
MONTREAL – Engagement Session with the ATRT3 Review Team
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CHERYL LANGDON-ORR: Good afternoon, ladies and gentlemen. My name is Cheryl Langdon-Orr. I'm one of the co-Chairs of the Third Accountability and Transparency Review Team, which is known as ATRT3. My other co-Chair, Pat, sends his apologies. His work has taken him back home, so it'll be just us ATRTs whom I see sitting around the table and as thrilled and as excited as I am to look at all of you. This is actually supposed to be an engagement session.

Dare I ask anybody who's sitting behind me – and I know I've got my hair beautifully done – if you would care to join us at the actual table then we could at least try and engage. So if you're here to engage with the ATRT3 for this session, please come to the table. I'm not joking and I really don't want to have to get up and ask you again, but if you're going to be here to engage, let's engage by seeing each other to begin with, shall we? That would be excellent. Thank you very much. Anyone else who comes in the door, direct them to the table. Thank you. Alright, at least we can pretend that this is an engagement session. And please, do join the table. Don't go behind. Much better.

One of the things when one gets allocated rooms is that you sort of have to take what you get and what we get. For those in the remote participation world – and I don't know if we've actually got anybody in the remote room – but if we have, I welcome you as well. It's a U-

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shape, looking at a screen with any public seating behind us. So it didn't really lend itself to engagement, lend itself to being watched while one met.

So let's see how we go now that we can look at each other and interact. Because we've got a good smattering of members of the ATRT but not full complement and because we also have some people who are not ATRT3 with whom we are going to engage, I'm going to suggest that we take the exception. We have plenty of time in today's session to go around the table and to just briefly introduce yourself. Daniel, if you could start off, please.

DANIEL NANGHAKA: Good afternoon. Daniel speaking for the record, a representative from At-Large. Thank you.

CHERYL LANGDON-ORR: And you're part of ATRT3, correct?

DANIEL NANGHAKA: And a member of the ATRT3.

CHERYL LANGDON-ORR: Thank you for sharing that.

ERIC OSTERWEIL: Eric Osterweil, part of SSR2.

SÉBASTIEN BACHOLLET: Sébastien Bachollet, representing ALAC At-Large in the ATRT3.

VANDA SCARTEZINI: Vanda Scartezini representing ALAC in ATRT3.

TOLA SOGBESAN: Tola from the Business Constituency. I represent the GNSO in ATRT3.

OSVALDO NOVOA: Osvaldo Novoa from the ISPCP, representing in the ATRT3.

ISHA SURI: Hi, I'm Isha. I'm from ICRIER India.

BERNARD TURCOTTE: Bernard Turcotte, ICANN Support.

BASTIAAN GOSLINGS: Bastiaan Goslings from the Netherlands. ALAC member for EURALO.

CHERYL LANGDON-ORR: You all know who I am.

JENNIFER BRYCE: Jennifer Bryce, ICANN Org.

NEGAR FARZINNIA: Negar Farzinnia, ICANN Org.

[ETHERTON RODRIGUEZ]: [Etherton Rodriguez], NIC .br.

JACQUES BLANC: Jacques Blanc, member of the ATRT3, GNSO-Registrar Stakeholder Group.

YOUNG: [inaudible] Young from the RSG, GNSO.

[LIU YUE]: [Liu Yue] from GAC and member of ATRT3.

JAAP AKKERHUIS: Jaap Akkerhuis from SSAC and member of the ATRT3.

FLÁVIO WAGNER: Flávio Wagner from the Brazilian Internet Steering Committee and member of Non-Commercial Stakeholder Group.

SHIGEYA SUZUKI: I’m Shigeya Suzuki from Keio University, Tokyo, Japan. Also WIDE project and I’m just a participant to how ICANN works.

CHERYL LANGDON-ORR: Well, welcome one and all. We'll just go through our overview of the presentation. Some of you, particularly ATRTers, would have seen this. I suspect this would be their sixth time through some of these slides. But for those of you who haven't been a part of our camp following, this is what we'll be going to do today. Bernie tells me he's popped in a few extra slides, ladies and gentlemen. So even those of you who are feeling as jaded as I am about this presentation by now, should have a surprise or two. So let's see what's there.

We're going to look at background on accountability and transparency, WHOIS in general, or ATRTs are all about. We're going to look a little bit at our own ATRT3. We're going to review some of the sources of information for the topics that we chose to assess. We're going to spend a little bit of time on ATRT2 – that was the previous Accountability and Transparency Review Team – and their recommendations and the implementation reporting around their recommendations. We'll also look at some of the results of our ATRT3 survey. And any of you around the table who contributed to that survey, we would very much like to thank you for the very useful data points that your contributions gave to us. We're going to have a gloss over the accountability indicators, and I'll speak more about that when we get to there. Chat about prioritization, which you may have noticed has been a little bit of flavor of the month or the day at these meetings while we're here at ICANN66; it's a very popular topic. Look a little at reviews, diversity on the Board, public consultations, the PDP

or Policy Development Process, a moment of summary, and then have a peek into the public consultation and planning for our draft report.

I think we're happy to take questions throughout because we're a small enough group to do so. So just wave or if you can get our attention in some way, shape, or form, and we'll recognize you and take questions as we go. There is, however, obviously time for questions at the end. Excellent. Thank you, Jennifer. Again, terrific.

Now, one thing about current Accountability and Transparency Review Team and particularly for those of you who've been involved in other review teams – and I know there's a couple of you around this table – there's quite a new set of processes that are adopted when we adopted the Operating Standards for Specific Reviews that were introduced in June earlier this year. They're immediately applicable to any ongoing review, which of course meant us and the choice of the review team and we did choose to do so, so we're kind of beta testing it all out and all future Specific Reviews will be bound by these Operating Standards.

There's a number of pretty important changes in here, but in particular the ones we wanted to share with you is the requirements now made for the type gating or considerations that need to be made when a review team is coming up with recommendations.

Next slide. Thanks, Jennifer.

The new requirements to test the potential for recommendations to be a recommendation include but it's not limited to what is the intent

of the recommendation. It must be clear and unambiguously stated. What observed fact-based issue is the recommendation intending to solve? What is the “problem statement”?

So it’s no good saying we want green trousers worn at all meetings in the future without saying why we are solving a problem by making that recommendation and what the problem statement is that led us to believe that we should wear green trousers at all future meetings. And for the permanent record, that is obviously a joke.

What are the findings that support the recommendation? In other words, is there any data or analysis that would indicate that the proposed recommendation will have an [inaudible] chance of actually working to solve the problem also needs to go along with the recommendation.

Is each recommendation accompanied by supporting rationale? How is the recommendation aligned with ICANN’s current and future strategic planning, the ICANN Bylaws and indeed ICANN’s mission? That alone is a huge amount of criteria to meet. If we move to the next one, we will see ... but there’s more. I feel a little bit like selling steak knives on television.

Does the recommendation require new policies to be adopted? There’s plenty of seats around the table. Please join us. If yes, we must describe issues to be addressed by these new policies. We also need to make very clear and very simply put what outcome is the review team seeking. How will the effectiveness of this implementation that is being proposed be measured?

If you can't possibly sit around the table, it's an engagement session, we thought we'd like to see each other just for the hang of it to engage, you'd be most welcome to join us. In fact, you'd be deeply encouraged to join us. And if all else fails, I'll sit on the table and turn around and look at you at regular intervals.

Okay, so how is the effectiveness of the implementation to be measured? This would particularly give rise to a good deal of information when one looks back to see at some future point in time, perhaps as a future review team whether or not there has been a success that couldn't be measured here.

What is the target for a successful implementation? How significant would the impact be if not addressed? If we didn't implement whatever is recommended, what would the problem be? In other words, is this going to be something high or very significant? Is it a moderately significant measure? And what areas would be impacted? Is this a significant matter on transparency? Is it a very significant matter on security? Has it got to do with the legitimacy of the organization, etc.? Next slide.

Again, just in case you didn't think there was enough, this is, yes, the third page of new guidelines here. The third page. Does the review team envision the implementation to be short-term, in other words, likely to be completed within six months, a midterm, in other words, within 12 months, or long-term, in other words, in excess of 12 months?

Is related work already underway? If so, what is it and who is carrying it out? Who are the responsible parties that need to be involved in the implementation work for this recommendation? In other words, is it the work of the community, part of the ICANN organization, the ICANN org itself, the ICANN Board, or some combination thereof?

So, as you can see, there's a vast difference to look at that as a set of checklist, if nothing else, that it is we think it's a good idea that the following happen. As a result of this, and do remember if you've been watching the thrill-packed and exciting world of Organizational and Specific Reviews, these recommendations are here for very good reasons, and so our review team is going to give it a darn good shot at testing out these new requirements and criteria.

You can have the next slide. Thanks, Jennifer.

Let's look, first of all, at what ATRT2 did because it's part of our mandate to look at whether or not what they recommended was implemented and what the effectiveness of that is. In fact, it is a specific mandate that we've had each ATRT reviews the review team prior to it.

So ATRT2 completed its work in December 2013 and it proposed 12 recommendations that had 46 distinct components. The majority of these recommendations were focused on the Board and the GAC, and the implementation of ATRT2 recommendations began in 2014 and was reported as complete in October 2018. Now, one of the significant pieces of work we have been doing is looking into that. So if we have

our next slide – thank you, Jennifer – we want to bring you now up to speed on us.

ATRT3 held its first meeting on the auspicious date of the April 1st of this year. We must complete our work by March 30, 2020 because unlike any other review team, ATRTs are time bound by the Bylaws to be 12 months in duration and no longer. So, we work under very particular circumstances and quite differently therefore in terms of our choice of what stays in scope than any of the other specific review teams. And we are aware that according to the Bylaws, we should've started earlier but hopefully everyone here around this table is aware, there was very good reasons for us not to including the transition.

When we started, we were composed of 18 members. And you can see that this thing up there. We had some attrition but none of our losses, all of which have been due to new work opportunities or different requirements of our volunteers' time and it's a significant amount of work that ATRT work takes into a volunteer's life, so sometimes something has to give, and in a few cases, it's been the commitment to ATRT3. We don't believe, however, that any of the losses that we've had, particularly the ones out of the GNSO which I think has taken us down to only five members currently sitting from the GNSO has harmed our balance in any particular way. Let's move on. Thanks, Jennifer.

As you could imagine based on the new guidelines that we've just gone through with you, we've opted to make both recommendations, in other words, things that we believe will stand up to those tests that

we've described, but also making suggestions. In some cases, these will be strong suggestions in our final report. We're also going to limit our recommendations to topics which we believe are of critical importance at this time. In other words, we're going to try and pre-prioritize them to the best of our ability.

Let's pause for a moment as this is an engagement session, not a monologue, and see if there's anybody around the table who'd like to raise a question, make a comment, or whatever. There's room at the table. Yes, Vanda.

VANDA SCARTEZINI:

Just for clarification, since we heard other opinions during this week, the idea of suggestions is not considering they are less important than the recommendations. But some ideas and some suggestions does not fulfill all the requirements to become a recommendation, but we cannot allow us not to make those suggestions because it looks like it's quite important for many reasons. Just to make it more clear and give the feedback from the Board member that is together with us into the ATRT3, he states that the recommendations or suggestions we will take by the Board with the same importance. So it's just to make it clear because it became less clear for those that are not following our discussion inside. Thank you.

CHERYL LANGDON-ORR:

Thank you, Vanda. I think it's astonishing that people aren't listening to every word we utter and know all of our thoughts as good as we do

but apparently, that's not the case. I mean, after all, we're the most exciting review team possible. But it is in fact something when we brought in these new terminologies, as Vanda was saying, that we do feel it's important that the community understand a suggestion or a strong suggestion does not mean it's any less important. It means it's simply isn't standing up to the testing now of what we would put it up against to become a recommendation, but we've been heartened by the fact that our Board member has indicated it will be taken every bit seriously.

And I should perhaps go back not in slide but just in your minds to the listing of members. You noticed that we had a Board member listed as a member, not as a liaison. That's because this time, for the first time in our review team, the Board member is a member of the review team, they're not a liaison from the Board. Now, they've limited themselves to advise finding particular information, bringing things forward up until the annual general meeting earlier today. Our Board member was Maarten Botterman. Obviously, with his new role, he might find it difficult to be both chairman of the ICANN Board and the member here with our ATRT work, and so the Board has appointed Leon Sanchez to fill that role. So we're also heartened at what level within the Board executive that the interest in engagement continues with our work. Next slide. Thank you. Again, thank you very much.

Now, we drew upon a number of sources of information as we've been doing our all too short amount of time for all too much work exercise. One of the things that we took a particular interest in, of course, is what we mandated to do and that is the ATRT2 recommendations and

the reporting on implementation. We put those things up to a couple of test standards, a test of where they implemented or not or partially implemented, and how effective the implementation or partial implementation was.

When you read our report, you'll see a number of categories and we hope that will make it very clear and easy reading. The other data points that we looked at is looking at the results and the status of other Specific and Organizational Reviews. You'll see once we go through the survey results that there was quite a good deal of support from the community for us to delve into the wonderful world of reviews in general. Of course, it's been a particular topic of interest in general in ICANN where the complexity and confusion almost, with the cadence and overlap of all of these reviews and the human resource cost, let alone any other aspects of the matters has been I think the subject of two, if not three, papers in recent times. We had to look at that as well, the ATRT3 survey and we'll go into some detail in some the results of that.

The accountability indicators refer to the published ICANN accountability indicators. At most circumstances with – I think almost half a dozen times now that we've done this presentation around the traps in this meeting at ICANN66 in Montreal. If I was to ask how many people around the room have recently or ever looked at the published accountability indicators, I'm not overly swamped with people going yes and they're fantastically fascinating and I read them all the time, which is a shame because in fact, accountability indicators are really important tools. They're a very useful tool. In particular, these are not

static things, these are things that are continually updated and if one wants to keep one's finger on the pulse of the entity's accountability, these are extremely useful things to do and to know about and to find and to update yourself on. We will be delving into that a little bit further.

Of course, we've had wonderful interactions at our last ICANN65. I think we should also note, we've been strongly influenced by our interactions here in ICANN66. Thanks, Jennifer.

We've also looked at, therefore, what type of information we would like to be looking at. We had looked at specific information requests, we collected a lot of ... I don't think there's many, if not any outstanding, correct me if I'm wrong. We may have one piece of information that our ATRT has asked that hasn't come in. Bernie is shaking his head no. Okay. Unlike some previous review teams, we haven't been challenged with difficulty of getting access to the information that we've asked for in a relatively timely manner. So, kudos to our staff for nipping at the heels of whoever they had to, to get what we wanted, pretty close to when we wanted it. But we did have a number of specific information requests.

If you're fascinated by this, please note that our wiki has everything on it, including what has been requested, when it was requested, and we publish when we get it in the wiki. Yes, and here it is. We are nothing if not transparent, kind of like our name says we should be. We're also been looking at and working with the continuous improvement work that's been done by ICANN already. I guess I should almost expand

that to recognize some of the continuous improvement work has been done within parts of ICANN as well. If we would delve in deeply into some of the particular work party explorations, the Government Advisory Committee would be one of those situations where we've seen really quite remarkable self-managed, self-run, continuous improvement between the last review team and this one. That's probably worth noting for the public record.

We've also delved into any other relevant information that was publicly available, including but not limited to the ICANN strategic plan. And something I find far more interesting to read, the budgets. Next slide, thank you. I'm coming in stereo from somewhere.

Other things we looked at. Obviously, our numbers are actually crossing over where we actually have people who serve such as Sebastien on the Work Stream 2 Implementation Team. We keep a very close eye on the implementation of the recommendations some [hundred odd] from the CCWG-Accountability Work Stream 2 recommendation.

We're also working very closely and continue to do so with Brian Cute and the evolving ICANN multistakeholder model work that's going on. We've worked in recent times, in particular, with the Board focus group on their prioritization work. We've had ourselves well apprised with the IRP-IOT work, obviously the NomCom review, because there is a few things like Board diversity.

Welcome, Susan, please come and join us at the table or I'll sulk. Oh, don't sit behind me. Don't make me sulk, Susan, please. Thank you. And yes, that's for the record now.

The NomCom review, for example, also had some recommendations not only put forward by the independent examiner, but now gone through all of the Board support and approval. In fact, you saw in today's Board meeting the detailed implementation plans, so now they've got their marching orders to actually get out there and put in the implementation. But things like Board diversity is sitting very much in that NomCom review space. We've appraised ourselves and we're not duplicating, we're complementing wherever possible. Of course, our interactions with very dynamic groups like you. I'm hoping for more dynamism shortly.

Next slide, please. Okay. Do you know what? How many of you are surprised by the data you're seeing in front of you? Quiet reading time, ladies and gentlemen. No, not read it? Pardon me.

In October 2018, as we mentioned earlier, the published report on implementation of ATRT2, their 12 primary recommendations and 46 subcomponents said that all had been implemented. Green ticks all the way down, 100%, right? Then we had at it. And as a result of us having at it and using all those data points that I've just laboriously taken you through, we are of the opinion that 53% were completely implemented, 29% were partially implemented, and 18% were not implemented. However, this is a six-year gap and it's a different ICANN now than it was then. We recognize that some of these

recommendations made may, for very good reasons, not have been pursued but that's not the point. The point was the recommendation was made, test wasn't implemented, yay or nay? If it got a nay, this is the data that we got out of it.

What we are clearly being told by this set of information is a desire for a trackability. Something to do with, what happens to a recommendation? Does the recommendation get retired? Does the recommendation get passed off to – in some cases, many of these things ended up being part of Work Stream 2, but that should be reflected in the reporting. Not that's not 100% implemented, that is this piece went to that party or this piece did not pursue because our whole world has changed and we are now dealing with this problem in an entirely different way. So what we're seeking to do is encourage a situation where the reporting is still accurate, still shows a traceability of what happened from recommendation to end product, but recognizes that this is a dynamic. A lot happens in five or six years.

We're not saying that thou shalt do everything by the letter of the recommendation. We're saying when something is reviewed, renewed or retired, that we all know how, we all know when, and we all know why. Hopefully, I'll get more nods and more people will think from the community when they read the report that this is a good idea.

Okay, have I missed anything, team? ATRT3 team, before we get on?

BASTIAAN GOSLINGS: May I?

CHERYL LANGDON-ORR: Of course, you may.

BASTIAAN GOSLINGS: Thank you. This does not come as a surprise to me because I saw the figures before, so it's the more cynical standpoint. Your summary, if you know of what your assessment was and why not, it makes total sense to me. Still very strange, of course, the ICANN org says it's implemented while there might have been a very good reason for a particular recommendation not to be implemented, but because after six years, it's not relevant anymore or whatever. So I think that's a concern. Maybe a question there then, this assessment of you guys, has ICANN.org already responded to that? This gap between 100% implemented and your numbers?

CHERYL LANGDON-ORR: No nor do they need to at this stage.

BASTIAAN GOSLINGS: So they will do that when the formal report is there and that includes this assessment and/or –

CHERYL LANGDON-ORR: We shall see.

BASTIAAN GOSLINGS: Okay. They don't have to if they don't –

CHERYL LANGDON-ORR: No, they don't have to if they don't want to, but I'm hoping that like the rest of the review team, we've had a collegiate approach and a very good dialogue. In fact, we will. MSI is very aware. Their team has interacted with us all the way along. There's no surprises, nothing's happening under a rock or behind the [goalie]. There's been plenty of time to prepare with the response. I'd be shocked, if not horrified, if no further interaction discourse happened. Bernie, please go ahead.

BERNARD TURCOTTE: Just to note that some of our suggestions are actually to complete the implementation of some of the things where we noted them as either only partially implemented or not implemented. There's also the point that we're not just evaluating them, some of our suggestions are actually taking that into account and saying, "Well, let's finish this one," or "Let's finish a version of this one somehow."

CHERYL LANGDON-ORR: Thanks, Bernie. If there's any longevity or relevance that we consider is still important as Bernie says, we're picking that up in our scoop of these things.

More questions, more comments, more interventions? Yes, Susan, please.

SUSAN KAWAGUCHI: Susan Kawaguchi for the record. I always have a question. I was wondering if you had any suggestions that you might be reporting on eventually, at least, so that when staff feels like, “We’ve got this implemented,” and I don’t know if it’s a process, a scorecard or what. Obviously, the review is really important to assess that but could we find or develop a process where they can have more of ability to inform the community that 20% of this cannot be implemented and these are the reasons they feel why. Like you said, the documentation, and so we understand. Somebody is not looking back six years going, “Can we figure out what happened?” No one is here that was there in that time period, so it’d be good if we had a process ongoing.

CHERYL LANGDON-ORR: Very good idea. I’m very pleased to hear that because indeed, a number of our review team members are very keen on that type of approach. I think if I was to have my co-Chair here with me at this point, I’d be saying and Pat would say, “The other thing is, one of the things we’ve been talking about is the advantage of having some sort of shepherding that can occur.” That doesn’t mean a review team stops and sort of throws these recommendations over the wall but that there is some form of consistency in the process and perhaps feeding into whatever continuous improvement program might be running as well. Because what happens even now is we went back to Brian, we went back to the ATRT2 members and we said, “What did you mean by...?” And they’re going, “Well, that was six years ago and uh...” These are things that are smart thinking can avoid. Bernie? I’m sorry. Please go ahead.

JAAP AKKERHUIS: Well, sometimes actually there are some explanations for things not completely done. They're very hard to find where it is located. It reminds you of the announcement of destroying the earth behind the crocodile from Douglas Adams. It could be there's quite some room for improvement there.

CHERYL LANGDON-ORR: Please, Bernie.

BERNARD TURCOTTE: Let's not forget along those lines too. There has been significant improvements from ICANN. There is the reviews tracking section of the website, which actually has a full process that tracks those things. You weren't here at the beginning of the session but we were talking about the new requirements for recommendations, which actually lay out very specifically what it involves to implement these recommendations and how to measure their success. I think going forward, there's already a bunch of things that have been done. Some of the things that we are noting going forward is that it's good to be transparent about the things, and as Cheryl has noted, the notion of shepherd to carry things through. That's not simply tossed over or an Implementation Committee which is currently the norm for committees that have significant recommendations. Thank you.

CHERYL LANGDON-ORR: Perhaps just to help Susan as well – Cheryl for the record – that’s not going to help Susan at all. It’s Cheryl for the record and to help Susan. If you grab the slide deck and have a look at some of the earlier slides, we’ve gone into relatively deep details, any point form so it will give you an idea. It’s three full slides worth of data on the new requirements for something to be called a recommendation. Amongst that is some metrics and measurables and things which again is being smart about following and tracking these things through. There’s an awful lot of good work being done. We’ve just got to compile it all and make it happen as accountable and transparent process. That is actually unlike the Douglas Adams reference. Thank you. You know I always appreciated Douglas Adams reference hidden in the back quarter of the universe and almost impossible to find.

Any other comments or questions? Please go ahead. Yeah, go, go, go.

SUSAN PAYNE: Thank you. Hi, it’s Susan Payne here. It’s just a quick one about the stats there. I completely agree with your tracking and traceability comments, I think that will be really valuable. Are you able to give a sense as well as of whether amongst those non-implemented or any partially implemented recommendations, whether any of them are – really nothing’s been done on them or have they all gone somewhere else or been subsumed into something? What I mean is, are there any way you think there’s no good reason why this hasn’t been done and nothing’s been done with it and this is a real concern, or is it more about the traceability?

CHERYL LANGDON-ORR: Thank you. I just had Susan’s power of two, which suits me perfectly. The part that you said about was of great concern is important, because if it has been something that we believe and it is important to do something, then you’ll find in our recommendations, we will be recommending something is still done about it, most definitely.

Bernie, the statistics on that, if you can help me, I don’t think there was a huge number, but there were a couple that would literally ... It was crickets, wasn’t it?

BERNARD TURCOTTE: There were a limited number where there was very little done, not implemented. Again, we use very hard test on that, looked at the recommendation as it was made originally, our interpretation of it versus the data available to show implementation. If as Jaap has said, there were crickets, then we can only judge it is not implemented.

But this being said, there were a number that we classified as not implemented versus that strict interpretation of the original recommendation. Where the staff did do a number of other things instead, which fell in the same area but because of our definition of what not implemented was, we still classify them as not implemented, and there were a few where basically very little was done.

CHERYL LANGDON-ORR: So small that one could really say. Just not done. Okay, so I'm getting signals that there's a question from the corner. No? Alright, then. Well, send me mixed signals, I can work with that. If there's no more, let's move on.

This is good fun. I liked all of this. This makes me smile. Surveys do. What can I say? Bernie, do you want to take a little of this so I can have a sip of water?

BERNARD TURCOTTE: We'll be going over some of the information about our survey, which we sent out. ATR3 conducted two surveys, one for individual respondents and one for structures. We call this "structures" because we went beyond SOs and ACs and included the GNSO constituent bodies and the RALOs from August 20 to September 23, 2019. Not an ideal time to run a survey. You will remember, we asked everyone really, really, please try to focus, and they did. The survey for community structures was essentially the same as the survey that was proposed to individuals but with the possibility to input text comments on a number of questions.

15 of 17 SO/ACs, GNSO constituent bodies and RALOs responded to the structure survey. Two GNSO constituent bodies did not. That's very impressive, given the time of year as I mentioned earlier. 88 individuals responded to the survey but only about 50 answered all of the questions. Next slide please. Thank you.

The strongest responses were in relation to the following topics for questions, prioritization – and these are in order – Specific and Organizational Reviews, diversity of Board members, public comment process, and support for Board decisions. Given the strong support for Board decisions, it was not included as an issue for ATRT3 to consider. ATRT3 did add the issue of GNSO policy development based on its assessment of the ATRT2 recommendations and other input. As such, the list of priority topics for ATRT3 after the survey came in and looking at ATRT2 is now prioritization, Specific and Organizational Reviews, diversity of Board members, PDPs, and public comment process. Next slide, please.

Accountability indicators. Yes, as Cheryl has mentioned, for our esteemed guests in the room, who knows about accountability indicators at ICANN? Just a show of hands.

CHERYL LANGDON-ORR: I do hope the ATRT3 members can put their hands up for this one. The homework is on [inaudible].

BERNARD TURCOTTE: Right. About what we've been experiencing just about everywhere, you'll remember that these were used to be labeled KPIs in a former life and they were updated and published in August 2019 and are supposed to show key elements of ICANN's performance. We will be looking at these. We actually have a paper we're working on right now, which will comment on all of those. Over to you, ma'am.

CHERYL LANGDON-ORR: Thank you. Okay, terrific. Let's now look at almost a hot topic in this. Well, it's a topic, it may not be lukewarm. Now it's warmish. Prioritization. The interesting thing that we found in advance of the Board paper that's come out recently, and I hope many of you attended, and if not attended, will facilitate or use the facilities of the archive and the record. The excellent session ran earlier this week on the Board paper about prioritization, it's certainly something that the ATRT3 is looking at but the data that came in from our surveys is the community is interested in this as well.

So in response to the ATRT3 survey question, should ATRT3 make recommendations about prioritization and rationalization of ICANN activities? 73% of the individuals and 92% of the structures responded yes. That's a really strong push. We've obviously seen very similar comments coming in in response to public comment, the multistakeholder model evolution work. But this is an endearing issue where prioritization is clearly something that needs to be discussed and grappled with at a community level.

Now here this was a slide that was put into the deck somewhat in advance of us having got hold of this paper, pretty much just before we were getting on planes. So we are no longer awaiting further information from the Board to pursue this topic, we have the information from the Board to pursue this topic. Then we're going to get our teeth into that over the coming weeks and days. Thanks very much.

Reviews: Specific Reviews. ATRT3’s consideration of Specific Reviews comes at a time when – and we recognize these as particularly rare moments, but we’re just lucky like that. ICANN has for the first time in its history placed some of the recommendations from a specific review, which of course was a CCTRT into the pending status. In other words, it’s the first time they haven’t said, “Thank you so much review team. We take and embrace and all of your recommendations and we will do something about them.” This is a whole brave new world.

Also, that ICANN has significantly increased the requirements for review teams wishing to make recommendations as we have seen with our delving into the thrill-packed and exciting world of our Operating Standards for Specific Reviews. With all of that giving us depth and color to our thinking, in response to the ATRT3 survey question, how would you rate the effectiveness of the Specific Reviews? Here we said the ATRTs, the SSR, the RDS, etc., as they are currently structured in the ICANN Bylaws.

At this point 49% of individuals found them effective, which of course meant 51% found them something other than effective. Only 16% of the structures found them very effective or effective. Again, there seems to be a little message coming through here. In a companion question asking, should Specific Reviews – ATRT, SSR, RDS, etc. – be reconsidered or amended? Now we have 78% of the individual respondents and 90% of the structures responded yes. We find this compelling, don’t we, Bernie? Terrific.

ATRT3’s consideration of Specific Reviews comes at a time when the Support Organizations and Advisory Committees are increasingly dissatisfied with the results from the reviews. Of the Organizational Reviews, we hear consistent complaints about the commitment of time, the lack of time for recommendations from a previous review to be implemented or fully implemented and then tested before the next review starts. There’s a whole lot of things which the papers you’ve all read, I’m sure, have gone into. But we keep hearing this message from the ACs and the SOs.

And of course, we do note that most recently, the At-Large Advisory Committee rejected 8 of the 16 recommendations from its independent reviewer. You know, that’s not really a passing mark in anybody’s language, is it? In response to the ATRT3 survey question, “How would you rate the effectiveness of Organizational Reviews?” Those reviewing SO/ACs as they are currently structured in the ICANN Bylaws, 41% of individuals and 42% of structures found them effective, which of course means – do the math, majority don’t.

In a companion question asking, “Should Organizational Reviews be reconsidered or amended?” A whopping 85% of the individuals said yep, and 82% of the structures said yes. So again, compelling evidence from your very own contributions to our survey.

ATRT3 concludes that reviews, as they currently are implemented, have not been sufficiently effective for some of the following reasons: a lack of coordination and overlap between reviews, sometimes resulting in conflicting recommendations, simply too many reviews,

the fact that reviews have to compete for ICANN’s resources. This is particularly important when we look at the cost in past on implementing recommendations as well but also the actual review process competes for ICANN’s resources. Lack of time or lack of resources, failure to properly implement some recommendations and report this as such, and difficulty to have any form of systemic and holistic view.

At this point, I’d like to pause again, it’s been a lot of information shared. We’ve got a little bit more to do so and sufficient time to do that in. Is there any questions, comments from around the table around the room? Susan?

SUSAN KAWAGUCHI: Were these bulleted points that ATRT Review Team, those didn’t come in on actual questionnaire then?

CHERYL LANGDON-ORR: Correct. These are the ATRT3 points that we [came up with].

SUSAN KAWAGUCHI: I think you’re dead on. But the question was not asked in that. I know that BC filled out the questionnaire, but I didn’t personally. The question wasn’t asked whether to get rid of the reviews totally, but just to amend or reorganize them or whatever.

CHERYL LANGDON-ORR: That’s correct, Susan. We did not say, “Do you wish to totally eradicate with severe prejudice all reviews?” That’s not the question we asked. Now, someone might think that that’s part of the restructuring and maybe they answered that way. Bernie?

BERNARD TURCOTTE: As we’re building out the report, we did copy in all the comments that were made from the structures. Although we did limit our number of questions, we did check with all the structures, they all agreed to have themselves identified with their comments. They are part and parcel of the report of the survey to indicate if they had additional points they wanted to make.

CHERYL LANGDON-ORR: If I may, you may find in reading those that some of those structures have said Organizational Reviews need to be put on hold or have much longer distance between them. There’s also some contributions to our thinking as a review team based on not just the yay or nay in the survey but the specific details, particularly organizations put forward in their commentary as well.

Anyone else? Yes, go ahead, Lauren. Come and sit at the table and then you don’t have to –

LAUREN: This is Lauren. Particularly with when it comes to this too many reviews point, important for accountability, etc., etc., particularly

because we share across multiple reviews this problem of implementations not being complete, what's the thinking in the team right now? I notice it's all preliminary to the power of preliminary. How do we want to deal with too many reviews without getting rid of that accountability function? Doing that work that apparently is pretty much necessary based on our findings.

CHERYL LANGDON-ORR: Can we have the next slide, please, Jennifer? Thank you for the segue. Are you sure you haven't been through the slide deck?

LAUREN: Actually, no.

CHERYL LANGDON-ORR: I don't think I've ever had such a perfectly timed intervention as that one. Thank you, Lauren. It's beautiful. The possibilities, Lauren, that ATRT3 is considering to address include ... Now, this is not limited to. It includes and we are early in our thinking, we do not have consensus. We have consensus on the fact that something needs to be done, we do not have consensus in any way, shape, or form at the moment on what should be done. So please just see these as conversation starters. What we would love, Lauren, for you to come and sit at the table and get back to us about is now some interaction with you all about some of these options.

We can look at things to constitute a single permanent entity in ICANN or as has been suggested, external to ICANN. To coordinate reviews as they currently stand and independently assess implementation of recommendations. We could – again, no waiting in these, this is just three on a page, not three in any order – replace all Specific Reviews with one review that is a focus on Specific Reviews, obviously, looking at the essential elements of each of the Specific Reviews because that is the essential core, that’s the pillars of the accountability that we’re all looking for there.

The same could be said for Organizational Reviews into one review or indeed, one continuous improvement program with occasional external audits. There’s a whole bunch of options, there’s a full spectrum of potential here. Or of course you could do something like replacing all Specific Reviews and all Organizational Reviews with one review. That’s be a big jump. That’s not just a puddle jump along a continuum. It’s right up there on the edge of the bell curve, but it’s still to be considered. So let’s pause there and get some reactions. There’s some three distinct possibilities with a whole lot of other options in the middle. Tell us so we can think about what you’re thinking.

LAUREN:

Okay. Coming from an SSR2 background here and having looked at other review teams, we do see that the reviews are pretty specific and we have very different review teams. If I look at SSR2 versus ATRT or CCT, they’re very different people and different backgrounds. I’m wondering, A, how do we address the skill differentials here because

we do need experts and if we make things more general, that means they have to think about that, particularly with kind of conflating those.

The other problem I just want to raise is about all four having externals look at things. It does help because you have the outside view. At the same time, there is a lot of ICANN specific knowledge that often goes into these reviews, not least having worked into space and knowing how it runs, which would complicate that approach. I don't have a solution; I just wanted to raise those.

CHERYL LANGDON-ORR:

Thank you for doing so. In fact, you've echoed some concerns that we have heard in other rooms as well. I don't know whether that justifies your thinking even more.

A couple of things that may or may not be considered there. If Pat was here, what Pat would be saying now would include things like – one way forward would be with the specific elements of each of the Specific Reviews taken into account. One could look at those as work tracks within some sort of methodology and the expertise could still be resourced to ensure that you had what is good for overall accountability and transparency versus what is obviously required for something like the data matrix and consumer trust matters versus what is obviously highly specific in the security stability and resiliency work. Of course, remind us all, as I know he would, I'm paraphrasing because he puts it far more eloquently than I do, that each one of these could of course bring in external experts as well.

We don't want to work with tabula rasa; we want to perhaps look at best of breed opportunities. There can be some hybridization, which would lead me to some of the thinking we may explore – we may not but we may explore – if one was to go into a hybrid design, where as is not uncommon in quality systems management in other industries. You have a set of periodic internal continuous improvement and internal audits on the progress of your continuous improvement program or your standards program and you still have periodic third party external reviews. So you can find models out there that's only one of many that may serve as well. We will explore those as best we can. Thank you. Bernie?

BERNARD TURCOTTE:

To finish channeling Pat, if he were here, one of the considerations about having a continuous based approach is that you're not having these significant jumps every five years, creating a pile of recommendations that have to be implemented and then get conflated with a whole bunch of recommendations from other reviews, which means you could then also look at limiting the time for reviews. As we said earlier on the slide deck, ATRT is the only review that is time bound. It is set to be done in one year and that forces people to really focus the scope on what's going to be important. That is another thing that we're looking at.

CHERYL LANGDON-ORR:

Thank you, Bernie. I suppose we should also mention at this stage, which Pat would do if he was here, that we've also heard the possible

advantages of taking things to the micro, not even time binding to a year but time bind to three days and do some really radical work. That's still all open. Sebastien?

SÉBASTIEN BACHOLLET: Thank you. One of the elements that we have also to take into account is that ATRT is the only review who can set up new reviews or propose new reviews or retire some of the reviews. Once again, propose to retire some reviews. It's a huge task and maybe one of the reasons for the proposal put on the table, about the bullet point two and three, is that it will not be done by ATRT3 right now but it could be done later on by the setup of this bullet point two or bullet point three, to try to find whether the topics were still useful and the one who are urgently needed to be taken into account.

The second point is that if we go to any of those directions, we will have to set up a plan to go there. It will not be today, it's like that and tomorrow, it's another situation. We will have a transition process to set up. That's also some points that we will have to discuss with the community. At least it will be something you will have the opportunity to comment on the report we will have to produce because I think it's also part of this question of wants of the review and prioritization because review take a lot of time and a lot of energy. Thank you.

CHERYL LANGDON-ORR: Thank you, Sebastien. Anyone else? Let's move on. Thanks, Jennifer. Diversity on the Board. Here's some survey results for you. In response

to the ATRT3 survey question, do you consider the diversity amongst Board members satisfactory? 48% of individuals and 69% of structures responded no.

In a companion question regarding, “Which diversity elements were missing?” individual respondents identified things such as geographic and regional representation, 56% of those identified that and stakeholder group or constituency diversity was recognized as we have another 56%. Structures change to identify agenda, 76% of them identify agenda as what wasn’t satisfying them in the diversity mix on the Board. 70% noted geographic and regional representation as being less than satisfactory and stakeholder group or constituency representation about 50% of the structures.

Now, given the Bylaws specify on voting Board members and how they're selected in terms of the SO/ACs and the NomCom, also this is where of course we want to be very aware of what’s been recently approved as part of the detailed implementation planning for the Nominating Committee review process which of course, if we weren’t in this room, we’d all be in the other room listening to their report because it runs in competition with this one. We can’t be in two places at once. It will be difficult, we believe, for ATRT3 to recommend modifying what is actually a fairly delicate balance at this stage without launching a major process to formally study this.

But what we are very aware of, and particularly based on a paper put out by the Empowered Community recently but it is a paper which exemplifies and articulates in very plain but compelling language,

something that just about every person who's ever served on any Nominating Committee knows very well indeed, that it is very much a dependency on what happens in the sending of the entity, the Support Organization or Advisory Committee that sends their people to the ICANN Board as to what type of diversity options NomCom can even have.

It is absolutely possible to be forced, quite literally forced to sacrifice desirable diversity. For example, gender diversity in the appointments being made, because geographic diversity is defined in the Bylaws as thou shalt have no more than five from a region. That paper, if you haven't read it, we would encourage you to do so. But it is certainly something that what we would leave is that some of this responsibility for the diversity aspects, for getting the elements of diversity on to the ICANN Board should sit with the AC and SOs as well.

Let them also consider whether they are making diversity part of their checklist when they're sending their two people to their seats. Are they even considering? We have two seats to fill, we've got two males there now, should we be preferring a female to replace one of those seats when we replace it? Should we be preferring from another sending organization? I mean, we're pretty confident the technical community will say only people with appropriate technical skills. But the technical community is also concerned with a lack of technical skills in the general diversity makes across the board. Should they be more shared responsibility if we all seek these diversity elements to be reflected on our ICANN Board? Is there another way such as looking at

something as simple as gender when they're making their nominations?

It may work, it may not, but it's certainly worth contemplating. Because right now, we actually have a situation, a very real situation where the Nominating Committee in the not-too-distant future may not be in a position to reappoint two of its female appointees if ACs and SOs appoint from the North American region. That shows the tension that exists in the model we've got. Is it the right model? Do we need to look at that? We had one suggestion yesterday or sometime in the last 72 hours that said, "Should we remove the limitation on only five from a region from the Bylaws?" It's a consideration but that's causing a pain point. So we're going to do a little bit more thinking about that.

But also when our report comes out, we'd really like some deep consideration and thinking, not just knee jerk reaction from the appointing bodies. Because right now, ACs and SOs appoint, and the NomCom does its best to backfill in terms of diversity, but it is hampered particularly from the [geo] regions bylaw. Of course, removing the [geo] regions bylaw can fix one problem, but it might cause others. So we need to think more on this. Next slide, please.

Public consultations. We've also heard almost a degree of confusion about what is a public consultation these days in ICANN. But we did ask a survey question and this was the question: "Please rate how effective the current system of public comment consultation is for

gathering community input.” We’re very specific, we asked public comment consultation.

Individual responses to the first question were 50% effective or very effective versus 48 which rated it somewhat ineffective or ineffective absolutely. The structure responses to the first question was 75% effective or very effective versus some 25% that we’re talking about somewhat ineffective or totally ineffective. We see a slight difference here between the structural view and the individual review. But do remember that regardless, we’re not making everybody happy, far from it, with the public comment aspect of public consultations.

But we’ve also seen from the companion question: “Do you believe the concept of public comment as currently implemented should be reexamined?” We got a whopping 88% of the individual responses in favor of a reexamination of the concept of public comments as they are currently designed, with only 12% saying, “No, we didn’t need to.” And the structures were 54% in favor of reexamining the public comments versus 46 against. A little bit of mixed message there, but there was enough in that data that said we should be looking at public consultations.

So in response to the question on, “Would you respond more often to public comments if the consultation included some short and precise questions regarding the subject matters in a Survey Monkey or similar format?” Here, we got a very clear indication with 82% agreeing or strongly agreeing that that would be a good idea versus 10% disagreeing or strongly disagreeing.

The structures, the results don't provide any indication because it was a 28 agree or strongly agree, 43 with no opinion, which is unusual for structures, and 28% disagree or strongly disagree. That was helpful, not. But obviously, individual respondents have identified that there is some of issue for at least them with respect to public consultations the way [inaudible] at the moment.

There's a notion of including short and precise questions regarding subject matter in these public consultations in some sort of similar tool to Survey Monkey that resonates with individuals. Probably because of course of the time allocation that is required. To this, we'd also note that the notion of ensuring that public comments including short and precise questions regarding subject matter, we think is a very good one. Spoiler alert, at the end of today's presentation, we'll tell you it's one of the things we're going to do with our public consultation to go on. Thank you, Jennifer.

PDPs. This is under consideration by ATRT3. We wait with bated breath every time the GNSO Council peeks out a little bit more about PDP 3.0 and we get the next little chunk and we sort of launch on it like rabid dogs and have a quick chew over it. We do see that there are a diversity of views but we will be looking at that because of course it is – PDPs in the original concept, the public consultation system was designed to try and engage the community in the input of their opinions into the PDP process. But we do see public consultation in ICANN being used for all sorts of things nowadays, not just policy development processes. And of course, we see all sorts of

communication engagements being used, not just full-blown public concentration. Next slide. Thank you, Jennifer.

Let's see where we're up to and where we are on time. Well, it sets in front of you, just take a very brief moment. Is there any questions or comments that anyone wants to bring in at this point in time? Don't scratch, it's like an auction. If you move, I'll call on you. Nope. Okay, well, here we are then.

ATRT3 is currently planning to publish its draft report for public consultation by mid-December 2019 and we will be closing at the end of January 2020 for public consultation. ATRT3 is very aware that there are a number of other important public concentrations that will be held in parallel and we recognize this is going to be competing to the community's time, things like auction proceeds, etc.

In order to help mitigate the workload on the community and in line with our very own suggestions for public consultation, we will be including in our public consultation and on our draft report an augmented executive summary, as well as a list of questions. Obviously, if we get the feedback from the community, only on those, that's great. But if people have the time, the energy, and the inclination to do more, we would be delighted. The executive for the augmented executive summary, when we discuss this with the GAC, it is the type of thing that a GAC member can go back to their department and put it in their notes and have someone understand in plain language what types of things we are looking at.

With that, I'm looking around the table to see if there's anyone who wishes to make any commentary or input. Nope? Okay, Jennifer, you've got one more. I think in the lack of people gesticulating at me, we can call that a wrap, ladies and gentlemen. There's one over there. It's Susan. Go ahead, Susan.

SUSAN PAYNE:

Sorry to stand between you and the ends of the session. It's just a really quick comment. I think the list of questions is always really helpful. I mean, sometimes there are tools used, which have boxes for completion. Can we urge you not to put word limits on those? They can be incredibly frustrating, especially for structures who are trying to comment if you can't actually get your comments in the box.

CHERYL LANGDON-ORR:

Thanks for that, Susan. In fact, one of the things you would note when we did our survey already, the survey we ran, we put the more checkbox and click and click and limitation and "Where do you rank across here to here?" That was for the individuals. With the structures, we very much said, "Here's free flow text to fill up," because we do recognize that that is something. So yes, we will definitely be paying attention to that. We didn't give you enough word limit? No?

SUSAN PAYNE:

Then speaking of someone who might want to complete as an individual, I want a box.

CHERYL LANGDON-ORR: You want optional box?

SUSAN PAYNE: I absolutely want a box. I find it incredibly frustrating not to have one.

CHERYL LANGDON-ORR: Well, we don't want to frustrate you. We would make sure we do our best. Go ahead, please, Bernie.

BERNARD TURCOTTE: Since then, we've had several conversations on the idea of a Survey Monkey-like thing. We came to the conclusion that although it's very convenient, it's also very easy to game. What we would be going more probably towards is just a set of questions and they will require text responses, period. There will be no boxes to check. There will be specific questions and we will hope that you will answer that and we will go through those and figure out what you were commenting on but there will be plenty of room to have that.

CHERYL LANGDON-ORR: With that said, though, Bernie, our recommendation in our report is for public consultations to use tools, including like Survey Monkey. So what we might also do, Susan, is pick up on your point and wherever possible, make the provision for free flow text as an option. Because I

think that's an important modifies, I think we need to take that on board as a friendly amendment to our thinking. Sebastien?

SÉBASTIEN BACHOLLET: Maybe in our report, we will just propose and it will be in the implementation phase that it will be done. I am not sure that ATRT3 needs to go into the detail of how we will ask a question to a comment. What is important from my point of view is that we would like but we have done the same as we send you a survey. We didn't get through the tool for comments, it was not a comment. We say the same thing about the blog from the CEO or the Chair who has comments. I guess the first question we have to answer is, "How we will handle all those type of comments who are requested from the community and if we can put them into one single place?" I am not saying one single tool, I'm saying one single place. I think, at least, for my specific personal point of view, it will be a good enhancement. How we do the survey and so on and so forth, I am not sure that it's our duty to do that but we will see. My colleagues to the ATRT may think differently. Thank you.

CHERYL LANGDON-ORR: Please go ahead.

SUSAN PAYNE: Thanks for that, Sebastien. Yes, I was more commenting on this particular comment period. I wasn't necessarily suggesting you should make recommendations for other comment opportunities on whether

there's the particular manner in which they seek feedback. You may cover that but I certainly wasn't addressing that point. But your point about helpful to have everything in one single place, wide support in the community for that, it's been frustrating a number of different groups. The use of more informal processes can sometimes mean that you miss the opportunity or only spot the opportunity to comment on something incredibly [late].

CHERYL LANGDON-ORR: Excellent. Well, ladies and gentlemen, thank you very much. I was bordering on depressed and maudlin when I turned up to this event today because I thought, "Here we go. This is the sixth run through, who's going to turn up? There's going to be review team members. Nobody's going to come in," and we had we had real people and really direction. I want to thank you, each and every one of you. That's a wrap.

UNIDENTIFIED MALE: Cheryl, I just want to add.

[END OF TRANSCRIPTION]