CHERYL LANGDON-ORR: Thank you very much. Good morning, ladies and gentlemen. This is the home stretch, as staff have just described it as, of our three-day odyssey here in Singapore for our face-to-face meeting for the Accountability and Transparency Review Team #3.

My name is Cheryl Langdon-Orr, in case you don't recognize my dulcet tones. We're not as thick around the table as we will be shortly. I think some people are coming across from breakfast. I've seen a few more, so I know that they've woken this morning. We just haven't actually got them into the room just yet. So the roll call will be expanded as we start our day.

Pat and I want to thank everybody who is in the Zoom room from our viewing audience, our faithful viewers, and those in the Accountability and Transparency Review Team who are unable to join us in our face-to-face meeting but are doing the heroic job and the hard [yards] of getting up and joining us at unfriendly times for their own time zone.

Unfortunately, neither Pat nor I have actually managed to get into the Zoom room. I think Pat is in the Zoom room now. I am as yet to get into the Zoom room again, so I can't see you. But Pat's got his finger on the pulse.

PAT KANE: We've got Avri and KC.

CHERYL LANGDON-ORR: Great. Welcome and KC and welcome, of course, Avri. I'm sure we'll be joined by a few more people in that room as well.

Without any more filler, which is what that welcome was this morning, allowing people to settle at the table, we have some continuation on a couple of points from Section 7 on our startup agenda. We'll do perhaps a brief recap, Bernie, and then dive into those last couple of parts in Section 7. Then it is our plan to move to Section 3, I believe. Are you going to nod at me, [Joseph]? He is nodding at me. That's good. So Section 2, which means we'll be delving into the area of the Board Work Party. So that's what we will be doing between now and at least our morning break and I suspect probably beyond our morning break as well.

So that's our plan. It might be a little more flexible for the rest of the day. Our intention is, looking at where we've got to and where we need to get, that we should be able to be wrapping up most if not all of our aspirational agenda in today's meeting and finishing on time, if not a tad before.

With that, let me now ask if there's anyone around the table who wanted to make any early morning administrivia points. Perhaps your statement of interest has changed overnight. Has one of you taken on a new employment or something?

[PAT KANE]: Or has quit.

EN

CHERYL LANGDON-ORR: Or has quit. If so, do let us know now. If not, I'm going to hand it over to you, Bernie, for where we were at yesterday and where we will be getting to now.

BERNARD TURCOTTE: Thank you, ma'am. Morning, everyone. Quick recap. We completed the bottom of the document and then bounced up to Section 4 (the GAC), went through that, came to some good conclusions, had a long discussion on Section 5 on public consultations and the reports and the meeting, and basically concluded on a few suggestions but no recommendations similarly to the GAC. Section 6 we had already done. There was no points to that. We moved on to Section 7 and had some fairly lengthy discussions about participation and what things meant. The temporary spec was dissected in great detail. We had discussions about how the Board actually can step in if there is a requirement under certain conditions. I think we ended that one saying we would go over that again this morning, just to make sure. Also, there was Section 7.2.14 with Recommendation 10.4, which we cannot reach agreement on.

Therefore, that's where we are, ma'am. I'll send it back over to you.

CHERYL LANGDON-ORR: Thank you very much. Again, I'm still not in the Zoom room, so I can only assume that what is being displayed in the Zoom room is going to shift from the aspirational agenda to Section 7.4. Am I correct, Bernie?

BERNARD TURCOTTE: We will go to 7 …

CHERYL LANGDON-ORR: Meanwhile, Jennifer has her finger poised, ready to scroll, [as her pointed-finger] exercise.

BERNARD TURCOTTE: The main discussions around 7.2.14, Recommendation—

CHERYL LANGDON-ORR: 7.2.14. I missed a couple of numbers in the middle. My failing memory. My apologies, ladies and gentlemen. So we're now looking somewhere on Page 80 or 81?

BERNARD TURCOTTE: 80.

CHERYL LANGDON-ORR: Bottom of Page 80, ladies and gentlemen. 7.2.14, Recommendation 10.4. Are you two playing tag team or are you—

BERNARD TURCOTTE: No [inaudible]

CHERYL LANGDON-ORR: Over to you, Bernie.

BERNARD TURCOTTE: Thank you. At the sound of the beep, it will exactly be 8:00. No. Seriously. Recommendation 10.4. "To improve the transparency and predictability of the policy development process, the Board should clearly state to what degree it believes that it may establish gTLD policy in the event that the GNSO cannot come to closure on a specific issue in a specified timeframe if applicable. To the extent that it may do so, the process for establishing such gTLD policies … The statement should also note under what conditions the Board believes it may alter GNSO policy recommendations, either before or after formal Board acceptance."

So there were a number of explanations given yesterday. Sebastien was unsatisfied. In the ensuing discussion, we agreed that we were all getting a little punchy around 5:00 after a full day of work and we put a pin in this.

Back to you, Madam Chair.

CHERYL LANGDON-ORR: With that, let's open up our speaking list. Who would like to dive back in to the conclusion? We weren't getting very far yesterday, ladies and gentlemen. It's currently colored green. The critical part of this is it states at the moment: "ATRT-3 will not be making recommendations in this area as the ATRT-2 recommendation is just now being tested and my come to conclusion too close to the end of ATRT-3's limited time. But the ATRT-3 may provide recommendations" – I would suggest we can have in square brackets "all suggestions" – "on a more limited set of results and analysis."

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I think, Pat, you penned some of this did you not? Did you want to get the ball rolling?

PAT KANE:

Sure. Thank you, Cheryl. I did pen this portion of it. I think part of the conversation yesterday was around, did we have other examples to point back to to include the discussion around vertical integration being the Board stepping in and doing something. I did not consider that part of this because it didn't come out as a tool that this specifically used. I thought that, since this was the first time the temporary specification was used, that that really was the mechanism that ATRT-2 was talking about in this particular process.

If we want to expand it and use a different example because we think it's relevant, let's talk about that and maybe reshape the recommendation. But if we believe that the only example is the temporary specification to dialogue around the GDPR, which thus created the Expedited Policy Development Process Phase 1, I think that it's really too early to say, "Did it work? Did it not work?" because, while we did get recommendations – recommendations were accepted – we don't have the Implementation Review Team complete, so we don't have some structured implementation plan to move forward on. So that was my basis for writing it in the way that I did.

CHERYL LANGDON-ORR:

Sebastien?

Sorry. Bernie?

BERNARD TURCOTTE: Thank you. Just as reference to our conversation yesterday, I took a note that, when we were discussing around the mechanisms, Leon Sanchez presented the notion also that the Board had the option of requesting an issues report from the GNSO. Sebastien commented on that, that, if there's a problem in the GNSO, it seems odd to request an issue report from the GNSO that is having a problem. Thank you.

CHERYL LANGDON-ORR: Back to you, Sebastien.

SEBASTIEN BACHOLLET: Thank you very much. I guess all those points are valid, but I don't see it as answering Recommendation 10.4 from ATRT-2. It requests that the Board should clearly state to what degree it believes that it may establish gTLD policy in the event that the GNSO cannot come to closure on this specific issue, and so on and so forth.

The temporary spec and the EPDP – they are not answering this. It's not because the GNSO is not able to establish a gTLD policy. It's for external circumstances. It was done in this way.

The issue report – it's not also answering that. If there is not event like that, then we don't know how to go with that. Once again, maybe ATRT-3 can say we are not aware of a situation like that. As the organization or the link between the Board and the GNSO has changed since the IANA stewardship transition. It may be no deal if it was not implemented, we will see in the future if there are any things coming.

The point here is really, if the GNSO can't come to closure, what the Board will do. I don't see any answer for the moment. Maybe there is no answer.

CHERYL LANGDON-ORR: Over to you, Pat.

PAT KANE: Thank you, Sebastien. That was the direction I was going to go in terms of asking the question as a follow-up to you: if we don't have a recommendation based upon the use of the temporary specification and the EPDP, would we have a recommendation coming out of this or anything to point back to? Is the end result that we still aren't going to make a recommendation because we don't have something to point back to, either because we don't have consensus around what we believe the ATRT-2 intention was for this or we don't have another relevant example? I'm okay. I just didn't see, in writing this, even with this example, where else we would even have something to make a recommendation about based upon some other event.

So, if there's a recommendation that you think we should be making here, let's consider that. But based upon what event? I don't know.

CHERYL LANGDON-ORR: Right to reply and then to Wolfgang.

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SEBASTIEN BACHOLLET: I don't know either, but my main point is that there is a recommendation. It was not implemented. [It was not] effective at all. We have two choices. Are we saying to instill a relevant recommendation from ATRT-2 and we ask the Board to answer this and put in place this recommendation? Or do we say it's over and we don't care or we don't think it's any more relevant? That's two solutions from my point of view today.

CHERYL LANGDON-ORR: So noted. To you, Wolfgang. But I do want to remind everybody we are stating that it is implemented and it is not effective. So we're not at this stage debating that analysis. We're simply looking at what we may make as the conclusion and, as a base of that conclusion, what we may or may not due in the report.

Over to you, Wolfgang.

WOLFGANG KLEINWAECHTER: More or less I'm aligned with Pat has said, that, at this stage, we really do not know exactly what to recommend. For me, it's the bigger picture. When I was in the GNSO Council, they had started already [inaudible] about who has the final decision making capacity. It's not only about policy development. It's also about decision making. There were some groups in the GNSO Council who said, "We are responsible for [inaudible], and we should therefore have the final decision-making capacity. The Board can rubberstamp, but we decide in the GNSO."

Steve Crocker came to the GNSO Council and said, "No. It's the Board who makes the final decision." But this relationship between the GNSO Council and the Board and GNSO as a whole and the Board and the community more less is still [inaudible]. I think we should have this in mind if we make any recommendations.

So far, my proposal would be that we just push the various parties so that they are aware about the situation and develop a mechanism to enhance communication, collaboration, and coordination where needed so that we do not specify in detail that the EPDP or temporary specification is the only way.

With that said, you have to develop a mechanism which is accepted by the various parts of the community because, as it stands now, it's, as you say, not effective and it creates a lot of problems and has side effects which are bad for the organization as a whole.

CHERYL LANGDON-ORR: Thank you, Wolfgang. I've got Vanda and then I've got Pat.

VANDA SCARTEZINI: Well, I tend to agree that we need to give some feedback on that, if we do not say something more clearly on the recommendation or the strong suggestion, it's still like Sebastien said: The Board [we want to] understand that we'll continue to push on the recommendation of ATRT-2. That's not my intention.

I believe that we need to suggest what Wolfgang said, that we need to establish a new system to do with that. So it's the recommendation, in

my opinion. We cannot just be [remiss] on that and just ignore that there is nothing to do, or, instead, support that the Board will go through with the ATRT recommendation. That's not my point.

My point is to find out something different. To find out something different, we need to recommend that. We need to suggest that we go in that direction. That's [inaudible].

CHERYL LANGDON-ORR: Pat, go ahead.

PAT KANE: Thanks, Vanda. From the group standpoint, for people that are weighing on this, do we want to make a recommendation here or not? That's the question that I've got.

Sebastien, do you want to make a recommendation here? Or do you think we should not make a recommendation here?

UNIDENTIFIED MALE: Suggestion.

PAT KANE: Or suggestion.

SEBASTIEN BACHOLLET: I guess the suggestion must be that it will be useful to implement the recommendation from ATRT-2, full stop.

PAT KANE: So I can assume that what you just said is that you want to make a recommendation here? Because it's a binary question. Make a recommendation/don't make a recommendation. Or suggestion.

SEBASTIEN BACHOLLET: Yeah, but suggestion, yes. No recommendation because with recommendations we …

CHERYL LANGDON-ORR: It's much more complicated.

SEBASTIEN BACHOLLET: No, it's not just because—

PAT KANE: I'm fine. I'm fine because—

SEBASTIEN BACHOLLET: No, it's not because it's more complicated. It's that we already have a recommendation from ATRT-2. Then my thinking is we need just to say that it must be a [fulfilled rather than if it's just] a suggestion.

UNIDENTIFIED MALE: [inaudible] a suggestion.

PAT KANE:	Very good. To me, that's tomato/to-mah-to. We say recommendation or strong suggestion, and then we figure it out when we start writing. Okay, good.
CHERYL LANGDON-ORR:	Any more on this? Vanda, your card is still up. I'm assuming that's an old card. Pat, are you going to pop yours down as well.
PAT KANE:	It's a three-day old card.
CHERYL LANGDON-ORR:	It's a three-day old card. That is very true, Pat. Being specific and pedantic today, ladies and gentlemen. I'm not seeing anything from the Zoom room or around the room in this now. Bernie, do we have sufficient guidance to wrangle some text here or not?
BERNARD TURCOTTE:	What I'm taking away is that I should craft some language around a strong suggestion that the original recommendation from ATRT-2 should be taken on by the Board. That's what I've taken away from this.

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CHERYL LANGDON-ORR:	Is there a degree of comfort around the room and in the Zoom room from the ATRT-3 members on this? If you have any discomfort, please let us know as well.
	Jaap, are you okay? You're okay. Jaap is gesticulating at me that he has no problem at all. Vanda has got her card back up because she likes to make sure I'm paying attention to her. I'm not seeing anyone else disagree, so I think that I've got the point where we've got our marching orders and we'll look at some new text.
BERNARD TURCOTTE:	All right.
CHERYL LANGDON-ORR:	[As a] suggestion, yes?
UNIDENTIFIED SPEAKER:	[inaudible]
CHERYL LANGDON-ORR:	Vanda, please use a microphone because if it's not on the microphone it's not very good.
VANDA SCARTEZINI:	[inaudible]

CHERYL LANGDON-ORR: Okay. So Vanda is just making the point that'll be a strong suggestion. Excellent.

Next, good sir.

BERNARD TURCOTTE: All right. As advertised, one of our major sections – we will now go up to the Board Section 3 – is our last section before we get into the wrap-up and cleanup mode for this document. Let's head up to Page 5.

Recommendation 1. "The Board should develop objective measures for determining the quality of Board members and the success of Board improvement efforts and analyze those findings over time."

Now, we had partially implemented. KC made some minor edits, which is fine. Still partially implemented.

Effectiveness. We talked about changing that language. That's fine.

So the conclusion has been rewritten to, "This recommendation has been partly implemented given constraints on the Board described above. The review team provides now follow-up recommendation," which was essentially what was there before. It essentially keeps it green, with no recommendation or suggestion.

Thoughts, comments, discussion?

Going once, going twice …

CHERYL LANGDON-ORR: Moving on.

BERNARD TURCOTTE: Moving on, we will go to the next one: 3.2.12, Recommendation 2: "The Board should develop metrics to measure the effectiveness of the Board's functioning and improvement efforts and publish the materials used for training to gauge levels of improvement."

Now, we have a partially implemented and sufficient information to assess. We have a discussion of a suggestion on the conclusion. Only part of the material used for training is published -- for example, in 2016, only Part 1 of developing a high-impact Board.

"ATRT-3 should consider making a suggestion or recommendation that the Board should develop metrics to measure the effectiveness of the Board's functioning and improvement efforts or those measures [that] exist to allow future ATRTs to evaluate them."

We'll remember that, for part of this, we were referred to the accountability indicators. We had a look at those in part yesterday. There was general, I would say, dissatisfaction that, between the alignment of what is provided in the accountability indicators and what was being sought here – or least that's the view of the ATRT-3 … If I remember correctly when we were talking generally yesterday, Sebastien was also suggesting that, yes, this is the case, but how much can we box in the Board on providing square, very clear metrics on its performance, and what does it mean? I think this was also part of the discussion that says that, sometimes, if you try to measure things too

much, you stop doing things and you just spend your time measuring them.

So I think that's why his ended up being blue (a suggestion). It's clear that the implementation based on the results of looking at the accountability indicators is not satisfactory. So where this sits right now is that we would be making a suggestion that, in line with the accountability indicators, those be improved to provide better metrics versus what is currently there.

Over to you, ma'am.

CHERYL LANGDON-ORR: Thank you very much, Bernie. We have in front of us the conclusion. Is there anyone who wants to put anything forward to the queue?

Sebastien, please go ahead.

SEBASTIEN BACHOLLET: Thank you very much. I think that we need to rewrite that and put it in line with exactly what Bernie just said, that we will do that with the indicators and nothing else because it's not necessary to have that in each point where we talk about metrics. We will have a general view on the indicators. Thank you.

CHERYL LANGDON-ORR: Thank you, Sebastien. It looks to me like Bernie is taking notes on that. So that's being jumped into as a more than friendly amendment. Does

anybody got any issues or want to embellish that further? Or are we happy with that?

Not seeing – just let me double-check for hands … All right, no. Nobody in the Zoom room raising attention. Maarten, I'm sorry. I didn't see your card.

MAARTEN BOTTERMAN: I'm just thinking because these metrics are [inaudible]. They're just sharing what the Board is doing because what it's about is the functioning and improvement efforts. What we have as a key activity in place in the 360 reviews that lead to continuous improvement. It's not the metrics. That's why I was doubting whether to bring it forward [inaudible] for information.

In that way, we can also consider how important the metrics are and what they would add which we would actually be able to do with at this moment. There's a clear commitment to continuous improvement, and that's reflected in both the 360 effort and in that we follow the skills of the Board and have coupled that to the continuous training program as well.

CHERYL LANGDON-ORR: Thanks for that. I'm not hesitating with my thanks for that, other than I'm wondering if there's an opportunity in the preamble in this section perhaps to recognize some of that information?

Over to you, Sebastien.

SEBASTIEN BACHOLLET: If we go along the document, we will talk about the 360 reviews and we will go through all that. I think, at the end, we may say that we assure the Board will do everything they can to improve. But we will go through 360s and other elements of this accountability and transparency from the Board. [I] ask if we put that at the front or if we go through all the recommendations.

CHERYL LANGDON-ORR: Okay. So as long as it's picked up somewhere. Whether it's picked up at the top or during has yet to be determined. The major point is it has to be picked up. Bernie, we can go to the next.

BERNARD TURCOTTE: Thank you, ma'am. 3.2.13, Recommendation 3: "The Board should conduct qualitative/quantitative studies to determine how the qualifications of Board candidate pools change over time and should regularly assess directors' compensation levels against prevailing standards."

There are some edits in the text. It says partially implemented and lacks sufficient information to assess. The conclusion is that the recommendation has been partially implemented, but we lack sufficient information to assess its effectiveness.

There's no requirement for a recommendation or a suggestion here. There has been a lot of work. The accountability indicators do provide some information. We did get in a confirmation last week, I think, or the

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week before that the Board compensation study was done. So we can add that in there.

CHERYL LANGDON-ORR: Sebastien?

SEBASTIEN BACHOLLET: I think one of the problems of this recommendation is that it speaks of oranges and apples. Yes, I guess everything was done about the [inaudible] composition. I am questioning even the recommendation. How can the Board determine the candidate pool? It's not their duty.

BERNARD TURCOTTE: It's not applicable.

SEBASTIEN BACHOLLET: They don't have the access to that. They could eventually get them from the ACs and SOs when it's public. It must be public. But for the NomCom, it's clear that they don't know about the pool. Therefore we asking them for something that they are unable to fulfill. We need to say that also because I think the ATRT-2 in that sense gets too far from what the Board is able to do. Thank you.

CHERYL LANGDON-ORR: Back to you, Bernie.

BERNARD TURCOTTE: Yes, and that point was made in the implementation report. I think that's a very friendly amendment that we should point out. Actually, if we make that amendment, I think we might want to have a note in there that maybe we noted it's only partially implemented versus the recommendation. But there's really not much more that can be done.

UNIDENTIFIED SPEAKERS: [off mic].

BERNARD TURCOTTE: Yeah. Or we simply note it as implemented because there is not more that could be done. So, either way, it's …

CHERYL LANGDON-ORR: Yes. At the risk of splitting hairs, I think [it should remain] partially implemented and state why. However, "There is little else that could be done," is the preferred way going forward.

BERNARD TURCOTTE: Yeah, that's fine.

CHERYL LANGDON-ORR: Thank you. Maarten, go ahead.

MAARTEN BOTTERMAN: Just to say, on that the second part – regularly assess the directors' compensation levels – we've had a report two months ago or last month that completed the cycle that we regularly do.

UNIDENTIFIED MALE: [inaudible]

MAARTEN BOTTERMAN: Okay. Super. It happened recently.

CHERYL LANGDON-ORR: Any more on this one?

Let us move on, good sir.

UNIDENTIFIED MALE: [Add memoir].

CHERYL LANGDON-ORR: Okay. [Add memoir] on completion. Let's …

BERNARD TURCOTTE: 3.2.14, Recommendation 4. "The Board should continue supporting cross-community engagement aimed at developing understanding of the distinction between policy development and policy implementation. Develop complementary mechanisms whereby the supporting organizations and advisory committees (SOs/ACs) can consult with the

Board on matters including but not limited to policy implementation and administrative matters on which the Board makes decisions."

Now, we have a partially implemented and insufficient information to assess. We have a conclusion in dark blue, which would suggest a small suggestion. There is no meaningful metric to show any particular improvement of the wider ICANN's community understanding of the difference between policy development and implementation of policy, as was called for by this recommendation. "ATRT 3 does not recognize and appreciate" – "does recognize." Sorry.

CHERYL LANGDON-ORR: [inaudible]

BERNARD TURCOTTE: Yeah, the "NotsCon". Yeah. "ATRT does recognize and appreciate"—

UNIDENTIFIED MALE: [off mic]

BERNARD TURCOTTE: Yeah. Recognize and then does not appreciate. "ATRT-3 does recognize and appreciate the considerable work already done in the GNSO regarding non-PDP and cross-community working group processes. However, this is not an example of ongoing Board-facilitated cross-community engagement. This being said, it does not properly implement what was in the recommendation. As such, ATRT-3 will be

suggesting that ICANN org develop a framework for policy implementation which will allow the community to understand and follow and, to some level, participate in the implementation process. Additionally, with regards to SO/ACs consulting with the Board, ATRT-3 will be recommending or suggesting that the agenda and material – be available at the time of publication for all types of Board meetings 14 days in advance of the meeting, unless there are exceptional circumstances."

We had a discussion about that section. The accountability indicators do provide that information properly for Board meetings but not for committee meetings. I think there was some comments that it was considerably more lax when it came to committee meetings, but that has to be confirmed. Also, we had a discussion on, if it wasn't posted, that giving the reasons, etc., might actually be more binding, and the Board might not know. So that part was to go anyways as part of our initial discussions.

So we've got two elements here which are made as suggestions, basically. We are saying, "As such, ATRT will be suggesting that ICANN org develop a framework for policy implementation which allow the community to understand, follow, and, to some level, participate in the implementation process. With regards to SO/ACs consulting with the Board, ATRT-3 will be recommending that agenda materials be published in a timely fashion for both Board meetings and Board committee meetings."

Over to you, ma'am.

CHERYL LANGDON-ORR: Thank you, Bernie. The floor is open for comments. Are we satisfied with the two suggestions there, noting the edits we did go through regarding the exceptional circumstances, etc., etc.?

Vanda is good. Not seeing in the Zoom room. Are you okay, Sebastien? Good. Getting nodding. Excellent.

Next? Next? [inaudible] the Knights of Nee.

UNIDENTIFIED MALE: [That's what I heard when you said that]

[PAT KANE]: Shrubberies, anyone?

BERNARD TURCOTTE: 30.2.15, Recommendation 5. "The Board should review its action standards for Board documents, document information, disclosure policy, and any other ICANN document to create a single published redaction policy, and institute a process to regularly evaluate redacted materials to determine if redactions are still required."

You'll remember we had quite a long discussion about that Tuesday morning. Where we ended up with was: "ATRT-3 believes the efforts made in response to the recommendation regarding review redaction standards for Board documents, document information, disclosure policy, and any other ICANN documents to create a single published

redaction policy, and institute a process to regularly evaluate redacted materials to determine if redactions are still required and, if not, make sure that redactions are removed." That's not been implemented nor is effective. "As such, ATRT-3 suggests that this be rectified by completing the implementation of a single unified redaction policy." We'll remember, in the discussion we had with Michael, that he was squarely mentioning that simply plowing all of these different redaction policies into one document is not what is being required here and that there be a unified – that's where we actually got the "unified" from – redaction policy. So that would be made as a strong suggestion. That's where we ended up. This is a final go at this.

Over to you, madam.

CHERYL LANGDON-ORR: And over to the table. I think we had a healthy discussion about this, but you've had time to contemplate, [conjugate], consider. Are we still satisfied?

It would appear so. Let us move along.

BERNARD TURCOTTE: Thank you, Madam Chair. 32.16, Recommendation 9.1. "Proposed bylaws change recommended by ATRT-2 to impose a requirement on the ICANN Board to acknowledge advice arising from any of ICANN's advisory committees."

We had an implementation [inaudible] partial implementation and not effective. The conclusion we ended up with: "The Board advice registry

is a good step towards meeting the intent of this recommendation. The value of including this in the bylaws is probably arguable and may not be worth pursuing. Setting minimum times for the Board to respond to advice for SOs and ACs is challenging, as implementing some advice requires time and resource, which are usually not specified in the advice provided and often require ICANN to undertake an appropriate evaluation to produce an implementation plan. This being said, the recommendation required the ICANN Board to acknowledge advice arising from any of ICANN's advisory committees, which the Board advice webpage does, using the Board advice register [phases] and descriptions. A suggestion for improvement would be that ICANN implement a minimum time to provide an initial assessment of recommendations made to the Board by SOs and ACs."

Over to you, ma'am.

CHERYL LANGDON-ORR: Thank you very much, Bernie. I recognize Leon. Please go ahead.

LEON SANCHEZ: Thank you very much, Cheryl. There are many flavors of advice that the Board receives, right? There is advice that actually implies action from the Board, and there is sometimes advice that doesn't imply any kind of action but just acknowledgement. So maybe there is a nuance there in saying that all advice received should be acknowledged and given proper action in a given timeframe. Maybe just noting that and saying, "Where action is required, then it would be convenient to do this."

Where is no action to be taken, a publication should fix or be considered as implementing the recommendation, maybe.

CHERYL LANGDON-ORR: Okay. I saw some nodding in the room. The words "in a timely manner" when chiming through my head as you were saying that. I think we do need to have the timeliness of these things constantly tied in as well. Is there anyone who has an issue with that as a friendly amendment or wants to make a comment about it?

Pat, go ahead.

PAT KANE: Oh, no. I don't have a problem with that. I just was going to make a suggestion about how the conclusion is being written.

CHERYL LANGDON-ORR: Thank you. Go ahead.

PAT KANE: Are we ready for that?

CHERYL LANGDON-ORR: I am always.

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PAT KANE: All right. I think, just from the standpoint of where we talked about from the prioritization standpoint, we should probably take out the sentence that says, "The value of including this in the bylaws, is probably arguable and may not be worth pursuing," because I think we're making a judgement on the suggestion that we say we're going to make, whereas, from a prioritization standpoint, we're trying to throw that to a different entity to prioritize that. So maybe we should drop the valuation of it since we are going to make a suggestion or recommendation.

CHERYL LANGDON-ORR: Fair point. Thanks, Pat. What's amazing is we've got Board members at the table who've heard that and are now – well, I can't declare they're unaware.

Tola?

TOLA: I just wanted to confirm. Who defined the timeliness? The Board or the SOs and ACs that advise?

CHERYL LANGDON-ORR: How long is a piece of string is one of those delightful conundrums, of course. It probably needs to be the Board, but it needs to have to justify. Should it be challenged by any of the SOs and ACs, including the one that provided the advice? It would be an advisory committee under most circumstances who would be provided, dare I suggest, advice. It's kind of in their job description. Particularly if it was advice for action,

the gating, the expectation, may be associated with the advice. So an advisory committee may say, "XYZ needs to be considered by the Board because of __. Our rationalization is ___." It would be expected that a reaction to this happens before a particular point in time or before a particular action. So it may before a something or other happens or before June 25th or before the next budget cycle. So there's a little bit of wiggle room there.

TOLA: Yeah. [That is not the point]. I'm taking it from what Leon just said. The SOs and ACs advise based on their understanding of the situation. But the Board is faced with their own circumstances, and they know from their own perspective. So, if the advisories want something done in two days but the Board realizes that that can't be done until five days, what happens? Should they respond, or should they just go ahead and action according to the reality?

CHERYL LANGDON-ORR: I'm not a member of an ICANN Board, but if I was a member of a board that was faced with that choice and I was concerned about how those people who trust in me to be a proper, effective, and efficient board and are watching what I'm doing, I would make certain decisions based on that. That, from my personal perspective, would probably be saying very early up front, "We note this but we will be providing it by__." That's just housekeeping. That's just good governance.

When we get to a point where any board, including any ICANN board now under the bylaws we have, stops giving us good housekeeping and

good governance, we get a better board. There's a mechanism for it for very good reason.

We've got Sebastien and then back to Leon.

SEBASTIEN BACHOLLET: Maybe, as I have to come back to what Pat just said because I want to be sure that I understand, we can finish this for discussion and you come back to me after?

CHERYL LANGDON-ORR: Sure.

SEBASTIEN BACHOLLET: Thank you.

CHERYL LANGDON-ORR: No problem. Leon?

LEON SANCHEZ: Thank you, Cheryl. It was actually a reaction to Tola's question. We've been faced with this before, right? We received advice that needs previous steps or considerations to actually be implemented or properly assessed or taken into account. When that happens, what we've done is to reach out to the advising advisory committee or the body which is handing the recommendations to the Board and we try to establish a

dialogue that allows both parts to understand where we stand, where we are trying to get, and the steps needed to get there.

So, if the advice said, "The Board needs to do this in two days' time," and, after an initial assessment, we realize that that won't be possible until five days' time, then we will reach out and say, "Guys, we are aware you are asking us to do these in two days' time, but the thing is that where we stand and what we have at hand will only allow us to reach this goal in five days' time. So let's find a way to work together and get where we want to be but within a reasonable timeframe or a resource-wise strategy." So that is the kind of interaction we've done so far and that we would, of course, look to continue doing to better continue to collaborate with the community in addressing the needs and satisfying the different advice that is coming into the Board.

CHERYL LANGDON-ORR: Thank you, Leon. Bernie wanted to just make a reaction to your comment.

BERNARD TURCOTTE: I think what we're talking about here is corner cases. What we're trying to do with the recommendation is just grab the general idea. The thing has been done fairly well. We're trying to bring in minor improvements/suggestions, saying sometimes it takes a while to get stuff up after the advice is in. So there should be, when there is action required, a minimum time expectation for the Board to react. It's obvious that there will always be corner cases and special cases, but

trying to go down the rabbit hole of covering every possibility for those things is usually a situation of diminishing returns.

CHERYL LANGDON-ORR: And there's always going to be loopholes somewhere. There's going to be some exception.

I think we're ready to go to you then, Sebastien.

SEBASTIEN BACHOLLET: Thank you. I want to be sure what we have done with the bylaw because the bylaw was in the ATRT-2 recommendation. It's why we say that it's maybe not a good idea to still push for having any of these such recommendations within the bylaws. Therefore, it was a comment about the previous recommendation, not about what we think. It's also what we think today, but I think it's important to say that it was a request from ATRT-2 but we don't think that it's necessarily to pursue this as part of the recommendation we made.

PAT KANE: That's fine, Sebastien. I equated it with we're making a suggestion and I equated it to where something we do here from a conclusion standpoint may not matter. So that's the way I equated it. If you want to put it back in, I'm really ambivalent. So it makes no difference to me.

CHERYL LANGDON-ORR: Please go ahead, Maarten.

MAARTEN BOTTERMAN: If I may ask a question, it's recognized that advisory [registers make] clear that the advice has been received and thus be considered and it doesn't fall off the table anymore. So I think that is the most important thing. That also means that you wouldn't endlessly wait until responding. So I'm not sure how urgent the issue is or what specifically triggers having a long discussion about this. We are aware and responsive and [inaudible]. It's very [inaudible] simplified in how we deal with the GAC advice as well. It's that sometimes we say, "Okay. Accepted," and for some we say, "Well, it's pending," because we're waiting for the GNSO to do something or whatever. But that's clearly indicated. So, if you say we need to recognize advice in a short time and say we'll take action and that is what you want to have a time limit on how quickly we say that, that's purely an administrative procedure that I'm not sure how much of our time of the ATRT-3 team it would require.

So I'm happy with what everyone suggests here, but I think the core is that, with the [ARR], I think we made big steps as compared to before.

CHERYL LANGDON-ORR: Thank you, Maarten. I believe that we're recognizing that. We're certainly not diminishing it – ah, thank you, Sebastien. I was going to check.

Not to be quite the devil's advocate, dear, wonderful Board members that you currently are with such a responsive and collaborative and communicative Board that we currently have with the standard operational procedures that you have set, I guess the cynic, if were one,

would say, "And what happens in a different Board environment with a different, respectful, even previously uphill sets of standards?" I think that might be where this type of concern came from.

That's not to say we need to change the operational procedures that you've undertaken or set them in any further concretion because I prefer light bylaws and agile operational procedures, which are updatable and meritorious under the current circumstance. But I think we should recognize, as we close off this conversation, that the light touch here is a reflection of the efforts being made and the fact that it's codified in a way that we have it as a precedent, should it stop happening. So they would be coming back to this at some future point in time as a strong argument with a different Board with a different attitude because it's not set in stone. There are still people who trust so little that they prefer to things set in stone. We're not suggesting it gets set in stone, but that is where that thinking sometimes come from.

So I'll close on that. Does anyone think we've left any – dare I say the pun – stone we need to turn over on this?

UNIDENTIFIED MALE: [inaudible]

CHERYL LANGDON-ORR: Okay. In which case, Bernie, I think we've got our marching orders on that one.

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BERNARD TURCOTTE:	I believe so, ma'am. Thank you – oh. Question from the floor.
CHERYL LANGDON-ORR:	Oh. KC put her hand up. Sorry. KC, please do go ahead. Thank you [inaudible].
KC CLAFFY:	Hi there. Sorry. I can't tell from the way this is worded. Was the bylaw change implemented?
CHERYL LANGDON-ORR:	KC, there was no bylaw change made, nor does the current ATRT-3 believe that a bylaw change is required. What was changed was the standard operational procedures and practices of the Board with its current attention to the register. The register, as a living and public document, is serving to make a number of the improvements that were the intent of ATRT-2 recommendations.
KC CLAFFY:	Got it, but I can't tell from the wording here. It says, "Proposed bylaws change recommended by ATRT-2." So ATRT-2 did explicitly recommend that the bylaws change and that didn't happen and yet we're saying that it was partially implemented because they did something else we feel was just as good?
CHERYL LANGDON-ORR:	[inaudible]

KC CLAFFY:
Okay. I don't think that should count as partial implementation. I think it should count as not implemented for a good reason or something because I don't know how you partially change the bylaws, and the recommendation was actually to change the bylaws, not to do something that was equivalent. Or maybe I'm misunderstanding.

CHERYL LANGDON-ORR:
[inaudible]. Of course, the recommendation had the intent of improving the process and assuring that there was acknowledgement and management of an interaction between the Board and the senders of advice to the Board in a timely, effective, and efficient way. So, in as much as the timeliness, effectiveness, efficiency, and transparency aspects of that were addressed by a different modality, that's being recognized in our [inaudible]. We're [inaudible] – please stop shuffling the papers. It's deafening here. Or mute.

It is also recognized in our text that the proposal by ATRT-2 that a bylaw change was required to make this hard code codified was not done but that we do not believe that not being done is a problem. So we do not thing, as ATRT-3, that the value proposition of going through the effort – it is a considerable effort – to make a bylaw change in this case would change the productivity of the current circumstances at all.

Now, Sebastien, this is very much your work party's baby. Do you want to react in addition to what I've tried to summarize for KC?

Okay, no. Sebastien is happy with that.

KC CLAFFY: Can I ask a follow-up? All that stuff you just said is interesting, but I don't see it in the text that you said was in the text, that there's this stuff implemented in the operating standards or operating procedures. Am I reading the wrong text? I'm reading 3.2.16.

CHERYL LANGDON-ORR: You should be reading the conclusion which says, "The Board advice registry (the AR) is a good step towards meeting the intent of this recommendation." So that's the text I'm assuming you're reading because I see you're in that text.

KC CLAFFY: Yes.

CHERYL LANGDON-ORR: Yes? You're reading the same text? If you have some text edits that you would like to contribute in the commenting on the side here that Bernie can take as inspiration for a rewrite to make it clearer for the average reader, then I'm sure that would be appreciated.

KC CLAFFY: Okay, I will do that. Thanks.

CHERYL LANGDON-ORR: Thank you very much, KC. Michael?

MICHAEL KARANICOLAS: Hi …

CHERYL LANGDON-ORR: Can you mute that line, please?

MICHAEL KARANICOLAS: Hi. I do think that KC is onto something in terms of the scoring of implemented and not implemented because, regardless of whether the underlying intent was addressed, I think it's one thing for the subject of the recommendation to turn around and say, "Okay, you've pointed to a problem. Let's try in our own way to respond to that problem," and it's a different thing to actually implement the recommendation, which is … I think the fact that action was taken to address the underlying intent of the recommendation is not implementing the recommendation. That's responding to the recommendation, but it's not implementing it.

I feel like partly this comes down to our [coding]. I understand the challenge here insofar as you want to give the credit for responding to what they see the issue is and, if flexibility is necessary or if the recommendation wasn't properly [targeted] or if we agree that their course action was a better way to go. But there's two different questions that this scoring gets to. One of them is this issue of whether or not progress is being made on these issues are being addressed. The other, which I think is a separate question, is, are recommendations being implemented? When recommendations are going out, are they being followed? I think, for one of them, the answer is yes, but for one

them, the answer is no. The fact that we have this just [coding] of partial implementation doesn't really address that gap because the idea of recommendations not being followed is its own problem, is its own issue.

So I'm not completely sure where to go with this. I think it would probably be overly complicated if we set up an entirely new system. I don't want to start taking things apart and setting up an entirely new system, but I—

CHERYL LANGDON-ORR: [inaudible]

MICHAEL KARANICOLAS: But I do think that there's something there insofar that I think that it's problematic to mark. I would mark this as not implemented but note in the text – rather than partially implemented but note in the text that they're diverging from the recommendation, I would mark this as not implemented and note in the text that we offer credit for the fact that they're responding to the intent of it.

CHERYL LANGDON-ORR: Thanks, Michael. I hear you. I heard Sebastien hears you as well because it's work party, so I'm going back to make sure that the reaction is from his work party, not from us as some interpretative team. So the suggestion, Sebastien, is that assessment would be not implemented as opposed to partial implementation. There'd be no suggestion of changing the effectiveness assessment, I'm assuming, Michael, from you

intervention. So merely with the implementation assessment it moved from partial implementation that's currently listed to not implemented, which also fits with KC's intervention.

I'm assuming that's a new hand. I'll come back to you in a minute, KC. The tech people will be queued to unmute your line when we do that. But that the text still recognized everything else that's been said. In other words, what's happening with the advice registry and that we're not recommending that a bylaw change should happen anyway. So we note it wasn't implemented as she was writ, but we really don't have a problem with the fact that that's the case.

SEBASTIEN BACHOLLET: Thank you very much. It's interesting that we are coming back to that. My personal point of view was, in the beginning, that it was not implemented. I can agree with you, but sometimes you need to leave some room for others to make the work and to make point of views. I have left what our colleague from Brazil has written because he was the one in charge. But you will find with me that, at the beginning of this, I wrote that we may take the same thing that we will write in Recommendation 9.2, but something else was done. Some free time must be given to others. But I have no problem that we write "not implemented." I agree with that. Thank you.

CHERYL LANGDON-ORR: Thank you, Sebastien. Noting between the two co-leads of the Board Work Party that they had already agreed to disagree on the primary

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analysis. It seems like there's no harm in proposing to the table now. Should that be a change? Is that what I'm hearing from you, Sebastien?

SEBASTIEN BACHOLLET: No, sorry. Just to be clear, it was not the other co-chair. We really don't get too much into this discussion. It was more a discussion through the document. I wrote that it was not implemented and—

CHERYL LANGDON-ORR: [inaudible]?

SEBASTIEN BACHOLLET: No, the guy from Brazil.

CHERYL LANGDON-ORR: Demi?

SEBASTIEN BACHOLLET: Demi. Demi wrote something else and I decided to leave what Demi had written. But Osvaldo didn't get any difference with me on that. Thank you.

CHERYL LANGDON-ORR: Not a problem. Sorry, I was not paying attention the country of origins. Maarten?

MAARTEN BOTTERMAN: Thank you. Not challenging or voting whether it's implemented or not. Seeing the current state, do you feel there's still need for additional action next to the ARR? Because circumstances have been changed. So that's what would be useful to make clear at some point as well.

CHERYL LANGDON-ORR: I believe there was suggestions in there, but let's go back to Bernie to make sure what's been captured is reflected.

BERNARD TURCOTTE: I think this discussion is about implementation and effectiveness. It's not about changing the recommendation that we had a discussion on.

CHERYL LANGDON-ORR: Any more from around the table?

UNIDENTIFIED MALE: [inaudible]

CHERYL LANGDON-ORR: Yeah. In which case, if we can make sure KC's line is unmuted, back to you, KC.

KC CLAFFY: Thanks. I committed to do something five minutes ago and I realize I can't do it. So I just want to ask somebody else to do it: add text to this conclusion to explain what happened. I don't know what happened.

What Cheryl mentioned five minutes ago? Nothing even close to that is in this text. So I don't want to make up stuff. I want Bernard or somebody to offer to go say what happened about what was done instead in terms of changing procedures. You mentioned something about operating procedures or operating standards. So I just want to apologize, but I can't do what I said.

CHERYL LANGDON-ORR: Okay. Noted, KC. Thank you. I appreciate that you made that clear for us –

KC CLAFFY: Can I say one more thing in response to Maarten?

CHERYL LANGDON-ORR: Of course you may.

KC CLAFFY: First of all, we do say at the bottom of this text right now that there is more that the Board can do, which we've already talked about for 15 minutes: this minimum amount of time and that we understand all the challenges for that. But I do want to say that some of this reminds me a lot of the CCT. Technically, I guess you could say the Board processed the CCT recommendations, but definitely we found that this CCT did not feel that they had been responsive. So they felt like they wasted a bunch of time, and they didn't get – I guess what they were thinking of is accountability and transparency back from the Board. Again, there are

really good reasons for all that. Some of those recommendations were not worded very well. There's all these contingent, complicating factors. But this recommendation, the intent of it, is obviously about accountability and transparency of, is the Board listening to the recommendations and being responsive? I think it's we were saying here: it wasn't that effective.

So I think the answer to Maarten's question is, how could you be more responsive to the recommendations than you do in the CCT report, for example? Some of that is going to be estimates of minimum to provide as assessment or minimum time to execute the implementation, even if you're wrong, like a first guess, in understanding all the complicating factors, saying, "Here is our best guess right now. We're trying." Thanks.

CHERYL LANGDON-ORR: I think what I'm hearing, KC, is the desirability of effective communication as an underlying factor. I did think it was learnings out of the interaction between the Board and the CCT-RT that encouraged future collaboration and [discord] during the processing of such information to be a little bit more open and up front. I'm looking towards Maarten before I go to Jaap to see whether I have misinterpreted or not observed correctly.

MAARTEN BOTTERMAN: This is why we did engage also in Marrakech in a face-to-face with the team. It's been discussed there. It's not fully clear to me how this would change because basically it's recognizing and responding that we've

seen advice, not effectively dealt with advice because it's very difficult to put a time limit on that.

CHERYL LANGDON-ORR: Okay. Jaap?

JAAP AKKERHUIS: I just want to make more of a comment. Other recommendations from ATRT[2] have been [intentionally followed] but not according to a strict [inaudible]. So it would be nice to notice that somewhere this is happening generally or come up with some formulation where we really point this out in the same way in other places that have been changed. But the intent is that we follow.

CHERYL LANGDON-ORR: Okay. And I assume you're going to put your card down now. What I'm hearing is that, in this group at this meeting at this time doing the work we are intending to do, there is sufficient support to change the categorization of the implementation assessment from as it is written in this draft now from partially implemented to not implemented. That's Step 1.

Is that a fair assessment of what you think we're at at this point in time? I'm looking to Michael to see if that's the case. Daniel? Daniel, you're sharing your head. Help me then, good sir.

DANIEL NANGHAKA: I think we have to also appreciate that some work has been done on this. If we say that it has not been implemented, I think that is so much of strong statement. They have at least done something, but that little something that has been done let's appreciate. But it can be at least [inaudible]. I think that is something that [inaudible]. Thank you.

CHERYL LANGDON-ORR: Thank you. Before you even reached for your car, I was heading over to you. Michael?

MICHAEL KARANICOLAS: Thanks. That, in my mind, is the effectiveness of the action assessment: what you're describing. Has the issue been addressed?

Now, where that takes us is to a very strange place where we could potentially say, "Not implemented. However, it's been effective," which sounds very strange to me. But, on the one hand, "Was the recommendation followed?" is Question #1, and we're saying, no, it wasn't. Has the action been taken addressed the problem? If the answer to the second one is yes, then what we end up with is "Not implemented but effective."

CHERYL LANGDON-ORR: And that's okay. In fact, I would relish the opportunity to do that. Tola?

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TOLA: My [inaudible]. I wondering, when Daniel said … Don't let me mention Daniel. The reaction has always been on the action element taken not according to the recommendation. The challenge we have here is we're not bringing it [inaudible]. If we are [inaudible] by ourselves, then we should be worried about the action the Board has been taking. And we appreciate it. We recognize that. Unfortunately, we're not doing that. we are treating the recommendation from ATRT-2. In that case, we must take every word in the recommendation to the letter. Thank you.

CHERYL LANGDON-ORR: That's reinforcing what I think I was stating, that I'm hearing is that the text will be in the final document going to the list – I am relishing the opportunity, Michael; I really am relishing the opportunity – to have the implementation as stated as not implemented with the effectiveness with all the appreciation of all the work that's been done and a small suggestion of what we would like to see happening to make it even better. That suggestion is going to be complimentary and appreciative of the fact that there is a degree of effectiveness. I love it. It suits my contrary nature.

I have Pat and then I have KC. Thank you.

PAT KANE: Thanks, Cheryl. I think the one thing we should think about in the rest of the document is making certain we're consistent with what we just discovered so that, when we have our conclusion and have our implementation, we take a look at it from a standpoint of an absolute "did we or did we not?" as opposed to going through [inaudible]. I can't

think anything that jumps out at my head that we did that for, but we should make sure we look at that from that standpoint so that we're consistent in this approach.

CHERYL LANGDON-ORR: A point well-made, my friend. There's also a difference between the specificity – see? I can see it at the beginning of the day as well at the end of the day – of the recommendation. This one is unambiguous. "Proposed bylaws change recommend by the two required by." It doesn't get less gray on that.

PAT KANE: We look good.

MAARTEN BOTTERMAN: [inaudible]

PAT KANE: Yeah, just taking a picture.

CHERYL LANGDON-ORR: So let's take it now that we are going to have the amusing situation of stating it is not implemented. But we may in fact give credit where credit is due and make suggestions to say, whilst there's been a degree of effectiveness with where it's gone to, even though this recommendation wasn't implemented, the intent has been addressed in the following way and we suggest additional things happen.

Over to you, KC.

KC CLAFFY: Guys, I'm sorry but I missed completely where we took the leap of logic from not effective to effective. We haven't had a conversation about the effectiveness part. Somehow, we just decided something that isn't written in the conclusion makes it okay that this thing wasn't done because something better was done. I didn't hear anybody say that what was done was effective. What I heard them say was that it was a good step and that there's reasons that they can't do more, like setting their own times is hard. But I don't think this has actually achieved what was intended by ATRT-2's recommendation.

Now, we might want to say, "You can't do what's intended by ATRT-2's recommendation." My interpretation of it is that the community would really have a good idea of how the Board was taking these recommendations and how long it would take for them to get executed. But I don't think that has happened.

So I don't see how – I'm sorry to disappoint Cheryl because she was counting on this – we can say "effective," and I missed where we went from non-effective to effective, just because they did something in a different way.

CHERYL LANGDON-ORR: The test I would apply, KC – you can feel as free as you like to disappoint me in any way, shape or form; it will make very little difference to my life because what we're doing is going to get through and make sure

that everyone, not just one person's opinion, is a does or does not carry with the majority of the group. So it's not just my desire to have a contrary and odd set of "not implemented but a degree of effectiveness." I will temper my amusement of that possibility.

But what the measure of effectiveness is, as we discussed certainly when we went through this the first time, whether or not the address register fulfills the desire for the community to see Board acknowledge advice arising from its advisory committee. So that's what we're looking at in terms of the measure of effectiveness. We have only decided that we're moving it from a state of partial implementation to non-implemented.

Let's move on now to the next step. Now, Michael, you've had an opinion on this. You want to certainly hear from Sebastien as the work party lead, but I have Tola in the queue. Over to you, Tola.

MICHAEL KARANICOLAS: May I just clarify?

CHERYL LANGDON-ORR: Please do so, Michael.

MICHAEL KARANICOLAS: Just to clarify, my position that it would be assessed as effective was based on what Daniel was saying. I don't have a position on effective or not.

CHERYL LANGDON-ORR: Over to you, Tola.

TOLA: Thank you. I was going to ask a question. If there's a recommendation from the ATRT-2, is it binding that the Board must implement that, even though [inaudible] overtaken it? If the ATRT-2 says that particular recommendation required proposed bylaw changes and, at the time the document was being released, what was expected of the bylaw change had been executed/been implemented, what should we do? Should we say, "Go ahead and treat it as if it's a recommendation. We must follow it to then letter"? That was the first point.

The second point I want to make is I think, because I was listening to what KC was saying and the reactions from Cheryl, at some point, Sheri, a member of the ATRT-3 team and Sheri the Co-Chair [inaudible]. The Co-Chairs are supposed to be moderating an aggregation of points, and sometimes maybe that was what KC was reacting to. They need to be separated: when the Co-Chair is moderating and when Sheri is making contribution as Sheri, a member of the team. So I'm thinking we need to clarify that at some point and that we don't have the co-chair at every point in time aggregating or supposedly aggregating everybody's points through Sheri the participant.

CHERYL LANGDON-ORR: Tola, if I have in any way, shape, or form been unclear about when I am being an absolute bipartisan aggregator and when I am saying

something under my personal role as a member of the Accountability and Transparency Review Team appointed by the At-Large Advisory Committee, I would be very, very surprised if the record shows that. Very surprised. Happy to have it pointed out. It would be a mistake I won't make again. I am very specific about saying thing like, "What I have heard is ___," when I start to aggregate things. If I say, "From a personal perspective, that amuses me," I doubt that's to be interpreted as a comment as the Co-Chair. So let's be bleedingly clear on that.

That said, it still doesn't solve our question on discussion effectiveness. We also need to make very, very certain that we remember what our role is here. it is not to endorse and ensure that every word ATRT-2 put into its recommendation [is] in good faith in a different time under very different circumstances and even a different design of what ICANN because it was pre-bylaw changes, it was so many years ago, and it was before the IANA transition work and all of the things that happened with the Empowered Community and everything else. It's not our job to say, "It didn't happen and therefore it must." It's our job to say it did or it didn't happen, how effective it was or it wasn't, is it obvious what happened to it, and are we then, based on those conclusions, going to make any recommendations or suggestions, noting recommendations have to come under a new set of criteria. So as long as we remember that that's our job, this shouldn't be as complicated as it sometimes seems to be. Okay?

Back to you, KC.

KC CLAFFY: Hi. I highlighted the sentence in the document that justifies the assessment of not effective, which came from the work party. That came into the document. So, if we're going to change that, we have to get rid of the sentence before and make sure that's okay with the work party.

CHERYL LANGDON-ORR: Well, we're working in plenary at the moment, but can we just show Jennifer exactly which sentence? Because we're looking at a screen and I'm not seeing—

BERNARD TURCOTTE: [inaudible] do that right now.

CHERYL LANGDON-ORR: Ah, thank you. Bernie's just done it. So let's double check. The one you're referring to is the sentence that reads as follows: "There's no consistency in the responses from the Board. Hence, some of the responses are not effective based on the request. Effectiveness assessment not effective." Then the "not" has been struck out in some point in time by this morning, it looks like.

BERNARD TURCOTTE: Yeah.

CHERYL LANGDON-ORR: Okay. In that case, thank you for highlighting that. Let's now open a brief discourse on this, or we'll be parking this and coming back later.

Daniel, over to you.

DANIEL NANGHAKA: At least making a suggestion. How about, in that case, we add something that effectively addresses the concern but the bylaws that are not implemented? The bylaw change. Would that make some sense?

UNIDENTIFIED MALE: [inaudible]

CHERYL LANGDON-ORR: Yeah. If I can restate what I think I heard, what I think I heard was Daniel reminding us to again accept the lack of effectiveness as 100% effective or partially effective or effective at all. That's yet to be determined. But to note that the bylaws didn't happen. I think that the degree of measure on implementation, where it says "not implemented," reflect to the bylaw change not being contemplated not occurring. So I think that's where that picked up. If that's not clear enough, let's discuss it.

Pat, is it clear enough, do you think?

Pat's nodding his head that he thinks it's clear enough, Daniel, by saying "not implemented" in that case.

So the issue here is the advice registry is there. It's a good step towards meeting the intent of the recommendation. However, the work party noted a lack of consistency in the responses from the Board. Hence, some of the responses are not effective based on the request.

Vanda, over to you.

VANDA SCARTEZINI: Just the idea to make it more clear for the reader afterwards because it's become confusing and then clear and then confusing and then clear. So, in the end, this is not all those thoughts that we are hearing in here. There's nothing somewhere written. It would be very difficult to understand the decision making process. So I believe that we need to pay attention on how to explain all those situations because it's clear now for me but it was not clear a few minutes ago. It may be the same for others when they read this independently without explanation. Thank you.

CHERYL LANGDON-ORR: Thanks, Vanda. I'm seeing you reach, Pat, but I also want to get to Sebastien to get the work party's opinion.

PAT KANE: Yeah. Please.

CHERYL LANGDON-ORR: Sebastien, obviously the effectiveness measure – this sentence that's highlighted – is a product of your work party. You've thought about why it ended up being not effective as opposed to partially effective. Help us understand more.

SEBASTIEN BACHOLLET: I guess it's always a question of where we push the button and what is [attitude]. Here we can't say it's effective and say just before that some of the responses are not effective. Therefore, if we want to acknowledge that there is some work done, we may say partially effective. But I just want to remind you that this work has started and the registry of the advice from the GAC have started before the ATRT-2 recommendation. Therefore, I am not sure that they are so much announcements, taking into account the ATRT-2 recommendation. It was already done at that time because it's a question of date. I know for sure that the GAC registry was put in place in place a long time ago. The At-Large or ALAC registry was taken also before Work Stream 2. Therefore, I don't think that there are too much announcements since and because of the ATRT-2 recommendation. It's why we can get the [inaudible], but here either we say not effective or partially effective. But I will not push for effective because the recommendation was not set as effective.

But that's always difficult because some of us have some knowledge about the history. Some of us don't have it, and then they consider what is at stake today. It's not so bad what they have done, but it's not at all because of ATRT-2 or because that they followed the quest of the ATRT-2 recommendation.

Therefore, my suggestion is either we put partially effective or we leave not effective, as I think it will be better because …

UNIDENTIFIED SPEAKER: [inaudible]

SEBASTIEN BACHOLLET: Yeah. Thank you.

CHERYL LANGDON-ORR: Okay. So what we have on the table, to be painful clear to everybody, is the possibility of not effective or partially effective from the mouth of the people who represent the group that did the work.

Maarten, you have a vested interest in this. What would you like to talk about it?

MAARTEN BOTTERMAN: The vested interest is in making sure that the underlying issues are addressed. We're committed to that. However, whatever comes out this ... So no doubt about that.

I think, if you look back to the recommendation itself, a proposed bylaw [is strange], right? We've see that, in the new bylaws, there's a very clear text on GAC advice. For some reason, in that process – I wasn't there; that's why I say "for some reason"; I don't know – this was not for the other advisory committee [to] also implement. You may even

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know better than do on why or why not is was there. In that perspective, you can say that's not implemented. I fully recognize that.

Let's also make sure this is about acknowledging advice. It's not about how effective we've been dealing with it and whether you agree with the way we dealt with it or note. We noted already for the CCT that we are clearly into dialogue on seeing how we can better progress on that. But that wasn't the question of this specific recommendation

So, with whatever comes out, I think the added value in your original recommendation was: maybe we should say something about the timing. That may be the difference be the ARR as it's in use today and not. With whatever happens, thanks to the transparency that is now added because of the ARR, everybody can see what's happening. That is, from the ATRT perspective, something that we have to [inaudible].

CHERYL LANGDON-ORR: Thank you, Maarten. I don't think any of us would argue that it was a bad thing to have more transparency.

Sebastien?

SEBASTIEN BACHOLLET: Thank you very much. I guess the acknowledgement of the GAC advice was already in the bylaw before the new one after the transition of the stewardship of the IANA function. I guess why ATRT-2 have written that is that they wanted that all the AC were treated the same, and it's why it was suggested to put that in the bylaw. Therefore, it's not effective,

it's not implemented, and once again, just pick and choose if you prefer not effective or partially effective. I have no big say in that. Thank you.

CHERYL LANGDON-ORR: Thank you very much, Sébastien. Let's go to KC and then Pat is going to follow that. KC, over to you.

KC CLAFFY: Hi. I would like to make a proposal that for all recommendations that were not implemented, we take ourselves off the hook from even having to answer the question about whether it was effective and leave it blank. I don't even think it was asked. I thought it was worded as, was the implementation effective? So I think we syntactically get that out of this jail free, and we have so many other things to work on. Can we skip this conversation?

And to the extent that there were recommendations that were not implemented but something else was done, it seems like we could have a section of the report that talks about that instead.

CHERYL LANGDON-ORR: And off mic, the words "Which is what we're doing" came from Bernie. Thank you, KC, and over to you, Pat.

PAT KANE: Thank you, Cheryl. So this conversation just brought something to my mind as we think about writing our own recommendations, is that when

we write them, we should consider whether we want to be prescriptive or whether we want to be outcome-based. And if we want to put a header in – and we don't have to decide this now or talk about this now, but some future plenary when we're actually getting into the writing, one of the things that we should consider is, do we put into the header of our recommendations that while some of these may be prescriptive, we are open to other solutions by smarter people coming behind us to achieve the same outcome that we're trying to get to?

So I think that that will help future generations of review teams in terms of what we intend with our own recommendations. So we can think and talk about that in the future. I think that'd be great.

CHERYL LANGDON-ORR: Beautifully said, good sir. Michael?

MICHAEL KARANICOLAS: Are we having that conversation now, or is that just ...

PAT KANE: [inaudible].

MICHAEL KARANICOLAS: No, we're not? Okay.

CHERYL LANGDON-ORR: Someday, that day will come. It's good to have things to look forward to. Okay, what we have, it appears, as far as I can hear, are we all really clear how I'm speaking and in what capacity? That there is support around the table to make it a not implemented rating, and there is a question that we need to decide on whether we call it not effective, partially effective, or with KC's most recent intervention, use a get out of jail free card and avoid the whole issue on this and many other parts of it.

From a personal perspective, not as a co-chair, I would be a little concerned about, at this stage of our work, suddenly not looking at effectiveness ratings when we have used it as a tool throughout the rest of the document, throughout the rest of the discussion, and throughout the rest of our work.

So as tempting as a least line of resistance solution might be, I am personally unsure whether that is going to get us anywhere any faster. But that is a purely personal perspective and I am now going away from the personal perspective and back to the holistic view.

We have a possibility of making the effectiveness ranking of not or partial. Is there anyone who wishes to die in the ditch, who cannot possibly live with a ranking of partial effectiveness? I'm assuming more people would be able to say they have a problem with that if they have one. Vanda.

VANDA SCARTEZINI: I have no problem with both partially or not partially. What I don't agree is not assess the effectiveness of this. For me, it's okay. As I said, needs

to be completely explained, but not if it is as the group said it's okay and partially if it is for the majority it's okay too, because does not really affect what is done or not done here. Thank you.

CHERYL LANGDON-ORR: Sébastien.

SÉBASTIEN BACHOLLET: I wanted to suggest that we leave the text as it was, not effective. Thank you.

CHERYL LANGDON-ORR: Okay. Can everyone live with the term "not effective?" I certainly can. Doesn't amuse me as much personally, but I can certainly live with it. Shall we move on? Over to you, Bernie.

JENNIFER BRYCE: 3.2.1.7, recommendation 9.2, review ICANN's existing accountability mechanisms through a community-comprised group. Basically, what we said is that was transferred over to Work Stream 2, and our conclusion is the recommendation has been transferred to the CCWG Accountability Work Stream 2, but the recommendation of that team has not yet been implemented, and there is no suggestion or recommendation from that.

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CHERYL LANGDON-ORR: Thank you, Bernie. I note one of the co-chairs from Work Stream 2 put his card up very quickly. Do be clear what hat you're wearing when you respond, because we don't want to confuse anyone. León, over to you.

LEÓN SANCHEZ: I am wearing my board hat but with my co-chair past experience. Yes, this was of course the core exercise of the CCWG, and I think the conclusion is not entirely accurate as to the implementation of some of the recommendations from the CCWG. Yes, Work Stream 2 is still pending approval by the board and there is an assessment exercise being performed, and that is what is holding us from implementing Work Stream 2 so far, but for example, there are many things that have been implemented in the bylaws already, the reconsideration request process, the new IRP, although the new IRP rules are still pending, and that is a pending issue.

I would say that we could assess this as partially implemented maybe and then do some sort of recommendation to speed up the process of finalizing implementation for Work Stream 2.

CHERYL LANGDON-ORR: Thank you, León. I see Sébastien.

SÉBASTIEN BACHOLLET: I guess it's partially implemented and it's answer your request. And for the moment, we are just considering that we will not make any recommendation. It is on Work Stream 2's hands and now in the board's hands before going to any implementation. Therefore, I think the best

thing we have to do now. When we will talk about prioritization, I am sure that we will come back about Work Stream 2 issue, what we will do and how we will handle that. Therefore, I suggest that we leave here this recommendation 9.2. as it is and we keep in mind that when we will talk about prioritization, we will come back on that. Thank you.

CHERYL LANGDON-ORR: Thank you, Sébastien. Anyone else on 9.2? Okay, with a time check then, ladies and gentlemen, as I'm trying to keep the trains running on time, because Pat gets cranky with me unless I'm terribly efficient on my timing – he's such a taskmaster to work with. It's been such a difficulty. That is a joke, ladies and gentlemen, he's actually a pleasure to work with, surprisingly enough. No, again, another joke.

We are perilously close to the break time, and I don't think it would be wise for us to move to 9.3 before the break. So seeing as you've been a minute or two late in many of your breaks, we're going to award you back three minutes of your time for this current break and we will be taking a 17-minute as opposed to 15-minute break now. we will be returning at 02:00 UTC, that is 10:00 local Singapore time. We can stop the recording now and thank you very much for those of you remotely. We will be gone for about the next 15 minutes.

Thank you very much, everyone, including our viewing public who we value, and that's why we start our meetings on time after our breaks. We are back from our break now for ATRT-3. I almost said ATRT-2, just feels like it, perhaps. In fact it almost feels like ATRT1 on some of these subjects.

We left off before the break with, I believe, a final agreement to not disagree on 9.2, and we're about to start on 9.3 in which case I'm going over to you. Thanks, Bernie.

BERNARD TURCOTTE: 3.2.1.8, recommendation 9.3, review the office of the ombuds, the role within ICANN and whether duty scope of the ombudsman should be expanded or changed. Essentially copy pasted on the preview recommendation, and I would propose that we just accept that there is no recommendation or suggestion as the conclusion and just move on. Sébastien is not satisfied with it.

SÉBASTIEN BACHOLLET: If we can have on the screen the green area. I think we need to put the same thing as for 9.2, that means it's been transferred to the CCWG on accountability.

BERNARD TURCOTTE: [inaudible].

SÉBASTIEN BACHOLLET: Okay, that's very important that we do the same. Thank you.

CHERYL LANGDON-ORR: Thank you. Anyone else? Back to you, Bernie.

BERNARD TURCOTTE: Thank you. 3.2.1.9, recommendation 9.5, conduct a review of the anonymous hotline policy and process implemented and proposed modifications to policy. Here, the review was conducted, Work Stream 2 made further recommendations on the topic which were in line with the review recommendations, implementation assessment. We had implemented, KC said partially implemented. It's not implemented enough to assess.

Maybe I can ask Michael to talk to this since he was in Work Stream 2 and touched on this.

MICHAEL KARANICOLAS: The Work Stream 2 transparency recommendations included a section addressing the whistleblower hotline. Essentially, that just tracked very closely to the recommendations that were put out in this report. Looking at the recommendation, implement any proposed modifications to policy. I think that they did the review, I think that they published the report. I don't think they implemented it yet because it's been a while since I went back to the recommendations, but presumably if they'd implemented them already, we wouldn't have recommended them again in Work Stream 2.

So yes, I think I would also say partially implemented. Looking at partially implemented but it's contained in Work Stream 2. So I would say partially implemented rather than implemented for that specific reason, that I don't think the modifications were followed through on yet.

In terms of effectiveness, again, I think that we're not in a position yet because it's great that they did the review, but the implementation is the key. But I also wouldn't pull any specific recommendations out of this because it's already in Work Stream 2. So I'm not sure what more there is to say.

CHERYL LANGDON-ORR: Thank you, Michael. What I've heard you say is no recommended change to the text as she is writ. In other words, partially implemented and not implemented enough to assess and also that there is no recommendation coming out of that or suggestion coming out of that. Okay, are we clear on that? Sébastien.

SÉBASTIEN BACHOLLET: Why we don't put the same text as 9.1 and 9.2, or 9.2 and 9.3? Because even if it was partially implemented, it was transferred to the Work Stream 2. And if not, we have to say that we will not make any recommendation because the conclusion is not just to assess, it's one way or the other.

CHERYL LANGDON-ORR: Thank you, Sébastien. I think we've heard it before, but I just heard it again, that Bernie will be amending that accordingly so that there will be parity between these in terms of the text. Is that correct, Bernie?

BERNARD TURCOTTE: Comment is now posted in the document to that effect.

CHERYL LANGDON-ORR: Excellent. Thank you very much, which means we can in fact give you back the microphone and move on to the next bit.

BERNARD TURCOTTE: Thank you, ma'am. 3.2.1.10, recommendation. 10.5.

CHERYL LANGDON-ORR: Hold, please, Bernie. Go ahead, Sébastien.

SÉBASTIEN BACHOLLET: I can say that before, I suggest that this recommendation 10.5 go back to the drawing board and be back to the board team, because I don't think it's good to wordsmith that in this session, and that we come back on that at a later stage. It's not so big deal but we have already a long discussion on that the first day, then I don't think we need to have it again. Somebody needs to write it, either you, Bernie, or me, but I don't think we need to discuss that now.

CHERYL LANGDON-ORR: Thank you, Sébastien. What I've heard is from one of the work party leads that we excise this out from this discussion at this time and it's deferred to come back to plenary. I believe, Pat, correct me if I'm wrong, we've probably got room in our next plenary meeting on the 30th to deal with this, so let's time bind that. So this will be discussed as a matter for final decision in terms of text and drafting which will

magically appear from somewhere between now and then for the plenary on the 30th. Let's move on. Thank you.

BERNARD TURCOTTE: Thank you, madam chair. We'll move on to the bottom of page 13, 3.2.4 on the survey and check the conclusions there. So please indicate your satisfaction with the board's performance, we've gone through these before so we're looking at the conclusion now.

The consolidated net of 35% which are satisfied or very satisfied is week and warrants ATRT-3 considering making a recommendation or a suggestion to address this. This at least in part is related to ATRT-2 recommendation two which recommended the board should develop metrics to measure the effectiveness of the board's functioning and improvement efforts and publish materials for training to gauge levels of improvement, which was assessed as only partially implemented.

I think we can tie this back to two and what we did and how we decided to have all that discussion and the suggestion therefore.

CHERYL LANGDON-ORR: Thank you, Bernie. Any conversation or comments on that? Seems like a good way forward. We'll look to that text. We might make a note that this text will also be modified as the next in line. Let me retract that. Will not be modified. Based on the text you are proposing will be made, we will also have a look at that in our plenary as it will be fresh text and it's immediately after the other text we will be looking at in our plenary

on the 30th as well. Does anyone have a problem with that? Thank you, Vanda. Let's move on, Bernie.

BERNARD TURCOTTE: 3.2.4.2, how does your structure feel regarding the board's interaction with your SO and AC? Go down to the conclusion? Satisfaction 50% versus dissatisfaction 43% produces a net 70% rating of satisfaction. This indicates there is an issue. All of the written comments were form either GNSO components or At-Large components is the analysis.

The level of concerns raised by EURALO and GNSO components may not meet the requirement for ATRT-3 to generate a recommendation but could certainly warrant one or several suggestions. And I think we have to take a little time on this one. So let' go through the comments.

How does your structure feel regarding the board's interaction with your SO or AC? Comments, At-Large, al experience with the board is a mixed bag. On the one hand, the board was very open to modifications to the recommendations of the At-Large review that didn't make sense and have worked with the At-Large to execute a more specific plan to address the findings.

On the other hand, and to some extent has always been the case, that the organization is mostly focused on the welfare of the industry it supports and less so on the individual end users that ultimately feel the impact of ICANN policies. The entire operational readiness effort surrounding a new round is focused entirely on the convenience and predictability enjoyed by applicants. Again, the optics of stressing that the first rather than basic operational readiness for growth of the DNS

seems backward and gives the appearance that the board is more concerned about revenue than secure, stable Internet with high consumer trust.

We have been well represented by our At-Large representatives but they have been a lone voice that represents the interest of global end users. Our present board representative makes great efforts to spread himself across the many At-Large environments and to attend as many meetings as he can to present board information or just answer questions and to take our views back to the board.

From León's support and intervention, At-Large was able to get the backing we need to hold the ATLAS and also gain some important support for our At-Large review implementation. At-Large AFRALO welcomed NomCom 2019 selection of two incoming African board members replacing the current outgoing African board members. the NomCom should always ensure regional gender diversity in the board composition.

At-Large EURALO, very dissatisfied. The experience of EURALO with the board has been solely confined to interaction between EURALO and the board. Whilst the ICANN CEO has made strides to have a regular call with RALOs, neither the board as a whole nor the board chair have attended any EURALO call or meeting, so for end users, the ICANN board is even less accessible than the ICANN CEO, so the following paragraph may come as a surprise to some board members. There is a genuine concern amongst participants in our RALO that the board is essentially concerned about the wellbeing of ICANN finances above and beyond the public interest and that this influences many board

decisions in matters of income, for example through allowing ICANN's operational readiness to open another round of new gTLD applications that could provide further income for ICANN. This reinforce the concern that appeals from our community for stable Internet with high consumer trust have fallen on deaf ears by being overshadowed by the board's concern to promote a dynamic growing DNS industry. The majority of end users are not domain name registrants and the needs of this majority are regularly ignored by the board.

GNSO BC, somewhat dissatisfied because the board often fails to distinguish BC as a unique constituency. The BC is under the label of CSG (Commercial Stakeholder Group), but the BC is not represented by the CSG.

GNSO IPC, somewhat dissatisfied - The IPC only formally interacts with the Board as part of the Commercial Stakeholders Group at ICANN meetings. The current House structure of the GNSO Council lumps together unrelated or only tangentially related interests, denying an opportunity for these communities to reflect the unique interests and concerns of their constituents at ICANN. When the IPC does get to interact with the Board, the face-to-face meetings revolve around prepared statements being read to the Board. By contrast, we find informal discussions with GNSO appointed Board members valuable. The IPC welcomes a more constructive engagement with the Board in which the Board could leverage the IPC's expertise in matters of intellectual property law.

GNSO RrSG – the registrars – somewhat dissatisfied. At the 2019 GDD Summit, the RrSG, alongside the Registries Stakeholder Group,

previously raised our desire to improve what are sometimes felt to be unconstructive interactions for both sides between CPH and the Board by changing the format of the meeting. Our proposal was to break out into small groups, each with at least one Board member on it, that would discuss specific, pre-advised, topics and then share the key talking points and takeaways with the plenary. Topics and actions items from CPH and Board interactions should be tracked to improve accountability. The CPH hopes to trial this alternative format at ICANN66 in Montréal.

MAARTEN BOTTERMAN: And this will happen.

BERNARD TURCOTTE: Okay, and that was Maarten stating that this will happen. GNSO-RySG – registries – somewhat dissatisfied. The structure of the Board's interactions with community groups during ICANN meetings has been unsatisfactory for some time now. Our members get little value out of the meeting with the Board on Constituency Day, particularly because the questions and responses feel preplanned and there is little room for the Board to speak freely. That said, the RySG does feel that other forms of outreach by the Board have been an improvement, including the increased visibility that has been provided by efforts like the Chair's blog posts prior to and following Board workshops. We have also been very pleased with having Becky Burr as our CPH-appointed Board member, as she is proactive in providing the RySG with relevant updates and makes herself available to discuss Board-related matters with the RySG.

Basically, it's a bit of a grab bag. I don't think there's anything for a recommendation in there, I think there's maybe room for some suggestions about this. I have heard from various constituencies that the show and tell in a box when the board shows up is not useful. That's the bottom line, this is what's being said here. So there is that issue of interaction.

The second part, I think, is what the RALOs were bringing up, that there is a feeling that there is not enough interaction with the board relative to end users is what I'm taking away from that, and their concerns and what's going on. Maybe we can just wrap it up into a suggestion around that, but I will throw it back to you, madam chair, and take comments.

CHERYL LANGDON-ORR: Thank you very much, Bernie. I have my card up because I'm definitely speaking as one of the representatives of the At-Large Advisory Committee but specifically with my specific hat on. Let's be clear, I think the observations you've made are absolutely valid from my personal point of view. What I hear as an individual – not as a co-chair – from those comments – and those comments are as they are. As they're writ, we have no control over that. It's what the people told us.

And if I look at what the people told us, they're expressing a willingness to engage but they would like the engagement to be more value and more productive, and less formulaic. and in fact, probably at as fine a level within the structures. So rather than being an advisory committee to board level, or a council to board level, or even a party house to

board level, there is a clear desire from these comments for it to be some form of meaningful and effective interaction which is not out of the box, which is not a dog and pony show, which is in fact also inclusive of the component parts of at least some of the GNSO and the At-Large Advisory Committee.

The other ACs are obviously structured differently and their needs are not even represented here, but undoubtedly, they would have them. So there seems to be strong possibility that a suggestion that says look at what success or failure comes out of your new modeling of interaction, the experiment that we've heard will be happening in the Montreal meeting, but do keep in mind from an ATRT-3 perspective, that improvement to be the most effective communication it can be between the board and the component parts of ICANN is important. It's the oil to the gears that will make this thing work well when it does, but that it clearly involves a couple of components because we've seen those out of the At-Large interactions on this survey and the GNSO interactions on this survey that when you've got an appointment to the board from your part of ICANN and the appointees of the board are available, interactive, responsive, reactive, engaged, that that helps a great deal. So that could in fact be useful observation to make, not a suggestion but an observation that would support a suggestion of working smarter and making sure effective communication does the job it's meant to. And now I'm no longer me and I'm calling on Tola.

ADETOLA SOGBESAN: [I believe Vanda] was before me.

VANDA SCARTEZINI: [inaudible].

ADETOLA SOGBESAN: Alright. Thank you. I didn't see this coming, actually, but I remember [inaudible] mentioned something about the GNSO or [agitation] for having [four] members on the board, so it's coming up again from the comment, you heard the BC says our interests were not represented, you hear the IPC saying our interest were not heard, and I'm somewhat jealous of Cheryl and ALAC because you say everything about [inaudible] you carry the message, but we don't have anybody listen to us. I'm sorry, I'm just speaking as a BC member now.

So maybe part of the observation of the fact that just [inaudible] just said, that the board members relate more with their base, which is from At-Large, from GNSO, [inaudible] specific [inaudible] interaction where the board was not strong enough, but the individual members interact more with the various constituencies. So perhaps if we have more people in our own various constituencies, there'll be more interaction. Thank you.

CHERYL LANGDON-ORR: Thanks very much for that, Tola. Just before I go to Vanda, after many years within ccTLD community, I'd also make the observation that that support organization as a supporting organization has been served in an exemplary fashion by a mere two of the seats being provided from its SO, and the measure and success of the communication has almost

been an expectation, if not a requirement of the ccNSO council over many years that it would have regular interactions with the board members that it appoints. So that really is an internal issue, not one that we need to jump into, in my view as co-chair and as one of the people who's trying to make sure the ATRT-3 does what its job is.

And do remember that what we were talking about here was responses to the question, how does your structure feel regarding the board's interaction with your AC or SO, and what we've got is not the opportunity to make recommendations but some interesting observations and the opportunity to make some suggestions as Bernie outlined. Vanda.

VANDA SCARTEZINI: Yes. I do believe that we need to use the opportunity to encourage those observations, and before we will [inaudible] the observation in the future, after Montreal, we could get feedback from what is going to happen during Montreal in this new transition model that they are suggesting.

I do believe that depends a lot of who you appoint as a member in the board for that community to help the interaction to really exist, and [design better] for each AC and SO the model that will work for that. For instance, since we have León in the board, that belongs to our RALO, and can speak Spanish with the people over there, so the feeling is, wait, the interaction with the RALO is great. So the RALO with the board, we got everything that was needed. So because we have [a way to address] and people to explain their feelings. So it's something that

certainly as the registries remind us that [Becky] is also very good interaction with them. Thank you.

CHERYL LANGDON-ORR: Thank you, Vanda. Got Jaap, and then I'm going to Maarten.

JAAP AKKERHUIS: Just want to notice that SSAC seems to be an outlier in answering this question because there are no comments, and I think somebody tried to say that we were satisfied, but there's an F instead on the list. but I guess it actually comes because this direct liaison to the board and contact has always been very good between the liaison and SSAC as a whole, and the other way around. And there happens to be personal contact as well between some people, so that might have made life easier as well. [inaudible].

CHERYL LANGDON-ORR: Thank you, Jaap. Maarten?

MAARTEN BOTTERMAN: Yeah, just to inform – not to change any of this, of course, but we are committed very much. We seek to do it as well as possible, and a visible example of that is that every time before our next face-to-face, we also interact with leadership, say, how can we best facilitate this? And this leads for instance to some changes in the engagement in Montréal as there were changes already earlier towards earlier meetings as well.

So, any good suggestions will be taken seriously, and we do understand the importance of being well informed. And even if you can't always talk about current discussions in the board, we can always talk about the subjects and learn from what people are thinking.

CHERYL LANGDON-ORR: Thank you, Maarten. And now just as part of the calcified and fossilized versions of people sitting around the table, of course, the board in the past also had a system whereby during the constituency day, the Tuesday of meetings, board members were randomly, or otherwise – sometimes I wondered – allocated to just go and sit in and be part of the proceedings in constituency day.

So the board over the various years have made all sorts of attempts to try and interact with the community, but the sensitivity, the [sensibleness] of and the expectations around those efforts need to be really clear, because using that example just so I can remind us all sometimes good intentions, bad things happen, when one had in one of the situations that I was witness to, what summed up almost a marking, a report card on the activities, behaviors and performance criteria for the particular visited body as an output from the visiting board member. That didn't quite have same effect as a good communications exercise, as you can imagine. In fact, it had a chilling effect. Yeah, that was a whole lot of fun.

But it had a chilling effect, so with all the right intentions, with the distribution of board members to all sorts of component parts of ICANN, for whatever reason, at least one or perhaps more board members at

that stage in that board in a different time and place took it upon themselves to make it a very different activity. And believe me, it had a very different outcome across the board.

So even with good intentions, let's make sur expectations are managed. Thank you, and back to you.

BERNARD TURCOTTE: Thanks. I'll note the following observation as I listen to the discussions. The dissatisfaction seems centered on those SOs and ACs that have large component parts. Let's be clear here. So really, part of this, that's the issue. What can be done to do that?

There are limited board members that represent - it's understandable, a much larger challenge there to board members from the GNSO that have to handle quite a number of large constituencies, and then on the ALAC, we've got one representative that has also to handle the ALAC and a number of constituencies.

So somehow managing – and I also go back to what Vanda was saying, all of a sudden they had someone in their region who speaks one of the major languages in the region, and all of a sudden, things are going better. I don't know if there's not an opportunity for the board to think about maybe assigning some liaisons, because it's about the communication as Vanda said. That's what I take back.

And maybe even if a board member is not sent by that SO or AC, given the SOs and ACs that have substructures, maybe there's an opportunity there to use some of the other board members to ensure some sort of

platform or bridge to communicate, trying to match up adequate people for language and geography to some of those other components that have. This is just an idea, but if I'm listening to what you're talking about, that seems to be the point. Sébastien.

CHERYL LANGDON-ORR: Actually, if I may run the queue, thank you, Bernie. The next in queue is KC and then Sébastien.

KC CLAFFY: Hi. I'm taking from what Bernard's saying that maybe we are headed towards changing the conclusion text at the bottom of this to make a recommendation. Currently, it says the level of concerns may not meet the requirement to generate a recommendation.

I sort of did a double take when I read that sentence because the comments above it are really the strongest set of comments in the survey. They're all quite surprisingly unhappy, and the comments they make are all directly about accountability and transparency with respect to that group that they're representing. So I felt like if these don't meet the requirements to make a recommendation, what does?

But of course, I take the point that it's unclear what kind of recommendation to make, so maybe I'm just a little bit squinting at the wording here, but also it sounds like maybe there's a recommendation kind of come out of this. So maybe I should wait.

CHERYL LANGDON-ORR: Thanks, KC. Whether it leads to a recommendation or a suggestion of course also depends on those gatings as well. Sébastien, and then Michael.

SÉBASTIEN BACHOLLET: Thank you very much. It's interesting discussion. I didn't participate in the writing both of ALAC and EURALO, all the RALOs' writing, but I am still concerned when I see that still when it's written by a body of ICANN within ICANN, that they still consider that we have a representative to the board.

That means that this is still to be understood, and we have to make very clear that when León is coming, he's coming as a board member, not because he's sent by the At-Large. And I have to say that it's an improvement from previous board. When I was board member, I was not allowed to do that. Really not allowed, by some people who were doing the same in their group but not allowing me to do that in At-Large. It's a good change there.

But as a matter of fact, we are both in GNSO and in At-Large very – there are subgroups, and I would like us to consider, or ask the board to consider, that – I know that the people need to be reelected and they need to make dance for the body they will be elected by, but if we want to break the silos, it will be better if it's not the one sent by the group who is participating to the work, because it will be one way for them to understand better.

And I want to stress that it is even more important for the NomCom appointees where, except for some, there are no home they come from.

It will be useful to – not assign but ask them to go to one part of ICANN, or go to many parts of ICANN, but maybe – and I will not use the term "liaison" because it's already used for two different things and we need to find another word, but I think [inaudible] change.

Liaison brings me to the fact that as At-Large, ALAC used to have a liaison to the board, and then it was changed to board, and in the same time it was done, it was considered by At-Large as we lost something. Yes, we gain the fact that we have a full board member, but we lose the liaison.

Now the board member is trying to do both. Maybe it's a bit too happy, and especially if he takes some responsibility within the board, it's becoming heavier and heavier. That's all my thinking about that. I don't know how we can put that into something, but I really think we need to at least suggest that there are some better link between the subconstituency and board member, and particularly the one not coming from any constituency. Thank you.

CHERYL LANGDON-ORR: Michael.

MICHAEL KARANICOLAS: Just to pick up what Bernie said previously, I agree with the basic point. I did want to ad that that challenge is not limited to big and diverse constituencies. We saw in the comments that the IPC and the because are complaining about access. Both of those constituencies have vastly more resources to lobby and push for their policy positions than the

NCSG, which didn't respond to that survey, and I think it's largely because of those same resourcing challenges.

So I think it's a good idea to push for good interaction, but I want to make sure that the ultimate recommendation adopts a tone that reflects this is a universal challenge. Perhaps that didn't need to be said, but I just wanted to add that. Thanks.

CHERYL LANGDON-ORR: Perfectly happy to hear it, because I think the generic nature of such a suggestion is vital, because what we also observe – at least I do – out of these comments, even when, as Sébastien said, there are people who may still be confused about the representational nature or otherwise – and it is otherwise – of people that they send to ICANN board, what they're also saying is we note that the person who occupies "our" seat or seats on the board interacts with us well, that's fine. But what we desire is interaction with the board, which was not saying we want more from "our" people but saying we would like greater opportunity for full, frank, [fearless] conversation, less out of the box stuff, with the board. So that reinforces what Sébastien has been saying as well.

So the generic nature, I think, is very important to make clear. Bernie, do we have enough now from this conversation to craft something as a suggestion? We do?

BERNARD TURCOTTE: I'll give it a shot.

CHERYL LANGDON-ORR: Okay, give it our best shot, in which case we might look at this at our next plenary as well. Excellent. Anything more on this? Let's move on.

BERNARD TURCOTTE: Thank you. 3.2.4.3, do you consider diversity among board members satisfactory? Now, we've beaten the diversity question to death, I think, yesterday, so I'm going to say that we've done this one and the next one, which is how satisfied are you with Nominating Committee's election of directors. We did this, we beat it to death.

Do you feel the NomCom is currently constituted sufficient mechanism for fostering nominations that have adequate stakeholder – we also covered that one yesterday in our mega discussion of representatives.

So 3.2.4.6, please indicate your satisfaction with the accountability of the Board under the new accountability mechanisms such as the Empowered Community. Now, people had trouble parsing that question in a number of cases and said so, and also noted that when they interpreted it a certain way relative to the empowered community, they didn't really see that the empowered community had really used its powers enough to be able to justify making an assessment on that.

I'm not going to read the comments because I think I summed them up pretty well. the conclusion is the ATRT-3 will not be making any recommendations or suggestions with respect to this question. I don't see where we can make a suggestion or recommendation. People were basically telling us they were either unclear on the question or it was just too early because of how much the EC has used its powers or not. Back to you, ma'am.

CHERYL LANGDON-ORR: Thank you very much. I see Wolfgang. Go ahead, please.

WOLFGANG KLEINWAECHTER: Yes, Bernie, I fully agree, but I think we have to wait for a case. That means the whole system of empowered community looks good on paper, but we have not yet a case where we know how it works. So fortunately, we did not have such a case. Insofar I fully agree, it's too early, premature to make any substantial conclusion, so I would also not push for a case because the best thing is no case will happen in the next three to five years. But again, it's an issue, probably a lot of people have an opinion on this which probably ranges from it's senseless to it's very good, and we have just to live with it. It's not for us to say something.

CHERYL LANGDON-ORR: Okay. That was off mic, Vanda? Okay. Thank you. Pat.

PAT KANE: Wolfgang, I think that's right, that we don't have a case that we can evaluate, but I think that there's cases that we missed. I think when we take a look at where the empowered community has missed an opportunity really is the first SSR2 pause that occurred to where I'm not certain we were in a swim lane that the ICANN board actually had the authority to pause SSR2 the way that they did. How I read that, the only way to blow up a review team is for the review team to blow themselves up. And quite frankly, the SSR2 team got a challenge and the board paused them and then the GNSO actually accepted the request

from the board – and I'm not certain GNSO had the authority within the process to do what they did in restarting the SSR2.

So I think that there's a problem in that we miss an opportunity with the empowered community and so maybe there's not a case that we can assess as how it works, but should we assess where we're missing opportunities and why those were missed and how we should respond?

WOLFGANG KLEINWAECHTER: I think that's an interesting point, but this is a question, do we have a mandate to review the empowered community, or do we have a mandate to review the accountability and transparency of the board? So in my eyes, it's a problem of the empowered community. They have to figure out how to act and how to bring their new house in order, and insofar, I would not be happy to – probably in chapeau elsewhere, we could say because it's the first ATRT review after the IANA transition, this is new and here we should have an eye on this and towards it, and probably, we can say that the empowered community should look for an opportunity to demonstrate to the whole ICANN mechanism that it exists and is able to act.

I remember that some people when this was discussed internally said this is so complex, nothing will happen the next 20 years because they are unable to develop something like that. If this is really the case and we see emerging gaps from this inability, then probably the next team has to look into the mechanism and to say probably something is not so optimal in the construction of the empowered community.

But for me, at this moment, it's too early to make any really final substantial recommendation. I see your point. Probably there are more missed opportunities. The SSR, it could happen, a number of issues there, "Oh, I'm listening but nobody is saying anything from the empowered community." It is an issue, but too early to make a recommendation.

CHERYL LANGDON-ORR: Thank you, Volker. Vanda?

VANDA SCARTEZINI: Just a question. Is the empowered community enough accountable to the community of the ICANN? That's the only question that I have. Is there some way to show us that they are being accountable to the ICANN community? Because I believe they should.

CHERYL LANGDON-ORR: Yeah, I'm going to go to Bernie because he helped craft the text on so much of that, and resist the temptation to answer any of that myself. I hope you appreciate my self-control, Bernie.

BERNARD TURCOTTE: Yes, and hoping you don't scratch the furniture too much. A couple of points, more practical along Wolfgang's lines. You'll remember that we have now sent four questions to each of the board and the empowered community asking them to talk about their interactions from both their sides. So I think that was the point from the leadership, is just to mark

this territory as something, this time we're just getting some input, seeing what it is, and maybe create a line item for future reviews that this should be.

And in the context of our discussion on meta reviews and things that this one specific meta review that will grab pieces and be evolutive, have evolution in it, this could be part of that evolution.

To Vanda's point, if you look at the actual mechanisms involved for making the hard decisions in the empowered community, it goes back to the members, SOs and ACs. So I would say that the accountability is built in to the process and was the subject of much discussion. And yes, the process as Wolfgang has said is complex and long, and was made like that, if you will, on purpose to ensure that if significant action is taken, that it is fully backed up by the community, that it's not just a few people sitting in a room decided to do something. Thank you.

CHERYL LANGDON-ORR: Thanks very much, Bernie. I don't believe what we've heard changes our current conclusion or our suggestion, the proposal that we make a suggestion here, so with that, unless someone objects, let's move on to the next one. Thank you.

BERNARD TURCOTTE: 3.2.4.7, rate the mechanisms ensuring the board's transparency. This was interesting. From the little bit split on the individual responses, the structures, was 54% effective, 31% no opinion, 15% not effective. So a slight edge towards being effective.

The companion question is, do you think the mechanism ensuring the board's transparency need to be improved? That was for individual Respondents only. And there was that 80% that came out of that.

Now, as we've discussed in the past, the number of individuals who responded is not significant, so we have to take this with a grain of salt, however, it is interesting.

If we go to the conclusion on this one, this thing we have to – was based on the comments that were made. You'll see there's a comment there, "Verify facts," which has been done. Board tardiness in posting agenda of board, board committee meetings and minutes of these meetings is a failure of transparency. As we said, verification has been done for board minutes and that is not a problem. The target has been met. The accountability indicators clearly present this and provide good data on it.

I think where we haven't managed to track down the information is for board committee meetings where we have no idea if there's a requirement when to post agendas and when to post results of meetings under a certain time frame. If someone has the information, I'll be glad to take it, I just couldn't find it.

So I think we have to temper this given this kind of information. So we should probably, now that some of this has been answered, scale this back probably to a strong suggestion that the same parameters that are used for posting the board agenda and the minutes be used for board committees, maybe, as a suggestion. And you'll remember that we

touched upon this in the ATRT-2 section a few minutes ago anyways and came away with a similar kind of point. Back to you, ma'am. Thank you.

CHERYL LANGDON-ORR: Thanks very much, Bernie. I'm looking to see if there's anyone who wants to buy into this. Comments, questions, criticisms, agreements, disagreements? It appears not. Back to you then. Sorry, Larisa, was your card up and I didn't recognize you? Jump up and down more obviously. I do apologize. Thank you. And I'm actually filibustering while Bernie is typing.

BERNARD TURCOTTE: We've got a comment that'll show up in a second that matches what we just talked about. Thank you very much for that filibustering. Moving on to 3.2.7.8, how would you rate the importance of the board implementing the transparency recommendations of the –

CHERYL LANGDON-ORR: [inaudible].

BERNARD TURCOTTE: Yes, good point. Thank you. I will do that right away. A strong blue. Now, this one we talked about yesterday because it was one of our five, and it came around to the whole Work Stream 2 and the discussion, etc. It came also back to prioritization. I think that what we've got there is ATRT-3 will consider suggesting that the board approve and prioritize

the implementation of CCWG accountability Work Stream 2 recommendation on transparency.

If I remember the discussion well, Sébastien made the point we can't cherry pick what came out of Work Stream 2 and we already have a commitment that the process is moving forward on Work Stream 2. What I'm thinking is that maybe what we should do is not make a recommendation or suggestion here but present that situation clearly in the conclusion. Back to you, ma'am.

CHERYL LANGDON-ORR: Thank you very much, Bernie. I have Sébastien. Over to you.

SÉBASTIEN BACHOLLET: Thank you. I agree with that, but I [inaudible] yesterday that we may wish to say that Work Stream 2 recommendation coming from ATRT-2 must be prioritized, because it's coming from longer time then the work done by Work Stream 2. I think if it was done just for ATRT-2, we will already have as the board to have implemented it, and it's not because [it went to] Work Stream 2. Thank you.

BERNARD TURCOTTE: I'll take that as a friendly amendment to upgrading the conclusion that still doesn't make a suggestion or recommendation.

CHERYL LANGDON-ORR: Anything further? Michael.

MICHAEL KARANICOLAS: So now we're adding a suggestion that ATRT-2 recommendations should be prioritized over Work Stream 2 recommendations? Or am I misunderstanding that?

CHERYL LANGDON-ORR: That's not what I heard. Sébastien, do you want to clarify? Or Bernie, go ahead.

BERNARD TURCOTTE: No, I think what Sébastien was trying to communicate, at least what I understood from it, is for those who are not here, no, it's not all sunshine and palm trees. As a matter of fact, we're getting a bit of a monsoon right now. And for your weather, please tune in in 15 minutes. But seriously, I think what Sébastien was trying to communicate was not the priority. He was simply stating that what led to Work Stream 2 was actually an ATRT-2 recommendation, and that that point should be [made.] It wasn't only that it's Work Stream 2, it's that Work Stream 2 came out of an ATRT-2 recommendation and that should be considered as a prioritization of things, along with the other ATRT-2 recommendations that were not implemented or that we're making a recommendation on.

MICHAEL KARANICOLAS: Hi. I guess I'm just grappling with the "Should be considered in the recommendations." The broader point that was made about not picking out a certain – one of the Work Stream 2 processes over another one,

I'm sympathetic to that, but I'm not sure where that leaves us in terms of crafting a recommendation.

I think that our general position is going to be that they all should be implemented. ATRT-2, Work Stream 2, Work Stream 1 if there's unimplemented stuff there. Not Work Stream 1, ATRT1 if there remains unimplemented stuff, which I think we saw. So I'm not sure where that leaves us in terms of crafting this recommendation. I would support noting this result, and leave it at that. I'm not sure why it needs to get all tied back to the origins of things.

CHERYL LANGDON-ORR: Bernie, a right of reply, then Sébastien, and Maarten.

BERNARD TURCOTTE: In reply to Michael, let's not forget this is absent us closing our decisions on prioritization. So I don't necessarily want to get our knickers tied up in a not of whether it's going to be this or that. A simple conclusion saying that we're not make a recommendation or a suggestion at this point, and it's tied back to actually implementation recommendations I think will cover it, but I think it's going to be rather wasteful to spend a lot of time on this at this point.

CHERYL LANGDON-ORR: Sébastien, then Maarten. No, Sébastien [inaudible]. Maarten.

MAARTEN BOTTERMAN:	Just also Work Stream 2 implementation is on the table. We're talking about it, and by March for sure, we'll be on our way doing something.
CHERYL LANGDON-ORR:	I'm not going to say that would be nice. But I did. I'm glad you appreciate the fact that I did not say that. I am smiling, for the record. It doesn't come out in the transcript when you're smiling. I've noticed that when I've gone back and read some of my commentary on things over the years and I go, "I should have said, 'And I'm smiling' or 'That is a joke.'" So yes.
	Okay, I think I've not only filibustered long enough for Bernie to take his notes, but a sip of water. Back to you, good sir.
BERNARD TURCOTTE:	Thank you, ma'am. 3.2.4.9, are you satisfied with the board's decision taking process? Amazingly enough, parity between individuals and structures with a very minor edge to being satisfied. I think this is one where I would like to read the comments because I think it'll elucidate some of the thinking behind this.
	At-Large, any expression of satisfaction in the Board's decision-taking process is dependent on an ability to hold the Board accountable for its decisions. While a level of transparency is present in the Board's decision-taking process - i.e. by way of public forums, open meetings, publication of minutes and resolutions as well as access to the records of its various committees - it is important not to conflate transparency

with accountability. While transparency is necessary for accountability, in many instances, it is certainly not sufficient.

At-Large EURALO, no, the Board's transparency has improved over time. Its accountability gained through explaining the rationale for decisions and providing verifiable feedback on stakeholder input still requires improvement.

GAC, yes, there is always room for improvements to decision taking. As a result of implementing certain ATRT-2 recommendations, communication and coordination between the Board and the GAC has improved over the last few years as expectations have been established and met for timely Board review and considerations of GAC consensus advice. In certain instances where consideration of GAC advice has been deferred, there is communication explaining why that transpires. Separately, the ICANN org staff has established an inventory of GAC advice to assist interested parties in researching and understanding how past advice has been considered and processed.

GNSO BC, no, ICANN's oversight of the Internet's unique identifiers involves decisions that affect business users and registrants. However, the BC believes that Board should be more explicit in acknowledging when there are conflicting priorities of businesses versus contract parties. And we believe that the board's recent decisions with respect to GDPR shows that risks and concerns of contract parties are given greater weight than concerns and risks of business users and registrants.

Here we're slipping into being upset about a very specific decision as opposed to a general comment.

GNSO Registrar Stakeholder Group, the RrSG believes the Board should place more trust in the bottom-up policy development process and avoid a repeat of the way in which it handled the protracted IGO protections issues. For example, Table 2, Inventory of GAC Advice in a recent letter from the Board to the GAC shows there are still 11 open items related to IGO protections.

Again, a very specific issue being mentioned.

GNSO Registries Stakeholder Group, no, the process by which the Board reaches decisions is very difficult for the community to follow in many cases. While the addition of the rationale to every published Board resolution has been a substantial improvement, it is still often hard to determine the process that went into reaching those decisions in the first place. We aren't even sure if all Board decisions are unanimous (minus abstentions). One suggestion is for ICANN to publish how individual Board members vote on specific issues, another might be to publish summaries of the main discussion points covered prior to taking votes. We also suggest that making Board governance documents more accessible on the ICANN website could help community members better understand the Board's decision-making process.

Basically, we have this split in the community of, for all intents and purposes, half are happy, and half are not happy. so in the conclusion, we've got, this is partially related to the previous point on board transparency and the comments made by the At-Large and Registries

Stakeholder Group are well taken. ATRT-3 will consider making recommendations or suggestions that address issues raised in the responses to this question.

So I send it back to you, ma'am. I don't have any further thoughts on this.

CHERYL LANGDON-ORR: Okay. Thank you. I guess we're wondering, does anyone else have any further thoughts on this? Noting however that some of these comments, as you pointed out, Bernie, are very much drilling down on to particular points of contention, particular action. There are also some suggestions in here which may be worthy of not necessarily creation into a recommendation but an observation and a suggestion that the board may look at this and something similar, but that's just one possibility amongst many. Opening the floor now for any comments on this. At the moment, we still have a fair bit to think about as to whether or not we make a suggestion or a recommendation.

My personal perspective is that it probably doesn't have the strength to make the gating for a recommendation based on the split input, but the split input does give us information that could be used to back up a suggestion. That's my personal point of view. Opening the floor then.

Okay. Over to you, Bernie.

BERNARD TURCOTTE: Thank you. What I might propose, I agree, I don't think it would meet the gating factor for a recommendation, but the split, I think, indicates

something. I think the split would be if we consider some of the sore points of people responding to the survey when they were responding might be possibly improved if people were in a better mood on those points. But maybe what I would propose is to give a try to actually integrating the Registries Stakeholder Group points they bring up, which I think are well put into just a regular suggestion, and have you look at that at our next meeting.

CHERYL LANGDON-ORR: Is everyone happy with that as a way forward? Not seeing any objections, a few nodding heads. Let's make that so. And back to you, Bernie.

BERNARD TURCOTTE: Thank you. I will take a second to make a note to myself so that I don't forget.

CHERYL LANGDON-ORR: Just while that's happening, I'll note that we have another hour block in this morning's work plan. I think we're actually tracking quite reasonably, we're spending a little bit more time on the matters that clearly need more discussion, but I'm personally, as well as co-chair, not overly concerned about where we're tracking, and I'm looking to see that there's a sort of bobblehead approach, not quite a yes and not quite a no, from Pat. When we work out which direction the head's nodding, I think we're okay. Back to you, Bernie.

BERNARD TURCOTTE: Thank you, ma'am. 3.2.4.10, are you aware of the training program for board members? Inverse split here, 38% of individuals said yes, 62 said no, structures, 79% said yes and 21% said no.

The conclusion, obviously there is an awareness issue with respect to this topic for individuals in the community. ATRT-3 will consider making a suggestion to address this. I think this goes back to something we touched upon in the GAC about the GAC-board relations where we said the SOs and ACs are very happy with that, they understand that, and the individuals came back and said, "No, that's not good." I really think it's just a communications issue, and I think we should follow the same track with this one because I think it's very similar situation, is what I would propose.

CHERYL LANGDON-ORR: Vanda?

VANDA SCARTEZINI: Yeah, it's also interest of the community individually if they have training or not. If it's not affecting me directly, I don't pay attention to that. That's something that we need to consider, because my [inaudible] respond to that and I know that I don't care. So if they are training, it's their responsibility, not mine. So it's something that does not affect directly, I don't feel that's probably the response [inaudible].

BERNARD TURCOTTE: Yeah. I think the spirit in which this question was made is that if we look at the board accountability, the training is a key element on which the

board relies to show that it's doing its improvement and considering it as a continuous thing, and I think if individuals in the community are not understanding that link, that needs to be addressed because it diminishes the value of what the board is doing to meet its obligations for that.

so I think it's just a question of a light suggestion to say let's make sure we communicate this better, and not just this but what it means and why it's important that you should at least know about it.

CHERYL LANGDON-ORR: Okay. I see nothing but nodding heads around the table, including form the representatives to the board, which is a good thing. Go ahead, Maarten.

MAARTEN BOTTERMAN: Let me add a little bit then, if you disclosed my physical movement here. The [question is, are] people aware? So I'm not challenging the poll. And indeed, [what we do say] for instance now that the new board members will have their onboarding training, etc. Well, if you don't go very far in explaining what it exactly is, I think the GAC comment is something that shows this may be information of interest. We actually involve people from those constituencies in rapidly bringing new board members up to speed on some of those elements.

So I can see opportunities for improvement, and just making people more aware of how we actually do this rather than just saying we're doing it.

CHERYL LANGDON-ORR: Thank you, Maarten. Anyone else? Okay.

BERNARD TURCOTTE: A comment has popped up and now I'm trying to craft something along those lines. 3.2.4.11, are you satisfied with the financial information as provided to the public by ICANN? Slightly in favor for individuals, two to one in favor for SOs, basically. A bit more than that.

How would you rate the usability of the financial information? Interesting that all of a sudden, individuals are now 61% in favor and 11% not. While structures are 59% in favor and 25, that remains rather steady from the previous point.

Conclusion, a consolidated satisfaction, 59%, is acceptable, but the 20% of somewhat dissatisfied or very dissatisfied is of concern. ATRT-2 recommendations 12.1 and 12.4 were directly related to this topic, and the effectiveness assessments for both of those recommendations noted that providing information which the average member of the community could understand easily and comment on effectively with only the requirement of investing a few hours would go a long way to increasing the transparency and accountability of the process.

Additionally, the CCWG Work Stream 2 made some recommendations which are related to this in its transparency section. Also, the comments provided by the Respondent include some good suggestions. As such, ATRT-3 should make some – we've got it tinted in blue, it's going to be

suggestions, with respect to the issue raised by the responses to this question. Over to you, ma'am.

CHERYL LANGDON-ORR: And indeed, over to the table. Doesn't seem contentious once we remove the word [inaudible] recommendation there and stick with suggestion. We've got potential in the responses to start drawing out some text. If there's anyone who wishes to contribute to this text now, do so.

BERNARD TURCOTTE: If not, I'll draft something and we'll go over it.

CHERYL LANGDON-ORR: Perfect. It's yet another thing to look at in the plenary. We'll have an action packed plenary on the 30th, ladies and gentlemen. I hope you're looking forward to it with as much participation as Pat and I are. Back to you.

BERNARD TURCOTTE: Thank you. 3.2.4.12, have you ever filed a documentary information disclosure policy? It was 100% no, lack of Respondents' experience with the DIDP means that the survey is generally not helpful when designing a recommendation or suggestions for the DIDP. I don't think there's a lot of discussion here, I discussed that with Michael and I would propose we just move on.

3.2.4.13, do you believe the information ICANN makes available on the icann.org website should be better organized to facilitate searching for specific topics? Oh my. 82-18, and 100-0 from structures. And then there's the companion question, do you believe the information ICANN makes available on the community Wiki should be better organized to facilitate searching on the Wiki? And we have the same results.

So now we know we've asked for information on the programs, we've been told there are programs that are working on this, we've asked for information, we're waiting on that information. I don't know. It almost feels like we've been promised that information. Maybe we should wait until we get that information and just park that one.

CHERYL LANGDON-ORR: Over to you, Maarten, but yes, that does make sense.

MAARTEN BOTTERMAN: Just maybe good to for instance look at what has happened with the GAC side and say whether this is exemplary or whatever if you feel that. And yes, I recognize we need information for more feedback on what we already have in the pipeline.

BERNARD TURCOTTE: So we'll be parking this one and waiting information.

CHERYL LANGDON-ORR: We'll be parking this one and waiting for a little while for the information. In the absence of information, we will state that there was an absence of information, and we will move on. [Back to you.]

BERNARD TURCOTTE: Thank you. 3.2.4.13, do you believe the information ICANN – oh, no, we just did that. Sorry. 3.2.4.14, are you aware of ICANN's open data mechanisms, including the Information Transparency Initiative, the Open Data Initiative, or about ICANN's transparency policies more generally?

Individuals 2-1 yes, structures about 3-1 yes. ATRTR will not be making a recommendation or suggestion with respect to this response. We've got a comment from KC in the sidelines. "But we should discuss how useful the ITI/ODI initiatives are. Was that covered elsewhere?"

I think what we said, that is the information we're waiting on from the previous point and we will get back to this. So I think that's covered that way, but I'll send it back to you, ma'am.

CHERYL LANGDON-ORR: Noted, but we have a hand up from KC, and then Sébastien. Over to you, KC.

KC CLAFFY: I guess we covered it, I just wasn't sure if we're going to leave it there, because there are some issues to say about those two initiatives. But let's wait until it comes up again.

EN

CHERYL LANGDON-ORR: Sébastien.

SÉBASTIEN BACHOLLET: Yeah, I really think that in addition to asking for what they are doing, I would very much appreciate if we have some financial information about and some timing information about this to project. Thank you.

CHERYL LANGDON-ORR: Do we take that as an additional request then? Is everyone else interested in that as an additional request? If so, we'll need to make an action item on staff. Go ahead, Jennifer.

JENNIFER BRYCE: We actually already included the request for the financial information in part of the request, and obviously, we note the urgency to get the information to you. So we'll work on that. Thank you.

CHERYL LANGDON-ORR: Thank you, Jennifer. But of course, you can only make so much of the magic happen. It's more than just you're asking, other things have to fall in line. We appreciate that. Is that okay then, Sébastien? Okay, good. Back to you.

BERNARD TURCOTTE: We're done.

CHERYL LANGDON-ORR: For this part.

BERNARD TURCOTTE: For this part.

CHERYL LANGDON-ORR: Don't get everybody excited like that.

BERNARD TURCOTTE: Maybe I would like to, if I can, take a few minutes to say what I'll be doing after this. Alright, so if we go down a bit to page 36, sort of in the middle, section 3.2.5, other information, we saw that there was some filled in under the GAC section four. Then there's section 3.3, analysis of information and identification of issues.

So what's going to happen is I will go through the document and start fixing the things that we talked about, and those areas where we have chosen to make a suggestion or a recommendation will then come down into section 3.3 or section x.3 of all of these for a more detailed analysis saying identification of an issue, and saying where that should go. And then in 3.4 and 3.5, suggestions will be listed there as they are expanded from our conclusions in the previous point and any recommendations, we'll start taking a crack at those.

At the same time, we've changed the status of the assessment of a number of ATRT-2 recommendations. Section 9 will be fixed, as we said,

accordingly. It will also mean that we've changed the assessment not only the assessment itself but sometimes the text around the assessment and we'll have to update the matrix once we finish cleaning this up so that it matches up. You'll remember our matrix where we did our ATRT-2 assessment. It would be nice if it has the same thing as this. So we will have to back engineer the text once it's fixed in here back into the matrix as well as the assessments.

Next thing that has to be done also is we received the SSAC response to the questions, and I've got to update all the tables and repopulate them. It's not a massive job, but it takes some time, and we said we would, so I will do the homework. I've got the mechanisms for doing that. It's four, five hours but it'll get done. And so we're trying to get as much of this done for our next meeting, and that's about it. Thank you.

CHERYL LANGDON-ORR: Thank you. Sébastien.

SÉBASTIEN BACHOLLET: Thank you very much. Great, Bernie. I just wanted to know when we will be able to discuss – we received a document for the independent review of the ICANN board. I have a few questions linked with this document. Do we handle that in a work party, do we handle that today, next meeting or in Montréal? Because I think it's important to – there's useful information there.

CHERYL LANGDON-ORR: Okay. I looked to my right while I was listening. I was not not listening, I was trying to find out from Pat, and indeed Bernie, what block of time it would take. It appears it should only be a matter of a 10- or 15-minute review. Is that correct?

BERNARD TURCOTTE: [inaudible].

CHERYL LANGDON-ORR: Okay, in which case if everyone agrees, it would seem then perhaps to make sense, almost now, before we move on to another block of work. So if everyone will indulge us and agree, we'll move on to the review of that document. So staff, do you have that to queue and display?

Okay, so I'll tell you what we might do. if you'd all like to stand up and stretch your legs without leaving the room, now is a good time to do it for a couple of minutes, so you can wriggle, have a quick check of your e-mail. As soon as things are ready in the room, you'll see it come up on the Zoom room for our viewing public, then we will dive back into this new piece of work, and Bernie, you're right, raring and ready to go once that happens to take us through that, because many of us, me included, will not have read this document.

BERNARD TURCOTTE: I've only read it once. I think Sébastien has the point. I would like Sébastien to take it.

CHERYL LANGDON-ORR: Certainly. If Sébastien wants to take us through that, that's fine.

BERNARD TURCOTTE: In the meantime, all those who are quite interested in Canadian politics, the news agencies have said it will be a minority liberal government, so Justin Trudeau will remain the prime minister of Canada. I was also quite surprised when I walked in and I looked at the room assignment board of the hotel today to see that there was a Canada-Quebec breakfast being held here.

CHERYL LANGDON-ORR: Okay. Alright. Sébastien, our document is up. The floor is yours.

SÉBASTIEN BACHOLLET: Thank you very much. It's a document title independent review of the ICANN board 2008, and another title is ICANN board review working group final report, January 2010, summary of implementation of recommendation from the independent reviewers.

I have printed it and it's not really exactly the same thing that we can see, but when I read this, it seems that there is addition to both independent review and the final report, and I would like very much to know where it comes from. And I will not read the whole document because it's six page, but the recommendation was, one was reduce the size of the board. The second was move to fewer but longer board meeting. Three, it's consolidate the board committee. The fourth, it's broaden the skill of the board. The fifth is make board membership more sustainable, and I guess six, build high performance culture at the

board level. Seven, strengths and the strategy focus of the board. Eight, clarify the board accountabilities, initiate the program of discussion that explores the following proposition, and I guess we are at the end of this document, and there are plenty of sub-recommendation and it will take more than 15 minutes if I read all that.

But my first question is, what part is coming from the independent review, what part is coming from the ICANN board review working group final report, and I guess there is a third writer because there's something with information after the fact, because here, it's January 10 and we have information about something done in 2011, 2014, 20 ... then it's after the fact.

And therefore, I have specific question, if you go to recommendation three, consolidated board committee, it's once again to understand the document. You have all this recommendation A to H, and after, you have something written. And if you go a little bit down here, you have something written that at the end, also the board risk committee was established in 2008 while the public participation committee and the IANA committee were decommissioned.

Therefore, I don't know who wrote that, but if we put dates in the document, we need to put dates for everything, because I am almost sure that the public participation committee and the IANA committee were not decommissioned as in 2008. I know because I was chair of this committee and I joined the board only in 2010. I am taking out of that that we – I appreciate to have received that, but we need to have something accurate, because if not, we can't take any action on that or be sure what we have done.

The second point I wanted to raise, page three, recommendation five, G on the recommendation five here, it's something about the payment for board member with the chairman pay at 2.5 times the amount paid to other directors, and there are some figures. Obviously, it was not followed, this one, but I don't know if it's something that we need to discuss here or not, but it's a topic about how transparent and it's done to decide what is the level of renumeration – it's not renumeration, but that's given to the board member and given to the chair, and I had a question with the vice chair and if it's something under our purview or not at all.

Page four, we are talking – no, sorry, a little bit – recommendation six, go down a little bit more. Here, you have this smaller part, the [lifetime] board 360-degree self-evaluation was conducted, and so on. One of my questions is, who gets 360 review of a board member? And the answer could be different from one to another board member. I think as a matter of accountability and transparency, it will be useful to know.

And just on the next paragraph, not the last line but just up, it seems that we have now a president and a CEO, because it's written [or communicated to] the president and the CEO. I think we write everywhere, to the president and CEO.

Another question I have is on recommendation seven, almost at the end of recommendation seven. In relation to ICANN's strategy, at the end it is written that there are five new strategy objectives. My question here, is it – it will be always five new strategy objective, or it is in one specific year? Or is it put in stone somewhere? Because I have the impression

that it's written five strategic objectives [per the] bylaw. Once again, it's a question.

If we go to recommendation eight, if we'll read the E, discuss the future work division between paid staff and volunteers, and form a view as to what this would look like in five years' time, I would be very happy to get that, the result of this discussion, and maybe it could give us some inputs to some discussion among us.

Okay, and the other part in this was to talk about functional, cultural and geographic diversity. I think we already discussed this issue specifically about diversity. Maybe not needed to come back on that. That was my questions about this document, and I hope I didn't bother you too much. Thank you very much.

CHERYL LANGDON-ORR: Thank you, Sébastien. Has anyone else got questions to add to this list of what I think we can probably consider questions with notice, some to the attention of staff, and some perhaps to the attention of the ICANN board with relationship to what is being put together in aggregated documents about them and their performance? Floor's open.

And I'm not seeing anyone react or respond, Sébastien, so thank you – okay, Vanda, go ahead.

VANDA SCARTEZINI: I believe that we should make a comment, because so many not completely believable documents cannot be [displayed and] published for people to read with so many errors.

CHERYL LANGDON-ORR: Correct me if I'm wrong, but this documentation was put together in response to a request for information, if that's not the case. Thank you, that is what it is. So it's not as if we've found this as a published document with errata all over the place, this is an opportunity to ask clarifying questions and to have questions with notice to make clear on what might be, it would appear, quite probably a yet to be reviewed at least once more document, because of the way we read it versus the way it was put together. Jaap, do I see you reaching for your card?

JAAP AKKERHUIS: I saw this [coming in] just before I left, and actually, as an answer to request for information, but I don't know who asked for this information.

CHERYL LANGDON-ORR: The board work party requested it. It's in response – [they had an] action item, the action item was completed. Yes, it was just before we got on the plane. Some of us have only had one brief look at it. We have some questions on the record with notice that staff can now look at, and the board is aware that this is being printed about them, and obviously, they will have some vested interest in making sure the truth and accuracy of the records are attended to.

Are there any questions back to Sébastien and his work party about what was required, what is he asking, what is going on? Just before I come back to you, Sébastien, are you all clear? I think there was some

frantic notetaking going on. I saw that. Okay, back to you then, Sébastien.

SÉBASTIEN BACHOLLET: Yeah, it was exactly to say that if there is any feedback, question, or if I was not clear – and I was not clear, [saw some] issues, definitely – I am available, and I guess board work party is available to answer and help to find the right way to go to the answer. Thank you.

CHERYL LANGDON-ORR: Okay. Thanks for that. Can I make a suggestion, Pat? This is just off the top of my head, so please jump in and see whether my thinking is as [inaudible] as it possibly could be. It would be good to have the responses to these clarifying questions come back to plenary and not go through the filter of the work party because we're getting to the point here [inaudible] of our work where we really need to start concentrating things back into drafting, documentation, final drafting, etc.

So, rather than have it go through sort of a sub-filter, can we make sure it comes back to the plenary? Then, Sebastien, you can take us through that during plenary. Might also be a more efficient usage of your work party's time as well. Back to you.

SEBASTIEN BACHOLLET: Thank you very much. I have no problem with that and I have a more general question. Can we disband the work parties?

CHERYL LANGDON-ORR: Probably preempting some conversation that was planned to have a little later but let's not do that conversation now. It is planned for a little later. I'm not going to show my cards what my personal opinions are as yet.

So, with that, where are we coming back into? Sorry, Maarten, just to note. We have just under 20 minutes, so whatever block of work we attend to will need to either have a natural break or only take that length of time. Maarten, over to you.

MAARTEN BOTTERMAN: Thanks. Clear that if you provide answers, need to be the right answers. But so much has happened since 2010. How much effort do we want to put into this? Maybe it's better to extract specific questions that may be inspired by this that seems still to be relevant than to try to report intensively on all the recommendations made in 2010 because I can see it will be a pain to really dig out all that stuff. So, I'm asking whether there are specific questions that would help you, rather than – maybe even cross them, like just [inaudible] are looking forward to a new and relevant answer.

CHERYL LANGDON-ORR: Before I go back to Sebastien, what I heard was at least two classes of qualifying or clarifying questions. Some were substantive. Some were editorial. And they can probably be handled differently as well, and things like who wrote, how wrote, why and why is this and the

[inaudible] sued throughout the document which is not consistent are very much editorial, at least in my humble opinion. Sebastien, back to you.

SEBASTIEN BACHOLLET: Thank you very much. This one is, for me, a more important one because I would like to be sure what was written by the independent – what is coming from the independent reviewer, what is coming from the ICANN Board review working group final report, and what is written today because that's not clear for me. If there is something not [inaudible] we can discuss hat. If we have questions on something written ten year ago, of course we will not ask any change. We know about that. That's why I think this editorial point is for me more important because it will allow me to know who writes what and how we can—[audio cuts]

CHERYL LANGDON-ORR: Oh, I could [inaudible]. I have been known to do that before. I can drop into a [inaudible] in a moment's notice. I assure you of that. We're back up? Excellent.

With that, our apologies for that slight drop in the audio. We said nothing of any importance, especially from me, in the interim and we welcome you back. Back to you, Sebastien.

SEBASTIEN BACHOLLET: Thank you very much. Just to summarize, I would like very much that we get what part was written when and if everybody agrees I will try to

extract a few points I think it's important to discuss in this arena as suggested by Maarten. Thank you.

CHERYL LANGDON-ORR: Excellent. Thank you. Is there any other comments on this section? I just want to double check with staff that they're clear on the priority of reaction and response. Then we can be color-coded for purposes of expediting it, just from whence what came. It might be a good idea just to put a live link if you can find a live link, or a link that can be live, to the original documentation so that people can go back and read, for example, independent reviewer's full report. My faulty memory can probably drag up some of the facts but it might be an idea for others to be able to go back and have a little look at that.

Dare I say, Sebastien, it could also be handy to have a linkage, if it is easy to find, to the deliberations that then went on within the ICANN Board meetings, whereby the majority of the independent reviews, assessments, [inaudible] but with very good reasons and rationale, because you'll note we don't have a vast majority of any of these recommendations taken up or implemented, and that was discussed extensively at the time. So, they will be in the records, so perhaps you can also work with staff just to make sure that they're giving you and your work party, to our plenary, with the optimal information not just for curiosity's sake but for effective use, because we also need to know and what are we going to be doing with this information. Go ahead, Maarten.

MAARTEN BOTTERMAN: Thanks for that. [inaudible] questions of relevance are always important to answer. Just to check for those who may have been in ATRT-2, was this document also considered in ATRT-2? Because then maybe we don't need to go through the exercise and can rely on ATRT-2.

CHERYL LANGDON-ORR: I'm going to ask Avri, who I know is interacting because she thanked us for coming back online. If you could type … If memory serves, you were also the liaison to the work streams on behalf of the ATRTs as well, Avri. I thought this documentation was in response – this specific document was in response to – our request for information through the work party, so this document, as she is read, did not exist at that time. But the material may very well have come to the attention of. And at this stage Avri is typing to the record. She does not remember it being discussed. Thank you, Avri, as ever. We appreciate your input. So, that does give a different validity, I believe, Maarten and [inaudible] to look at it.

Okay. Are we clear on next steps from there? Excellent. Bernie, we now have a mere 15 minutes-ish.

BERNARD TURCOTTE: Well, I'm going to propose that we have a bit more than that, actually. If we look at our agenda, we complete the work on recommendations per the priority list, so we've gone through everything, review the list of recommendations and suggestions. I think that would be a bit of a waste of time. I think it's fresh for everyone. We have one recommendation relative to reviews. We have one recommendation

pending, waiting for the information on prioritization. We are waiting for information on two other topics which we will look at and make decisions on. So, I think that's our review.

The next point was review the draft executive summary. I think there have been so many adjustments and changes that I would say let me take a crack at it and we'll review it together. And if it's agreeable to the group, then I will give you a few minutes more for lunch, we will come back and we will pick up the agenda in section three. That is my proposal to you.

CHERYL LANGDON-ORR: Thank you very much. I'd actually written that we wouldn't get to the draft executive summary until 13:30 but if we're going to take that off, that does buy us back more time. So, [inaudible] as an offline. Has anyone got a problem with Bernie's proposal, that we take some of these things, at least the review of the draft of executive summary, off the agenda for today and come back to it in a not-too-later date, whether it's going to be the 30th or whether it's going to be as we gather face to face. I suspect it's going to be [inaudible] in Montreal. So, let's just mark that to Montreal, as opposed to Monaco which is good.

With that, unless somebody has … Okay, go ahead.

SEBASTIEN BACHOLLET: Thank you. As we have one minute or so, I wanted to ask one question about if it could be in our purview or not. The bylaw, as it was written after the IANA stewardship transition is a long, very heavy document

and one of my thinking since the end of work stream one was to have a split of this bylaw where … We have already a split in mind that there are the important parts and the ones we need to go to the community and the one we don't need to the [inaudible]. But there are parts [inaudible] really linked with [inaudible] that each SO and AC need to take into account and I was thinking that it could be easier to have that in some [inaudible] bylaws and the general bylaws. But I am not sure that it's ATRT-3 purview, but if it is, I will wish to have this reflection. Thank you.

CHERYL LANGDON-ORR: Can I ask … Well, first of all, reactions from the table. I don't believe it is a defined part of the purview, but of course the purview also has the wiggle room to say, and as we so desire, ATRT has the ability. I personally, and as co-chair, will be concerned about popping additional work in at this point in time for two reasons. Our own work load and that the time limits of getting the rest of that work done, but also the expectations of the community. We had not flagged that we would be looking at this. That is purely a kneejerk reaction without having had a great deal of thought at any level, deep or otherwise, to go into it.

But, regardless, having gone through as you all – well, not you all but many of you – have, a few variations on the seam of making bylaw changes within ICANN. It's a big ship to turn and it's certainly nothing that's going to be particularly quick. We could perhaps make some lighter recommendations about looking at it, for example. So, let's not ignore the possibility. It could be a lighter-weight approach, if you're all

BERNARD TURCOTTE: I guess I'm going to try and channel some [inaudible] for a minute. Bylaws are bylaws. But this being said, if we carry forward with our plan on reviews, which will require a bylaws review, I'm thinking of doing something that is done in legislation often. We can maybe add in there a suggestion that there is room for simplification of the bylaws along what lines that Sebastien was talking about and then ICANN can properly assess that and it will prevent us from spending a lot of time thinking about where we can shoehorn this in.

CHERYL LANGDON-ORR: Okay. Has anyone got any thoughts on it or will we just take this as to be considered and see whether we can do a light touch or some other approach to it? I would suggest then, Pat, do you think we can revisit this as a subject matter regardless of how much time it may take when we gather together face-to-face next? Because we've got a fairly big [inaudible] agenda already.

PAT KANE: I don't see how we do this on the 30th. I think this has to be a face-to-face on the 1st.

CHERYL LANGDON-ORR: Okay.

SEBASTIEN BACHOLLET: Thank you very much.

CHERYL LANGDON-ORR: Excellent. Then, under those circumstances, it looks to me like it's an extraordinarily generous day because I think we're going to give you five more minutes for your lunch. And we can stop the recording, thank our viewing audience, say we will be back and starting again at 05:30 UTC. That is 13:30 local Singapore time. I'm waiting for the … And recording has stopped, all. Goodbye. Not goodbye just yet. Okay.

[END OF TRANSCRIPTION]