
YVETTE GUIGNEAUX:

Hello everyone, welcome to the ATRT3 plenary call number 53 on March 18th 2020 at 21:00 UTC. Members attending the call today, we have Cheryl, Jaap, Pat, Sébastien, Vanda, and Jacques. Observers attending the call today, we have Everton and Sophie. From ICANN Org, we have Negar, Jennifer, Pamela, and myself, Yvette. We have our technical writer, Bernie, and I don't believe I have any apologies currently other than Brenda Brewer.

We'd also like to remind you today's call is being recorded. We'd like you to state your name before speaking. I think that about does it for me, so Cheryl, I'll turn it back over to you.

CHERYL LANGDON-ORR:

Thank you very much, Yvette, and we've had a couple of people join, both members and Observers while you were running through the roll call, so I know you'll be capturing those as well now. So thank you very much for that.

Right, has anyone got any statements of interest updates? Not seeing anybody type anything in or raise anything in chat, Pat and I would like to welcome you to today's call. It'll be a two-hour, 120-minute duration call, and we have got a relatively simple but rather important set of things on our agenda.

We're going to close off the accountability indicators text and you had until I think it was 23:59 UTC on Sunday to make final comments on that. We'll be putting that to bed in this next section of our following

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agenda. We're then going to be looking at updated sections of the final report which I can't say I have seen distributed, but that's probably me and my inability to keep up with e-mails at the moment, but I'm sure Bernie will sort that all out when we give that part of the agenda over to him anyway. But as long as staff have something to display, we'll be fine.

And then going through the recommendation text—and there is a Google doc listed there—the Any Other Business we have got today is a taking stock of the status of our workplan for updating, detailed workplan. That's a product of—we won't be going into the gory details, but we will have a helicopter view of it looking at our new cadence and planning for our calls going forward, and then the usual action items and decisions reached. Is there anyone who has any other Any Other Business they would like to mention to us now? And we will call again towards the end of the call for Any Other Business, that's not your only time.

Bernie confirms that the document that we'll be looking at in section four of today's agenda is the same document as the previous, so the final report excerpt, except for the executive summary, so we just need to be looking at that.

And yes, KC, the next words out of my mouth were going to be, and as usual, as we go through the agenda, the staff will put the links to the Google docs that we're dealing with—and if not staff, Sébastien will—as we go through so we can all follow along on larger screens if need be.

So, with that, and enough filibustering that hopefully everything's queued and indeed more people have joined us, let's move on. Let's bring up the first item. Okay, diving into the accountability indicators then. Bernie, let's see how your audio is.

BERNARD TURCOTTE: How is my audio?

CHERYL LANGDON-ORR: I can hear you loud and clear, and more importantly, Pat's now taken himself off mute, so we're all listening to you, Bernie.

BERNARD TURCOTTE: Excellent. All right. Welcome, everyone, to this next section, accountability indicators. We're so close. I'm hoping we can close this off today. One or two comments left as far as I can tell. We have a comment from Sébastien saying, "And they are certainly missing important accountability indicators," and that's at the end of that first paragraph there, before the last sentence where it says significant number of elements which are neither relevant nor useful as accountability indicators, and Sébastien putting, "And they're missing some important ones." And I said, well, we can put that in, but we would need some examples, and that's what I put into the e-mail I sent around about this. I did not get any replies.

I personally did not want to get into any further critical examples. I did not have anything that came up to mind, and if we have anyone here that has one or two suggestions that we can have for that, then that

would be great and I can make the change, or we can just leave it as it is if we can't come up with some examples.

Okay, anybody?

KC CLAFFY: Can you cut paste or show his comment? I'm missing exactly what you want examples of.

BERNARD TURCOTTE: Well, it was included in the e-mail. It's on the main screen of the Zoom room to the right right now, and staff will be copying that for you. So, thank you, Yvette or Pamela, whoever's doing this. So basically, to simplify this, we're just trying to find examples of important accountability indicators that are missing. That's what we're trying to do here.

KC CLAFFY: I think that's a great suggestion, but it seems to me that would be easier to do after we've written our report, because there's lots of places in our report where we have found issues with accountability and a lack of metrics. So I wonder if we should punt this particular question or challenge until after we finish the rest of the report.

BERNARD TURCOTTE: Well, there's only two comments left in the whole report and that's one of them.

KC CLAFFY: Sorry, I don't mean the accountability indicator report, I mean the ATRT report.

BERNARD TURCOTTE: Okay. Sorry. Apologies, I misunderstood that. Maybe. So what I'm going to propose then is I'm going to drop the comment now and take a note saying that when we're finished with the full report, we can come back and check this one. Or if in the meantime anyone has a great idea about an accountability indicator that's missing, please post it to the list or update the document. Would that be okay for everyone? Not seeing any arguments. I got a green tick from Cheryl. All right, great. Let's go down to the next comment then, please.

YVETTE GUIGNEAUX: Bernie, there's one here from Sébastien. "May we ask this Q to list?" No?

BERNARD TURCOTTE: No, that was all part of this one.

YVETTE GUIGNEAUX: Okay. My apologies.

BERNARD TURCOTTE:

We did ask that to the list and did not get a reply. Oh, yes, this shouldn't be overly complicated. If we go back up and look at the graph on this one just so everyone can get situated, this is short-term financial accountability. Funding fiscal year 19 ICANN operations, obviously forgot to update the title because this is at the bottom, you can see fiscal year 20 Q1.

So we have made that comment. If we go back down to the comment section, Sébastien asked to insert the previous graphic for comparison, which gave us the four quarters, because just having that one little box there was not very useful. When I got to this, I started looking at this and I said, well, just including that is not going to add a lot to me or asking them to add the previous quarter. So instead, I put in a suggestion in 3.1.1.3.7, the value of this accountability indicator could be significantly increased by providing the same information for a number of past fiscal years so comparisons can be made. an example of this could be providing the Q1 results for the past five fiscal years on the same graph versus their goals. For Q2, this could be the total of Q1 and Q2 versus the goal, and for the past five years, etc.

So I was thinking that putting in that suggestion asking ICANN to do that would create better things. Sébastien came back and said, well, that's fine, why don't we put in the graph anyways? At this point I really don't care, folks. If you really want to see the previous fiscal year graph included in here, then I can do that, but I'm open to a discussion. Cheryl.

CHERYL LANGDON-ORR: Thanks, Bernie, and thanks for the toing and froing, Sébastien, as well on this. To me—this is my personal opinion—the text is of the greatest value, but I am ambivalent if we want to put in the additional graph. Fine, but it’s not our job to do better accountability indicators, it’s our job to show them and suggest how they should. So I guess to that extent, the example of this versus that would complement the text, but the text is what I think is critical, so not going to die in a ditch over the extra graph but am very pleased with the additional text. Thank you.

BERNARD TURCOTTE: All right. Any other views? Vanda, “The text is enough for me.” Okay, so let’s call it like that, and for all intents and purposes, the accountability indicators report is now closed. We’ve got one thing that we’ve put a pin in as Cheryl is fond of saying, which is once we finished the main report, we may want to go—I see your hand, Sébastien, I’ll give you a chance in a second, and KC—and then we’ll come back to that when we finish the main report. Sébastien.

SÉBASTIEN BACHOLLET: Thank you very much. I am very tired, and therefore, just take what I say as a tired man, but I don’t like the way we are working here. I don’t like at all. One person says I don’t care, we don’t care, the second say I want this one. I didn’t take the floor because you know that I am for putting the image, because I think that when we talk to a global audience, it’s better to have a design than a text, but it’s good to have both. That’s great.

But the conclusion, sorry, Bernie, can't be done by you. It must be done by the co-chairs, and if they decide that it's one way or another, I can struggle with them, but here I am very—it's really crazy because we are working together, and in fact, I don't know why—

CHERYL LANGDON-ORR: Okay, Sébastien. We've got your message. Thank you very much.

SÉBASTIEN BACHOLLET: No, you don't cut me like that, madam chair. You listen to me please up to the end. Thank you very much.

CHERYL LANGDON-ORR: And I'll remind everybody about the ICANN expected standards of behavior and the requirements for courtesy amongst us all, including to our staff and contracted assistance. KC, over to you, and we'll come back to that in a minute, Sébastien. Go ahead, KC.

KC CLAFFY: Well, I may be taking this in a completely different direction or it might be something resonant with what Sébastien is trying to get across. I just wondered, because now I've read this document freshly over the weekend, and I appreciate now the extraordinary amount of work that went into this document. And I did find myself wondering though what people really think.

If folks have had the time to really look at it in a holistic way, to borrow Sébastien's words—so I've read it clean through, and I have maybe the benefit or the lack of benefit of not having spent a lot of time working on it, for which I feel somewhat guilty, but I'll bring that fresh perspective into it and just make the observation that it's depressing. We've pretty much trashed the whole notion of accountability indicators here, except for the ones that are about financial stability, which presumably ICANN has a stronger incentive to pay attention to because there are some self-preservation instincts for any organization. But the rest of them, we alarmingly have found them not very useful.

I wonder if anybody feels like we should take some time to reflect on that, and maybe that's what Sébastien was trying to get at earlier with his e-mail comment about the accountability indicators that are missing, that maybe if we had them in there, they would be better, we would have better things to say about the way that ICANN went about them or could have better things to say. Do we feel the way that many review teams have felt about previous review team recommendations, that they just aren't written very well and ICANN did its best but you can't really expect more? Or do we really think that ICANN's fallen down on some of these things? Where do we think the problems are on these accountability indicators that ICANN can then go take action on to improve—or do we think there just needs to be clean slate and start from scratch? So I was just looking for a little bit of a reflective conversation about this whole exercise.

CHERYL LANGDON-ORR: Thanks, KC, and we're trying to run a clock on interventions today so I'll encourage everyone to be as brief as they possibly can be. In fact, KC, during the development of this document, that's exactly what we were saying. And whilst I'm certainly not going to speak for how everyone is feeling about the text from a new read perspective, it seems to me that if that's the impression you got, that's the intention, that the accountability indicators, with the notable exception of a few things, including in particular the financial ones, are way off being good enough to be what one could call good accountability indicators. So the suggestions are indeed meant to show the error of their ways. That doesn't mean the data is not useful, and we have discussed that on a number of times, so I think you've got exactly the right opinion.

Pat, I see your hand, and then Vanda, and I'm going to ask everyone to be as brief as possible, because we need to loop back to Sébastien's intervention. Go ahead.

PAT KANE: Yeah. Thank you, Cheryl. And KC, I completely agree with you. You may not have been with us the first time when Bernie went through these. It was quite a colorful presentation on how useless many of these were in terms of driving and helping the community make decisions about accountability and really what were they trying to measure.

And I know that early on, there were several of us who were trying to actually say, "Here's what you ought to go do from an accountability standpoint," and the question is, I think, do we want to say, "Here's what you should use as accountability indicators," or to what you said,

the last part of your statement, which was, just scrap the whole thing and go redo given certain criteria. And I think that's where we need to be in terms of this. So that's my comment.

CHERYL LANGDON-ORR: Thanks, Pat. Moving to Vanda and then back to Bernie, but we do note, KC, your point in chat regarding executive summary, and of course, that's still being developed. But yes, absolutely, I would think this would be one of the very obvious statements that we'd want to craft into that part of our document as well. So going to Vanda, then perhaps it would be best to go to KC first and then back to you, Bernie. Vanda, go ahead.

VANDA SCARTEZINI: Yes, KC, we were frustrated with these kind of indicators that we have from ICANN side. So I believe maybe you could, with a fresh view as you recognized, you can come with a fresh view, give some good examples, indicators that ICANN can be used, because we have discussed a lot these ones and we decided previously not to take time with that because [first, it's not our proposed] here, but I do believe you can come with some fresh ideas and define some two or three good examples on how to better use the data that we had and give some indicators can be useful for the community. Thank you.

CHERYL LANGDON-ORR: Back to you, KC.

KC CLAFFY:

Thank you, Vanda. That's a great comment and a great challenge, and I'll take that on. I guess we're then back to Sébastien's e-mail comment about there's some accountability indicators that are missing, and my counter with, yeah, maybe we should write the report so we know what they are or finish the report and get consensus on that, that that is another big challenge for us. But I absolutely will take the challenge of trying to at least write an executive summary of this that points out maybe what the gap is or some of the gaps, unless somebody else was already going to do that, and I can work with them on that.

but then I do agree with Sébastien that I do find it a little cringeworthy when Bernard says we're done with this document, because I really think that we can't just leave this to be an appendix that trashes everything. The most important part of this document is the page that isn't written yet, and I totally accept that I should help write it but again, I find myself curious that nobody else maybe thinks that or has something to say about it all.

CHERYL LANGDON-ORR:

Thanks very much for that, and go back to you, Bernie, but just before we do, just to remind everybody—including you, KC— that this is a section of the document, not a standalone appendix, etc. It is part of the body of the whole document and it is this section that we're planning on closing off, and then once it becomes part of the full report, there is of course the opportunity to do a once over again, and that's where things like looping back, as Bernie took a note to do, and see whether we can highlight once it's gone through the full report in totality some

of these suggested additional accountability indicators so that we can come back to that and put it in.

So perhaps the turn of phrase was a little too final [because I suppose you aren't] used to hearing the turn of phrase in both planning and execution. Bernie, back to you.

BERNARD TURCOTTE:

Thank you. All right, just a few comments. Starting from the top, this is just an annex to the section of the report where there is a recommendation. Now, I think we have to take those two into consideration when making those kinds of comments.

Second point, we developed this report for the evaluation of the accountability indicators following Maarten's comment in Singapore. If we remember when we were going over that, the report itself was a lot more just critiques and we didn't have criteria against which to evaluate things. And Maarten said, well, if you really want it to be useful, you have to point out very clear things that staff can understand about what doesn't work. And I think the six evaluation criteria we developed clearly spell out what would be a useful indicator and if it can meet those requirements.

So not knowing all the data that ICANN has, I find it difficult to say, well, we're going to come up with the best indicators. And finally, in our recommendation on accountability indicators, we do say that really, there should be a public consultation once ICANN revises the whole notion of accountability indicators and proposes some new ones. Before finalizing them, they should go to public comment so that we can hear

from the community to see what they feel like. Does what is being proposed—once they're revised—make sense and provide some useful information, or not? Thank you, madam chair, back to you.

CHERYL LANGDON-ORR:

Thank you, Bernie. Appreciate that. That is a useful recap for us all. Thank you so much. Now, apparently we need to go back and recap on the slightly earlier work in accountability indicators where Sébastien felt it became a he said she said debate and that all due consideration of everyone's opinion was not taken into account on the addition—or not—of the early quarter graphics associated with the accountability indicator on what is mislabeled as FY19 but is in fact a Q1 2020 document.

the text, which I certainly spoke to from a personal perspective as being useful, is on screen. Vanda in chat said she was perfectly happy with just the text, and Sébastien pointed out he did not take the floor to argue the case for having the graphics added in and that he felt that we were rushing things and not taking into account everybody's views.

So we've come back to that point now. We certainly want to be very sure that even though we are attempting to close off sections and move through the document so we can progress through all of our work, and then get to a final form of documentation in a timely but not rushed manner so that we can do a consensus call associated with the recommendations, let's not not take the opportunity now to make sure exactly what the temperature of the room currently is.

So I'm going to actually call on Pat because Pat loves taking the temperature of the room on these things, and he will do his usual, put up whatever colored [thingy what is] in response to some articulately stated [present] text that we're going to be responding to regarding how we all feel about the presence or absence of the additional graphs or just the text. So Pat, over to you.

PAT KANE:

Thank you, Cheryl. So we have before the team a decision between whether we go with just the text or we go with the extended graphics. So if we are for the just text, quick yes or give me a thumbs up in the participant window, please. And we have just Vanda and we have Jaap, and we have Cheryl. KC, your hand is raised.

KC CLAFFY:

I'm confused why we're voting on this. If somebody feels strongly about putting the graphics in, maybe the vote should be, does anybody else object to putting the graphics in? Because I don't know that—I think a lot of people probably don't care one way or the other.

PAT KANE:

Well, my intention is to seek preference with this.

KC CLAFFY:

Okay, fair enough. Go ahead.

PAT KANE: So let me count what we've got. Vanda, Osvaldo, Jaap and Cheryl for a preference of just text. Okay, clear the board, please.

VANDA SCARTEZINI: León too.

CHERYL LANGDON-ORR: You also had León.

PAT KANE: Oh, I'm sorry, missed León.

KC CLAFFY: Can someone explain what's a good reason to not include the graphic? I think someone's asking in the chat why not just do both.

CHERYL LANGDON-ORR: Well, I'm going to vote to do both. Maybe if we finish the polling, we'll have some data, because I said I was ambivalent, I'm staying as ambivalent.

PAT KANE: All right. For those that would like the extended graphics—which is going to have to include the text to be descriptive—please click yes or thumbs up. We've got Sébastien, KC, Jacques, Cheryl, Daniel, myself. León is good with that. So we have a slight preference for including both the text with the extended graphics. Okay. So if we could clear the

board. And I think that's where we are with the accountability indicators now, so we've got extended graphics, we're done with the text as far as the section. We'll include that into the broader document once we complete all the sections, and we'll have one last cut at it for continuity throughout the document. Is that where we are? Bernie.

BERNARD TURCOTTE: Thank you. And just so I understand perfectly, I'm going to ask a question of Sébastien. What I think you asked for is that I include the fiscal year 19 Q4 graph here. Is that correct? I just want to make sure I'm going to include the right thing.

SÉBASTIEN BACHOLLET: If I remember well, the image you take last time was with the four—

BERNARD TURCOTTE: Yeah, it's fiscal year 19 Q4 that had the four bars.

SÉBASTIEN BACHOLLET: Yeah, then it's Q1, Q2, Q3, Q4 from fiscal year 19. Yes. Thank you.

BERNARD TURCOTTE: Okay, so that's the one I'll put in. All right, done. Thank you.

CHERYL LANGDON-ORR: Okay, so I'm going to put a pin in accountability indicators unless someone desperately can argue the opposite, and we can move on to

the next part of our agenda then. Let's pop back to our agenda, and I think this means we'll also queue the document which is version 1.8. Is that correct, Bernie?

BERNARD TURCOTTE: That is correct.

CHERYL LANGDON-ORR: There we go, executive summary. Okay, over to you, and Pat, so I can take a drink of water, do you want to wrangle the queue here while Bernie's doing this? Thanks.

PAT KANE: Got it.

BERNARD TURCOTTE: All right. I'm not going to go through the executive summary in detail, we'll just quickly walk through it so you get an idea. It's really a slightly edited version of what we had in the public comment. Really, there have been a few tweaks here and there, but there is nothing significant that has been changed. So there should be—and as I said in my comment, I'm still drafting this part and was right until this meeting, which is why I didn't send that, but that's the only thing that's changed in this meeting.

So we've got the first part which is the introduction. If we go down a bit, then we've got our references, then the review background that is

essentially exactly the same as it was in the public comment text. We have one thing that was duplicated, so we removed that. I can keep going down to the next section.

CHERYL LANGDON-ORR: KC's hand is up, Bernie. You may as well pause now.

BERNARD TURCOTTE: Okay.

CHERYL LANGDON-ORR: Over to you, KC.

KC CLAFFY: Yeah, it was in the executive summary, this was in my comment on my markup, but I don't know if it was [immutable] or not, but the approval and implementation of the CCWG, I think we need to be clear on who's assessing the implementation. This is back up in the executive summary. And I've said this a few times, but I don't know if other people just don't agree or what. It is the second one, approval and implementation in the bylaws of the CCWG accountability Work Stream 1 recommendations. We imply with that that we think those all have been implemented. I don't know who has assessed whether they've been implemented. It wasn't us, right?

BERNARD TURCOTTE: No, and there were two parts that were resulting from Work Stream 1, having written that one. The first part are all things that had to be included in the bylaws, and basically, that was presented to the community and that was confirmed as done. The second part, there were some organizational mechanics for the empowered community and a few things around that which I believe there are a few little pieces that may be left in tiny parts of the procedures for each SO and AC, but all the other portions are complete.

So if you're looking for a reference to that being done, I probably can dig up a couple of things.

KC CLAFFY: No, I'm looking for wording in the bullet that says who has assessed the implementation of the recommendations, since a huge amount of these review teams' effort is supposed to be about assessing whether things were implemented, and I don't believe anybody but ICANN has assessed those as implemented, and I think that needs to be explicit in this bullet.

BERNARD TURCOTTE: Okay. I'm sure we can work out something for that with some references. But as I said, fine, but this one is still being drafted. So a great comment, I'll take that on and then we'll move on. Anything else on this section, KC?

KC CLAFFY: Can I just put them in the doc maybe?

BERNARD TURCOTTE: Yeah, 1.8 is in the Google doc now and we've given the link, so it's open and please go there. Pat?

PAT KANE: Thanks, Bernie. Weren't the Work Stream 1 items though had to be in place and approved by the US government before the transition happened?

BERNARD TURCOTTE: The bylaws had to be changed. some of the mechanical parts for the community to implement the changes were not included in that.

PAT KANE: Okay, got it. Thank you.

BERNARD TURCOTTE: Cheryl?

CHERYL LANGDON-ORR: I was just going to follow on. So some of the things that happened at some of the community meetings, at some of the ICANN meetings post IANA transition where the acting if not actual representatives from each of the engaged parties of the empowered community gathered and did their first [base] administration, etc., all of that sort of stuff was done in public, but there is, as Bernie said, the small possibility that within some

of the ACs and the SOs, there may be some internal policy such as the exact date and nature of the appointments and what happens if the appointee to the empowered community is not available. That sort of thing may not have had all of its Is dotted and Temporary specification crossed. But I would venture to state that that is a subset of implementation, and certainly not one that we detailed in the writing of the Work Stream 1 recommendations. Thank you.

BERNARD TURCOTTE:

All right. Anybody else on this [subject?] Okay. All right, let's go back down to where we were. KC's comment is in there now. Yes, there's a comment. So in this section where we're talking about the various ATRT2 recommendations, as Sébastien had mentioned when we were working in the accountability indicators doc, we have different ways of counting ATRT2 recommendations. So I've added a note in here. The second ATRT review, ATRT2, submitted its final report to the ICANN board on 31 December 2013. The report included 12 general recommendations which ATRT3 has broken down to 46 distinct recommendations on similar themes as those in ATRT1.

So just adding that comment to try and remove the confusion if someone is wondering why there are 12 recommendations that are made in ATRT2 and we're counting 46. Any issues with that, comments or questions? Okay.

Review scope, as I said, has not changed since we went to public comment as far as I am aware, and methodology did not change, and summary of major findings, I'm going to go through that right now

because that's a work in progress, but you can read what I've got there now but I'm not saying that's final text. And then review team's suggestions and recommendations, similarly is a work in progress and basically what I'm doing there is I'm saying that we're only making five recommendations, suggestions are meant to be exactly that; suggestions and it's left to those concerned by these individual suggestions which can be found in annexes A and B of this report to decide if they should be implemented or not.

In making recommendations, ATRT3 has also adhered to the new guidelines for specific reviews as well as its own requirements for recommendations in its terms of reference. All ATRT3 recommendations are meant to be smart and include a complete checklist of requirements for specific reviews recommendations.

Additionally, ATRT3 is ranking its recommendations in order of priority to facilitate the implementation [of planning things.] So you get an idea where we're going with that, but please read the document and put in some comments.

But before we leave that, I see a hand from Sébastien. Please.

SÉBASTIEN BACHOLLET:

Yes. Thank you, Bernie. One question or comment. Where we say we adhered to the new guideline, we say somewhere else I guess that we will make some suggestion to evolve the guideline. Maybe we can make the connection between the two places. Thank you.

BERNARD TURCOTTE:

Okay. That's a good comment, I'll take a note on that. Thank you. Evolve the specific reviews guidelines. Okay, we've got that, and I'll be back [inaudible]. Okay, now we're done. We previously had done sections one to four in the main report, so we'll just go over the headers quickly. Section one was the board, there's a note there as I said, I moved the finance stuff from the prioritization back up to this section. Section two was the GAC if I recall correctly. We went through that, we didn't really have any comments. Section three was public input, slightly meatier section and where we included some of our work on that, and then we went down to section four which was acceptance of ICANN decisions, which was a fairly short section where basically we talk about the ATRT3 survey Annex B, question 28 and 29, and we provide the survey results that we dropped down just a bit, and we concluded that there was widespread support for the decisions made by the ICANN board, and if we drop down a bit, then we're not making any recommendations or suggestions in this area, which takes us to section five on PDPs.

Before I get there, I see Sébastien has his hand up.

SÉBASTIEN BACHOLLET:

Thank you very much. I am always struggling, as you know, with the word ICANN, how it is used and which element it is. Here, acceptance of ICANN decision seems to be the board decision, but also any decision taken by any part of ICANN. But at the same time, we are just taking care here of how we accept or the community accept the ICANN board decision. Maybe [inaudible] it will be better to have it. Thank you.

BERNARD TURCOTTE: Just to make sure, Sébastien, let's go back up to section four here. I want to make sure what your comment is.

SÉBASTIEN BACHOLLET: I will write it here. Like that, you will see what I suggest to add here.

BERNARD TURCOTTE: Okay. Thank you.

SÉBASTIEN BACHOLLET: Thank you.

BERNARD TURCOTTE: All right, excellent. Understood. Much clearer when things are written, obviously. So on to section five unless there are other comments. Not seeing anything, all right, let's go to section five. Section five is the policy development process as per the other sections, and we agreed to how these things are structured. 5.1 is the requirement, bylaw section, straight copy from the bylaws. 5.2, information assessed related to the policy development process, relevant ATRT2 recommendations related to policy development process, see Annex A ATRT2 recommendations 10.1 to 10.4.

In 5.2.2, we have ATRT3 survey related to the policy development process, see Annex B question 30 to 32. Other information related to the policy development process, general information on PDPSs, we've got the reference on that one, ATRT2 implementation executive

summary, October 2018. We've got the final report on the implementation of the GNSO policy development process 3.0. We've got the link to the final report on the temporary specifications for gTLD registrations data, expedited policy development process, and we have a link to the work to improve the effectiveness of ICANN's multi-stakeholder model and governance. So those are the things that were talked about or looked at when we were going through this.

So analysis of the information, identification of issues, let's drop down a bit. All right, as we do in the other sections, the summary of ATRT3's assessment of the implementation of the four ATRT2 recommendations related to policy development process can be found in the table below. One implemented, two partially implemented, one not implemented. Two partially effective, one not applicable and one insufficient information.

So the text below that, ATRT3 has concluded that not all ATRT2 recommendations were implemented and that there was no clear consensus on its survey questions regarding PDPs. ATRT3 also notes that there are several significant activities regarding gTLD PDPs being undertaken in parallel by other parts of the ICANN community that will potentially have wide ranging effects on the current gTLD PDPs. These include the GNSO council's work on PDP 3.0, the results of the GNSO's EPDP process, and outcomes from the current work on the evolution of the ICANN multi-stakeholder model, none of which will likely deliver results before ATRT3 submits its final report. Therefore, ATRT3 has decided that it [inaudible] gTLD PDPs to avoid any possible conflicts with the results of these other activities. Cheryl.

CHERYL LANGDON-ORR: Just because the GNSO council has now adopted and PDP 3.0 is in place, we should probably update that text to reflect its date of activity which is [inaudible] at the end of February, and link in a footnote to the repository of all that final information. Thanks.

BERNARD TURCOTTE: Okay, taking a note on that. All right. Now, we had a general suggestion, and I'm asking the question, are we still making that? Which was ATRT3 strongly suggests that any proposal to change current gTLD policy development process clearly enhance and not in any way reduce or restrict the open, equitable and collaborative nature of the ICANN multi-stakeholder model nor adversely affect the security and stability of the DNS. KC.

KC CLAFFY: Hi. I have trouble with this whole section, I guess, and definitely that paragraph that you just read out loud I think should probably be removed. I don't know why it's in here. I don't know why the focus is on gTLD PDPs. I thought this section was on PDPs, but we seem to have the word gTLD pop up here and there. And then I think our reasoning for not having a recommendation here is specious. We basically say there's a whole bunch of stuff that's in play, so let's just let it play out. And what we don't say is a lot of that stuff is in play because there have been major struggles over accountability and accusations over lack of accountability with respect to in the case of the EPDP being responsible with GDPR.

So I think we can—and I'll take the token to go write a recommendation if I have to, but I'm wondering how much consensus there is on the team for that sort of thing. I don't think we can just say "Let's just let this play out" given that the reason it's been playing out is because there's been failures. I'll stop there.

BERNARD TURCOTTE: Thank you. Anybody else?

CHERYL LANGDON-ORR: I'm not quite sure I agree with your particular categorization and rationale there, KC. Certainly, the manager of the gTLD policy development process has undergone a very major overhaul, but it is the third overhaul of its policy development process in certainly the time that I've been involved with the GNSO council, so it's more of an evolution than a revolution action.

But that said, I doubt that the GNSO council would believe that their work on PDP 3.0 was as an accountability measure rather as an aid to effective management of their process in a more timely and predictable way. So yeah, [inaudible] a little bit I think strong statements in the other direction might be equally disconcerting.

The reason, as far as I understood, that we had made a point on the gTLD policy is that it was specifically the gTLD policy that ATRT2 had focused on. In fact, it was a major and significant part of their work and research, and so it is in reaction to that that our focus in this part was also done, but feel free to correct me if I'm wrong, Bernie.

BERNARD TURCOTTE: No, sounds just about right, and I think we spent quite a bit of time on this in Brussels and came up with the decision that we would not make a recommendation on this and that therefore, this would play out like that. KC, I see your hand.

KC CLAFFY: Maybe other people should talk first. I do have a follow up, but it might be good if some other folks who had anything to say ...

BERNARD TURCOTTE: Well, we don't have anyone else on the list right now.

KC CLAFFY: Okay. I didn't hear anything inconsistent with what I said from Cheryl. I think if we do want to mention gTLD specifically in here, the gTLD PDPs, we could have the explanation that you just gave about why we are emphasizing them, and also clarify, do we have anything to say about EPDPs that we don't have to say? Like why are we separating out comments about gTLD EPDPs that don't apply to all PDPs?

To the point about GNSO not agreeing with the current PDP 3.0 being a bit of a response to a failure, my understanding is that the reason the E is in front of EPDP is because we got caught off guard where we were trying to react to GDPR after it had already gone into play even though there were a couple years of warning that the community had.

So I think at least we have to acknowledge that there are people in the community who I have to listen to on other review teams, by the way, who think there was an accountability failure. I don't think we can pretend that this is the normal course of doing business. I think the evolution of the multi-stakeholder model and everything I read in all the slides I read is also that they are trying to respond to accountability failures [even if they will] call them challenges in a fastmoving environment.

So again, I think we at least need to recognize these positions and then explain why even in the face of these accountability failures we are not going to make any recommendations. And it shouldn't say it's regarding—we shouldn't make any recommendations regarding gTLD PDPs, because again, if we want to make some special comments about that, this is supposed to be a broader topic, at least that's how it's titled in the section. All right, I'll stop.

BERNARD TURCOTTE:

Thank you, KC. Pat?

PAT KANE:

The only difference between an EPDP and a PDP as I understand it is that you don't have to have an issues report developed, but the process is followed the same.

Now, the temporary specification, which was invoked, was what gave it the one-year timeline for phase one. It wasn't that it was an EPDP that

made it have a one-year timeline. It was that the ICANN board had approved a temporary specification for the registry operators.

So, is it an accountability problem if we missed something or didn't address something as the community, or did we not follow a process appropriately or transparently? So yes, the EU has been telling us we've got a problem with PPI since 2005, and we just addressed it when the fines came into play. So, is that the accountability problem that you're talking about, KC, or is it an adherence to process that we missed somewhere?

KC CLAFFY:

I think it's neither. And it's not just the EU, right? I don't mean just to focus on this but let's use it as an example. In this case, there were certainly—the whole reason, again, that there was a temp spec, why was it a temp spec? Why was it not resolved given, as you say, how many years there had been to resolve it?

PAT KANE:

Well, it was a temporary specification because there was a looming deadline as to a point when registry operators and registrars in violation of the GDPR would have had to pay a 4% of global revenue fine, and that's what caused it to be a temporary specification put out, because nobody was going to be able to develop, [with] normal processes, a solution. That's why the temporary specification was invoked.

And the reason why I used EPDP and then focused on what the EPDP was about, because you were drawing—there was a distinction

between you had to use the EPDP because we had a failure in accountability—and I was trying to figure out where that comes from.

KC CLAFFY: Okay. Maybe I mean the temporary specification, the whole rushing of this process. And I'm repeating things that I've heard, so I'm trying to make sure that we capture a variety of positions here. And if everybody on this—

PAT KANE: And I'm just trying to come from the standpoint of since that's wording in our agreement that we have to operate our gTLDs around the temporary specification, it's something that we're familiar with and it really is [done] in an emergency situation. So temporary specification was invoked because we had an emergency. Is it an accountability problem because the emergency existed?

Now, there was a long runway, yes. But it could have been invoked if it occurred that day. For example, UK has a 2% tax that goes in on April 1st. If we had to do something as registry operators for that, would we use the temporary specification to get around that, or do something? Maybe.

So I'm just trying to see how that relates to an accountability problem so that we can either say it wasn't, or capture it correctly.

KC CLAFFY: I think that that is a good issue.

BERNARD TURCOTTE: There we go. All right. I see León's hand, and maybe he'll provide some helpful context. León.

LEÓN SANCHEZ: Thank you, Bernie. Just to provide a little bit of context on how the EPDP came to be. So the EPDP is a bylaws provision for cases in which the board needs to implement a temporary specification in contracts, and the GDPR coming into force was exactly what triggered the temporary specification. So when the board decided on imposing this or setting this temporary specification, there was a need to provide tools for contracted parties to continue to be in compliance both with its contract with ICANN and with, in this case, the law, the GDPR.

So we set up this temporary specification so that the expedited policy development process triggered and provided with the space and limited time for the community to come up with a policy that would supersede the temporary specification.

So the community gathered, they formed this EPDP group working on GDPR, and they came up with of course an outcome of phase one. Now they are dealing with phase two, and of course, this continues to deal with some pending issues in regard to how to handle GDPR, how to provide disclosure of data without putting everyone into possible liability in regard to compliance with the law and the contract.

So it is a complex issue, but what I want to say is that these are not normal circumstances. The EPDP only launches under extraordinary

circumstances that need to be dealt with by the board in the first place and by the community in the second place, and that's how EPDPs are launched. And it's also included in the contracts as far as I remember. So I hope this provides a little bit more context on this.

BERNARD TURCOTTE: All right. Thank you, León. KC, your hand is still up. Do you have a comment?

KC CLAFFY: My hand is up, but Daniel has a comment in the chat, maybe we should address that first.

BERNARD TURCOTTE: "Ask León, I would like a clarification, which working group was set up to come up with issues regarding to GDPR compliance for ICANN and also led to the shutdown of the GNSO RDS working group which was being chaired by Chuck Gomes?"

LEÓN SANCHEZ: I think I've already answered that, Daniel. The EPDP working group is the one that was set up to deal with GDPR. Since RDS kind of collided with the issued that this group was going to deal with, I guess that's why it got suspended in practical terms. But the only working group that has been set up to deal with that is the EPDP. So I hope that answers your question.

BERNARD TURCOTTE: Daniel, if you have a comment, we'll either hear from you or look at the chat for that. Yes, absolutely correct, Pat. KC, back to you before I go to Pat.

KC CLAFFY: Thanks. So I think in general, we are talking about an issue of accountability with respect to various stakeholders about access to the data governed by GDPR. And I go back to my higher-level comment here, I don't think it's appropriate for us to just say there's no reason to make a recommendation here about any of this. It seems to me we need a recommendation.

I will also say I object to the paragraph in the bottom because I don't understand why it's there. Isn't this already pretty much in the bylaws? What are we trying to get at with this paragraph? Why does it need to be in here?

BERNARD TURCOTTE: I think that paragraph was put in before PDP 3.0 was completed, which is why I put in the comment that we still need this. As far as an accountability failure, is it an accountability failure versus PDP processes, or is it at another level, is sort of the question I'm asking myself. But let's go to Pat first and hear what he's got to say. León, your hand is still up, and I'll get back to you if you keep it up.

PAT KANE: Thanks, Bernie. I think in the chat and how it was read in the chat was my point that I was making about the temporary specification having a one-year time frame, because the temporary specification after one year, if it was not superseded by a policy development process, it reverts back to whatever was before. It's only in place for one year, which is why the EPDP in its charter was tied to the temporary specification of one year. The EPDP doesn't have a one-year time frame.

But KC, what you just said around it's an accountability problem because we don't have access to registration data as a result of the GDPR implementation is an accountability issue, we're still going through the policy development process, so I'm trying to correlate how that's an accountability issue when the process is being followed in a transparent manner through EPDP phase one and phase two. I don't understand that statement that that's an accountability issue.

KC CLAFFY: Yeah. I hear you. I think it's more that it's taking a long time and the fact that it needed to be expedited even though there was lots of warning that this was going to happen.

PAT KANE: But the definition of an expedited policy development process is only that you don't have to have an issues report. Everything else remains the same. So if the charter for the policy development process says you have one year, such as phase one had because of the temporary specification, that's what drives the one year. The EPDP phase two, we've got a timeline now that is June for the final report, more driven

because we lose Janis as the chair at the end of June. It can go on. The GNSO council doesn't want it to go on further as well, but if it was determined that it needed to, they could push that further. Because again, expedited only means that you don't have to have an issues report to kick off the PDP.

KC CLAFFY:

Yeah. I think we're getting caught up in details here. But I take the point that León is making, that I'm not being clear about what I think should happen here. So I think at this point, we should move on and I'll try to be more articulate in the Google doc, although it sounds like Bernie might be also agreeing about killing this last paragraph, which would [inaudible].

BERNARD TURCOTTE:

Well, I think the last paragraph is not a big issue right now that PDP 3.0 is done. What I think is an issue is understanding where you see the failure of accountability in PDPs. If it's not directly related to the PDP, then maybe you can put it on the list and we can have a discussion where we could fit that in. But I'm with Pat and Cheryl and León on this one: I do not see the accountability failure directly related to PDPs.

I do take your comment though relative to this is mostly about gTLD PDPs and we did discuss that, but probably not properly reflected in here. So I see Pat's hand. Any final comments, Pat?

PAT KANE:

My apologies, it was an old hand.

BERNARD TURCOTTE: Okay. KC, I'll give you the floor to close out this one if you want to.

KC CLAFFY: [Let's just] talk about the evolution of the ICANN multi-stakeholder model. I have not followed that since Montréal, so does anybody know what is the status of that and what they're trying to achieve? Because I thought that was also an accountability-driven exercise.

BERNARD TURCOTTE: Maybe León, you can give us an update on that.

LEÓN SANCHEZ: Yes. Thank you, Bernie. We're currently continuing to work on that issue. As you know, there has been a lot of engagement on this topic by the community, and I honestly need to check back where we are precisely standing with this. I think that Avri's listening to the call, although I wouldn't like to put her on the spotlight. And I would definitely need to check back and come back to you, give you a more precise scene of where we're standing in regard to evolving the ICANN multi-stakeholder model.

BERNARD TURCOTTE: All right. Thank you, León. Sébastien, I see your hand.

SÉBASTIEN BACHOLLET: Thank you. To try to give additional information about where we are with multi-stakeholder model, it is, or it was, in the comment period for the fiscal year discussion and operating plan discussion, it was part of that and some in the community made comments on that specifically, and it needs to be analyzed by staff and they will give a report on that in few weeks I guess, and it's where we are.

It was supposed to be one point of discussion for Cancun meeting, but as it was changed to virtual meeting, it was not considering that a top priority to be discussed. But it was in the second day, we had a discussion meeting with CFO, with the finance team, and one part of the meeting was about this topic specifically. And if you want to see what is done, you can look to this meeting and listen to the recording. I guess there are some useful information there. Thank you.

BERNARD TURCOTTE: Thank you, Sébastien. Avri.

AVRI DORIA: Yeah. Thank you. I'm not sure I can comment as an observer, but since I was brought up in one of the things, I just wanted to comment. One, in terms of Sébastien, what he said is very correct, and part of what's happening with that, how do all the recommendations and actions and such that it goes into, how does it mix with all the other things and all the other processes that are going on. So it's part of how do we not duplicate and how do we not try to do the same thing in two different ways.

In terms of that process having been an accountability, I think it was really more initiated as a strategic exercise to try and figure out where various people felt that various things don't work as well as they could, as well as they might, as well as they should. So what could be done about it, [let's have the] community talking about those issues.

So calling that accountability is perhaps a slight stretch in my mind, but everything can come down to accountability at [some level of abstraction.] Thanks.

BERNARD TURCOTTE:

Thank you, Avri. All right, hopefully we're at the end of section five, and we'll be looking forward to some more information from KC on the failure of the gTLD process.

KC CLAFFY:

But it's not gTLD, right? It's not gTLD—

BERNARD TURCOTTE:

[inaudible] policy development process, but EPDP was a gTLD process.

KC CLAFFY:

Since I just got told five times in the chat that EPDP isn't specifically gTLD. It happened to be used for gTLD, but I think that this whole section is about PDPs, period.

BERNARD TURCOTTE: Yes, correct.

KC CLAFFY: Okay. Thank you.

BERNARD TURCOTTE: But we have focused on gTLD because there was really very little information on PDPs from other SOs. The ccNSO really does very few PDPs. The brunt of PDP work in ICANN is obviously via the GNSO. All right.

KC CLAFFY: One more [inaudible]. Is the EPDP about the temporary specification—is that only about new TLDs and not—it's about all TLDs, right? I mean, not about ccTLDs but all gTLDs.

BERNARD TURCOTTE: That's my understanding.

KC CLAFFY: Okay. Thanks. Let's go on.

BERNARD TURCOTTE: Okay.

CHERYL LANGDON-ORR: Bernie, Sébastien's calling for a short break, so we said we would try and do that partway through our two-hour meeting. It is a quarter past the hour [inaudible] now. So if we can have, say, a five-minute break, that would be appreciated by everyone, I'm sure.

BERNARD TURCOTTE: Starting at 20 after?

CHERYL LANGDON-ORR: 20 after will do. Thank you.

BERNARD TURCOTTE: All right. Thank you, everyone. Talk to you in five minutes.

CHERYL LANGDON-ORR: Okay, and we're back. Hopefully you've all taken a sip of water, rested your voice, met your biological needs or at least shaken out the cobwebs somehow. Bernie, you are in control again. Back on to issue six.

BERNARD TURCOTTE: All right. Thank you. Okay, assessment of the independent review process, IRP. This text has not really moved since we put it in, I think back in September. I did add a few more footnotes just to make things clearer and referred to the various websites. So since there have been a few tweaks, let's just run through it. The requirement section 6.1 is from 4.6(b)(II)(f), the information assessed is 6.2.1, other information

since there was no ATRT2 requirement for this, and there were no survey questions on this. So the other information is what I added, which is the CCWG accountability supplemental final posted on Work Stream 1 recommendations, 19th February 2016 where we set up the IRP IOT presentation to the ATRT3 on May 8 2019.

The IOT meeting number two on 25 May 20:00 UTC, and I should probably put the year on that one. I will note that. 6.2.1.3, the year. And believe it or not, I believe that was 2016. And the IOT interim supplementary rules, 19 October 2018, which was presented at the Barcelona meeting, and finally, the update and information on the IRP IOT recomposition 26th June 2019 for a letter from León as chair of the board committee on that.

So under 6.3, we have a comment from KC. “What changes? To solve what accountability problems? Who could not complete them? This appears contradictory. If Work Stream 1 was completed, then rec 7 was implemented.” No, that’s not the case. Rec 7 made the requirement, as is listed in the references, to have the IOT spun up to handle the implementation of the recommendation. The concept of the recommendation was approved, but there were a lot of implementation details, if you will, so that was the responsibility of the IOT. Does that answer your question? I’ll type it into the document if you want to.

KC CLAFFY:

Yeah, a little more detail, and then just [inaudible] links, just footnotes. Again, there's a contradictory piece in here which is if it was completed— was Work Stream 1 completed?

BERNARD TURCOTTE: Well, that goes back to your initial discussion from the executive summary where we will find and put in the Work Stream 1 references to show it was completed. But yes, Work Stream 1 for all intents and purposes I think is completed, and that is what Cheryl pointed out. But we will come up with some references.

KC CLAFFY: But we say here that it was not complete—I'm confused. When we say, "But could not complete the implementation [inaudible] before the completion of Work Stream 1," that feels circular and contradicting. I think it's just a writing issue, but I don't understand.

BERNARD TURCOTTE: Okay. I understand that one, and we'll take a look at that one and fix it. Okay. But really, the recommendation seven from Work Stream 1 was to bring some significant changes to the IRP and then mandate the creation of an IOT to work out the details about how that would be done. That's what we're trying to say here, that's all. Is that okay, KC?

KC CLAFFY: Yeah.

BERNARD TURCOTTE: Okay. And we defined IRP here.

KC CLAFFY: Yeah, kill that. That's done.

BERNARD TURCOTTE: All right. We have the Work Stream 1 recommendation here, and can we cite the source of this quote? Well, that's Work Stream 1, but I'll be glad to put the link in to the Work Stream 1 final report. Following this, the IRP implementation oversight team began its work in May 2016 with the assistance of the CCWG Accountability, [inaudible] IRP IOT. [inaudible] Okay, we have a comment from KC. "What is the CCWG Accountability? A working group who was on it?"

Well, I'll be glad to put in the link. This was CCWG Accountability Work Stream 1 and Work Stream 2 because the IoT actually sort of spanned both, and there are great references to both. So I'll just leave your comment in there and I'll be glad to put those references.

KC CLAFFY: Is it missing a word? [Or do we actually] refer to it as Accountability?

CHERYL LANGDON-ORR: That was its name.

KC CLAFFY: Wow, okay.

CHERYL LANGDON-ORR: Yeah. And we worked very hard, and there was about 140 of us, and we did a lot and that was in parallel with the IANA transition work.

BERNARD TURCOTTE: Yeah. Sébastien, your hand is up.

SÉBASTIEN BACHOLLET: Just one point of, I would say, clarification. We are—in the part you we discussing before, we explained what is IRP IOT and as we love to shorten the things and we talk about IOT. And everybody knows what IOT was in ICANN, but outside of ICANN, something else. I would like to suggest that we take IRP IOT as the way to talk about that group and not just IOT. Thank you.

BERNARD TURCOTTE: Sure. We can fix that. Good suggestion. Okay, thank you, Sébastien. I will take a little note on that. Okay, done. The objectives of the IRT IOT were complete recommendations to update the supplementary rules of procedure. Okay, yeah, sure, I can give you—those are just requests for references, and we can include that. They're referred to in the bylaws, that's easy to fix, KC. Just leave those comments there and those will be updated.

All right, let's drop down a bit. The IRP delivered its updated draft interim ICDR supplementary procedures to ICANN on 25 September 2018. As indicated in the title, these are interim rules which did not include the revision to the time to file considerations and the types of hearings. Following ICANN 63 in October 2018, the

participation of IRP IOT members significantly declined and activities came to a halt. To address this issue, León Sanchez, chair of the ICANN board accountability mechanisms committee wrote to the leadership of the SO/ACs on 26 June of 2019 requesting additional volunteers to join the IRP to allow it to carry on with its work. And we have the reference to that letter up into the things that we consider.

Let's drop down, I think there's one more paragraph, or two. Okay, the newly constituted IRP met for the first time on 14 January 2020 and restarted its work. Therefore, the [ATRT] has deemed it premature to make any specific recommendations or suggestions regarding the independent review process given the IRP IOT has not completed its work. Recommendations, suggestions, none.

Let's leave it there and see if there are any comments. KC?

KC CLAFFY:

Isn't anybody else going to say anything? This looks whacky to me again, and maybe it comes into focus what I mean by whacky here a little more because we're basically saying this thing failed and they're rebooting it and we'll just hold off, and it's been four years and this stuff was supposed to be done before the transition and it's still not done, and we'll just let it go and we don't even know when this is going to get revisited again. It just looks a little nutty to me.

BERNARD TURCOTTE:

Well, I can speak to this because I'm actually supporting the IRP IOT. The IRP is really for all intents and purposes very close to being the

equivalent of a court without having to go to court for ICANN, and the interim supplementary rules which were brought in in 2018 addressed a lot of the issues, but there are two or three main issues left. These include what translations are going to be allowed and who's going to pay for them, and the, if you will, structure of who is going to be allowed to participate in an IRP hearing. And finally, the time to submit.

Now, there were some significant arguments on mainly the time to file where the group could not come to consensus, and following Work Stream 1 and Work Stream 2 and the transition, the group sort of fell apart. So after discussions with the board, it was agreed because the group as it was chartered from the Work Stream 1 recommendations is included in the ICANN bylaws, so there would actually have to be a change to the bylaws to stop this and reset it. and it's not that it hasn't done anything.

As I said, probably, it has addressed, as far as number of issues, 80% of the issues that it was meant to address. However, the last 20% have got some really thorny issues which are wrapped around a whole bunch of very, I would say, complex legal constructs about how we're going to want to do that, and that's why it's taking a while.

So the term "whacky," I'm sorry, doesn't apply for me, but I hope that maybe this explanation helped a bit. KC?

KC CLAFFY:

Does anybody else have anything? It just seems like it's an accountability issue.

BERNARD TURCOTTE:

Well, the IRP IOT is an accountability mechanism, and the fact that it's taken long I don't think is an accountability issue. The work of the IRP IOT is completely transparent. There is a Wiki, transcripts of all of the meetings are there, how the decisions came up and what has been delivered, and really, it's something that is incredibly touchy as a number of people who have been involved with IRP and understand some of the things.

The new group that has been chartered, I think, was selected with great care to handle this and really includes some people on top of the ICANN Legal team that are legal professionals that had been engaging with IRPs with ICANN. And we are getting to advance. As I say in this thing, it started its work on 14th of January. I think we're advancing rather well. We won't be done by the end of this fiscal year, obviously, but I think after the group settles down—these kinds of groups usually take a couple of months to shake out and get used to it—I think the intent of everyone is not to make this a multi-year project, but by the end of next fiscal year to have this wrapped up at the latest.

KC CLAFFY:

Okay. Is there a way to characterize the 80% and the 20% of the issues that are left open? Because there's a lot to be—the report feels a lot like, “Trust us, there's nothing to worry about here. Let's just move along.” And I know you guys are all in the thick of it, so maybe appreciate how much has actually been done here, but nobody reading

this report that's not will be able to see that. I certainly don't have visibility into it.

BERNARD TURCOTTE: Okay. I think I understand your question. Let me dig up some of the material that was put into the interim rules versus the number of issues, and maybe that will answer your question and we can slide that in without too many efforts in the text that's there.

KC CLAFFY: Okay.

BERNARD TURCOTTE: And you can give it a comment. Would that be okay?

KC CLAFFY: Yes, that's great. Thanks.

BERNARD TURCOTTE: Okay, great. Thank you, KC. So let me take a note of that so I don't forget it. So in 6.3, details, the interim rules. Great. Okay. Anybody else on this one? Not seeing anything, all right, I'm going to propose that we move on to the next section, section seven. Assessment of the implementation of ATRT2. Sébastien.

SÉBASTIEN BACHOLLET: I'm sorry, we have 20 minutes to go and we are supposed also to have some discussion about the timing and the objectives, therefore I was wondering if we have the time to do both in that 20 minutes left. Thank you.

BERNARD TURCOTTE: I'll turn that over to the chairs, see how they want to handle this.

CHERYL LANGDON-ORR: Sébastien, I did say we'd only be doing a little bit of a high-level information and discussion about that, so I would think no more than five to seven minutes would be all we require. We have heard a great deal from very few people on today's call, so I would encourage everyone to also make good advantage of comments into the document as well as comments into the chat and see what we can do in the next seven minutes or so.

BERNARD TURCOTTE: All right. Great. So what I'm taking away from your comment, Cheryl, is we'll give seven a good try and then we'll see where we are at the end of seven, and we want to keep at least a ten-minute portion at the end of the call to go over those other issues. Did I get that right? I have a green tick. All right, so we'll give number seven a go for a few minutes, and then we'll see where we end up. But regardless of what happens, we will stop at 10 to the hour.

Okay, 7.1, the requirement is in the bylaws, not going to read that. The information assessed, 7.2.1, relevant ATRT2 recommendation, all of

Annex A, so all of that work that we did has been moved to Annex A. And just in case KC hasn't followed it, when we were closing up in Brussels, I believe it was Wolfgang that brought up the point that it would be great if we could shorten the main report and try and put things in the annex because it was really too long. So when we presented this format and it got accepted by the group, this is what we were trying to do.

All right, other information is the ATRT2 implementation executive summary, October 2018. That is the report from the organization saying that all the ATRT2 recommendations had been approved. All right, let's go down to 7.3, analysis of information. Similarly to the other sections, ATRT3 completed a detailed assessment of the implementation and effectiveness of the 46 distinct ATRT2 recommendations which can be found in Annex A of this report. Table below summarizes the results of ATRT3's assessment of the implementation of ATRT2 recommendations, see Annex A for details.

So, implementation assessment, implemented 25, or 45%. Partially implemented, 13 for 29%, and not implemented, eight for 17%. These results contrast with the ICANN Org October 2018 executive summary report that states all ATRT2 recommendations were implemented. The ATRT3 results are consistent with the findings from SSR2 and RDS with respect to the implementation of recommendations from previous reviews. We've got the links there.

This obviously presents a significant accountability and transparency issue for ICANN, and ATRT3 makes a recommendation with respect to completing the implementation of ATRT2 recommendations. And then

there's a note which KC disagrees with. "Although this analysis clearly identifies some significant issues with ICANN Org's implementation of ATRT2 recommendations, the new operating standards for specific reviews adopted by the ICANN board in June 2019 combined with the new website for tracking the implementation of review recommendations should address most [inaudible] of these issues going forward.

KC has a comment, "I disagree that we have reason to believe the new operating standards will address that." Listen, that's fine, KC, but that version—actually, this has not been modified very much—has been in that area for about six months and no one has brought it up, so we can have a discussion about that. And anybody else want to take that on?

KC CLAFFY: Yeah, I think this just becomes an objection at the end of the report or something on my part, so we can move on.

BERNARD TURCOTTE: All right. Thank you, KC.

CHERYL LANGDON-ORR: Thanks, KC.

BERNARD TURCOTTE: 7.4, recommendations, suggestions—

CHERYL LANGDON-ORR: We've got Sébastien.

BERNARD TURCOTTE: Oh. Yeah, thank you. Sébastien.

SÉBASTIEN BACHOLLET: Yes. Thank you very much. Maybe one part of the question is the word "should," but I don't know about "must," "should," whatever as this English discussion about this word, but my feeling is that it could be something around this part of the text. Thank you.

BERNARD TURCOTTE: All right. Thank you for that, Sébastien. Okay, so our recommendation is ICANN Org shall review the implementation of ATRT2 recommendations in light of ATRT3's assessment of these and complete their implementation subject to prioritization, see recommendation on the creation of a prioritization process. And just to note, we've approved what that recommendation looks like on the prioritization process. And after that is the recommendations checklist, but before we go through the checklist, let's just see if there are any comments on the recommendation.

KC CLAFFY: Is it somewhere written how ICANN knows that it's implemented them? Since their view is that they have implemented them all already.

BERNARD TURCOTTE: I'm sorry, I'm not understanding your question, KC.

KC CLAFFY: Are we on 7.4.1, the recommendation?

BERNARD TURCOTTE: Yes.

KC CLAFFY: Right. So I just want to make sure that we point to the gap analysis, like where they thought they did recommendation N and we thought they didn't, have we said—is it clear how ICANN knows that it's now reached the bar that we set? And are we going to link to that? Because remember, they said they implemented them all.

BERNARD TURCOTTE: Yeah. I guess we can adjust that slightly just to make sure we refer to the things that were up there. Good point. All right, let me take a stab at that. 7.4.1. Anybody else? Sébastien.

SÉBASTIEN BACHOLLET: Just to be sure, the title of 7.4 recommendation, suggestion and related to the assessment of the implementation of ATRT2 recommendation, it seems that there's a missing word somewhere.

BERNARD TURCOTTE:

Okay. I'll have a look at that. Oh, yeah. Okay, thank you. When you're copy and pasting these things as it goes along, sometimes you copy a few too words. Thank you for that, Sébastien.

All right, and the recommendation checklist we have gone through is just the usual stuff, what is the intent of the recommendation. Let's go down a bit to ensure the relevant ATRT2 recommendations are implemented. What are the observed fact-based issue recommendations intending to solve? ATRT3, similarly to other specific reviews such as SSR2 and RDS has assessed that contrary to the org's reporting, not all recommendations by previous review teams have been completely implemented.

And I guess maybe that's why I was less worried about the recommendation, because it has to go along with this, KC. But I understand your point and I'll try to work something in there. What are the findings that support the making of this? And then we give our statistics, and I give the references to SSR1 and WHOIS1, etc.

So I think we've all gone through this, we're done on this one. Unless there are some questions, I think I'm going to wrap up with this one. Questions, comments before we wrap up seven? And we're done. So thank you, everyone. Good stuff, and I'll hand it back to you, Cheryl and Pat. Thank you.

CHERYL LANGDON-ORR:

Thanks for this, Bernie, and thanks everyone for all that you've achieved today. And perfect timing. Well done, you've given us our ten minutes, which is more than I suspect is required, leaving about two minutes for

the final review of any action items, etc. Pat, would you like to guide us through the cadence, duration, rotation and what it's likely to mean to our workplan and how we're going to specifically create a detail for us all to use internally?

PAT KANE: Sure. So we're going to walk through what we think the continuing work process is going to look like from here on out, correct?

CHERYL LANGDON-ORR: Correct, but remember, only the people who are in the leadership team meeting on Monday know our agreement on all of the cadence and duration and rotation, etc.

PAT KANE: Yeah, you just had so many extra words out there I thought I might be having to do more than that. So thank you, Cheryl. What we talked about in the leaders' meeting on Monday was how do we move forward at a cadence where we can make progress but recognizing that there are requirements for reviewing documents and so that we're not doing too much—like we were having three-hour meetings on Fridays, and that turned out to be overwhelming, I think, for folks.

So what the leadership team decided on as a proposal would be that we would meet in plenary on Wednesday and Fridays and we would swap early and late for 11:00 and 21:00, we'd swap back and forth on Wednesday and Friday, and then the following week, do the late and then the early on opposite days and do just two-hour sessions as

opposed to doing a one and a half and a three, and then we just do two and two.

So essentially, what that would be is that we're currently at the 21:00 slot today, we will do the 11:00 slot on Friday for two hours, and then next week, we would do 11:00 UTC on Wednesday followed by 21:00 on Friday for two hours. So that's the proposal to the team that the leadership came up with on Monday. So I'd like to put that out for conversation, questions, support, voting against. So open to the floor, please.

KC CLAFFY: Sorry, put the proposed timing in the chat, Pat. I paced out for a second.

PAT KANE: So one meeting a week would be at 11:00, one meeting would be at 21:00. The next week, we would reverse those two times. So again, as an example, since this was 21:00 UTC, on Friday we're scheduled to meet at 11:00 UTC. Then next week, we would do 11:00 UTC on Wednesday with 21:00 UTC on Friday. So we'd have an early session and a late session every week for two hours until we're complete.

If I'm confusing folks, please jump in, ask a question, put something in chat.

CHERYL LANGDON-ORR: Pat, the only other thing is, should we need to step up and add more into our work week, just in case any of us were daring to relax at any

point in time or do something other than volunteer for ICANN, the suggestion was not to extend the calls beyond two hours. Sébastien pointed out that that becomes less productive if we work into the three-hour mode, and that we do have our standing leadership calls that run on a Monday morning UTC and that we may be able to leverage off that block of time by making a 90-minute or two-hour call slotted in then, but with plenty of advance notice for everyone to be able to do their best to join. Thanks, Pat.

PAT KANE:

Thank you, Cheryl. So not seeing any questions or comments in the group chat or any indicators on raised hands in the participant window, if we could indicate in the participant window our support of that cadence or our non-support of that cadence, give us a green yes or a red no, please.

All right, I've got green checks from myself, Cheryl, Daniel, Jaap, Osvaldo, Sébastien, Wolfgang, and I have no objections to that work cadence. So from here on out until we're complete, that'll be the cadence that we will meet at.

CHERYL LANGDON-ORR:

So Pat, based on that cadence now, we'll work with staff—by we I mean the leadership team—on the workplan document. Not modifying our overall published workplan but pulling out more of a detail so we know what our proposed topics are for each of the weeks, and we'll know more at the end of each week and obviously that'll be very much a living

document, but at least it'll give us a checklist or something to follow our milestones. Sébastien, we see your hand. Go ahead.

SÉBASTIEN BACHOLLET: Thank you, Cheryl. Just to say what I wrote in a mail, that next Friday, I don't know if I will be available at that time, but nevertheless, we need to have this cadence and that's great. I will try to join, I will be only on the phone if I join, and very difficult for me to talk and follow anything on the screen as I will not have the screen. Thank you.

CHERYL LANGDON-ORR: Thanks, Sébastien, and we do realize—I think all of us—that with this particularly aggressive workplan and with other things impinging on us all in our work from home environment, some of us will have more or less ease and more or less difficulty from time to time to be attending and be as fully immersed as we would like to in each of our meetings. But we do appreciate there's going to be a problem. If people like you can give us on the list, that is most helpful because it lows us to manage the call to make sure we include you as best as possible. KC, over to you.

KC CLAFFY: Yeah. I'm sorry if this was said. I've exhausted myself. The agenda for Friday's call, because I'm not sure I can make it and I want to put comments in the doc, do we know what it is yet? Is it section eight?

PAT KANE: Yes, Bernie.

CHERYL LANGDON-ORR: Go ahead, Bernie.

BERNARD TURCOTTE: No, we're not doing section eight because we haven't finished the recommendation on reviews, so we'll be completing nine, ten, and then we'll be moving back to the reviews recommendation, I believe completing basically the agenda that we had today.

KC CLAFFY: I know Daniel and I are ostensibly the chairs of the reviews team, but we might be at a point where we need to do some of this in plenary. The survey material is here because of Bernie's great work, but the public comment stuff—and I know we went over that in Brussels. I wasn't there for some of it, but I wonder what people think is a good way to proceed on getting new text in response to the public comment on the reviews section, or does Bernie already have a plan there? Sorry for not being ahead of the curve here.

CHERYL LANGDON-ORR: I'll leave it to Bernie, but everything is in plenary now and has been since before Brussels, just so we're all clear on that. Sébastien has a comment as well, so let's go to that before we go to Bernie. Sébastien?

SÉBASTIEN BACHOLLET: Yes, thank you, Cheryl. Just to say that I was very involved in the discussion about reviews and there are comments from me to be discussed if we can—and I'm sorry to say that, but if we can postpone it to the next Wednesday meeting, will be great for me. If not, you can go ahead and I will follow what I can. Thank you.

CHERYL LANGDON-ORR: Sébastien, just to be clear, it certainly won't be on the Friday meeting. So fear not, I think you'll be getting to that part of the work which I know you contributed an enormous amount to and are a major contributor to the current text, will be when you are, I hope, fully available to be engaged. So that's fine. All right, KC, you still have your hand up. Do I need to go to you before I go to Bernie?

KC CLAFFY: Yeah. One last question for Bernie. Given that we're going to be—some of us—operating in painful time zones with this new schedule, if Bernie could put a couple of days of warning of what are the sections that are going to be discussed on the next call, I could make sure to have comments in the doc before that. I think you're mostly doing that anyway.

CHERYL LANGDON-ORR: Yeah, we are. Can I just respond to that before you go to Bernie? Basically, one of the reason we'll be looking at the workplan and expanding it is so that rather than having our agendas go out from the Monday—which is with hen they go out normally for the Wednesday

and now Wednesday and Friday calls, that people will be able to forecast from Friday to Friday where we are as we progress through our milestones.

But failing that, we will, as usual, put our agendas out as soon as humanly possible, but anyone who's fully engaged or reviewing the meetings if they've not been able to make them should be able to work out where we're up to because we're going to end each meeting with where we're going to probably go to next.

Now, Bernie, back to you.

BERNARD TURCOTTE:

All right. I think Cheryl has said it all, and I posted the Google doc that has the comments and the discussion on the reviews in the chat, which we've been working on for I guess about a month. Thank you.

CHERYL LANGDON-ORR:

Thank you. Now, Jennifer, I'm sorry about the compressed time for item seven. Hopefully there's not too long you're going to take to give us the confirmed actions and decisions reached.

JENNIFER BRYCE:

Thanks, Cheryl. I actually did put them in the chat because I knew that we were going to run out of time, so happy to read them out but they are posted there in the chat if anybody has any objections or concerns.

CHERYL LANGDON-ORR: Can I ask you to actually read them out? Because people do actually listen to things as much as trying to read the chat sometimes it disconnects. It won't take long, we'll only be about 60 seconds to 120 seconds over.

JENNIFER BRYCE: [inaudible].

KC CLAFFY: If someone's talking, I'm not hearing.

BERNARD TURCOTTE: We may be having some audio issues. Then I'll just read them out. KC will take a pass at drafting an executive summary for the accountability indicators section of the report for the team's consideration. Bernie will include the Q1-4 FY19 graphic into the Accountability indicators document. KC to suggest some text for issue five, leadership team to work with staff to produce an internal workplan proposal of topics for discussion on team calls, Bernie to make suggested adjustments to the draft report document based on the team's comments on the call today. Those are all the things we've got.

CHERYL LANGDON-ORR: Thank you very much, Bernie. And yeah, Jennifer, you seem to have it all. Pat, have we missed anything? If not, you can wrap it all up.

PAT KANE: Thank you. So we'll bring this one to a wrap and we'll see you all on Friday at 11:00 UTC. Thank you. Good night. Good morning.

CHERYL LANGDON-ORR: Good day from here [in Australia,] and bye for now. Thanks very much. Yvette, you can stop the recording.

BERNARD TURCOTTE: Bye, everyone.

[END OF TRANSCRIPTION]