

BERNARD TURCOTTE:

All right, thank you very much. This is Bernard Turcotte. It's a bit of an unusual circumstance. Unfortunately, both of our co-chairs cannot join us. The group has elected to continue and has selected Vanda Scartezini to be the interim chair for this meeting. This meeting will only focus on the draft recommendations that were on our scratch pad document and we will just go through that.

All right, Brenda, can we bring up that document please? Thank you. All right, everyone, I thought I would've gotten this done a little earlier, but Mother Nature had some other ideas and I was sick for the last part of the week last week and the beginning of the weekend but I'm back in shape now.

From Brussels, we left with the requirement for five recommendations, you remember – public input on public comment, accountability indicators, ATRT2, prioritization, and reviews. We will go through what I have drafted. I think in most cases, it wasn't too bad. So what I've done and we'll see in the first one which is the public input, there's the recommendation and then there is the agreed to checklist from our terms of reference to see if we need all the requirements. So I'll be glad to take questions as we go along and Vanda will be managing that queue.

Okay, so here we go. Since not everyone has had a chance to go through this, it is a Google Doc. So if you want to put in comments later on, you'll be welcome to do that or ask questions while we go through it.

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.

Public input, very similar to what we had even though now is structured like this, will be integrated into the report. The report will use lots of pieces that already exist from the draft report we published, and then we'll integrate these things, which is why I think it's more important to focus on these things, make sure we have agreement on that. The rest is just wrapping and we'll be okay, I think.

Okay, so public input, which hopefully will be an easier one. Our recommendation now looks like, "To maximize the input from public consultations, ICANN shall update the requirements for public consultations to include the following. Public consultations need to clearly identify who the intended audience is (general community, technical community, legal experts, etc.). This will allow potential respondents to quickly understand if they wish to invest the time to produce comments. This is not meant to prevent anyone from commenting but is rather meant as clarifying who is best suited to comment."

Okay. "For each public comment proceeding, provide a clear list of precise key questions in plain language that the public consultation is seeking answers to from its intended audience. Where appropriate and feasible translations of the summary and precise key questions should be included in the public comment proceeding which could also allow for responses in the official ICANN languages. Results of these questions shall be included in the staff report on the public comment proceedings."

So, there is nothing different here from what we were suggesting in our previous report. I'll stop here to see if there are any questions. Not seeing any.

VANDA SCARTEZINI: I don't see any hands.

BERNARD TURCOTTE: All right. Let's go down to the next block please, Brenda.

Now, you'll remember we had two parts because we had one suggestion regarding public input and we had another suggestion with respect to other types of input. Now what I've done is that I've put them all in one recommendation.

"Additionally, with regards to other types of public input ICANN shall develop and publish guidelines to assist in determining when a public comment process is required versus alternate mechanisms for gathering input. Develop and publish guidelines for how alternative mechanisms for gathering input should operate including producing final reports. Develop a system similar to, and integrated with, the public comment tracking system which will show all uses of alternate mechanisms to gather input including results and analysis of these. Publish the complete Public Comment Guidelines for the ICANN Organization. Explain why its blog posts collect feedback information when the Public Comment Guidelines for the ICANN Organization state that they will not be used as mechanisms for collecting feedback."

Again, there is nothing new there that was in our suggestion for the other type of public input. Any questions or comments here? Sebastien?

SEBASTIEN BACHOLLET:

Yes. Thank you, Bernard. Just a question with the title. Because we talk about additionally with regards to other types of inputs but we talk also about public comments. I know that we don't talk about just one. It's why I was wondering if we can ... The title is a little bit misleading because we have the impression that we will talk only the first part of the public comment and the second part will be other type of public input. But in fact, we also express that they need to be dependent or explain why [there is one or] the public comment. Therefore, it's still something linked with the public comment also. But I don't know how to say that. It's a question of title.

BERNARD TURCOTTE:

I'm unclear. Our title is public input and that is what's in the Bylaws for dealing with this. But I'll note that, okay? Let's have a look. I don't think it's worth to take a lot of our time on this thing and I will simply note it and we can, worst case, have a discussion offline about that. All right, anything else? All right, I'm not seeing anything.

The next portion, that's the recommendation that we would be making. In some of them you'll see I had to adjust the text so that it actually fits into a recommendation type mold. But on this one, it's rather straightforward and we've got the comment from Sebastien regarding the title which we'll have a look offline.

The next part is the recommendation requirements checklist. You'll remember we were working off of that when we met in Brussels, and this came from our terms of reference about the things. It's a little distracting if you're selecting things in the common document, so if I could ask people not to do that while we're going through that.

All right, so our checklist. First item – and this will come again and again. Thank you very much. “What is the intent of the recommendation? To facilitate and increase participation in public consultations and to clearly identify what other means of gathering public input can be used and how.”

Very clear statement of what we're trying to do with that. Given these get to be long, I'm just going to go and I'm going to let Vanda manage the queue. Vanda, just interrupt me when someone puts up a question.

VANDA SCARTEZINI: Okay, [I'm going to].

BERNARD TURCOTTE: Thank you, ma'am. “What observed fact-based issue is the recommendation intending to solve? What is the problem statement? Stagnation of participation in public comments. Increasing use of alternative methods for capturing input which either operate against stated rules or without any clear rules for their use.”

“What are the findings that support the making of this recommendation? The ATRT3 survey found that 88% of Individuals were in favor of reexamining the concept of public comments. The Public

Comment Trends Report from 2018 provides some interesting data. Total number of public comment proceedings – the total number has declined approximately 10% from 2010 to 2018.”

“Translations. The percentage of proceedings translated into languages other than English had fallen from a high of nearly 50% in 2010 to just under 10% in 2013. However, in the years 2015 and 2016, there was a marked turnaround ascending to about 20%. 2017 shows a return to 10%, while 2018 increased again to 21%.”

“Number of Submissions. In terms of participation levels, during the nine-year period from 2010 to 2018, the median number of submissions per proceeding has been relatively stable between 5 to 7 until this most recent year of 2018 with 9.5.”

That’s an interesting number. That means over all the public comments that we run in a year, there were an average of 9.5 submissions and before that, it’s an average of 5 to 7. To me that’s quite telling.

“Why blog posts on ICANN org collect feedback information when the Public Comment Guidelines for the ICANN Organization state that they will not be used as mechanisms for collecting feedback. The complete Public Comment Guidelines for the ICANN Organization are still not made available on the ICANN website without an explanation. Feedback on the ICANN Accountability Indicators is sought throughout the presentation of these yet there is no reporting on what this feedback was and how it was considered.”

Those are basic reasons for making our recommendation.

“Is each recommendation accompanied by supporting rationale? Yes. How is the recommendation aligned with ICANN’s current and future strategic planning, the ICANN Bylaws and ICANN’s mission? In the Strategic Plan 2020-2025 there is the strategic objective. Improve the effectiveness of ICANN’s multistakeholder model of governance which has the following goals. Support and grow active, informed, and effective stakeholder participation. Sustain and improve openness, inclusivity, accountability, and transparency.”

I think that goes pretty clearly to what we’re trying to do here.

The ICANN Bylaws – this is aligned with Sections 3.3 of the Bylaws in Manager of Public Participation. As far as the ICANN mission, there is no conflict with the mission statement.

“Does the recommendation require new policies to be adopted? No. What outcome is the review team seeking? How will the effectiveness of the implemented improvements be measured? What is the target for a successful implementation? With respect to improvements to public comments, within one year of implementation using the Public Comment Trends Report – increase annual average percentage of translations of summaries into the ICANN supported languages to a minimum of 50% of public comments. Increase the annual average participation to public comments by at least 10%. With respect to other forms of public input – within 12 months of the recommendation being approved complete all the requirements regarding these. How significant would the impact be if not addressed? Moderately significant for transparency and legitimacy – this would not prevent ICANN from

carrying on with its core work but is needed to increase participation and clarify how input is being handled.”

“Does the review team envision the implementation to be short-term, mid-term, or long-term? Mid-term, 12 months after approval. Is related work already underway? If so, what is it and who is carrying it out? Improvements have been announced.” There’s a footnote there. “But do not intersect with any of the elements of this recommendation.” Who are the responsible parties? ICANN org. The priority, medium. This needs to be done.”

Remember on prioritization on priority within our recommendations, we have three levels – high, medium, and low, where low are all the things that are going to end up being suggestions, comments, and observations.

“Initial resourcing estimate, low.” I don’t really think there’s a lot there to actually meet the requirements.

So, that’s our first recommendation. I’m not seeing any questions. I’ll take a second to have a sip of water and we’ll continue with our accountability indicators.

All right, accountability indicators. “ICANN org shall ensure the relevance and effectiveness ...”

SEBASTIEN BACHOLLET:

Sorry. There is a question by Osvaldo in the text. I don’t know if it’s because he can’t talk, but maybe we can go. It’s in the recommendation

just at the end. What are the findings that support the recommendation?

BERNARD TURCOTTE:

Okay. Let me see if I can pull that up. Okay, I see it now. Yeah. "Shouldn't this be a statement instead of a question?" Yes, good point Osvaldo. Thank you very much. We'll fix that. Excellent.

All right, accountability indicators. "ICANN org shall ensure the relevance and effectiveness of its accountability indicators versus their related operational plan goals and objectives while significantly increasing the awareness of these in the community. To accomplish this, the ATRT3 recommends that ICANN org adopt and implement the following requirements for accountability indicators. Shall explain in plain language how it is crucial to attaining its related operational plan objective. Must indicate in plain language what is being measured as well as how and provide links to the data."

You'll see I have a comment there. After working through this one, I thought I would add this because it became clear that sometimes we're not really sure what is being measured or where the data is coming from.

"Must have a clear objective against which the results are being measured. Shall explain in plain language how the objective was set. Shall state how often (monthly, quarterly, or annually) and when (quarterly updates to be made by the end of month following the end of the quarter, etc.) accountability indicators should be updated.

Additionally, the updating of all accountability indicators should be tracked by an accountability indicator dedicated to this.”

Second block is: “Undertake communications activities to inform the community of the existence of the accountability indicators. This shall include (possibly waiting for the accountability indicators to be updated with the new requirements). Publish a blog post on accountability indicators. Mentions in monthly and quarterly documents when they have been updated. Holding a session at an ICANN meeting to present these and have a dialog with the community regarding what indicators the community would find useful.”

We have a comment there from Sebastien. “Why don’t we ask for a public comment to collect the indicators that the community is interested on?” I guess that could be one thing. We could also do after we’ve gotten some traction, but right now there is so few people that are aware of them. But I take your point, so we’ll see what we can weave in there, Sebastien.

The third block on this recommendation is: “The ATRT3 also notes that ICANN shall consider requiring, in a fashion similar to the requirements for recommendations from the new Operating Procedures for Specific Reviews, that when elaborating objectives in strategic or operational plans that these include clearly identified and measurable criteria for success for each of these. Including this information in the public consultations on the development of these would allow the community to comment on these prior to their adoption and would ensure to meet the expectations of the community with respect to accountability indicators.”

So that's what our accountability indicator recommendation now looks like. Let's go to our checklist.

"What is the intent of the recommendation? Ensure the relevance and effectiveness of accountability indicators versus their related goals and objectives while significantly increasing the awareness of the accountability indicators in the community. What observed fact-based issue is the recommendation intending to solve? What is the problem statement? Accountability Indicators, which are the main community facing mechanism for updating it on the progress of ICANN org versus the Operational and Strategic Plans, are unknown to a significant portion of the community and contain a significant number of elements which are neither relevant nor useful as accountability indicators. These issues create a significant accountability and transparency issue for ICANN."

"What are the findings that support the making of this recommendation? Accountability indicators are not effective. The ATRT3 survey found that of 46% the Structures that were aware of the accountability indicators, 67% of these found them somewhat ineffective. ATRT3's detailed analysis of the Accountability Indicators found that 24 of the 45 distinct accountability indicators (53% of them) do not have a goal or objective against which the information presented is to be assessed. Of those that do have objectives, not all of these provide information on how those objectives are established or reviewed. Best practices for accountability indicators in many systems not only require that they be well defined and quantifiable but that they be crucial to achieving the goal or objective. In assessing the 45 distinct accountability indicators..."

It's in yellow now because I haven't finished [typing] the accountability indicator document, then we'll fill in the number when I do that, which hopefully will be in the next few days.

"These would fail to meet the requirements. Timeliness of information is critical. Providing information that is not up to date or that is not kept up to date significantly limits the usefulness of these accountability indicators and brings into question the commitment to these by the corporation."

Again, when I complete that, I'll have a number to put in there, which is why it's in yellow.

"A significant portion of the community is unaware of these. The ATRT3 survey found that 46% of the Structures that were aware of the accountability indicators." I've got to fix that. That means that they're 54% of the Structures that were unaware. The number of comments made on accountability since their launch. Yes, we actually have that. We're having trouble actually getting access to them, so we'll have to review them.

"Is each recommendation accompanied by a rationale? Yes. How is the recommendation aligned with ICANN's current and future strategic plan, the ICANN Bylaws and the ICANN mission? In the Strategic Plan there is the strategic objective. Improve the effectiveness of ICANN's multistakeholder model of governance for which one of the strategic goals is sustain and improve openness, inclusivity, accountability, and transparency. Given accountability indicators are a key accountability and transparency issue this is aligned with this portion of the strategic

plan. ICANN Bylaws – aligned with Sections 3.1 and 4.1 of the Bylaws and does not conflict with the mission.”

“Does the recommendation require new policies to be adopted? No. What outcome is the review team seeking? How will the effectiveness, etc. All accountability indicators...” So what is expected? “All accountability indicators meet ATRT3’s requirements for accountability indicators within six months. Once ICANN has fixed the accountability indicators, it shall hold a public session at an ICANN meeting to present these to the community. The ATRT3 requirements for each accountability indicators are...” We went through those so I’m not going to read those again. Let’s skip over those. It’s copy-paste from our recommendation.

“One year after the accountability indicators meet the above criteria, a majority of the community at large is aware of these and is satisfied they are effective. This could be achieved via a number of formal mechanisms for measuring this such as a survey one year after the accountability indicators meet the above criteria. How significant would the impact be if not addressed? Moderately significant for transparency and legitimacy – this would not prevent ICANN from carrying on with its core work but would put into question ICANN’s commitment to transparency and accountability and reporting on its strategic and operational plans.”

“What timeframe? Short term, six months.” That has to be reviewed because we’ve got some things in there that say one year after. That can be changed to 12 months.

“Is related work already underway? Not that ATRT3 is aware of. Who is responsible? ICANN org. Priority, high.” This needs to be done as we discussed in Brussels. “The initial resourcing estimate should be rather low.” We’re not talking about creating new programs. We’re talking about providing good accountability indicators.

So, that’s our second recommendation. My voice is going to take a break for just a few seconds here.

SEBASTIEN BACHOLLET:

Just to help you, Bernard, we need to review the short-term six months. But even 12 months, it seems that we have something to be done in 12 months and something to be done after 12 months. Then maybe we can put the two elements because the –

BERNARD TURCOTTE:

That might be a good point. Thanks. I’ll note that. Thank you, Sebastien.

All right, ATRT2. Now, you’ll remember from our discussions in Brussels that we said we would create one omnibus recommendation, meaning one recommendation that says, “Fix this.” So I tried to take that to heart and drafting this.

Our recommendation is probably our shortest ones. “ICANN org shall review the implementation of ATRT2 recommendations in light of ATRT3’s assessment of these and complete implementation of all recommendations which were not completed.” I can’t make it much simpler than that.

Then we have our checklist. “What is the intent of the recommendation? To ensure...”

SEBASTIEN BACHOLLET: Wait, Bernard. May I make a comment? Maybe we can be a little bit more open because we say in other parts of the document – particularly when we discuss about how we will treat all the recommendations that some could be retired. Here we may say complete or decide to stop them or to retire them, but it must be a decision taken by the Board. It must not be done like that because we don’t know what happened, because ICANN org write that it was already done. I don’t know if I am clear but we need to say that it could be completed or retired.

BERNARD TURCOTTE: No, I understand what you’re saying and I struggled with this when I was writing it in the first place. What came to mind was that we’ve got another recommendation which deals with prioritization.

SEBASTIEN BACHOLLET: Prioritization, yes.

BERNARD TURCOTTE: So maybe what we can do is weave that in. I fully understand what you’re saying. As I said, I struggled when I was writing this one myself.

SEBASTIEN BACHOLLET: May I give you a proposal? You put somewhere like into brackets saying, “Taking into account the recommendation about prioritization.” That you don’t need to change the frame of the sentence but you say it must be read taking into account what we say in other parts of the document. Something like that.

BERNARD TURCOTTE: I’ll look into that. Thank you, Sebastien. All right, our recommendation requirements checklist.

“To ensure relevant ATRT2 recommendations are implemented. What are the fact-based issues? ATRT3, similarly to other specific reviews such as SSR2 and RDS, has assessed that contrary to the org’s reporting, not all recommendations by the previous review team have been completely implemented. What are the findings? ATRT3’s assessment of the implementation of ATRT2 recommendations found that 60% were complete, 23% were partially complete, and 17% were for the most part not implemented. ATRT3’s findings versus the implementation of ATRT2 recommendations is consistent with SSR2’s findings with respect to the implementation of SSR1 recommendations.” I’ve included the footnote for the link to that part of the report.

“ATRT3 findings versus the implementation of ATRT2 recommendations is consistent with RDS’s findings with respect to the implementation of WHOIS1 recommendations,” Section 1.1.5 of that report. I’ve got the footnote that links to that.

“Is each recommendation accompanied by supporting rationale? Yes. How is the recommendation aligned? In the Strategic Plan, there is a

strategic objective. Improve the effectiveness of ICANN's multistakeholder model of governance, which has the following goals. Strengthen ICANN's bottom-up multistakeholder decision-making process and ensure that work gets done and policies are developed in an effective and timely manner. Sustain and improve openness, inclusivity, accountability, and transparency." Not a great match but it works.

"Bylaws – ATRT reviews and the requirement to implement their recommendations are included in the Bylaws. It does not conflict with the mission statement. We require new policies? No. What outcome is the review team seeking? Gaps with respect to the implementation of ATRT2 recommendations shall be addressed within 12 months of this recommendation being approved. How significant would the impact be if not addressed? Moderately significant for transparency and legitimacy – this would not prevent ICANN from carrying on with its core work but is needed to confirm ICANN's commitment to the review process per the Bylaws as well as accountability to the community."

"Does the review team envision the implementation to be short or long term? Mid-term, 12 months. Is related work underway? 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 help address a number of concerns with the implementation of specific review recommendations going forward," which is what we had in our original report. "Who is responsible? ICANN org. Priority, medium." So we're not listing this one as a top one. Initial resourcing estimate, low to medium."

Our third recommendation down. Okay, I will take another water break for a second. Excuse me.

All right, now we're getting into the meat of the subject: prioritization. "Considering the strong support in the responses to the ATRT3 survey indicating that ATRT3 should make recommendations with respect to prioritization, and recognizing that there are several significant activities being undertaken in parallel by other parts of the ICANN community regarding prioritization (evolution of ICANN's multistakeholder model, ICANN Board's work) ATRT3 proposes that only a community-led process can legitimately operate a system for prioritizing the implementation of recommendations by review team or cross-community groups. Additionally, ATRT3 wishes to align its recommendation with the efforts currently underway to develop a prioritization system to avoid conflicting recommendations or duplication of work. As such, ATRT3 has opted to provide some high-level guidance for the proposed prioritization process. ATRT3's starting point was the following section from the ICANN Board paper that has changed."

"In this context that the ATRT3 recommends the following guidance for the creation of a community-led entity tasked with operating a prioritization process. ATRT3 recommends having one delegate per SO/AC who wishes to participate." And why wishes to participate? Because some SOs don't. We all remember from Work Stream 2 that the address group is not fond of these things.

"In conjunction with ICANN Board and ICANN org, be responsible for the prioritization of the implementation of recommendations made by

review teams. The Board shall also take into account the following high level guidance for the prioritization process.” There’s a note on the margin there that we had ... or there are delegates for the ICANN Board and ICANN org, and I did not think that really fit. “With one representative of the ICANN Board and ICANN org?” says Sebastien. I’m not putting a number in there. You’ll see how I deal with it in some of these other things here and we can come back to it if you want. I see a hand from Jacques.

JACQUES BLANC:

Yes. Maybe it’s me, Bernie, but in the first sentence, “ATRT3 recommends having one delegate per SO/AC who wishes to participate.” I’m not 100% clear if it’s the delegate who wishes to participate or if it’s the SO/AC. That’s the only thing.

BERNARD TURCOTTE:

As I was saying, maybe we can rework that a bit. I was struggling with that one a bit, but it’s the SO/AC. Sebastien?

SEBASTIEN BACHOLLET:

One of my questions here is that we say that it must review or prioritize implementation of the recommendation made by all the work done and not just review teams but also CCWG and other types of community work. Here you have just the third line made by review teams.

BERNARD TURCOTTE:

Third line –

SEBASTIEN BACHOLLET: Here. Wait a second. I will highlight it. Wait a second. Here. It's not just review teams, it's also –

BERNARD TURCOTTE: Oh, yeah. Okay. I see your point. Okay, good catch. Thanks.

“The Board shall also take into account...” While you're in there, Sebastien, why don't you just throw in the note that you just made and I'll fix it.

SEBASTIEN BACHOLLET: Okay. I will.

BERNARD TURCOTTE: Thank you. Now, going back to that point, Sebastien, raise with one representative for the ICANN Board and one per ICANN org, I actually had exactly the same thought, which is why I'm throwing in this other point here which is the first bullet.

“Should operate by consensus of the individual SO/ACs, Board and org that are participating in the process.” I think what I'm trying to say there is by consensus of the SOs and ACs, the Board and the org. But it doesn't matter how many people the Board and the org send, it's really a consensus of SOs, ACs, Board, and the org.

“Shall take into account that implementation of certain recommendations may not need to be undertaken and that these

should be deliberately retired.” Remember we had a very long discussion about this in Brussels.

Jacques and Sebastien, your hands are still up.

“Shall take into account Work Stream 2 recommendations which are required to complete the IANA transition and are subject to prioritization but must not be retired unless this is formally approved by the Board.” Those were not our words we came out of Brussels with. We came out with, “Cannot be retired unless there are exceptional circumstances.” I have learned over the years that that is very, very bad thing to write in these kinds of documents because those things mean completely different things to different people. So when thinking about this, I decided to propose “Cannot be retired unless this is formally approved by the Board.” Let’s stop dancing around it. This is what probably would end up being anyways.

“Must be conducted in an open, accountable and transparent fashion and decisions justified and documented. Should integrate into the standard Operating and Financial Plan processes. Can prioritize multi-year implementations but these will be subject to annual reviews to ensure they still meet their implementation objectives and the needs of the community. Needs to consider the following elements when prioritizing recommendations. It should include: relevance to ICANN’s mission, commitments, core values and strategic objectives, value and impact of implementation, cost of implementation and budget availability, complexity and time to implement, prerequisites and dependencies with other recommendations, and relevant information from implementation shepherds or equivalents.”

Those were all the things we talked about in Brussels. Osvaldo?

OSVALDO NOVOA: The phrase needs to consider the following elements when prioritization recommendation should include. It doesn't sound right to me.

BERNARD TURCOTTE: It doesn't sound right to me either.

OSVALDO NOVOA: I think we should include "should be left out or not."

BERNARD TURCOTTE: Yeah. We will wordsmith that. Thank you, Osvaldo. Agree.

VANDA SCARTEZINI: Sebastien?

SEBASTIEN BACHOLLET: Thank you, Vanda. Unless this is "formally approved by the Board," maybe it's my understanding of English but "formally decided by the Board" because approved, that means that you have somebody who make a proposal and here is they will have to make the proposal and take the decision. Therefore, my suggestion is "formally decided by the Board."

BERNARD TURCOTTE: Yeah, I can live with that one. You throw that in the document there, Sebastien, and include it.

SEBASTIEN BACHOLLET: Okay, I will.

BERNARD TURCOTTE: Thank you. All right, recommendation requirements checklist. “What is the intent of the recommendation? Providing specific guidance for the establishment of a prioritization process which will allow for the retirement of recommendations. What observed fact-based issue is the recommendation intending to solve?”

There basically I’ve copied some of the text from the Board paper and I’ve thrown in also, “This has resulted in the backlog of over 300 recommendations, which are either awaiting approval or implementation, with more being added with the ATRT3 and SSR2 reviews due to be completed in the next few months. This backlog is also creating a difficult situation. Even there’s no mechanism to retire proved recommendations and because of the significant delays caused by the backlog, some recommendations may long no longer be applicable or desirable.”

VANDA SCARTEZINI: Osvaldo?

OSVALDO NOVOA: Hello, yes. Referring to the intent of the recommendation, I think it's more just that allowing for the retirement of recommendation. We also want a prioritization process that's transparent to the community.

BERNARD TURCOTTE: I like that. We'll throw that in there. Thank you. All right. Thank you, Osvaldo.

VANDA SCARTEZINI: Lower your hand, Osvaldo.

BERNARD TURCOTTE: All right, Brenda, let's go down to what are the findings that support. "As of November 2019, there were 161 Specific Review recommendations and 164 Organizational Review recommendations" – I have to fix this 300 number up there – "pending for a total of 325 recommendations pending. To this, the ATRT3 and etc. Assessed as incomplete. These reviews are completed. In addition to the 19 ATRT2 recommendations, which ATRT3 assessed as incomplete." Yes, thank you. "And will recommend need to be considered for implementation." All right.

"Results of evolution of ICANN's multistakeholder model. ICANN Board paper on Resourcing and Prioritization of Community Recommendations. And the ATRT3 survey results were 92% of Structures and 73% of individuals supported ATRT3 making

recommendations about prioritization, 100% of Structures and 85% of individuals supported ATRT3 making recommendations about including a process to retire recommendations. Can 100% of Structures and 97% of individuals supported ATRT3 making recommendations about having the community or representatives of the community be involved as the decisional participants? Is recommendation accompanied by rationale? Yes. How is the recommendation aligned? Directly related to the following strategic objective. Ensure ICANN's long-term financial stability."

"The ICANN Bylaws. The ICANN's Board of Directors has a fiduciary responsibility for the organization and as such this aligns with this key responsibility. ICANN mission. For ICANN to carry out its mission requires that it have long-term financial stability."

"Does the recommendation require new policies to be adopted? If yes, describe the issues. This needs to be confirmed but the expectations are that there will be no need for new policies as this can be handled by modifying the current planning and budgeting process. What outcome is the review team seeking? Within one year after approval of this recommendation, the prioritization process should be established and have completed its first annual cycle of prioritization which will include dealing with the backlog of recommendations. How significant would the impact be if not addressed? Very significant.

OSVALDO NOVOA:

Excuse me.

BERNARD TURCOTTE: Yes, Osvaldo?

OSVALDO NOVOA: Regarding the alignment with the future strategic planning of ICANN Bylaw, of an ICANN mission, I think it's not only with long-term financial sustainability, but also the objective for accountability and transparency in the prioritization process.

BERNARD TURCOTTE: I don't know about that one. I will think about it and maybe we can exchange in the document with a few comments. Noted.

"Is related work already underway? Results of evolution of ICANN's multistakeholder model and the ICANN Board paper. Who is responsible? AC/SOs, the ICANN Board, ICANN org. Priority, high obviously. And initial resourcing estimate media." So that completes our fourth recommendation. I will allow myself a 10-second break.

Now that we've been getting our feet wet as it were on the four easy ones, we get into the more difficult one of reviews. Or at least I found it hard to write. Sorry about that. I did a coughing there.

All right, recommendation, specific reviews. I think this one's not too bad. ATRT reviews. "ATRT reviews should continue essentially as they are currently constituted but with the following modifications. All pre-identified documentation that is required for the review, such as the previous ATRT2's implementation report, needs to be available at the first meeting of the review team. Terms of reference should be established at the first meeting. Note: The Operating Standards for

Specific Reviews should be amended to allow review teams to obtain professional services, as opposed to subject matter experts, should they require such services.” You remember that was part of our discussions in Brussels.

“RDS Reviews. RDS reviews should be terminated. CCT Reviews. There should be one additional and clearly scoped CCT review which shall be held two years after the next allocation of new gTLDs and should be limited to a duration of one year. Additionally, all data required by this review should be identified and its availability confirmed within 30 days of the review being launched. SSR Reviews. Given SSR2 will not be completed prior to ATRT3 completing its work, ATRT3 recommends that SSR reviews should be suspended until the next ATRT review which shall decide if these should be terminated or not. This review could be re-activated at any time by the ICANN Board should there be a need for this.”

We have a comment from Sebastien on Board thing: “Any SO/AC can advise the Board to do so.” Any SO and AC can advise the Board to do anything in its communications with the Board, but I don’t think it should be the decision of a single SO or AC. On that one, I’m not so sure, Sebastien. I think that if there is a critical reason the Board would come to an understanding and we’re giving it the power to do that. However it decides to get there. I think less is more in this case. Sebastien?

SEBASTIEN BACHOLLET: Yes, for me SO is not supposed to give advice. It’s why they can always say, “We think...” But if I saw a thing that is important, that there are

some issues about security and stability who must be taken into account in a review, they must be able to do so. It's why I think it will be good to say that the Board can decide by himself and of course, you have contact with the community. But if one SO/AC feels that they need to make a specific case on that, they are allowed. I think we need to open the door for that. Yes, we can say it's a usual way of working but here, we are talking about the review and the review is triggered by the Board and not by SO/AC. It's why that was suggested it could be written or it could be just aesthetics and comment or something like that.

BERNARD TURCOTTE:

I think with the current process for SO/AC leaders meeting with the organization on regular basis, we got that covered. But fine, let me look at that as we get into it.

Now, more interesting one is the Organizational Reviews which I struggled with, I will tell you so. Please, don't send heavy objects my way too fast.

"The current formula of using consultants to perform individual evaluations of each SO/AC every five years shall be terminated and replaced by. ICANN org shall work with each SO/AC to establish a continuous improvement program. Such a continuous improvement program shall have a common base between all SOs and ACs but will also allow for customization so as to best meet the needs of each individual SO/AC. These continuous improvement programs will include..."

All right, we have some comments here from Brussels. We agreed that the first systemic review would set the details of regular continuous improvement programs. After thinking about that for a while and trying to fit that in, I had a lot of issues with that. A review is a review of things that are supposed to be done and is not meant to structure work. So that's why I ended up with this ICANN org and whatever professionals are needed should work with the SOs and ACs to establish the continuous improvement programs.

We'll get back to the five-day workshop which is at the heart of Sebastien's concern. I'm not sensing there's a huge issue with the idea that it's not in the systemic review that we're helping the SOs. We're recommending that the SOs and ACs be there. Sebastien?

SEBASTIEN BACHOLLET: Two things, the first is that if the systemic review said something about that, they will say we can't tell them not to, but here what you think is that we don't ask them to do so.

BERNARD TURCOTTE: No, not quite. What I took away from Brussels is that we were asking the systemic review to set up the base of the continuous improvement program. That's where I had the issue. If the systemic review wants to comment on what's been put in place, I don't have a problem. But if we're sort of holding the first systemic review in parallel with setting up the continuous improvement program, the first one may have an issue doing that, but the next one may not. That's all I was trying to say.

SEBASTIEN BACHOLLET: Yeah. But my view was that this systemic review will be done and it had been done before the start of what we call continuous improvement and before the first year where we'll have this five-day workshop. But my point is that if it's not them, if it's not us, who will work on defining what is the commonality? Therefore, it's why I'm coming back with this five-day workshop.

If we don't give that to the systemic reviews then who will do that? It will be staff, it will be each SO/AC but we will never come with some commonality if there is not somebody like us or the systemic review who say what need to be common. Because each one will say that, "We are so different than the other. We can't we can't do anything." The goal is that we have some commonality, that's why it's link with this five-day workshop, from my point of view. If it's not the systematic review, it's us. It's one or the other. We can't put them outside of this decision, I think. Thank you.

BERNARD TURCOTTE: Thank you. I'll get to you in a sec, Vanda. You know, Sebastien, for me, a five-day workshop is not an element of commonality or not an element of operational commonality. It is my problem when I was thinking about that. I agree, we've got to work some more on this but I still have some issues here. Vanda?

VANDA SCARTEZINI:

Well, I certainly agree with Sebastien in general because we need to start with ... once we just finish the traditional reviews for most of the organizations, we should start with working on that to explain better, to start the process with a better knowledge about what we think about that, and we start to traditionally change what we have gone until now. I don't believe that we need five-day workshop. That we need the workshop for explain most of the concepts that are changing, to allow people to start things like general overview, and then to allow people to establish in each AC and SO a continuous improvement to problem.

I don't know if it's clear enough here but for me, the process maybe should be designed in some way to explain what we expected. I don't know if just bullets will make it clear, at least in my view, what is expected from those changes that we are proposing. Thank you.

BERNARD TURCOTTE:

Thank you, Vanda. I know that Pat has joined us. Welcome, Pat. We'll take just one minute to catch Pat up as to what we have been doing. We recovered from our extreme state of shock of not having either co-chair rather quickly. The group decided to carry on with the meeting since most people were here and there was a decision to name Vanda as the acting co-chair until we actually got a co-chair in. We skipped the early parts of the agenda and went right into the recommendations. We have done the first four and we have now entered discussions into the fifth one which is about reviews. I don't know if you have any questions, Pat.

CHERYL LANGDON-ORR: I joined too.

BERNARD TURCOTTE: Not only that, we've also got Cheryl. Welcome, Cheryl.

CHERYL LANGDON-ORR: Until the fuel in the generator runs, you've got me. It's going to happen shortly. I can assure you. It's been running for the whole of the GNSO Council call.

BERNARD TURCOTTE: Oh my. Okay.

CHERYL LANGDON-ORR: You're welcome.

BERNARD TURCOTTE: One should assume you're without full electricity power. Okay, all right. Obviously this one's going to need some work. Let's keep going through what we have and then we'll see where we can go.

You'll remember from Brussels, we said we needed more input mechanism. I've written this one as annual satisfaction survey of members. "Each SO/AC shall perform a comprehensive annual satisfaction survey or equivalent mechanism of its members. The focus of the surveys should be on member satisfaction and issue identification versus their respective SO and AC. That can also include satisfaction at

ICANN org services such as staff support, travel services, translation services, etc. For SO or ACs that are composed of substructures, this should apply to their individual substructures. And the results of all substructures shall be aggregated to generate a result for the given SO and AC. The results of these should be public and used as input for the systemic review and could be used as a trigger to undertake other actions if a serious issue is identified in the results.”

“Regular assessment of continuous improvement programs. Each SO/AC will need to undertake some type of formal process to evaluate its continuous improvement activities at least once every three years. Details of the assessment will be defined during the elaboration of the continuous improvement program” – that should be square bracketed because we’re still having discussions on that – “with each SO/AC. The results of these activities would be used as input to the systemic reviews. Regardless of the processes selected by the specific SO/AC, this shall fit in the financial constraints available for such activities.”

Then we have a systemic review of ICANN every seven years. Based on Operating Standards for Specific Reviews, the objectives of the systemic review: review continuous improvement efforts of SO/ACs, review the effectiveness of the various inter SO/AC collaboration mechanisms, review the accountability of SO/ACs, or constituent parts, to their members/constituencies, review SO/ACs as a whole to determine if they continue to have a purpose in the ICANN structure as they are currently constituted or if any changes in structures and operations are desirable to improve effectiveness and representation of community views.”

I tried to grab the various blocks that we were talking about to throw these as an objective for the systemic review. Sebastien?

SEBASTIEN BACHOLLET: Thank you, Bernard. In addition to what we already discussed about how continuous improvement will be organized, I have two comments. The first one is that on the first bullet satisfaction survey, yes, it must be used by the systematic review, but before that, it must be used as a continuous improvement and it must be used by CSO and GAC themselves, or himself or itself if there are something can be used. That's it.

BERNARD TURCOTTE: Obviously. If that's not clear, we'll work that out but I completely agree.

SEBASTIEN BACHOLLET: I think it's important to write. The second part is that we need to be clear that we are talking about ICANN. I know when we talk about SO/AC, we consider that it's them plus, but we need to add the plus. The NonCom, the Board, must be included here because when we talk about a systemic review, if we don't talk about the relationship between SO/ACs and the Board and the NonCom in that effect, also with the Board, we are missing the big picture here. I don't know how we want to write it. In my document, I write SO/AC and X to talk about the other. Whatever the way we write it, I think it's important to have them included here. Thank you.

BERNARD TURCOTTE:

All right. Thank you, Sebastien. Okay. I think there have been a variety of comments. As I said, this one was a bit tougher, so I'll take the comments and I'll give it another go. Let's go through our requirements checklist, which I think doesn't change if we keep to within the general parameters we've been talking about for the recommendation. Anyways, "Increase the number of reviews occurring simultaneously while increasing the effectiveness of these. Yes, the remaining ones. What is the observed fact-based issue? There are too many specific organizational reviews occurring simultaneously with limited effectiveness. Current findings that support making them this recommendation. Results of evolution of ICANN's multistakeholder model, ATRT3 survey results. Reviews were 67% of Structures found these somewhat ineffective or ineffective. ATRT3 survey results respect the organizational views that Structures only found these effective or very effective in 46% of the responses."

The companion question asking, "Should organizational reviews be reconsidered or amended produce some very strong results with Structures responding 83%? Yes. Issues of timing and cadence of reviews the Board paper on this." I'm not going to read the whole thing. "Accompanied by supporting rationale, yes. How was the recommendation line with ICANN's current features strategic plan directly related to the following strategic objective? Improve the effectiveness of ICANN's multistakeholder model of governance, the ICANN bylaws. Reviews are an integral part of the ICANN Bylaws. ATRT reviews are also tasked with the Accountability and Transparency Review Team may recommend to the Board termination or amendment of other periodic reviews required by the Section 4.6 and may

recommend to the Board the creation of additional periodic reviews to which the ATRT3 added organizational reviews.”

“The ICANN mission. For ICANN to carry out its mission requires that it have long-term financial stability.” I have no idea. I think that was just a copy-paste. I’ve actually got to work on that one. Sorry about that, folks.

“Does the recommendation require new policies be adopted? There is no need for new policies, but there will be a need to review the Bylaws since the requirement for reviews is included in these. What outcome is the review team seeking? Bylaws regarding reviews are amended as per the recommendation within 12 months of approval by the Board. Systemic review is launched within 12 months of the recommendation being approved and continuous improvement programs for all SOs and ACs are launched within 18 months of the recommendation being approved.”

“How significant would the impact be if not addressed? Very significant as this would have a direct impact on ICANN’s core activities. Envisioned short-term ... 18 months after approval. Is related work under way? Results of evolution of ICANN’s multistakeholder model. ICANN Board paper on prioritization. Who are the responsible parties? ACs, SOs, the ICANN Board, and ICANN org.”

Sebastien, your hand.

SEBASTIEN BACHOLLET:

Thank you, Bernie. It’s about the sentence continuous improvement program. For all this, we see our launch within 18 months of the recommendation being approved. There is twofold here. The first one is

that continuous improvements can start today. SO/AC don't need anything to start to improve themselves continuously. The second point, is that if we talk about some specific – and I come back to my five-day workshop, it's not 18 months because I think we need to wait at the end of the systemic review for various reasons. First one is that it could be useful to take into account the decision made by the systemic review if there are any change of how the SO/AC organized. It must be taken into account in the continuous improvement program for the part of specific meetings or specific activities. The second is that some people will be the same because coming from SO and AC and the systemic review, it could be useful to people for the program within SO and AC. Therefore, I am a little bit in difficulty with 18 months. For once, I think it could [too long] but [inaudible] must be a lot longer.

BERNARD TURCOTTE:

I understand the point. Depending on the how we end up in the actual recommendation, we'll have to review that. Thank you for that, Sebastien. Cheryl?

CHERYL LANGDON-ORR:

Thank you very much, Bernie. Sebastien, just on that point, it struck me as you're raising those issues, and on the same sentence in Bernie, what we might be able to be looking at is something along the lines of continuous improvement programs for all SO and ACs are to be launched as soon as possible and practical, but must be commenced within 18 months. I think that covers various options. Anyway, just a

thought. Not trying to wordsmith it now, but I wanted to share it while the fuel still lasts. Thanks.

BERNARD TURCOTTE: All right, thank you. We have thumbs up from Pat Kane. All right, listen, folks, my voice is about to give out given I've just about ... But we have finished. I think there's been some great comments. Sebastien, is that a new hand?

SEBASTIEN BACHOLLET: Yes. Sorry, Bernie. Because I have one comment I put in writing and you didn't read it, and it's because it was just one after the other. But when I asked for change [inaudible] remaining one, I think the other point, was it the intent of the recommendation. It's something and it's not wordsmith at all but aligns at least of the review with the current needs of the organization. When it's not just decrease the number, it's also because we consider that with some of them, we don't need because of the evolution of the organization.

BERNARD TURCOTTE: Yeah, I like that. Thank you. Good words. All right, so as I was saying, we have about 10 minutes left on our call. We've actually gone through the entire document. In the first four parts, I think there were some great minor amendments to update that. We'll certainly be looking at that. It will be continuing as the Google Doc. So keep an eye on that please and do put in comments.

On reviews, obviously a bit more work. I did say that I did struggle somewhat. We've got to clear up that view of the systemic review versus actually coordinating and getting things started on continuous improvement for the SOs and ACS. I need to think a bit more about that one. I'll probably be talking to individual people about that to see if we can get that done. As far as I'm concerned, I'm done and I will thank Vanda for stepping in and being interim chair while our chairs were unavailable. I will turn it back to Pat and Cheryl at this point. Thank you.

PAT KANE: Thanks, Bernie. I really appreciate that.

VANDA SCARTEZINI: Thank you, Bernie.

PAT KANE: Thanks, Vanda, for picking up the slack for Cheryl and I today. We both appreciate it. At this point in time, we've got nine minutes left. Any Other Business to cover? Next team meeting is scheduled for 19:00 UTC on Monday the 24th. Anything else? Sebastien, your hand is raised?

SEBASTIEN BACHOLLET: Yes, please. I just wanted to thank Bernie for the work done and I think definitely we have some small work to do for the first part but some more depth work to the last part about the review. One of my concerns is that I was hoping to find some easy numbers to be used about the budget to try to explain how I was thinking to use the current budget

and why, for example, three five-day retreat will fit with the budget but it's almost impossible. It's so low figures and it's very difficult. I wanted to have some figures for the next five years but I didn't find them. Then I still have to try to find this information. Because I think if we can have some inputs about what is the current cost and how we use this cost in the future system, it will be useful.

The other point is that the Board is currently meeting and we don't know what are their decision but hopefully we will be able to go to Cancun and to have our meeting. Just on Monday, I think we need to have a small time to discuss what we do in Cancun if we go to Cancun, and what we do if we don't go to Cancun if the decision of the Board is to cancel the meeting. It's not my hope but it need to be taken into account. That's my two items. Thank you very much.

PAT KANE: Thank you, Sebastien. Vanda?

VANDA SCARTEZINI: Yes, I agree with Sebastien. We need to have even a small meeting to make it clear what is the next steps will be if yes or not the Cancun meet. Anyway, our next steps for our work to be clearly stated and makes us go further more clearly. Thank you. I believe we will need this meeting. Thank you.

PAT KANE: Thank you, Vanda. I think that that's right, we need to figure out what our alternate plan looks like or what alternate opportunities would look

like. My guess is that they would have to be remote if we don't attend Cancun, if the meeting is canceled or turned into its own remote participation meeting as well. I guess we'll know tomorrow or maybe Friday what the outcome of that is. Something we should definitely focus on Monday, if not sooner, once we hear something from the Board. All right, anything else?

VANDA SCARTEZINI:

I believe we are done.

PAT KANE:

Vanda, I see your note where says it says, "No virus here, for instance. I see low risk to go to Cancun." The ironic thing is that when I passed through Bangkok last week on my way to Australia after I left you guys to do all the hard work in Brussels, a week later, I ended up with a quarantine where I've been punted from the office until next week. So I'm working from home for the next week or so. Because in retrospect, we saw rises in virus cases coming out of Thailand. It's not just what's there now, it's what we bring with us and what we leave behind that goes into [the overall] decision.

VANDA SCARTEZINI:

Let's see what they will do but I don't see really a great need to cancel. Anyway, quarantine for people in the Asia area, certainly it's something required. Thank you.

PAT KANE: Thank you very, Vanda. All right. Any Other Business?

CHERYL LANGDON-ORR: Nothing for me.

PAT KANE: I'm seeing no comments. We've got four minutes left. Jennifer, if you want to run through any decisions or confirm any actions that Cheryl and I missed, that'd be helpful.

JENNIFER BRYCE: Thanks, Pat. This is Jennifer. All the action items ... Well, actually, I didn't capture any official action items but Bernie has a bit of homework to do based on the comments today to adjust various elements of the document. Aside from that, no official actions or decisions. Thank you.

PAT KANE: Thank you very much, Jennifer. I would want to note that Bernie always has homework. That's not news. Thank you very much, Bernie. I appreciate that.

All right, if we have nothing left, I want to thank you all for attending today. Again, I apologize for being tardy to today's session. Everyone have a great couple of days and we'll catch up with you on Monday. Let's close this meeting now, please.

VANDA SCARTEZINE: Okay. Thank you. Thank you, Bernie.

CHERYL LANGDON-ORR: Thanks to everyone. Bye for now.

PAT KANE: Thanks, everyone. Bye-bye.

[END OF TRANSCRIPTION]