
LONDON – Fellowship Morning Meetings
Tuesday, June 24, 2014 – 07:00 to 09:00
ICANN – London, England

CINTRA SOOKNANAN: Good morning. Good morning. Is it working this morning? Yes, I know. Talk about football. Good morning, how are you today? How did you sleep? Hello?

[foreign language]

UNIDENTIFIED FEMALE: English channel. English channel. Hello.

KAREL DOUGLAS: Hello. Good morning. Good morning, everybody. Good morning, everybody. All right. It's great to see everybody here so bright and early, bright-eyed and bushy tailed and all chirpy. I know some of you last night had a night out. I know some of you may have gone to see the game or have dinner somewhere, or even maybe tea with the queen. Who knows?

UNIDENTIFIED FEMALE: At 9:00 at night.

KAREL DOUGLAS: Yeah. Oh, for good. Okay. So, again, this morning we are here, and we have another packed session this morning, hence the reason why I

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thought we would start as soon as possible because, as you know, the day tends to be a long day.

But before we do start, there's a couple of housekeeping rules that I did want to mention. One is that tomorrow we have a photographer coming over. I believe that's at 8:45 a.m. So, how is that work that we are going to have the photo session, so make sure you comb your hair. If you're like me, you don't have much to comb, but make sure you come tomorrow or be here tomorrow in your best outfits possible, if you wish, so we have the photo session for the group.

Are there any other housekeeping rules now? That's the only one I could think of at the moment, but of course we'll be in via e-mail, so if there is anything that comes up during the course of the day, we will, by all means, inform you.

All right. So today we have a rather interesting bunch of people, and I say interesting for several reasons. I happen to know a few of them. We have Tracy Hacksaw, who is the vice chair of the GAC, and I can't see the words there, but it does say Governmental Advisory Committee. That's another committee that we spoke about yesterday.

We have this morning Cintra Sooknanan from NPOC. I can't see it there, but it says Not-for-Profit Operation Concerns. And we have Constituency, and we have Mr. Bill Drake for the non-commercial users constituency. And I do believe, actually, we could actually fit in another person. That's Rafik Dammk for the Non-commercial –somebody's going to have to pay for my eyesight because I can't see that.

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UNIDENTIFIED FEMALE: Non-Commercial Stakeholder Group.

KAREL DOUGLAS: All right, so I'm going to introduce Cintra because Tracy Hacksaw is not here, as yet. But, before I introduce Cintra, I'd like to let you know that Cintra is a very good friend of mine. She's an attorney at law who also happens to be from the beautiful country of Trinidad and Tobago, and also is Tracy from the beautiful country of Trinidad and Tobago.

Without further ado, I would like to introduce you – sorry, pass you over – to Cintra.

CINTRA SOOKNANAN: Thank you so much. So this morning, I'd just like to have a very informal chat with you about NPOC, what we do, what our focus is and how you can get involved. I really want to welcome as much participation from you in terms of asking any questions. That's the whole point of the engagement this morning. I wanted to be the first one, getting your energy levels high and taking advantage of that amazing breakfast.

The Not-for-Profit Operations Concerns constituency is one limb of the Non-Commercial Stakeholders Group, which Rafik chairs and which he will talk to you about. The other limb is the group that Bill chairs, which is the Non-Commercial User Constituency. That group tends to have a lot of individuals as well as academics.

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Our group is the home for the not-for-profits within the GNSO. It is the newest constituency in that it was only ratified in the Singapore meeting, which as not this last Singapore meeting, but a previous one. So it's just been in operation for about three years now. So it's still very new. There's still a lot of scope in terms of getting involved.

What we do is look at policies relating to not-for-profits with regard to the DNS. So, we have quite a range of not-for-profits, from large international not-for-profits, such a GKPF, etc. and smaller not-for-profits, like my chapter of the Internet Society, which is the Trinidad and Tobago chapter.

Basically, if you want to sign up for our group, you would have to sign up under the NCSG, but be an organizational member through the NPOC. I think that's it, in terms of – that's basically our function.

We also have work that we're doing in terms of the NCSG, the structure itself. We have a charter review process that's going on in terms of our internal work. There's this whole issues with the IGOs, INGOs, which is the protection of international not-for-profit domain names, such as the International Red Cross. We have quite a few experts in our group that specifically focus on those areas.

Okay, so now I open for questions.

KAREL DOUGLAS: Okay, thank you, Cintra. That's very interesting. I have a question, but I will allow Martin to go first because he did have half his hand up first. So Martin, do you want to go ahead?

[MARTIN]: Yes, my question is what do you need to require to be from an official not-for-profit organization? Does it have to be registered in the government? Does it be, I can have my own Internet forum and that is a community that is a not-for-profit community. How do you qualify for a not-for-profit community or organization.

CINTRA SOOKNANAN: Thank you for that question. That's very good. Actually, there are two main requirements, the first being that you must be a registered not-for-profit in your country, as well as the second being that you should have a domain name. So therefore the domain name system directly touches you as a user of the domain name system.

So in our case, we don't have a domain name, but because we are Internet Society chapter, a lot of the issues that come up in NPOC does affect us. When I say we don't have a domain name, we don't have a gTLD domain name. We actually have our domain as ISOC.tt, which is at the ccTLD level.

If you look at the work of the GNSO, the work of the GNSO really is directly related to the gTLDs and the rights of users, as well as the

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responsibilities of registrants in creating that whole business environment.

The ccTLD area is where you find the country code domains, like .tt, .uk, etc. So in a sense, a lot of the non-profits, they should have a domain name registered under the gTLD program, because the whole point of the GNSO is to comment and create policy for the gTLD program, the gTLDs.

[MARTIN]:

When you say they need to have a domain name, a gTLD domain name, it's a human rights organization. We have a .org domain. That's okay? That's a domain name qualifier? Okay, thanks.

CINTRA SOOKNANAN:

So all the others that are not ccTLD names, like none of the country code names, those fall under the gTLD, and you'll find those fall under a separate rule and relation in terms of ICANN.

The ccTLDs, because they were created first, they were created without many of the binding principles, and responsibilities, and contractual obligations to ICANN. So in a sense, they kind of fall outside of ICANN's scope. But they do come up with their own internal code of practice, which is recognized and adhered to.

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KAREL DOUGLAS:

All right. Before we go to the next question, I wanted to ask something. I'll be honest with you, I find NPOC to be very interesting because some of the development issues that face nations are dealt with at NPOC. I want you to correct me if I'm wrong here, Cintra, to see whether or not the issues like freedom of speech, the Internet in your country, the development issues, the whole Internet can assist your country in developing and other issues which I find very topical to third-world countries have been discussed.

So my first meeting in Durbin when I first went as a fellow, I did happen to go to NPOC and the issues were so interesting. So I want to encourage you, as many people as possible, to pop into NPOC because they are discussing things that may be very close and near and dear to you as a country, as a people, as a person. So Cintra, this is where the question comes in, do you want to tell us some of the issues that are currently being discussed at NPOC?

CINTRA SOOKNANAN:

Okay. I first want to just recognize the presence of Sam Lanfranco. Sam is our Membership Committee Chair, so I'm very glad that he is able to join us this morning. Sam has been doing quite a lot of the policy work within NPOC and I'm thinking maybe I could punt this in his way so that he can also introduce himself to you, his background, as well as answer the question.

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SAM LANFRANCO:

Okay, thank you, Cintra. The background is very quick. I'm a development economist with an interest in the Internet. I got involved in ICT for development in 1978 in Geneva with UNCTAD, and I've been in it ever since.

In response to the short question that has a long answer, I'll try and give a short answer, and that's that some of the issues –intellectual property issues – that are a lot more complicated than the intellectual property lawyers think, are there. One of them is, if you're from a developing area, the kind of wholesale looting of traditional knowledge and turning it into somebody else's intellectual property.

These are topics that we raise, but there's an issue here, and that is that ICANN itself does not deal with content, and it doesn't deal with the broader human rights issues. So within NPOC, what we're doing, and slowly, is we're worrying about two things. One is how ICANN's remit impacts on these things, but more importantly, what kind of education, awareness and engagement process is taking place as NPOC begins to become – to service its members. It's not just recruiting members to be part of ICANN, but what kind of social dynamic needs to take place among the members.

So you should think of yourselves as not just being recruited to be involved with ICANN, but to treat this as part of the learning exercise where you go out and you mentor others and teach others and you help answer those kinds of questions, but you bring that back to your communities. And then your communities bring it back to the

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appropriate forums. It may be ICANN. It may be your local IGF. It may be your local government officials who are coming to GAC and so forth.

So there's a real dynamic there. The Internet arrived without a guidebook and without a rule book. And we're building it. We're building it at all levels. So some of you are here for a business opportunity. Good. But, you're also citizens of the Internet so there's that kind of citizenship responsibility.

Within NPOC, we're going to try and do two things. Face in toward shaping policy via ICANN's remit and whatever happens with the IANA transition, and reflecting back and saying, "What are your concerns? What are your issues? How do we solve them with you, not necessarily inside the organization?"

CINTRA SOOKNANAN:

Right. And just to continue a bit on what Sam has already said, we find ICANN in a bit of a different position than the traditional view of what it has been with the NTIA transition. We find that ICANN is questioning its role and its scope and the way it fits within the wider Internet governance framework. This was not common practice a few years ago.

Recently, we've had proposals for ICANN workshops at the IGF and those are being funded by ICANN and, in a large part, approved by the MAG, who has, of which ICANN does have some members who are actually directly on the Board – sorry, on the MAG – and approving those workshops. So ICANN is moving a bit into the wider Internet

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governance framework. How much they go into it is still yet to be seen, but the next few months will tell.

So now is a very interesting time to be part of ICANN and to really see how things will change and to be part of that change.

KAREL DOUGLAS:

Thank you, Cintra, and I loved the comment where you said that the Internet does not come with a guidebook. That is fantastic. I heard that the first time in Durbin, where this is all a learning experience, which is why it's so important to get involved, so you do have some say in how the Internet develops.

So, let me see. Are there any questions?

All right, before we go to Adrian, was there somebody who had their hand up before? If not, Adrian, do you want to go ahead.

ADRIAN QUESADA RODRIGUEZ: Hi, I'm Adrian Quesada from Costa Rica. I'd like to ask you a quick question. Once you get involved with NPOC, does your constituency offer some kind of introductory help for new organizations like to get to understand how they can be a part of the whole constituency there for issues in their environment.

CINTRA SOOKNANAN:

So, every month, there's a GNSO newcomers webinar, which is a quick and dirty way to kind of find out what the GNSO is about, as well as how

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you can contribute. And, in addition, it goes through the entire life cycle of a PDP. The PDP is the structure by which policy gets made in the GNSO.

The advisory committees come in afterwards to comment on that policy, but they don't actually take part in a PDP. We've been seeing a slight change in this with the emergence of cross-community working groups, of which the operational procedures are still being developed by the GNSO.

Within NPOC itself, we find the best way to learn is to act or to do, to participate and to observe. So we encourage all of our members to take part in working groups and to actively listen to the developments within your own regional space and to contribute to them. Sam?

SAM LANFRANCO:

Just a short addition to that. That's the introduction to the internal dynamic of ICANN. We're hoping, because we're very young, too – we're hoping that what will happen is that we will be hearing from you as constituents saying, “We need this, we need that, we need this. We need this not to better understand ICANN, but we need this to better understand human rights issues and the Internet. We have these issues” or “We have these issues.” We're trying to figure out where we take them. So there's an educational and learning process here where you're going to be both students and mentors, and to look for both students and mentors. It's very early in the game in terms of the...

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The Internet came down the road like a train. Many governments, if they had known it would be coming like this, they would have behaved very differently over the last 20 years.

UNIDENTIFIED MALE: Okay, thank you. Alec, you had a question?

ALEKSANDAR ICHOKJAEV: My name is Aleksandar Ichokjaev. I'm coming from a developing country, Macedonia. That's how I got this fellowship assignment. I already got answer to my question. Just quick explanation. Is there any regional structure? I'm referring to RALOs.

CINTRA SOOKNANAN: So, the structure of NPOC and most GNSO constituencies are not broken up into regions like LACRALO is. What NPOC does have is we do promote particular strategies for developing regions.

So, for instance, we do encourage our African members to come up with an African strategy, as well as our Latin American and Caribbean members to come up with a LAC strategy. And these fall directly within the LAC space of the other regional strategies that appear within ICANN.

So, to answer your question, we are bottom up, and that is not a particular decision to streamline. We would like to have everybody together so that we can all discuss the issues and to see different perspectives, but if you, from a developing country, do feel like you

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maybe want to come up with a particular regional strategy or sub-regional strategy, we certainly will support it and we will try our best to get some kind of support from the regional VPs, as well.

KAREL DOUGLAS: Justine, thank you very much. [Amparo?] Thank you, I think I've got it this time.

UNIDENTIFIED FEMALE: [inaudible] we need to ask, pardon, forgive me for this question, but I have to ask.

We have nonprofit organization, non-commercial constituency, and At-Large. So I would like if you can explain to us in a very simple idea, the difference between NPOC, non-commercial and At-Large. You will try to.

Because I think that NPOC work in relation with GNSO and the other NSO and non-commercial and At-Large. What are the difference? What are the relations between them?

CINTRA SOOKNANAN: Okay, thank you so much for that question. I'm glad you've raised it. I mentioned to you that come from an ISOC chapter, and our chapter, we actually have members on the GAC, who is Tracy who you will meet shortly. We have members within the At-Large, within LACRALO, as well as we have members like me, who is with the NPOC of the GNSO.

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The difference is At-Large deals with policy commentary. They do not make policy, generally. They comment on policy. So if you think of it, the GNSO are the policy writers, but the At-Large and the GAC are the policy commentators. So they come afterward. So in terms of a legal reference, I will call it more like the legislature and the judiciary. One writes the policy, the other one really comments and gives their input at a later stage in the process.

Frankly, it's where you want to be or where you see yourself. Do you see yourself as somebody who would like to hold the pen in the initial drafting, or do you see yourself as somebody who would like to comment when it's done and see the document or the policy as a whole and comment at that stage?

And, frankly, if you have enough members in your organization with interest, you can do both because that is the beauty of the multi-stakeholder model, that organizations like ours can affect policy at both levels.

The difference between – okay, so now I'm moving on to the difference between the NCUC and NPOC. The NCUC is Non-Commercial Users Constituency and they tend to be more individuals and academics. The Not-for-Profits Operations Concerns Constituency is strictly for not-for-profit organizations, only. So they both fall within the NCSG, which is the Non-Commercial Stakeholders Group, and you can actually NCSG without joining the NCUC or NPOC, which is also confusing.

But there are significant benefits to joining the lower level NCUC and NPOC, because you get to actually raise comments at those levels in

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addition to at the NCSG level, in addition to the GNSO level. So it's more of an opportunity to have a say.

UNIDENTIFIED FEMALE: So, just one question more. The membership in NPOC is as an organization, not as an individual?

CINTRA SOOKNANAN: Not-for-profit organizations. So, no – yeah.

UNIDENTIFIED FEMALE: If I am a member of the government, but also a member of the ISOC chapter, I can participate as a member of the ISOC in NPOC?

CINTRA SOOKNANAN: So, we have to be careful for conflicts of interest, right? For instance, Tracy Hackshaw is the vice chair of our chapter, but he cannot be sitting on the GAC and sitting in the GNSO and sitting in the At-Large. You can't do that. You can't have a vote in three places.

However, the [vibrance] of ISOC chapters is the fact that we have a lot of multi-stakeholder members who come from different backgrounds. This is our strength. So it is really a benefit to us that we have a GAC representative, an active GAC representative, who you will meet just now. We have somebody on the executive of the NPOC, and we also have someone on the At-Large.

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Before we wrap up, I would just like to take the question that was over here, very quickly.

NAVEED BIN RAIS:

Just a quick thing. My name is Naveed. Just to rephrase the question that she asked. You mentioned two requirements to join NPOC, right. One is to have domain name. The other one is to have nonprofit registration.

I would like to ask, does a member or a potential member that wants to join NPOC needs to carry some [recommended] from his peers, her parent organization, or he or she can join on his own? That's just a clarification that I want to have.

SAM LANFRANCO:

I will answer that one. You're supposed to have a mandate from your parent organization. You're representing your parent organization.

NPOC is very young. All of this is very young. The charter will probably be revisited. What hasn't been refined adequately yet is your accountability and responsibility back to that organization and that organization's involvement. So, many organizations now have sent somebody, but we worry a little bit about what kind of feedback and involvement. It can be good or minimal. We'd like to see it richer. But you do have to be sponsored by the organization. They have to know you're here and, hopefully, they're asking you to be accountable.

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CINTRA SOOKNANAN: Just one point on that, while I did say domain name registration is important, it's not the sole factor. For instance, if you're an ISOC chapter, as I mentioned, and you do have a domain in your ccTLD, then the focus is Internet governance issues and the Internet end user. So it also goes by what your focus is as an organization. Thank you.

KAREL DOUGLAS: Thank you, Cintra. Thank you so much. A round of applause, please, for Cintra.

[applause]

Let me just add very quickly that the conversation does not end here. Cintra, I'm sure, is going to be quite available.

CINTRA SOOKNANAN: Today is our Constituency Day, so from 8:30 a.m. in the Thames Suite, which is on the first floor, you're welcome to join us. Thank you.

KAREL DOUGLAS: What I was going to say before Cintra jumped in was, by all means, I'm sure Cintra will be more than willing and able to assist you with your questions, if you do have any questions. So please try and meet her if it's in the corridors, at the coffee station or in the meeting. And that's another question, because maybe they could come to the meeting and ask questions directly in the constituency.

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If that is possible and you do have questions, if it's not administrative questions, but other questions about the issues that have been discussed, by all means, please find your way to the NPOC meeting this evening.

Cintra, I want to thank you so very much for livening up the debate and being here this morning. Thank you very much, Cintra. And also, where did he go? Sam? He's left already, but we do appreciate his attending here.

All right. So now we move on to the GAC, and I want to introduce Tracy. And Tracy happens to be from the wonderful country of Trinidad and Tobago. So there happen to be three Trinis in the room. I call it a Trini posse. So if anything happens to this table, that's it for Trinidad and Tobago's participation in ICANN.

All right, so move straight on to Tracy. I think that was done on spite, for purpose.

Tracy Hackshaw, is the vice chair of the Government Advisory Committee. I shouldn't say anything more because that's what he is here to do. So Tracy, straight over to you.

TRACY HACKSHAW:

All right. Thank you, Karel. Good morning. How are you all feeling this morning? Good? How was the walk or the tube ride, or whatever it was? Was it good? No? I heard about this distance you have. But that's good. Shake it off in the morning.

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All right. How many of you here are from government, who work in government in your home country? A few. That's good. And you know your GAC representative, all of you? Yes. No. Some of you actually are GAC reps. I see one here from Dominica, a fellow Caribbean member. You're your GAC rep, as well? Excellent.

For those who don't know who the GAC is or have heard about the GAC and feel a little challenged by the GAC, the GAC really is a very interesting, as Karel keeps using the word interesting. I'm using it in that new way which means interesting individuals who sit and meet representing their jurisdictions and their countries for a week in ICANN to be debate various issues, as Cintra would have said, that may be related to the policy process after the policies have been created.

I believe you have gotten a presentation before on the whole ICANN structure and so on. We are an advisory committee. So an advisory committee obviously is the group who advised during and after the fact, whereas the SOs are the people who make the policies and create the documentation that we advise on. We also do advise on issues that may emerge that are not policy issues.

In effect, as you're seeing on the slide, we advise on issues of public policy. The difference between what the GAC and, let's say, the At-Large would do is that we advise on issues where there may be intersections or potential conflicts between what ICANN is doing and what regional, local or international law is stating. So that's a peculiar difference between what we are doing and what other ACs might be doing.

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There are I think three or four ACs in ICANN. There's a root server and Stability Advisory Committee, I believe, the Security and Stability Advisory Committee and the At-Large Advisory Committee, as well as the Government Advisory Committee.

So, I was a fellow just like all of you in 2009, I believe, or 2008, [inaudible]. I'm familiar with the whole 7:00 in the morning and the walking. We did a lot of walking in our days, too. We didn't have as nice as staying in the same hotel. We had to walk. Quite a few times you had to walk from venue to venue.

And when I first came to ICANN as a government employee, of course I gravitated towards the GAC to see what they were doing. But, in those days, GAC meetings were closed. Many of the meetings were closed. So I got special permission because represented my government, Trinidad and Tobago, although not officially here, and sat in a few of the meetings. But I also went and sat in a series of meetings because I couldn't sit in all of the GAC meetings.

I got a nice impression of what all the constituencies and SOs were doing in a week. It struck me that we were discussing the same issue, generally speaking, but from different points of view. I think that's very important to understand from a GAC perspective that governments themselves represent the public interest – at least that's what is stated. And governments represent all stakeholders as government, and that's something that I think is very difficult or is a complex relationship within ICANN.

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So when governments say we're representing the public interest, governments are saying we're representing business, civil society, nonprofit concerns, the lawyers. We represent everybody from the perspective of the public interest. Of course, all the various stakeholders may disagree. But that's the interest of government. And when governments meet, they bring all of those interests to the table. So when they are discussing issues in the GAC, it's supposed to be discussing all of the issues that relate to the public interest. I think that's very important to understand.

So when you see – and you should come to a GAC meeting. Today is a very good day to come, especially AT 4:45 or 4:00. When the Board and the GAC meet, it's a sell-out crowd. Everybody comes to that meeting. When the GAC speaks and the Board responds, you tend to see those issues emerging and creating the necessary excitement, if necessary, or it may not even be as exciting as it could be. But it creates that environment where you're seeing all the issues being discussed.

If you're going into another constituency, you may see a specific interest, like a legal interest, or a registry/registrar interest, or a business interest or user interest. In the GAC, you're supposed to see all of the issues coming up. So I think that's important to understand for all who are interested in what the GAC is doing. Can I get the next slide, please?

The GAC is not decision making, but again, it's made up of a series of organizations. I can just run through quickly. Within the GAC we have – good. Stop there. Wait, back one.

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So in the GAC, we're not individuals, so you can't just walk into the GAC as an individual and say, "Look, I'm here." You can't join as an individual. You have to be an accredited representative of your national government or distinct economy. I know some economies are not states or countries.

To join the GAC, if you're not already a member, you should look at the 140 countries and distinct economies currently members. But I believe they're in a UN list, over 200 of those. So there are still at least 50-60 countries and distinct economies missing in the GAC. So if you're not currently a member of the GAC, and I believe there are many of us who might not be – your countries may not be members of the GAC – you should return home, find out what agency or ministry, whoever is involved in these issues, the Internet, ITC, digital economy, they may call it different things, and indicate to them, "This is an interesting place to be. You should get involved." They may be involved in the ITU, but they may not be involved in ICANN. So encourage them to get involved and to join the GAC

We also are unique in a certain way in that we do have several observer members. They're not full members of the GAC in the sense that, if there was ever a vote, so to speak, they can't vote. The GAC doesn't vote as a rule, but if there was a vote, they can't vote.

We have multi-national government organizations. That expands for everyone from the EU commission, because the EU is not a country, per se, but it's a union of the European states; the African Union

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Commission, straight down to just recently the Red Cross. The Red Cross [inaudible].

So we have a range of organizations that would span from truly inter-governmental organizations to those that may not be obviously so. You have INTERPOL as a member of the GAC. They are not governmental but they have police around the world that join them.

We have almost all the UN organizations, the WHO, WIPO and so on. We have the OECD. You name it, it's in the GAC. I think there are 35 or 31 of these observers in the GAC today.

So in truth, the GAC has 170-odd members and in a meeting, in this meeting I believe, last count there were 100 people, 100 members sitting in the GAC in London, which is the largest ever turnout for any meeting. So that's important to understand.

We also have other treaty organizations, and that could be anything from NPOC groups of the NPOC to outside who are not involved in ICANN at all. As a matter of fact, many organizations' first taste of ICANN is in the GAC and that's also very important to understand. When the Red Cross first related to ICANN within the GAC, lobbying the GAC about their, as Cintra mentioned, the names, protecting their names and acronyms at the top level. Next slide.

All right. These are who are members of the GAC. Sorry, who are executives of the GAC. Canada, Ms. Heather Dryden chairs the GAC, and Australia, [Switzerland] Trinidad and Tobago, vice chair. All of us are in our final terms so there will be a GAC election so there will be a GAC

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election at the end of this year and all the executives will change unless somebody shuffles the deck of cards.

If you want to join the GAC meeting, if your country wants to join, there's a way to do it. Write a letter, formally, to the GAC secretary. Again, if your member country is not a member, please join. Next slide.

So the GAC is not a decision-making body. That's important and that creates a lot of conflict within the GAC and even within ICANN. We don't make decisions. We provide advice. However, there's a special rule for GAC advice within ICANN.

When the GAC issues advice, it is normally done through something called a communique, which is issued at the end of every meeting, or letters that are sent in between meetings, or even during meetings. That GAC advice, what is [core] advice, needs to be considered by the Board. Needs to be. Has to be.

And very importantly, if the GAC advice is to be rejected, it triggers a bylaw within ICANN, meaning that to reject GAC advice, it has to be very serious, a very serious matter. If it's rejected or they want to reject the advice, it triggers a mediation discussion between the GAC and the Board. And that has happened once or twice before.

And once that happens, it's complicated. Normally, it gets resolved. If that happens, there's a compromise met between the GAC and the Board, although I believe in one case, it went ahead and rejected the advice outright, .xxx case. So if you go and do some research, you will

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note the .xxx scenario, the GAC advice was rejected outright. That was because of a legal issue that ICANN had to fulfill.

The GAC conveys advice through consensus, not voting, and consensus is done through true consensus, meaning that if one country objects to the room, what's being said, there's no consensus. So it's not a rough consensus but you can get more countries objecting and say, "Okay, the majority says this." One country can object and we don't have consensus. However, when agreement is not possible, the GAC must convey the range of opinions and the range of views.

So if you look at the communiqués, you may see things like, "Some members, they have agreed to this, but other members have not." Things like that. So, what that is doing in the UN-type language is conveying the range of views in the room. It's not normal that we convey who said what. You won't normally see that country X said this and country Y didn't agree. But what you tend to see are some, others, or few or those kinds of words that are used. Next slide, please. Thanks.

Normally in the GAC, there are two representatives. One who will sit at the mic, the other who sits advising the one at the mic. In practice, for small countries, that doesn't happen. So smaller countries, you tend to have a GAC member who does all the work of advising himself or herself accordingly, or gets advice from his home office. But larger countries may bring a delegation. If you look at the room, you'll see them. They'll sit at the side, in the wings, or they'll even sit at the table. You have two members sitting, one advising and one speaking, or both could be speaking at the same time.

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Again, all must hold a [inaudible] position in their countries' government of their country. So you can't – you're not supposed to, I should say – not employed by the government in some form or fashion. There must be some rule that you [inaudible], that you're being paid by them. You can't just walk in from another group from within ICANN and say, "I'm here to advise you." It works that way. It's supposed to be a formal situation. Next slide.

So when do we meet? We meet three times per year during ICANN meetings, as well as intersessionally. We meet on e-mail, believe it or not. We do meet a lot on e-mail. Literally meet on e-mail. And, on occasion, teleconferences before GAC. Before meetings of the public meetings there are normally one or two prep meetings that the GAC has on conference call. And slowly but surely, webinar-type environments are starting to creep into the GAC. Of course governments are slower to move toward the technology, as you might be aware.

On today, Tuesday, in particular, the GAC meets with other organizations. It's a very good day for everybody to join in the dungeon downstairs. It's a big room, and today we meet with everybody. So if you want to see everybody meet with everybody, a good day to meet is today. The Board meets with everybody today, but the GAC also does something very similar and meets with everybody today as well.

Because the GAC is so large, you don't go out. They come to us. We are too big to move, so even the Board still comes to our meeting because it's 100 GAC members and 12 or 13 Board members, so we sit in our room and people come to meet with us, unfortunately. So you can

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come and sit in the room today for the whole day and you'll see almost everybody coming and you'll get a range of views and opinions.

And you actually will see – in my own personal view, the ALAC and the GAC, you may not believe it but actually do have similar views, from different perspectives, but similar views. And we do work quite well together. When you see those meetings, you tend to find a lot of agreement and shared opinions, whereas with other groups it may not be as close. Next slide.

All right. The GAC actually is one of the first groups to do full-blown UN interpretation, plus Portuguese. We've had that for about three years now. Jeannie, how long? Three years. Yeah, so we've had it. And you will see the GAC using that. If you have been to [inaudible] meeting, people will say, "I'm going to speak native language now" almost as a deliberate exercise, "I'm going to use interpretation. So, get your headphones. I'll wait until you get your headphones. We'll speak in Portuguese." It's very interesting in that regard.

We have Arabic. We have Chinese and so on, and there's been discussions, as Fadi would have said yesterday in our meeting, to move towards beyond UN language system and on to Japanese and I think even Korean and so on. So they're wanting to move into a larger translation and interpretation scenario.

Our website, the GAC website, gac.icann.org, is not the best looking website, but it actually has everything there. I remember Jeannie who used to work at the GAC. She was very diligent about putting everything there. Everything is on the GAC website. It's not pretty, but just click on

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the link and there's a whole list of things back to God knows when. The ancient times. All the advice that we have offered, all the correspondence that has been received and sent. There's something called the GAC Register of Advice, an archive of all the advice, what the Board has said, what the Board has done. You want to say something?

JEANNIE ELLERS:

Yes, just really quickly. If you need help navigating the GAC website, I will be here all week.

TRACY HACKSHAW:

I do reassure you, it's a wealth of knowledge. Anything you want to know about the GAC besides the basic stuff and the history, please go to the website. It's there. When people ask me questions after, I will say [inaudible],but provide the link because it literally is all there. And Jeannie was there and very, very good at that when she was our – a little tear – when she was our secretariat. All right, next slide.

All right, [inaudible]. That's it for me. Any questions? And I'm here for the end of the day, as well.

KAREL DOUGLAS:

Let's start on this side. And Tracy, thank you so much. That was an excellent presentation. So let's start with you. You can get the ball rolling.

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BABU RAM DAWADI:

Thank you very much. I'm Babu from Nepal. Actually, I want to be clear about the process of joining to the GAC committee. I know for every country, it has its own laws and regulations. So it is most important to be synchronized with the global law, global policies. That means we have to follow the global policy and comment to the national policy.

I'm also involved in some kind of policy making process at home in Nepal, like IPv4 to IPv6, [inaudible] migration plan, ccTLD [inaudible] domain regulations, [inaudible]. I mean, what is the exact criteria for joining into the GAC as a key consultant like me, or do we require any kind of official government to join the GAC to be involved into a GAC committee member, or is it possible as an individual policy [promulgator] advisor for our own country to join into this GAC?

TRACY HACKSHAW:

Short answer is no. As I said in the presentation, your representative must be an accredited representative of the GAC, and we do check. Jeannie used to check that. So a letter must come from your authority in your country that says "This individual is accredited to represent the GAC."

If you would like to be a GAC member or be on the list of members, on the GAC website, there's a list of representatives members in detail – and two or three, depending on what is said, then you should approach, if Nepal is listed, I'm not sure if it is. If they are, you should approach the agency or agencies who are represented and indicate your interest in representing the views either in a GAC meeting in ICANN or before.

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There's no rule that says you can't present people or can't consult with your GAC representative before. They don't know everything, trust me. So you can advise and guide your GAC members before a meeting, during a meeting.

So you can advise and guide your GAC members before meeting, during a meeting. Make contact. That's a rule for everybody. Don't assume that because they're GAC members, you can't talk to them. Trust me, they're human beings just like you. They go and have beers. They're normal people. They're not big bad people sitting. They're people.

So meet with them here at the ICANN meeting. When you go back to your home country, set up a meeting with them. Get their names. Call. And reasonably in 99.9% of the cases they'll say, "Oh, great, somebody's interested in this very—". People think it's a very esoteric kind of niche issue." But if you're interested, talk with them. I'm sure they want to hear what you have to say.

Don't be restricted to being a GAC member or representative. Go back home and chat with your representative and see what they have to say. Or, if they're not, see how you can join.

UNIDENTIFIED MALE:

Good morning. Thank you both for your presentation. In fact, both At-Large and GAC have a seat in the Board. However, as far as I know, the At-Large seat has a voting right? Yeah. And the GAC seat has no voting right. Is there any explanation to that?

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TRACY HACKSHAW:

I can explain that the ALAC seat on the Board was reasonably recent. Through lobbying and so on, they got a seat on the Board –actual seat, a voting seat. The GAC situation is under discussion.

So there's a series of improvement committee-type organizations that work on these kinds of things, so some they call – you can go to the GAC website as well as the ICANN website and look up the Accountability and Transparency Review Team (ATRT). There were two teams that met. One that finished, I think, in 2009 or 10; and one that started in 2013 and finished today, here.

There are two reports and in those reports, those kind of issues have been brought up, meaning how the GAC can get more involved in the work of ICANN. There has been, or have been, discussions ever since I've known the GAC, as well as very much recently, as to the role of the GAC in ICANN and why is it the GAC is only advising and not more a voting member in the Board, or whatever the word is.

There are reasons for that. It's in the bylaws, and I encourage you to read the bylaws. However, it's under discussion. And when I say it's under discussion, meaning there are committees and working groups in place today dealing with those very same issues that are reasonably transparent, I think, Jeannie? You may find them on their sites, I believe. There's something called the Board GAC Working Group or Recommendation Implementation Working Group that would have met and is discussing those issues on a regular basis.

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So I encourage you to go out and have a look and inform yourself because there are complex issues involved. It's not a straight-forward why are they not voting and I can tell you why. It's the way ICANN was structured and the way ICANN operates, and issues like that. Because governments, for example – I'll give you an example, governments, the GAC, gets decisions by consensus, but is that the view of government as a whole? Because you have different countries, and each country is sovereign.

If you have a GAC representative on the Board who is from, I don't know, Timbuktu – sorry if that's a country. Apologies to those who might be, but if they're from Timbuktu – it's a city, right? Let's assume it was a country. What if Timbuktu's representative on the Board votes to be representing the GAC, representing the views of Timbuktu? Those are questions that are challenging because how will they be able to represent all the views of the GAC on the Board if they're voting on an issue?

And because governments take very long to make a decision, how will they be able to do things? “Stop the voting process, I need to consult with the GAC.” And then, stop, the GAC says, “I can't tell you now. Let's go consult our capitals. And maybe three months we'll tell you what the vote would be.”

So there are complex issues with that. It's under discussion.

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KAREL DOUGLAS: So let me just remind everybody to keep their questions short and also to give your name before you ask your question. Go ahead.

HAFEDH YAHMADI: My name is Hafedh. I'm from Tunisia. My question is, I notice it on the slides that, when it comes to GAC meetings, I saw that it's only 55 countries are attending these kind of GAC meetings. Do you mean that in terms of representative, the GAC is around – can I say that GAC today is only about 55 countries?

TRACY HACKSHAW: No. So, attending a meeting is an issue of funds and resources and do you have the time to come to spend a week in county X and so on.

The GAC is 140 countries, 140 members. The actual number of people who attend a meeting once per year or three times per year varies. We have 100 countries in this meeting. We've had meetings where 40-odd countries attend. We've had meetings where 60-odd countries attended. So the face-to-face meetings are not necessarily the representation of what the GAC is.

However, it's a rough sense of the active membership, meaning that the interest is so high that they're coming to the meetings. Or they have the funds to be able to come to the meetings. The GAC provides now a travel support program for GAC members for developing countries, primarily, and you tend to find an increase in GAC membership at the meetings because of that. Before there were less members.

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And on top of that, we have remote participation happening, as well, so we have members coming in remotely during the meetings. And intersessionally we have, in the intersessional meetings, you tend to find people who are not in the meetings physically contributing via e-mail or otherwise. So, it's not necessarily the public meeting attendance.

KAREL DOUGLAS: All right, so we're going to be very tight now. So we have how many – I think we have time for three more questions, maybe.

JEANNIE ELLERS: Yes, we have about 10 minutes left.

KAREL DOUGLAS: So we have about 10 minutes left, so if you can, keep your question very short and succinct, please. Give us a name and go right ahead.

[LEE AMIDU]: I am Mr. [Lee Amidu]. My name is Mr. [Lee Amidu]. I am a member in Senegal of the Telecommunication Association and this is the first time that I participate as a member of this Telecommunication association. So I am trying to get an idea of what's going on right now. I am starting to understand what the GAC is. I understand what the ALAC is.

For countries like mine, because we are just starting out in the process, very often there are people – there's just a lot of turnover in ministries

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in government and so forth. So right now, as far as being a member of the GAC or ALAC, shouldn't there be certain requirements within committees so that you might be a member of the GAC?

Are there fees that you need to pay? Is there something that exists? I think that this is a very important opportunity that we have been offered right now with the U.S. letting go of the work that they have done. They are letting governments – other governments – participate. So with this new opportunity, African countries really should participate more.

As far as the Internet that provides a lot of mobility, a lot of access nowadays, our countries really need to know, need to get involved right now very quickly.

TRACY HACKSHAW:

Thank you. I'm going to speak slowly for the interpreters. Just to maybe – I don't want to correct you, but African members do participate in the GAC and Senegal has been a member of the GAC for a very long time. Actually, they were one of the last [five chairs] of the GAC.

There are no fees to join. This is not the ITU. There are no fees to join and there will never be fees to join the GAC. The way the GAC operates within the ICANN world, it's almost as a technical policy orientation. It's not political, and as I said, there are no votes. So it's not similar to other organizations that you may have seen.

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And the question of whether the governments are now being involved, I don't think that's a fair statement. The GAC has been around for a very long time. The participation levels have been low and have only now been increasing because of awareness. The awareness issue has always been there, but the governments have always been able to participate in the GAC and in the ICANN process.

So my advice to any country – African, the Caribbean, Pacific, any developing, Asia – is to look to see if your representative is there because what could be happening, and you're not aware, is that your representative is extremely active in the GAC, and you may not even be aware of that. Because I know Kenya has been very active, Nigeria has very active, South Africa has been very active, and so on.

So countries that have been participating in the GAC from the African continent have been there for a while. And while it's growing now, I think the discussion should be how you can get your views maybe coordinated as to [inaudible] each country's position. If you're interested in doing something like that, you certainly can chat with your representative and see how you can work together. If you don't have all the African members here, the views of Africa through the AUC, as an example, could be represented.

UNIDENTIFIED FEMALE:

My name is [inaudible]. I'm from China. I have two questions. The first one is what's the difference between the GAC and the cross-community working group in ICANN?

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Second question is I took part in the name collision session yesterday. I know that registry or registrar, if the registry or registrar receive ICANN's name collision report, if they gave the reason they can't respond to the report, the feeling is that they want to comply, the governments laws or others, all just because they want to protect the country's security. They say the reason it cannot be easily agreed on the global basis. I want to know the real points of GAC on this topic. Thank you very much.

TRACY HACKSHAW:

All right, what was the first question? Right, so the cross-community working group, for needs of English speakers, it means across the community. People from the community on the working group. So that means a member from the GAC, a member from the GNSO, a member from the RSSAC and a member from the ALAC, all the members of the community can get together in one working group and discuss issues that are cross the community.

So it spans the entire community – the IANA transition, Internet governance. Those kinds of issues. The difference is that the GAC is one element and the cross-community is a larger element. It's a super structure. Is that okay? Okay.

The other issue, actually, there are reports on name collision and registry/registrar. On the GAC website, there's a series of documents that, if you're very interested in that area, you can see what the GAC has to say on it.

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The views within the GAC are very complex. The U.S. view is different from, let's say, the view of China on those issues. You may want to have a look and see what the position of the GAC is.

Or ask your GAC rep what their position is because, as I said, the GAC advice comes as a consensus, but you will see working groups and reports that have been generated in the GAC, or papers, or the working group statements that would probably exist within either the advice or the communiqués or so on about name collision, registry/registrar contracts and agreements, and those are active things that are happening now within the GAC.

So if you were to come to a meeting today, I believe that will be under discussion, both with the Board and I think the GNSO might be in on that discussion with GNSO today.

UNIDENTIFIED FEMALE: Thank you very much.

KAREL DOUGLAS: All right, I know there was a question in the back.

BILL TOMON: Good morning. Thank you, Tracy. Bill from Papua New Guinea. My question is recently there are countries with restrictions to social media, Internet. Does GAC play any role in that in advising? Thank you.

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TRACY HACKSHAW: Well, no, the GAC doesn't get involved in content. I should say, let me rephrase that. The GAC is not supposed to get involved in issues of Internet content and those kinds of things. In fact, ICANN as a whole is not supposed to not deal with content. We are names and numbers and routing.

If it is the countries themselves are doing that, it may be discussed at a GAC meeting, but very unlikely. You would not likely see a country's name being mentioned as having blocked or blocking social media or other sites, even though it may be known that is happening. So those issues do not come up in the GAC. Whether that is good or not is not my point, my observation.

But I know it comes up in other sessions. So if you go to another group, you may find that addressed, but certainly in the GAC it's not being discussed as a separate issue under censorship, because content is not supposed to be the domain of ICANN or the GAC, content issues.

KAREL DOUGLAS: We have so many quick questions. Let's take them in order. So, was it Maritza next, did you have a question? All right, Maritza.

MARITZA AGUERO: Thank you very much. Very short, Tracy. My name is Maritza Aguero. I'm from Peru. So, you said in the first slide that GAC it is an advisory committee and that also gives advice for national and international policy. So, does it mean that GAC also, for example, gives ICANN a letter

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or communication to government if it is doing like something against Internet governance or Internet policies? Thank you very much.

TRACY HACKSHAW:

So no, I think you may have misunderstood my [inaudible]. We advise on the basis of national and regional and local policy and law. We don't advise the other way. So the GAC does not advise governments. It advises ICANN. That's its job.

In the GAC, however, members of the GAC will take back from the meeting information to go back and advise their government, so a country would be able to say, "This is happening in the GAC in ICANN. Our laws are such that it can or cannot happen," and we advise our government accordingly.

But the GAC as a whole does not advise governments. It can't. It only advises ICANN. That's how it works. It doesn't exist without ICANN. The GAC is not a separate body. It doesn't have a legal structure. The GAC is a creature of ICANN. It advises ICANN so there's no legal structure outside of that, so it can't advise anyone outside of ICANN except ICANN.

KAREL DOUGLAS:

I'm going in the queue, so if you do have a question, just bear with us. Martin did have a question so Martin, go ahead.

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[MARTIN]: Yes, quick question, I don't want to get into every detail, but just to have an idea, an example of what are the most important things that the GAC is discussing right now? What kind of topics are the GAC interested or their members are interested in discussing?

TRACY HACKSHAW: Let's preface that by directing you to the GAC website where the agenda and so on is. I'll give you a summary of what the issues are, but please feel free to look at the website. It's all there.

But the issues that are currently under engagement in the GAC right now are remnants of the new gTLD program. So the remnants, there are something called safeguards. So now that the program is implemented and there are dot everything happening, some of the [inaudible] dot issues are regulated industries, like .doctor and .pharmacy and so on. So the GAC and the Board are still discussing those kinds of issues and how to implement those safeguards to ensure that there are not any abuses of the registries done, and so on.

The GAC is currently engaging in the WHOIS reports that are coming out now. The Expert Working Group has been reporting on that. They are engaging on in the future, gTLD [Round] program, so we're preparing in advance for that program. The engaging on the still the IGO issue and the protection of those names within the IGO.

I'm not going to say that one –[inaudible] TLDs. And they're also engaging on security and stability issues that could be numerous. I can list them all, but I encourage you to actually come to the – you will see.

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In the Board meeting, you're probably going to see all issues compressed into an hour being raised. Good session to come and listen to. And again, feel free to look at the website.

That's really, there is something called a GAC scorecard for the gTLD process. Look at that as well and see all the things that have happened, that have been ticked off, as well as those that are still outstanding. So it's pretty complex and kind of a long list, laundry list that are happening.

KAREL DOUGLAS: All right, some good stuff. We have Victoria next and we'll come over to you.

VICTORIA ROSCA: Victoria from Moldova. Thank you, Tracy, for your presentation. I would like to ask you about the problem around .wine gTLD. I know that this issue is being discussed from Buenos Aires meeting at the GAC, so what's really the problem there? Is it that there a country wants to monopolize the gTLD in order to commercial issue and just industrial? Thank you.

TRACY HACKSHAW: Right. So again, the website would be a good place to have a look. And in summary, the issue really is – and I think if you look at some of the – if you simply do a Google search on the issue, you will see the, I think the fundamental issue that has been said by ICANN's Board is whether

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KAREL DOUGLAS:

People, please, accept my sincerest apologies, but the next speaker is here and we do not want to eat into his time and his question and answer period. So what I would suggest is that you do take the conversation to Tracy either on e-mail. He's part and parcel of the fellow alumni, so he's more than happy and willing to answer the questions via e-mail. Or please by all means, do see him. He did invite you to the GAC meeting today. It's downstairs in the dungeon, so you may see that place where there's torches on the wall.

If not, catch him in the corridors, at the coffee table, in between meetings. I do want to apologize to those people who did not have an opportunity to ask their question, but the conversation continues. Trust me, it does continue via e-mail as well as otherwise.

All right, Tracy, thank you so much. A round of applause for Tracy, from Trinidad and Tobago, did I mention. So we're moving on. Thank you so much Tracy. You're wanting to say something?

CINTRA SOOKNANAN:

Please make sure you send in the registration sheet. Has anybody not signed. Okay. There you go.

KAREL DOUGLAS:

Just a note before the start of the next speaker, sorry, just a note. I would like just to add about Tracy. for those who don't know Tracy, Tracy can wear multiple hats. So you can ask him about IPv6, also. About DNS, about open source software and how can we enhance our

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economies is in our countries, developing countries, by using open source software. It was my mentor, my tutor in NGO, of course. It's a really dynamic person and go ahead. Thanks, Tracy, for your presence.

UNIDENTIFIED MALE: Thanks. Thank you so much for that. And Tracy a great guy and he's really willing to assist anybody, no matter who it is, on any issue they may have, so please, by all means, do seek out Tracy.

All right, without any further ado, we'll now move on to Mr. Bill Drake from the non-commercial users constituency. Bill, I know your time is limited, so right over to you.

BILL DRAKE: Good morning everybody. Thank you. Always happy to do this. Every meeting I meet with the fellows briefly. I teach at the University of Zurich in Switzerland and I am the Chair of the NCUC. The NCUC is a civil society coalition within the GNSO (the Generic Names Supporting Organization). It goes back to 1999, so it's been around now for 15 years. I don't have the ability to read the tiny little letters to remember, but I think what it says is that we have about 357 members from 81 countries, including 95 non-commercial organizations and 262 individual members. So thank you. Go back one page and we're all good.

So, NCUC, as I say, operates within the GNSO. Now, one of the first questions fellows always ask me whenever I come and do this is how is the civil society grouping within GNSO different from At-Large and and

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how is it different from other parts of the GNSO that are also non-commercial, such as the Nonprofit Operational Concerns Constituency? So let me just clarify very quickly.

So At-Large, the ALAC is an advisory committee to the Board. It does not directly make policy. It provides advice to the Board on a range, the full range of ICANN issues. It's members are both commercial and non-commercial users. It's basically multi-stakeholder. They have civil society as well as business people who are concerned from a user standpoint in the operations within ICANN and its policy.

The GNSO is actually a policy-making body. It makes policy for the generic top level domain space, .com, .org, etc., etc. and votes directly. The GNSO council coordinates the process. We have, of course, working groups and all kinds of things within the GNSO representing all the different industry factions as well as the civil society.

The GNSO Council coordinates that process and also votes on final policy decisions which then go to the Board for ratification and there's a mathematical formula for when the Board must basically take what the GNSO says and other conditions they can say, "No, we don't like this," and modify it or ignore it or whatever. Although they shouldn't do that.

The GNSO is broken into four stakeholder groups. There's the registries, the registrars, on the supply side or the contracted party house. And on the non-contracted party house – that's to say people that are not regulated by ICANN under contract – you have a Commercial Stakeholder Group, which includes the Internet service providers and the Business Constituency and the Intellectual Property constituency.

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That's one stakeholder group. And then the other stakeholder group, one quarter of the GNSO structure is the Non-Commercial Stakeholder Group. Rafik Dammk, who is behind me, will be speaking for few minutes about that. He's the chair of that.

So within the NCSG lives two constituencies, and we are one of the two. So keeping the org chart clear in your head, not the easiest thing in ICANN. It's a world of acronyms. The bottom line is that we have been involved in the process of making policy on generic top level domains for 15 years. We are also different from the other two bits I mentioned in that individual members as well as organizations can join the NCUC.

Anybody who is committed to the preservation, the promotion, of non-commercial interests and the preservation of non-commercial spaces or uses on the Internet can apply and join the NCUC. So we get a lot of members almost every meeting. Actually, my bag is behind me. No, the brown bag. I still have a few brochures left. I'll hand them out.

We had a civil society outreach event on Friday which was very well attended where we brought together members of the NCUC with people from civil society organizations that are not involved in ICANN to talk about why being involved in ICANN can be an interesting thing. And, unfortunately, I gave away most of my brochures. But there's still a few left if you would like to look. I'm passing them around.

In any event, what have we been involved in for the past 15 years? We started out very much focused on civil liberties and human rights type issues. We've had a long-standing commitment to the promotion of privacy and freedom of expression, in particular, in the Internet

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environment, as well as access to knowledge and ensuring that intellectual property protections built into ICANN policies for generic top level domain names are not overly expansive and, hence, restrictive of people's ability to access and share knowledge and information. We've also been very concerned from the beginning with issues of consumer choice, and more generally, the accountability, transparency and functioning of ICANN.

More recently, our membership has been expanding fairly rapidly. Many people have been joining NCUC over the past few years. and as that has happened and as the Internet governance agenda globally has expanded – and many of us are very much involved in the United Nations-based processes, the Internet Governance Forum and the WSIS prior to that (World Summit Information Society) and many related processes.

Our agenda has sort of gotten broader, as well. Our engagement on global Internet governance issues generally has expanded and we have become more interested, as well, in questions of development and the concerns of developing countries. So these have been issues that we have been pressing quite a lot in recent years.

How do we actually participate in the policy process? We do a number of things. On the one hand, our members, we elect our leadership every year. So I'm elected in the fall. And we also have an executive committee which comprises representatives from each of the five ICANN regions. So we've got Africa, Asia-Pacific, Latin American, Europe, North America. And, of course, we then appoint people to various

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bodies within the NCSG, the stakeholder group, and within the GNSO process more generally, working groups, things like this.

So one thing there is we participate in electing six council members to the Generic Names Supporting Organization council which vote directly on policies. So in effect, we directly participate in voting on final decisions. For example, I was on the GNSO council for four years, and I got to vote to launch internationalized domain names in multi-lingual domain names and various things like that. So one thing is direct participation in the policy process.

We also do things like adopting policy statements on many types of issues and, lately, we have been doing this more at the stakeholder group level than the constituency level because we try to coordinate with our colleagues from the other constituency, NPOC, and do things at a stakeholder-group level so that we have a position for the entire civil society configuration, not just our piece of it.

As you see, for example, on our website, NCUC.org, the front page says the civil society submits comments on IANA transition and accountability. So we've recently adopted these positions on these issues. And we've often been over the years sort of a catalytic force in dealing with a lot of these kinds of questions, sometimes to the chagrin of the Board and other players who don't always agree with our strong global public interest, civil rights, human rights orientation, but c'est la vie. That's part of the process.

When you're making policy in a multi-stakeholder environment, the process is that all of the different interests come together and you

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bargain, you negotiate and you try to come to a final resolution that everybody can live with. And we provide that voice for those kinds of non-commercial values.

So we participate in the policy process. We put people in the working groups. We adopt statements. We do a lot of lobbying and working with people on different issues. Yesterday there was a meeting on the proposed replacement to the WHOIS database, and NCUC people were very involved in that meeting in pressing the members of the committee who have put forward the new model, the RDS, for clarifications on exactly how privacy is protected and guaranteed by this new model, and so on.

This is the kind of thing we do. Come, push, be a pain in the butt. But, it's an important thing to do. Somebody has to do it in ICANN because, otherwise, you very well could have a situation where the policy process basically just results in outcomes that are reflecting the interests of large businesses and so on to the exclusion of citizens, users, public interest considerations. So it's all a question of achieving a balance through negotiation to blend those different aspects together.

Finally, is this click-able? One other thing we do – I don't have my glasses on. But for example, we organize a lot of conferences and events. Many of us are academics so that's perhaps part of the problem there. So, for example, at the Singapore meeting, I organized this conference on ICANN and global Internet governance, which was a preparatory meeting for the NETmundial meeting that was held in April in Sao Paulo, and we brought together people from across the ICANN

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community. If you look at this list of the people who are on there, we basically reached out to every part of ICANN to get them engaged in discussing what are the issues that would be taken up at the NETmundial and what types of positions should the ICANN community be promoting.

And we do a lot of those things. There's other events. We've held a number of conferences, workshops and other things, as well.

So that was a very fast spoken overview because I have to go run today from 9:00 to 12:30. Can we go back? I don't have my glasses. It's terrible. I should put my glasses on before I do these things. I try to go homepage and then the link for our meeting today. Is that here? That one, draft agenda? Yeah.

Today is Constituency Day, and on Constituency Day, the different parts of the ICANN environment get together for their own internal processes. NCUC holds a three-and-a-half-hour meeting Tuesday, and today we have a very full agenda. I've invited the entire United States delegation to come over and meet with us for an hour to talk about a range of Internet governance issues, including the IANA transition, accountability, and the larger geopolitical stuff.

You may have heard Fadi's announcement the other day of the so-called NETmundial Alliance, so we'll be asking about all those kinds of things. So that should be a very interesting meeting. We will also have coming over two representatives from the Council of Europe to talk about the paper that they've just released on how to build in human rights mechanisms and protections into ICANN's operations. So they'll come

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over and we'll also have our own discussions then about a number of other issues pertaining to accountability and global Internet governance.

The meeting is open to anybody. Anybody who would like to come over, please feel free to pop in and introduce yourself. We'll be in Cadogan, which is on the mezzanine level of this wing, so it's just above the bar, so we can look down and watch everybody getting drunk at 9:00 a.m. So that's fun. And, as I say, seriously, you're all welcome and you're also welcome if you're interested to apply to join NCUC, as well.

Okay, so with that, we have ten minutes, and questions, please. And please introduce yourself when you ask a question.

UNIDENTIFIED WOMAN: Yes, can you use the headset?

BILL DRAKE: Oh, yes. I'm not awake yet. I'm not a morning person and they always ask me to do these things in the morning. It's very painful.

UNIDENTIFIED WOMAN: Me too. I'm not clear about my question. I know what I want to ask but I don't know how to make my question, so if my question is confusing, I apologize.

I've heard these days that the ICANN only works with domain names and addresses. They don't get into content issues. They don't deal with

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freedom of expression and those things. If there are restrictions in some countries regarding Internet access, the ICANN does not deal with that.

In your presentation, your excellent presentation, I heard that you work on human rights issues related to the generic domain name policy. So could you give me an example of a situation, a conflict situation, that may impact human rights for me to understand the scope of what you do and what type of things you do?

Do you make recommendations, proposals? I think the concepts are quite [accurate] with the ICANN, so I'd like to know exactly what you do. Could you give me an example to understand this better, to what point you get?

BILL DRAKE:

It's a very good question and, first of all, I'm sorry for talking so fast. I was trying to cover a lot quickly, and I had too much coffee in the morning, so I hope you followed everything I said and, if not, you can always e-mail me and follow up and I'll try to explain further.

The role of ICANN in the larger Internet governance environment is actually fairly limited. However, under Fadi's leadership, there's been a greater effort to engage in some of the global level discussions by supporting the Internet Governance Forum and things like that. And launching this NETmundial process and so on.

But generally speaking, ICANN's remit, ICANN's main core business, is indeed the governance of names and numbers. So it's a fairly bounded,

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well-defined scope of activity. Now, within that scope of activity, ICANN, being a global policy mechanism, does not engage in looking at national policies and whether they can form to certain types of obligations in terms of human rights and things like that. That's not really within its agreement.

However, it should be understood that many of the policies that are adopted with regard to generic top-level domains do, in fact, have clear implications from a human rights-type standpoint. So, for example, freedom of expression. When the new gTLD program to launch all the new top-level domains was being designed, we had a very intense debate about the question about how does one build into the process provisions concerning so-called morality and public order? And there were governmental demands to have quite expansive rules that would say whenever a government thinks that a new proposed gTLD is not desirable on morality grounds, however it sees morality, they should be able to block it.

So, for example, we had to get in and spend a lot of time fighting to ensure that that language was narrowly defined, that the scope for governments blocking new gTLDs would have to be in compliance with international law, done on a consensus basis within the GAC, etc.

For example, there were governments who did not want .gay. There were governments that did not want .islam. There were governments that did not want all kinds of domain names that they considered to be – sucks, or wtf, which is an acronym you may be familiar with. There are many cases where governments said, “We do not like this particular

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form of expression being built into the character strings at the top level of the internet. That encourages a certain way of communicating and a certain kind of sensibility that we don't support." So we have tried to ensure that that is not overly expansive.

Similarly, with regards to privacy, as I say, there is a new proposal now to replace the WHOIS system, which is the database that allows you to look up who runs a website, with a new system – one of the problems we have fought on the WHOIS issue for 15 years because, basically, there is almost no effective privacy measure built into the WHOIS structure. And indeed, the WHOIS structure is arguably incompatible with such things as European data protection laws. Because, basically, if you are a human rights activist, if you are a person who is trying to avoid a stalking ex-boyfriend, any kind of situation where you might not want your personal information to be readily available to anybody, you are faced with a difficult choice because, in fact, in the WHOIS database, it is quite easy to access this information.

Now there have been the addition of new privacy services that you can pay to try and provide some levels of protection but still, fundamentally, your information is pretty easily available. So, from a privacy protection standpoint, that is a real human rights issue. And so we have advocated for stronger privacy protections and now they are contemplating this whole new system which is supposed to make things a little bit better in this regard, but actually, because of the way in which it has been designed – and it's quite technical – there are some real problems from a privacy protection standpoint.

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This is why we have been pushing very hard and filing comments and, as I say, we're inviting the Council of Europe people over today. We reached out to European data protection inspectors a couple of years ago and said, "Hey, are you aware of what ICANN is doing here? Because we don't think it's consistent with your policies." And the European data inspectors came back and said, "You are right. We think ICANN's policies are not consistent with our requirements under the European laws."

So this is the kind of thing where we try to get people engaged to promote a better balance between commercial, governmental and non-commercial objectives.

KAREL DOUGLAS:

That was excellent. I just wanted to say, well, excellent question, and it's something that always on my mind. ICANN is domain names, but there's so many other issues that have been discussed. How does it then translate into what ICANN does? So thank you, Bill. We have time for one more.

BILL DRAKE:

How about if we just take a couple real quick and I'll give a real quick response.

EDWIN OPARE:

My name is Edwin Opare, and I'm wondering how long does it take for membership to be approved when one applies for NCUC member? I remember I did apply for membership sometime in January and I only

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got an e-mail from you two days ago asking me to clarify why I wanted to be an NCUC member.

BILL DRAKE:

You didn't receive an e-mail from me. Rafik is the chair of the Non-Commercial Stakeholder Group. When you apply to join, you apply to join the stakeholder group and then you select the constituency within it. The executive committee of the NCSG meets every month or so to review the new batch of applications. When they approve them, they then come to us and we say, "Okay, we approve them," and then they go into the system. And that means it has to be negotiated with NPOC, so it just takes a little time. But we'll get there.

NAVEED BIN RAIS:

My name is Naveed. I just want to know how you ensure the protection of non-commercial users in the presence of organizations that may be commercial in a sense. So that's a hard sell to me, I believe.

Do you do some measures that ensure the protection of – because individual users, because I see that's the only interface that they have at ICANN or a community like that.

BILL DRAKE:

Yes, again, a good question and the answer is simply, we can't ensure anything. We are one part of a larger community that negotiates policies. We try to promote the assurance of those objectives, but we have to negotiate with the Internet service providers, the intellectual

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property interests, the business interests, the registries, the registrars and, ultimately, the governments. So we can't unilaterally select the outcome. We try our best to advocate. That's what we do.

UNIDENTIFIED MALE: My name is [inaudible]. I would like to know why does it take a long time to become a member I apply? And [inaudible] all that is complicated?

BILL DRAKE: Again, the membership process is not one that I control. People apply to the stakeholder group. The stakeholder group lets us know and then we approve it as soon as we receive it. Sometimes it can take a month or two. I don't know. You would have to ask Rafik. He manages the process. And, finally? Yes.

NABIL BENAMAR: Nabil from Morocco. I would like to ask you about – my question is related to the speech of the minister of China of yesterday.

BILL DRAKE: An interesting one. [inaudible].

NABIL BENAMAR: He said that we are in the process of transitioning. He didn't mention IANA. He said this is the unlock of ICANN from the United States. So how

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can you explain this? He didn't use the term of IANA but he instead used the term of ICANN?

BILL DRAKE:

As you know, the United States has proposed to transition the authority over the IANA functions to the global stakeholder community and one possible – an obvious result there would be that the policy process pertaining to IANA functions would be something that would be something that would be based in ICANN.

Whether the operational part would also be based in ICANN is not determined yet, but this is the part of a larger transition where ICANN is attempting to become less U.S. centric than it was historically for obvious reasons, and to bring in the global community more in the full range of decision making and so on. Fadi has a number of initiatives in that regard and the Chinese are saying, in effect, that “we support that transition. We think it should go so on and faster and so forth.”

As to the specific code language that the Chinese ambassador might choose in expressing that and how you can deep read that, there's many different ways you can go about that process, and I'm in no better position to read the mind of the Communist Party of China than probably you are, but certainly it's an interesting question. It was an interesting speech.

I'm very sorry. I have to stop. My colleague Rafik will now take over. He's both an NCUC member and the Chair of the NCSG so he will tell you what happens at the stakeholder group level. And again, anyone

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who wishes to come over to our meeting, we start at 9:00 across the way. Thank you very much.

KAREL DOUGLAS:

Thank you so much, and a round of applause for Bill Drake. I think I know where I will be today. All right, so moving quickly onward, we now have Rafik Dammk. I can't read that slide. Yeah, for Non-Commercial Stakeholders Group. So, Rafik, can you come closer so we can have your input on your very important constituency? So over to Rafik.

RAFIK DAMMK:

Thank you, everyone. Thanks. I think we have really short time and I think it's more about to get questions because I think you had NPOC representative in the morning, Cintra, and just have Bill, so they are the chair of the two constituencies. But NCSG, it's the Non-Commercial Stakeholder Constituency and we work at the stakeholder group level and we elect our council to the GNSO council, we elect six people there. And we really work mostly on doing the policy at the stakeholder level.

I think I can give explanation. Really, we care about human rights, freedom of expression, privacy. Developments are one of the best examples. We really push for the support of new gTLD applicants from developing countries. Okay, speak more louder? It's somewhat louder now.

So as I explained, we do a lot of policy. We have the two constituencies. Any person can join the NCSG and he can select to join the NCUC or

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NPOC or both, or don't join them, or whatever. It's up to him. Because we do a lot of our activity at the stakeholder group level.

I think I will be happy to get more questions. I don't have presentation, but could you just – that's the GNSO page. We have a nice domain name, NCSG.so. This is our space where you will find what we are doing in term of comment. For example, we submitted comment about the accountability of ICANN accountability IANA transition. It was mostly led by our members –a really new member, article 19. I think maybe we can start there.

KAREL DOUGLAS: Thank you, Rafik. That's actually good timing because we are limited in time. So are there any questions for Rafik at this point in time.

RAFIK DAMMK: Don't be shy.

HAFEDH YAHMADI: Hafedh from Tunisia. A very quick question which is related, can you Rafik, tell us a little bit about accountability?

RAFIK DAMMK: I mean, description? As a stakeholder group we have kind of issue with accountability within ICANN. We got specific issue regarding the Trademark Clearinghouse. At the time, we find the appealing process within ICANN, to appeal any decision made by the ICANN Board, we find

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it's not functional. We tried several processes and we find it's not functional.

Must mostly we tried to explain that comment is going through the question and really proposing how we can appeal the Board decision. And we also think that accountability should be done really before the IANA transition, because without the accountability, it will be hard after. The IANA transition – the stewardship of the IANA from the NTIA to whatever. We don't know what.

It will be really hard without the accountability mechanism, a stronger accountability mechanism to have to enforce anything on the ICANN Board.

KAREL DOUGLAS: Any other questions? Okay, if not, I want to thank Rafik.

RAFIK DAMMK: That was really quick.

KAREL DOUGLAS: That's great. It's fantastic.

RAFIK DAMMK: I know it was quite short. You heard a lot from other constituencies, which can create some confusion. So if you want to join, you need to start to join the NCSG. And when you become member, you can join any

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constituency. I know some have applied. Some of them are accepted. Some of them have pending application that we need to get more information to check there are non-commercial.

So you join. I think you can go to – it's really, okay. That's me before losing weight. Okay, so it's really simple application. Just a form, you will select if you are individual, if you want to join as organization affiliate and the executive committee will review it.

Also, we have in afternoon from 1:00 p.m. To 3:00 p.m. our meeting, and it's mostly to prepare our joint meeting with the Board from 3:30 to 4:30. It's a really interesting time that the community can interact with the Board. We can question them. We can ask them hard questions and you are really – I really encourage you to come because you can also ask in that time.

So please join if you want NCUC and NPOC meeting and I think they start at 9:00. Then join NCSG and join us at the meeting with the Board. I think it's for our meeting at the Thames Suite, and the Board, I think it's in the main ballroom.

KAREL DOUGLAS:

Thank you. Thank you, Rafik. And yes, you do have some applications, apparently, outstanding. So you may want to look into those.

RAFIK DAMMK:

Because we are quite open structure, we don't ask people for fees. We welcome everybody. Other constituencies, it's more really complicated

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to join them. But, given that we get many applications, we do need to do due diligence that they are non-commercial because GNSO rules and several charters of the different stakeholder groups and different constituencies prevent someone from being a member of two constituencies. You will ask why because it's also about voting, because if you join us, you will have vote rights and you will elect someone to GNSO council, which means someone will have influence in the policy making.

So if you join two constituencies, there is conflict and trying to influence two constituencies or two stakeholder groups is something cannot be accepted. So that's why. But if you have application, we really just want to clarify or to understand what's your non-commercial background. So don't worry about that.

And if you have any specific questions, just ask me later. No problem.

KAREL DOUGLAS:

Thank you, Rafik, and a round of applause for Rafik, please. We do appreciate all the information. And as he did say, you can always follow up, if not here, later sometime today.

Okay, I'm going to pass it to Jeannie who has a few housekeeping notes/information for us. So Jenny – sorry, Jeannie.

JEANNIE ELLERS:

It's okay. Like I said, I answer to just about anything at this point. So just a quick reminder that this afternoon, I'm looking at the room in

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Balmoral where we had the second newcomer and morning fellowship session on Sunday, is the fellowship session with the SSAC. They have had some topics and questions delivered to them. They're ready to come and talk to you and Patrik, the chair, is really looking forward to it.

Tomorrow morning, as of this moment, we are meeting in the Palace Suite, not this room. The Palace Suite down in the dungeons at 7:00 in the morning where it will no doubt be cold, so please bring sweaters, coats, hats, mittens, anything you could possibly imagine. We're still trying to get the room moved back here, so please keep an eye on your e-mails for room change.

If there are any other questions, please let me know and I'm here. If you have questions for Tracy or Cintra or Rafik or Bill, send them to Janice and she will get them answered for you. Everybody have a really productive day and, please, come find me if you have any questions at all. Take care.

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