
ABU DHABI – 2017 Nominating Committee Public Meeting
Monday, October 30, 2017 – 13:30 to 15:00 GST
ICANN60 | Abu Dhabi, United Arab Emirates

UNIDENTIFIED MALE: October 30th, 2017. ICANN 60, Abu Dhabi. 2017 Nominating Committee Public Meeting.

HANS PETTER HOLEN: Welcome, everybody, to the NomCom open session. We have a few minutes' more preparation before we start, so feel free to come in and join us at the table. We're not going to exclude you from sitting around us.

Welcome, everybody, to this open session of the Nominating Committee. My name is Hans Petter Holen. I'm Chair of the 2017 Nominating Committee.

To my right is Zahid Jamil, who was my Chair Elect. Both of us are appointed by the Board. He is also the Chair of the 2018 Nominating Committee, so I'll hand it over to him at the end of this meeting.

To my left is Damon Ashcraft, who is the Chair Elect of the 2018 Nominating Committee but also was a member of the 2017 committee. Stephane Van Gelder is not here, as far as I can see.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

He was my Associate Chair who advised me through the list through the year.

You can see people around the table here with signs in front of them. They're members of the Nominating Committee. Somebody asked me to ask the question, "Who is not a member of the Nominating Committee in the room?" If you could wave your hand or raise your hand up so we can see how much audience we have Okay. So it's some, yes.

CHERYL LANGDON-ORR: [inaudible]

HANS PETTER HOLEN: Well, you don't count, Cheryl. You've been Chair of the Nominating Committee when I started, so –

CHERYL LANGDON-ORR: [inaudible]

HANS PETTER HOLEN: Thank you. So I'll do an introduction. I'll talk about the result of this year's committee. I'll talk about the recommendations for next year's members and open leadership positions. And I will pass on the microphone to you if you have any questions at the end.

The structure of the Nominating Committee. If you don't know that – and this is brand-new graphic from the ICANN – [the Sign] Department. You can see on the left that is one member from the Address Supporting Organization, one member from the Country Code Organization, and then there is a bunch of members from the GNSO. I think it's seven. Then there is one member from the Internet Architecture Board, from the IETF. Then there is five members, one from each region from the At-Large. Then there is a liaison from the Government Advisory Committee. They have not sent us any person to fill that seat for as long as I remember. They have a working group and are working on that now, but that's gone on for two years, I think. So maybe there will be a person filling that seat in the future. Then there are two liaisons from the Root Server and Security and Stability Advisory Committees.

Then there is the Chair, who is selected by the ICANN Board, and the Chair Elect, who is expected to be next year's Chair, and an Associate Chair, who is picked by the Chair. Traditionally, the Associate Chair is last year's Chair so that we have a transition between the Chairs. So anybody among the three Chairs is actually on the leadership team three years in a row, first year as Chair Elect, then as Chair, then as Associate Chair. That way, we keep some constitutional memory in the leadership team.

The NomCom 2017 – here is a picture of those who were present when this was taken, the leadership team up front. You can see the names of the different people holding the different positions.

The way the NomCom works is that, at this meeting after the AGM, which is on Thursday, the 2018 Nominating Committee is seated and the 2017 Nominating Committee steps down. We were seated at ICANN 27 in Hyderabad, and we started to have a meeting there and discuss our operating procedures and started candidate outreach, which we closed shortly after the ICANN 58th meeting in Copenhagen. Then we started a process to select from the applications that we got. The persons that we invited for interviews in Johannesburg – and made our final selection. After that, the candidates were sent to legal due diligence by an external investigator by ICANN. That result was sent back to us and that could take four to six weeks. We forwarded our decisions to the appropriate bodies.

Now, there are a couple of things that were new for this year's committee. First of all – and, yes, to my right I've just talked about Stephane, my Associate Chair. He's coming in to advise me and give me his last advice in this meeting.

STEPHANE VAN GELDER: [inaudible]

HANS PETTER HOLEN: Yes. Thank you, Stephane. So what was new for the Nominating Committee this year? One thing that was substantial was that it was the first time we had to appoint any members to the PTI Board. The Nominating Committee selects two members to the PTI Board, and in the 2017 cycle, we had to appoint two members, one for two years and one for three years. So after this, there is going to be no appointment in 2018, and then there's going to be one in '19 and none in '20, and then none in '21. So it's going to be on the shifted cycle. So that was additional work.

Different criteria. We ran a separate recruitment process, but the rest of the process was the same. The other thing that's different is that, in the previous Bylaws, the NomCom appointed members directly to the Board. In the changed Bylaws, there is this new Empowered Community, so the NomCom sends its appointments to the Empowered Community, and the Empowered Community makes the legal decision to put the people on the Board, if I got this right. So that's just a formality and didn't have any practical implications, other than there are more steps on the timeline.

Then the selectees are announced. They're invited to the Board retreats, and then they're formally seated on Thursday this week after the General Assembly on Thursday.

The only thing that the community is really interested in are the results of the selection. Last year's NomCom has kept a tradition that we also did in 2017 – to be open about the process but closed about the candidates. So when you submit your application to the Nominating Committee, you should be able to trust the committee that your candidate data and your application is kept confidential. So we talk about the process but we don't talk about the candidates that have been in the process, other than the end result.

What we had of applications was 99 completed applications for ten leadership positions. We had 78 applying for the Board positions, 21 for ALAC, 6 for the African seats, 7 for the Asian-Pacific Asian seat, 8 for the Latin American/Caribbean seat, 25 for ccNSO, 27 for GNSO, and 14 for the PTI.

Of the 99, 36 were female. I think this is a really good development. We've been able to increase the proportion of women applying for this position, and that is the only way that you in the community can actually affect the number of women that we appoint. We have to appoint candidates among the pool

that applies. In order to increase the statistics, we have to get real good women to put their names forward.

Looking at the geographic distribution, it's actually not too bad. It's distributed between North America, Europe, and Asia. There are still less applications from Latin America and Africa, but it's better than it has been in the past.

For the Board of Directors – this is the end of the result – the NomCom appointed Avri Doria, who is from North America, who is probably well-known to many people in the community, both with the technical background in engineering and IETF but also in Civil Society, and she has taken part in ICANN in many years.

Then we have Sarah Deutsch, who has also been active in ICANN through the years and has a consumer protection background on the legal side.

These are the two appointees to the NomCom and to the Board. As you can see, the percentage of women appointed to the Board this year was actually 100%, which is impressive when you look at the statistics. But out of two, that's kind of...yeah.

For the At-Large Advisory Committee, we appointed Hadia Eliminawi from Africa and Kaili Kan from the Asian-Australia-Pacific Islands and Ricardo Holmquist from the Latin American/Caribbean islands.

For the Country Code Names Supporting Organization, we appointed Marita Moll from North America. I'll come back to the situation with the ccNSO in my future slides.

For the Generic Names Supporting Organization, we appointed Carlos Gutierrez and [Sied Ishmal Shah] from Latin America and from the Asian region.

Finally, we appointed two members to the PTI Board, Lisa Fuhr from Europe for a two-year term and [Vi Vong] from Asia for a three-year term.

The part of this process that cost us particular concerns this year was the response we got from the ccNSO when our announcements were made. It makes me personally really sad to see the way the ccNSO reacted to our appointments by sending us a formal letter, which they're entitled to. But there were a lot of formal inaccuracies in this letter, and I think that the tone in the letter and the way the ccNSO handles this really calls for an apology from the ccNSO to be given to Marita Moll because I on a personal level think this is really not a proper way to act.

The ccNSO needs to realize that the appointments from the NomCom are final. These are not suggestions, as the letter says. They may have internal rules, but when they don't give us advice, then it's very difficult for a NomCom to act on that.

In their letter, they refer to advice given to the NomCom in 2012, which was actually for the 2013 NomCom, which is now here as part of the slide deck and is made available, so it should be clearly remembered by future NomComs. I've also written a formal response to their letter, which will be sent shortly after this meeting, which basically repeats what I'm saying now.

The chain of events was as I said the ccNSO responded and pointed the advice given in 2013. Marita Moll stepped down, which is understandable from the tone of that letter from the ccNSO. The end result is that the NomCom 2017 will not be able to complete the selection of a replacement and carry out due diligence before the end of our term on Thursday. We have [Donner Bess] to do that. We have not got confirmation from the next candidate that he will accept the seat, and there is no way we will be able to do the due diligence before Thursday in that sense. That takes a couple of weeks.

So the end of this situation is that this matter will be handed over to the 2018 NomCom. It's in Zahid's hands to decide how to handle this. It may be that the seat is going to be open to the end of the 2018 NomCom term to be appointed together with the others. Or the 2018 NomCom may decide otherwise.

So that is the unfortunate status of the situation with the ccNSO. While I think that the 2017 NomCom did not commit any

procedural errors, they obviously did not listen to the advice given in 2012. But it's unreasonable to expect the NomCom in 2017 to know about the advice given in 2012. Therefore, I sincerely think that Marita Moll deserves an apology for the way he was treated here. I'm willing to give that apology personally, but I think it's not actually up to the NomCom to give that apology.

Do I see any questions here? I saw somebody moving to the microphone. You want to comment on that?

STEPHEN DEERHAKE:

Yeah. For the record, this is Stephen Deerhake from the ccNSO, a ccNSO Council member. Obviously, I was deeply involved in this. I cannot subscribe to your assertion that it was not the responsibility of the NomCom to be unaware of the standing advice that we gave in 2012 at the request of the NomCom. I understand that the group itself has a lack of institutional knowledge over time because you're term-limited out, but then perhaps what we're looking at is a deficiency with ICANN staff.

I think – and not to be disrespectful – a lot of what you just said can be characterized as alternative fact, and I have to say on behalf of the Council that we look forward to your letter, and we have been in contact with your candidate around her withdrawal. Thank you.

HANS PETTER HOLEN: Stephane?

STEPHANE VAN GELDER: Thanks, HP. As Chair of the 2015 and '16 Nominating Committees – and I see the Chair of the '14 Nominating Committee to my left, to my – oh no, she's gone now. I don't see her anymore. I don't want again a debate about who did what. I don't think laying blame is useful. I think understanding what went wrong is useful.

I think one of the things that we did during my time as Chair was to request guidance from the SOs and ACs and the Board every time we started a cycle. Often we did not get a response, or the response that we got was not renewed in any way. It carried over from the past. My recollection – and this is only from memory – is that the ccNSO did respond when we asked, but the response was a carryover from the past.

So I think, rather than trying to lay blame at any single person's door, be it ICANN staff, NomCom, or ccNSO, what we want to take away from this is that we should be asking in very clear terms – we the NomCom; sorry – every cycle for clear guidance and that the SO and AC Steering Committees/Councils – whatever they are – take it upon themselves to give us clear

guidance, renewed every year in return. I think if that happens then we're probably after a better process and we're learning as we go.

[STEPHEN DEERHAKE]: I agree with you in regards to the approach because it has become apparent that anything we give to NomCom as standing advice gets lost in the sands of time.

You also have to understand that part of our visceral reaction to what transpired with respect to the nominee for the ccNSO reflected, since the beginning of the ccNSO – not the first, not the second, but the third time – that NomCom has done something that we had told them not to do with regards to the appointees to the ccNSO. Thank you.

ZAHID JAMIL: I'm the Chair for the 2018, so not yet but hopefully having to handle these issues next year. I wanted to say that it was extremely helpful to have with certain offline discussion with ccNSO members. It's also important to know that we always have a ccNSO rep on our NomCom. We hope that there will be clear instructions – and I believe there will be now – provided so that we don't repeat that. That's going to be very helpful

And I wanted to say that, whichever body we're trying to select for, we've been very respectful of the person who's coming from that body to actually inform us. That has been very, very crucial. We will continue that. Just to say that that is something we respect, and basically the group tries to defer to the background information, knowledge, etc., of the representative.

I think, going forward, better communication between both of us would be helpful. So a written a communiqué of some sort we would invite and welcome. Thank you very much. And the more granular you can be I think would be helpful as well. You may feel free to give examples that may have happened in the past so that we can then inform the current NomCom what not to do, for instance. So please do feel free to write that in.

Also, I think what we would like to do this year – and we invite you to basically coordinate with us on this – is to come in maybe twice within our cycle to meet with our membership. You can have a representative maybe from the Council itself, not just the one who's already there but maybe the Chair or somebody else, and basically come in and have a conversation with us. I think that would be extremely valuable and helpful as well.

We also may try to come to your meetings, possibly at the next meeting in Puerto Rico. I think that exchange will be helpful, not just for the leadership, which might understand the issue. Please

understand, we don't get to vote. It is the membership that does. So having that conversation with the membership may be actually very, very helpful as well.

So those are the things we're hoping to do moving forward. We hope that will somehow engender greater confidence. Thank you.

STEPHEN DEERHAKE: Thank you for that. I see no problem on our side whatsoever with regards to fostering and continuing much better communication that we've had in the past because I think everybody's objective here is to keep something like this from ever, ever happening again, either with the ccNSO or any other SO/AC that you're making nominations for. And speaking on behalf of Council, I can assure you that we'd be more than happy to foster a much better level of communication and cooperation. Thank you. Thank you for your time, by the way.

STEPHANE VAN GELDER: Thank you for being here as well and engaging with us on this. I think you've made a very important point that's a useful discussion to have in this public meeting and in this public format. You said, "The NomCom did not do what we told it to do for a couple of times before this incident."

STEPHEN DEERHAKE: Let me rephrase that. There have been standing instructions not to put forth a NomCom nominee to Council that was in any way associated with an existing ccTLD. The thinking of Council has always been that that's kind of a backdoor way for a cc to overload representation on Council, and that's exactly what happened in this point. And it happened at least once before, and I think actually the very first incident was a case of that as well. But I couldn't adequately research that due to the broken links on the ICANN website. But when they fix those, I will research that. Thank you.

STEPHANE VAN GELDER: Thanks. That's the point I had exactly: there is advice that's given to the NomCom, and then we as a community have to ask ourselves what we want to see a NomCom do. Do we want them to follow that advice blindly or to the letter, or do we want the elected by the community and selected representatives of the NomCom to make their own determinations and ultimately be free to take that advice or not? I have no answer for you, but I think it's a key question that the community and the NomCom must answer.

STEPHAN DEERHAKE: I agree with you. I wouldn't say there's a firm answer, but I will say, if you go down that path of doing the one thing that we have requested repeatedly that you do not do, what you're doing is interjecting the potential to cause instability within the ccNSO specifically and possibly, if you do something similar, with another SO/AC.

So I do not see how it would be advantageous to ICANN overall or advantageous to the ccNSO for this group to go ahead and say, "Okay. We get to do what we want. We're going to put this person on, even though they work for a ccTLD." I don't think how that would be productive for either the organization of the SO. So how you guys work that out is – I don't have an answer.

HANS PETTER HOLEN: If I may comment on that as well, I think there are a couple of things at stake here. One is the independence of the NomCom. The NomCom acts within the boundaries of the Bylaws and is entitled to make an appointment within those boundaries. Of course we should listen to advice, but it's actually up to the committee members to take that advice or not. I totally agree with you that it may be counterproductive not to listen to advice, but it's still only advice.

If you want that – and I believe that may be a good idea, so that would be my personal recommendation – as a hard criteria, let's get it in the Bylaws. Then it won't happen again.

STEPHEN DEERHAKE: We may well end up going down that route, but it's an expensive, time-consuming route, and we're asking you guys basically to exert some common sense and do the right thing in this regard. If we feel like we have to go down the Bylaw-change route, we will.

HANS PETTER HOLEN: Know you have the '18 and potential '19 Chair here, so your point here, so your point is probably well-received. And I'm quite sure that they'll do their best for this not to happen again. But ten years down the line, this can be lost again. So I'm happy to make that proposal if you want somebody outside the ccNSO to make that proposal.

STEPHEN DEERHAKE: It may be easier or harder depending on whether that particular thing is a fundamental Bylaw or not. But I will look into that.

But I think, again, we just need to be talking to other. We stopped talking to each other sometime back and something

really unfortunate happened as a result. We need to make sure it doesn't happen again.

UNIDENTIFIED MALE: Absolutely, and I think it's really important that we have that dialogue. In fact, even after this, if you take out five minutes, it would be great to have just an offline refresher if you can. That would be great.

STEPHEN DEERHAKE: Yeah. Thank you.

UNIDENTIFIED MALE: We have a few people lining up in the queue. We have Jay. We don't have a name plate here.

UNIDENTIFIED FEMALE: [inaudible]

UNIDENTIFIED MALE: [inaudible]. And then we have a Mark. Please go ahead, Jay.

JAY SUDOWSKI: Thanks. I just wanted to point out something that's kind of a practical reality of this industry, which is that people's

organization affiliations are very fluid, and the NomCom process unfolds over an entire year. So even if we follow your advice exactly as it's been given, there's no guarantees that anyone can make that whoever we select will not ultimately end up working for ccTLD or serving on a board of a ccTLD. I certainly understand your point and your perspective and your desire to have someone who's independent and unaffiliated, but even if we pick such a person, that situation can change. Certainly that's well outside of our responsibility, and it's just a reflection of the industry.

STEPHEN DEERHAKE: You obviously cannot predict what might happen in the future. It's entirely possible you pick a well-meaning candidate, a well-qualified candidate, who's, say, an independent consultant in the industry. And it may well come to pass at six months after they take their position on Council that they get hired by a ccTLD. That's not your problem. That becomes Council's problem going forward for the remainder of that term, and we'll figure out how to deal with it.

But my problem and the problem of my fellow Council members is we really have an issue with you guys preloading it. If it happens after the fact, after you've done your work and have come up with a qualified candidate, then that's something for

Council. This group is not responsible for that. You can't be responsible for what happens in the future.

UNIDENTIFIED MALE: Thank you. We have –

JAY SUDOWSKI: I have one –

UNIDENTIFIED MALE: The lady – okay. Quick comeback.

JAY SUDOWSKI: The other thing I'm curious to get your perspective on – and I'm legitimately curious about this – is that, at this point, that seat is now vacant, right? So I'm wondering, in your eyes, would it be better for that seat to be empty, or would it have been better for that seat to have been filled by that person that we select –

STEPHANE VAN GELDER: Jay, if you don't mind, can we take that aspect offline? Because there may be some things which might be private on those issues – I don't know – and it might be useful to have that discussion. It's more about inner workings of ccNSO as opposed

to the NomCom itself. Maybe we can discuss that separately.
Thank you.

Okay. Moving on down the – yes?

STEFANIA MILAN:

Thank you. My name is Stefania Milan, and I am an outgoing Councilor for the Non-Commercial Stakeholder Group. In particular, I'm from the NCUC, the Non-Commercial Constituency.

Now, we might also have a similar problem to what the gentleman over there was just referring to with one of your recent appointees. We'll just leave it at that for now.

But I have two very concrete questions. One is: what happens when the NomCom appointee has a conflict of interest that's supposed to be resolved by the time of starting their appointment but is actually not resolved? [inaudible]. So that's one question.

The other – I'm sorry. I wanted just to switch stuff. So leave it at that for a moment. Because I understand what the gentleman over there just said – that of course you cannot foresee the future, but there is also some information that you might be able to check when you're actually doing the job.

Oh, my computer came back to life. So the second question is: what happens when the NomCom makes a decision on the basis of misinformation provided by the candidate? There are some affiliations that are fluid. That's true. Things come and go. This community is quite complex. But there is also stuff like membership that can be checked.

HANS PETTER HOLEN: If I can start with the last one first because that's the simplest one to answer, if you look back on the NomCom process for the last years, after NomCom has named their decision, the candidates are sent to due diligence done by an external examiner and we get back a report. So that will uncover whether there are some factual mistakes or not.

Now, this has had implications on the timeline for announcing the candidates. So my recommendation to next year's NomCom, which is already being planned – it's not finalized yet, but I think we're pretty close – is that we will do that due diligence and that investigation before the final decision is made, so that at least that kind of information will be in front of the committee when the decision is made, rather than having to go back to the committee for new discussions and for whether the decision should be changed or not.

As to the first question, I'm not really sure I understood it, so if you could repeat it.

STEFANIA MILAN:

What happens when there is a conflict of interest on the paper today but then this conflict of interest is supposed to be resolved by the time this person is seated, for example, on the Council but then this doesn't happen? Because you mentioned, for example, earlier when I came in – I came in a little late so I might have missed some of the discussion. But if I remember correctly, the appointments are definitive, so once they're done, they're done. But what if the conflict of interest is not resolved?

HANS PETTER HOLEN:

Either that remains a problem for the Board or the Council to resolve because this conflict of interest could come two weeks after they're seated. So that would be the same situation. The other answer to that is something that I only briefly discussed with ICANN's Legal counsel, and that is that legally, according to the Bylaws, the candidates aren't seated until the AGM on Thursday.

And I'm sure my two lawyers on my right are left – I've lawyered up today – can help me out on that, but I think, legally, if there is an agreement between or if the NomCom appointment is

conditional to a certain act being taken before that and that doesn't happen, then theoretically the NomCom can probably make another appointment. I don't see how that would practically work, but I think that's a theoretical option.

STEPHANE VAN GELDER: Yeah. I think there's a simple answer to your question, which is, once the NomCom has made a determination, as far as that NomCom is concerned, it is final; i.e., the NomCom has no power to unseat someone it has seated. Don't forget that everything we do – all of us – is being responsible to the community first.

If someone applies to the NomCom saying, "I will do this," the NomCom believes them because we're not the police. We're supposed to take things at face value. If people say it doesn't mean we don't research – but if we research and say, "This issue has come up. What are you going to do about it?" and the person says, "I'm going to resign from that" and then they don't, then it is up to the community, be it the Council or the community or that person itself, to behave with integrity. If they've committed to something and don't do it, then I daresay the community will hear about it, and that may reflect on them. But the NomCom itself has no power to unseat.

[ZAHID JAMIL]:

I think, without going into very granular detail, we may have understood the situation that you might be alluding to. Speaking about that particular situation, there are two things that haven't yet happened. One is that whether that conflict will continue or not continue is absolutely not clear yet. I think we need to be fair to the person who's a candidate because some of these things might not be in their own control.

So I think what you might want to do as a community – because we've made the appointment. You know why we've made the appointment and what the conditions are and you know what the conflict-of-interest situations might be. Given, once you have the information that you will maybe elicit, that it's final and clear, then you want to make the next decisions beyond that.

A lot of times we've noticed that the candidates themselves, as Stephane mentioned, might resign, or the conflict disappears. So I think that would be one way to do it.

However, let me assure you, when are making decisions within the NomCom, we ask these questions and we make sure that the answers that we get are sufficiently, let's say, reliable to respect to any representations made. Now, if the representations are wrong, that's a different issue.

HANS PETTER HOLEN: Mark and then Tom.

MARK SEIDEN: Stephen, I'm sure you won't be surprised to find out that most of the people who applied for ccNSO jobs have some interest and affiliation in the past with ccTLDs. The practical problem for the NomCom is we have a candidate pool to fill and we really hope that the ccNSO will help with outreach to have the applicant pool increased to have more independent applicants because we end up with the choice of filling a job from someone we believe is qualified, even if it represents some kind of conflict, or not filling a post at all if it's a thin candidate pool. It would be really helpful for us to understand where your weights are in that sort of calculus.

STEPHEN DEERHAKE: We'll work on that and get back to you on that. If I may briefly readdress this question and ask about the future problem, since it was asked, I answered it. It occurred to me that, at least with regards to the ccNSO, there is the capability for the ccNSO to solve/correct and overload caused by the employment of the recently seated NomCom appointment by a ccTLD that already has a member on Council, and that is that the Council has the capability to toss the other member from the ccTLD off Council by a super majority.

I would not be at all surprised that, if that eventuality ever occurred, where we ended up – no fault whatsoever of this group – with two Council members from the same ccTLD, the Council would do exactly that. I would be really surprised if we didn't, actually. So in that regard, I don't think that's an issue, at least for ccNSO. Also, I can't speak for the other SOs/ACs. Thank you.

HANS PETTER HOLEN: Tom?

THOMAS BARRETT: From a specific point for the ccNSO, a simple fix going forward would be to make sure that the incoming candidate pools are not in conflict with your advice. There's a checkbox on the application form if they're applying for the cc position, where they declare they're totally independent from any ccTLDs. So hopefully I think that's a recommendation for the future NomCom. If it's not, hopefully you'd spot that and make sure it's in place going forward.

STEPHEN DEERHAKE: Thank you, Tom.

HANS PETTER HOLEN: Thanks. I see there are no more questions now. I'll briefly take you through the rest of the lines when I come to the end of my recommendations. There is one thing here that's related to that, so I think that's important to see. Then at the end I will present next year's committee.

The NomCom 2017 had a Recommendation Subcommittee who has gone through the work of the committee. I won't take you through this in detail, but this is all going to be published as part of the final report. It's one of the ways to create a collective memory and improve the NomCom process from year to year.

I think some of the things that are really important with regards to this discussion is asking the community members and also the ACs and SOs on what skillsets are needed because what we've been talking about a lot now is the restrictions or the standing advice, but then as [environment change system] may be different needs from year to year. The Board has been really getting up to speed on giving us advice each year with, "This year we actually need somebody with this kind of expertise." I think that would be very useful to get from the other councils as well.

So it's not just repeating things. There can be standing advice that is there, but then also think about how it would be really good to have somebody from this area who knows about that.

That could be really helpful for the NomCom. And the earlier we get them, the more outreach we can tailor in that direction as well.

One of the things we have thought about here is also the surveys that we do on the Leadership Team. The NomCom is one of the few ICANN institutions that actually does a 360 review of the Leadership Team and all members and publishes it. So all this is public, so you can go in and see whether the candidate you sent us got a good review from their colleagues, and the Board can go in and see before they appoint the Chair Elect whether he actually did a good job as Chair Elect. This is something that we would encourage other Supporting Organizations to adopt as well.

The last advice here that comes from me and not from the subcommittee is actually to both follow up a request for advice and skillsets as we talk about but also create a table that's published on each NomCom's webpage. So it's public – not only the advice that we received this year, but also the previous advice so that, for instance, for ALAC we see that we didn't get any advice in '16 or '17 but we did get some in 2015. For the ccNSO, the last advice I found was from 2013. But as Stephane just said, there may have been some communication the years after that. For GNSO, I was not able to find any advice

whatsoever when I went back at least ten years. It may have been before that.

So there's certainly room for improvement here. That's not directed just towards the ccNSO but all the committees here: the better input you give the NomCom, the better job they can do. Also, it's not really you guys on the NomCom because you send the people to the NomCom, so next year it could be you in this audience that's sitting here and has to make these decisions. So you need to think about who you send to the NomCom as well and give them a good brief before they go there.

Of course, there are different opinions between the different [NSOs] but I think everybody will respect the others: "Okay, we have some fundamental needs that we need to fulfill." If they can argue those, then the likelihood of getting the right result is much bigger.

So that would be practical takeaway and advice to at least push into this NomCom that I'm the advising the Chair on in 2018. But hopefully that will be carried forward.

That brings me to my end. I'm rushing this so I can hand over to Zahid and not quite run away, but almost. In 2018, you already said this, so the composition of the NomCom is the same. Here are the names for the next year's NomCom.

The Chair is Zahid Jamil to my right, and Chair Elect is Damon Ashcraft to my left. I'm Associate Chair advising the Chair. Then you see the different members from the different Supporting Organizations here. As last year, we have no appointments from the GAC. There is no liaison from the GAC on this year's committee either.

The open leadership positions that we are working on in 2018, or Zahid is working on – so now maybe I should actually hand over to you, Zahid.

ZAHID JAMIL:

Thank you. I didn't know I was going to make a presentation. Oops. Right, thank you very much. Thanks, Hans. It's a pleasure to be taking over as basically Chair from you especially. I'm definitely not going to be able to do as good a job, I'm sure. We have a very interesting task ahead of us this year in 2018. We also have less load than you did last year because last year, instead of having four boxes up there, you would have seen five. There was a category called the PTI Board of Directors. One of the things we need to appreciate is the 2017 NomCom did an excellent with the same process, the timeline – all the things being the same, including resources – actually putting an absolutely separate process also for the PTI Board of Directors and filling it. So we will not be doing that this year.

We only have four different categories where we need to fill in: three ICANN Board Directors, one GNSO Council member, which will have a two-year term. They'll be a non-voting NCA onto the GNSO Council. Just so you also know, we as the NomCom also decide not only will there be a non-voting seat but actually which house that person is allocated to for people from the GNSO.

At-Large has two seats, one for Europe and one for North America. The ccNSO Council has a one-seat, three-year term. This might change. If we are given the task to fill in the vacant seat of the ccNSO, then you will see that figure change to two seats that need to be filled, although the second seat will have a two-year term because one year has expired.

So those basically are the tasks assigned to basically the NomCom for 2018.

Since I haven't seen this slide before –

HANS PETTER HOLEN: Well, I can speak to that, Zahid. I just wanted to give you the opportunity to be in the [inaudible]. There is also a NomCom review going on, and Tom Barrett, who is to my right here, is chairing the party interacting with the reviews. There are external reviews. They have a meeting on Wednesday morning.

The timeline for the review is [up there]. They hope to have a report published on the 13th of November.

I think actually the reviewers are in the room, so if you want to raise your hand and wave. If you want to talk to the reviewers and give them input, I'm sure they're more than willing to listen to you. Perhaps you should stand up so everybody can see you. You're not going to hide away here.

UNIDENTIFIED MALE: [inaudible]

HANS PETTER HOLEN: Thanks.

UNIDENTIFIED MALE: Can I just add? If you have complaints about the NomCom, that's where you go. We're just kidding. We're just kidding. That's a joke.

THOMAS BARRETT: HP, just one more word about this. There is a survey that's in process. You have until the end of this week. So if you have not yet taken the NomCom survey, please take some time this week. You can go to the ICANN website and find it under Announcements. But we'll especially want every NomCom

member to participate and give us your ideas on the NomCom for the survey. Thanks.

STEPHANE VAN GELDER: It may be useful because this is a public meeting to remind everyone that the group that Tom's chairing is supposed to interact and act as community safeguards as it were between the independent reviewer or examiner – I don't know; I forget what you're called exactly – and ICANN staff with a task of making sure that the baseline understanding of the NomCom is there so the review doesn't go off in directions that would be inappropriate or ineffectual.

The concept of the review itself in this way is rather new. I believe ALAC [charter] was right. I believe ALAC was the first review that had this type of system, where there was a community group acting as a go-between. So this is very much a work in progress, and it is open to everyone. As others have been saying, there's the possibility to take part in the survey. I'm sure there's also a possibility to take part in the meetings themselves. Right now on the working party that Tom's chairing that I was chairing before but had to give up for time commitments there are mostly people that have prior NomCom expertise or experience so that we really do get a good idea of what we think

the review should be looking at. But it's important to point out that we're not doing the review. Thanks.

ZAHID JAMIL:

I just wanted to make a few points. I think it may be useful as information for people to know what the sentiment and the atmosphere within the NomCom tends to be. It is probably – and I'm sharing my own personal view; I think it is shared by many other members – the most productive thing you end up doing because you actually have something you need to do by the end of the year. The way that we do it compared to some other places – it's very collegial. We don't have lots of conflicts. We work as a team. I think that is something that, for those who want to apply and become members of the NomCom itself, I would encourage you to do. You feel very good and satisfied at the end of the process as a member.

One thing also I'd like to add is that anyone from the community – literally any individual, group, or otherwise – is free to write to the NomCom with any suggestions. There's nothing that stops you from doing that. If you wish to do that, go ahead. Send it to the NomCom. It will be received. Write to our staff.

I want to hark back to the discussion we were having about the candidates and what we do with them, supposing there's conflicts and other issues. It might be useful for the community

to think about the fact that the NomCom is trying to elicit and encourage people to apply for these slots. The more careful we are about how we treat them once they have been selected – for anybody; it doesn't matter whether that's the ccNSO appointment or the GNSO appointment or the Board or anybody else – remember that what you do with them actually impacts other people applying next year because there may be a chilling effect to that. So I think we all need to just be conscious of that aspect.

A lot of times people think that the NomCom's role is to do the outreach, and exclusively it's just the NomCom. I would like to emphasize that the outreach to apply to the NomCom is a responsibility, hopefully, or some people will consider this something that they can help in, not just for the NomCom itself but for any SO, AC, or other people in the community.

We actually have a form on the website called Suggest A Candidate. Even after our application deadline closes, if anybody thinks this is a good candidate, they can suggest the name and send it in. It may be considered in the next cycle. So it's sort of a crowdsourcing aspect of well. It's not just the NomCom's responsibility. We encourage other people to assist and help and contribute to this exercise as well. I just wanted to end with that note. Thank you.

HANS PETTER HOLEN: Thank you, Zahid. That brings me to my last slide, which is: are there any more questions from the floor?

Yes? Please come up the table and talk to one of the microphones.

ASHLEY ROBERTS: Thank you. I've got a question about diversity. I've heard the NomCom speak before about the importance of diversity in the appointments that you make. It was really good to see that you appointed two women to the ICANN Board this year.

UNIDENTIFIED MALE: [inaudible]

ASHLEY ROBERTS: Oh, sorry. Apologies. Yeah, it's good seeing you've appointed two women to the Board this year, particularly when there are two women leaving the Board at the same time.

My question is about diversity within the NomCom itself. Are there any mechanisms in place to try to ensure diversity within the makeup of the NomCom? I know there's the obvious challenge of the members being appointed from the various

SOs/ACs. So is there anything in place, and if not, would there be any suggestions on how you might aid that?

HANS PETTER HOLEN: I think that’s an excellent question, and I asked that question to all the sending organizations last year because, to be quite honest, the composition of the NomCom 2017 was rather disappointing in that respect. I sent an e-mail when we sent the annual request for appointing members. I added a personal note at the beginning: “Please take special account into looking at diversity.”

Several of the Councils and the sending organizations responded back to me: “We’re just appointing one person, so we can’t take diversity into account,” which I think is a very laidback approach to that. Several others of the sending organizations actually did pick women to send to us. So the balance this year is better. It’s still not 50/50, which is consistent with the global balance, but I think we’re getting closer to, or maybe even a bit better than, the average in the industry. So it’s definitely something to think about.

That’s not for the NomCom. That’s for all the other organizations: to think about how to deal with that. So there is nothing NomCom can do with the diversity on the NomCom

itself. That's for the ccNSO, GNSO, ASO, IETF, and so on and so on when you appoint people.

So what I said a couple of years back: "If you sent a man last year, send a woman next year," as just a hint. But that would have consequences. If we had 100% male [colleagues] one year, it would be 100% women last year. That may not be a good thing, either.

But I think it's something for the community to think about. What I usually say in this situation: "Look for the best person. If you come up with only men, then you've not looked good enough," because I'm quite sure there are very well-qualified women in our community as well. It's just that maybe we don't look hard enough sometimes.

ZAHID JAMIL:

I'm glad you raised that point. I think it has been an issue in some years. What you can see around the table this year within the NomCom is that that actually has improved from last year. We had I think just one female member of the NomCom. Now we have more than that.

Also, you will notice that we were actually criticized the previous year because the previous NomCom had made appointments to the Board and other positions, which were all male. It became a

major issue. We I think were very successful in finding very qualified women who applied in the 2017 cycle. The proof of it is we have two women Board members.

HANS PETTER HOLEN: Any more questions?

MARITA MOLL: Good afternoon. If anybody wants to run right now, that's okay. Yeah, I thought that I'd just like to come here and explain a little bit about how the whole situation affected me.

I understand the conflict. I'm not running around with a chip on my shoulder. I realize there was a communications breakdown. That wasn't the big problem for me.

The problem was that it was a long time between when I knew that I had been selected because that was the start of the due process. I figured, "Hey, I don't have a criminal record. I don't see any reason. I didn't lie on my forms, so why would I not make it through the due process?"

Well, it might have been, what, the beginning of July – maybe even before that – because it took a long time. Then there was the public announcement, at which point you tell your family and friends and things like that. And then it wasn't until three

weeks after that that I saw that letter, which I received by e-mail as I was sitting in the airport in Vancouver, waiting to get on a plane with a one-way ticket to Frankfurt, expecting to come to Abu Dhabi.

So people's lives here are being affected. There are real people behind these things. Something should have happened between those elements. Someone should have – is there not a mediation process? Is there not a way to have a mediation process when something like this happens – there's a breakdown of communications, two groups don't agree, someone is caught in the middle. I think that this is probably not going to be the only time ever that some kind of situation is going to happen that is going to affect people. They ought to know about it a lot earlier than that. They ought to know sooner. They are planning their lives around these things, so they're really impacted.

So what I just wanted to bring to you: think about some kind of process that could happen that could minimize the negative impact on people. I'm okay. I've been here before. I'm not that thin-skinned, and there's a lot of other things to do at ICANN. So, hey, it's cool. But other people may never come back and say, "I don't want any part of this."

A mediation process maybe somehow between groups, some kind of a way of saying, "Okay. We have a dispute. We have a

disagreement. Let's get together. Let's let this person know that this is going on so that they can at least take that into account with what they're doing" – that was what I wanted to say. Thank you. And thank you. I've had a lot of people come up to me and say, "Hey, we're sorry and we're embarrassed," and it's all okay.

UNIDENTIFIED FEMALE: Thank you.

ZAHID JAMIL: Marita, thank you for coming to our open public meeting. Please [inaudible]. So welcome to it. Thank you very much. You will be getting a letter from HP, of course.

This is the point I was trying to make: it can have a chilling effect on people. And it's not about whether the decision is right, wrong, or otherwise. It's about: well, how do we handle the process going forward? So thank you for raising that issue. I think you may have a point. But I just wanted to say it may be a useful idea to think about how before there's a strongly worded letter – and I'm not saying the ccNSO; it could be for anybody; it could be the GNSO tomorrow or somebody else – maybe there should be an outreach by Chairs to speak to each other. I'm willing to be able to do that, definitely.

MARITA MOLL: Thank you.

STEPHEN DEERHAKE: First of all, let me offer you, on behalf of the ccNSO Council, our public apology in addition to the letter you received. Second, we heard about your appointment when it was publically announced, so there was this several-month period where, if we had known about this conflict, it could have been and would have been handled much differently. As you've seen from the discussion today, both the SO/ACs and the NomCom have a lot of work to do with regards to improving communication.

MARITA MOLL: Well, when it comes to handling people, there's always a lot of work to do. It's the hardest thing to do in the world. I've done it, too.

STEPHANE VAN GELDER: I don't want to get once again into the back and forth, and I thank you for coming here as well and explaining the specifics of your situation to us.

You said one thing that I did want to come back to though, which is that there are real people behind what we do. I do want to say that the NomCom in the past has looked at this in great

detail and often really worked hard to try to make sure that its processes accommodated for real people’s lives. That includes the questions that we asked, the way we asked them, the interviews we may or may not do, the way that we have people come out to see us if that’s the case, etc. So I can’t speak for anyone else, but past NomComs – and I’m sure this will continue under the two Chairs that will take over and that are sitting to my left – have always looked at this in great detail.

I think it’s very important that we continue to say so publicly, and I think it’s important that other groups understand that this is part of the work that we’re doing because I think there is a tendency in ICANN in general to forget that what we’re doing affects people’s lives, that we’re asking a lot of volunteers, and that we’re not always giving a lot back. So we may be beating ourselves up trying to make sure that our processes are correct, but if we say that we’re doing that, perhaps others will, too. Thank you.

HANS PETTER HOLEN: Thank you. Any other questions? If not, let that be the closing remarks. Thank you all for participating in this meeting. Thank you all for coming here from the ccNSO and having this very important discussion. Don’t get me wrong. If you think I have alternate facts, I’m really willing to help out in any way. I

[inaudible] to see that we find mechanisms so this won't happen
in the future

STEPHEN DEERHAKE: I'm sure we can get this worked out.

[END OF TRANSCRIPTION]