
CHERYL LANGDON-ORR: Not quite half-past the hour, but just a warning for those of you who are joining us, some of our more stoic of our viewing public. I just wanted to let you know that we're planning on starting in just a few seconds' time. So the recording's a go and as we click to the half of the hour, we'll get our meeting underway.

And that would be now. As you can see, we've all refueled and we feel much better having had a nice little break and a little bit of lunch. And in my case, some delightful, absolutely delicious, and very, very sharp lemon sorbet. It was just to my fancy. I rather like the non-sweet and very, very sharp, so I'm feeling quite refreshed. Beware.

So, ladies and gentlemen, we draw your attention to Page 60 of the document in front of you. We're going to go into the thrill-packed and exciting world of public input. But first of all, Sebastien, go ahead, please.

SEBASTIEN BACHOLLET: I know we have to rush. I know we have to rush. I know we have to rush. A few people are missing in the room, and I would like to come back to the discussion we had this morning. Therefore, I would ask your permission for that.

CHERYL LANGDON-ORR: Well, if you want to come back to the conversation we had this morning, we'll go through this next section and we'll come back to that

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section after this then. Is that a problem, or is this something that needs to go before this planned piece, Sebastien?

SEBASTIEN BACHOLLET: You plan whatever you want to, Madame Co-Chair, but I think when we are started a discussion, we can ask the people if they have something to add to the discussion after one and a half hour break and we can have still the discussion. But if you want to put something in between, let's put something in between. I don't care.

CHERYL LANGDON-ORR: Okay, well, we'll come back to it then. Thank you. Right, so drawing your attention to Page 60 as the document in front, noting that we'll be returning to the work that we completed before our luncheon break.

SEBASTIEN BACHOLLET: [inaudible]

CHERYL LANGDON-ORR: Sebastien, perhaps you'd like to put that to the microphone so everyone can hear? Or not, okay. There's been a request to come back for some information or exchange on the section of work that we went through before we had our luncheon break, and we will come back to that when we go through this smaller section of work that's planned for now. Are you happy with that, [Pat]?

[PATRICK KANE]:

Sure.

CHERYL LANGDON-ORR:

Okay. All right, in that case, as people are gathering, Bernie, if you would like to give us the introduction on Page 60, public input issue Number 3, thank you.

BERNARD TURCOTTE:

Thank you. Public input. All right, we went through this, the ATRT2 recommendations, yesterday and we'll follow the same protocol as we did before. Let's go to the conclusion on this one after we look at what it's about. "The board should explore mechanisms to improve Public Comments through adjusted time allotments, forward planning regarding the number of consultations given anticipated growth and participation and new tools to facilitate participation." Then we can go to the conclusion, please. It's green. We don't have any recommendations out of this.

So we can look at the next one, 7.2. "The Board should establish a process under the Public Comment Process where those who commented or replied during the Public Comment and/or Reply Comment period(s) can request changes to the synthesis reports in cases where they believe the staff incorrectly summarized their comment(s)." Similar. Conclusion is green. We have no recommendations to make there.

[inaudible] Recommendation 8. "To support public participation, the Board should review the capacity of the language services department

versus the community need for the service using Key Performance Indicators (KPIs) and make relevant adjustments such as improving translation quality and timeliness and interpretation quality. ICANN should implement continuous improvement of translation and interpretation services including benchmarking of procedures used by international organizations such as the United Nations.”

What do we have for a conclusion on that? Okay, right. Some significant improvements have been implemented to benefit the community, but the establishment of effective measurements seems to be an ongoing issue. ATRT3 will consider making suggestions with respect to the assessment of this recommendation.

So I think where we are, that would now go blue and it would be one of those that we make a suggestion to. Any disagreement there? No. Jennifer, if you will, blue this, please.

All right, now we're into the survey. Please rate how effective the current system of public comment consultation is for gathering community input. The responses are split over two pages. We have about 52% of individuals thinking it's okay, and we have about 48% - so almost a perfect split. And we have 75% of structures thinking it's okay and 25% not. Go down a bit to the next companion question, please.

Do you believe the concept of public comment as currently implemented should be reexamined? We have 88% of individuals versus 12% that say no and a split on structures.

So what we're getting here as interpretation is the structures are okay with the way this works, but clearly individuals have some issues. I think

it's not a question of a major overhaul but rather looking at what we can do to fix this. But we've got some more questions that go to this, so let's go to the next question, please.

Have you or a group you directly contributed to responded to a public consultation in the last year? Just numbers, so let's go to the next one, please. Next question, just to get a feeling. Keep going. Next question completely.

All right, would your structure respond more often to public comments if the consultation included short and precise questions regarding the subject matter in Survey Monkey or similar format? So from the individuals, we have 82% that strongly agree or agree and 28% versus structures. Interesting that structures have 43% no opinion and 21% that disagree. Maarten?

MAARTEN BOTTERMAN: Purely from a survey technical perspective, I think the previous question was very helpful because it shows that individuals are those that tend to respond anyway, which is [mostly the average] user. So in that way, I would also look more at the structure responses here. I think what you discussed already so far and your analysis would support [that]. It's [inaudible] an urgency to do something here, and it might be in defining more clearly what it is. And let's look at [inaudible]. But purely from the survey technical perspective, the previous response helps to calibrate.

BERNARD TURCOTTE: Yes, exactly. Do we have a next question? I believe so.

Should the responses made to public comments by individuals and external organization groups be considered equally? We have individuals at 68% yes and structures at 33% yes versus 26% disagree for individuals and 59% for structures. Obviously, a slight conflict of interest there in responding, but it was interesting to try and get a feel for how those that responded feel about this. Next question, please.

Should responses made to public comments by SOs and ACs have more weight than other comments? Amazingly enough, 70% versus 23%, and then we have 47% versus 42%. So it's sort of neutral on the users. It's interesting.

I don't think these questions affect the public comments directly, but they certainly provide us some food for thought on what I think many of us do automatically when we analyze these things. So it may be interesting to qualify our analysis when we look at these things [without] saying that we take more views of one versus another in some ways because I think that's the message I take from that.

JAAP AKKERHUIS:

Well, of course, very much depending how you measure the weight [inaudible] or milligrams or whatever. I mean, what do we mean with the difference in weight and could also be volume and whatever which we have seen as well. So [the] question is in itself already food for thought.

BERNARD TURCOTTE: Yeah, as I said, I don't think the responses to these questions would affect the direct results of public comments, but it may be just how we organize the input when looking at it. Vanda?

VANDA SCARTEZINI: Just to comment that we should pay attention when some [structure] gives some comment because that was the point they consider more important [than] that, whatever is the proportion [inaudible]. So some points [inaudible]. Thank you.

BERNARD TURCOTTE: Good point. Thank you, Vanda. Next questions, please.

Should responses made to public comments by the board have more weight than others? Really, we didn't get any strong indication either way on that one. So again, just an informational, if you will, given the type of results. Next question, please.

How useful are staff reports on public comments? Very strong support at 93% from the structures and fairly strong from individuals. So I think we're doing nice. Though sometimes some of these questions [inaudible] do nice confirmations of things as they are, and we should be happy with those. Next question, please.

Do you agree that staff reports on public comments clearly indicate if suggestions made by commenters were accepted and how they were accepted? So we've got 46% versus 41%, and we have 33% versus 57%. [No] strong indications. Some of the comments were interesting in this

in that the point was a summary of public comment consultation is a summary and that it's not expected that they provide the fact.

However, what was interesting was that some people did say that those who originated the survey should produce that information, and that is not always done. So I think that's an interesting comment in itself in that sometimes people run public comments, we produce good summaries of those public comments, but then people don't know what the end result is sometimes.

So maybe that is an adjustment that we can think about a suggestion that if you're going to run a public comment, it would be reasonable to close the feedback loop. And that's not staff's job to do but rather the originator of the public comment. Maarten?

MAARTEN BOTTERMAN: Just to remark that going over the comments, there were some very useful ones for reflection, etc. So whatever we do as ATRT, let's make sure that also the receiver has access to those comments for learning [inaudible] beyond that. Because if you're really involved in the work, it may even say more than it says to us as ATRT observers in a way. So just recommending to [cherish] the value of the individual comments as well. Some of them may be more valuable than [inaudible].

BERNARD TURCOTTE: [Thank you. Jaap?]

JAAP AKKERHUIS: I have seen [actually] people adapting a final report referring to what they have found in the public comment. I mean, it does happen but not a lot. Sometimes [inaudible] you don't see them back in the feedback loop. But I [know that the] SSAC has explicitly mentioned some of the [inaudible] they made because of the public comments.

BERNARD TURCOTTE: Thanks for that, Jaap. I think the point is, as we were discussing, it's just nice to close the loop. I don't think we're going to make a recommendation [under] this, but I think there could be a suggestion there that it would be a good practice that if you're going to run a public comment on something that makes an impact, if people are going to take the time to respond, that....

UNIDENTIFIED MALE: [inaudible]

BERNARD TURCOTTE: Yes, that's right, [inaudible]. If they say that they've been considered – maybe they weren't taken on – but at least you know what's going on.

CHERYL LANGDON-ORR: If I may?

BERNARD TURCOTTE: Please.

CHERYL LANGDON-ORR:

Thanks. This is a matter that goes back to before ATRT1. ATRT1 spent a good amount of time contemplating this whole aspect about how one can show a respondent to a call for comment or a public comment how, if, where, and when their input was taken into consideration. Because there was a belief by some parts of the community in the pre-ATRT1 days that only a select few commenters were listened to for whatever reason or indeed that it was all casting pearl before swine and nobody ever read the darn things anyway. So there was a whole range of opinion.

One of the things that came out of that was, of course, what we're now to some extent almost burdened with and that's the abundance of caution that I certainly witnessed in a number of the processes where the public comments are seriously discussed, deeply analyzed, tracked in terms of a reaction that becomes an appendix to a final report that says, "This was not adopted by XYZ working group because etc."

I think we need to be relatively pleased and proud about what has happened to improve this. Does everyone realize it yet? I don't think they do. I think a number of [our] original complainants are still thinking the same way because they haven't....

UNIDENTIFIED MALE:

[inaudible]

CHERYL LANGDON-ORR: Yeah, we haven't really solved [these]. Unless they've been involved in a future policy development process, for example, they haven't experienced, they haven't had that living experience of week upon week upon week upon week of analysis that goes into these things sometimes. So there might be an opportunity for some general awareness raising as well I think in this.

[BERNARD TURCOTTE]: Yes, good point.

CHERYL LANGDON-ORR: Thanks.

BERNARD TURCOTTE: That's a very good point, Cheryl. Thank you. Yes, I think that's the point. These days we're obviously doing much better than we did in the past for a number of reasons, but yet we're still not fully compliant. Michael?

MICHAEL KARANICOLAS: Hi. Obviously, I have less expertise in terms of commenting on what things were like in the old days as a relative newcomer. But I do want to push back slightly against the narrative of progress insofar as I think that the recommendation also needs to address a need to do better and to provide a greater response.

As a single counterpoint that jumps to mind, on the .org renewals the response to feedback that they got in. Say what you want about it,

agree or disagree with the decision, but they got a whole bunch of feedback on a particular decision that they were making and they're response to it was to basically just restate their original rationale and say, "Well, this is why we are doing it, and this is what we said from the beginning for why we're doing it, and we're still basically doing that."

They sort of just glossed over the response, and I found that to be – as I wrote publicly and have expressed publicly – I found that to be wholly inadequate. Regardless of whether you agree with the decision or not, when you get strong opposition, you need to engage with it and you need to provide some kind of a sense that you've meaningfully rethought your position and have decided to go in the same path and to justify that and to make people feel like they've been heard. I don't think that was done in that case, and I think that there is frequently a need to go through this stuff more carefully.

CHERYL LANGDON-ORR:

If I may then, Michael, I'm wondering if there is an observed disparity then in the who has instigated and how it is responded and reported to. Because we'll probably find other examples where the abundance of caution and the attention to detail is almost at the other end of the spectrum. So that might be another opportunity to make some recommendations. Because if there's no predictability, if the way it's managed if it's coming from the .org as opposed to a GNSO policy development work group, for example, or a ccNSO policy development piece, if those things are all being handled in three not markedly but significantly enough different ways, then that doesn't help people who

are responding to these public comments and putting this input in predict or know how their information is being valued or managed.

MICHAEL KARANICOLAS: Yeah, I very strongly agree with that, and I think there would be a lot of benefit to having a recommendation in there that suggested that development of harmonized principles for responding and addressing public comments received, I think that's a great idea.

CHERYL LANGDON-ORR: I hope somebody wrote down the development of harmonized principles because we're going to find that quoted somewhere in the final documentation, I'd like to think.

BERNARD TURCOTTE: Michael, I'm going to wait for your e-mail on that to build that suggestion. You write so well. All right, next one, please. Do you agree that staff reports on public comments clearly indicate if suggestions made by commenters were rejected? It's the flipside and I think is addressed by the same comments that we got here. Next question, please.

And that's it. So basically, we've got a couple of suggestions. I don't think we have a hard recommendation. The only one that's left I think for a bit of a discussion is this notion that maybe public comments could be made more accessible if we had a simple short survey like portion in front for those that don't want to. Or what we were discussing with some people and even here yesterday Sebastien was mentioning, "Oh,

well, writing in English is going to take me longer. It's going to take that." While if we have a survey type portion to a public consultation, I think it would enable more people to participate more easily because they don't have to face up to the huge challenge of writing something. It doesn't prevent people from doing so if they want, but at least they could give some input on these things. Cheryl?

CHERYL LANGDON-ORR:

Thank you. I think I saw Larisa's hand go up first, but let's go to Sebastien and then Michael and then Larisa because I think you may be then in a position to respond to comments from those two as well. Sebastien?

SEBASTIEN BACHOLLET:

Thank you. I still feel that we need to find a way to have more discussion within the comments and not just we put a comment and at the end there is a summary. It was the goal of the [two periods] a few years ago. It's not working, or it didn't work at that time. I still feel that there are new tools and it seems that staff was working on new solutions.

We may wish to push in that direction because it's not just everyone of the silos put a comment and at the end of the day there is a summary and there is a decision. It could be very useful to have a [comment] of comments, and it will allow more people to chime in. Because if you don't have to make a full comment but just you comment [on what] somebody has already written, it could be a way to engage more easily people.

And about language, I wanted to come back to that. I think before we [try] to have everything translated, I would like to have it translated in plain English. It's my battle since years. But when you are an English speaker, first language, and you have two or three ways to say it, please take the simplest. Just not because you are not using your [flourish] language but because it will help us to understand better. Sometimes a word seems to you [of use] but is not for the other languages. And plain English must be the first thing that we ask for. Thank you.

CHERYL LANGDON-ORR: Go ahead.

[BERNARD TURCOTTE]: Thank you. I agree, Sebastien. I think one of the ideas behind having a simple section would be to have exactly, try and boil down the concept to simpler, very clear things we're looking to get out of a public comment and be to use that type of language.

As far as the tools you're talking about, are you talking more like – just so I understand more what you're doing or are looking for as far as tools – so more of a chatroom type environment where comments are posted and then people can comment on the comments. Is that what you were thinking of?

SEBASTIEN BACHOLLET: [Yes.]

[BERNARD TURCOTTE]: All right, thank you. Back to you, [Madame].

CHERYL LANGDON-ORR: Thank you. We're going to take Michael and then go to Daniel and then go to Larisa, okay? I think that's the best order. Michael?

MICHAEL KARANICOLAS: Hi. I would be concerned about a process that was too numerically based because I think that those things can be very easy to game. So it's pretty easy for INTA or the ICA or the National Council of Nonprofits – I'll include the noncommercial people too – to send out a mass correspondence. And if it's very easy to respond to, then you can get 500 or 1,000 responses. And then you get a response that basically says, "My God, 99% of the responses that we've gotten back are all opposed to this change." They're very easy to [AstroTurf] is the problem. So that would be my concern on that.

CHERYL LANGDON-ORR: Daniel?

DANIEL NANGHAKA: Yeah, when it comes to comments, I think you only look at the comments that are coming to the wiki. I think we should also look at other comments that come in through [tools]. For example, when the document is [hosted there], you'll find that it receives a lot of comments on the document. But when it's on the wiki, sometimes the comments are little or few.

CHERYL LANGDON-ORR: Yes, just to help and place your comment here – I assume you’ve finished up – into context, I think you’re referring to the usage and development of input that’s frequently used in the At-Large community. And the comment on the development of often public comment responses is frequently wiki based. So what you said there is very true, and that is an aspect of public input that we haven’t focused on in this survey. We focused on the formal Public Comment which is a tool, and almost the tool, that ICANN uses.

Although, whether it should be the only tool ICANN uses I think is very much up for grabs. But certainly, what you’ve said with regard to the wiki is very relevant to your part of the community, but not necessarily applicable to other parts of the community. For example, it’s a rarely used aspect of a wiki in the wonderful world of the GNSO, for example. Back to you.

DANIEL NANGHAKA: Yes, but I think we can also create other channels to be able to capture these comments that could also [inaudible] aggregate them into one at the end.

CHERYL LANGDON-ORR: Okay, I think we need to have further discussion on that, but not now, because a Public Comment is a very specific thing. It’s defined in a number of ways with a requirement for minimum amounts of time, for exceptional circumstances an extension of time. It’s an interaction

between a component part of ICANN done by ICANN Org to seek input from the ICANN community and beyond on a particular topic. And [at a close] of a public comment, there is another group of things that happens, and that includes the analysis to start reporting, and one would hope as Michael was pointing out a clear and perfectly accountable tracing of influence, if and when it has occurred. Putting “me toos” and “plus 900s” in the comments section on the bottom of a wiki page is as easily gamed as the statistical information that Michael was pointing out. Which certainly makes me feel uncomfortable, Michael. I’m glad you said that because it saves me saying it later. So I hear what you’re saying, but what we’re talking about in this particular survey is a particular type of Public Comment.

Then, Michael, you [inaudible]?

MICHAEL KARANICOLAS: Oh, sorry, no. [inaudible]

CHERYL LANGDON-ORR: Right. No? Okay, have you finished? And that means we’ve got – again I have to, sorry, it’s the [role] – Maarten and then back to Larisa eventually.

MAARTEN BOTTERMAN: [Sorry.] Just want to confirm that I see that the point Michael made for me was mainly there should at least be a clear sense of meaningful rethinking of our position and to recognize that sometimes when it’s not influencing the position in terms of a change, maybe we’re

sometimes not clear enough that we really thought about it. It's important that reflection is given, so recognizing that.

CHERYL LANGDON-ORR: Thanks for that, Maarten. Larisa?

LARISA GURNICK: Thank you. We've tried a couple of pilot tests, if you will, to do the simplified form, Bernie, that you were talking about in a couple of places. So just an observation that it works better in some cases and not so great in other cases. I just wanted to highlight that maybe, for example for this group, when you go out for public comment with the draft recommendations, that could be a place where you could have a quick form. Here is a proposed recommendation, here's our rationale, do you agree, do you not agree? It could be used to collect some data that could be quantifiable.

Since public comments are generally connected to an individual or a group, it's not anonymous, so assuming that that stays the case with this mechanism it would give the ability to analyze who responded which way and look for the kinds of trends that Michael was flagging as concerns. So you might all think about whether that would be a useful way to collect input from and whether you would get more responses from broader community members because it would be potentially easier for people to indicate at the recommendation level whether they support it or whether they have concerns with it.

CHERYL LANGDON-ORR:

Thanks for that. I'm not sure where we are now in our conversation other than a lot more information to consider. But I think also from an ancient history point of view, there was a lot of trialing of different tools between Accountability and Transparency Review Team 1 and Accountability and Transparency Review Team 2. In fact, all the trials were well and truly over before ATRT2 was convened.

Some of those tools were also showing themselves as either inherently biased or preferential to certain types of respondents. So you'll find a preference or a bias toward individual inputs in some of those tools over a collective input which by the very nature of it – imagine if you will the difference between individual GAC members and a GAC piece of input – of how that's [wrought] and what happens. So you would have a risk – it doesn't mean it's good, bad, or indifferent – it's just something that needs to be noted that you need to be aware of that effort might be put in by the individual in their own name and that then means that we're getting less structural input in, in some ways.

Or the other way, you won't get a lot of input from a structure in a very frequently cycled or almost discourse type of [modeling]. So that At-Large Advisory Committee is very unlikely to engage in its own name in a day-by-day, week-by-week interaction over he-said, she-said, they-said, what-about type of discourse. That was one of the tools that we did, in fact, look at.

So there are pluses and minuses all around, and maybe there's not a particular advantage. Perhaps one of the things should be what tool is going to be best for seeking the responses and reactions that fit the

purpose in the situation. So a little bit more to do on this one unless you've had an aha moment. But before you do, Michael, go ahead.

MICHAEL KARANICOLAS: This is pushing us not in a different direction but on a slightly different thread of that. [Can I go back to] Sebastien's point on the languages? How difficult would it be or resource intensive would it be for ICANN to say that comments can be submitted in any language?

CHERYL LANGDON-ORR: If I may, it's not uncommon to accept in several as opposed to any language. Asia-Pac could make it very interesting for you with however many. I think we had about 100-and-something-or-other different languages just in our region. We could play a great deal with that. But with the big ones, with the main ones, if they arrive in French, they arrive in Arabic, they arrive in whatever, we do our best to use language services to get them interpreted and take them into consideration.

MICHAEL KARANICOLAS: Yeah. I mean, that could be a rule. And I expect if you put that in as a rule, the vast majority of people would still submit them in English because any collective effort – if the NCSG submits something, it's still going to be in English because that's the language that we'll communicate with each other – but it allows for that. And I think that wouldn't require a ton of resources as far as translation goes and certainly would help in terms of optics and it would help to mitigate that challenge to the extent that it's there if it's a deterrent.

CHERYL LANGDON-ORR: So, Michael, am I hearing then perhaps, Bernie, a tendency toward not us necessarily as ATRT but us saying that someone should put together some good practices, a checklist of have you considered doing this, this, this, this, and this before you push go? On a public comment, for example, have you considered the matter of accepting in any of the UN languages or whatever the list is? Is that something that might get carriage? You're frowning at me, Michael, so I'm thinking no. And then I'll go to Vanda. Go on.

MICHAEL KARANICOLAS: No, I didn't mean to [inaudible]. The reaction is can we not – I feel like we've come up with a number of recommendations themselves. Is it beyond our mandate or not possible for us to say the comment period should do X, Y, and Z?

CHERYL LANGDON-ORR: As long as they meet all the gating requirements we discussed earlier.

MICHAEL KARANICOLAS: Yeah.

CHERYL LANGDON-ORR: Bigger ask. Vanda?

VANDA SCARTEZINI:

Yeah, as a people without native English and all my region has that difficulty, what I believe that the effort to do so, your suggestion, do not make it [either]. Because they have problems [saying really] the question. So if the question is in all those six language, okay. But if it is in English, they will [use] Google Translate. So they write in their language and cut-and-paste and put. The Google Translate is not the problem. That's what they do in the region normally. But if anything is automatically translated, because automatic translation is becoming more and more [inaudible]. But it's good enough.

So for someone that is in language native to [really] understand what is supposed to say. So I don't see much advantage on making something like that because all the time that we are in our region make everything people that have no excuse in English, Spanish, French, Portuguese in our region, they just use Google Translate. And the [inaudible] is reading can understand what they are doing. So that's the only way in [inaudible] has become better and better.

So I don't see much advantage to make it more complex. Because it's a work for someone to do instead [inaudible] concentrate the work in the ICANN staff and make the staff growing and growing and growing using [resources] that really can be used in another way that's more useful for the community. Thank you.

CHERYL LANGDON-ORR:

[inaudible] back to you, Bernie.

BERNARD TURCOTTE: Really good discussion. I'm enjoying this input. But if I go back to what Sebastien was saying, I'm linking it to what you're saying. Because I've used the automatic translation and when the language use is too complex, that's where you get the failures.

CHERYL LANGDON-ORR: [inaudible] plain language [inaudible].

BERNARD TURCOTTE: Yeah, plain language is the start to enable that. That's the first thing. So that's a very good point. I think the second point is that although in the header part of the public comment there is what are you asking, often people keep it very simple. "Well, we have our policy. Here are our 300 pages. Please give us your comments on this." So I guess the derivative of the idea we were looking at for the survey like questions is perhaps more along the lines of doing a better job in that header section if there are key points that are being looked at as opposed to simply, "Here are the 300 pages. Let us know if you have comments." Yes, some of these documents have executive summaries and you can grab them, but not all of them are very efficient.

CHERYL LANGDON-ORR: Thank you. I'm going to go to Michael, but just as a response there are a number of times where those seeking public comment have certainly had an open "please tell us what you think" but have said "and focus on the following four, five, or six questions" and those questions often help frame. So again, there's a variability. Perhaps that's reflecting the

experience and skillset of the people that are putting out those comments. Maybe we can get all the boats to be floating equally perhaps and a greater set of skills in putting out what is a public comment might happen.

Michael, before we go to you, just your question earlier about couldn't we just make some recommendations. I mean, around the table very few of us are here and yet we have diametrically opposed opinions. Do we really have time to try and [wrought] those out, or can we make some suggestions for people to look at rather than "thou shalt"? Just in your response you can react to that as well.

MICHAEL KARANICOLAS:

Yeah, I didn't think they were that diametrically opposed, but it could be that I'm hearing things differently. In addition to what you mentioned about the challenges of automated translation in terms of complex language, it's also really, really bad at dealing with technical writing and it's really bad at dealing with anything that requires precision.

Again, going back to the recent comment period that we had on the .org renewal, there was a long, long, long back and forth on our list about really tiny technical aspects of the contracts that would be really difficult to translate those kinds of debates out. So often, when you're talking about the placement of a comma or whether something applies to this rather than that – all this is just a way of saying I would be cautious around...I don't think we should point to automatic translation as any kind of solution or we should recommend its use at all because I think it's problematic.

But I do think that, while we wouldn't necessarily be able to come back to an all singing, all dancing "here's how everything should be done," is it that beyond the pale to think that there might be certain values that we could coalesce around?

So again, going back to that suggestion – and I'm going to use my suggestion – but going back to the suggestion that I said before about being able to...that comment periods which are open to the public should be willing to accept responses back in any language. If we said that should be a standard practice, is there opposition to that?

UNIDENTIFIED MALE: As a suggestion?

MICHAEL KARANICOLAS: As a suggestion.

CHERYL LANGDON-ORR: Well, I don't think it's up to us to define our position. It's whether or not then once it gets out of our suggestion it can get a [inaudible] on the priority, the funding, and the supporting list. But certainly there shouldn't be anything stopping us making that sort of thing. I don't think that's beyond the pale at all. I've got Jaap, and then I've got Larisa.

JAAP AKKERHUIS: Michael [triggered] me on something which I didn't want to bring up, but now it's there I will do it anyway. I notice that most of the technical

documents and references people use when it's technical are always based on the English language. So immediately if people are using a different language, it is hard to bring this back to whatever the reference document is [as] people talk about it. If you really [inaudible] technical points, you probably know the [reference] [inaudible] as well. So that's not really [inaudible]. And if not, you have to go to great effort to guess how people have interpreted in their own language and bringing this back to what [we're] trying to say [inaudible]. So you should not underestimate this.

I'm not really fluent in Russian, but I can actually read Russian. And I still use Google Translate, especially when it talks about technical stuff because I really want to see how they have translated some terms into Russian. And then I can much better understand the Russian because I can bring it back to [inaudible]. But that takes a lot of effort, and you should not underestimate it.

The other thing is, and maybe that might help, is that when the public comments request goes out there is actually some notion of having international English which actually uses a little smaller set of words and which there's been research about what is better understood of all the world which has English as a second language. Maybe some attempt could be placed in that. But on the other hand, [inaudible] discussing about how to engineer a solution [inaudible] slightly out of scope.

CHERYL LANGDON-ORR: Larisa?

LARISA GURNICK:

I'm being very careful. Some food for thought or maybe considerations that there would be in addition to resources, the cost required to do the translations, there's also another consideration which is time. That would mean that the current schedule and the timeframe would have to get extended. So that I think is worth remembering.

And possibly just for your consideration if you will end up making a recommendation on public comments, maybe an area to consider is to have some further research to really determine or to do a pilot or to do a survey or to do some outreach to the community to see how big of a problem this is and to gauge the nature of or maybe just even run a pilot and see to what extent this will be useful and then draw final conclusions based on that.

CHERYL LANGDON-ORR:

[inaudible] Jaap, I'm assuming your cards are going down. Anyone else? Yes, Maarten.

MAARTEN BOTTERMAN:

Just [appreciate] this question and also Larisa's warning like potentially we deal with this and maybe that's not needed. But [let's do] the improvements very useful. One point made what Bernie said as well, it's not always structured in a way that it's easy to respond to. That may be true. I know we try to – and Org is very sharp – on trying to do it in such a way that we do get answers on the questions that are actually posed.

So in such case, it would be good to have some evidence in the document like pointing at really some examples. I don't ask you to

[scan] all the documents, but at least for some years [inaudible]. And this could help to focus on improvement. I know we also want to stay away from micromanagement, but I do agree that the purpose formulation is something that very clearly fits.

CHERYL LANGDON-ORR: Michael, are you comfortable-ish? Back to you.

MICHAEL KARANICOLAS: All right, what I'm getting out of this – oh, Sebastien is up first.

SEBASTIEN BACHOLLET: Thank you. Late, sorry. Plain English or international English is the same thing. It's not the same word, but it was my – the intention is to have something easy to understand in English. An easy English, whatever the word we put to characterize it, it's okay.

But I think that I understand the reasoning about not having, allowing comments in other languages. But I am sure that it will be done by the person with Google [inaudible]. Therefore, we will have to understand what it is even if it's a bad translation from Google [inaudible]. He will think that they have done the translation.

Maybe what we can suggest, and I think it's going back to a very small thing, but if they use this tool, we can ask them to put it in their language. If we have trouble to understand their translation, at least we know where it comes from. It's maybe time consuming, but at least it

will be more accurate and if somebody wants to check, it's a way to help.

The second point is that even if we just allow for English answer, it could be useful to have a summary translation to help the people with other languages to understand better what is the topic and then to be able to answer, even if they answer only in English. It's maybe something in the middle of our discussion. It's to help them to understand better, to allow them to answer in English. Thank you.

CHERYL LANGDON-ORR:

Thank you, Sebastien. And I believe there was documentation done quite some years ago now about the expected standards for publications within ICANN which included plain language summaries at the beginning of documents and all that sort of thing. So there's some precedent that we can remind people exists to draw upon. We don't have to reinvent some of this.

SEBASTIEN BACHOLLET:

Yeah, totally. It's maybe because we are not yet there, but it's not new within ICANN, definitely.

CHERYL LANGDON-ORR:

No, no, no. But it actually gives the – it's good foundation. It means that they're not starting from raw [file], but it's got some work in it. Back to you, Bernie.

BERNARD TURCOTTE: Thank you. So what I'm taking away from this is really a suggestion. We make one suggestion as a result of this which would say it would be good to have some best practices around public comment and here are some of the points. Does that sound like it meets all of the requirements? That way, people can take that and chew on it. I don't see us making a recommendation here. But I think the discussions we've had have been interesting and useful, and we can maybe create something of value out of that.

CHERYL LANGDON-ORR: Thank you, Bernie. It strikes me with the Montreal meeting coming up as close to this as it is, we have a couple of engagement opportunities with not all parts of the ICANN community but with some parts of the ICANN community. I'm wondering if this might not be a good conversation piece to look at with those exchanges. It might just help us get a little bit more out of it. What do you think?

BERNARD TURCOTTE: Well, we will see, but let's not forget we're talking about what we want to do in Montreal tomorrow. I think once we have a better idea of the overall picture, we'll see where that fits in. Yes, it may be an interesting piece, but I don't think it's going to be the first piece of interest for most people who are going to be asking us questions.

CHERYL LANGDON-ORR: Vanda, go ahead.

VANDA SCARTEZINI: Yeah, quickly. [While] talking about language issues, we will raise a completely wide spectrum of opinions and we probably will get out without nothing. So I do not recommend to do that.

CHERYL LANGDON-ORR: That is the voice of experience, ladies and gentlemen.

BERNARD TURCOTTE: That's what I was going to say: wise words from the [fossils] club, which I am a founding member, by the way.

SEBASTIEN BACHOLLET: I feel so young now.

BERNARD TURCOTTE: We'll fix that. All right, I think we're done on this piece. I'm not seeing anything. I think we have the – oh, Pat?

CHERYL LANGDON-ORR: There's always one.

PAT KANE: I know. I just wanted to wait until we actually got done with the public comment conversation because I was wondering since we've talked about public consultation if it wouldn't be wise for us to put a suggestion in around public consultation.

One of the things that I was thinking about in terms of this was do we want to ask for a definition of public consultation and then the development of a lightweight process that is not a fully blown summarization of the public comments for those things are defined as public consultation and have its own registry, etc. Because we've even found some confusion among ourselves as to what and where has the public consultation been. So would that be something that we would consider as a suggestion for this particular section?

CHERYL LANGDON-ORR: Well, being a public....

BERNARD TURCOTTE: Yeah, I think that makes sense. And then it also brings up at some point we had comments that I spoke about this morning that there are things that some people think ought to be public comments and they're not being handled as public comments which is the other thing. So if we define these things properly, then maybe they'll be [inaudible].

CHERYL LANGDON-ORR: Larisa and then Sebastien. Or would it be better to go to Sebastien first in case there's a response? Sebastien?

SEBASTIEN BACHOLLET: Thank you. I totally agree with you, but I think it's very important because we saw, for example, some discussion about Internet governance where it was who was supposed to answer, who was asking

the question, and so on and so forth. When sometime you have a [blog] from the [CEO] that pops up and he asks a question or he offers a possibility to comment, what is the rule of ICANN where it is, why it is there?

And if the board decides to do the same thing in other places on the website and then so on, it's becoming a headache. Already, we know that the website is quite complicated to navigate. But if we have to check out where we need to make a public comment or consultation on whatever topic, it's becoming a mess. If we can have a comment on that, a suggestion, it will be great. Thank you.

CHERYL LANGDON-ORR: Thank you. Larisa?

LARISA GURNICK: We'd be happy to follow up on this with our colleagues that are looking at public comments. I don't have the specific information to share today, but like I said happy to follow up. But I know that work is underway to address the issues that you're discussing. So I just wanted to flag that it might be good for you to hear whatever is in the works. I just can't provide you with that update now. And see if that might be useful before you formulate your final.

CHERYL LANGDON-ORR: That does seem to make perfect sense. Bernie, back to you.

BERNARD TURCOTTE:

I think it's great if we get information, but let's not forget what we're talking about here is a suggestion. We're not going to [inaudible] a lot of work [inaudible] mostly good practices. So if it's in development, it's in development. If it ends up meeting the requirements of the suggestion, great.

CHERYL LANGDON-ORR:

A potential for a win-win. Where to next is the question. That's why I was asking you before we go back to where we agreed we would. For those of you who weren't in the room at the beginning of our session after lunch, and there was a little bit of a refractory for everyone to get around the table, Sebastien made two observations. One of which was not everyone is back yet, so why are we starting? Well, that's not quite what it was, but not everyone is at the table. That was an observation, and it was very true. And he also asked that he would like to return to a part of Section 10 which was what we had left off from before the lunch break. And we agree that we would go through Section 5 as we had planned because it wasn't going to be a big lump of time and then return to Section 10. So if you can now advise staff if you need to reference something and let them know where to scroll to, if not, the floor is yours.

SEBASTIEN BACHOLLET:

Thank you very much, Cheryl. Yeah, after the end of the discussion this morning, sometimes it takes some time to think about. I have the impression that we have a clear proposal for – and if I am wrong,

correct me please – a systemic review, one for organization and one for specific.

I have the impression that it's quite clear how we would suggest to organize around the organization one single team who could have a different topic with the SOs and ACs and NomCom and so on and then they handle the overall idea. I am a little bit more in the dark with the specific review because we didn't get to the discussion.

One of the reasons I am coming here back is we can say, "Oh, it will be the same as that for organization," but I think it's maybe a little bit different. And one of the questions I think we need to ask ourselves is, do we want just to have one umbrella for specific reviews or do we want to change eventually specific reviews? For example, do we still need one of them or do we suggest to scrap one of them or two of them or whatever? And do we want to create one new topic or not? And how we – if the discussion this morning came on that, I am sorry I missed it – but how [do] we want to work on that specific reviews issue? Thank you.

CHERYL LANGDON-ORR: Thank you, Sebastien. I'm going to pass this to Pat because he led most of the discussion on that earlier today.

PAT KANE: And I'm going to give it to Bernie because Bernie asked if he could go first.

BERNARD TURCOTTE:

No, I wouldn't dream of it, Pat. You go. No, seriously, Pat did mention this morning what he was talking about was that there would be an exercise whereby we would take what we consider the relevant parts from the specific reviews to include them in that one review. So that mechanism you're talking about, about removing things, is built in.

He also added in, and I think that is correct, that there is a built in continuous improvement process into that so that we can adjust – and it's not just once that it's made but every time we do it – we review how it was and we can also add things if we want.

So I think you have a very good question, but I think part of it at least was answered. And at this point, it's back to me to write it. So you can look at it and decide if that meets the requirements.

PAT KANE:

So to that point, I think we have another step to go through that. But what's in my specific mind is there's a migratory path to a single review. For example, Maarten and I were talking in the hallway. I think that personally we probably have one more CCT in us because that was designed really around the new gTLD program.

So if we go through another round or get better information in the next couple of years, how do we evaluate competition and consumer trust on that? And then maybe at that point in time we go, "Yes, there's competition." We don't need it anymore. Take the consumer trust items and roll that into an accountability or an overarching single AoC type review all mashed together.

So I think there's a path to a single process. Bernie's going to write up what he thought he heard us talk about, and then we're going to hammer on that as to what we think that is. But I didn't say that earlier because I didn't want to drive it specifically for what I saw, but I think that's the conversation we have to have.

SEBASTIEN BACHOLLET:

Okay, then, just to be sure that I understand it, we will get a text from Bernie. I just want to add one point that all that is not just a recommendation. It will end up to review the bylaws. Sometimes [inaudible] think it's better to put it on the [inaudible] to say it because it's an important point. But, okay, thank you very much.

PAT KANE:

And then just to add, KC's last comment before we did break for lunch was maybe not. Maybe there's another way to go do that. So we still need to think through that. We didn't put out what a subsequent or an alternate suggestion would look like, but maybe there is one at some point in time.

But I think this is all based upon the radical proposal that Wolfgang threw on the table which was, how do we get to one each? How do we get to one organization? How do we get to one substantive type review? That just started to get things, at least I think around the table, [inaudible] in terms of what would that look like.

Because what do you see out of that as time goes on? You now have less resources focused on the review and more resources – which the

prioritization process is going to be a problem – to focus on getting more of that work done. So it’s really a shift in how ICANN as a community would look at work if we could streamline and really rationalize and prioritize the same process, improve both of those where we’re more efficient in spending money.

And one of the things that I’ve talked about with Cherine and Göran about Brian’s process, the multistakeholder model evolution, everyone talks about it being we need to spend less money and we need to take less time. So cheap and fast doesn’t mean good. So cheap, fast, good – pick two. That’s the software adage. Nobody is complaining about the quality of the policy that we create. I mean, if we’re a manufacturing plant, we make policy, and no one complains about the quality of the policy. Or at least they didn’t in Brian’s investigations. They complained about speed and money. So maybe that helps in that situation as well. So that’s where we are. Thank you.

CHERYL LANGDON-ORR: I just need to step away briefly, so apologies for that. But we’ve got about 45-ish minutes. So if there’s a block of work that will fit neatly into 45-ish minutes, this would be an ideal opportunity to dig into it.

PAT KANE: [inaudible] the next one.

CHERYL LANGDON-ORR: It is all yours, Pat.

PAT KANE: Will you be gone for 45 minutes?

CHERYL LANGDON-ORR: If only. But, no, I shall be back. I'm sorry.

MAARTEN BOTTERMAN: Just one word to put what we discussed in the hallway into perspective. We didn't say CCT is done. It's just very much the spirit that Pat said. We need to rethink whether it's still necessary, etc. In the future at some point when there's nothing new to add, maybe you can then collapse it into one review just as we were contemplating for organizational reviews, whether we can facilitate that.

PAT KANE: No. Thank you, Maarten. We didn't say they were done, but what I said was that in my mind maybe we need one more. And that should be prefaced with the word perhaps or maybe or thinking. So, yeah, it was not an absolute so thank you for that, Maarten.

BERNARD TURCOTTE: I guess it's coming back to me. All right. Okay, let me find out we're going to go now. I'm getting there, folks. I'm sorry. All right, 3243 on Page 19. Thank you. Rather straightforward question, do you consider the diversity amongst members satisfactory? Essentially, split [among]

individuals but structures is basically even more than two-to-one on that one.

We then asked a further question. If they were unsatisfied, what were the areas? What we got was 88% gender and 75% geographic representation and 50% stakeholder group, and then after that it drops off. This also indirectly ties in to the satisfaction with the NomCom. To a certain extent, those two are [intricately] tied together. If we can go to – pardon me?

UNIDENTIFIED MALE: [inaudible]

BERNARD TURCOTTE: Oh, there were a number of great comments which [inaudible], but I'm not reading through the comments. I'm going to the NomCom now. So if we go to 3244 on Page 22, how satisfied are you with the Nominating Committee's selection of directors for the ICANN board? For individuals, we have 63% satisfied versus 18% not. And for structures, we have 70% satisfied versus 16% not. So a fairly strong commitment.

But then in a companion question on 3245 a page or two down, do you feel the NomCom as currently constituted is a sufficient mechanism for fostering nominations that have adequate stakeholder and community buy-in? We essentially have, again, a split on individuals. But on structures, we have the reverse this time, two-to-one with this. Maarten?

MAARTEN BOTTERMAN: Just that the first question was about [the] board; the second question is about everything. That's why it's different as well.

BERNARD TURCOTTE: But they're all, if you will, tied in. Vanda?

VANDA SCARTEZINI: Yeah, one point that I believe that the dissatisfaction was not from the NomCom selection but the way the process does not allow people from the communities' constituencies to select the people in a way that is complementary to the NomCom. So there is no such organization between everything because once you have a clear [inaudible] in NomCom to select the people, not more than geographic and pay attention to gender and so on. But those are not the same for the constituencies. So we will never be satisfied because the NomCom cannot make enough adjustment to [preview] what the constituencies will do. So the election of members from GNSO, [ccNSO], [ASO], and ALAC is completely apart of [these things].

So if you read the comments, you're going to see that people intend to have more of those diversities, but it's not complaint about the NomCom process. They are complaining for the lack of communication among the constituencies and the NomCom. So because of those silos and different times to select people around that has become more closed but anyway is still silos, and it's almost impossible to reach a very [inaudible] if we continue to do that. But in the other way, I certainly understand that to select the better person to represent my

constituency I need to think more on the candidate. And if there are a lot of candidates, sure you cannot give facilities to select more diversity.

When you compare, most of us have been in NomCom. As chair, I was, and Wolfgang, we were [all chair] of NomCom. So what is the issue? You got this [slot] [inaudible] when there are no women that you can select because they are so below the other candidates. So what is the responsibility of the NomCom to select? It's not select by gender but select the best candidate.

So it's quite difficult to really find out some good solution. It will be always difficult to get this balance around geographic and so on because, for instance, in our region people don't apply. They don't apply. We made a lot of effort and go around and ask people to go, go talk personally with one another, and the people just not apply. So how to have people from that region? That is something that we are limited by the candidates we have in all constituencies and NomCom. That is the reality.

BERNARD TURCOTTE: Thank you, Vanda. Sebastien?

SEBASTIEN BACHOLLET: I quite disagree. And I think I have one proposal to make is that there are [figures]. We can look at the diversity of the board. I have done part of the job. It's not up-to-date, but if you want me to show you some of my information gathering and how it gives some inputs, for example, the NomCom didn't raise or solve the question or [enhance] the

question of board gender balance at all. I was surprised, but it was before the NomCom 20%; after the NomCom 20%.

[And sorry]. It's something we may be disagreeing a lot, but I don't consider that you can't make a choice based on something else than the best candidate. No. The best candidate, it's not the one you consider the best. It's also the one the community can consider the best to represent the diversity of the community. And it's maybe not the one who has the best knowledge of X, Y, or Z within the system or the government [system] or whatever. It's also that it allows a diversity of the voice. If you want to have just like me – sorry, not like me but like you – you will get it. But it's not what the community needs.

Once again, I can show you for example interesting data in that if you take the people who are not first language English selected to the board, you have a massive portion of people who went to study in U.S. [for] university. When it's become a trend and not, "Oh, yes, it's happened once upon a time," but when it's become a massive result, we need to ask [those] questions.

Then my point is that I am very passionate about that. I have very strong position on that, and I can give it to you. But what I would like is that we are asking always for KPIs data and so on. We have data. Still some work to do, but we can use them. And once again, I can show you the state of my finding for the moment. And with that, we will be able to build something. If we just talk about our impression, my impression is one and I can be wrong. But if we have some figures, it will help the group to go and to take the right suggestion or the right recommendation. Ty

BERNARD TURCOTTE:

Thank you, Sebastien. I'll note also that we had two points to look at relative to this. There was the NomCom review recommendations which were distributed which was also accompanied by the memo from Stephen Deerhake of the Empowered Community writing about the upcoming nomination of a ccNSO person to replace on the board and the inherent that the NomCom suffers from the inability of being able to know ahead of time what the SOs and ACs will do and then they're just stuck with mopping up.

In this particular case, there's a possibility that because of the fixed maximum of five from one region we may lose one or two women on the board just because the ccNSO will be naming a North American man possibly to the board. So there are certainly some issues. Sebastien?

SEBASTIEN BACHOLLET:

Yeah, I get your point, but once again if we look at what has happened we are currently having five people from one single country. And that's a result of a decision by the NomCom to have three from the same country. I'm not talking just about the same region. We have today five people from U.S., not from North America, from U.S. Therefore, we have to be careful of the image we want to give back.

And I am very, very happy – I want to say that here – I am very happy with the choice of the board for the future chair and vice chair. It's not because they are in the room. I really think that it's a very, very good [enhancement] of ICANN. And I am sure that if we have taken the

language issue, maybe some historical knowledge, they wouldn't have been chosen.

Therefore, sometimes I am sure that the best candidate. But sometimes you are best candidate because you are yourself and different from the other, and that's what I want to bring to the table. And I hope that the NomCom will not come back once again with, "Oh, we have five from U.S. and it's okay." The diversity needs to be [enhanced], and that's not the case today. Sorry for that.

BERNARD TURCOTTE:

Sebastien, I was just making the point that the NomCom suffers from additional constraints. Not making an excuse for them. I was simply pointing it out and that we have documentation on this. Pat and then Vanda, you have a comment? Okay, we'll go to Pat, then Tola, then Vanda.

PAT KANE:

So, Sebastien, thank you for that. You and I talked a little bit about this at lunch. I think maybe it was breakfast. I don't know. Sometime today we talked about diversity in terms of skillsets, in terms of backgrounds.

I think that when you take a look at people that came out of the telecommunications industry, I know of at least three that we have and the two new ones we do have [from] the NomCom have a telecommunications background. I don't know if that's good, if that's bad. When I think about where the topic is of net neutrality inside the United States, being an information service is where I think we want to

be as opposed to a Title II telecommunications service which drives us in different directions.

So I think that there's always going to be some lopsidedness to that depending upon, to what Vanda said earlier, the availability of candidates. If we look at skillsets, we have what's important to contracted parties is people that understand the business of what it is that we actually do. And we have I think one that came out of a registry on the board today. So how do we make certain that we've got diversity from that skillset? I know that you said you don't have the data to measure it, and I know that we don't really, but that's probably something we should take a look at as we move forward as well.

BERNARD TURCOTTE:

Thank you, Pat. Tola, you're next. Oh, you're done? Okay, Vanda?

VANDA SCARTEZINI:

Okay, another point in my view is to have in some way to encourage to expand the base for selection. That's the only way in my opinion to [inaudible] more easily way to get those diversity. I believe diversity of background we have. We have lawyers, medical, diplomatic. That is in my opinion not an issue. But gender is one point, and that is mostly recognizable. That is less women interested in joining the board than men [inaudible].

The second point is geographic, and geographic is cultural behavior. So maybe it's something that people from some regions are more eager to put a crown that says, "I'm on the board," or something like that

[inaudible] I don't want to. So it's quite difficult to question if they are doing or not doing a good job.

I believe we all have read the NomCom results, and I'm suggesting strongly that NomCom members should be better selected. Because in some places the guys say, "Oh, it's boring work [inaudible]." So there is something that we put inside the NomCom review because it was quite important to have persons that understand the job, understand that ICANN is the most important activity. They are selecting the board.

So the majority of the people have no clue about what's going on or have no interest in work. Those are not a problem to face, but it's [fixed] by the suggestion of the NomCom. But for the other side, we need to really think about how to address the same ideas and rules to the ACs and SOs to make them to pay attention.

Of course, it is very [disputed] in GNSO, the position. And in SSAC, for instance, for more than 20 years we have the same guy. Okay? He was a great guy, but anyway it was the same. It's something that there is no [rule] about that selection. And they should be encouraged to move those NomCom constraints to the group to improve diversity in all areas from ACs and SOs.

BERNARD TURCOTTE: Thank you, Vanda. Tola?

ADETOLA SOGBESAN: Thank you. I feel a bit disturbed when Vanda was [expressing] the performance of NomCom members. Unfortunately, [inaudible] that it

was because your comment was more horrifying [inaudible] be worse. But in fairness, I saw the last analysis of NomCom members. I was reading through the comment made about themselves and percentages of their performances vis-à-vis knowledge, skillsets, and amount of hours put in on, and it's a bit contrary to what you said. So maybe as [fossils] you've seen a couple of bad cases, but I'm thinking what I am seeing this time around is a bit of a [good idea]. Okay, that is one point.

The second point is to have 15 people represent the vast majority of diversity is a big challenge, and everybody is going to be making cases for [inaudible]. If you have more women, the men will complain. If you have more people from different side of the diverse geographic, there will be [inaudible]. I find it a big challenge because we are going to balance 15 out of every multistakeholder that we have.

But one of the things I'm thinking we should look at is for each SO and AC to strengthen their membership. If we build quality from our SOs and ACs, that translates to the amount of eligible people NomCom is going to be selecting from. Like Vanda mentioned, it's difficult to push people from their region, I mean the females from the region, to apply. Now there is not a NomCom [inaudible] about that, just like what you mentioned. So if SOs and ACs can strengthen their membership vis-à-vis diversity, vis-à-vis geographic [spread].

For example, in the BC apart from ICANN funding they have one or two funding made available for developing countries, for example, to encourage leadership. I'm not sure about female, but for developing potential membership across the Global South such that we can have members from those places coming up.

And during most of our calls, you will hear a lot of encourage asking new members of the BC to please come forward to join new committees, come forward to join [inaudible]. They are being challenged. Even if you join today, you're going to be advised please join any [inaudible] team even if you are not going to [inaudible]. Even if you are just going to be to put a dot, just join that [inaudible] team so that you'll be building your capacity. So if we have most SOs and ACs doing the same thing, then we are building the database of those people the NomCom can select. Thank you.

BERNARD TURCOTTE: Thank you, Tola. Wolfgang next.

WOLFGANG KLEINWÄCHTER: The NomCom is a special beast. I was there for seven years. I was chair, [associate] chair. They had a couple of problems, but basically we do not review the NomCom. So that means it's outside of our mandate. So we all have an opinion about it, but we are not obliged to reform the NomCom or to make any [further] suggestion.

Three very brief observations. Vanda has made an important point. The issue very often with the NomCom is that the members of the NomCom are delegated by their constituencies and the constituencies do not understand that the NomCom person is probably more important than the board director because some people send people to the NomCom to learn how ICANN is. But the NomCom is not the place where you learn about ICANN. This is not for youngsters. This is really, let's say, for the experienced people.

Number two is, and that's a dilemma, while the selection of the board members is in my eyes [rather] okay. But the problem comes with the others. This leads also to an issue of the attractiveness. If you look into the candidates – 60, 80, 100 candidates – 80-90% want to go to the board. And then [they] cross and say, "Okay, if I cannot go to the board, I just want to have a position. I go [inaudible]." So I don't know how to settle this, but this is really a very big issue.

And then another observation as far as diversity is concerned. I think for the board diversity is more or less good. It has changed over the years sometimes, but then always the NomCom comes and corrects it. So I do not see a fundamental problem. You can always improve it. But this diversity is [in the other body] because we do not have criteria and guidelines for diversity for the GNSO, for the ccNSO, or for At-Large. We have regional diversity because in At-Large it is clear, but we have no guidelines for skills diversity or for other forms of diversity. But again, this is not our task. The NomCom review [is another] step forward, but it's slippery territory.

VANDA SCARTEZINI:

We hope that the review that we [were a part] addressed some issues and they can be implemented. That's our hope.

BERNARD TURCOTTE:

I think it has been a very interesting conversation. Oh, sorry, it's not [up]. I thought you were hiding your camera.

CHERYL LANGDON-ORR: It kept falling down.

BERNARD TURCOTTE: Oh, yeah, the old “it kept falling down” excuse. Right.

CHERYL LANGDON-ORR: Honest. It really did. It kept falling down.

BERNARD TURCOTTE: The dog ate your [breakfast]. Okay.

CHERYL LANGDON-ORR: No, the dog ate my homework. Just wanted to make sure everyone knew that, of course, the Nominating Committee is often left, as Wolfgang pointed out, to try and redress imbalances that are created by the appointments that come from the ACs and SOs. So it seems that part of what I heard is that there may be a benefit encouraging the ACs and SOs to be really clear, really well briefed, and really considerate about how they are contributing to the mix in the diversity aspect of the board as well as in their appointments to the NomCom.

Because the Nominating Committee doesn't have to fix something that's not broken, but it does have to try and fix it. And unfortunately, often cannot because it's limited by a couple of things, not the least of which is it can only appoint from the puddle of people who put their expressions of interest in. And if you don't have what you need to redress this, then you don't have it.

But also, it may have a clear [lead], a luminary who would benefit so much by being put on the ICANN board, but because of what's come in through the other processes, through the ACs and SOs we're fully booked up in Asia-Pacific people. There are five there; no more room at the inn for them. So this amazing luminary literally can't be appointed. So there are a number of constraints that I think we need to be aware of. So there's an opportunity there.

But the other thing is as we look at these survey results many people honestly do not understand what happens in a NomCom, how it happens, and why it happens. Even though we've opened up the books and have been showing everybody exactly what we do for a number of years now, they're still not looking, they're still not noticing, and they're still making assumptions which are not necessarily founded in fact.

And most importantly, the Nominating Committees of the future may very well be tasked with bringing in people who are specifically not related to any other ICANN structure. So reaching out within our own areas, our business constituencies or our At-Large, may very well be not even in the job description. So we just need to be very aware of some of these changing [paths]. Thank you.

BERNARD TURCOTTE: Thank you, Cheryl. Maarten?

MAARTEN BOTTERMAN: Yes, about [inaudible], we're looking at the board. We had a lot of talk about gender. We had a board of 6 out of 20 being female, and this will

be 7 out of 20 coming. And that's not half, but it's considerable. Compared to many countries, it's....

MICHAEL KARANICOLAS: How many of them are voting members?

MAARTEN BOTTERMAN: From the six, there are four more voting members and from the seven there are five voting members on 15, so that's still more than 30%.

MICHAEL KARANICOLAS: The percent – I'm sorry. I'm off mic and [inaudible].

MAARTEN BOTTERMAN: In the coming year, there will be 5 out of 16 voting members who will be female. That's 31%. So it's not 50% but it's not neglectable. So I just want to say this is not a major concern.

The other thing it demonstrates is that the NomCom has taken signals from the community seriously and does follow the community suggestions on this. Diversity is taken seriously by the NomCom. If you look at the NomCom, indeed the challenge may be more in Global South, Global North, that kind of stuff than in gender.

But overall, I think the willingness to learn is clear and I'm really looking for to see the NomCom continue with self-improvement also boosted by the [evaluation].

BERNARD TURCOTTE: Thank you, Maarten. Michael?

MICHAEL KARANICOLAS: The reason why I was asking about voting versus nonvoting, my numbers are old so maybe it is going to improve next year. But the numbers that I had from earlier this year were that although 6 out of the 20 members of the board as a whole were women, 2 of those were nonvoting members – of the 6 – nonvoting members.

MAARTEN BOTTERMAN: [inaudible]

MICHAEL KARANICOLAS: Right, so 25%, I think that's a poor showing. And I will fully admit I do not know what happens in the internals of the NomCom. But I have seen other parallel structures that have said we're going to have 50% women and have done it. I've heard a lot of the same arguments that people have expressed around the table here that women aren't applying. We don't want to lose out on this one really great candidate. And a lot of those are kind of cop outs.

The luminary that you mentioned previously who is this wonderful candidate, if gender or diversity considerations push you in a different direction, that doesn't mean the person can't be on the board. It just means they can't be on the board this round. They might have to wait until the next time around when there is a slot available for that.

Canada's Supreme Court is half men and half women. That balance is maintained because when a man retires the replacement is a man, and when a woman retires the replacement is a woman. Canada's Supreme Court is geographically balanced where there are three people from Quebec, three from Ontario, one from the Atlantic provinces, one from Alberta, one from BC.

Strong diversity concerns, but it's not rocket science to maintain that because all you have to do is when one of the candidates from Atlantic Canada retires, the replacement that you bring in is from Atlantic Canada. You earmark the slots, and it's not rocket science. Getting there is, well, I mean getting there is challenging because it means that you have to go through a few rounds where you're really focusing on getting people from the underrepresented constituencies in. But once you're there, maintaining it isn't that difficult.

So I think that, again, you heard the exact same arguments about the Supreme Court. There are not enough women in the legal profession. We want to get the best candidate. The Supreme Court is an incredibly important and an incredibly elite place to serve. If it can be done there, I think it can be done in this context.

[WOLFGANG KLEINWÄCHTER]: [Can I have the two-finger?]

CHERYL LANGDON-ORR: You can have the three-finger comment, [inaudible].

BERNARD TURCOTTE: Go for it.

[WOLFGANG KLEINWÄCHTER]: The problem with ICANN is that you have different channels to go to the board.

CHERYL LANGDON-ORR: Exactly.

[WOLFGANG KLEINWÄCHTER]: And one idea if you say it could be because the SOs can send two delegates, the recommendation could be one of the two delegates has to be a woman. Then at least for these six candidates, we have three women, three men. But then sometimes it's difficult to find the right candidate. Anyhow, there is space for improvement, but the system is not so bad as it is [inaudible].

SEBASTIEN BACHOLLET: It's why we need a second seat on the board for At-Large to allow one man, one woman. Definitely what I told you before, we were at the end of a three-year cycle of the NomCom and it would have been a good time to say now, it was last year, we start and we say that each SO and AC one woman, one man and for the NomCom half and half will be mandatory.

It seems that the people like some of you here say skills, skills, skills. It's more important than everything else. [inaudible] I am very – I think that

Michael is completely right. We can and we need to do something to have a better balance in diversity, but for that we need some figures and it's why I am offering you. Thank you.

BERNARD TURCOTTE: Thank you, Sebastien. Leon?

LEON SANCHEZ: Thank you, Bernie. You know, or many of you know, that I am a pro-woman advocate in many ways. And as much as I would like to see a gender balance structure pretty much everywhere around ICANN, one needs to also deal with the problem that represents not having enough women in the pool of candidates that apply for the different leadership positions. And that is something we need to solve with outreach and with some other strategies to pull in women to ICANN. But when this group makes the recommendations that whatever the outcome brings to the final document or the draft document, let's think about those limitations as well. Because what would be the point of actually doing a recommendation that might not be implementable because it's something that doesn't depend on the body that is going to actually implement those recommendations. So what I'm trying to say is that there is more than meets the eye when we try to factor in gender, regional, cultural balance into not just the board but the whole leadership structure throughout ICANN. Again, I repeat, I hold dearly the principles of diversity myself in pretty much all the ways possible, and I am an advocate for diversity. But we need to be conscious also about these limitations.

BERNARD TURCOTTE: Thank you, Leon. Michael?

MICHAEL KARANICOLAS: Just on the question of candidates and applicants. I will note that, again, this exact same argument has come up not only on the question of the Supreme Court but on the broader discussions about board representation and mandates for women that apply more broadly with quotas that are imposed. It leads to a bit of a chicken-and-egg problem because what you can find is when you start appointing more women to the boards, it changes the environment and it creates more qualified candidates to apply because it changes the tone and tenure of the conversation and it creates an environment that makes it easier to get those applicants.

VANDA SCARTEZINI: We have in the past five women when I was there, and then [almost one] and then two and one. So it took ten years to come back to five. So it's not the way. We are talking about a huge diversity, cultural background [interest and representativeness]. A lot of things that there is nothing, you are not considering when you are deciding that there should be that or that. So it's something that we need to go with a lot of attention on that situation. We're going to have seven women. Around the world mostly organizations have 30% of women in board positions. I'm a member of many boards, but in many of them I am the only woman. So it's normal.

It's a process that humanity is going through. Maybe for young people, we're going to have more quickly change. But nowadays – and the young women have another problem to face a board position. That is small kids and whatever. But anyway, it's a lot of considerations, but we need to face on what we can change on the environment that we can manage.

BERNARD TURCOTTE: Thank you, Vanda. Michael, is that a response?

MICHAEL KARANICOLAS: Yeah, just briefly. I'm so glad that you mentioned that last bit at the end. Well, they have kids, they have families. Because again, this is the exact same argument that's made on boards of directors, and the answer is the reason why the structure of the job is problematic for women that have families to join onto is not just that [they] may need to be primary caregivers but it's also related to the fact that the jobs are structured around men who have their wives as their primary caregivers. So you restructure the job so that women with families can do it. It's a question of you have a job that excludes women by the way that it's structured. The solution to that is to bring a parity of women onto the board, and they will reshape the professional process so that it is more friendly to women going forward.

BERNARD TURCOTTE: Thank you, Michael. And then I'd like to hear from Tola, please.

ADETOLA SOGBESAN:

Thank you. I want to draw our attention to the [inaudible] that we can continue this [inaudible] from now until tomorrow if you're going to be [inaudible] thing. What's our position? I think we just [inaudible].

I'll give you an example. My daughter just got into the university to study architecture. And in that class, she's the only female. When I was asking her, she said the class ahead of her there were 2 out of 25. The class before then, there were 2 out of 15. That means in three years, that university is going to be producing architects. They will have 5 females out of about 50 architects.

So it's a challenge that it takes a long process to correct. And unfortunately, technical environment like ICANN where you don't you find females. Maybe you find them in law school. We find them in medical professions. But there are very few when it comes to some others. I studied electrical engineering. In my class, we had just one female a couple of years ago. So [inaudible] how do you fix that? It's a bit difficult.

BERNARD TURCOTTE:

Thank you. All right, I think we've reached a point. I'm really unsure where to go with that, to tell you the truth.

CHERYL LANGDON-ORR:

Okay, Maarten.

MAARTEN BOTTERMAN: Yeah, just one. Let's please put this thing in perspective. When we look back to the survey, it wasn't the board of directors where the main concern was. It was with the other, and let's not forget that practice. Just to make also clear for the record, yes, representation 50-50 would be ideal. I'm just pointing out that we're moving in the right direction, and it continues to be on the radar of the NomCom which is very important. But it's moving in the right direction, and it's moving, which is important to note. And we have the NomCom review. This will also lead to moving which is also important to note for us when we come with any recommendations. So maybe that helps to put things in perspective.

BERNARD TURCOTTE: Just to be clear, can we go back up to Page 19 just to make sure we're all talking about the same thing. Because the thing that really triggered this was right there. Do you consider the diversity among board members satisfactory? And where we had two-thirds of the structures disagreeing. So that was the driver was the NomCom.

My analysis of the thing is that there are dissatisfactions with the NomCom, but it doesn't necessarily turn around nominating board members. I think there is dissatisfaction. I think we've heard the root cause problem is the lack of any constraints on the SOs and ACs as to who they nominate versus the NomCom which is completely constrained as to who they nominate.

As has been pointed out and as I pointed out this morning before we got into this, we're outside our league for ATRT3 here relative to that.

The best we could do as far as I understand the mechanics of what we can work on here is make a suggestion that there be some sort of a committee to look at this or some sort of program. And right now I'm not really sure that would be effective, but that's for you to decide. I'm not seeing a recommendation here, okay? I think there are a lot of reasons for that. I think we have to acknowledge the dissatisfaction. We have to understand it.

I think that part of the, as I was talking to Maarten yesterday, part of the geographical dissatisfaction is country of residence versus passport. That causes a certain number of discomforts from the conversations I've had. But I'm still not seeing a recommendation here within the scope of what we can do because it would impact, it would be reaching, and technically and formally overreaching – yes, yes, Cheryl – if we went there. Back to you, Cheryl.

CHERYL LANGDON-ORR:

Thank you. I had my finger poised going look at the time, look at the time, look at the time. Okay, let's put a pin in this and we might just have the opportunity over the next 15 minutes of your break. We'll be coming back at 07:45 UTC, 15:45 – we might even stretch it for a minute longer, but not much more than that – here in Singapore time. Can I encourage you to continue this exciting debate, and perhaps you could discover some of the [people], be they even women, who work in this area and may also have opinions. But happy to spend perhaps two or three minutes when we come back to wrap this up and then move on to our next piece of work. So we'll break and we can stop the recording.

And we'll be back in around 10-ish to 12-ish minutes. Thank you, one and all.

UNIDENTIFIED MALE: Ladies and gentlemen, if you could please take your seats, thank you.

CHERYL LANGDON-ORR: Is that what we're supposed to say? "We're in for a rocky ride." Because I hope we're not in for a rocky ride. I think a smooth ride is perfectly possible.

Okay, ladies and gentleman, back again after our small break and hopefully people are a little more caffeinated than they were at the middle of the afternoon. We're going to run – and just so everyone knows – Pat and I discussed it at lunchtime, we talked it over with staff – we're not going to plan on extending this evening or this afternoon.

So you'll all be delighted to hear that we think we're making sufficient progress that we don't have to keep you locked in these rooms for any longer than necessary. So it's very much up to you as to when we get to the end of today's proceedings. We'll take our break as close as the end of our normally planned day when we get to a natural break in our work program.

With that, you may, of course, now want to think about what do you want to do for your this evening, which will be totally left up to you now.

BERNARD TURCOTTE: Your own devices.

CHERYL LANGDON-ORR: Your own devices, indeed. That may mean catching up on a little sleep for those of you who have travelled long distances with long-haul flights and find themselves learning what jetlag truly is as opposed to thinking a long-haul flight is eight hours. Most of us from this part of the world think a long-haul flight is 37 hours and beyond. And, of course, Leon has at least had about that amount of time getting here, so he really understands.

All right, that's enough for the [bustering] and hopefully we've allowed enough people to come back in and join us at the table. I said we'd come back for a couple of minutes. I've got 48 minutes past the hour at this stage. Let's dedicate another five to seven minutes to a further discussion on the aspects of diversity because you were having a very interesting conversation, albeit I suppose heading toward the point where you were recognizing what you were able to do and what you were not able to do as an ATRT.

From my perspective, strangely enough I have some biased views in this area, diversity matters. Diversity matters a lot. Gender diversity is part of diversity, and it is not in my view – personal, I admit – something that should be limited to any one part or party of the appointing bodies. It should not be seen as the NomCom's responsibility to rectify the matters of diversity. It is something that all parties which appoint to the leadership positions – note, I'm not saying ICANN board alone – but to

the leadership positions and the ICANN board, it should be everybody's interest.

And, of course, it would be remiss of me not to note that there are recommendations out of Work Stream 2 which are yet to be implemented and come into any sort of action with community awareness raising, etc., out of the diversity stream which in fact Sebastien was the penholder and lead for. And to that end, more work has already happened. It's just not being seen as yet. But it should be everybody's concern and everybody's issue.

We're not going to solve it with a couple of suggestions, however, but we may be able to suggest that some sensible conversations and ownership of change might be somehow [brought] into the system.

So that's my bit on it. Let's briefly open the queue. Believe me, I could hold chapter and court on it for a lot longer. Let's open the queue if anyone wants to have a final comment at all. Happy to be met by crickets. We heard yesterday what that meant. Okay, Vanda, go ahead.

VANDA SCARTEZINI:

Just as a suggestion, our own suggestion could be encourage the ACs and SOs to apply the same rules that NomCom is applying, just about diversity, and take care about those things. I believe that could be a very good suggestion to just encourage people from the ACs and SOs to define the best way for them to apply diversity in that selection inside the communities and to the board. Thank you.

CHERYL LANGDON-ORR: Thank you, Vanda. Anymore points to be made at this stage? Go ahead, Bernie.

BERNARD TURCOTTE: Thank you. Along the lines of what Vanda was saying and what you were saying, Madame Chair, is for within the SOs and ACs the diversity recommendations cover that fairly well. But I take Vanda's point that it certainly is not expensive to make a suggestion that the SOs and ACs should follow the same protocol as the NomCom when considering nominations to the board which is above and beyond what we have in Work Stream 2.

CHERYL LANGDON-ORR: I'm not seeing an objection to that. No thumbs down, no big red crosses. So we can perhaps pursue that with some provisional text and then explore a little later in our process.

Okay, so where to next, good sir?

BERNARD TURCOTTE: A quick ride to the top of Page 29. The bottom of Page 28 actually. All right, not putting this up for a huge debate. It goes back to our first discussion this morning on prioritization and various other things. I do understand that, but I thought it was well worth going over this again in that one of our survey questions was, how would you rate the importance of the board implementing the transparency recommendations of the CCWG accountability?

You will notice that we've got a very solid – yes, [who] Michael penned, so he certainly feels some ownership there.

MICHAEL KARANICOLAS: All of the individual responses are me.

BERNARD TURCOTTE: Ah, yes, sure.

CHERYL LANGDON-ORR: Ah, so you understand this gaming thing very well, don't you.

BERNARD TURCOTTE: So we've got 83% of individuals and 85% of structures supporting that. Even more interesting on structures is we have 0% against it. We do have 15% who have no opinion. So really, I think there's a message there which I don't think this requires a suggestion as such. I don't think it manages to meet the requirements for a recommendation. But I think it's well worth noting in the report, and I hope that will be part of the consideration wherever we end up landing on the prioritization thing. Thank you for that.

Now, what I am proposing to do, we will now enter the marathon section of our process. What we did in the other areas where we go through and we decide what is a recommendation and what is not, we have to do for all of this, as Vanda mentioned earlier today. So, yes, Wolfgang, strap in because we've got a bit of work to do over the

coming minutes, if you will. So I will propose that we actually start with Section 4, the GAC, and work our way through, if that's okay with you, Madame.

CHERYL LANGDON-ORR: It certainly is.

BERNARD TURCOTTE: Any objections? All right, let's go. All right, so [inaudible] for the GAC we had agree that we would, before going into information gathering, we would write a short text explaining to the reader how different the GAC is versus some of the other communities that we have and we've done so.

Let's go down to ATRT2, please. Just a little further down, some of the review. Okay, Recommendation 6.1(a), "convening GAC 101 or information sessions for the ICANN community to provide greater insight in how individual GAC members prepare for ICANN meetings in national capitals, how the GAC agenda and work priorities are established."

All right, let's go to the conclusion for that, please. Okay, KC made some comments here. GAC is a special entity in ICANN. Government representatives have many requirements placed on them. As such, the recommendation has implemented as much as can be implemented and is also as effective as it can be for GAC. If there is a desire for further improvements, it would first require that there be some effective

measurement of the processes we believe need improvement to be able to confirm the improvements required to be effective.

CHERYL LANGDON-ORR: [inaudible]

BERNARD TURCOTTE: Well, you wrote it and I tried to turn it into English. So I think in the context of our reviews discussion I would be tempted to suggest that there is nothing to do here and we just green that one. The GAC has been making progress, is making progress on a lot of fronts. And if they want to do more things, then great. Vanda?

VANDA SCARTEZINI: Just for explanation, what the recommendation for the ATRT2 is about is to ask how each [government] are doing their job inside the country about ICANN. So it's something that is impossible to ask. Each country has their process and their work and there is nothing to do about that.

BERNARD TURCOTTE: Exactly. Right. So any objection to not making a recommendation here and making this blue? Going once, going twice, any hands up? No. All right, Jennifer, blue this thing. No, sorry, not blue. I'm lying to you. It's going to be green. We've decided it's green. Yes, excellent. My bad. Thank you. Hopefully the same shade of green. Yes, wonderful.

All right, 6.1(b), publishing agendas, etc. If we could to the conclusion of that one. That's already green. We've gone over this. That's done.

For [214] Recommendation 6.1(c), same thing. Okay.

For 6.1(d), we've got some blue here, so let's read that one. "Considering whether and how to open GAC conference calls to other stakeholders to observe and participate, as appropriate. This could possibly be accomplished through the participation of liaisons from other ACs and SOs to the GAC," etc.

We've had very long discussions about this. Could we go to the conclusion, please? All right, so this recommendation is implemented and effective. The effectiveness directly related to the quality of the liaisons that are appointed to the GAC. ATRT3 may wish to consider suggesting that the GAC publish a list of suggested qualities or requirements for liaisons to assist SOs and ACs to select the best candidate. [A light] suggestion. I think that makes sense in the context of what we've done. Any issues, concerns? Sold.

Next point, 6.1(e), "considering how to structure GAC meetings and work intersessionally so that during the three public ICANN meetings a year the GAC is engaging with the community and not sitting in a room debating itself" for closed sessions. Conclusion, please. Green. We discussed this. It's done. There are no recommendations.

421.7, Recommendation 6.1(f), also green. Let's move on.

6.1(g), "providing clarity regarding the role of the leadership in the GAC." Conclusion, please. Green. Done. Let's move on.

6.1(h), “when deliberating on matters affecting particular entities, to the extent reasonable and practical, give those entities the opportunity to present to the GAC as a whole prior to its deliberations.”

Conclusion, please. We’ve got blue here. Overall, the implementation and effectiveness are currently satisfactory. However, ATRT3 may wish to consider suggesting or recommending continuous improvement via an ongoing commitment to a very proactive deliberate improvement and effectiveness early engagement brings. I don’t think that’s a very expensive thing to do.

VANDA SCARTEZINI: Yeah, and we need to remember that among all the groups in the ICANN, ACs and SOs, GAC was the one that made the majority of improvement and to consider what ATRT2 recommended.

BERNARD TURCOTTE: Yeah, it did. Yeah.

VANDA SCARTEZINI: I do believe that we should in some way in our small suggestions and everything....

BERNARD TURCOTTE: Note that.

CHERYL LANGDON-ORR: Recognize it.

VANDA SCARTEZINI: Recognize that.

BERNARD TURCOTTE: We'll fix that. That's easy to do. All right, good suggestion, Vanda. Thank you. Any issues with closing this off like this? Seeing none, 421.10....

VANDA SCARTEZINI: [inaudible]

BERNARD TURCOTTE: It's blue, so it's automatically a suggestion. Recommend 6.2, "ATRT2 recommends that the Board work jointly with the GAC, through the BGRI," – yes, we will put a footnote that it's no longer the BGRI, but it was the BGRI when it was written – "to facilitate the GAC formally adopting a policy of open meetings." Can we go to the conclusion, please, on this one? It's green. It's done.

6.3, "ATRT2 recommends that the Board work jointly with the GAC, through the BGRI, to facilitate the GAC developing and publishing rationales for GAC Advice at the time Advice is provided. Such rationales should be recorded in the GAC register. The register should also include a record of how the ICANN Board responded to each 2item of advice." Conclusion, please. Green. Let's move on.

6.4, “The Board, working through the BGRI working group, should develop and document a formal process for notifying and requesting GAC advice (see ATRT1 Recommendation 10).” Conclusion, please. Green. We’re done.

421.13, Recommendation 6.5, “The Board should propose and vote on appropriate bylaw changes to formally implement the documented process for Board-GAC bylaws consultation as developed by the BGRI working group as soon as practicable (see ATRT1 Recommendation 11). Increase support,” etc. Conclusion, please. This was done through another channel, but it is basically done, so we’re good with that one.

421.14, Recommendation 6.6, “ATRT2 recommends that the Board work jointly with the GAC, through the BGRI working group, to identify and implement initiatives that can remove barriers for participation, including language barriers, and improve understanding of the ICANN model and access to relevant ICANN information for GAC members. The BGRI working group should consider how the GAC can improve its procedures to ensure more efficient, transparent and inclusive decision-making. The BGRI working group should develop GAC engagement best practices for its members that could include issues such as: conflict of interest; transparency and accountability; adequate domestic resource commitments; routine consultation with local Domain Name System (DNS) stakeholder and interest groups; and an expectation that positions taken within the GAC reflect the fully coordinated domestic government position and are consistent with existing relevant national and international laws.”

Conclusion, please. Where did that go? Oh, is that it? Yeah, okay. Yeah, it is. All right, lots of text there.

CHERYL LANGDON-ORR: It needs pruning.

BERNARD TURCOTTE: Given the nature of the GAC, the recommendation has been implemented as it can be and is as effective as it can be. So basically, it's blue. I'm not sure why that's blue. That should be green. Yeah, I think we're done. If we could green that, please.

CHERYL LANGDON-ORR: [inaudible]

VANDA SCARTEZINI: Go back to the recommendation.

BERNARD TURCOTTE: Ah, okay. Implementation.

VANDA SCARTEZINI: It's not that one.

BERNARD TURCOTTE: It's not that one? Recommendation 6.5. No, the next one down. Okay, that one. There we go. Okay, so implementation. Let's drop down a bit, see where we finish off with implementation. Yes, Vanda?

VANDA SCARTEZINI: Yeah, the idea here was to suggest as happens in many regions but not in all more engagement among the communities' role. Like we have talked with Maarten about that. So it's something that engagement of, for instance, the TLDs and users. Like in our region this works, and other regions are completely independent group. So the idea is use the opportunity for GAC to be inside this community to get together in their country and help each other to make more clear, for instance, or encourage some best practices around and talk about this especially with the business community. Because the understanding of the business and for other side the business understands the GAC was maybe the reason for many conflicts, not necessary if they work together more [closely].

BERNARD TURCOTTE: All right, excellent.

VANDA SCARTEZINI: That's the idea. That's why it was blue.

BERNARD TURCOTTE: Yeah, but I still don't think we're making even a suggestion on this one. I really don't see the point. I think we've said it's partially, it's partially, and it's as implemented and as effective as it can be. Cheryl?

CHERYL LANGDON-ORR: Thanks. Just speaking in a personal capacity here, but a personal capacity from the Asia-Pacific regional perspective. And that is, of course, all of these wonderful ideas will make little if any input, influence, or effect on many of the countries that are within my region. Because frankly, my dear, we just don't want to do any of that, thank you very much.

And that's just the way that different governments in different ways they govern and work with their business or other Internet community, if they even have an Internet community that could be specifically identified as significantly interested parties, which in some countries is still not the case. Certainly in the APAC region, this would just go, "Meh." So I think we need to keep it in context as well. It's not going to be a one-size-fits-all when we're talking about the Governmental Advisory Committee.

BERNARD TURCOTTE: [inaudible] 421.16, Recommendation 6.8, "ATRT2 recommends that the Board work jointly with the GAC, through the BGRI working group, to work with ICANN's Global Stakeholder Engagement group (GSE) to develop guidelines for engaging governments, both current and non-GAC members, to ensure coordination and synergy of efforts." So conclusion, that's green. Let's move on.

421.17, Recommendation 6.9, “The Board should instruct the GSE group to develop, with community input, a baseline and set of measurable goals for stakeholder engagement that addresses the following: a. Relationships with GAC and non-GAC member countries...b. Tools to summarize and communicate...c. Making ICANN’s work relevant for stakeholders...[and] d. Develop and execute for each region of the world a plan to ensure that local....” It’s green. It’s done.

All right, let’s go through the results of the survey. Should the GAC accountability be improved? Roughly, consolidating responses from structures and individuals gives 69% in favor of improving GAC accountability versus 24% for not doing so or minor improvements. Giving 45% in favor of improving GAC accountability, which is fairly strong. So in conclusion, ATRT3 will consider making recommendations or suggestions.

Now GAC accountability, ladies and gentlemen, I’m tempted to say here that we will make a suggestion that the GAC should look into increasing its accountability or something. I’ll do some wordsmithing. Vanda?

VANDA SCARTEZINI:

Yeah, mostly we discussed with the GAC about the liaisons that could be improved among this relationship with the ACs and SOs and to be transparent in some way. The other way is the language about the communicate. So some small suggestions on that, that they need to be pushed to encourage people to agree with that.

BERNARD TURCOTTE: Thank you. Cheryl?

CHERYL LANGDON-ORR: Thanks. Much more from the learnings of Work Stream 1 and 2 on this matter than from an ATRT perspective, but I thought it was important to just mention here that one of the questions that will be necessarily asked with relationship to this particular piece of work is the accountability to whom. Because if we are talking about accountability to the “membership of the Governmental Advisory Committee,” that is a vastly different thing to between ACs and SOs. And you’re going to get a very different reaction from the Governmental Advisory Committee depending on the answer to that question.

So I think we need to be very smart, very cautious, very careful about what we craft into the language here. So just a little bit of a cautionary tale.

BERNARD TURCOTTE: Keep it simple.

CHERYL LANGDON-ORR: Keep it simple, but also recognize the unique aspect, how much has been done, the nature of accountability between Governmental Advisory Committee members, etc., observers, blah, blah, blah. There’s a whole lot that needs to be said there that is going to be a little bit clunky compared to what we would be saying if we were saying the same thing to another part of ICANN. That’s all. Thanks.

BERNARD TURCOTTE: Should GAC transparency be improved? Oh, sorry, Jacques, over to you.

JACQUES BLANC: Good morning, Singapore. Can you hear me? Hello?

VANDA SCARTEZINI: Thank you for joining, Jacques.

JACQUES BLANC: No, I mean, you know. Trying to be there as much as I can, and I regret very much that I'm not here in person. So just on this making recommendations on 422.14. My feeling there was, and I think we expressed that already, was it's very difficult to make a body or anybody by the way accountable for something over which it has no power. Because once more, let's repeat it, GAC is empowered with nothing inside ICANN.

So my feeling was the only part of suggesting accountability we could find would be study if GAC could be accountable to following a process for whatever process we can find that would help transparency.

BERNARD TURCOTTE: Thank you, Jacques. We'll consider it. As we said, we're going to keep a light touch on this one for a number of strategic reasons, and I'll add that to my list.

All right, there we go. Should GAC transparency be improved? This was a structures only question which we have close to a split. A bunch of comments, and we have green. So we will just move on.

In your view, are you satisfied with the interactions the GAC has with the board? We have some rather good opinions from the structures at 62%, 38% that had no opinion. And it's a bit more divided on individuals, but as we've said we're focusing on the SOs and ACs.

In the conclusion, we've got some blue here. Let's have a look. Results would seem to indicate that structures have been following the recent evolution of GAC-board relationships more closely than individual members of the community. There have been significant improvements as presented in the GAC comment which would align with the structures' very strong net of 62% being satisfied or very satisfied. ATRT3 should consider making suggestions asking the board and GAC to better communicate the recent improvements in their relationships.

So I think that's probably a good suggestion to make. Again, it's a suggestion, not expensive. Probably a good thing for everyone. Any issues? Jacques?

JACQUES BLANC: Oh, it's an old hand. Sorry, guys.

BERNARD TURCOTTE: Ah, an old hand. Okay, thank you.

CHERYL LANGDON-ORR: [At least it's not a fossilized one.]

BERNARD TURCOTTE: 422.24, in your view are you satisfied with the interaction the GAC has with your SOs and ACs? We see a split on individuals, 70% versus 15%, still fairly strong support from the structures. We've got a yellow in conclusion on 422.24. Overall it would seem the SOs and ACs interactions are rated very positively by SOs and ACs. This being said, the [RrSG] comments are noted and follow-on suggestions or recommendations from ATRT3's assessment of the ATRT2 recommendations relevant to this could help improve the situation.

Let's go back to that [RrSG] comment. Oh, yes. Very dissatisfied. The [RrSG] has few opportunities to interact with the GAC directly and unfortunately one of the most notable recent interactions was when the GAC issued sweeping advice on new gTLD applications, particularly on what it called category one strings. The [RrSG] has attempted to establish better communications with GAC, including through meetings with the full GAC or the PSWG but otherwise the interactions are extremely limited. Vanda?

VANDA SCARTEZINI: Yeah, just to comment that was explicitly told us by the registries that they need something like a better process to interact like they have, board and GAC have, so GAC agreed. So our suggestion is to make a similar process that can be copied from what was done and make adjustments on that process if it's so complex.

But mostly the most interesting thing that is the GNSO as a whole and registries specifically is interested to have is a clear way to get feedback when they need it. The registries need to implement some recommendations from the GAC communique and have no clear responses. And this process goes through the board, so that's what they want to avoid. To have all those processes through the board and takes too long for the business aspect of that communique. That's exactly [inaudible].

BERNARD TURCOTTE:

Yeah, so I'm now remembering this one. The idea is to suggest that there be a similar process as was established with the GAC communique and the register of advice and bidirectional communication process. Maarten, did you have a comment? No? Oh, great. All right, I think we're good. Made this one blue.

Other information. There are notes about the interviews. Analysis and identification of issues we won't go through. We've already gone through with the GAC sub team. So now we've reviewed the suggestions. We'll be editing these that are here.

And 4 is done, 5 we have done just previously. On to 6.

VANDA SCARTEZINI:

On GAC we have 10 now.

BERNARD TURCOTTE:

Yeah, I think so. We'll review those. Let's see, 5 was longer than I thought. Acceptance of ICANN decisions, 622.11 on Page 75. Thank you. You are so efficient.

622.14 is green. Let's move on. We've already talked about it.

622.24 is green. Let's move on. There is nothing else there, unless we want to reopen this can of worms. All right, great.

7, this one may be a little bit more difficult. PDP. Now we will recall from our discussion yesterday that we went around this one a few times and I think ended up – or at least my recollection, and please correct me if I'm wrong – that basically PDP 3.0 was the answer to a lot of the questions we were talking about here and that we had a limited point to make. Cheryl, please?

CHERYL LANGDON-ORR:

PDP 3.0 may or may not be answers or not to issues or not identified in our area of interest, Brian's area of interest. But specifically is a piece of work that's being carried out by the managers of the generic name policy development process of the GNSO Council. It is at the administrative level at this stage where within the work of the small team and the larger group that has been discussing what is now known as PDP 3.0 and it's talked about a little bit like the coming of the sun god or something. So don't either expect too much or expect too little from it.

But at the moment, there are a number of alternatives that are being put forward for consideration which may or may not – but in their belief

probably will – help a number of issues. Now there are some that are going to get I think strong carriage by the wider ICANN community should the choice be made by the GNSO Council to go down that pathway. Things like intelligence and limitation on scope, time binding, various aspects of chartering. Encouragement to ensure that people who are working within a PDP process are undertaking to commit to certain work and carry out that work and in the absence of doing so can be replaced by the people who appoint them or in fact are required to step down to observer status, etc.

So there's a lot in there. But at the moment, it's a bit like a menu. It's a fixed menu, but the selections haven't even been made. So let's not lose sight of that.

BERNARD TURCOTTE:

All right, so on our first conclusion here we have that it was good. If you click on it, the text will change. There we go. Given the competition for resources to not only implement recommendations and working group outcomes but to actually facilitate policy development is high within ICANN community and that technology for remote and distributed team facilitation has evolved over the past six years.

ATRT3 recognizes that ATRT2 recommendations to fund at a greater face-to-face meeting – some grammar to fix – that has occurred. However, the development tools and regional hubs with exceptional communication services have not yet been made available. ATRT3 will be making recommendations to provide for shortrange travel options to permanent ICANN operated micro hubs that greater facilitate

participation and effectiveness in global meetings while reducing the amount but not the quality of volunteer participation and input. Now this was one of Pat's. Do we know if he's coming back?

CHERYL LANGDON-ORR: He will be, but Pat [stopped] before we move past this point in time. I think that we also need to recognize that this was a point contested around the table.

BERNARD TURCOTTE: Yes.

CHERYL LANGDON-ORR: Sebastien made some very strong and I think not necessarily unsupported observations about the benefits and usefulness of having face-to-face meetings which may not be near hubs. But what this can do and I think where this was heading was within the PDP process, which may or may not be in sync with ICANN public meetings. Nowhere is the assumption made that this is a replacement for face-to-face aspects of ICANN public meetings.

But within a PDP process, there could be significant advantages in appropriate resourcing and facilities being made available. This is an example of what could be some of those. To allow for less extended week-by-week or fortnight-by-fortnight or even if it's really inefficient once a month telephonic or web-based meetings where by the nature of them you do a little bit of work and then you've got this big long break. And then you have to catch up and bring everybody up to speed.

But there is an efficiency in, when appropriate and from time to time, bringing people together virtually or really to get certain work done. It is, of course, what has happened in the expedited policy development process that has been running over the last year and a bit.

It is also something that we have seen exploited within the use of time in the “policy meeting” in the middle of the year. And that’s where the GNSO Council has taken great lengths to ensure that the agenda in that short meeting that the “policy meeting” of the three public meetings of ICANN is focused on furthering their most currently advanced policy development program.

Within that, they also have under some of their – the name escapes me – it’s the budgeting one gets for special purposes. There’s a proper name for it, and someone will write it down for me, I’m sure. But they have had funding to bring leaders within PDP processes who would not otherwise be able to travel to those meetings to get to those meetings. So that’s been a program that has run over the last couple of years.

So I think we need to recognize that some of this stuff has kind of been experimented with. So I would go light on the specificity – I’m proud of myself to be able to say that at the end of the day, just so you know – the specificity of detail that is in this text now. I’d lighten up a little bit on that and perhaps recognize the importance of facilities being made available and resourcing being made available. And it being made available at the right time and at the right place.

I’m going to stop now so he can just think that we’ve torn his text to pieces and he’ll have to listen to a – Pat has just returned – he’ll have to

listen to the wonderful words of wisdom. So we've got this fixed now, thanks. And we can move on.

BERNARD TURCOTTE: I still don't know. [Something that I wrote?] I still don't know if [inaudible] into the work. The way you're describing it [inaudible]. Okay, I think I've understood [inaudible]. Can we make that [inaudible]?

721.2, Recommendation 10.2, "The GAC, in conjunction with the GNSO, must develop methodologies to ensure that GAC and government input is provided...." We just finished talking about that in the GAC section.

VANDA SCARTEZINI: Yeah, it's the same.

CHERYL LANGDON-ORR: [inaudible]

VANDA SCARTEZINI: It's the same suggestion.

BERNARD TURCOTTE: It's the same suggestion, right. So let's make this blue. We've already talked about it. We agree that there needs to be a replication of the board-GAC process but with the GNSO. Excellent. Yes, I will fix the language. I'm talking to myself there.

721.3, Recommendation 10.3, “The Board and the GNSO should charter a strategic initiative addressing the need for ensuring more global participation in GNSO policy development processes, as well as other GNSO processes. The focus should be on the viability and methodology of having the opportunity for equitable, substantive and robust participation from and representing: a. All ICANN communities...b. Under-represented geographical regions; c. Non-English speaking...d. Those with non-Western cultural traditions; and e. Those with vital interest in gTLD policy....”

All right, so implementation effectiveness, partially effective. Conclusion, ATRT3 recognizes that there were sufficient programs implemented in support of this ATRT2 recommendation. But to date, they have not been seen as fully effective. Given that the community has embarked on a discussion of the evolution of the multistakeholder model that has specifically identified volunteer burnout and geographic underrepresentation as issues, we see clearly that more can be done.

ATRT3 will be making recommendations and/or suggestions that address inclusion, the efficient use of volunteer resources while addressing the rising cost of face-to-face participation for a global community. Reduced time commitment, recognition of global travel limitations and rising costs require a focus on remote and distributed participation with exceptional and reliable communications.

All right, folks, this seems to touch on the first one we did here a lot. It comes back to that. It comes back to PDP 3.0. it comes back to EPDP. I’m really not sure we’ve got a recommendation here given all the

discussions we've had around this. But I'll throw it open to the floor.
Pat, you crafted this. You're first on my list.

CHERYL LANGDON-ORR: And you've got Jacques' hand up. Please go ahead, Jacques.

JACQUES BLANC: Yes, so if we remind what we are asked to measure whenever a recommendation and not a suggestion is made, my first question for everybody and me for there would be what would be the KPIs? To measure the effectiveness of the programs, that as far as I'm concerned is a major issue. Well, it's a solution to be found, as I was taught to say.

BERNARD TURCOTTE: Thank you, Jacques. Pat?

PAT KANE: [inaudible] look at this.

BERNARD TURCOTTE: Okay, Pat's going to have a look at this, the question. Let's go up a bit.
Okay, thank you.

PAT KANE: Jacque, to your question, the KPI from the beginning of the recommendation would be increased global participation in the policy development process. More volunteers, more selection of volunteers,

more generation of leaders in terms of what the participation would look like. I think the driver in the recommendation that I came to on this was really about more and better communications such that you could actually develop remote leadership in some of these areas.

Now some of the conversations we had yesterday were that this is probably a lofty goal but probably harder to implement given the nature of the face-to-face conversations and realities that we have today. But I think if you had a specific KPI, it would be increased participation and increased number of volunteers in the different processes. Just growth in numbers, not times participated but different people participating for the first time and continued. Is that helpful?

JACQUES BLANC:

Yes, that is helpful. So that means that we could address these KPIs on two sides. The first side would be pure numbers as you just said, and the other side we would address partly diversity again. Because from what I see of the recommendation diversity was looked at, and of course it was once more.

BERNARD TURCOTTE:

Thank you, Jacques.

PAT KANE:

As a follow-up this is data that's already collected. So at the end of every ICANN meeting, you actually have these metrics that ICANN publishes in terms of participation at the ICANN meeting itself. We'd have to drill it down a little bit deeper into participants in each of the

processes, whether it be a PDP or a working group. But this is data that we collect at a higher level right now that I think it would be easy to take that next step and drill down.

CHERYL LANGDON-ORR:

More data exists, of course, because every one of the policy development processes keeps scrupulous records on attendance and from whence those attendees are harkening from. So we should be able to identify some of the diversity aspects from that as well, but it all takes time and energy to collect that data.

However, remember that sort of fixed [meal] menu I described PDP 3.0 being? Should the fish course be chosen, then fish course is saying that you will have not open working groups. You will have a representational model. You'll have a representational model that will in fact limit to no more than two or three, or some number of similar magnitude, per SG, C, Q, XYZ or W.

And that is almost the antithesis of what this recommendation is asking for. So just be aware that what we say here, if we say anything here, even as a suggestion, may become null and void depending whether or not the fish course is chosen from the fixed menu called PDP 3.0.

BERNARD TURCOTTE:

Thank you, Cheryl. Pat?

PAT KANE: Thank you, Cheryl. Living in a federal republic where we have representation in terms of our government, I think what it ends up being is if you choose the fish course, you end up with people that, from a representation standpoint, are expected and they've obligated themselves to do more of the work, and thus, when they say "I'm burned out," well, so be it, because you chose to be in that role. So I think it's a different

CHERYL LANGDON-ORR: That's how I've operated for years.

PAT KANE: I know. But that's a different way to – I was going to say skin the cat, but we already killed the cat. Anyway, it's a different way to solve the problem of lack of volunteers, because now you've got more of a permanent role, if you will, for the people that you've selected from your constituency to represent you, and so it's in opposition to what's here, but you're also solving the problem in a different way.

CHERYL LANGDON-ORR: And I've got to say it has a very interesting set of effects on little things like diversity and churn and new people stepping up.

BERNARD TURCOTTE: I'm going to take a bit of a different track on this, going back to the recommendation itself, which says, the board and the GNSO should charter a strategic initiative. Now, we sort of failed, I guess, in our

implementation assessment. We say fully implemented, the [language of the recommendation are in force] make it somewhat difficult to discern which programs are designed to specifically address this implementation. However, the leadership program, community regional outreach program, and mentorship efforts, can all be considered to fulfill this recommendation.

So we've got an implementation of fully implemented. We've got an effectiveness of partially effective. We're talking about ATRT2 recommendations here, so are we going into a recommendation with this kind of assessment, is my question, because my read of this is we're overreaching a bit here versus what was asked and how we've assessed it, unless we've assessed it wrong.

Now, in the further points when we go into the survey or some other questions, maybe there's some room for that, but help me out, folks, here. Any thoughts, comments?

CHERYL LANGDON-ORR:

I'll jump in until other people put their hands up. I guess we do need to remind ourselves we do not have to respond with a recommendation or suggestion to everything we have reviewed, and this may be very well one of those cases where that's justifiable.

There have been – and they were in response to this recommendation – a number of initiatives which were implemented and have run. We've got that cadre of people and they are more or less active or not, and what should we be saying, I guess, is the question. Is this one of those issues where we're just going to say something for something's sake? In

which case, then we should probably not bother. Just leave it as the observation it is. But that's just one way of looking at it. Let's open the floor and see if there's some other thinking.

And in the absence of other thinking, I'm beginning to wonder about diminishing returns for our work here. It is 4:45 here in Singapore, so let's park this. Let's not wipe it to a particular color. Let's come back in the clear light of day with a little bit more whim and vigor, bounce in our steps, rest perhaps after an evening and see where we come for it. So let's see if there's something a little bit less challenging further down the track.

BERNARD TURCOTTE:

Although the items we're addressing in the conclusion here for possible recommendation may not fit under that specific one, let's not forget that we've always said that we will have a holistic view after, and try to adjust. So even if it doesn't quite fit in there, we may be able to figure out that we need it somewhere else.

Going back 7.2.1.4, recommendation 10.4, to improve the transparency and predictability of the policy development process, the board should clearly state to what degree – yes, this one.

CHERYL LANGDON-ORR:

[inaudible].

BERNARD TURCOTTE: I'm going to propose we finish section 7 and then we call it a day. Let's just slog through this. The GNSO cannot come to closure on a specific issue in its specified timeframe. If applicable, and to the extent that it may do so, the process for establishing such gTLD policies, this statement should also note under what conditions, etc.

I remember this one. Where we landed on this one – and we ended up painting it green, because we said the temp spec meets this, and the temp spec generated the expedited PDP, and that therefore, we were done with this because that's still standing.

CHERYL LANGDON-ORR: Sebastien.

SEBASTIEN BACHOLLET: I am not sure that it is the full summary of the discussion. One part of the discussion is what to know if the board will not act with somebody when there is no decision possible within the GNSO. Here, we are talking about, yes, EPDP was a solution to one question who was in a very short time, but it could happen that something was important but there's no full agreement within the GNSO how the board will act. That's another part of the same question, I think, and we didn't really answer yesterday on that. And maybe there's an answer, but at least, that's two sides of the coin.

BERNARD TURCOTTE: If I remember part of that conversation from yesterday – I'm going to have to listen to the recording – we were saying that the temp spec is

an example of what the process that can be used in extremis if we need to, and I believe that's what León was explaining to us. So that's why we came to the conclusion that we paint this one green and move on, but is there a written in stone guarantee that the board is going to step in? No, but we ended up being satisfied with the fact that our colleagues from the board here said that, well, we have a process that we can use if we feel it is justified to be used.

CHERYL LANGDON-ORR: Sebastien.

SEBASTIEN BACHOLLET: Thank you. But that means that, if I understand well, if any policy development don't find the agreement within the GNSO and therefore the board will trigger interim solution, and then the GNSO will have to act on the EPDP – once again, my example was vertical integration. If it was today, how it could happen, what could be the GNSO role and the board role? That's just to take one example we know about.

CHERYL LANGDON-ORR: León?

LEÓN SANCHEZ: Thank you, Cheryl. Just to try to understand well what we're talking about here, are you saying, Sebastien, that if a PDP was undergoing and that PDP came to a point in which we got to a gridlock in which there would be no agreement for the PDP to conclude satisfactorily and no

recommendations would be brought upon the board, we would have a failed PDP for practical matters, are you saying that the board should – or how would the board jump into that failed PDP to say, “Okay, since you couldn’t get to agreement, then we will impose or implement these temporary measures so then an EPDP is launched afterwards?” Is that correct?

SEBASTIEN BACHOLLET: In the recommendation 10.4, it says that in the event that the GNSO cannot come to closure on a specific issue in a specific time frame, if applicable, the process [to] establish such gTLD policy, the question is how the board will act. And yesterday, the answer was we have one example, it’s EPDP for ...

And my question is, is it in any case or in every case where there will be luck within the GNSO, the board will trigger the same type of process and it was triggered for the GDPR. That’s my question. If there are others, it’s how we handle this recommendation.

LEÓN SANCHEZ: Okay, I understand now. My initial reaction to that is that that would not be the case. The intervention by the board with temporary specifications are I don't know, I don't have fresh in my mind the conditions and the criteria for this to happen. [inaudible] yes. But they're stated in the bylaws. There are certain conditions that need to be met for this to be true, and it is not designed to fill in [disagreement] during PDP processes, but instead to fill in for exceptional circumstances that could endanger the stability, resiliency or ICANN’s mission itself.

So it is a limited set of circumstances in which the board can act, and not a general principle for when either the GNSO or the ccNSO for that matter don't find agreement during the PDP.

CHERYL LANGDON-ORR: Sebastien, a brief right to reply before we go to Pat.

SEBASTIEN BACHOLLET: Therefore, I suggest that the ATRT3 says that we suggest that board answer or implement, or how you want to call that, recommendation 10.2 of the ATRT2. That's it. We don't have any specific answer, but we are surprised that it was not answered, because it was written not implemented and not effective. And we hope that the board could implement it and that could become effective.

CHERYL LANGDON-ORR: Pat.

PAT KANE: Thank you, Cheryl. With the vertical integration example, Sebastien, if I remember correctly, there was an inability to come to conclusion, but the way that was resolved was through the handing out of the new gTLD contract by ICANN Org.

So we were in Beijing and we got the new contract that was pushed out, and vertical integration was accommodated in that, I believe. I'd have to go back and think about and look through that, but it ended up being in

part of the PDP that was going on even though we couldn't get consensus, I think it was a solution that was handed to us via the contract. I'd have to go back and take a look at that.

Whereas with the temp spec, the community before the temp spec was issued, was very declaratory that we were not going to get to an answer given the need for access to ThickWHOIS because contracted parties were talking about they would have to just shut it off in terms of what they were going to go do. So the temp spec gave us an avenue with some air cover to do something in the interim until the EPDP phase one kicked in and delivered a solution.

So that's where I think the two distinctions are, but I'd have to go back and again research what happened in Beijing with the contract that was given to us.

SEBASTIEN BACHOLLET:

Why I put in vertical integration, because it was a decision of the board under the chairmanship of Peter Dengate-Thrush. It was the board take a decision, and then of course, ICANN Org implemented it and put it in the contract. Then I took this example because looking at the recommendation, it's exactly that. If the board is acting about gTLDs policy, what it will do and how it will do, today, or it was few years ago, but [inaudible] now it's how they will act today. That's it.

LEÓN SANCHEZ: Just for clarification, the temp spec, the ability to impose a temp spec is in the contract, in the RA and the RAA, and the emergency policy is in the bylaws. I got my mind refreshed by Avri. Thank you, Avri.

CHERYL LANGDON-ORR: Going to go to Maarten, but did you want to make a statement first, Bernie?

BERNARD TURCOTTE: Yes. Peter Dengate-Thrush was quite a while ago, and we said at the beginning of this document that we were looking at interpreting these things since the transition.

The second point is to improve the transparency and predictability of the policy development process, the board should clearly state to what degree it believes it may establish gTLD policy in the event that GNSO cannot come to closure, etc.

Now, as we said, the temp spec is in the contracts. It's in the bylaws. It delineates how the board can act. And I think we can split hairs here, but the reality is the core of this, as I read it, seems to be [met] because there is a possibility for the board to act under specific conditions.

CHERYL LANGDON-ORR: Does that then mean that our measure of implementation effectiveness may need to be reviewed? Maarten.

MAARTEN BOTTERMAN: Yes, two things. I think what we shouldn't get into is the board [inaudible] responsible for GNSO finalizing its processes. Let's make sure we don't move there.

And of course, temp spec is just one example, and it was for exceptional cases where the law would make it not possible for us to fulfill our WHOIS commitment and things like that.

The normal thing is that we can trigger processes by requesting an issues report. That's the normal way of doing this when needed, and maybe we should make some mention of that too, that we can trigger GNSO processes by requesting an issues report. And let's not focus on temp specs because it is and should remain exceptional.

CHERYL LANGDON-ORR: I'd still like an answer to the question based on what Bernie just said, does that mean that our change that went from partially effective to not effective and went to implemented but not tested to not implemented, now needs to be rereviewed? Sebastien.

SEBASTIEN BACHOLLET: I'm sorry but I don't think so. The answer given today is just to say that the board will trigger a request to the GNSO, but the questions is if the GNSO can't come to closure, what the board will do. if they come back to the GNSO, then we would have a loop and that would be very interesting in this organization, but that's not the question. Maybe the answer is to say now it's over because we have done something differently and we are not in the same situation, and this

recommendation can't be put in place, and the fact that it was not implemented and not efficient, we don't care anymore. That could be one answer.

CHERYL LANGDON-ORR: Pat.

PAT KANE: I don't think that was the intention, to say we're done and we're going away from it. The intention when I wrote this was that here's a step that the board has always had available to them, because if you go back to the 2005 [net] agreement and the 2006 agreement, the temporary spec was available to be used at that point in time. So this is not new with the new gTLD program. It was the first time it's ever been used, but we can't assess it because we're still in the implementation review team aspect of the phase one. So there's stuff going on right now to where things that went on in the phase one EPDP as a result of the temp spec are being relitigated and we don't know what the result is. So we've got that going on with ICANN staff and members of the phase one review team, because one of my guys was on both of them. So I think it's still yet to be seen, is this an effective tool? Because it's the first time the temp spec has been used.

If there's other things we want to put in there, I think I would welcome that, but in this particular case, it's a tool that was available, used for the first time, not done. Can't assess whether it was effective or not because it was a one-year timeframe.

Can we make good policy in a forced one-year window given that it's really critical? Because 4% revenue fines for companies. So that was the point of this. Used it, can't assess it, not done. If there's others, let's put others in there, or let's not.

BERNARD TURCOTTE:

Alright, folks. I'm trying to come to a landing on this one, we go back to implemented but not tested. We have disagreement from Sebastien, we had KC that was writing it was not implemented. We've had now two serious discussions around this. Are there any other people that feel they support Sebastien in the notion that this is not done and there is no answer and we should just ask for this to be done? Again, if I understand his point.

CHERYL LANGDON-ORR:

I think what we might then do, assuming Maarten has got his card up because he wants to solve the answer to life, the universe and everything, is let's allow ourselves the luxury of coming back to this a little later if needs be, but let's take into account the conversations we've had, look at whether some of this text can be pared down or modified.

Remember, there's two options here in the text. It does say "Will not make recommendations," as in we, ATRT3 will not be making recommendations, or if we make a recommendation, they may be limited recommendations based on data if we get it in time.

And we might even just end up saying that last bit. I don't know. But it seems to me that we're not ready to say we're finished with this.

BERNARD TURCOTTE:

I have no problem with that, I just want to make sure that the group is comfortable. So let's put a pin in it and it'll be part of our discussion tomorrow.

Survey. We're getting there, folks. Have you participated or contributed into a policy development process? I don't think that's going to generate any kind of recommendations. It's green anyways.

7.2.2.2, are ICANN's mechanisms sufficient to generate policies which are acceptable to the global Internet community? Obviously, there was an issue there with structures, two to one against, and fairly flush situation versus individuals.

We go down to the conclusion. Obviously, there is no strong agreement supporting this point, but ATRT3 will consider the points raised in the comments in making any recommendations with respect to PDPs. That general conclusion on that one.

What role should SO and ACs play in fostering buy-in from their community to ICANN's policymaking? We had a lot of comments on that one. It wasn't a survey question, it was just a bunch of questions where we're asking for text responses from the SOs and ACs. There was a bunch of input. So this would take us to the end of section seven. We've got a couple of pins in that will come back when we're bright eyed and

bushy tailed tomorrow. I think we've done well but we've got a bit more left to go through tomorrow. Alright, thank you.

CHERYL LANGDON-ORR:

Thank you, and my foot box has now fallen down and doing its best to disconnect the complete audio system here, so I'm hanging on to the microphone, which is a sure sign that even the gremlins are trying to tell us that they're weary and they've had enough, and they would also like to go and put their feet up somewhere, as some of us will be shortly.

I know you're probably all a bit shells shocked right now, but you've achieved an enormous amount. Just take a moment at some point today, tonight or tomorrow morning before we come back in and get all started again, to recognize the fact that we've gone through an enormous amount of material and we've had some excellent discourse, discussion, and even the occasional outcome from deliberations.

We thank our viewing audience. We thank our fabulous staff. We thank the audiovisual people who are now going to have to repair what damage I've done by dropping my box off the side of the table. We will remind you all that tomorrow morning is another day at 08:00 Singapore time, which will be 00:00 UTC. We'll be starting up for our final day and we will, I think, probably have no difficulty getting through the residual of our agenda, noting we have passed a couple of things – doesn't mean we have to come back to them in these proceedings. We also have the opportunity when we see each other face-to-face in Montréal, and so with that, we can stop the recording and say good evening, good day, and good morning to Jacques. Thank you for joining

us, and we will continue on from the end of section seven, diving into what, Bernie?

BERNARD TURCOTTE:

We've got to finish these open items in section seven, then we're actually clear. We've got one more big section, and that's the one I was saving for the end, is the board section 3 we're going to have to go through.

There are a few things, but I'm hoping it won't be too contentious.

CHERYL LANGDON-ORR:

A most exciting main event tomorrow will be the board section, section three. Get yourselves prepared and ready to make the magic happen. Thank you, that's the wrap for today.

[END OF TRANSCRIPTION]