect is there to observe and learn so that the following year he or she is effective as well.

I wanted to stress that, because you won't find that in many other groups. There's not much succession planning that goes on at ICANN leadership level yet, which may be a problem. And I also wanted to explain how we are selected, that the Board selects us too, and that is something that in the community model that Wolfgang has described for the rest of the nominating committee, that opposition is slightly different.

That's it, and we'd be very happy to answer some of your

questions.

MARK DATYSGELD: Good evening, My question is – I understand the points you made, but what amount of oversight and what kind of oversite does the community have once the final decision has been reached? That's my question, thank you.

STEPHANE VAN GELDER: I'm going to answer a different question, and then I'll try and answer yours, like every good politician. The question I thought you were going to ask is how much oversight the community has during the process. The NomCom has worked in the last few years very hard to make sure the community has a very transparent view of the work that we do up until one thing that must absolutely always remain confidential and that we're very adamant must remain confidential, which is candidate information.

We don't disclose who the candidates are for obvious reasons. People may be applying whilst they're in current jobs and may not want their employers to know, or any other set of circumstances which would mean that this process would fail if we disclosed candidate information. But apart from that, we are working very hard to make our processes as

transparent as possible. I'll give you an example: tomorrow, we have at 10:45 in the roam that Joette has just said, we have our open meeting. And that is our effort to work in front of the community. One of the things that we'll do during that open meeting is discuss and take input from the community on the types of questions we should be asking candidates when we short list them and come to interview them. On that aspect of accountability, I think we're working hard and getting results.

Back to your question which was accountability once the decision has been made. That really I think is review and the ability to understand how our appointees, the people that we've selected and put in these positions are doing. That's something slightly different. Do you want to speak to that?

HANS PETTER HOLEN: I don't know what you had in mind, but I wanted to add two things. One is that we publish monthly report cards during the process to tell you what's going on so you can read what process we're following, and there is also a final report by the chair at the end of the period, where there is also improvement suggestions for the next cycle. As any other ICANN body, there is also a review of the NomCom every now and then, and I think the next one is scheduled for 2017. So if I'm chair then – every

five years. So then there will be a review by an independent body of how the NomCom works.

In the end, the only way you can see whether we did a good job or not is to look at the directors and see, did they do a good job or not?

WOLFGANG KLEINWACHTER: Yeah, I think it's important to understand that the principle of confidentiality is an instrument to protect the candidates. Probably you read articles. Kieren McCarthy has written about this in The Register that it's a conspiracy in the nomination committee. This is totally nonsense, and I'll explain to you why.

If we were to open the process and would announce the names of the candidates, then we would end up with an election. Then you would have a campaign. People would start an election campaign to get more votes. The selection process follows a certain scheme, because this year we select three Board members and we have certain sitting Board members. In the final plate, if we have ten candidates on the shortlist, all ten candidates probably are fit for the Board. We have excellent candidates.

But then we have to select the candidates which fit into the balance of the Board as a whole. That means if we have ten lawyers on the Board, there is no need to have an 11th lawyer in the Board, even if we have an excellent lawyer in the candidates. If we have no engineer on the Board and then we say we have to take an engineer and look for an excellent engineer. That means you have to have a lot of criteria. Gender balance, geographical balance, skill balance and all this which finally influences the decision.

Insofar, to keep the names of the candidates confidential is an instrument to protect the candidate. Once again, that's why I explained the democracy with the selection of the voting members of the NomCom. It's extremely difficult to have a cabal in the NomCom, because it's such a diverse group, and the next year you have another NomCom. That means you cannot build a foundation for what Kieren McCarthy has said is a conspiracy. This is really nonsense.

STEPHANE VAN GELDER: Thanks, Wolfgang. We'll take another question, although I would suggest if we have a Board with ten lawyers on it, then we're definitely doing something wrong.

ADETOLA SOGBESAN: I still want to go back to the question that was asked by my fellow. I would think he was not talking about the process, he was talking about key performance index. How do you employ somebody? Is it the Board that'll measure the key performance indicators, or is it the community? My thinking would be because the community has selected the Board, then the Board will be acting on behalf of the community. That was my thinking the response to the question would have been.

STEPHANE VAN GELDER: Thanks. As usual – and this is exactly the trend I've seen in the past – we're getting some excellent questions and I'm always impressed by the amount of depth you put into the thinking processes when you ask your stuff. This is a crucial point, and one that NomCom has struggled with for many years. Your expectation that because the committee puts the people on there, the committee should follow, would make sense if it was the same committee.

One of the things that we've struggled with is that the NomCom disbands. The NomCom, as I said, is a yearly process, it disbands at the end of the year and then it's a different NomCom. To me personally, in my personal opinion, that shouldn't preclude the follow-up NomCom from looking at performance of past NomCom appointees and CAs. But it's

something that the community and the NomCom has struggled with and we haven't found exactly the right answer yet.

However, yes, when you put people in these positions, the bodies themselves are supposed to evaluate. Some do, some don't. The Board has an internal review process. It's not published to the community, and that's the Board's decision. So it's difficult for even the NomCom to see what's been done in the past, has that been effective or not?

Apart from obviously conversations. You can talk to people in corridors and people can tell you "Oh, that guy is good and that woman is not good" or whatever. But apart from that, there's no process and the other bodies have some kind of review or do not. It depends. The KPIs as such, as you would use on a project, do not exist. That's probably something that the community needs to continue working on. Any more questions? Please.

MADHVI GOKOOL: What do you mean by the voting members on the NomCom?

HANS PETTER HOLEN: Most of the members on the NomCom are voting members, so they're sent by the supporting organizations. The leadership, the three of us do not vote. We're here just to

facilitate the process, and then we have non-voting members from the ITF.

All the way through the process, we work on evaluating the candidates and everyone works on reducing the list. We do that through straw pulling. And then in the end we have one final vote which actually confirms that this is the result, and then it's only the voting members that get to vote on that final slate.

MADHVI GOKOOL: Okay, now I have another question. You say that every year the NomCom gets disbanded and you have a new NomCom. Has it happened that the same voting members formed part of the NomCom?

HANS PETTER HOLEN: Yes, as a member of the NomCom you can only serve for two years. So it's up to your supporting organization to decide whether they will send you back the year after. So the two last years before I became chair elect, I was sent here by the Numbers Resource Organization, the ASO, the Address Supporting Organization, and they sent me for two years. But that meant that on average, half the NomCom is changed every year. That it's not the same NomCom.

STEPHANE VAN GELDER: It's a one-year term, so you can serve two one-year terms. Wolfgang.

WOLFGANG KLEINWACHTER: I just want to add that the governmental advisory committee was invited to join the NomCom, but the governments have decided to reject this invitation for two reasons. One is the representative of the Governmental Advisory Committee would have to base its intervention on GAC consensus. And this would be not possible by respecting the principle of confidentiality.

Insofar, it was the government who decided themselves not to join the nomination committee. So it's not that we have excluded the GAC. They can send if they have delegated to one candidate, so it's an open door, but they have decided not to participate in the NomCom. And the governmental representative in the Board is a non-voting liaison in the Board.

STEPHANE VAN GELDER: Thanks. Any further questions?

UNIDENTIFIED FEMALE: We probably have time for two more questions.

STEPHANE VAN GELDER: Please.

HASHIM NOUMAN: I have a small question. Do you have any very young members on the nominating committee?

STEPHANE VAN GELDER: Apart from myself? No, we're not very age diverse, and that's another good question. I struggle to think of a reason, because we, the leadership team don't have any input into the election process for the members. The organizations that elect NomCom members, we don't input in. So why do they select older people? I don't know. it may be that no one else wants to do it. It may be that they want the experience. I have no idea, to be honest, of the age range of the NomCom members, and it perhaps is something that we should look at. It's an excellent question.

JOETTE YOUKHANNA: Can I add something?

STEPHANE VAN GELDER: Yes, sure. Joette. Sorry, Joette and [Gia] here. They are our two staff support and we couldn't live without them.

JOETTE YOUKHANNA: Yes, they are a crew to keep track of. On the note of age, the other thing with respect to age on the members of the committee, the other thing is gender balance. This year, we have two females on the committee, and the rest are men. So it's something in addition to always trying to balance the candidate pool so that we can get more women in leadership roles within ICANN. We also look forward, and maybe we'll discuss with the leadership team how best we can encourage the organizations and committees that give us members to the next nominating committee that we can get more gender balance on our committee. That's all.

HANS PETTER HOLEN: Okay. To follow up on that, anybody know what date it is today?

UNIDENTIFIED FEMALE: I do.

HANS PETTER HOLEN: So what's special today other than it's my daughter's birthday?

UNIDENTIFIED FEMALE: International Women's Day.

HANS PETTER HOLEN: Exactly, Women's Day. In the slate so far, we have 81 males and 10 women for the positions here. Why aren't more women applying for the positions?

UNIDENTIFIED MALE: They are busy celebrating the International Women's Day.

HANS PETTER HOLEN: The other thing to think about, we know in Africa. Out of the 92 applications, there are 15 from Africa, and that's half as from Europe and Asia Pacific and USA. So please go home and consider whether you or some of your friends want to be in any of these positions.

STEPHANE VAN GELDER: Thanks, Hans Petter. I wonder if there's any link between the fact that the NomCom is full of old men and no women want to

apply to it? Anyway, please.

ARSENE TUNGALI BAGUMA:　My first question is, what does it require to be an ICANN Board member? And maybe the second question would be what are the criteria for you to select – Wolfgang, is it? Is he the associate chair?

STEPHANE VAN GELDER:　He's a friendly German. They're quite rare, so I thought I'd choose him. In the interest of time – I don't want to avoid your question, but I know we're running up against someone else and there are two other people. The skillset for the Board is published on our website, http://nomcom.icann.org and under that URL, you will have a breakdown by year. So if you click on 2016, you will find the skillset that the Board has sent us.

We don't invent the skillsets. We go to each group and say "What do you need this year?" They send us skillsets which we publish so that the applicants can see. So that's on the site. On the associate chair – I'm not sure you were there. Before we explained that this succession planning for the leadership team starts with him. Chair elect is training, chair is chairing and associate chair is generally the chair the year before, there to

advise the chair.

So we've got the experience of the year before, chairing, and a new person learning. This year has just been slightly different, but one of the reasons I chose Wolfgang is that he's chaired the NomCom in the past. Apart from the fact that he's got huge experience, and he was an outgoing Board member when I chose him, which meant he could help us also with understanding the Board. Thank you.

HIBA ABBAS YOUSIF: It's just I think adding to Arsene's question, because in the start you said that the NomCom is a way to channel new blood to the Board. But I'm a newcomer, I'm still confused about the whole ICANN structure. Do you think the process of telling people who I guess will be diving in the deep water, Is it effective or maybe comparing to having someone who already went through the [inaudible] and the working group and then been elected? Do you have any kind of a system for that?

STEPHANE VAN GELDER: Yes, thanks for asking that, because it helps me to tell you that we recruit for four groups, not just the Board. And one perfect way into this process is to apply for something else. For example, apply for ALAC, the At-Large Advisory

Committee, or one of the councils. That's a way to learn the ropes as well. it's a less high-pressure way to learn the ropes. It is, indeed, unlikely that someone who has absolutely no knowledge, experience or history at all with the Internet or this environment would be selected to the Board first time.

However, it is and it does regularly happen that the people that are new get elected to these other positions, understand, and then progress to further leadership positions. Indeed, I might add, very much alike to what happens with the fellows. We see many fellows that come in, learn the ropes and then you find them in key leadership positions within ICANN. So it's much the same thinking. Do we have time for one more? I know you wanted to ask a question.

UNIDENTIFIED MALE: I just wanted to expand on the question that my colleague here asked, on the diversity of age. I like the model that you're using for the leadership continuation. And I'm looking at now, is there a program that you have for young, aspiring leaders of tomorrow that you put them under mentorship? And then you make sure that when they now become as old as you are, they're able to lead and with experience from the past? I just wanted to find out on that.

STEPHANE VAN GELDER: When you said as old as you are, you were looking at him?

HANS PETTER HOLEN: I got involved in this 16 years ago when ICANN was formed, so then I was young. When I got on the NomCom, I actually challenged some of the older members from my community. They were 10-15 years older than me that had been here.

STEPHANE VAN GELDER: And they're not dead.

HANS PETTER HOLEN: And they're not dead. What I'm trying to say to you is that if you're a member of ALAC or something else, raise your hand and say, "I would like to be on NomCom next year. I would like to be on the committee." Because those that get elected by habit because we've been here so long, maybe we need sort of a kick back to let place for young blood. It's all about the initiative.

JOETTE YOUKHANNA: On the note that Stephane was saying about how important this group is, the fellowship program is really important to get new

participants within the whole organization of ICANN. But also I just want to point out that this year we have Amir, who was a fellow alumni, and he's now part of the At-Large Advisory Committee from the Asia Pacific, APRALO. This'll be his first year, so participate and things can happen.

STEPHANE VAN GELDER: Yes, thanks Joette. I actually should have said something, because I saw Amir come in, so that was my bad. I think we'll bring it to a close.

UNIDENTIFIED MALE: Just a short comment. After attending like three days of all kinds of sessions, your work seems simple enough to me as a newcomer.

STEPHANE VAN GELDER: No, it's a serious point, you couldn't be further from the truth. It's extremely complicated to do this, for two reasons. First of all, as Wolfgang explained earlier on, because the whole community is represented on the NomCom, people have to come together and agree, and they have very different points of view, very different objectives and perspectives, so that's not simple.

The other reason it's difficult is the quality of the applicants themselves. And that honestly – I've been on the NomCom since 2013, and in those three years the quality has shot up. It was high already, and that makes it very difficult as well. Wolfgang said if we shortlist it to ten candidates, those are ten excellent candidates.

So it's a lot of work. As once the application period closes we meet every week, we have to dwindle down the pool, it's a lot of work. If we make it look simple, that's okay.

JEANNIE ELLERS: I think you just explained it very well. They had a very full morning this morning, listening to the Non-Commercial Stakeholder Group, and trying to piece everything together this week, and see how everything fits. This was by far – I don't want to go back and say simple, but one of the easier structures I think to absorb, so thank you very much, that was a very thorough presentation and very easy to understand. I learned something new and I've been at ICANN now for nine years, so thank you.

STEPHANE VAN GELDER: Perfect, thanks very much.

JEANNIE ELLERS: So Tracy, we're going to move to our next presenter as quickly as we can, thank you very much Stephane. As riveting as my presentation on the GAC I'm sure was, it was probably not quite as thorough as this gentleman's will be. He will be able to give you a perspective. Tracy Hackshaw is a former vice chair of the GAC, and is currently a mentor and also a fellowship alumni. So we love to have Tracy here. And he's going to talk to you about being a GAC member, what that experience is like, and a little bit more about how the GAC operates. I was able to give you an overview of how the GAC operates, and he can give you a bit of a more in-depth view of that from the government perspective rather than from my amazing perspective by the way.

TRACY HACKSHAW: Thank you, I'm sure Jeannie's presentation was extraordinarily amazing. It was, yes. Alright, so I'm Tracy Hackshaw. I'm a Fellow, just like you. Once a fellow, always a fellow, as they say. Who here is from the government? Anybody in the room? Okay, do you know your GAC rep? Yes, kind of? Good. Jeannie has talked to you a bit about how GAC operates. I won't bore you with that today. I'll take questions. And just to let you know that the key for the GAC and how it should be operating is that you

should get to know who your GAC rep is.

I think that's very important, because governments are meeting now – I think they may still be meeting. I'm from the government. Governments believe that they represent their constituents, of which businesses, academia, technical people, civil society are all a part of, so if you don't know your GAC rep or you don't speak to your GAC rep, then they represent you without you having spoken to them.

As you know, they're discussing the accountability issue right now. And several countries have stated their views, but are those your views? Have you spoken to your GAC rep? Brazil, have you spoken to your GAC rep? Do you know what Brazil's views are on the GAC? If there's a Brazilian fellow. Yes? Who's a Brazilian fellow in the room, or fellows?

JEANNIE ELLERS: [inaudible] There's one.

TRACY HACKSHAW: There's one there. So did you speak to them? Do you know what their view is on the accountability process? Right, good stuff. Look at it all on the ICANN website. There's a minority statement which Brazil has spearheaded, and the GAC

website is a very good source of information. It's being revamped now, but today if you go to the GAC website, you will see most of what Jeannie presented on Monday and you'll also see a brief introduction to the GAC and how the GAC operates and so on.

Again, I'm not going to bore you with how the GAC operates, but maybe it's better to just take some questions. Jeannie what do you think?

JEANNIE ELLERS: Please.

TRACY HACKSHAW: That would be great. Alright, so I'm free to answer questions on any specific issues that you'd like me to raise.

UNIDENTIFIED MALE: For the record, I'm [inaudible]. I've always asked this question. I think I remember last time I also asked you this question. I don't know how does GAC follow up on – because if you go to the GAC website, you find that there's a list. I saw [Maurica] saying we kind of know the government representatives, but surely some of them are not here, and this is equally a very important issue

that they have to represent our government. Does GAC do anything in terms of follow up when there are crucial meetings like this one, to see if the members that represent different governments are participating or –

TRACY HACKSHAW: [inaudible] members who represent different governments?

UNIDENTIFIED MALE: Yes.

TRACY HACKSHAW: I kind of lost your question. What exactly is the question?

UNIDENTIFIED MALE: The question is, does GAC follow up on its members? I know, like even the accountability issue, does it follow up with all its members that are registered as representative of –

TRACY HACKSHAW: The GAC is not a thing. The GAC is a committee of people, so the GAC can't follow up on its members. The members of the GAC are members of the GAC, so the question I think you're asking is whether the chair of the GAC does any work with

the GAC members intersessionally. Is that what you're trying to ask?

UNIDENTIFIED MALE: Yes.

TRACY HACKSHAW: The GAC doesn't only work in face-to-face meetings, they do have intersessional meetings. They do correspond quite copiously on e-mail in between meetings. So using the accountability process as an example, the work that lead up to this meeting didn't start here. it would have started – especially the positions that were adopted by the minority governments would have been going through from last October meeting to now. From Dublin to now, so you'll see lots of discussion from the last communique on what the GAC said to what happened in the last set of accountability discussions in February or so and reporters produced.

As an example, certain members felt that the discussion or the agreements that they made in October were not followed through in February. So they then worked together collectively and came up with their own views. Members themselves, there's nobody leading the discussion, so the GAC members themselves would have done that. On occasion, the GAC

Executive Chair or the Vice Chairs would come in and say, "Okay, well we want to do a conference call. Now that you've seen all of these views, let's have a conference call together before this meeting to kind of air your own views and see if there's consensus or divergence of opinions and so on."

But the GAC itself doesn't track itself, because the governments are autonomous. [inaudible] governments don't expect the GAC to track them. Governments are autonomous, they're sovereign in that sense. From that standpoint, I don't think it's GAC tracking itself, but the GAC chair does do some work in looking after and making sure that the membership is heard and views are expressed.

JEANNIE ELLERS: Do you remember when we were talking about on Monday, when we were talking about how governments become members of the GAC and how they're each individual and that forms the committee. That's sort of what we're talking about in the committee as a whole. Each individual government is responsible for themselves, so when you go back to thinking about that overall structure when I explained the overall structure, the GAC itself – calling it the GAC I think is part of the [inaudible], the Governmental Advisory Committee. It's a little bit more complicated than that, because each

government is represented there on their own behalf.

Similar to when another member of the community might not be speaking on behalf of their own organization, they might be speaking on their own behalf. They're not representing the view of the GAC, they're representing the view of their own government. So it's only in GAC communications that it's the view of these. Does that make sense?

UNIDENTIFIED MALE: Yes, it does. So do we even question our government when they're not actively involved in the GAC meetings? I'm here, not as someone from GAC.

TRACY HACKSHAW: I would be cautious, because if you haven't set up a rapport with your government before and they don't understand what you are trying to say or express, then it'll be very difficult to berate them for not participating. As I said before, it's very good, and I also said I come to meetings like this for you to get to know your GAC rep and to have a view. Even if you're an individual, that's fine. GAC members are people, they're human beings, so you can pick up the phone and call them. I'm sure your ministry has a phone number. "I'd like to speak to so and so. Hi, I understand

you're a GAC rep. I have a very particular view about this issue."

I'm 100% certain they'll be shocked that somebody is calling them, but they will also say "Oh, sure, let's set up a meeting" because they'd want to hear from their constituent, and GAC members are generally technocrats. They're not ministers, they're not as high as a prime minister or a minister, so they're just people working in government and they would love to hear from their –

MADHVI GOKOOL: From the GAC website I kind of found two names of government officials that are part of the GAC. I know there is a restructuring happening there, and that maybe would explain why we don't have a representative here at the moment. But in terms of ensuring that each government is represented in the policymaking or involving themselves in what ICANN does, what is the way it works in the GAC?

TRACY HACKSHAW: Sorry, what's that you just said?

MADHVI GOKOOL: Like I just said, there is staff turnover. These representatives may

retire for example or they may be reshuffled from a minister of ICT to another ministry, because they're technocrats. And I know that is happening at the moment in my country. Now, what happens? Does the chain get broken, or does the GAC take care of itself?

TRACY HACKSHAW: Alright, so again, these are individuals, yes, however, governments are I guess slightly different to let's say the ALAC, how the ALAC operates. Individuals in the GAC, there are 160 members plus in the GAC. The challenge we're facing, if members are shifting, then you would think the positions change. But more than likely in a country, at least in most of the countries, there is some sort of structure in place for positions on things like Internet governance or for DNS and so on.

So it's very unlikely that if a country doesn't participate in one year or two, that when they come back they will simply have a new position on the Internet governance, because a country's position should be a country's position. That's not disputing the fact that governments change, positions change on policy, or in some countries – I don't want to say this necessarily on record, but some people may be presenting their own views as a GAC member. I don't know. if that's the case, then what you're saying will be very challenging, in that if that individual

leaves the GAC, then the person who's coming in to replace him or her might not be aware of what's happening.

In those situations, you'll have challenges. But by and large, most countries have structures in place that would allow GAC members coming in, if they're new, to follow through from previous notes from policies. And when they come, they're going to speak to the country's position. Even if the positon changes, it's going to be a position. You don't tend to find GAC reps – at least the ones from the larger countries in particular – shifting from what they call capital's position.

You tend to find a lot of countries going back to capital to respond to a lot of things that happen in the meeting, so they may not say anything in the meeting but they may say something in the next meeting or during the meeting, because they have to consult with capital as they call it, and come back and say, "Okay, now we've consulted in allowance with the wishes, position of this and this, [inaudible], we now view this as so on and so forth."

That's the long answer to that question, but I think it's clear. It depends, but more likely you would not see shifting views or shifting positions if countries' members change or rotate. It shouldn't, it's not supposed to.

ADETOLA SOGBESAN: Part of my question to you, you answered in response to the other question. I've had this question before, I stood in line with it, but when I was at a GAC meeting yesterday, [inaudible] meeting twice and that's refined what my questions were. I think countries that are present in the GAC where we're discussing our long international diplomacy line. Of course, we know what some countries – Brazilian view was not [inaudible] for me for example if we have been following international diplomacy outside ICANN, or the view from China or the view from Iran for example.

Once we know what the countries have been doing outside ICANN, There is a tendency of those countries bringing that international diplomacy into ICANN. And we recognized that during the GAC meeting yesterday. The question I want to ask is, these countries have different laws. I've read some years back when there was a case with Saudi Arabia and the United Arab Emirates with Blackberry, saying that the data should remain in their country, not resident in Canada.

Does ICANN have different contracts with different countries? Would that be the policy of the GAC to say, "These are laws within our country. We don't want our [inaudible] domain or whatever to be resident in America" for

example? "We want it to remain in the United Arab Emirates, we want it to remain in Africa," or things like that. What will GAC do, and how does that affect ICANN operation?

TRACY HACKSHAW: That is an extremely sensitive question. First things first, ICANN doesn't control content so it doesn't work with content. That's a big point, so I could only answer the question on a DNS side, I guess. Previously in the old GAC discussions before the politics came in, the technical discussions about the security, the DNS, and so on were very neutral views or discussions, generally.

Security and stability of the DNS wherever, you host the website or whatever you do. So from the standpoint of GAC and ICANN, from a technical view, there should be no political discussion – let's call it that – on location of things and that Blackberry is hosting data here and there and the other. That's sometimes [inaudible] ITU and what they talk about and so on. ICANN doesn't get into that discussion. However, recently with the New gTLD program, you're tending to find the discussion start to emerge, and recently with the [Estonian] revelations and the issue of privacy of WHOIS issues, you're tending to find that discussion seeping in to the GAC discussions now.

You're quite right that the countries who have different laws are interested in what ICANN is doing. Not GAC, what ICANN is doing about these kinds of things. I think the jury is still out on how that's going to emerge. This whole IANA transition process is, in fact, part of that discussion about transitioning from a U.S. corporation to post-transition ICANN that is fully globalized and so on. I believe you're going to see some more thinking along those lines.

The GAC doesn't have a view as the GAC. Countries have views, but I do believe the underlying view within the GAC is that ICANN must respect international law. Definition of international law is another issue, but that's the underlying thinking. What international law means and what individual countries' laws mean is another discussion to have, but there's always a thought process that ICANN should respect those countries' laws.

Obviously, there's a jurisdictional issue with ICANN, where it's located and what it can do. But beyond that, it should be neutral and speaking to strictly the issue of the DNS and the roots and so on, and not necessarily about where data is hosted, how data moves and data encryption and that kind of thing. You're talking about content and you're moving into a whole different type of

discussion that ICANN is not supposedly involved in.

Even though you may hear them talking about it, but they do state that they're not a regulator and they're not a content – they don't deal with content, so that's for a different forum. Although the GAC may try to bring that up as an issue, it's not supposed to be an issue – but the GAC itself, using the GAC as an entity, countries in the GAC are free to do what they want. So they're free to bring those issues up, and free to have positions if necessary to discuss questions where the ICANN itself would see it as part of their portfolio. I think that would be a discussion between the ICANN Board and the GAC itself if that advice ever was to be given.

CLAUDINE SUGIRA: I just wanted to ask, I have gone for the GAC sessions and some have been heated up and a bit intense. How does the GAC reach a consensus when members are not agreeing?

TRACY HACKSHAW: Repeat exactly, very carefully. The process of consensus, actually if you're a student of anything like politics or negotiation, going to a GAC meeting, especially now and tomorrow will be – maybe not tomorrow, because they close it – but now if you're going now and tomorrow,

while they're drafting in the open text respond to the accountability proposal, you would see in action how consensus is done in the GAC.

It's close to what you see in the UN or other organizations, but not exactly the same, because it's a little less formal. However, the concept of consensus is that everybody loses. Nobody feels that they've won, everybody loses and nobody is happy, everyone is equally unhappy. That's the kind of thinking.

So if you use that as a prime rationale for getting to consensus, then nobody should be smiling and there should be a lot of arguing. But as the previous GAC chair who I learned a lot from said, "What can you live with?" I think that's the concept of consensus. "Okay guys, we're all arguing, talking about this and that, square bracketing this and doing that, option A and option B. So after all of that, let's all calm down, what can you live with?" That's the best I could get it to you.

If you think about that and how people operate, the role of the chair and vice chair is important in that regard. Getting countries who don't want to agree to agree to disagree, and what can they live with? That's how consensus is built. It may take days, it may take hours, but at the end of the day, we've always reached some level of kind of halfway consensus.

In the end, the GAC bylaws give you a range of views out. Whether you reach consensus or not, you're able to then say, "Some countries expressed a view on this and said this, and other countries did not." it's a tradition in GAC, and I think in other fora to not name the countries. So you don't say that country A or country B had this view and country C had this view. I think that's a tradition, so consensus is built using almost anonymity and the GAC using the big GAC comes to that kind of rough consensus in that regard.

UNIDENTIFIED FEMALE: Don't use the word rough consensus.

TRACY HACKSHAW: Don't use the word rough consensus. I'm guided.

JEANNIE ELLERS: Go ahead.

SONAM KEBA: Hello, I came to know yesterday that my country of not a member of GAC. And I'd like to know how I approach my government, how do I realize them that ICANN is important, where we can have like – it's a community base

and it's for the policies. My second question is, because we are from a developing country and they'll ask for the fund, [inaudible] what are the policies discussed? Because I need to make sure them to come into the ICANN world, so I need to get some information so that I can reach out to my government.

TRACY HACKSHAW: Okay, I can't remember the second question but I'll deal with the first one, which is if your country is not a member, what do you do? I believe the easiest thing right now is to look at the ICANN Vice President or manager for that region, that area, because they do have meetings the government on regular occasions. Right. So if you meet with this individual, that's Asia Pacific, so it should be Jian Zhang, and there's also Savea who is the VP, right?

UNIDENTIFIED FEMALE: VP for Oceania.

TRACY HACKSHAW: Right, okay, so if you meet with whoever it is, [inaudible] you meet with them at his next trip to that country or to a meeting where that country may be there, you may be able to speak to that individual and say, "You know, there's this

thing called ICANN and so on and so forth." It may not be that individual you're speaking to who's going to be the GAC rep, but at least he'll make the importance of the GAC clearer and so on. From the travel support – I'm not sure what was the exact question.

JEANNIE ELLERS: As far as GAC travel support goes, unless it's changed which I don't think that it has, the GAC has allocated 30 slots, and it's 30 slots to – like you said – developing economies. The rules aren't the same as the fellowship program as far as how it goes, but the criteria is based on that. It was written in the same, and the way that you request that is once you're a member of the GAC there is – is it still a call for requests and all of that? There's a call for request for travel support, and then they're selected by the selection committee within the GAC and it's air fare, hotel, and it's the same basic idea.

The third question was about the policies that were discussed in the GAC, which is – Tracy, go ahead.

TRACY HACKSHAW: That's, again, going to the GAC website, you'll actually see – one of the most important things to look at is the topic areas as well as the register advise. The register advice gives

you sort of a historical overview of what the GAC has been discussing. Everything from [inaudible] to .xxx to WHOIS issues to safeguards for GCTLDs to – there's a whole range of issues. Today and in the last few days, they were all discussing accountability, but they're squeezing in some ccTLD issues related to the ALAC and working on meeting B. So it's a range of topics that they discuss. The agendas are published pretty publicly, and you look at them.

I believe after this meeting, there will be a return to what the GAC would be normally doing, would be like what, five or six topic areas per meeting. Right now it's pretty much one area they're discussing, because they need to get this thing out. So it's a bad meeting to look at what they're doing, it's a bad example, but after this meeting, we should go back to – there's a structured agenda with five or six areas and I think [inaudible] some time going back to normal after the New gTLD program. Thank you.

JEANNIE ELLERS: Go ahead.

UNIDENTIFIED MALE: Same as working off the ICANN and GAC, ICANN works like a bottom-up approach, takes community on

board, and governments usually work on top-down approach. My question to you is what influence does GAC carry on the policies of ICANN, and vice versa. Like what influence ICANN has on GAC's decisions or policies? Thank you.

TRACY HACKSHAW: First of all, the GAC doesn't make policy, the GAC gives advice, so that's the GAC's limitation. I would probably disagree with you in saying that governments are all top-down. I think a lot of governments think they're certainly more bottom up than what you give them credit for, so I wouldn't necessarily say that every government in the world is top-down, however I'm sure there are some that are. The thinking is that the GAC – as you're calling it – the GAC is still a set of governments.

The GAC doesn't make policy, the GAC advises on policy. I will try to answer your question a little differently. The GAC has been caught off guard several times by ICANN policy. ICANN's policy is made by the SOs and they normally come in very late in the game, and review their policy and then have to make critical decisions on it or provide advice. So what they're doing now to use the bottom-up approach, the GAC itself has realized that it can't continue just advising after the fact, so they're actually coming into the process much earlier, calling it GAC Early Engagement and involving themselves in the

PDP. I'm sure you've heard of the PDP already, So the PDP and having GAC members in the process very early so that they can comment along the way, again sort of bottom up in that regard.

UNIDENTIFIED FEMALE: Reverse liaisons.

TRACY HACKSHAW: Reverse liaisons, exactly, so there's supposed to be a GAC liaison to the GNSO, and a GNSO liaison to the GAC. And those types of things are designed to create new ways of working so that when a policy comes up, GAC doesn't have to give advice at the last minute and create a sort of contentiousness between the SO and itself. I don't know if that answers that question, because it's difficult to answer from a GAC – because again, GAC is multiple governments, and I can't say the GAC has one way of working in terms of policy, because it doesn't make policy, it only issues advice.

JEANNIE ELLERS: To bring it back around to the earlier question as well, when you think about the policies that the GAC is talking about and that the GAC is working on, it's the same basic idea as what the rest of the ICANN community is working on. The GAC

is talking about the same things in their room that the GNSO is talking about in their room, they're just talking about it from a public policy perspective. Anything that is impacting their national governments or international law. It's completely from a different perspective, so the GNSO may be looking at it, and their different constituents may be looking at, "How is this affecting my business? So I'm going to be involved in this PDP on the basis of that. How is this affecting my non-profit?" ALAC is looking at how is this affecting end users. The GAC is looking at how is it affecting not just governments, but how is it affecting the national laws of the country that I'm in? The country that I'm the government for as the government representative, and that's what Tracy was talking about earlier.

Why, in GAC meetings, so often they have to go back and say they're listening when the GAC is meeting with the GNSO. They hear, they think about it, they go back and they say, "The GNSO brought this in front of us, now we have to advise on it." So this early engagement really is important, because what they're actually doing is becoming more involved in the process so much earlier. Not necessarily influencing the process, because the GAC is still an advisory committee, but they're getting an earlier view into a PDP before it's completed.

They're not providing advice on the PDP before it's completed,

but they know that it's coming. They're getting a heads up, basically, and they'll have an idea and be able to frame their work and their discussions around it rather than – has anyone read a PDP? It's a long document, and to have to prepare for that and since the GAC generally – as often as they do meet via e-mail – the GAC comes to a consensus face to face. I don't think that's changed in the time that I have stopped working with the GAC, but the GAC comes to consensus face to face.

This day may feel long, but it's a short time. It's a weeklong meeting for 161 governments to come to a consensus on some serious policy issues, to see how these issues are affecting their constituents at home. Does that clarify things a little bit more to when they're providing advice to the ICANN Board to say, "This is how it's affecting government laws, etc.." We're advising the ICANN Board to say, "You might want to think about this before you implement this policy."

Then the Board, per the ICANN bylaws, has to consider that advice and then come back to the GAC and say "We've accepted your advice, we're going to implement the PDP with these things in mind" or "We're going to go back to the GNSO and say, "Hey, guys, think about this a little bit more or we're not going to implement." It's a process that is lengthy. PDPs are lengthy, the GAC advice process can also be lengthy.

If the Board rejects the advice, they have to give a rationale. There has to be some discussion between the GAC and the Board. Essentially, an understanding has to be made. The GAC needs to explain to the Board why it's important. The Board needs to explain why they're rejecting the advice, whether it's on legal reasons, or we can't accept this advice because it's based on the laws of one area or etc. It's an interesting process to really watch.

TRACY HACKSHAW: Jeannie hit on the issue of public interest, so that comes back straight to your points. The GAC and governments in the GAC strongly believe that they're working in the public interest. Whether you agree with that or not, I guess it's not a question. Governments as an entity believe that that's their job. They work in the public interest. The definition of what the public interest is something contentious, and that's something even the accountability process brought out, that every constituency and even constituent might have a different definition of public interest.

The governments of the view that public interest and public policy are this or equals to this, and from a government perspective, it's the final view, because public interest and public policy is what they set as governments.

Some will call it national policy in their jurisdictions and national interest. They might use those words, which is when I raise that about the GNSO, that's got to be very confusing, because public policy might not equal the national policy in their view, and that's where the bit of a contention lies.

So some work to be done there. I think once everybody gets to understand that nuance and understand each other's view, then your question of whether GAC is working in line with ICANN or ICANN working in line with GAC may be a better fit, because at that point, people understand each other, that's not what they're talking about, and then they might be working together. Thanks.

HALEFOM HAILU ABRAHA: I am also from the government and I know my government is not in the GAC, so I'm asking this question, is there any requirement that who is going to endorse this application? Because in our case, we have two departments in our government. We have a separate government agency dealing with cybersecurity and a separate Ministry of ICT. So the head of this cybersecurity applied to the GAC membership and they did not get any response yet. I asked about this to Bob with the African Stakeholder Engagement Manager and he told him that the Minister of ICT may endorse it. So is there any

requirement who should endorse to be? Maybe the Prime Minister, or any requirement on that?

Another question is, why is the role of GAC limited to be advisory? Governments may see this –

TRACY HACKSHAW: Boom.

JEANNIE ELLERS: It was such an easy question at the beginning.

TRACY HACKSHAW: All right, the first question, so the GAC secretariat and the GAC executive, the leadership do not get involved in internal issues at home. That's as straightforward as it sounds. What may have happened is there may be two letters into the GAC saying that, "We are the GAC rep." That's entirely possible that may have happened. You might not know that, but that might have happened. That's happened before. What would likely or may have happened then is that they may have written back to anyone or both of them and said politely "Please resolve this," because if you want to be the GAC rep or a GAC rep, it should come from an authority.

A minister is as high as you can go I'd imagine, or a minister, and-or like a permanent secretary equivalent in your ministry or head of [OCU] or something like that. the secretariat/executive will accept that as a GAC rep. They don't get involved, they don't question whether it's from the ministry of ICT, ministry of cybersecurity. If the government says that's the GAC rep, that's the GAC rep. if it is that there are two or three letters or four ministries – that has happened before, Jeannie you know that.

JEANNIE ELLERS: More than once.

TRACY HACKSHAW: Saying that this is the GAC rep, you might find no action being taken because there's clearly contention. And again, the GAC leadership don't decide who is the GAC rep between, "Well, that's more ICT, so that should be the GAC rep." They don't do that. Or doesn't say "If a minister wrote that's definitely the GAC rep versus the [inaudible] wrote that. Well, that's lesser." That's not the role of the secretariat or the leadership, so you may find some contention there. Again, I guess it will be very useful to work with your vice president to resolve that, because that may be more of a road for the ICANN staff to liaise with the government to indicate that there could be –

there are many cases where there are multiple GAC reps from a country. There's a rep and an alternative and they're from different agencies.

JEANNIE ELLERS: And an advisor.

TRACY HACKSHAW: Yes, one technical advisor, maybe the regulator might have a rep, might be on the GAC from country A and the ministry will be there as well. They both come to meetings, they may even know each other, but they'll meet at the meeting. Things like that happened before and it's not something that the GAC executive or the secretariat can control, but it's happened before.

Second question.

JEANNIE ELLERS: I'm not taking it.

TRACY HACKSHAW: So there are the debaters, and again if you go to the GAC meeting now and tomorrow morning, you will probably hear that discussion going on about – it's really the focus of what the

GAC is discussing now. So why are they only advisory? Well, let me say carefully that the Governmental Advisory Committee does not exist of its own, it's a creature of ICANN. It's not the ITU. So ICANN has decided that it would like to receive advice from the governments, and they've created an advisory committee, and therefore to receive advice, there's the ICANN bylaws and the GAC has its own bylaws, which are guided by the ICANN bylaws.

Whether or not that is because it has to be fair or equitable by other governments is another question, but the debate has been going on now ever since – again I guess it was this type of discussions recently with the last which was in December, last which was a high level meeting, talking about people being on equal footing. That has always been the reverse, in that in the UN system it was always perceived that civil society and other actors were not on equal footing with governments.

So that decision, that statement is kind of the reverse. To place the actors on equal footing in their respective roles. That's what happens. Now, in the ICANN world, it appears to be different. Appears to be – I'm saying that carefully, because according to governments, some bodies, meaning the SOs for example can make policy whereas governments can only – and "only" is in inverted quotes – issue advice.

Now, I'm going to be careful and say [inaudible] what's the difference between that, however, if you look carefully at the bylaws, you will see that in my own opinion, there may not be much difference in terms of equality of what's happening, because advice – as Jeannie was pointing out earlier – needs to be considered by the Board along with policy, and carefully considered, and in some cases they need to go back to the policymaking body and say, "Based on GAC advice, which was issued in the public interest, please make these changes."

In some people's views, that's more powerful than policy. It comes after the fact, it's more powerful. The governments may think that it's less powerful because, "We don't make policy." Jury is out on that, major discussion happening. There are views on here and everywhere on it. If you want to hear those views live, go tomorrow and hear it, because that's what's happening right now. That discussion is going on as we speak, as to what's happening on that topic.

UNIDENTIFIED FEMALE: We probably have time for one – okay, two more questions. Three more questions. Three more questions, that's it, I'm cutting it off at three, and I've already got my three in the queue. Oh my gosh, do I have to have four?

FABRICIO PESSOA: Basically, yesterday – actually today, I watched part of the discussion about public security or something like that. Public safety, yes, and I saw that they explained some very basic things, kind of like how an IP works and things like that, which made me think that maybe the knowledge of people from there as GAC representatives is not the same, they don't really have the same knowledge about everything that's going on here.

In thinking about that and adding that to something that I heard yesterday during the public forum, when one guy said "When will ICANN be more powerful than a government?" Because basically there are some things that the governments say that "ICANN can just say no." Isn't it something that's somehow unfair, if you have some countries where you know that you have some people that are very aware of what's going on and how things work, and all the people that are not that aware are on the same place trying to get to a consensus about something?

And again, on top of that, is there some kind of background training or something like that for GAC representatives so that they are more aware of how things work and what's going on?

TRACY HACKSHAW: Yes and yes, two answers are very easy. That issue has been peculiar, especially for developing countries, so you tend to find in a GAC meeting if you go – I'll be honest, maybe out of 100 people who are there, ten countries may speak for the entire meeting, and the same ten, maybe even less. The other countries are silent and none of them might know what's going on. That's one aspect of it, they may not be able to speak on the topic because they don't have a position yet. That's one issue.

Just as well, they may not be knowledgeable, that's true. That's been recognized by the GAC as the GAC, and they have formed an [inaudible] working group, which capacity building is a big part of, and while we've tried to do capacity building before, with new members in particular, it's still not sustainable. There's nowhere you can go and get information for the GAC specifically on demand.

You can go to ICANN and get information on ICANN, but maybe the GAC issues are peculiar, maybe they're different, maybe the perspective needs to be nuanced slightly, and that's being fixed and that's being recognized and we're working with the ICANN team as well as within the GAC to get that fixed, but it is unfair. I agree, it is unfair that people come into the GAC meeting and they're not fully briefed, and a lot of that is because even the resources at home in the home countries are not efficient. It's

only one person maybe following an ICANN issue as well as ITU issues, as well as OAS as well as other issues, and they may not have the time to be briefed before a meeting. Or they may not understand what they're discussing, and it's very important I think for them to be aware so they can participate, so that's correct, and it's true that that happens.

MICHAEL ILLISHEBO: My question pertains to GAC working groups. Since Singapore ICANN 52, the public safety working group was formed. It was born in Singapore and rectified finally during ICANN 53. From the committees, ICANN already has a security stability advisory, and ICANN there's a Security and Stability Advisory Committee, which somehow is doing the same job as the Public Safety Working Group. I don't know how to put it, why did Public Safety Working Group fall under SSOC, unlike it falling under government?

TRACY HACKSHAW: I strongly disagree with you there. Public safety and security and stability of the root are two different issues. Public safety and law enforcement is a whole different kettle of fish. If you look at the Security and Stability Advisory Committee, there's only I think one law enforcement member in that

committee right now, [inaudible] That's an advisory committee made up of X number of people. the Public Safety Working Group of the GAC is made up of GAC members, 160-odd members ideally, as well as their law enforcement agencies.

In some countries that will be the equivalent of the FBI in the US, or there will be [inaudible] police, pseudo-police or quasi police, military, cyber [CSITs] and SITs, ethical hackers, any number of official type organizations, but the SSAC itself doesn't cover. If you look at what they cover, it's the stability of the root. The public safety working group covers little beyond that.

Yes, the SSAC issues there will be cross-fertilization, there will be some overlap, but the public safety working group covers a significant number of issues larger than the SSAC. For example, the WHOIS issue, SSAC doesn't cover that. The WHOIS issue is covered by [inaudible] but it's not SSAC who covers the WHOIS issue. That's one of the major issues right now, so I would disagree that they're the same, and because it's public safety, again like public interest, and It's perceived that the GAC is the natural home for something like public safety as opposed to cybersecurity which is a little different, or safety, or security which is the specific issue with SSAC. Is that clear? Public safety and law enforcement is really what they're dealing with.

UNIDENTIFIED FEMALE: Go ahead.

UNIDENTIFIED MALE: Okay. My question is – I know that GAC has a lot of working groups. GAC working group for public safety, underserved regions, all these working groups. Who works in these working groups? Because as far as I know, most of this GAC, they have reps, and some of them, I can say they're few, to my view. So who are those that serve in these working groups? Can I, as a Fellow, volunteer in these working groups as maybe I work for the government in my country, but not a rep actually. Can I contribute in these working groups, volunteer?

TRACY HACKSHAW: Again, as I said earlier, you should link up with your GAC rep. There's no restriction as to who can be in a working group once it's under the GAC aegis is what I'm trying to say. So if it is that your GAC rep from your country says that, "I would like you to participate in this working group if you're a specialist in the area," then I don't think there's any reason for – Jeannie is going to clarify.

JEANNIE ELLERS: I'm just going to try and clarify – I think what the question is, it's a little bit... GAC working groups operate differently than, say, a GNSO volunteer working group is.

TRACY HACKSHAW: Yes, very different.

JEANNIE ELLERS: GAC working groups are internal to the GAC, but if they opened it up as a cross-community working group, that would be an opportunity at some point, but that's – the GAC working groups are generally internal to the GAC. But to Tracy's point, certainly if you're in your government, link up with your GAC representative.

TRACY HACKSHAW: Yes, so that's exactly right. I'm not sure if that's clear, so the GAC working groups are not public working groups. They're not at all public. Even the Public Safety Working Group is not public, it's a GAC working group that's internal to the GAC, but if you're from government – I'm saying it again – and you are aligned with your GAC rep in terms of you understand who it is and you spoke to them and so on, if it is that the GAC rep says, "I would like John Smith as an expert in this area to assist in the GAC working group," I don't think there's really a precedent

for it but I don't think it's going to be a problem. If the GAC rep him or herself advises the secretariat or the chair that you should be involved.

I'm not going to put my head on a block and say that, but I don't think it's going to be a problem, if the GAC rep is the gateway.

JEANNIE ELLERS: Last question, and then I need you to just sit tight for just a second after this question is answered and I need to go through a couple of things. It is aftertime, we are all tired, I am exhausted too, but we have one more question. This is the very last one, I didn't see your hand up so I'm sorry about that, but please go ahead.

UNIDENTIFIED MALE: It's okay. Last question: Since you have mentioned earlier that there are just a number of GAC representatives attending the GAC sessions, would there be any possibility that you do have plans to not force but really encourage those representatives to come full force in the sessions, or maybe when there will be some ICANN events, they will all be there to air their support or maybe have a consensus?

JEANNIE ELLERS: The question is to encourage the quieter GAC members to speak up in the meetings, or to have an avenue for GAC members to speak up other than the GAC?

UNIDENTIFIED MALE: One is an avenue, and then another one would be to encourage the attendance to be 100% as much as possible.

JEANNIE ELLERS: Okay, 161 governments in the GAC room.

TRACY HACKSHAW: Wow. So yes, there is [thrust] to have – I think there are 240 countries in the UN or something like that, 200 plus, so there is [thrust] to have all countries represented in the GAC. That's one, so that'll be great. There is a [thrust] to have all countries who are in the GAC come to the GAC meeting. Travel support unfortunately was only for 30, and it's oversubscribed literally every meeting since I think it went up from 25 to 30 and it's been oversubscribed –

JEANNIE ELLERS: It went up from 6.

TRACY HACKSHAW: 6, 20, 25, 30, oversubscribed every time since then, so there is a lot of interest from the countries who are I guess unable to attend to attend, but it's only 30, so ICANN can't fund 100-odd countries to come. I'm sure they'd love to, but that'd be very difficult and I'm sure they can't – still, a whole lot of room yet.

JEANNIE ELLERS: [inaudible]

TRACY HACKSHAW: And yes, remote participation is available, but we don't have the GAC reps I think taking it up as we would like, and even if it was taken up, it's not really well – for discussions that are in the GAC, it's difficult to follow remotely. It really is. The way that discussions work, it's a little difficult, but nonetheless, there is interest. And I imagine one day when everything is clicking and working well and there's funding available and there's a room big enough to hold them and so on, there would be 200-odd countries sitting around the table – imagine that – in the GAC room to discuss a GAC communique. That'll be fun.

UNIDENTIFIED FEMALE: Yes.

TRACY HACKSHAW: On whether there are avenues outside the GAC, yes, so the public forum is a very good avenue. I do think that the countries who are silent in the GAC room, many of them do speak outside of the GAC in their regions, so there are regional type meetings that the GAC might have. Not called GAC meetings, so African governments will meet, Asia Pacific governments will meet and so on, and the GAC reps might be there. That's another avenue, and also, working in what we call the corridors, the margins, you tend to find a lot of the countries who are not speaking up in the main room either working in the margins or themselves being called to work in the margins.

So if you find that the main countries, let's assume that the U.S., such a big speaker in the GAC, a big country, they may ask a smaller country to come and, "Let me bounce this off you" and hear their view there and so on. That happens a lot in the coffee breaks which get very long, and you tend to see them meeting and huddling, and you tend to see the larger countries – either deliberately or otherwise – bringing smaller countries in to talk about issues that they apparently want to raise in the meeting and the may even raise it out there, or maybe also raise an issue,

and so on.

So there are avenues like that, that traditional government meetings have. What they don't speak there, they can speak to another rep and have their issues raised, because they may not be able to raise the issue, because they may not be authorized to speak on the issue, but if it's an issue that the country has, they can raise it with another rep who's authorized to speak on several issues. Things like that happen in the GAC.

JEANNIE ELLERS: Tracy, thank you, I thought this was a very good discussion. If you see Tracy walking around –

UNIDENTIFIED MALE: [inaudible]

JEANNIE ELLERS: If you see Tracy, do not give him a break under my strict orders. I adore Tracy, he is a Fellow, so give him a little bit of a break, but definitely stop him, ask him questions and if he can – he probably knows who your GAC rep is, he can at least point you in the right direction, and I probably know who your GAC rep is too.

TRACY HACKSHAW: I'm happy to [inaudible] Feel free.

JEANNIE ELLERS: Yes, so anything that any of us can do, and again if your avenue is through your regional representative, that's my team, so I know all of them, and they're scared of me, so I will tackle them in a hallway and I will make sure that your regional representation at ICANN knows who all of you are. A couple of housekeeping things before I set you free, the first one is tomorrow morning, bright and early at 7:00 – yes, down in the other room that we were in in the morning, we're going to have SSAC at 7, RSSAC at 7:30, the business constituency right after that and then we're going to hear from the IPC, so we're going to have another packed morning tomorrow.

So please come prepared with any questions that you might have for those constituencies and advisory committees that we're going to hear from. The IPC is the Intellectual Property Constituency, by the way. Also, ladies, come take a picture with me – it's International Women's Day – before I let you go. Men, you can go. Thank you.

[END OF TRANSCRIPTION]