

ICANN

**Moderator: Maryam Bakoshi
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5:00 am CT**

Coordinator: The recording has been started, you may now proceed.

Maryam Bakoshi: Thank you very much, (Claire). Good morning, good afternoon, good evening. This is the NCPH GNSO Council Chair interview on Wednesday the 23rd of September, 2015.

On the call today we have Rafik Dammak, Avri Doria, Ed Morris, Heather Forrest, Carlos Raul, Tapani Tarvainen, Marilia Maciel, Matthew Shears. And from staff myself, Maryam Bakoshi.

I would like to remind all participants to please state your name before speaking for transcription purposes. Over to you, Rafik. Thank you very much.

Rafik Dammak: Okay thanks, Maryam. (Unintelligible) for joining this ad hoc call. We had to schedule it in short notice. So maybe quickly just to remind that this is kind of opportunity for us to discuss with Heather who was proposed by the - by Commercial Stakeholder Group as prospective candidate for the GNSO Council chair election. And so this is an opportunity for us to discuss with her

to know about her. Myself, I didn't have the chance to meet her before so we'll try to kind of socialize here.

And then after that we - the NCSG will have to make a decision and nominate by the 25th of September, which means this week. So okay I'm not sure I saw that Ed raised his hand and - but I guess that was a mistake. Anyway so let's start with - first with Heather.

Heather, I mean, welcome and thank you for joining for this today call. I know that this was a little bit kind of challenging to find appropriate time and day that we can have this call. But let's first hear from you and if you can make some introduction and to give kind of, yeah, short, I mean, yeah, short introduction about yourself and so on. So Heather, can you hear me?

Heather Forrest: Thank you. Thank you very much. I'm happy to do that. And thank you all for being on the call. It's lovely to see lots of names with which I'm familiar, including Marilia and Avri and Carlos, members of the Council, Rafik, Ed, I appreciate having you here.

I suppose what I'd like to do is offer some introductory remarks. The very same thing that I said to the CSG in relation to I suppose an explanation as to why we're here on the call with me.

I was approached in Buenos Aires by some members of the GNSO community for whom I have a very great amount of respect, folks who have been working in the ICANN environment for a very long time. Interestingly enough, the people who initially approached me and said that they suggested that I consider the position of chair of the Council were from the Registry Stakeholder Group and the Non Commercial Stakeholder Group.

And that had a rather profound impact on me. I hadn't up to that point even considered sitting for the election for chair. It hadn't really crossed my mind. And yet as the week went on and more people spoke to me about this and expressed what I can only see was a great deal of confidence, which I'm not sure that I necessarily felt initially, as to my capability to sit in the chair's role.

I spoke at length to Jonathan Robinson, sought his counsel and appreciate very much the advice that he was able to give. So that's really what sparked this process. This is not something from internal within the CSG. I relayed this back to the CSG and said look, this is the idea that's been proposed. There's a fairly interesting broad base of support for it. I personally need to go away and think about it.

And I actually really didn't make any sort of decision or commitment to run until I had spoken with the university that employs me. One thing I suppose to know about me and it makes me a fairly unique IPC member as well, is that I don't have clients. I'm not a practicing lawyer. I do a small amount of consulting work. But the work that I do within ICANN is really purely and truly on my own time. My university, my employer, doesn't pay for my time.

And so this really isn't part of my job description. So I had to make it very, very clear with the university that they would support my doing this and give some thought as to the scope of the role, the time of the role and that sort of thing and follow up with the folks who had initially proposed the idea and explore the role further, its feasibility.

So having done that, and I was able to do this for the university. It seemed that I had to take this whole thing rather seriously. And I'm reflecting of my initial response was that I was honored. I was honored to be approached particularly

by the people that approached me. And that really is what motivated my (unintelligible) of the election.

I'm not a - I'm not a deeply political person. I'm very, very happy to be on this call. I understand there will be a call with contracted parties potentially in the next few hours. But I'm not, let's say, a person who's naturally given to campaigning or politicking or side deals or this sort of thing.

I approach this role understanding that the role of chair is a neutral one. And I suppose it's fair saying that the IPC had a fair amount of discussion as to whether they could afford, if you like, to lose my voice on Council. So I offer that to you in response or in, yeah, I suppose response is the best term, to any suggestion perhaps that the IPC considers the position and influence an influencable one that I might somehow be swayed to predetermine outcomes or influence outcomes.

In relation to that, if I can offer some, I suppose, comments as to my ICANN experience, and particularly going to influence, because I can imagine if I were to put myself in your shoes as members of the NCSG, that would be something that you would be quite interested in. I recognize that there is a historic tension, perhaps a word to describe it, between various constituencies within the CSG particularly perhaps the IPC and the NCSG, although I personally haven't had any negative experience up to now.

I participated in the non contracted party's house workshops that we've had in January over the last January 2013 and January 2015 and worked collaboratively with colleagues from the NCSG. So I personally haven't seen that tension.

But on the point of independence and independent judgment, I have worked in various cross community working groups and indeed GNSO working groups but particularly cross community working groups within the ICANN environment. In particular I've chaired the Cross Community Working Group on Country and Territory names. It's an area with which I'm very familiar. This is really the area of focus in my research, legal rights in geographic names.

I have a very firm view as to the legal position as respect countries, governments rights in geographic names. Be that as it may, I've attempted to lead the group as ably as I can putting that particular view aside as a co-chair and a GNSO co-chair in that environment.

I certainly haven't predetermined the preliminary conclusion that the group has come to in relation to two-letter codes. And while let's say I'm free to speak my mind in that group, in no way shape or form do I understand my role as co-chair as one of influence or somehow affecting the process or the outcome.

So I offer that as this really and truly is my life's work. I've written a thesis on the topic. And yet I maintain the utmost professionalism in that context and certainly haven't been trying to draw a particular outcome. So I'll offer that as a tangible example.

In closing what I'll say is I suppose I come to Council with a fairly interesting and different background particularly from the point of view of the IPC. I've said to the folks in the non contracted party's house and I mean no disrespect or otherwise to my colleagues in the IPC, but I'm not your typical IPC member.

I am an academic. I was a practicing lawyer. I've been an academic for 10 years. My work covers a broad range of areas particularly around international law. I'm familiar with human rights law. I'm familiar with intellectual property law. I'm familiar with unfair competition law and other things.

I also had the experience of having been in - having worked for a registry. During the new gTLD application process I participated in or drafted more than 140 applications for new gTLDs for a variety of strings including some very distinctly noncommercial strings and was very happy to support those just as I was happy to support brands and happy to support generics.

So I come with that background too and that really has tempered my participation or affected my participation in the IPC and the policy development environment in that I have an appreciation that I didn't have prior to that position of the technical operation of DNS. And I understand I suppose in a way that lots of lawyers don't or don't care to how policy, particularly around RPMs, can affect the - it can or cannot be deliverable based on the technology. So I suppose I try and come to things with a very realistic perspective.

With that in mind, why don't I turn the floor to you and answer any specific questions that you might have.

Rafik Dammak: Okay thanks, Heather for this introduction. And I think I would try to get more questions so I think that people can make in the Adobe Connect chat and that so okay I am just trying to think here about (unintelligible). And so you, I mean, you talk like for example about RPM now. I'm just wondering as the process is going to start soon, I mean, kind of the review of the RPM and so on so how you see, I mean, your role here in understanding that you expressed

some opinion and as the chair of the GNSO Council is supposed to be neutral here. So how do you see how this process should be conducted?

And we are getting more questions in the audio. So please go ahead.

Heather Forrest: I'll be happy to answer that question and then turn to the question in the chat. Look, I think there's two things that are raised by your question. I suppose in the sense that I understood your question about process, how do I see my role in the process but there's also the substance point of view.

I think we need to wait for the issue report to come out and be fully analyzed. I think we need to have a better understanding of where staff is seeing issues arising. I think we need to evaluate the issues report. I haven't been involved in teams within the IPC that are preparing for addressing the issue report raising further issues.

Look, I was not involved in the SCI, I was not involved in the teams that you might traditionally associate with the IPC in terms of the drafting of rights protection mechanisms. I believe we've had some breakdown between - if we speak to both substance and process - some breakdown in the policy development process in trying to understand this morass that is the difference between policy and implementation.

I believe the RPM requirements document was perhaps unnecessary and some of those things could have been dealt with in the policy development process. I think in terms of how I see my role as, you know, perhaps that is an issue, a better definement of policy and implementation in a sense that I think we need to be very, very clear.

We're at a point of change for the GNSO and for the ICANN community generally and I'm not referring here to the IANA transition, although that's part of it. We're at a point of change in terms of we have this GNSO review, I understand that (unintelligible) necessarily happy with the GNSO review undertaken by Westlake. We have this changing dynamic of folks wearing different hats sitting within different communities.

Indeed, when I first started participating in ICANN a former NCSG member, who's now no longer an NCSG member due to the fact that that person is ICANN staff, had a lengthy discussion with me and said, you know, the NCSG would be a good home for you and so would the IPC.

And we had this discussion. And I understood even then that the lines between constituencies and stakeholder groups were blurred. And now even more so with the introduction of new gTLDs.

So I think it's a critical task for Council to try and deal with that. Structure generally, structure specifically as regards voting in multiple constituencies and stakeholder groups and how we really - how we really come to an effective structure. I'm not sure that necessarily Westlake has done that.

My personal view on these things, I don't have - I don't have the silver bullet, I don't have - and I said this to the CSG as well, they asked several questions about GNSO structure. I don't have all the answers. And I'm hoping that you'll agree with me that that's not the role of the chair, to have all of the answers and certainly not to impose personal views to the extent that they are held.

But I do think this is something that Council needs to tackle and I think it's important that the chair acknowledge that - acknowledge that this is an issue

that needs to go on the GNSO agenda and something encourage the community to deal with it.

So I hope that that answers your question. And indeed perhaps says a bit more about my views on other things.

Rafik Dammak: Okay thanks, Heather. I don't want to monopolize here this space because I think when talking about RPMs to mention about the restructuring of the GNSO and so on, I'm a little bit confused here. But anyway so we can go with other questions and maybe we can come back to that topic later. We will go to question from Carlos. And I think Matthew want to ask directly. But let's go with Carlos first. He's asking, "Does the participation (unintelligible) in Latin American (unintelligible) rather what - rather I think low. What's your position about ICANN vision and strategy to promote the DNS business in this area?"

So and then we can ask if Matthew can speak. So, yeah, please go ahead with this.

Heather Forrest: Thank you, Carlos, for your question. I think this is a very unfortunate outcome of the new gTLD process. The, you know, in my research and carefully following the early stages of policy development and then of course the actual policy development process for drafting the new gTLD Applicant Guidebook and so on, that was really the intention, one of the many, but a very important intention of the new gTLD process and certainly one that's gone almost entirely unrealized.

And so I think one of the ways that we need to deal with this is through next round policy development processes. Not least of which we need to deal with applicant support, which was underutilized in the first round as we're calling

it. We need to have more effective strategies for how we diversify the global Internet because that certainly was not realized in the first round.

So I would like to see that raised in issue report in relation to new gTLD round planning. And I would encourage Council to see that that happens and work on strategies for how we do that.

I also think there's a role here to be played by the Registry and Registrar Stakeholder Groups role in the process of elections. And it would behoove us to have some better international representation within the Council and for that indeed to be reflected in outreach and other activities within the stakeholder groups to go out and seek new members.

It's something that we're trying very hard in the IPC which has traditionally been dominated primarily by North America of Europe. And I suppose I'm a - I've changed for the IPC and in having someone from Asia Pacific actively involved in the IPC and now I'm Council.

So I think those are two primary sources of inquiry. I think we need to also as the GNSO do what we can through our NomComm appointees to the board and other places to push geographic diversity. We need to encourage appointment of our GNSO reps as coming from some of these other regions. And that includes registries and registrars. But I consider that actually to be quite a valid criticism that comes out of the Westlake report, that we don't have enough attention on geographic diversity particularly on the regions that you identify, Carlos.

So I see that you're typing so I'll see if you have a follow up question. No, yeah, good. Very good. All right. Anyway good. Shall I pick up on Amr's question then?

Rafik Dammak: I think Matthew was raising his hand for a while so we will go with Matthew and then we come back to Amr question. Matthew, okay, you speak.

Matthew Shears: Thanks, Rafik. Matthew Shears for the Center for Democracy and Technology. We joined the NCUC in December as an organizational member.

Thanks, Heather. It's great. You've already kind of jumped right into the detail. But I guess just for my personal satisfaction of - I was hoping to take you back up a couple of levels and just understand what from your perspective are kind of your three top goals for your term? I mean, what would you like people to kind of - what would you like to look back on your term as having achieved? If you can just give us a sense of that that would be greatly appreciated. And sorry to take you out of the detail but it might be helpful to me. Thanks.

Heather Forrest: Thanks very much for the question, Matthew. And it's in fact probably a much harder question than the detail questions. Look, I think a sensible goal would be to have - to encourage a functioning Council. We have had time in my experience in ICANN where we have a dysfunctional Council. And I think that's largely caused by rifts between the various stakeholder groups and even constituencies within stakeholder groups and then across the houses.

I was a bit alarmed, I would like to raise this, it was suggested to me in advance of this call that there were members of the NCSG who would never ever vote for a chair from the IPC. And that really troubled me because I certainly don't view NCSG members that way. And that speaks to some risks that we have within the GNSO that are going to have to be dealt with.

That speaks to some tensions that quite frankly are making Council not nearly as productive as it should be. And I suppose my goal in carrying out this goal of trying to make Council more effective would be at the start just to have to prove to the nonbelievers that I honestly see this as an unfluencable, as a neutral position.

Yeah, this is not an idea cooked up by the IPC for me to sit in the chair. I don't know how else to assure you of that. And I suppose that goes to Amr's question as well.

Second goal is I think managing the very complex PDP processes that we have in front of us. I think, you know, we have various mechanisms in place to try and streamline some of the work that we're doing. We have a PDP on PDPs to deal with the actual PDP process and we are contemplating making it even more complicated much to everyone's dismay.

In that new environment and indeed in the new meeting structure environment I think a key task for the chair, for the next chair is going to be how does the GNSO find a way to be effective in this new meeting structure and with so many PDPs happening. I think that's going to require some creativity in how we do business.

We already do business in a very different way from for example the ccNSO, which perhaps meets monthly and moves at a much slower pace than we do. We are already moving at a quicker pace and we have a much higher workload to deal with so I think that's going to require some creative strategies there by the new chair.

And thirdly, one of the initiatives that's underway in and I'm not convinced really that we've even touched the iceberg is how to make the relationship between the GAC and the GNSO more functional.

I've experienced this firsthand and I have to say at times I'm so frustrated I could put my head through a glass window. We're told on the one hand that the GAC is participating and yet I have evidence in cross community working groups that the GAC is not collaborating and participating as they claim.

And some of these initiatives that we have afoot in the GNSO (unintelligible) mechanism, I think on the surface the way that the GNSO envisions them they could be helpful but the way they could be used could actually be quite destructive. So I think managing that process is going to be a significant challenge.

In other contexts I started to form a relationship with Thomas Rickert - or excuse me, Thomas Schneider, the chair of the GAC. I've worked with the co-chairs of the GAC in other contexts. And I think trying to strengthen those relationships rather than seeing ourselves as warring factions is going to be very important.

And I don't, again I don't have all the answers. And I don't think, again it's appropriate that the chair have all the answers for how that happens. The chair is not supposed to be calling the shots. The chair is supposed to be identifying problems but, in my view, and facilitating councils addressing of those issues. So I would certainly put back on the agenda early on and say let's not just talk about this, let's not make this window dressing. Let's actually try and deal with it. So those would be the big three, Matthew.

And I frighten myself in naming those three things because they're mammoth tasks but I think they need to be done.

Rafik Dammak: Okay thanks, Heather. I think we will go with Amr question. I just want to clarify, I mean, we here are trying to give you a chance and to see if we can nominate you so, I mean, it's a little bit - I'm not sure what you heard about NCSG but we are not that - we are welcoming group. So no worry here, no worries.

Heather Forrest: Thank you very much.

Rafik Dammak: So we go to - I mean, a question from Amr. And so the first one is about that IPC normally directs its councilor voting so how would the nomination received between you as I think IPC councilor be altered to accommodate your role as the Council chair? What difference do you see between the two roles?

Heather Forrest: Thank you, Amr. In short the roles are fundamentally different. And that's - I hope that was reflected in my comment about the IPC's discussion about losing my voice. I would no longer be directed by the IPC and I would be in the chair's role as a facilitator of other's discussion. There would of course be another IPC representative subject to our elections that are taking place on Council. But that one person would hold the voting instructions and I would not.

Rafik Dammak: Okay thanks, Heather. I'm not sure how it will work in term of process as if someone maybe kind of proxy vote (unintelligible) you can check later on this. The next question, so with a number of negativity about to start where the NCSG and IPC normally have...

((Crosstalk))

Amr Elsadr: Rafik, this is Amr.

Rafik Dammak: Yes, yes Amr.

Amr Elsadr: Yeah.

Rafik Dammak: Yeah.

Amr Elsadr: I'm sorry, would you and Heather mind if I have - if I just have a quick follow up to the last answer that Heather provided?

Rafik Dammak: Yes, be brief please.

Amr Elsadr: All right, thank you. And thanks, Heather, for being on the call with us and taking the time to answer our questions. Just a follow up on your last answer. Because the GNSO Council chair also votes when the Council has motion. So what you're saying is that you would vote - you would choose independently how to vote on different motions and you would no longer be bound to how the IPC votes. And I'm sort of just trying to separate that from the role of the Council chair as a facilitator of the conversations. Thank you.

Heather Forrest: Amr, it's true that the chair has a vote but the vote isn't super-weighted so my vote as chair wouldn't make any difference to my vote sitting in my Council seat. I'm not leaving my Council seat. I have my seat for another year. So in that sense there's no difference. I do understand, however, the role of chair given that neutrality requirement, written or unwritten, would be to understand the force and effect of discussions and really to try and represent Council as best is possible.

And that requires a great deal of following the discussion and trying to figure out where Council as a whole is on things. So as for me having a vote that's no different than it is today. The tenor of the vote might change slightly however because of the role. Does that help?

Amr Elsadr: Yes it does great. Thank you very much, Heather.

Heather Forrest: Yeah, happy to do that.

Rafik Dammak: Thanks. So let's come back to the question then. So maybe I don't need to read it but so, Heather, what do you think about this so how you can respond about the question from Amr about the coming PDP and how you would allay NCSG concern about an IPC councilor chairing the Council while this important work is going on so.

Heather Forrest: I think really - let's say I would hope that that's a direct follow on from the question of Amr's that I've just answered. You know, much of the work that happens in PDPs, is happening in working groups so really the policy development process is driven on the ground by those at the (unintelligible).

I've expressed my role in a cross constituency working group and how I've approached that. And I certainly haven't, through my personal conclusions on the subject or indeed through instructions from the IPC, made any attempt to influence that process. I'll be happy if he wishes to - Carlos serves with me as a co-chair on that cross community working group and I offer him to you in this group or otherwise without me present to speak openly about my role there. He's familiar with my personal conclusions as well as IPC views. So I don't see it any different than the participation that I have in that space.

Rafik Dammak: Okay thanks, Heather. I'm not sure if Amr wants to follow up here but (unintelligible) we can move to the next question. I see also that - okay. So the next question is - I think is your role with regard to GNSO interaction with ICANN Board and the GAC.

Heather Forrest: Look, as I said to Matthew, I think that's one of the very significant challenges that we face as a GNSO is trying to understand our place in this changing ICANN and our place meaning the GNSO. And I'm trying to understand our place relative to the board and relative to the - to the GAC.

I am concerned. I've followed the course of discussions in the CCWG in relation to structure and the GNSO will need to be nimble and will need to work as a team, frankly. So my comments earlier, I am concerned about this as a Council member whether or not I'm elected to chair.

The ability of the GNSO to work as best we can as a unified group - there were very few examples of doing so in the history of the GNSO or indeed the DNSO. We're going to need to learn to do that very quickly to be able to respond to the single member model, to be able to respond to the structural changes that are ahead of us.

So I think that speaks both to interaction with the board and interaction with the GAC. I'm concerned by the board's intervention in the single member model and comments that were made some weeks ago and perhaps overreach and this sort of thing. I think we have to preserve the bottom up process. But the reality is that we're going to be most effective in our bottom up process if the GNSO can be a bit more - I won't say cohesive or unified because we're not, I mean, we're a disparate group of interests.

But I do think we're going to have to be a bit more collaborative in our work style rather than closed doors discussions happening in stakeholder groups and constituencies if we're going to get things done. So I see that as the biggest challenge and the role of the chair is to try and facilitate that dialogue, is to try and break down those barriers.

I think having a chair from the non contracted party's house will be significantly - sufficiently significantly different to perhaps (unintelligible) in relation to the GNSO. The GNSO has for a very long time had a contracted party as chair. I've found it very very interesting that someone in the Registry Stakeholder Group spoke out quite publicly at the end of our meeting in Buenos Aires and said the time has come for that to end.

And for the GNSO to be represented publicly by more than just a contracted party. And so therein lies an opportunity, a challenge and an opportunity, try and facilitate the dialogue and participate as - within our mandate, within the bylaws, and reflect or respond as nimbly as we can to the changes that are coming.

Rafik Dammak: Okay thanks, Heather. I think you tried to respond to two questions at the same time. So we can I think move to the question from Avri. And here she's asking if you think that the staff has done justice to GNSO recommendation in creating implementation of GNSO policy. I can assume she's talking about all, I different policy that were made by the GNSO.

Heather Forrest: Thanks, Avri. That's - I think that's an excellent question. I (unintelligible) indeed but this one's near and dear to my heart. I think there's a fair bit more work to be done here. I do think that staff is making some progress. What we see in the discussions that staff are having now with councilors around issues reports currently under development. I think we have some excellent staff

members, some very diligent and intelligent staff members that are supporting the work that's happening in the GNSO.

And I think that's very helpful. I think we have a more collaborative environment with our particular GNSO staff than we've had in the past. So I'm hoping that what we've seen maybe in the last five years or so in - or more recently I suppose in implementing new gTLD policy that there's a change of attitude.

There was certainly a backlash in response to implementation in relation to a number of new gTLD issues. And I'm hoping that the winds have changed. I have a fairly open and very friendly working relationship with members of staff. And I haven't hesitated ever to email or call and ask questions and say what does this mean and what are you doing and why.

I'm - I suppose I'm concerned that it's not so much the staff that we deal with directly, it might be folks above them who are driving implementation decisions that perhaps we don't have as much oversight of. And I think that's a problem.

We're in a period now of development rather than implementation so it's an interesting time in a sense that well we have some PDPs come out of the pipeline here soon, at the moment we're not facing implementation so now is the time, not in a very significant way anyway, that we have in the past.

So now is the time to try and make that very very clear perhaps through an official communication from Council that while we're managing this relationship with the GAC better in terms of policy development, or we're trying, we're developing mechanisms to try to improve that collaboration process the same could be said of our relationship with ICANN staff, that

there could be initiatives - formal initiatives taken to try and better understand or better communicate with - between staff and the GNSO during the policy development process.

And Avri, I see that you're typing so I'll wait for you to type. All right, great question about how do we deal with the situation of the GNSO (unintelligible) implementation doesn't flow.

I have a feeling, A, we're going to know it when we see it and, B, I don't think the (PNI) recommendations - look they kind of insinuate that that's a possibility but they haven't - they haven't given us guidance as to what we necessarily do. And I think we're going to have to wing it at the time.

That's perhaps a bit unfortunate but it's a bit - it's the challenged that's faced by all legislation drafters all over the world is to the extent that you legislate to every specific potential situation you're going to box yourself into a - A, spend too much time legislating and, B, box yourself into a corner.

I think the - I think the recommendations are helpful but I do think in some - in some respect it's going to depend on the circumstances as to how we respond. And that actually I do think it's important if we can do before we get into a position where we're dealing with a great deal of implementation is to try and come up with some better communication channels whether it's through initiatives of the SCI or otherwise to how we interact with staff.

I'm afraid, again, on that one I don't have the silver bullet. I recognize it's an issue. And I think we as Council are going to have to deal with it. Yeah, it's a good question. It's a very good question.

Rafik Dammak: Thanks. Thanks, Heather. So we see - if we have other questions here so okay in meantime so, Heather, I mean, you mentioned about the Westlake report and because I'm not sure why because it was not really a topic in relation with the different question that were asked before. But so I'm just asking if you had a chance to read it and what are you thinking about in term maybe of substance and process feature.

Heather Forrest: Thanks very much. I'll just explain why I mentioned the Westlake report and in what context. So Carlos had asked about participation of registrars and registries from emerging economies and geographic diversity is one of the key issues that's picked up on in the Westlake report. So that was why I mentioned the Westlake report simply to acknowledge that it has been recognized by an outside consultant that the GNSO has work to do in this area.

I agree with that conclusion that Westlake has reached. I have concerns about - yes, I have read the Westlake report. Yes I have concerns about the Westlake report in that I've spoken to a number of members of the GNSO community from across the stakeholder groups who raise concerns to say that they're not sure that their voices were heard, at least their voices aren't reflected in the Westlake report. And that to me is rather problematic.

There are also a number of concerns raised by various councilors and members of the constituencies and stakeholder groups within the GNSO to the extent that the Westlake report didn't cover the scope that GNSO members wanted it to cover. We had no opportunity to contribute to the terms of reference of the Westlake review. So I see that as problematic.

I did participate in comments made by the IPC in relation to the Westlake review. You're more than welcome to look at those comments. Of course

they're public. And my concern there was largely going to scope and process more than substance.

I've already said I do agree with the conclusions. Personally I agree with the conclusions about geographic diversity and indeed gender diversity are our challenges that the GNSO needs to face and we need to do that in a way that's not simply - that's not simply talking about it. I know the IPC has for a very long time talked about diversity but done nothing.

I'll give one very concrete example and an area where I've tried to implement some change. The IPC meets at times, its phone conferences are at times that are very convenient for New York and London. You can imagine how that - what that communicates to folks like me all the way at the edge of the time zones.

It is not uncommon that I sit in meetings at two, three or four o'clock in the morning. And so I have passed a resolution or put forward a resolution in the IPC for geographical rotation of meetings. I think that's an important first step not simply because I'm (elated) having to be up at two o'clock in the morning. But I think that's an important step. It's part of action. It's part of doing something as opposed to just talking about geographic diversity.

So those are my initial views, if you like, on the Westlake report.

Rafik Dammak: Thanks, Heather. That's enlightening, I mean. With regard to geographic diversity, that's something really important for NCSG and that's enshrined in our charter to ensure the diversity, not just about geographical but also gender diversity.

And as a former GNSO councilor a few years ago I (resolve) that we spend a long time really to work on different proposal and recommendations and that was kind of rejected at the end at the GNSO Council. It was really kind of depressing, however, I hope that we can spend more time and to try to fix that. And I sympathize about the conference call time. I have the same issues. But at least at the NCSG we are a little bit more friendly on that matter. And it's usually before midnight.

Okay so we go...

((Crosstalk))

Heather Forrest: Perhaps I'll join the NCSG.

Rafik Dammak: Well maybe. So we - I saw that Marilia wanted to ask a question and I see two questions from Amr and Tapani. So let's go with the question I think Amr so he's saying that since the Westlake report has been brought up what are your views on the Recommendation 23?

Heather Forrest: Amr...

((Crosstalk))

Rafik Dammak: ...yeah, yeah.

((Crosstalk))

Rafik Dammak: You can go ahead with this one, yeah.

Heather Forrest: Sorry, I was just going to say Amr's (unintelligible) with Recommendation 23. I've memorized a number of statutes and articles of international treaties but I'm afraid I haven't memorized which recommendation is which in the Westlake report. Amr, can you help me? Remind me what Recommendation 23 is.

Amr Elsadr: Yeah. Sorry, Heather, I apologize for that. This was a new recommendation that just popped up in the final report, wasn't in the preliminary report so you might have actually missed it. But J. Scott did weigh in on the working party yesterday and I was curious about your views. This is a new recommendation that is basically saying that Council seats should be wired to constituencies and not to stakeholder groups. And that Council seats should be distributed equally among constituencies as opposed to stakeholder groups of the GNSO. Thanks.

Heather Forrest: Council seats should be - come again, Council seats should be evenly divided amongst the stakeholder groups and constituencies.

Amr Elsadr: Amongst the constituencies, not the stakeholder groups.

Heather Forrest: Amongst the constituencies, not the stakeholder groups.

((Crosstalk))

Heather Forrest: Yeah, look, I think that suggests to me - that suggests to me that Westlake has listened to some of the feedback that's come out from the comments received on the initial report, which is as it should be, frankly. You would hope that that is what happens in the process from initial report to final report.

It's certainly case the CSG has concerns that this new house structure doesn't really adequately reflect, you know, lumping people together as the CSG when there's disparate interests there, doesn't really reflect the reality of situations. And I've heard the same said about the NCSG that it's really - of all the groups within the GNSO probably the most diverse in the views and positions and backgrounds and experience and culture and otherwise of its members and that perhaps that isn't then reflected, it's hard to come to - it's hard to come to a unified view as to what the NCSG is.

And I'd have to say I wasn't actually aware. I find it interesting here in the discussion tonight. I wasn't aware that the NCSG did not instruct its members, its Council members. And I find that interesting in a sense because what that says to me is that the NCSG puts its faith in its Council members and let's say, backs their views or their experience or their insights rather than trying to come to a collective view.

And perhaps that's - I don't know, you know, maybe that's the case that it's difficult for you folks to come to a collective view. So with that in mind I - on the face of it, Amr, I confess to you, I haven't given it a great deal of thought. I'm very happy to answer the question tonight. But on the face of it it seems to me that that certainly picks up on the comments that I have heard articulated as problems with current structure.

So to the extent that that is the case, you know, my view let's say, you know, assume I was sitting in the chair, my personal view is fairly relevant here. I would be concerned with process. I would be concerned with saying has Westlake listened to the community and made good on some of the comments that were received. And to the extent that they have I think that's a very positive development.

Rafik Dammak: Okay thanks, Heather. So we will go do (unintelligible) set of questions moving a little bit from the Westlake report. So the next is from Tapani and he's asking what do you see as the basic challenges facing the GNSO and the Council as the (unintelligible) of the proposal CCWG change.

Heather Forrest: Oh figuring out - figuring out how the CCWG recommendations could change the mandate of the GNSO under the bylaws, I think that's our biggest challenge. We've had a particular mandate under the bylaws for a very long time. To the extent that our role changes due to the changes in structure, due to the changes in how ICANN gets things done, I think that's going to be our biggest challenge because we'd be operating in a space in which we haven't operated before. I think we'll know it when we see it.

And again, I have no silver bullet, I have no immediate answer, I have no ah-has magic solution. If I had it I certainly would have communicated it to someone in the CCWG. But, yeah, trying to figure out, you know, we already had discussion around is the GNSO - and the CSG asked me a number of questions about this, how do I understand, you know, our mandate within our being the GNSO and the Council.

How do I understand our mandate in the bylaws and do I think it's changing? And I do think it's changed, some of it by actions that Council has taken, although in particular actions that Council hasn't taken on particular things. And some of that goes to the question that Avri raised about implementation.

So in some senses we've let changes happen and in other instances what we've done has maybe provoked a new interpretation of our mandate under the bylaws. That said, if things fundamentally change I think the GNSO is in new territory and that will present a very significant opportunity I think in

relation to how the GNSO engaged with the board and the GAC in particular, with ALAC certainly, with RSAC and SSAC.

And we are going to need to work as a team to figure out how we do that. And to the extent that we expose the family laundry and do nothing but bicker as a Council, wow, that's going to be unhelpful, I mean, super unhelpful. So I see that as a responsibilities on all of us who are on Council now. Forget the chair, you know, whether I sit there or someone else, I think we all need to man up and not bicker over this and work together as a group to try and figure out way here.

Because if we come across to the public as a group that can't get its act together then we are going to be sidelined as the GNSO.

Rafik Dammak: Thanks, Heather. We have - I see Marilia in the queue and there is still some questions from Avri. She's saying, how do you see the end game playing out on the CCWG work? And then we can go after that to Marilia. Yeah, so.

Heather Forrest: Avri, the honest answer is I have no idea. I really - I have no idea. I could make some wild predictions here. I was not anticipating at all the board's intervention a few weeks ago. I don't think any of us saw that coming. If you did buy a lottery ticket. I have no idea how this is going to go.

I'm not close enough to the US political process to understand - I do recognize that there's involvement there. And I think that is, if you like, the factor X that none of us can really gauge accurately. You've got an election year in the United States. That has an implication on what we're doing.

I certainly read the international press on what's happening. I think there's too many other factors involved to make an - I would hate to make an educated

guess now and make it publicly because I - A, I don't think it would be educated and, B, the chances of it materializing would be pretty slim. So I'm going to, yeah, I'm going to leave that one at that.

So in the Council, sorry, Avri. I understand, how do I see the end game playing out on the CCWG work in the Council. My God, I thought you were asking me how do I see the whole thing.

How do I see it playing out in the Council? Look, I think - I think for a while Council is going to trot on and try and do what it does and not say ignore what's happening but really the way that we've actually managed to get work done over the last 12 months is to try and compartmentalize the IANA transition work and get about with our core business through the PDP work that's happening, through the development of issue reports. We've delayed a few issue reports over the last few months.

But nevertheless, work is happening. It's slow. We haven't terribly many motions over the course of 2015 in Council but we have just tried to get on with our work. And I think that's going to be what we're going and try and do. If I made a prediction I think that's probably what Council is going to try and do as a whole en masse for the first six months of next year.

And we'll continue to do what we do. Of course this - the end game isn't (ammated) - isn't nearly as (ammated) as we thought it might be when this all first kicked off. I think we will try as best as we can just to get on with our work and not be swamped by the transition. And I think really the immediate question for question is going to be how do we deal with the new meeting structure? I think we're going to have find our feet in that and just maybe when we start to adjust to that we'll start to turn our mind to how do we deal with the CCWG.

I think the reality is when we have final recommendation - when we have final reports and recommendations and start to come to grips with them and they start to be passed to governments then we're going to have to start to think very seriously about this. I don't get the impression that - I think at this stage most of that work for many has been theoretical and there hasn't been that effort to put the mind to, you know, beyond the concept, beyond the theoretical how are we actually going to live in this environment.

And so I think that's the - I think that's the challenge ahead. And for the time being I don't know that we're going to respond to it immediately. And I don't that there's necessarily, I mean, there's a need to prepare but at the moment we don't know what we're preparing for.

Rafik Dammak: Okay thanks. Thanks, Heather. So, Marilia, can you please go ahead?

Marilia Maciel: Thank you, Rafik. This is Marilia speaking. Actually I'm happy that you left me for the end because my colleague's questions were very much focused on the GNSO and the work that is being carried out and my question is mostly out of curiosity and maybe a more personal one.

First of all, thank you, Heather, for (unintelligible). And you mentioned that differently to what happens to other GNSO members your job description currently does not encompass your participation in the Council. And being an academic too, I know that being chair of the GNSO would sacrifice your university time at least for a year. So I was wondering what reason inspired you to be chair of the GNSO at this moment? And what difference you think you can make being the chair. I mean, we all talked about how important it is to be neutral and all but I wanted to ask maybe the other side of the coin,

what, Heather, as the person as a chair can contribute being chair of the GNSO. Thanks.

Heather Forrest: Marilia, thank you. Thanks very much for your question. And it's nice to have the perspective of fellow academics from the NCSG. I think it's a very significant time for the GNSO to the extent that we can have someone who doesn't come from one of the major industry players sitting in the role as chair. I think that does a lot for our idea of how the world sees us as a multistakeholder model.

I think there is perhaps a scratching of heads and an understanding that held by some within the GNSO and without that the GNSO is the Registries and the Registrars. And I think having an academic in - on Council is a big step for the IPC, a very big step.

I think having an academic in the role of chair is equally a big step for the GNSO. It sends a very clear signal to not just, you know, the GNSO but to the ICANN community at large and indeed the world at large because as Fadi likes to say, the world is watching us.

What contribution do I think I can make? I think any of us who are in that kind of a position in an academic role or similar, nonprofit or something like that, I think there's a very significant contribution to be made just in that in contributing to the public's understanding of the GNSO as an inclusive space for folks other than contracted parties.

I think that's perhaps the single biggest thing that I can bring to the role. And it's just a consequence of who I am and the role that I hold in my professional - in my professional career.

It will certainly be a challenge to balance the understanding - limited understanding that my university has of ICANN. I've tried to explain and I don't get very far other than it has to do with the Internet. It will be a challenge to bring my university on board with what I'm doing. I think they understand that this has to do with, you know, the things that I publish and the things that I'm involved in. But that's about the extent of what they - of what they understand.

I've had an interesting challenge in just communicating to my IPC colleagues. It has been said more than once, and I wonder if this would raise a collective groan within the NCSG, Heather can do it because Heather has time. There is somehow this understanding that the fact that I'm not on billable hours and working for a law firm somehow means that I sit around sipping martinis all day or the proverbial, you know, wearing the jacket with the patches and smoking a pipe.

I don't know about you folks, I mean, I think I'm speaking to friends in the NCSG when I say I work just as hard and for almost no money. So, I've already had to deal with that perception of what an academic does. On the one hand it's a very positive perception when we talk about inclusiveness and the ICANN community as a bottom up model. On the other hand thank you, Amr, I appreciate your - I just looked over my shoulder and it would be lovely. It would be lovely.

You know, it can be a very positive thing but emits the misunderstanding, if you like, if what an academic. And on the other hand it can be a very positive thing. The proper understanding of an academic as someone who, you know, doesn't come with a particular client dial to push, let's say.

And I think that - I think that - frankly I think it would be very positive for the NCSG too. I have, you know, nothing but respect for our house and what we do. I think it's high time that we - I think it's high time that somebody from our house lead Council.

Did I know it was going to be me? Absolutely no, Marilia. I don't know if you were on the call initially when I said, this is not an idea of my making. I was actually approached by some folks within the NCSG and within the Registry Stakeholder Group who warmed to this idea of, you know, it is time for a change. And I suppose there are folks within the contracted party's house that say - that have decided that I'm not a firebrand, I'm not your traditional card-carrying IPC member. I have heard it said, if we're going to have a chair from the IPC I'm probably a good bet.

And I would have to agree with that for the same reason that I've been put on Council. I'm not here to grind a particular client's axe or push a particular client point. I'm here to do, you know, to participate in the process and do so as open mindedly as I can. And I would approach the Council role the very same way. So I appreciate having another academic on the - in the discussion.

Rafik Dammak: Okay. Thanks, Heather. You can trust us, we are doing all this in our free time and probably while not making, I mean, we have to work to live and we are not making living from ICANN stuff. So okay so I don't see any further question and we are already like more than I think around 70 minutes on this call.

So since I think there isn't any question I want to give you, I mean, the last word here. Maybe if you want to add few things basically why we should nominate you first here and why you think that we, as NCSG, we should support you so.

Heather Forrest: Thank you very much. And again, I suppose given most of my work but I'm not a politician. I'm not a campaigner so I don't necessarily relish the opportunity - nor am I a litigator - I don't necessarily relish the opportunity for a closing argument, if you like, or a, you know, a massive plea for why you should - why you should vote for me.

I was very happy to do this call and I'd be happy to speak with the contracted parties if that's what they want to do. This is an opportunity to say, you know, this is me and this is who I am and this is how I would approach the position. I don't, I suppose, you know, everyone will make up their own mind and I think that that's a great thing. I think that's the multistakeholder model. That's what we're supposed to do.

So I don't see it really as appropriate that I beg and plead and I make promises that I can't fulfill and this sort of thing. And I suppose, you know, just in closing what I would say is I do agree with the folks who initially approached me. And it's one of the things that has encouraged me that it's good time, it's a good time as we're going through all this transition for somebody other than a contracted party to be chair of the GNSO.

I think, you know, this is an opportunity. We ought to seize it. If you folks in the NCSG have someone to put forward as chair, by all means, you know, it's late in the game and we should have all gotten our ducks in a row weeks ago, months ago on this and we should have been more strategic as a house about this. I don't know why we're not, I don't understand that. And I'm really gratified to know that, you know, to hear the comments that the NCSG is a welcoming place and you hadn't come into this with any predetermined view. I think that's wonderful.

It's a great time for us to try and, as a house, as non contracted parties, to play a bigger role than we have. So, you know, do I consider myself to come from a non contracted party's house? Heck yes. You know, do I think that I can be an ambassador for the house? Absolutely. If I didn't - if I didn't think that I could be that fairly and appropriately then I would not have bothered to put my hand up and say I was willing to go through this process.

It's not an easy process. As I say, I'm not a political person. Putting yourself out there in front of your colleagues like this isn't my natural inclination. But I'm happy to do it if the community wants me to do it. I approached this the same way that I approached my Council seat. I said to the IPC, you know, I hadn't really envisioned sitting on Council. If this is something that the IPC wants me to do I'm happy to do it. And I approach this Council chair role the exact same way.

So I'm - I appreciate your time tonight. I appreciate you asking the very thoughtful questions you have. You've asked some very difficult questions. I've done my best to answer them. I, in some cases, you know, haven't given concrete answers because I don't know - I don't know that there are any. I haven't, you know, I didn't have the questions in advance and I didn't cook up answers and this sort of thing.

This is - what you see tonight is what you would get. Yeah, I'll do my very best. I'm not perfect. But that is what it is. Yeah, and I'm happy to the extent that you are interested in nominating me. This kind of a dialogue I would hope that that continues and that we laid a foundation for something going forward. Even if you decide not to nominate me, the foundations are laid. And while I'm sitting on Council I'll do what I can to try and break down these barriers between the CSG and the NCSG.

Rafik Dammak: Thanks, Heather. Appreciate it here. Okay so thanks again for attending the call and thanks for those who joined today. It was challenging but we made it. So we have to continue the discussion and to see how about this process. So thanks again. And let's adjourn the call for today. See you soon.

Heather Forrest: Thanks everyone. All the best.

Maryam Bakoshi: Thank you very much.

Avri Doria: Thanks. Good-bye.

Maryam Bakoshi: (Claire), you may now stop the recording. Thank you.

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