

**GNSO – ICANN Nairobi Meeting  
GNSO Open Working session  
NomCom Chair to address Council  
06 March 2010 at 12:00 local time**

**Note:** The following is the output of transcribing at the NomCom Chair to address Council session held in Nairobi on Saturday 06 March at 12:00 Local time. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

*(participants list at the end of the transcript)*

Stéphane van Gelder: Okay, so if people can take their seats, we'll reconvene and ask Wolfgang, the Nom Com chair, to address council. Let's just wait for five minutes, or five seconds, sorry; just to give people time to sit down. Okay, Wolfgang, please go ahead. Thank you very much for coming to see us.

Wolfgang Kleinwachter: Okay, thank you. Does it work? Yeah. Thank you very much for giving me the opportunity to say some words about the nomination committee's process this year, in the year 2010. If I look around, a lot of familiar faces are here who have served in the nomination committee in previous years. So I think there is no need to go into the details and to explain, you know, what the nomination committee is and how it works.

So every year the nomination committee selects outstanding individuals as members of the ICANN Board of Directors, the GNSO and CNSO Council, and the At-Large Advisory Committee. By the way, the nomination committee sent more than the majority of the members of the Board to the Board.

We select eight directors from 15 voting members in the Board, so now 16 voting members, because At-Large Advisory Committee sent also a voting member to the Board. But it means half of the Board Directors makes his or

her way via the nomination committee. We select every year three, then another three, and then two. So it's a process stretched out over the years.

And this year we have the duty to select three Directors for the Board. The system works that candidates have to go to the Nom Com Web site and they will find the form, which is called the SOI, a Statement of Interest. And they have to fill in the form, and that's it, if they are interested.

The deadline for the submissions this year is April 2, and the selected candidates will take up their positions at the end of ICANN's annual meeting in December, 2010. And as I said already, all the essential information can be found on the Nom Com Web site, next slide.

So this year, as I said already, we have three members for the Board of Directors. They are selected for a three-year time. We have two positions for the At-Large Advisory Committee for a two-year term. But in the At-Large Advisory Committee, we link to geographical rules -- so that means we have to select this year one candidate from Europe and one for the North American region, while last year we selected three candidates -- one from Asia-Pacific, one from Latin America, and one from Africa. So next year it will be again then Asia-Pacific, Latin America and Africa.

So, however, I would encourage all the At-Large candidates from all over the world, because our rule is now that if you send an SOI, you will remain in the pool, if you wish, for at least three years. So that means if you are not selected in the year 2010, then you have another chance 2011 or 2012, if you wish. So it means if you want to step down because you are not satisfied with the procedure, then it's up to you. But we encourage candidates, although, you know, to first experience how the process works.

And there are good examples like Jean-Jacques Subrenat who has applied for the position of a Board Director and was not selected in the first year, then re-applied because he was in the pool, and he was selected the other year.

So that means if you are not selected in the first year, it doesn't mean that you are not qualified for the job, because the Nom Com has a difficult task to balance all kinds of different interests, geography, gender, specific skills and all this.

So this is similar also for the two members we have to select for the GNSO Council and the CNSO Council. It is a difference for the GNSO Council. The candidate is selected for two years, while for the CNSO, the candidate is selected for three years.

And next slide please. And we are looking for people who have all that -- the wonderful people who, you know, the best people in the world have integrity, objectivity, intelligence, sound judgment, open mind, capacity for group decision making. We sometimes call them - we have to have really the leaders of the Internet community on the ICANN Board.

And the argument always is ICANN is as good as its leaders. So that means if you are unsatisfied with ICANN, and you say, you know, you could do it better, then I think this is already the first step to send in an SOI. Because then you are right-qualified. That means ICANN needs all the more - that the critical capacity within its leading bodies.

But it means I invite in particular all those people who have an idea how ICANN could be improved -- who are not satisfied with as ICANN is today -- to write an SOI, because these are the right people we need for the future of ICANN, so that ICANN, you know, has always, you know, fresh ideas to improve itself. And (unintelligible), you know, the main criteria is really to love the Internet, and to have an understanding of ICANN's mission, and commitment to ICANN's model of participative governance.

And, you know, two weeks ago or three weeks ago in the Internet Governance Forum consultations in Geneva, you know, I realized again and again that ICANN is really pioneering this new model of multi-stakeholder

governance insofar as, you know, if you understand or if you are in favor of such a new model of how a global resource is managed.

Then I think ICANN is the place where you really can do it -- this pioneering work which will, in my opinion, affect other Internet-related policy debates, in the years ahead. And there will be much tougher Internet-related debates in the years ahead, so the story is not over.

And with the end of the G8, I think in particular in the context of the United Nations, we will see a lot of new discussions. And then to have ICANN as a good model, as a working model, would be a very helpful argument insofar to strengthen ICANN. It's also doing some good work, you know, for bodies - for the outside world which is not directly ICANN.

Insofar, you know, I just encourage you to apply either yourself or, you know, to communicate this to your constituencies, to your friends, when you think this could be a good candidate. So the problem unfortunately, this is voluntary work. So there is no compensation neither for the Director nor for the Council members, other than the reimbursement of certain expenses.

So that means you get your expenses repaid, but all the work you do is on behalf of the Internet community, and then you will earn the thankfulness from the Internet community for this. So I think for some people it's a problem, insofar we have to be transparent and open, so that people understand this is not a job where you can make money. But you can earn a lot -- your recognition from the community, which is probably sometimes even more higher value than just money.

So how to proceed is that simple. Again, you have to go to the Nom Com page and to fill in the SOI. Then you have to send two or three references, so that people who know you support your application. And all this has to be done before April 2. So it's still four weeks, or three-and-a-half weeks to go.

And we hope this will have a certain ethic. And if you have any questions, so I'm here and I can answer directly. So I'm here the full week.

There are other Nom Com members here like Norbert Klein, Bill Manning, Hong Xue and Tricia Drakes will come, who are members of the nomination committee. And Olof Nordling from the ICANN staff is also here and can give all the answers if you need some answers. And we will have ICANN Nom Com booths on Monday morning in the exhibition space here of this conference hall.

So that's it for the moment. Any questions?

Stéphane van Gelder: Thanks very much, Wolfgang. I wanted to ask a question, but I see that (Chuck) has raised his hand, and I'd like to give priority to the people not in the room, because it's harder for them to participate. So, (Chuck), please go ahead.

Chuck Gomes: Thank you, Stéphane. I appreciate that. Wolfgang, I want to thank you first of all for the presentation, but even more importantly, for all the work you do in chairing the Nom Com this year, and for all of the Nom Com members and their expensive time spent on this process.

I do have one question for you. If I'm correct, all three of the Director positions at the Board level that the Nom Com is going to fill are, I believe, from Europe. Correct me if I'm wrong on that. But my question for you then, how does the Nom Com deal with the geographic issues when selecting candidates? Obviously there's going to be a big dent in representation from Europe if some of the candidates aren't chosen from Europe this year. How do you deal with that?

Wolfgang Kleinwachter: Thank you, (Chuck). It's a very good question, and this is a challenge because indeed we have three outgoing European Directors. It's Alvestrand, it's Subrenat and it's Dennis Jennings. And I was in the

nomination committee as a voting member when we selected the three. And we selected them because they brought specific skills to the Board -- Subrenat as a diplomat for dealing with government; Jennings, as a business person, you know, able to manage a corporation; and Harald, as a technical person.

So that means while we'll have to look into geographical balance, we have to look also into skills balance. By the way, also into temper balance; all three (unintelligible) men. And so it will be a big challenge. And if you look into the composition of the Board, then at the moment the Asia-Pacific region is under-represented. So we have to look into a geographical balance.

And as you know from the rules, there can be not more than a maximum of five Directors from one region, and voting members. And insofar, you know, we have to be very careful to keep this balance. I cannot say at this moment, you know, whether we will re-select three Europeans or two Europeans or just one European, because we have to look into the various dimensions of the balance and, as I said, the skill balance. And the quality of the person sometimes is even more important than the geography.

Otherwise, you know, we have to look into geographical balance. And in particular, with regard to the Asia-Pacific region, I think at this moment this huge region is under-represented at the ICANN Board. But this is a personal opinion. Let's wait and see how this works.

Stéphane van Gelder: Thanks very much. I had a question from (Matt Reva). I see, (Chuck), you've raised your hand again. Did you want to follow up? Or is it a different question?

Chuck Gomes: Yeah, a real quick follow-up and then I'll be done, Stéphane. Thank you, and thank you for the response, Wolfgang. With regard to the maximum of five per region, does the CEO count as part of the five?

Wolfgang Kleinwachter: The answer is no.

Chuck Gomes: Thank you.

Wolfgang Kleinwachter: That's the reason why we can accept a North American. This would not destroy the balance. If Beckstrom would be counted, then the North American basket would be full. But we checked it with the (J.J.) and the (unintelligible) is very clear what is not counted according to the bylaws.

Stéphane van Gelder: Thomas, did you have a - you wanted to clarify something?

Thomas Roessler: Just a quick...

Stéphane van Gelder: Introduce yourself.

Thomas Roessler: Sorry. Thomas Roessler. Quick clarification question -- the Directors whose terms expire at this point are all the Europeans on the Board, correct?

Wolfgang Kleinwachter: Sorry?

Thomas Roessler: I said the Directors whose terms expire this year are all the Europeans on the Board?

Wolfgang Kleinwachter: No, no. They're half the Europeans in the Board.

Thomas Roessler: Who am I forgetting?

Wolfgang Kleinwachter: I think there are, on the - I think we have in the Board, voting and non-voting altogether now at the moment, six. Jonne Soinen is not counted because he's a non-voting. But it means we could recall for Europeans. It's not a problem, so it's not over code. I think we have now four voting Europeans in the Board.

Thomas Roessler: Okay, thanks.

Stéphane van Gelder: Is that okay, Thomas?

Thomas Roessler: Thank you.

Stéphane van Gelder: (Unintelligible).

Avri Doria: Hi, Avri Doria. Don't represent anybody. Not even myself. The question I have - and hopefully it wasn't covered. And if it was, please let me know. The Nom Com appointments to the Board and the AOC review team roles -- what is the relationship with those? Is there any barrier between someone who is on a review team serving - how does it work? Thank you.

Wolfgang Kleinwachter: That's a good question. We discussed it already. And so it's a discussion although of timing. One thing is for sure -- you cannot be at the same time a Board Director and a member of the review team. So this doesn't work. So I discussed it with (unintelligible). They will have a name for the review team available, hopefully at the end of this meeting here.

So I think if somebody has applied for both positions and to become a member of the review team, I think for this year if he is selected as a member of the review team, he would not be eligible for a position of the Director.

On the other hand, the understanding is - and this has to be cleared probably by the (J.J.) again, it's expected that a report from the review team is available already in December. So that means then the review team work is over, so and (unintelligible), formally, probably then a member of the review team could be seated as a Director in December.

So but for the moment, you know, if you ask me directly as Chairman, I would say it's better to have a certain distance between being a member of the review team, and then apply for the job as a Director.



I personally think if you went through the review, probably you are well qualified to become a Director. Because then you look in particular at the weaknesses and the deficiencies of the Board. Then you know it better. You know what has to be done. And then you can do it yourself. But it means as a review member team, I would encourage you to apply in the 2011 round. But probably in 2010 it's too close.

Stéphane van Gelder: Okay, thanks. I have (Marilyn) and then Norbert.

(Marilyn): Wolfgang, without asking you to disclose the actual discussions within the nominating committee, can you share with us the general sense that you're getting about barriers to broad recruitment of senior candidates, regardless of geographic location?

And secondly, what's your sense of the fact that the Board has not moved forward on approving payment for the Chair or the Board, as a barrier to recruiting candidates?

Wolfgang Kleinwachter: Thank you, (Marilyn). You know, I was the day before yesterday in Addis Ababa and had some meetings with the African Union Commission, and so because we are also looking for good candidates from Africa. And I think the direct question from the people there, from the African Union, was okay, the fact that this job is not paid, it's a big barrier for an African person to apply for the Board. Because it consumes so much time and you have to be, you know, a rich or retired person. And you have neither rich nor retired persons of this caliber in Africa.

So that means this was a very clear answer from a high official from the African Union to say, okay, as long as this is not paid, we will have difficulties to get the right high-caliber candidates for the Board from Africa. So we just have to take this as a fact, so it needs a bylaw change. It's up to the Board and not to the nomination committee.

Another barrier is certainly language. And it's, you know, it was a prefect from our Board member Professor Hong. He hosted a Nom Com outreach event three days ago in Beijing, and there were 35 high-level members from the Chinese community there, and, you know, expressing their interest.

And, you know, the fluent knowledge of English was seen as another barrier for some Chinese people who do, you know, important work in the community in China. But there is a language barrier, so I think these are two barriers that have to be taken into consideration. And but it goes beyond the mandate of the nomination committee. We have just to follow our instructions in the bylaws under which we operate.

Stéphane van Gelder: Yeah, I think it's - speaking as a European that has a day job, I think it's a challenge for more than Africans or Chinese people. I think it's a challenge for everybody, and it's a community problem. As you say, it's not a Nom Com prerogative to solve that, but I think it is something that the community needs to look at.

When you talk to certain Board members, you'll find out that they don't want to be paid. So there's an interesting dilemma there between some people saying, you know, we can't commit the time if we're not paid. We can't - this is too involving. And I can vouch for the fact that it does take up a lot of your time, even when you're not on the Board. And, you know, balancing that and the fact that some people don't think that volunteers should be paid.

So, it's a difficult situation, but I think it's something that definitely needs to be looked at, because on the GNSO Council level, the amount of work that we're finding we have to deal with now is just so colossal. I think people are finding it difficult to just stay involved. Norbert, you had a question, and then perhaps we can let Wolfgang go.

Norbert Klein: It's not a question. I just wanted to add something from my work as a member of the committee. Especially in Asia, I had a lot of direct contact with persons. The question of payment was never raised, but the question of time was always a very crucial one. And people were aware - I mean, if you are not paid for it, your employer probably would count that you do this contribution for ICANN. This is understandable. But the question of how much time is necessary is really a barrier.

But I wanted to add another point which was raised in several conversations - that is the confidentiality. The whole process of the nominating committee is confidential. And some people said, "Well, if I nominate myself and I don't get the job, that might be somewhat affecting my reputation." And I would like to say also here, the process is confidential. If somebody applies and doesn't get selected, nobody except the members of the committee will know it. So that should not be a barrier to consideration -- "Well, what will happen if I don't get the job?" Thank you.

Wolfgang Kleinwachter: Thank you, Norbert. And I just want to repeat it. I said it several time. The principle of confidentiality is to protect the candidate. It has nothing to do with a conspiracy or bad deals behind closed doors. So it's really to protect the candidate. So that means nobody knows that you're applying. It means if you are not selected, you are not a loser.

It's the difference between an election -- an election you have to campaign. You have to disclose what you are doing, and then you are fighting against other candidates in an open space. But the selection is different nature, and the selection was interviews, and as a counter-plan for the election we had in ICANN in the year 2000.

And the election produced a lot of mixed, let's say, results. And the At-Large review team, which analyzed elections in the year 2001, came to the conclusion that an open election campaign for the job of the Director, you know, has so many flaws that this should be avoided. While the selection

procedure in a confidential environment has also some flaws, but it's much better. And in particular, it protects the candidates. So I think this is important to understand -- the differences between selection and election. Thank you.

Stéphane van Gelder: Wolfgang, thank you very much for coming to speak to us today. A very interesting presentation. There's a question from someone behind the (unintelligible). Hi, Wendy. Please go ahead. Sorry, Wolfgang, do you have five more minutes? Yeah? Please go ahead.

Wendy Seltzer: I just had a question about the sort of vehement anti-election discussion at the end there, particularly given the At-Large is now considering how to select the Director who is supposed to come from the At-Large advisory committee. I think the study of many years ago of one particular means of At-Large elections shouldn't be a referendum on all possible ways that individual At-Large users could select a Director.

Wolfgang Kleinwachter: Wendy, I'm very sorry that I gave a negative impression from the election. I just said that when the nomination committee was established, this was done, you know, to substitute elections. But as I said, both processes have some flaws. And the global election has in particular some flaws. But this doesn't say anything against another effort, in particular for the At-Large community to come back with elections.

And when we had the At-Large summit in Mexico in March last year, so we were lobbying for let's say two voting At-Large Directors, which could be elected. So but the nomination process is different from election. It's a selection, so and probably this could go hand-in-hand.

It means we could have both elections for one community -- the At-Large community -- and selection by the nomination committee. So this does not exclude it. It could go hand-in-hand. But I, as the Chair of the nomination committee, have to be very clear. There is not an election campaign in the

nomination process. It's a selection process. And insofar, you know, I wanted to make the differentiation very clear.

Stéphane van Gelder: Thank you very much. We'll break for lunch now and reconvene at 1:00 for the new gTLD session, if people can try and be in the room just a couple of minutes before, and then we can start at 1:00. Thank you very much, Wolfgang. Once again, operator, this call is now closed.

Man: Stéphane, is there going to be a security in this room so we can leave our computers and things? Or no?

Stéphane van Gelder: That's the question I was just asking Marika, and she was shaking her head saying that she didn't know. So I can't...

Marika Konings: It's better not to leave anything...

Stéphane van Gelder: Don't blame me if the computers get stolen.

Marika Konings: Better to take your valuable stuff with you.

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**Attendees:**

Marilyn Cade - CBUC  
Martin Sutton - CBUC  
Ron Andruff - CBUC  
Alan Bidron - ISP  
Steve Delbianco - CBUC  
Flavio Wagner - ISP  
Berry Cob - CBUC  
Norbert Klein - NCSG  
Thomas Roessler - W3C  
Werner Staub - Core  
Brendan Kuerbis - NCSG  
Alex Gakura - NCSG  
Amadeu Abril | Abril - CORE  
Jon Nevett - Registrar  
Jeff Eckhaus - Registrar  
James Bladel - Registrar SG  
Jothan Frakes - Registrar SG  
Judy Song Marshall - Neustar

Paul Foody - individual  
Aysha Hasssan – CBUC  
Dirk Krischenowski – dotBerlin  
Katherene Olmar - DotBerlin  
Chris Chaplow – CBUC  
Marcello Fernandes Costa –Conselheiro CGI Brasil  
James Prendergast – GalwayStrategy Group Fairfax Virginia  
Jon Lawrence – aus Registry  
Fabien Betremieux – AFNIC  
Avri Doria – NCSG  
Robin Gross - NCSG  
Paul Stahura – DemandMedia - Registrar  
Richard Tindall – DemansdMedia – Registrar  
Carlos Afonso – Brasil  
Sebastien Bachellot – ALAC  
Fred Kreuger – mids amd machines

#### **Remote Participation**

Mike Palage  
Mikey O'Connor - CBUC  
Paul Diaz – Registrar SG  
James Bladel –Registrar SG  
Michael Young - Afiliat  
Steve Metalitz - IPC  
Jothan Frakes - Registrar  
Milton Mueller – NCUC  
Jeff Neuman – Registry SG  
Eric Brunner-Williams CORE  
M Bahir

#### **GNSO Council**

Stephane van Gelder – Registrar SG  
Tim Ruiz – Registrar SG – remote  
Adrian Kinderis - Registrar SG -remote  
Chuck Gomes – Registry SG - GNSO Chair - remote  
Caroline Greer - Registry SG - remote  
Wolf-Ulrich Knoben -ISP  
Jaime Wagner –ISP  
Zahid Jamil – CBUC  
David Taylor – IPC remote  
Kristina Rosette – IPC remote  
Andrei Kolsenikov NCA  
Wendy Seltzer – NCSG  
Bill Drake – NCSG  
Rafik Dammak – NCSG  
Mary Wong - NCSG  
Alan Greenberg – ALAC Liaison

#### **Staff**

Kurt Pritz  
Liz Gasster  
Marika Konings  
Marco Lorenzoni  
Olof Nordling  
Tim Cole  
Rob Hoggarth - remote  
Karla Valente  
Tina Dam -remote

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