

CHERYL LANGDON-ORR: Good morning, good afternoon, and good evening, depending on where you are in the world. It's Cheryl Langdon-Orr apologizing for those of you who are attending today's ATRT-3. That's the Accountability and Transparency Review Team #3 from ICANN for a few minutes of audio gremlins the staff have very effectively and efficiently sorted it all out. We believe you can all hear us.

We have a number of members who had been unable to make the trip and we are going to rely on our Zoom room interactions to do things like manage the queue. So, whilst we will do our best—won't we, Pat?—to look for nametags standing up, it would be appreciated in terms of administrivia today if you could put your hand up during the interactions and discussions within the Zoom room and that will help us manage the queue more effectively, especially for the—dare I say—interesting design of the boardroom we're in here in the Brussels office at ICANN, which I think might be more designed for a slightly different type of dynamic of meeting. It's a little bit like an indoor ball setup I think for the length of it.

That said, we have an excellent tur up of people that you can—or believe—all see in the Zoom room here in the office as well. If you are in the room and not in the Zoom, please join us there now. We trust that you are all well rested and well read because we have some considerable number of comments that have come in from the ICANN community from our recent and required public comment period on our initial report, and over the next few days, we are going to be doing some of the initial drafting, but prior to doing any initial drafting on

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

some of our endpoint documentation, we are going to be going through these comments and looking at what, if anything, we will be integrating into our next stage of work.

But, more importantly, the tool that Bernie is going to take us through as part of our day today at the beginning of the day, this will be a public document, so our opinion, how we react, what we say and what we're going to do with each of the comments we've received will be put on this tool and that tool will be part of our formal records.

So, it is important, very first Accountability and Transparency Review Team put a principle out in one of its recommendations whereby people who take the time and the effort to put in public comments should have some trackable and traceable way of knowing how they are dealt with. And obviously our Accountability and Transparency Review Team will do its best with its tool to make sure everybody knows about everything they've said and how we've dealt with it. [audio cuts out]

Can you please confirm that you can hear the Brussels meeting room?
Excellent. Thanks, Jim. Right.

We're not going to go over everything we just said. It wasn't very exciting. It was only me rattling and doing administrivia.

So, with that, we will be trying to catch up on the almost 15 minutes of our day that had disappeared, thanks to the gremlins. But we will be taking our breaks and moving from session to session as it is advertised in this agenda because those people who are joining remotely will be relying on this timing for the rest of the day, and if need be, we'll just catch up tomorrow as well. So, let's keep our fingers crossed that the

gremlins will continue to hide underneath the table somewhere and not get into the audio stream.

Pat, I know we're going to have to dig in pretty quickly now and get into the tool and everything else, but we've got the Chairman of the Board with us and I think it would be silly not to exploit that. So, if you could grab a microphone, Maarten, and over to you.

MAARTEN BOTTERMAN:

Thank you, Cheryl, for that. I also see myself as a former member of the ATRT-3 which was one of the losses I let when I stepped up to this position. Very good to be here and very good to see you all. Just to tell you, I look back with good memories to that occasion that I experienced, the diligence that we had, and the willingness to address real issues. And I think that's [inaudible] back in the document that you put out in December for public comment.

So, this is also carried by the Board. We very much appreciate what has been done. We created an ecosystem in which policies and priorities were set by the community where implementation is supported by the organization and where the Board has a rule to support that, to facilitate that, and to do that from a fiduciary perspective, to make sure that things that do come out all are reviewed on their legal, their bylaw and their policies commitment. So, that makes us an interesting animal and this is why continuous improvement is also so important.

Me and the community, we jointly carried the five-year strategic plan as a kind of guide where we see there are some issues we need to address in the world where the Internet has become increasingly important and

our role in that has been important, too. The stakes go up very clear and I think many of the elements in the report also clearly go into that. How do we keep the system going towards the future? So, I think your insights will give an important direction to where we go.

We don't expect it to be perfect a year after the thing but we do see that important directive developments will help to get better. And I think that is all that matters. It's always working towards making the system continue to work together. So, really look forward to your guidance. Whereas I will not be with you for the entire weekend, Leon will be as ATRT member and vice chair of the Board. So, thank you for this opportunity and I really would like to see you get back all the rest of your time to focus on what you are here to do. So, thank you for having me.

CHERYL LANGDON-ORR:

Thank you for sacrificing some time. It's greatly appreciated. Thank you, Maarten. We know you're busy today but we appreciate the fact that you've carved out time to come and be with us again as you were with all those meetings you attended.

And, Leon, we do want to remind you that you are not just here in your Board capacity but as an active and working member of the review team, so we look forward to hearing your input, particularly obviously with what the Board has given us in terms of public comment and helping us understand that as clearly as we possibly can. But also to ensure that you will be in a position to take our final deliberations and decisions on what recommendations, suggestions, and text we may be

drafting, what our intent is and our meaning is back to the Board when they also need to deliberate it later. So, you're sort of sitting in a liaison and active working capacity at this point in time.

Ladies and gentlemen, obviously I wasn't clear enough in the administration gobblegook because I'm seeing people who are in the room who are not in the Zoom room. So, if you have not joined the Zoom room, please do so now. Otherwise, we're going to have to walk around and tap you on the shoulder and help you log in or whatever. Whatever it takes, it would be good if we were all in the room.

So, with that, the very next thing, I think we all understand what the meeting objectives are, the agenda that you've got in front of you, just open up for anybody who wishes to make any modifications or suggestions about the agenda for the next couple of days, but specifically for today. We'll have another opportunity on each of our startups in the morning to review that day's agenda. Is there anyone who has got an issue? Liu, you've got an issue or are you just going to be letting us know that you can hear us properly? Type if you've got an issue.

LIU YUE:

Thank you, Cheryl. Thank you, Pat. And thank you all the members. It's my pleasure to work with you. Can you hear me?

CHERYL LANGDON-ORR:

Yes, we can. Please go ahead.

LIU YUE:

It's my pleasure to work with you all in the last year and I'm very sorry that during the [inaudible]. So, I just can attend this meeting remotely. I also thank you for the [inaudible] and other members in our GAC review working parties. I will try my best to participate in this three-day meeting and to contribute my effort. Thank you.

CHERYL LANGDON-ORR:

Thank you, Liu. And we also regret the sad situation that's going on regarding travel in and out of China, and also note that it will mean some very unfriendly times while we're here in UTC+1 and you're in UTC+8. So, we appreciate that you may not be able to be here the whole time but you'll do every possible amount of time that you can. Is there anyone else who wants to raise anything at this point in time?

If not, then the very next thing on the agenda is brief feedback, because after all, we're going to be delving into the community input that has come to us in our public comment and we will be deliberating in perhaps agonizing detail at times on what our reactions and feedback is to things that we have got in the public comment. So, we'll look to that as we go into the section after our morning break.

But what we would like to do now is ask for feedback from team members on presentations of the draft report. And we just want to note I guess for the record this afternoon when KC is able to join us at around 4:00 local time—that's CET time here in Brussels—she indicated that she's made a number of comments on our public comment interim report as well.

Let's talk about how much time we do or don't want to dedicate to that, noting that that is not a document that is going to go on and become something else. We do not need to re-wordsmith that document, but there may be some learnings from some of what she's pointed out that will be echoing from the comments that we get from public comments. Let's this afternoon take a little bit of time in that 4:00 section, but not too much time, and get her to very briefly take us through but with a view to where it resonates with public comments that we've got.

So now let's look at the draft report, and any of you who have got any feedback for us that may not be captured in the written word but are your experiences where you presented to your communities, because I know a number of you did. I also note that, particularly with Sebastien and with Vanda, we also had specific presentations in other languages other than English. I think that's a credit to us all when that's occurred. So, is there anybody who wishes to join the queue now and give us some feedback from presentations of draft report? Sebastien?

SEBASTIEN BACHOLLET:

Thank you very much, Cheryl. I am happy that we are meeting here in Brussels and we have people also from the team participating remotely. That's a good sign of the work we are doing and we will be doing.

I want to start with one question because, if I understood well, Cheryl, what you said, you said that we will not use the current documents as the basis for the next one because, when you talk about KC's comments, you say we don't need to wordsmith because it will not be the one. Did I understand well or did I miss something? And if I understood well, what

will be the next document we are working from or to? Thank you. And then I will come back if I can to the other point I wanted to make about this feedback. Thank you.

CHERYL LANGDON-ORR: Thank you for the question. I just note that Bernie is [escaping again]. We're not, as far as I am aware, planning on merely polishing our interim report into something that is then going to be a final report. There will be a document, the foundations of which will be hopefully dragged out of the discussions we have here about public comments received and material from this initial report. So, Bernie, am I correct in that, that it would be a fresh foundation document, the same design, the same principles but we're not just going to modify what we've got? We're going to create a new final report? Correct me if I'm wrong, please.

BERNARD TURCOTTE: Yes and no. It depends on what we decide here. I think that's the point. We're using the experience of the results of the public comments and the presentations and then, as we noted on the agenda and that we discussed before coming here, on the last day is exactly working out the details about how we're going to get from what we've done to a final report we're going to review in ICANN 66, I guess, or 67. 67, right.

CHERYL LANGDON-ORR: Back to you, Sebastien.

SEBASTIEN BACHOLLET: Thank you very much. Okay, good. As you say, we organize presentation for our group with you, Daniel and Vanda, about At-Large when previous holidays, season for [inaudible] and one after. Vanda made one in Spanish for her region and I made two in French, not just for At-Large. It was an open call. We have [francophone] [inaudible]. Not so much done over but some people were even twice at the presentation. I was not [inaudible] first time they wanted to see how it's done the second time.

But, to put a question or answer here, I know two of them have made comments and I don't see them on the list and I'm almost sure that the third one have made also comments and I'm questioning do we have all the comments in front of us? And if not, why and why we didn't get it?

Now, the question about the feedback, I have a bad feeling when I read the comments in writing. We got some of them must have been better if they engage with us in about discussion before putting the comments and it will start to be complicated, the work we will have to do.

But we got good questions also on this discussion webinar and so on, and that will be also taken into account in the work we will be doing the next three days.

My last point is, as the chair of the Board is still here, I have a difficult question. We are ATRT #3. Accountability and Review #3. Why, as a result of this, must be different, taken differently than the one for ATRT-1 and ATRT-2? We are supposed to be the oversight mechanism. We are not supposed to be oversight by another body of ICANN and it's something I really feel strong that we need to take that on board

because the way we will be working here depends on that. If, at the end of the day, another body will just say yes or no, then it's another story than if we are the ones who make the proposal, and the decision in fact, because we are the oversight group for—deciding by the Affirmation of Commitments and now within the bylaws. Thank you.

CHERYL LANGDON-ORR:

Thank you, Sebastien. I note at least one of the public comments also that we have received is almost an exercise in reviewing us as reviewers, which is kind of something we have to deal with and do so in our deliberations as well. But there could be learnings from what they've said, so we need to take that.

I have Wolfgang on the queue. You've asked a question at the Board. So, while we have the Chairman of the Board, over to you please, Maarten.

MAARTEN BOTTERMAN:

Thanks. I think you [inaudible] body that you didn't give a name. You mean [inaudible] the Board, right? Yes.

Just to make very clear, the Board respects and adopts the policies from the community and the recommendations from review teams unless there is a specific reason not to. And that may be because they conflict with the law, they conflict with the bylaws or whatever. And sometimes these things happen. But that's the only reason. If there is not such a reason, the Board adopts them. And very much, if it's not adopted, there is always a very clear indication because we realize that these

priorities and these policies—and in this case, the original recommendations—are set by the body and not by us.

So, we are not just a rubber stamp. We are to really carry out our fiduciary duties. But we are not trying to redefine or charge on whether it should go left or right. So, I hope that that helps clarify.

If, in any Board decisions there is no clarity about how we deal with that from a fiduciary perspective, please raise that because it's our intent to do so. I hope that helps.

CHERYL LANGDON-ORR:

Thank you, Maarten. Can I just check Sebastien is—thank you. We're getting a nod. Okay. I've got Wolfgang and then I've got Vanda. Wolfgang?

WOLFGANG KLEINWAECHTER:

Thank you, Cheryl. [inaudible] very first session. For my own clarification, what is the final timetable? So, that means we started April 1st so that means when is the moment where we say this is the final report? Will it be in Cancun or we will have after Cancun another online session where we say, okay, this is now the final, final version of the report?

So, my understanding is that we produce here, that's the target from our discussions here, that we produce something like a final report which then has an additional reading or public discussion in Cancun, and after Cancun, we are done. But, just for my own clarification, I want to be clear.

And there is a second issue which is not on the agenda and I don't know whether we should spend time for this, but we are a team—a review team—for accountability and transparency and both issues, accountability and transparency, are in the center of the discussion of the DotORG case. So, I don't know whether we should at least have an exchange of view and probably a briefing from Maarten what the Board is. But I think, if the broader public is discussing the question of ICANN's transparency and accountability and we, as ATRT team, are remaining silent I think this is, in my eyes, would be a problem. So, we'll have to face questions probably also in Cancun and we should be prepared how to react to such questions which are probably will come from the community. Thank you.

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

VANDA SCARTEZINI: Yes, we did a presentation in Spanish for our community. Most of the questions we have [inaudible], but most of the questions were related to explain better the situation regarding recommendations versus suggestions. We have also about what is the better solution on those reviews and we have explained and discussed a lot of the group over there to allow them to understand and to make suggestions to even independently.

We have from Alejandro Pisanty a question a little out of the scope that was if the ATRT-3 would be able to suggest, to simplify, all the process and the process, priorities, etc., from the ICANN as a whole, then I said

to them is [inaudible] we are doing exactly that. We are suggesting, [inaudible] was suggesting ideas from priorities and also suggesting to improve the process to make it simple and clear. And Alejandro was supposed to give suggestions directly to the report.

So, it was not so long I made the presentation in Spanish and we had about 20 minutes of discussions. So, it was good for them to understand better and I have suggested from the French side of ALAC region to attend [Sebastien's] because it's more maybe translation is not so clear sometimes and directly in French it would be good. Thank you.

CHERYL LANGDON-ORR: Thanks, Vanda. Jacques?

JACQUES BLANC: So, I'm going to get off the cap from the ATRT-3 and get the cap of the Registrar Stakeholder Group. Just through the discussions we had, just a couple of comments just to understand the kind of input that was made by the Registrar Stakeholder Group.

First, we have to remember—and I want to remember—that registrars in the larger sense are in a unique position because we are the interface point between the world, in large part, meaning you want to register a domain name, whoever you are, how big or how small and the fact that you can have and use a domain name, whatever big or small you want to do it.

So, that means that we are conscious that every decision that is going to be pushed forward and taken is going to have a direct impact on the way we, as a group, will have to work.

And we shared this with the registries and that every decision which is taken in the interest of the community or groups or whatever you think means economical impact for the economical and the infrastructural community as [inaudible]. So, we are very conscious of how important it is that this process is transparent, accountable, and economically sound. That's the first thing.

The second thing is you will find a lot of mentions about budget into the comment and that comes from the same line of thought.

And the last thing is we are conscious as well that actually domain names are getting more and more important and maybe the realization worldwide is not here.

For example, I mean if the headquarters of a company burn, the company can still work. If the domain name portfolio of a company is taken away completely, the company cannot work anymore. So, that means that we want to remind that the decisions we are going to take here and push here or recommend as a group will have the deepest impact on how the economics are going to be pushed forward.

CHERYL LANGDON-ORR:

Thank you very much. Now, just checking. Wolfgang, you're not wanting to be in the queue? Okay. Which means I've got Jaap and then Daniel.

JAAP AKKERHUIS:

I did for SSAC a presentation early on before the official presentation was actually released and [it was very helpful from Bernie] to get a preview of this thing. It took about an hour. We did it because that was the only place on the agenda we had. And there were [inaudible]. I mainly answered questions about details, how things are done. Later on, I noticed some SSAC people actually joined especially the second webinar and that's basically ...

In general, I was kind of disappointed about how many people are joining the webinar. It's about a handful more than the usual crowd. That's kind of ... [inaudible] that is trying to tell if people don't care what they say. I don't know. It might be something to reflect on. Anyway, I don't have more to say.

CHERYL LANGDON-ORR:

Thank you. I sincerely hope that enough people care about what we're doing. Perhaps we'd manage to either do one of two things—pick really poor times for getting 80 and 140 people to turn up to our webinars or we actually made relatively clear what our probable things were going to be discussed in the initial report when we did our presentations at ICANN 66. But hopefully we do have enough interest because it is pretty darn important that accountability and transparency is taken seriously. I have Daniel. I'm assuming that you're no longer in the, Jaap. Is that correct? Okay. Daniel?

DANIEL NANGHAKA:

Thank you very much. I just have two issues. One is the time that the Board is going to take after we've handed over the report to come up

with the status whether our recommendations have been approved or not approved.

Then the second one goes to our first draft report. After reading through the report, there are certain issues that are not very clear to the community on how we came up to consensus on some of these discussions, especially the review of ATRT recommendations.

I think probably as a team we went through. We subdivided the work into that interesting document. If it could be possible to annex that document somewhere, such that the explanations as to why the recommendations were not implemented clear to the community. I don't know what the members of the team will think about that. I'm just open for thoughts about that. Thank you. Back to you, Cheryl.

CHERYL LANGDON-ORR: Thank you, Daniel. I do think we did append the spreadsheet, but perhaps we need to make in even more bleedingly clear—[audio cuts out].

SEBASTIEN BACHOLLET: ...with At-Large staff on that issue. The third one I am not sure about. The question is that if I have this impression or information, I have doubts that maybe you may have or others may have some comments that are not here and I am in trouble with that. Not to mention the fact that one I know is not there but it's the reliance of the system is for me in question. Thank you.

CHERYL LANGDON-ORR: Thank you, Sebastien. And you said is at the kernel of it all is how much trust and faith we can put into a system when it's been stress tested and may or may not have actually passed the stress test. Negar?

NEGAR FARZINNIA: Thank you, Cheryl. Yes, there was one comment that was sent to me directly. That was the comment from IPC. We replied back to Heather Forrester and requested for her to submit a comment to the ATRT-3 public comment page. As you can see from the comment page on the public comment, that comment has been submitted and is listed and indeed has been captured into the summary of the comments we have received. There has been nothing else sent to me as far as a public comment. There's been requests for extensions of the public comment period and any of those requests have been forwarded to the leadership of the review team for consideration.

But again, I repeat that there was only one comment from IPC which has been submitted to the public comment list, officially submitted by Brian Scarpelli for the record.

CHERYL LANGDON-ORR: Okay. Thanks very much. And that one has been captured. So, at least one of them that you were concerned about, Sebastien, appears to have been caught in the net, but there's others apparently that have not. So, Sebastien, back to you.

SEBASTIEN BACHOLLET: Two people have trouble to answer to the system and to put their comment. I have in front of me one mail where I am blind copied and I know that I received it. It was addressed to Negar and it was on the 4th of February my time. I don't know what time it will be in yours but it was 17:21 and it came from somebody from Cameroon. Therefore, if the system is not working, if your mail is not working to receive the comments, then obviously we have a gap somewhere and we need to take that into account.

What I suggest, because we don't spend and it's not our job, but we have to say that I have trouble with the system because I feel it's not working well. But if you allow me, I will try to take into account and to bring to the discussion the comment I see because it's in French, therefore I can circulate it but it will not be very useful for some of you. If you allow me, I will put that in the discussion and be the convener of this part of the comment. Thank you.

CHERYL LANGDON-ORR: Thank you, Sebastien. I'm sure that will be appreciated, and luckily, Bernie I think is fairly confident in the French language, so if you can copy him, he can also make sure that it gets into the tool as well. So, we've got a little time before we dive into the tool so let's make sure we integrate it into the tool we'll be working in after 10:30 CET time, please. And, yes, if you'd like to advocate for it during our deliberations, that would be excellent.

I note the time and dates you are mentioning was after the 31 January but that simply means that this, along with any of the others that asked

for an extension, we said we will do our best to include but cannot guarantee. That was our response and I think that's our response to this as well. We will do our best to include and you're happy to act as an advocate here to do so. That's fine. But anything that comes in after we do our few days of work here, we really can't, other than if it is so earth shatteringly compelling and new viewed, we need to discuss in our meetings between now and ICANN 67. We will simply have to include it on the document, give it as much diligence as we possibly can. But we can't hold up this work just because we've got some extensions. Jaap, did I see your hand go up?

JAAP AKKERHUIS:

Yeah. I find it a bit irritating that people are—there might be technical problems for people sending things after the closing date and that we have to discuss things we haven't seen at all. Maybe we should ... I know that other people have sent in comments and then asked whether I could check whether they were in or not. And I said, "Well, look at the public site and see whether they appear. If they don't appear within 48 hours, just go to the best possible person of that." This is for another thing. But there's always a responsible person for where comments will go to [inaudible] directly. Just [inaudible] they will actually make this work is not really very practical.

CHERYL LANGDON-ORR:

Thank you, Jaap. So, it seems then, Sebastien, that the ones you've got from Cameroon we can do our best to integrate and deal with because they can be tabled amongst our materials. Anything that isn't received

now, as far as I'm concerned, we can only see whether or not there's hugely important new thinking or earth-shattering information that's [brought] when we do get it. Obviously, we will read it when we get it. But deadlines exist for a reason. And part of that reasoning is we need to move into the next piece of work.

I do want to come back to a couple of other points, but before I do that—other than the two points I've noted from others—is there anyone who is aware from their interactions with their community or their presentations that they were present at or part of, that there is material, views, observations, comments, criticisms or whatever that hasn't been captured either by what's been reported around the table yet or is in public comment?

For example, the confusion that community is—since you were raising Vanda things that Daniel was mentioning. We see that in our other public comments. So, is there anything that you are aware of that we need to put on our table now for our mutual knowledge and consideration that isn't captured by other public comments? Otherwise, we will then be able to go through all of those public comments in the tool and do a [inaudible] good job of dealing with each of those pieces of subject matter. And that I think is where your comment was coming in, Daniel.

Okay. Outside of that, we do need to perhaps look at, as we go through the registrar information that Jaap was talking about, recognize that we might need to ... Written coupled—and that might not be the right word—but that the financial stability and the financial consequences of recommendations, etc., is coupled with the considerations of

accountability and transparency, at least from that particular stakeholder group. We might need to analyze or hypothesis, test in some way if that might be the case for others. It may be a concern but simply not something [inaudible] drawn out because that wasn't the lens that was being looked at.

But, to come back to Wolfgang's point about DotORG and PIR, in the general flow of text in our final report, what I believe you were saying, Wolfgang, is that there is a living example of comment and criticism from community, ICANN community, and wider community about matters of transparency—perhaps more so than accountability—regarding this living experience and that it behooves us to recognize that in our final text, not so much formulate an opinion on the rights and wrongs, and that certainly is not our job to do so. But to recognize the opportunity of this now living experience of concerns about transparency, recognize where it is, comments and criticism that's valid to the entity we're interested in reviewing, which is ICANN—not ISOC because it does get a bit muddled out there in the screaming, moaning, and groaning land. Screaming, moaning, and groaning group seem to have them all muddled together. We've got to stick to our meeting which is ICANN. But we need to look for opportunities in the text to recognize that and perhaps use that as an example. Is that a reasonable capture?

JAAP AKKERHUIS:

Yes, that's a procedural issue, not a substantial issue.

CHERYL LANGDON-ORR: So, if we can make a note then. I'm not sure who's taking that note. My scribbled one, even I won't be able to read it in five minutes' time. But we do need to try and come back to that on our Sunday meeting to make sure that we deal with at least those two aspects.

So, is there anything that we have missed that we are aware of at this stage? Any of you think, oh, that hasn't been picked up in a written public comment, but I noticed it in a presentation or in a question or in an interaction.

If not ... And Sebastien, your hand is up. Is that an old hand or a new hand? New hand. Okay, over to you.

SEBASTIEN BACHOLLET: Sorry, it was a question before. It was just to say that, yes, the mail was received the 4th of February because [inaudible] to do it in the tool and then waiting for to be sure that it was not published and find another way to send it was the case for the first. But another one was sent to the same mail address on the 13th of January. It went to ICANN At-Large staff and I don't know where it is and I don't know why it is not in our document either. Therefore, I am sure that somebody from ICANN received this mail but it seems that it's disappeared from what we are doing. Once again, I am concerned. Thank you.

CHERYL LANGDON-ORR: Okay. Pat, we've got time. Do you want to drill down into this issue a little tiny bit more? Because we've got five minutes before the top of

the hour and then another 15 minutes for this block of work and I don't want to have this raised and not do enough diligence into it.

Let me get it straight, Sebastien. That was the 13th of January or the 30th?

SEBASTIEN BACHOLLET: 30 at 23:56 and the title was [inaudible] and it was sent by [inaudible] to Negar. I was not I copy, but after it came to her.

CHERYL LANGDON-ORR: My second question was I thought you said At-Large staff and I'm not sure why they would be transmitting it. If it went to Negar, then that's an entirely different director.

SEBASTIEN BACHOLLET: Because it's an At-Large Structure and when they get some trouble with ICANN, they can go to At-Large staff and ask them for help.

CHERYL LANGDON-ORR: Sure. And that's what was done in that email? Okay. So, the question on where we're looking for the problem is with the transmittal between ICANN staff serving At-Large and it getting put into the documents that are coming in for our public comment. Is that where the possibility of the errors occurred?

SEBASTIEN BACHOLLET: No, no, because the first mail I am talking to you is on the mail that it was on the comment page where you can use it. Sorry, Negar, but it was sent to Negar and then it was forwarded to At-Large staff for help.

CHERYL LANGDON-ORR: Okay. So, Negar should have a trail on that. Negar, is this something that has gone into a black hole for whatever reason?

NEGAR FARZINNIA: I am searching my email for all comments received from any commenter on the public comment for the ATRT-3 draft report and so far the only thing I've found is the one on the IPC. I'll continue to search filters to see if it's gone into spam filter for some reason. And if so, I will notify everyone. Thank you.

CHERYL LANGDON-ORR: Thank you. And this is why it's important for us to look into that, because that particular entity, we've seen them do work in the At-Large before. They're not an unknown. And it seems like in good faith efforts were made, and for whatever reason, it's gone into a black hole. Now, we don't have to go black hole hunting but because we know it's existed, we can deal with that input. But what it does raise is the slightly larger issue of having faith in the tools that we're relying on as an entity. And that's a little bit of a concern. Pat?

PAT KANE: Sebastien just showed me both emails. It's from a Gmail address. The question that I wrote down is could it be caught up in a spam folder? If it's the same email, a Gmail address. I don't know what your spam filters are looking like, so maybe it's there, Negar. I don't know.

NEGAR FARZINNIA: Yeah. Thanks. Just as I noted a little while ago to Cheryl, I'll check the spam folders now to see if anything is caught in the filters there.

CHERYL LANGDON-ORR: And if we can track down this known missing bits and incorporate them into the tool while we're doing our review, that's great. But does one get a read receipt? Does one get a return email automated that says your input into this public comment has been received? And if that should be happening, are we educating our public commenters sufficiently to say if you haven't got this email back immediately on submitting your document, then here is an escalation process to follow through, so that it's not a matter of, as I believe Sebastien outlined waiting for a few days to see that it turns up, and then discovering that you've actually missed deadlines and things like that. So, there might be a little fix that we can make some—probably actually a recommendation about just from this experience. Is that a possibility? Okay. Back to you, Maarten.

MAARTEN BOTTERMAN: I think you're on the right track. If there are systematic errors in the way the system runs, it makes sense to find better ways to run it. My guess is there will always be individual things but it's good to look into.

CHERYL LANGDON-ORR: Okay. So, with that, it looks to me that we've got about a ten-minute block now that we can do something else in. The work we planned for this part of our agenda, which was welcome, review of the agenda and meeting objectives, and the feedback from team members from the presentations of the draft report, we can tick those boxes as having been at least initially reviewed.

We've made a couple of reminders for ourselves about where we need to loop back probably on our Sunday meeting when we're looking at the final documentation and the design and the mechanisms that we're going to be trying to make sure we pick up in the text that will be developed to look at the Org, PIR, and of course the coupling of financial stability and effects of recommendations and suggestions regarding accountability and transparency from the community's point of view. What else have we got that is not related just to particular comments received? Is there anything else we need to make sure we've noted?

Okay. Potential systemic issue that is being outlined with the receipt of public comments and it's part of our work to have looked at the effectiveness and efficiency and trust that is in the public comment tool and the public comment mechanisms that ICANN uses. And it seems to me that, perhaps not as dramatic as some of the DotORG and PIR discussions. We've got a living examples of where there could be a lack

of faith and trust because of perhaps an issue that can be somehow, in some way, shape, or form suggested a fix on.

What do you want to do now with another piece of the agenda in this now ten minutes that we've got? Is there a small block of discussion, information, material sharing that would be worthy? Over to you, Bernie.

BERNARD TURCOTTE: Thank you, Cheryl. Might I suggest we just present the tool? That will take us five or six minutes and then we can break.

CHERYL LANGDON-ORR: Sounds perfect to me. Everybody agree? Nodding heads around the table. Over to you.

BERNARD TURCOTTE: All right. Thank you very much. You were all given the link to the tool, which is a fancy name for a spreadsheet. Captured the inputs that we did receive. I've also generated a quick translation of the email submission that Sebastien sent and sent it out to the group for people to read. The automated translation because the French was very good. It seems to be good enough to give a sense of what the commenter was trying to say. We'll try to get that in, maybe to for our immediate discussion but we'll get it in by the end of the day or tomorrow morning early.

The tool is rather simple. It's broken down into three tabs. The reference report section, if you go to that one, basically ... Oh, thank you. Yes, it's up there. Basically is a list of all the recommendations and suggestions as they are found in our report. So, really, that is the reference against which we're working. If we're listed something that is referring to that, you can just go to that tab and find the recommendation or suggestion that we made in our report.

The comments by respondent tab is exactly what it is, so for any given respondent, we list all of their comments, broken down by our recommendations. So, we've tried to include that.

Of course, there were some comments that were made that don't necessarily match our categories perfectly. Sometimes, they're considered overarching comments. Sometimes, there are specific comments on other general things. We tried to give labels to those, so that people can find those.

Basically, here you'll see ALAC. If you go down a bit, we will note that those are all the ALAC. Then we've got the BC broken down into the points. Any questions on that? No.

All right. And our third tab is comments by recommendation and suggestion. So, basically using the reference report sections, we've looked at all of the classifications that we did in comments by respondent, copied it over and sorted it by recommendation so that we can group all the comments on a specific recommendation together so that we can look at them and consider them together. That's it. I'll be glad to take questions.

CHERYL LANGDON-ORR: Okay. Any [questions] for Bernie? Clearly, you're all desperate for your coffee. You want to get going a few minutes earlier. Which of these tabs shall we start digging into when we come back from our ... Logistically, how are we going to go through these now?

BERNARD TURCOTTE: Well, what I would suggest, I think we need to have that discussion on recommendations versus suggestions and the points and comments that have been made, because once we settle on how we're going to approach that, they'll guide the rest of our discussions on the various points.

Once we've done that, I would propose that we proceed in the order the recommendations. The document presents recommendations sorted by recommendation number and that we go through it because some of the more gnarly things are further down, so it'll give us a chance to get some comfort about how the tool works and how we want to discuss and integrate the responses in there would be my suggestion.

CHERYL LANGDON-ORR: Great. Thanks, Bernie. So, when we return from our break at half past the hour, we will be diving straight into looking at the concerns and considerations that were raised about recommendations and suggestions. We'll have our first tab open. We'll be working through the first tab, correct?

We also might have ... How do you want to approach this, Pat? Do you want to do a round robin around the table or do you want to go through the comments regarding community confusion about when we are making recommendations versus suggestions? What's your feeling and approach?

PAT KANE: I think we should do the latter.

CHERYL LANGDON-ORR: All right. Pat will be guiding us through the next section when we come back. All right. Is your hand up in the room?

NEGAR FARZINNIA: It is. You're going to like hearing this, actually. So, Sebastien, thank you for noting out the email from the 4th. I found that in our [inaudible] spam folder emails. I have released that to the list. It's going to get posted shortly. I have not been able to find an email from January 13th. If you are copied on that, please forward it to me. Anyone who has it, send it to me again, please. This is not an attempt to cover up public comments because we have no skin in the game. It doesn't matter one way or the other. I want to make sure everything gets posted. But things do get filtered out and sometimes it's not easy to recognize what's an actual comment or not. So, if you have it, please send it again and I'll make sure we get it released right away.

CHERYL LANGDON-ORR: Thanks, Negar. Appreciate that. And of course you can put it into the public record then as a comment received.

NEGAR FARZINNIA: Correct. It's already been one for one of them.

CHERYL LANGDON-ORR: Excellent. Thank you very much. Sebastien, is there anything else on this matter other than perhaps us looking at some form of two or three step confirm, and if not confirmed please respond in the following way suggestion for community?

SEBASTIEN BACHOLLET: No. I wanted to thank you for being into detail on that and I think it's important accountability issue for us. As a matter of fact, I am happy that I was knowing about it. But I hope that we don't have others somewhere in other languages waiting for us because it will be a pity, but I have already sent both of them to [inaudible] and I will send again the second one with all the mail and it will come down to the first one sent to you and Negar again soon. Thank you.

CHERYL LANGDON-ORR: Excellent. Thank you very much, Maarten. Thank you very much, Negar. Appreciate you all digging in and doing the analysis on the fly but I think it is an important issue because the faith in the system is easily shaken and trust is hard earned and easily lost. So, let's see if we can build back some of that trust and faith as we move forward in our final reporting.

So, with that, with Pat asking is everyone still there, was that a theoretical?

PAT KANE: My Zoom dropped, and every time it had dropped before, we had a problem with the voice, so I was just checking on that.

CHERYL LANGDON-ORR: I just thought I had missed a philosophical moment.

PAT KANE: You give me far too much credit.

CHERYL LANGDON-ORR: Okay. Well, with that, ladies and gentlemen, that brings within a couple of minutes. Who are you pointing at? I honestly do not see your hand up in the Zoom room.

NEGAR FARZINNIA: Apologies, [inaudible].

CHERYL LANGDON-ORR: If you're down here and Daniel is leaning forward, I can't see you which is why the admin at the beginning was use the Zoom room.

NEGAR FARZINNIA: [inaudible] eyesight. That's all. I just wanted to make a relevant comment here speaking of public comments and issues that have been observed and trusting the system.

As part of the ITI project, there is a test public comment proceeding being released for the community to provide input to. I have the link and information that I'm happy—[audio cuts out].

CHERYL LANGDON-ORR: Excellent. Thank you very much, ladies and gentlemen. Hopefully your 15-minute break and a little bit of time to rehydrate has also given time for the gremlins to be purged from the system. Jim assures us that the sound is currently working, so that's a good thing indeed.

Right. As we indicated before we took our short mid-morning break, we're going to be diving back into the thrill-packed and exciting world of the community's inability to understand what we thought we had made fairly clear, and that was the difference between recommendations and our need to make suggestions, seeing as that recommendations have entirely new and different criteria for ATRT-3 under the new guidelines that no one else has ever worked under compared to everything that has gone before. So, clearly, we didn't communicate that very well, Pat, and now you're going to make it all better.

PAT KANE: Thank you, Cheryl, for the challenge. So, if we could open up the analysis public comments tool, spreadsheet and go to line nine within the comments by rec tab, please. Oh, there it is.

So, I'm just going to read this real quick because this kind of gives an idea of some of the questions, some of the anecdotal comments that are received around this.

So, the Board notes that the ATRT-3 formulated 35 recommendations, suggestions, and strong suggestions stating that the ATRT-3 does not consider suggestions to be less important than recommendations. The determination if an item is a suggestion or a recommendation will be finalized in ATRT-3's final report.

The Board understands that, under the bylaws, the Board is obligated to act only upon recommendations issued by specific review teams. The bylaws in sections 4.6(a)viiA also impose an obligation on the ATRT-3 to attempt to prioritize each of its recommendations and provide a rationale for such prioritization.

While the ATRT-3's use of the terms recommendations, strong suggestions, suggestions, and observations could be a manner of expressing different levels of priority, the Board requests clarity on which of the ATRT-3's outputs are formal recommendations.

To the extent that the ATRT-3 also includes categories of items other than recommendations in its final report, this could create confusion if this is not aligned with the bylaws or operating standards. There would not be clarity on the expectation of how or when the Board is to act on suggestions whether it would be appropriate to hold ICANN Org accountable to implementation of those suggestions or the other attributes of recommendations.

If the ATRT-3 believes the distinction between recommendations and suggestions might be relevant for future review items, the Board encourages the ATRT-3 to include a recommendation on how to use suggestions versus recommendations in future reviews, allowing for community input and thereby ensure broad community agreement on such an approach as well as consistent and transparent output of all of ICANN's future specific reviews.

So, in reading that and reading that before, I think that last recommendation from the Board is something that we really ought to rally around and probably ought to talk through initially before we get to the other comments that were made and the other anecdotes.

So, in terms of a recommendation and how we should think about that, I'd like to open up for comment for input where do we believe or when do we believe we should be assaying about a recommendation around recommendations and strong suggestions and suggestions and observations. Daniel?

DANIEL NANGHAKA:

This is something interesting. Previously, in our earlier discussions and deliberations, we had mentioned that the suggestions may be treated as recommendations and I see this as kind of [inaudible] situation that we are in.

I would like to put to the table [inaudible] stronger suggestions into recommendations, but also my worry would be it would increase the number of recommendations. And also looking at this in case I see a situation whereby the Board is only concentrating on the

recommendations and deliver the suggestions [inaudible] timelines. So, I don't know how best we can handle this.

PAT KANE:

Thanks, Daniel. I do want to note that the original team member who suggested that suggestions would be treated the same as recommendations has departed. Thank you, Maarten. Not to call anybody out but I will.

But I think that, Daniel, that's a really great point from the standpoint of the operating procedures are designed to raise recommendations to a higher standard and if we are to take a look at strong suggestions, suggestions, observations and how we view those as being prioritizable, if you will, in the process, you could end up with a lot of things that are comments that have one, maybe two, people behind them from the review team's input and therefore you could end up with a lot to achieve.

Now, that being said, if we're taking a look at how the Board has treated the recommendations that came out of CCTRT to where they accepted, rejected, assigned and if that's going to be the new norm, that could be a way to process in terms of going through and saying yes or no, but then the prioritization process itself after that, you would see some of those trickle down to the bottom and the way that I think we've talked about prioritization, some of those would naturally not be achieved because of time, because of budget, because they've been overcome by events at some point in time as well.

So, I see the risk but have we talked about a process that would help eliminate that or make that a smaller problem if we were to allow a process for strong suggestions and suggestions that carry the same weight and same review process as recommendations? Just a thought. Jacques?

JACQUES BLANC:

So, if we look at history, even recent one, and we remind why did we go to suggestions and strong suggestions or not strong suggestions, it's because in December we saw these new standards for recommendations that are so rightfully—and I insist on rightfully strong—that we just do not have time to follow them all if we do all the recommendations we want to do. So we had to find something.

So, the whole question here, and the Board says it more or less, are we setting—and you said it as well, Pat—are we here trying to set a new kind of prioritization order where recommendations would be sort of mandatory to follow for the Board or whoever we are addressing and they would be structured so they could be easily followed because that what they are doing by structuring these recommendations and the other ones could still be discussed and delivered to the community for overall discussion. But it seems to me we are looking at setting kind of a new standard here.

PAT KANE:

Yes, Daniel. Bernie, please.

BERNARD TURCOTTE: Thank you. I just wanted to note the point that Jacques said initially. And the other point is probably there is an opportunity going forward that we can group things together so that that will probably ... It'll be a combination of things. The prioritization we should keep in mind because, as Pat has said, a few things may drop off our radar.

And the second thing is we can combine other things as a practical suggestion is we might make a recommendation that the Board considers finishing implementing all the ATRT-2 recommends. That's one recommendation. And then that would take away a lot of things. So, thank you.

PAT KANE: Sebastien?

SEBASTIEN BACHOLLET: Thank you. First of all, I think we have decided maybe we were a little bit, I don't know, foolish but we decided to follow those rules and maybe all those standards, maybe it was not a wiser decision. But, at the same time, therefore we may change our mind here. But if we follow them, I understand the comments made by the Board and others but we are, for the first time, using the standards and we need to be able to explain why we don't follow those standards, and in not following them, we suggest in fact to change those standards for the future. It's not just because we want us to be the only one to use the standards, those suggestions or whatever word we end up different from the recommendation itself.

At the same time, I think we have too few, if I am not mistaken. We are just one recommendation. Therefore, if we can find a way to have more recommendations, and maybe as Bernie suggested, to put different suggestions together it will be great because I feel bad if, at the end of the day, we have one recommendation from our group. And maybe we need to rename something around recommendation. I don't know.

At the same time, once again, it's not the Board who will accept or not accept. They will do a sanity check that if it's in the bylaw. But I guess we may be able to do the same thing and have the same type of level of confidence that what we are saying it's according to the bylaws. Therefore, I don't know why it must be sanity check again by the Board. Maybe there are more staff, more time, more people, more whatever. But it must be included in our review.

And finally, it's something we need to take into account that this discussion, it's important but I hope that people didn't look at our report, as we say at the beginning of the report that the way we write about a recommendation or suggestion, it's just a suggestion for the moment. It was just a suggestion for the moment that they have really go through all the recommendations and suggestions.

I was surprised not to see really a comment saying this suggestion must be a recommendation. I guess there is one, maybe two, but not so much and that's something who could have been a very good comment to us where the community thinks we need to push some suggestion up to a recommendation. That's some of my ... So, thank you.

PAT KANE: If I can interrupt and engage on this with Sebastien. One of the comments you made, Sebastien, was to make commentary on the standard procedures. Would you suggest that we do that as part of our report or do you suggest ... Because you've often talked about having a postmortem. Or would you suggest that that be something we do as a post-discussion or post-operation to the report?

SEBASTIEN BACHOLLET: Thank you, Pat, for the question. Both can be done but I feel that we will need to explain why we use such and such. In fact, we will have to explain that it must be something that can [inaudible] to the evolution of the standard. Therefore, we may not go into detailing how we want to write the standards. Again, that could be postmortem but we need to explain why we are not following those rules today. [inaudible] really considering to do it, but we are in a place where, at the moment, we can't because of time, because of money, and because of plenty of things. But if we explain that, it will be [inaudible] and then postmortem will be a good time. Thank you.

PAT KANE: So, thank you, Sebastien. So, I could boil that last recommendation down, we would break it into two parts. One would be that we would include in the report why we chose to do ... Why we didn't follow the standards. And then second, it would be either in the report or in a postmortem that we would make recommendations to modify the standard procedures? Okay, thank you. Vanda?

VANDA SCARTEZINI: Yeah. I'm a little afraid about the priority issue, the perception that some suggestions are not priorities for us. And then the way we're going to explain why we do that, the suggestion, the strong suggestion, etc., should be quite clear to note avoid to put—[audio cuts out].

...possible in some way. So, we need to review the standards in another way and we should recommend or suggest strongly that we think about the new standards including all the categories of recommendations because that is another category of recommendation. Recommendation level one, level two, or suggestion like that. But it's not about priority. And the idea here is for them, for the Board, response is something that they believe is regarding priorities. And for me it is not. Thank you.

PAT KANE: Thank you, Vanda. Since we still have to go through and finalize our own priorities in terms of what we're recommending, suggesting, etc., I think we can do that, whether it's a suggestion, strong suggestion, recommendation that we can set what we think the priorities are and leave the definition to the explanation in terms of why we would not use the standard procedures. But we also would want to call out that there's no implication of priority based upon recommendations, strong suggestions, suggestions so we ought to make that very clear in our explanations.

VANDA SCARTEZINI: When we define our priorities, I believe we will make it clear that there is no really direct relation with the suggestions or recommendations.

PAT KANE: Thank you, Vanda. Daniel? I'm going by what's on my list here. Are you not in the list anymore? You can speak now or note. I'm okay either way.

DANIEL NANGHAKA: Just following the discussion, already I see the bodies are already confused in their responses regarding to this. If we are to follow what is being discussed all over the place, the strong issue on how do we lay our priorities, how are our recommendations prioritized?

And if we say to follow the issue of prioritization of the recommendations, then automatically we have to come up with a new mechanism of how to do this. And since ATRT-3 is coming up with new challenges in systems and the way reviews have been done, I think let's open up for more innovation because this is a new innovative outreach of how [inaudible] recommendations.

And still, to make more clarity, I think let's look at the strong suggestions. For those that can be turned into recommendations, it would be a good idea to turn them into recommendations and that will create that list and action points for the Board to be able to understand. A list just to reference to what happened to the CCT. It wouldn't be very good to have all this and the Board says they can't work on this, they can't work on this. Then they just leave things pending.,

Also, historically, in reference to ATRT-2, the Board says that they implemented this and yet some of them are not implemented. And so

now that will give them another task to go through and review the recommendations that happened in ATRT-2 and then this other set that is coming in ATRT-3.

So, if we look at the whole implementation timeline of these recommendations, it won't even take maybe five years. It may even take ten years to come up with appropriate, looking at what is happening on the ground right now.

CHERYL LANGDON-ORR: We don't want it to fail.

DANIEL NANGHAKA: Yeah. So we shall be doing something expecting results and yet we're not getting appropriate results. Thank you.

PAT KANE: Thank you, Daniel. I'm going to make one comment. I know that the last time that we got together, I just kind of took a position that we separate prioritization from the reviews to draw a [bright] line between it. But in terms of reading the comments and just the initial part of the discussion today, it makes me realize that the two are two inextricably intertwined that the recommendation may have to be how do you do this nose to tail in terms of what that process recommendation would look like. And being careful not to define the process because that would be what we want the people to do following the recommendation but to show how they're tied together because a lot of the comments around the shock that all these items weren't done when they said they were done, how

you prioritize those, how do you have a steward that follows those through so that you can get to the next review team and basically not have to spend a lot of time on what happened in the past, that is all going to be tied together in terms of implementation, or at least from a project stand point, that maybe our recommendation should change, evolve a little bit into where it's a combined recommendation. I don't know. That's just a comment or thought.

DANIEL NANGHAKA:

Let me just [inaudible]. We, as the team, will have to agree that we are already in the [thick] of the procedures that have been happening. If we look at what [inaudible] us to carry out this review, that is in the AOC. We had to review the level of implementation of the previous review. After reviewing, what next? But we also have to continue our work to review what has been transpiring to come up with effective recommendations for the Org.

So, [inaudible] on the shelf [inaudible] say, okay, 60% or whatever percentage were implemented. So, probably they will tell us, "Okay, they are still in the process of implementing these recommendations." And then we can come up with this other block for them to look at.

I think it requires more deep thought on how we can come up with effective recommendations, still keeping in the suggestions where we will be but we shouldn't probably rely so much on the suggestions and put more strong focus on the recommendations. Thank you.

PAT KANE: Thank you, Daniel. Wolfgang?

WOLFGANG KLEINWAECHTER: Thank you. I think what Bernie and Daniel and [inaudible] said about the combination makes a lot of sense for me. When I read the public comments, then I realize that our good intentions to have recommendations and suggestions has produced confusion. So, this was not our intention. Our intention was to contribute to be more specific or to find an [inaudible] to bring our message to the public and to the various bodies, in particular to the Board. But the reality is that we really produced a little bit of confusion.

And insofar it was good that Vanda referred to the GAC and I remember we have an established category “this is GAC advice” and then the GAC Communique introduced a number of other categories which was not advice. It was just proposals, suggestions, or something else and the Board was totally confused because, formally, according to the bylaws, the GAC and the Board is obliged to deal with GAC advice. So, if there is a good idea in the Communique, that’s a good idea that’s good for [inaudible] but it’s not an advice. So, insofar then, the GAC realized they have to be very clarified what is a good idea and what is an advice.

Probably, for me, the basic idea why we came at the success was to contribute to the broader discussion. And this is always the process. It’s not just a single thing that we [feed] a process which we continue then for and other processes.

So far, my understanding is it’s more [inaudible] a very clear recommendations and combined recommendations would allow us to

be more flexible. And then to have a second category which is just to whom it concerns. Food for thought. So, this is a suggestion because in this one year of work, we generated a lot of wisdom, a lot of good ideas. And what to do with this? This is not enough to formulate it into a recommendation because no concrete action is needed. But these are ideas which will enrich the debate and will enrich the discussion in the community and also will help the Board to understand probably the context in the environment for certain concrete recommendations.

So, that means if we just split this and understand the suggestions and the recommendations in this way, this would avoid the confusion which we have unfortunately created.

PAT KANE:

Thank you, Wolfgang. So, listening to that, it made me think that instead of trying to define what's below the bar when we talk about the standard procedures, we may want to make a recommendation on lowering the bar in terms of what defines a recommendation. That way, it might make it easier in reducing the confusion and allow more recommendations. Sebastien, please.

SEBASTIEN BACHOLLET:

Merci, Pat. Thank you. I think, for the moment in our work, I would like us to take the two different issues about the naming and the prioritization, and at the end, we will [inaudible] that because if we try to put both at the same time, is it a recommendation, is it a suggestion, is it prioritization X or Y, it will be difficult.

But in the same time, I think that prioritization is a misleading word because, at least in my mind, why aren't you prioritizing it to do one, two, three, four five?

And here what I think we need to do is basketization. It's to put in two or three or four baskets—buckets, whatever—and say that priority one, priority two, and priority ... But not all our recommendations put in one, two, three. It's just ...

Because, for example, if we have a recommendation on reviewing one on prioritization, how we will say one is priority, [inaudible] priorities on the other. I think here they could be in the same basket and take less headache for us to prioritize. Therefore, I suggest that we define two or three baskets and it will be a good way to go. And then after we will see if it's matched with the way we name them, recommendation or suggestion. Thank you. I hope it's clear what I say because ...

PAT KANE:

So, thank you, Sebastien. In terms of prioritization versus basketization or categorization, I think the challenge will be if we have a few recommendations and we tier them at the same level to say these are the three recommendations at their highest priority, when it comes to the prioritization process, the people that will be doing the prioritization will look at those as three equal items, whereas we may see them as three really good recommendations but this one really is the highest priority.

If there were a lot of recommendations, I think that would be helpful. If you have 1-37, you've got to have tiers. If you have one through three, it

ought to be easy to go one, two, and three. So, just so that we can inform the prioritization process, once it gets evolved and once it gets said, that they would be able to take a look at what was the most important item for ATRT-3 in terms of what they wanted to tell the community or how the community resolved. But thank you. Bernie, please. Jacques, please.

JACQUES BLANC:

So, a couple of things, and I'm hoping that [inaudible] that first. Do we all agree that we do have [inaudible] that kind of [inaudible] low which is the new standard for recommendations imposed on the ATRT-3 after started the work—and long after. If we do agree that we have to accept this, then we will have to prioritize as per what Pat said and what Sebastien said, meaning we will have recommendations and they will have to be followed. But then we will have to say at some point that every other comment or suggestion we make might just be for the community to grab and follow up as much as they would because I feel that it will be a very short time to really find a new bylaws adapted prioritization and I don't see how we can do that. At the same time, I don't see how we have the material time to work on professionally by the new standards on the recommendations had they been imposed to us after, what? Six months of work? Something like that. So, I feel there is a decision to be taken here.

PAT KANE:

Thank you, Jacques. Bernard?

BERNARD TURCOTTE: Cheryl first.

PAT KANE: Go ahead, Cheryl.

CHERYL LANGDON-ORR: I was waiting, hoping. I didn't mind whether I came out last or second to last, but I did keep putting my hand up and down because I did want to hear what everyone else is saying.

I guess the points I wanted to make sure that we thought to table and discuss here today is that we recognize that we are beta testing something, so there will need to be the [inaudible] report and the feedback about what we found is still required, would be more helpful, etc.

But I think we may need to make it clear in our documentation up front that if it makes it into our report, we deem it important. We don't put unimportant things into our report. There is no gold watch and chain given to a review team that does the largest report, the greatest number of pages, or the largest number of recommendations, suggestions, or green eggs and ham, whatever we call it. That is not the criteria and benchmark by which we need to be measured.

I know Sebastien is concerned if we only come out with a single recommendation. I don't think we're in that situation. We're going to have a few, and certainly if we combine, that may also help us upscale some of the areas of suggestion and strong suggestion into a new type of may not get in all the measures but most of the measures that are

required for a recommendation under the new standards. Then we can note that it's pitching it like 80%, not 90%. And that's okay. We can perhaps tabulate or mark that some way, shape, or form.

But I think it's important that the reader, the average reader—including the Board—understand that a review team, if it puts it in there at all, it's already of consequence.

So, let's assume then all these things of consequences, they still need to be triaged, somehow sifted and sorted, and that's where using the buckets or the baskets or the prioritization all comes back to, "And what resourcing do we have?" because it should be assumed that all that is worthy, some things are worthier and some things will be more easily resourced or need to be in place before a follow-on or other action may happen.

So, sometimes priority isn't to how worthy or important something is but where it needs to be queued in a process. Something might be priority one which is a foundation piece, so that something more significant can then follow and build on that foundation.

So, I think we need to not get caught up with the old nomenclature but make sure our final text has some form of new nomenclature that the community can understand. But we're changing things. There's always resistance.

PAT KANE:

Thank you, Cheryl. Bernie?

BERNARD TURCOTTE:

Thank you. I'm glad Cheryl brought up the long list of things we have to meet for recommendations because that is important. Let's not forget that. I think that's one of the key components here we're going to have to be very clear on because some of the things, if we go back you'll remember, we were looking at some points and saying, yes, we think there's basis for us saying something here but it's going to be very hard to come up and fill in all those elements that are required for a recommendation.

And that may go back to Pat's point of, well, we're the first ones through. Maybe we have to make some suggestions about how we're going to tackle this and how it makes sense. But let's not forget that in the prioritization, as Cheryl has mentioned, there are ideas about not only prioritization but inter-relation between recommendations. Certain recommendations might require that another recommendation gets done before it can be done and that second recommendation is very, very important. Maybe that first one doesn't look as important but it's critical to get the second one done. So there's a lot of factors.

So, what I wanted to say is probably we should just walk through with the nomenclature we have right now and just make sure we're happy with what we're saying. And then a second pass we'll go through and we'll start doing some of the other homework associated with those things and the labels may change at that point. That's my suggestion. Thank you.

PAT KANE:

Thanks, Bernie. Jacques?

JACQUES BLANC: Yeah. I'm sorry pushing you to the front stage, Leon. Do you have any clarification on these comments that has been made by the Board as you'll hear, as stated by a board member about what we need to work on so the community and the Board can have a clear view of what's happening here.

LEON SANCHEZ: Thank you, Jacques. Yes. Yesterday we actually spoke a little bit about this. From reading comments from the community as well, I feel and the Board feels that this use of recommendations, suggestions, language creates some confusion when we say that we should treat recommendations as suggestions in the same way, right?

So, I completely agree with what Cheryl said in the sense that we are creating something new and we might find some resistance in accepting this new animal that we're creating here.

So, the Board is really not objecting to saying you can have recommendations and suggestions. What the Board is saying is, "Guys, please guide us as to which is the difference between each of them and how we should address them and how we should take care of them," because so far in the bylaws we don't have that kind of language and, of course, the Board cannot act against the bylaws.

So, all we're saying is please help us understand what this means. What are the expectations of the review team as to how this should be

treated in implementation of course? And just give us the map to find the treasure. That's pretty much what we're saying.

PAT KANE: Thank you, Leon. That's very helpful. Cheryl, your hand is raised again.

CHERYL LANGDON-ORR: Thanks, Pat. Just very briefly. I think what's important while we're looking at chance here, the bylaws are from a different era and we've got to recognize that, as a result of working in new systems and new methodologies, there may need to be some adjustment to the existing bylaws to better fit the new model and the new processes. And that in itself will be an important suggestion—or recommendation, depending on how we can get it through the criteria.

LEON SANCHEZ: That's absolutely right. If this review team actually considers that an amendment to the bylaws should be done to accommodate this new language, then by all means, do that recommendation and say, "Guys, we need to fix the bylaws to include this kind of language."

PAT KANE: Thanks, Leon. As far as modifying the bylaws, I think that that's something that we should take very, very seriously in terms of recommendations because if you modify the bylaws every review team, we don't really have a bylaw. We have a process to do what we need to

do. So, I'd like for us to consider very carefully anything that we do that changes the bylaws.

I think the way to take a look at it may be changing the operating procedures and then use those documents as the tools where we get more clarity in what we're doing. Just my comment. Thanks. I can't lower my hand. Oh no, it just logged me out. It just shut down the whole Zoom room for me. So, I am currently nonexistent. Thank you, Cheryl. I'm glad you're not mic'd on that one.

So, in terms of where we are on that topic, I captured a lot of action items, a lot of suggestions. What I will do is at one of the breaks or at lunch I will get with staff and go through that and we'll put together a slide that we can look at at the end of the process. As Bernie suggests, we start to go through the recommendations themselves as we want to modify them at the end. We will have that ... Just kind of what we captured here. And take a look and say how do we want to shape the responses in the final report? Thank you.

CHERYL LANGDON-ORR:

Well, then, looking at the agenda now, if we've established now that we're just going to run with the existing nomenclature but have it subject to change, we're just going to run with the existing nomenclature in our review and in our creation of our modified text for our final report but we will be taking a second pass, regardless of what category these things get into, before anything goes to press, we will have a specific work item which is looking at that nomenclature and

seeing how we can possibly make it as unambiguous as possible for the average reader. And if that means coming up with new terms, so be it.

What we will need to be aware of, however, is that the bylaw, as mentioned in the Board comment, is specific about capital R Recommendations out of specific review teams and we, as a specific review team, are agreeing to beta test and operate under the new guidelines.

Now, that may mean that we'll need to do a little bit of clever presentation as to why we are calling something an apple when it looks like an orange but we have also worked based on what was Maarten's original undertaking with us, that when something was vital, was important, would have been a recommendation by any other review team in the past but won't meet all the criteria or even most of the criteria under the new rules, that we would call that a suggestion or a strong suggestion and we'd expect it still to be taken seriously and implemented wherever possible.

So, that language we thought actually existed in the document, we were obviously writing it in some obscure, arcane text because not many people managed to understand it. [audio cuts out]

I assume we are now all connected. I haven't heard a "we are recording". Okay, we're recording. Good. We're getting a thumbs up, in which case now we can get back to the comments by recommendation which is tab one on the document. The link is in the chat again. Over to you, Bernie.

BERNARD TURCOTTE: Thank you, ma'am. All right. Let's go to line 14, please. Michael [inaudible]. I'm not sure this one is in the right place but I think it's relevant, useful, and desirable for a proposal around the transparency of election processes to be developed. You are unaware that in ... And let's be clear here. This is a rough translation from the French. You are unaware that in the years the terms of reference regarding the evaluation and improvement of the governance of the Board of Directors there are subjects that do not have to be addressed in the report under discussion and which are important in the efficiency and effectiveness of ICANN Board of Directors, its composition, and in particular its diversity is not addressed. These shortcomings seem to me to be relevant now.

To me, this seems to fit more under the diversity of the Board and we're dealing with that under 3.7, so we'll get back to that one if it's okay. Everyone okay with that? I'm not looking at the queue.

CHERYL LANGDON-ORR: [off mic].

PAT KANE: Okay, that's great. Next line [341], Registry Stakeholder Group. Now, the registries have actually commented on every single recommendation we made.

VANDA SCARTEZINI: [off mic].

PAT KANE:

Yes, it is a significant effort. All right, [341]. So, just to be clear, we'll go back to reference section [341], so everyone is aware of the same thing. Given the results of the ATRT-3 survey, show limited satisfaction on Board performance, transparency, and decision taking. The ATRT-3 suggests the Board should establish the same targets it uses for publishing agendas and minutes of Board meetings for the agendas and minutes of all its official committees. The Board should show the date of publication of materials on the Board website instead of only in the materials themselves. All of these relevant indicators of Board performance should be grouped into a single area of the accountability indicators. Board minutes should indicate how members voted, including in executive committee sessions. Board minutes should include, in addition to the rationale, summaries for the main discussion points covered prior to taking votes.

So, this was a rather comprehensive one. So, if we go back to the comment. The RySG supports these recommendations, but for the reasons noted below, we do not believe these recommendations belong linked to ATRT-2 recommendation two. We believe ATRT-2 recommendation two is completed. When we follow the issue back, we note that in recommendations do not address the issues flagged by any of the ATRTs. They do not address several survey concerns and definitely apply below, but to not address any of the issues surrounding metrics related to Board training materials, we note that the way the ATRT-3 structured its report, the RySG had to go back and read and compare the analysis in the ATRT-2 report to get a complete picture of the issues presented. We strongly suggest ATRT-3 map

recommendations ATRT-1, to ATRT-2, to ATRT-3 so the community can track the work, etc.

All right. We're glad they're happy with it. Their point is they think the recommendation from ATRT-2 was implemented. So, I don't know if we have any comments. Sebastien?

SEBASTIEN BACHOLLET:

Yeah. When I read that, I went back to the analytics of this and I really confirmed that it was not complete. But I understand also the comments between the link of ATRT-2 recommendations and what we are here suggesting. One of the reasons-and it may be why it's a little bit complicated for [inaudible] if registries have done a terrific job in looking after ATRT-1, ATRT-2, ATRT-3, I think we need to explain better that, in fact, even if it's linked with something from ATRT-2 we didn't just look at that. We had the survey. We had the comments. We got into different discussions e had with a lot of people.

Therefore, it's a little bit misleading to say that it's a recommendation linked with this ATRT-2 recommendation, even if it's part of ... Therefore, I understand the comment. I confirm that, from my point of view, it was not completed for ATRT-2 and I think we need to better explain the overall topic here. Thank you.

PAT KANE:

Bernard?

BERNARD TURCOTTE: Sorry, I'm fixing the spreadsheet as we're talking here. So, our takeaway from this we maybe need to do a better job explaining why we think it's not complete and why we've made these recommendations but that we're keeping it. Is that general sense here?

CHERYL LANGDON-ORR: If I may, with this document—this tool—remember, please, everybody that what we need to do is, in those columns ... In fact, if you just scroll across to the right a little bit so everyone can see ... Just a little tiny bit across. And even if we look up ... What we're looking at, at the top—that's scrolling to the left. Dare I detest the Zoom for its lack of everyone to have their own control. Thank you. And move the comment across to the left of screen a little bit. Oh, dear. Just need the headers. Just move across. Take us back up to the top. Response and then the next column. There we go! Right! Sorry. It's like stage left and stage right.

We need to indicate in this tool what our responses are to these comments and what we've heard from Sebastien is he, on behalf of the rest of us—and we have absolutely no reason around this table to not take him at his word—has checked again and it agrees with our original assessment it is in fact not fully implemented. So, our response is, "Thank you for the comment, but is it not changing our text substantially. However, we will endeavor to clarify and," what we just said in the last couple of minutes.

So, the change is for clarification of where we sought our data points from, not the single source of ATRT-2 but the wider engagement with

ATRT-3. The surveys, readily available and publicly available data and our interactions with the ICANN community and beyond. That needs to be up, in terms of where, right at the heading somewhere in the document. Not quite sure where, Bernie. Is there going to have to be a dummy's version of this for the average reader put somewhere in the document? So, we're looking at a new section.

BERNARD TURCOTTE:

Well, maybe not a new section but something that explains it.

CHERYL LANGDON-ORR:

Okay. So, somewhere that we're aware—let's call it XX for the hell of it right now—will be at the front end, at the pointy end of the document explaining some of these things. And I think there's going to be a number of times that we're going to refer in terms of the change what and where back to this better, deeper, more detailed explanation for the average reader.

So, filling in the response, the change, and the where is what we're also doing now. Thank you. Vanda?

VANDA SCARTEZINI:

Yeah. Just to remember that those kind of questions came out during the webinars and during my presentation also. So, I started saying that we are getting information from many fronts, not only we are not [inaudible] ATRT-2. So, forget about that. It's the whole thing that we are talking about. So, this must be really clear.

PAT KANE: And you're back with me. All right. If we close off 341, well move on to 342. We've done our first one, folks! Only 34 left! All right. I like the energy of this group. We may get done today. We can all go home tomorrow. No, I don't think so.

All right, 342. Another comment from the RySG and we'll do the reference thing just to make sure we're all talking about the same thing. You don't have to go there. Oh, okay, perfect.

342, for those that remember. ATRT-3 suggests that, similarly to reviews and the implementation of review recommendations, ICANN should provide a centralized system to track the development, approval, and implementation of policy by the SOs.

Additionally, ICANN should, in a similar fashion to its action requests registry for [ACs] institute a section on its website to track requests and communications from SOs and associated follow-on actions, if any. So, two points there.

So, if we go back to our comment from the registries, the RySG cautiously supports the first recommendation as we think it will further assist in the prioritization. We do believe the scope of this project will be significant and may be costly. We are not sure how the second recommendation would be implemented as we aren't sure what would constitute a request from an SO and who should decide what actions are required.

So, basically split on that one. We have support for ATRT-3 suggests that similarly to reviews, the implementation of review recommendations, ICANN should provide a centralized system to track the development, approval, and implementation of policy. So, a standard one place for policy. That seems to be clear.

The second one regarding action, requests registry, similar thing for the SOs. They're not sure. They're not against it but they're concerned.

So, open for debate, questions, comments.

CHERYL LANGDON-ORR:

We don't have anyone in the queue at the moment, Bernie, but it seems to me that we've got an opportunity to clarify here. There's a clear desire from this comment group that they'd need to know what a request from a support organization would be and who would decide what actions are required.

As far as I understood, this was a relationship between a request to the Board and an action from the Board. I feel that that was blatantly clear. Clearly, it wasn't. So, it's the forest and trees thing where we are so immersed in the topic, sometimes we're not writing as clearly as the average reader needs it to be. So, this is another one of the, "Thank you for your support and we note where we need to improve the text regarding the following aspects," and we make those changes in the relevant sections. So, that's our response and the change what the text to be clearer and the where. I have a feeling we're going to be saying similar things a lot.

BERNARD TURCOTTE: So, just to be clear, these aren't our answers. I'm trying to track what we're saying about these things.

CHERYL LANGDON-ORR: [off mic].

BERNARD TURCOTTE: Okay. I will in a second. Then, for the second part ... Do you want to hear me typing or do you want to hear me talking? It's very confusing. Another woman controlling my life and that's just what I need right now. Thank you.

All right. Seriously, folks. If we're done with that, let's move on to 343. Given ATRT-3 has assessed ATRT-2 recommendation 5 as not implemented, ATRT-3 strongly suggests that the implementation of a single unified redaction policy be completed, as well as the adoption and adherence to effective processes and support of the requirements of the recommendation.

So, if we go back to our single comment on 343, the RySG is unclear how this recommendation has not been implemented. A redaction register, along with a uniform redaction policy, is available at blah-blah-blah. We'll remember this was Michael's thing and his comment on this was that, yes, there was a redaction register but it was simply a compendium of the various policies. They weren't unified into a consistent single policy. That was the point we're trying to make and probably we have to clarify here is what I would suggest.

CHERYL LANGDON-ORR: Maybe saying all of that again.

VANDA SCARTEZINI: Yeah. We should say that we understand it but we need to be—

CHERYL LANGDON-ORR: If we're going to continue at this pace, I think we're okay. But we're also going to have to go through this all again as a second pass as well. So, don't feel like this is the only go at this we're going to get. I just want to make sure we're all clear on that. And this is Cheryl, in case you're not clear on that.

BERNARD TURCOTTE: All right, moving on, 344. What are we talking about? By the time you leave here, you'll know all of these by heart, but at this point I think it's useful.

ATRT-3 suggests that the Board implement a maximum time to provide an initial assessment of recommendations made by SO/ACs which require action.

So, if we go to our comment by our friends at the RySG, the RySG supports this suggestion but would note that since ATRT-2 recommendation was for the Board to respond in a timely manner, then unless there is serious concern that this has not been happening, being prescriptive as to the actual time period may not really be necessary.

All right. So, now the point is I guess they are challenging if this is really useful. And we're saying they should implement a maximum time. We're not saying what the time is but that there should be one presented. So, do we want to keep with this or do we want to drop this?

CHERYL LANGDON-ORR: Yes, we do. There is in fact—we got the feedback that said that there was concern that this has not been happening, that there is a lack of specificity and predictability about the expectations of the SOs and ACs with regard to when the Board will get back to them on these matters.

Now, if the Board can set a maximum, then that gives a degree of predictability and specificity and that's all this is saying. Looks like we've got Pat because he's poised.

PAT KANE: I was just going to read one of the comments that came in from one of the observers, from Jim Prendergast. "As an observer, it's quite frustrating when people take the time to develop a comment and submit it and get no acknowledgement of how it was considered, even if it was rejected. It's a time-intensive exercise for you but I believe it will be appreciated by the community and hopefully set an example for how comments are treated in other comment periods."

CHERYL LANGDON-ORR: [off mic].

PAT KANE: That's what [he's] saying. Yeah.

BERNARD TURCOTTE: All right. Moving on. 345. And what is 345? 345 is ATRT-3 suggests that ICANN continue to support and enhance the following programs among others: Fellowship, NextGen, ICANN Academy Leadership, CROP. ICANN should also continue to improve the options for remote participation including captioning.

So, we remember that this was the result of a very long and convoluted discussion. Let's go to our comment, 345. Why am I there? Okay.

RySG does not support this suggestion as it is vague and not measurable. For example, it's unclear what the ATRT-3 means by "enhance". Further, the RySG notes that the Fellowship program has recently been reviewed and the NextGen program is currently being reviewed. We support the specific recommendation to improve captioning.

All right. Up for discussion. I feel for their comment on lack of specificity for being evaluating this. I'm thinking along the lines that if we were to try and project this into a recommendation, it would be one of those that it would be impossible to meet a lot of the tests. And this one may end up being just a comment is what I'm thinking, but I don't know. Up to you.

VANDA SCARTEZINI: Well, in fact, what we are trying to say here is just we want to continue to be good. That's it. And we can see during our discussion, we talk

about that Leon come from Fellowship program and other [inaudible] came from the Next Generation program as an example of how that's a good suggestion to make [inaudible].

If you're going to see the details of that, I would like to have lots of suggestions to improve Fellowship program, but it's not the idea here to go deeply inside those programs.

So, I believe that we really want to make caption, allow it for those programs, but in the end we have not much to say than say, "Good job. We support you."

PAT KANE:

Sebastien?

SEBASTIEN BACHOLLET:

Thank you. I have a suggestion, not [inaudible] recommendation. I feel that what we may say, reading some of the comments and discussion outside of ATRT [inaudible] is that one of the questions is that we have a good story—Leon is one—about the people who get through those mechanisms. But we lose a lot of people. One way could be for us to say the [inaudible] is to look how we really are able to incorporate—sorry of the word—into mainstream of ICANN and not leaving them just doing NextGen and then you do Fellowship and then you have [inaudible] somewhere. But accept that I don't think ... Accept supporting all those programs. I have no other ideas to put on the table on that. Thank you.

PAT KANE: Jacques?

JACQUES BLANC: I find it interesting that when the Registry Stakeholder Group says it isn't clear what the ATRT-3 means by enhance, that's because it's a suggestion and not a recommendation so it's not by the bylaws. And we would have made it measurable if it was a recommendation by the new bylaws.

CHERYL LANGDON-ORR: I put my hand up and down a couple of times, but Jacques, that is exactly what I wanted to say. Of course it's not measurable. If it were measurable, it would have been a recommendation. It's a suggestion because it's not a measurable one.

But, that said, with a lot of the good data that we will come back to when we get to accountability indicators, this is a cry for collection and use of good data, which is not an accountability indicator. It may enhance various programs. It may provide guidelines to what may happen or be put in place about retention, and as Sebastien has said, moving from one silo to another. We almost had NextGen and Fellowship as silos within silos. We need to be very careful that this does not happen.

None of that is part of our current job, though. But what we could do is make an overarching suggestion about good data which can be then used to enhance, even if we have to identify what that word means, to performance improve various aspects of ICANN's core business and

operations, versus ... Sorry, I said that the reverse. It's community operations versus its core business and operations because this is all community enhancement, not core operation support. Does that make sense? Vanda?

VANDA SCARTEZINI:

Yeah. Let's remember that Fellowship [inaudible], for instance it has a lot of data about how many each time, how many from [inaudible], how many it's keeping or join the ICANN and continue to be part of the community or something like that. It's in the program. The idea is [attracted] and some of them never come back because they have no clue about what is it, and [inaudible] they don't see that this means something to them.

The other [inaudible], they join. They have those data and happily those data is probably not promote very well to enhance the program itself because most of the idea of the program was to bring and to keep them as part of ICANN.

But maybe some problems with selection, with definition of the task, and previous engagements, blah-blah-blah. But that's not our business to do that.

CHERYL LANGDON-ORR:

Sebastien, I'm assuming your hand is an old hand. Just on that, the specific support that this comment gives for captioning I think we need to make sure is extracted and used again when we talk about how public input, how community input, works in policy and the

development of policy and captioning can be—good captioning can be—of great use and quite cost-effective ways of getting, for example, a very quick real-time transcript/indication of what’s happened at a meeting that has been missed or that if your bandwidth hasn’t been able to support or your Internet is being unstable like it is here in Brussels in the ICANN office. And people keep dropping out. You see what I mean?

That’s a tool that is useful in another part of our work and I think we might need to almost duplicate that comment from the Registry Stakeholder Group and reutilize it and recognize it at that time as well. And we’ve got—[audio cuts out].

BERNARD TURCOTTE:

I’ll look at some of this and see if we can augment our suggestion/recommendation with some of this to help clarify so that the RySG comment can add to it is what I would suggest.

CHERYL LANGDON-ORR:

I can’t help it. I’m having too much fun. We need to use some of their terms to “enhance” (in inverted commas) our text.

BERNARD TURCOTTE:

So, there we go. Reference 347. Okay, that’s on diversity, I believe. Reference 347. Ah, yes.

Given the bylaws specify how voting board members are selected, SOs and ACs nominated, EC confirmed and NomCom, it would be difficult for

ATRT-3 to recommend modifying this delicate balance without launching a major process to formally study this.

As such, ATRT-3 suggests that the SOs and ACs that nominate voting board members to the ICANN Board voluntarily consider their nominations based on crucial aspects of Board diversity, giving particular attention to gender criteria.

Additionally, ATRT-3 notes that the empowered community should consider the bylaws requirements on diversity when considering the confirmation of board members.

So, we'll all remember this was a very copious discussion in our group based on the results of the survey which were quite strong but we felt a little hamstrung because of the way the structure of the Board is determined. So, we did the best we could with this. So, let's go see our comments.

347, from the RySG. The RySG notes that ATRT-3 seems to have limited its focus on diversity to gender diversity—and we did not—even though survey responses pointed to geographical, gender, and stakeholder, and experimental diversity. We should like to see the suggestion broadened to include the types of diversity the community should consider.

VANDA SCARTEZINI:

How could not be clear our comment? I don't know what the ... It's important because if those guys mostly from America could not follow what we have written there, I can't imagine the others in other languages what they have.

So, my point is more [structural]. Because it's clear there is general diversity, I cannot understand what is—

BERNARD TURCOTTE:

I think we can fix this fairly easily versus this comment by just adding the other types of diversity which we all bunched into all types of diversity. But we've got another comment on this one. It's not just the RySG. So, before we get too far ...

SEBASTIEN BACHOLLET:

Just to say that maybe we write this comment in French and they have trouble to understand, because really, for once it was really where written and we used quite carefully the words—Board diversity, giving particular attention to gender criteria. And we have used diversity. We have not used balance. With have used criteria after a long discussion. Therefore, when we make an effort to be accurate in English, the people who have done a very [inaudible] job, I think [registries, constituencies, stakeholder groups] have done a very good job in taking all our—and making good contribution.

Here I think they make a point. I don't know what we can do except maybe to explain to them ... Thank you.

BERNARD TURCOTTE:

Jacques?

JACQUES BLANC:

So, I don't want to over interpret what they are saying here but I remember discussion saying volunteers are scarce. We are doing the best with diversity in general with volunteers, but we might want to be careful that diversity doesn't come in the way to getting the right people at the right place to do the right work, and specifically when you consider things like IT for example. What are you going to do if you need [inaudible], or going forward someone who is very IT qualified because what's got to be dealt with is pure IT? How are you going to deal in, one, I need competency here and I cannot find what I do need in diversity.

So, maybe what we could say is diversity should be considered as a priority but be careful that it doesn't come in the way of getting the right needed people in general at the right place. I know that was one of the fears of the SO and ACs I discussed with.

SEBASTIEN BACHOLLET:

This is an old discussion, diversity versus quality as being a number of NomComs. I think quality first. I think it would be a clear message. Diversity is important but it makes no sense to have an unqualified, diverse body.

CHERYL LANGDON-ORR:

Sebastien, but let me, before we go down the same rabbit hole that so many of us have drowned in before, remember we're not relitigating the issue. We're reacting to the comments. Sebastien?

SEBASTIEN BACHOLLET: Thank you, Cheryl. It's exactly my point. If we want to start the discussion again, I can jump into the discussion. I have no problem with that. I am committed.

But what we are looking here is a comment and I want to stress again we use careful words and we agree, and for once we all agree and I am not 100% agree with what we are written. But I think it was the best compromise we can have all together. Therefore, I am committed to this. But if we start the discussion again, yeah, it will take one day. Thank you.

CHERYL LANGDON-ORR: Okay. I think, Wolfgang, is that a new hand for you or old? Okay, Pat, then.

PAT KANE: The only thing that I would put up for consideration is to say a balanced criteria instead of just focusing on one in terms of what they're addressing. But it is a difference between diversity and criteria that we have to call out.

CHERYL LANGDON-ORR: What I may have heard then is there is an opportunity in the text. Thank you for pointing out that what we thought was clear and unambiguous could still be interpreted variably. I won't say misinterpreted. I'll be very generous and say variably. And we do then call out the criteria, terms used, and diversity work done out of work stream two which specifically went through articulation of, what was it? Eight particular points of

what these diversities are in terms of the ICANN context because it's within the ICANN context which is particular here. Back to you, Bernie.

BERNARD TURCOTTE:

Thank you. Before we wrap this one up, as I said before, we have two comments on this one so we should probably read the second one also.

So, from the Board. In connection with Board diversity, the Board believes there is a need for clarification on ATRT-3 on whether it is recommending the role of the EC be changed to allow EC substantially evaluate and/or override the nominations that the Nominating Committee, the supporting organizations, and the At-Large community make to the ICANN Board of Directors. The EC was developed as a mechanism that would legally allow for the removal of ICANN Board Directors in order to have the power to remove that same entity must also designate directors. However, the cross-community working group on accountability did not recommend any change to the groups that ran the Board director selection process.

As a result, in relation to the seating of the ICANN Board, the EC's authority, under bylaws, is to designate only those directors those nominated by the appointing entities. If the EC is now to have a role in assessing the diversity of the nominees before making its designation and possibly and opportunity to refuse the designate upon diversity grounds, this would alter or remove the nomination power from the SO/AC NomCom.

This would be a fundamental change to the ICANN bylaws and would require substantial development to reach appropriate processes to

allow for such an EC override including impact to the Board selection timeframe or the possibility of Board seats going unfilled if the EC has the power for rejection at the end of the community selection process. If the ATRT-3 did not intend this change, more clarity is needed on what was intended in order to allow the full evaluation of any resulting recommendation.

CHERYL LANGDON-ORR: Thank you for the deep thought board. Will clarify. You've got it wrong. Wolfgang?

WOLFGANG KLEINWAECHTER: I think the empowered community has the power to spill the Board but it should not intervene into the nomination process. I think what we can do as a suggest, not a recommendation, is that SOs and the advisory committees should be encouraged to take note of the composition of the Board ad to take diversity as a guideline for their nominations. But this is no role for the empowered community in the nomination process, in my eyes.

CHERYL LANGDON-ORR: Thank you. And we might want to articulate that in our response to this, that there is no role for the EC and that that does need to be picked up in the text.

I just want to time bind whatever is happening next. We are a couple of minutes into our lunch break and we've got a clear break once we've settled this.

BERNARD TURCOTTE: Well, actually, reading the text, I would just remove the EC reference from our recommendation. I agree with [them]. Good point. What are we saying there?

Then, on 347, okay we've had the discussion and that will be the extension of the definition of diversity. And that's it.

CHERYL LANGDON-ORR: Perfect. And perhaps we might look at, in our second pass, something along "not limited to any specific aspect of the eight points of diversity, etc." So, we'll do some wordsmithing. If any of you are clever enough, maybe bring some text back to us. Jaap for the final word.

JAAP AKKERHUIS: Just an observation. I fully agree that we should leave out the EC reference but I want to make an observation, that I noticed that in a couple of other PDPs, people are trying to spit more tasks to the EC than it was originally defined for and this is kind of a dangerous habit. When the IANA transition was going on and the EC was created during that time, this was one of the dangers already being signaled, [kind of creeping scope extensions] without any basis for [inaudible]. It's just an observation.

CHERYL LANGDON-ORR: Thank you, Jaap. And a very important one indeed. Okay. I'm just hitting send into the chat to say that we are now taking an hour break. In fact,

I'm exaggerating. We're taking a 55-minute break, ladies and gentlemen, and we will be back at the top of the hour to continue from 3.8 ... 348 when we come back. Thank you, one and all. Bye for now.

[END OF TRANSCRIPTION]