
BRENDA BREWER: Good day, everyone. Welcome. This is Brenda speaking. Welcome to the ATRT3 plenary call #57 on the 3rd of April, 2020, at 11:00 UTC.

Members attending the call are Daniel, Cheryl, Pat, Vanda, Jaap, Leon, Osvaldo, Sebastien ... Let's see who just joined. Tola, and Wolfgang.

Observers include [Hemu], Jim, Avri, and Sophie.

Attending from ICANN Org is Jennifer, Negar, Larisa, Brenda, and Bernie, our technical writer who has joined.

We do not have any apologies at this time. Today's meeting is being recorded. Please state your name before speaking for the record.

Pat/Cheryl, I turn the call over to you. Thank you.

PAT KANE: Thank you very much, Brenda. Good morning, good evening, good afternoon, everyone. I'll just go through: do we have any SOI updates for today? If so, please raise your hand or put a quick Yes in then participant window.

Okay. Showing that we have none, Jennifer, if we can roll to the action items, new and closed, please?

JENNIFER BRYCE: Thank you, Pat. Just one action item I wanted to report on, which is the note to the Board regarding the timeline of the ATRT3 review that we

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.

discussed on Wednesday's call. The Board Ops Team have acknowledged the receipt of that note. We go through them to send communications to the Board. Except that the team will see that communication go out to the Board and the SO/AC leaders with this list [and] copy within the next few hours. So that's that.

With that, back to you, Pat.

PAT KANE:

Thank you very much, Jennifer. Just so that I can get a note from a timing perspective, do we have any other business that wants to be brought up at the end of the call today? Please raise your hand or click Yes in then participant window.

All right. That showed that nobody has suggested any other business for the end of the call.

Let's roll right into Item#3. Bernie, we're going to start off with Section 8.4 of the final report.

BERNIE TURCOTTE:

That is correct. Thank you, Pat. Brenda, do your magic. Thank you. What we've got remaining is on the reviews recommendation. If we can scroll to the top—I'm sorry, Brenda—just to give everyone a looksie. Back up, back up. The top of the recommendation. There we go. We have a note there about CCT reviews and KC's concern. So that's still ongoing. We've received a note from Jonathan Zuck that was the Chair of the CCT review. We'll be talking some more about that at a later date.

The only other item we have—if we go down to where we were, please, Brenda; all right—is this issue of how to time the reviews. [We] have an exchange with Sebastien on this and did some calculations and. Basically, just trying to line up an ATRT3 every five years with a systemic review every seven years just doesn't work. What we are proposing to you in the double-linking.

We'll go through the details of that in Section 8.3. Basically, if you do the calculations, we're proposing that a systemic review be held every two-and-a-half years after approval by the Board of the first recommendation of the latest ATRT review. So we're linking the systemic with the ATRT.

Similarly, for the ATRT, we're saying two years after the systemic review recommendation has been approved by the Board. We'll go through the logic, of course. The ATRT is one year long, which is why is why we have the two years, and the systemic is for 18 months, which is why we have the two-and-a-half years. We'll go into further details about that.

What this does is essentially stretch out the ATRT2 every seven years or so with some flexibility. It does provide an ensured cadence, and it doesn't look us into the timeline that the old review did. As I said, I'm not going to ask for a detailed discussion now because I've actually written it up in the rationale section of 8.3.

Before we leave the reviews recommendation, is there anything else in here that we should be dealing with?

Going once ... going twice ... done. All right. Brenda, if we could go to the top of Section 8.3, please. Way up. No, no, no. You're way too far down.

You're in Section 9 down. There we go. Okay –oops. 8.2 ... 8.3: Analysis [of] information and identification of the issues. Let's go down to the next part of this. Next page. The first part is the standard ATRT analysis. I'm actually going to walk through this very slowly because this is our big one. Let's make sure we're all comfortable with it.

Standard wording here. "ATRT3 assessed that most of the specific and organizational reviews related recommendations of ATRT2 were not implemented nor effective. As such, ATRT3 makes a recommendation regarding the implementation of ATRT2 recommendation in Section 7 of this report. ATRT3 also makes several suggestions and observation regarding the implementation of these seven recommendations in Annex A of this report. With respect to ATRT3's survey, the following is [also] noteworthy. 67% of structures (SO/ACs [inaudible] some components specific review somewhat ineffective. The companion question that asks, "Should specific reviews (ATRT, SSR, RDS, etc.) be reconsidered or amended?" Structures reporting 91% yes. Only 46% of structures (SOs, ACs, and their subcomponents) found organizational reviews effective or very effective. The companion question is asking, "Should organizational reviews be reconsidered or amended?" produced some very strong results with structures' responses of 85% yes."

So that's pretty much the standard stuff. Now we get into the more interesting stuff. "It is in this context that ATRT3 analyze specific and organizational reviews. Specific reviews (RDS). The recommendation in the final report of the temporary specification of gTLD registration data expedited policy development process removed the need for a specific review on this topic going forward." So that matches in our

recommendation. “CCT. CCT1 recommendations of the 35 recommendations. Six were accepted by the Board, subjecting to costing and implementation considerations. 14 recommendation were passed through in whole or in part to noted community groups for consideration. 17 recommendations were placed in pending status in whole or in part. All of the recommendations placed in pending status are awaiting further information.”

Now, further information on that. I had a chat with Jonathan last night. Basically, the way to think about this is that the CCT was split in two internally. It was about competition on one side. There was a whole other team working on consumer trust. What KC is talking about are the consumer trust issues. I think that the issue around that is that most of the recommendations around consumer trust ended up being passed on to other groups for implementation or are in pending status. So that’s where we are.

Bu Jonathan has also, I think, refined his thinking about what really is needed for consumer trust, and it seems to be coalescing around DNS abuse. I’m not going to go into strict details. I’m sure we’ll talk about this again. I’m just trying to fill in some of the blanks here.

Second part of CCT. “ATRT3 supports the need for one further CCT specific review following the completion of the launch of the next round of new gTLDs, which would also allow for the evaluation of the implementation of all of the CCT 1 recommendations.”

On this part, Jonathan was perfectly comfortable with that. Our recommendation says two years after the launch of the New gTLD

Program. He thought that was perfectly fine. So I think we're good with that. We just need to finish ironing off KC's point regarding the recommendations.

Any questions on CCT? As I said, we'll get back to that.

Not seeing any. Let's move on to SSR. "SSR2 is still ongoing three years after its launch. It's latest proposed completion date of June 2020 is currently being revised. This exceptional duration is in part explained by the Board pausing the activities of the review team in October 2017. As stated in the letter confirming the pausing of activities, the review was suspended in part as a result of concerns regarding a scope of"—should be "the" scope—"SSR2. The issue of what data the new team can access and under what conditions (non-disclosures, etc.) will always be a consideration given the nature of computer and networking security. As such, the scope of SSR review needs to be considered by the next ATRT2 once the SSR2 is completed with relevant input from ICANN Org."

"Responses to the public comment on the draft SSR2 report. Some of the responses were very supportive, especially with respect to DNS abuse. However, the ATRT3 notes the very detailed comments of the SSAC in SAC 110, which put into question the usefulness, implementability, or supporting justification of a significant number of the draft recommendations. Given ATRT3's final report will be published prior to SSR2 publishing its final report, ATRT3 will recommend suspending any further SSR reviews until the next ATRT review can consider the final SSR2 report recommendations, the results of the Board's considerations of these, as well as the prioritization of these

according to ATRT3’s recommendation on prioritization (see Section 9 of this report).”

Was this clear? Is this okay?

A green tick from Pat. Thank you. Any questions or comments? Green tick from Jacques. Thank you. A hand from Sebastien.

SEBASTIEN BACHOLLET:

Thank you very much, Bernie. Yeah, it’s clear. The only additional idea we may wish – I think we wrote it up somewhere but I’m not able to find it yet ... The other reasons to pause is because there are lots of things that are going on in parallel. OCTO is doing a lot of work. The TLG, or something like that—the Technical Liaisons Group—is also working on that. Of course, the SSAC and ACC are all working on part or all of those topics. Therefore, it’s also a need to pause for the reason you raised in the document, and also because all that’s going on in those different groups need to be also taken into consideration in the future. It’s why ATRT4 could be a good place to have this thinking. Thank you.

BERNIE TURCOTTE:

Yeah. I was [starting to point in that], but I think you make a very good point, Sebastien. I’ll add that section in. Thank you.

Any other points or comment? And I think that that comment only makes our recommendation stronger because—let’s be clear—I think, when SSR reviews started, well, I’m unsure all those groups were active. So, yeah, there’s a lot of things going on.

All right. At the bottom here, leaving SSR: ATRT. "ATRT3 supports continuing with these specific reviews in conjunction with the other elements of the recommendation of this section."

So we're thinking that ATRT reviews should go on. I don't think there's going to be any significant argument about that.

Going once ... going twice ... done. All right.

Organizational reviews. Let me stretch my screen a bit and make it a little easier [and take a note]. Okay. "[have been] undertaken for a very long time." I went digging just to make sure we had all the references because KC rightfully points out that we need to clean up our references, so I'm definitely doing that. So I had to go back and use the wayback machine listing of the ICAN bylaws for 26 June 2003, Section 4: Periodic reviews of the ICANN structure and operations. Basically, we've got, "The Board shall cause a period review if feasible of no less frequency than every three years of the performance and operation of each supporting organization, council, and advisory committee, other than the Governmental Advisory Committee and the Nominating Committee by an entity or entities independent to the organization under review. The goal of the review is to be undertaken pursuant to such criteria and standards."

I'm not going to go through every single detail. Basically, what we have in the bylaws today is just very related to the last part here, where we have [little I]: "whether that organization has a continuing purpose in the ICANN structure and, ii, if so, where any change in structure or operations is desirable to improve its effectiveness. The results of such

reviews shall be posted on the website for public review and comment,” etc., etc.

Let’s go down, please. Basically ... Keep going, Brenda. Those are just add-ons for the timing. “As such, organizational reviews have been active for over 16 years as of the publication of this report. It’s also important to note that all SOs and ACs have significantly evolved over this period and implemented a large number of accountability and transparency measures (see the various SO and AC websites).”

So I think we can clearly make a point that this has been going on for a long time and that SOs and ACs are very different from what they were in 2003. As for the, as we call them in French, the old stove league that are on this review team, we will remember how different that is.

The next major point. “The CCWG Accountability Work Stream 2 final report recommendations, which were approved for implementation by the ICANN Board in November 2019, include 29 recommended guidelines aimed at improving the accountability, transparency, participation, outreach, and updating of policies and procedures for all SOs and ACs.”

Let’s not forget that, in that, there were a lot of things in the Work Stream 2 final report but specifically SOs and ACs. WE will remember that our Co-Chair, Cheryl, had a very big hand as she helped pilot that group which produced those results.

“As noted in the Board paper on enhancing and streamlining ICANN’s reviews, issues, approaches, and next steps (SSAC 2018/19 SAC comment on long-term options to address the timeline of reviews),

there are significant issues associated with the timing and cadence of organizational reviews. There have been issues with recent organizational reviews with respect to the recommendations made by independent examiners ... Sorry. I dropped off there. Back up a bit, please, Brenda. Okay. So we have significant ones in ALAC and SSAC, and some in RSSAC. The references are given there. "The publication of the summary of recommendations relating to Work Stream 2 and reviews (November 2019) shows a backlog in improving or implementing 325 review and Work Stream 2 recommendations, which include 164 organizational review recommendations. ATRT3 notes that not all of these pending organizational review recommendations may be implemented, given the recommendation in Section 10 of this report on the prioritization of review recommendations. As ATRT3 notes, the conclusion of the ccNSO review assessment and recommendations (29 August 2019) best summarizes the status of most organizational reviews when it states: "While no significant changes are anticipated, the findings, recommendations, and suggestions indicate there are opportunities for the organization to continuously improve as it fulfills the three objectives above.""

Actually, I found this quite interesting when plowing through the ccNSO organizational review, when the conclusion was basically, "Yeah, we don't need to make any significant changes. It's more of a continuous-improvement scenario." So I thought that fit in quite well with what we were saying.

I'm going to pause here for a sec because that has been a big bite. Questions? Comments?

Not seeing any. Let's keep going. "As such, ATRT3 concludes that ICANN has reached a point of diminishing returns with respect to organizational reviews. As noted, SOs and ACs have significantly evolved since the inception of organizational reviews in 2003 and will continue to do so with the implementation of the CCWG Accountability Work Stream 3 recommended guidelines. Additionally, there are significant issues with organizational reviews when considering the backlog of review recommendations, the issues of timing and cadence, and the issues with independent examiner recommendations. Based on this analysis, ATRT3 will recommend that ICANN replace organizational reviews with continuous improvement programs in each of the SO/AC/NC. As part of these continuous improvement programs, ATRT3 will recommend that each SO, AC/SO/NC conduct annual satisfaction surveys of their member participants and publish a regular assessment of continuous improvement programs at least every three years. However, a continuous improvement in each SO/AC/NC will not cover all of the aspects of the organizational reviews as per the bylaws Section 4.4."

Let's keep going down a bit, Brenda. Let's read that text. Basically, "The Board should cause periodic review of the performance and operation of each supporting organization, each supporting organization council, each advisory committee, other than the Governmental Advisory Committee and the Nominating Committee , by an entity or entities independent of the organization under review. The goal of the review, to be undertaken pursuant to such criteria and standards as the Board shall direct, shall be to determine, i, whether the organization, council, or committee has a continuing purpose in the ICANN structure, ii, if so,

whether any change in structure or operations is desirable to improve its effectiveness, and, iii, whether that organization, council, or committee is accountable to its constituent stakeholder groups, organizations, and other stakeholders.”

So that was a cut-and-paste from the bylaws. “As such, ATRT3 will recommend that, in addition to the continuous improvement program for each SO/AC”—should have the NC in there— “that ICANN shall also undertake regular systemic reviews which would look at all SOs and ACs to ensure that the Section 4.4 bylaws requirements are still being met for each SO/AC”—I’ll add in the NC—“but would also consider SO/ACs as whole, as well as their interrelations.”

I think that sets up why we’re going with systemic reviews. I’ll pause here because the last part is all about the issue of timing and cadence. Any questions or thoughts?

Okay. Thank you for that, Vanda. Noted. Jacques, I see your hand. Over to you.

JACQUES BLANC: Good morning, evening, afternoon, everybody—

BERNIE TURCOTTE: Jacques, you’re very faint.

JACQUES BLANC: Any better this way?

BERNIE TURCOTTE: Much better. Thank you.

JACQUES BLANC: Much better. Okay, let's go this way then. I just had a question because I had a discussion with Sebastien the other day over the phone. In all the systemic reviews in SOs and ACs, are we clear on the fact that we do include the GAC or not? Open question.

BERNIE TURCOTTE: Well, we actually had that discussion at the last meeting. We agreed to include the GAC and the Nominating Committee. The Nominating Committee is clearly stipulated everywhere. But, due to the fact that you're raising it, I'm going to add in a footnote relative to that to make it very clear. Good point.

JACQUES BLANC: Sorry for having missed the last call, by the way.

BERNIE TURCOTTE: No problem. Anybody else? That was a very good one. [We] can take a note on that: add footnotes. All right.

Let's keep on going: Issue of timing and cadence of reviews. "Organizational reviews per the ATRT3 recommendations are to be replaced with individual SO/AC/NC continuous improvement programs which have to produce a status report at least every three years. This

would allow the SOs, ACs, and the NC to control the cadence and schedule of these activities per their needs and should remove most of the concerns over cadence and timing with respect to this.”

“Specific reviews. Per the ATRT3 recommendations, only ATRT”—I see Sebastien’s hand.

SEBASTIEN BACHOLLET:

Thank you, Bernard. Just a thought here on the organizational review. Yes, what we write is completely accurate, but we need to also take into account globally the budget needs. That means, if we leave everybody to be free to decide when they will do it, they may end up doing it all the same year. It’s why we need to have some cadence to allow budget usage equal or very close each year of the three years. Thank you.

BERNIE TURCOTTE:

All right. We’ll think about that one.

“Specific reviews. Per the ATRT3 recommendations, only ATRT reviews would remain as regularly scheduled specific reviews in addition to the systemic review.”

Don’t go screaming. I’m talking about CCT a little later.

“Given both of these are significant reviews, it would be optimal to minimize the issues of timing and cadence to have these arranged so as to maximize the time between undertaking these to minimize issues of cadence and timing.”

Now, ATRT2 reviews were originally scheduled every five years from the date the previous one started. Keeping to this schedule would mean ATRT4 would begin in April 2024 since ATRT3 began in April 2019.”

Go down a bit, please, Brenda. “Systemic reviews, which are meant to evaluate SOs, ACs, and NC, are in part meant to review their continuous improvement reports. Requiring systemic reviews to consider two continuous improvement review reports per SO/AC/NC would imply a period of at least six years in between systemic reviews. Allowing one year for slippage and implementation would suggest that systemic reviews would be held every seven years. Combining the cadence of systemic and ATRT reviews based on a seven-year cycle could ideally have one of these every three-and-a-half years. An additional consideration is that ATRT3 believes that the current system of fixed time—i.e., five years after the beginning of the previous review—has clearly shown itself to be problematic. To address this, ATRT3 is recommending to put in flexible start times based on the ICANN Board approving the first resolution”—that should be “recommendation”—“of a completed review. Taking ATRT as an example, instead of having to start ATRT4 five years after ATRT 3 was started, it should be started no later than two years after the Board has approved the first recommendation from the systemic review final report. This has the double advantage of not using the start or end of the previous review as the starting point and includes consideration of the Board having to approve a recommendation from the previous review. Additionally, the “no later than” language provides additional flexibility to the Board and the community as to when to actually start reviews. Using such a system

would guarantee to minimize any issues of timing and cadence of these reviews.”

And there’s a note there. “It’s recommended that there be one more CCT review two years following the allocation of the new gTLDs in the next round. However, the CCT review cannot conflict with either a systemic or [AT] review.”

So there you go. Those are my rationales. I’ve tried to hit all the points. I’ve taken a few notes from the comments that were made. Now that we’ve gone through it all, Pat, please?

PAT KANE:

Thanks, Bernie. It just dawned on me—the note that’s there—that, when we say, “two years following the allocation of new gTLDs,” do we want to be a little more precise in terms of two years following the first delegation of a new gTLD or the first signing of a new gTLD agreement? I think “allocation” leaves some wiggle room. Maybe we need to, but it just dawned on me that “allocation” could mean many different things in terms of what the process could look like. So is it—

BERNIE TURCOTTE:

I’m so glad you brought that up. I actually did this on purpose because you’ll note that, in the upper band, we’re not referring to it that way. I wanted to see if anyone would pick that up. I think that it’s important—the way it is up there ... If we can go back up the CCT text, please, Brenda, in the specific reviews. Further, further, further, further ... further, further. Okay. CCT. “ATRT3 supports the need for one further

specific review following the completion of the launch of the next round of new gTLDs,” which I think is just as fuzzy as what I included down there.

So – hah; the green tick from Pat—I’ll work with Pat. I think he should have some good ideas. We’ll come back with some amended wording there because I was also concerned about that. So we’ll just doctor that a bit so that it makes sense to everyone. Thank you for catching that, Pat.

Anybody else?

Jaap notes in ... “Vanda says, “Allegation” is the word. The first launch hasn’t been completed yet.” Good point, Jaap. Any other points or comments on this?

Okay. Not seeing anything. Thank you very much, everyone. It’s been a tough slog on this one. We’ve got a few thing to fix, which is only normal after such a long text. I’m surprised we only have a few things. We will certainly fix those. I think we’re on our way on this one. And in a record 35 minutes. Wow. That’s really excellent.

Madam Chair, Madam Vice-Chair, Mr. Vice-Chair, I would propose that, having done this part, we can go back to what we said we were going to do, which is to go back up to Section 1 and start going through these series, as it were, if that is okay.

I see a thumbs up from Pat. And Cheryl is not screaming at me, so I think we’re going to be okay.

So let's go back up to Section 1, please, Brenda. All right. Now, what I'm proposing for us to do—this is not the first time we've gone through this ... “Does Cheryl scream,” says Jacques,” in the chat?” Yes, but very quietly. But the effect is significant. What I'm going to be proposing, since this is not the first time we've gone through these here, is that we take our time, we go through them, and basically agree to lock them down because we're, I think, at that point where we have to start locking things down, unless it's ... What that means, just to be clear—not that we can't touch these again—is just that we should not touch them unless it's a significant issue. Of course, when we assemble this into the final report, everyone will get a chance to review the report as a whole and pick off any major issues. But once we close something down, the nitpicking about various things. ... Let's not forget that, before it gets sent to the Board, it'll be gone through or formatting and editing by some very good people. So we're not into nits. We're into major points.

So, if there are any issues with this proposal, let's put them on the table now.

Not seeing any. All right. So let's do this. Issue 1: The Board. The requirement is straight out of the bylaws. The information assessed related to the Board ... Of course, there's the ATRT2 recommendations, which are in Annex A. There's the ATRT3 survey results, which are in Annex B. There's other material related to the Board. If we just keep going down, I've just tried to publish everything that we considered. All right. The analysis of the information. We've got the 15 ATRT2 recommendations.

“ATRT3 assessed that most of the finance-related recommendations of ATRT2 were implemented and effective. This was not the case for the other ATRT2 recommendations. As such, ATRT3 makes a recommendation regarding the implementation of ATRT2 recommendations in Section 7 of this report. ATRT3 also make several suggestions and observations regarding the implementation of these 15 recommendations in Annex A of this report. With respect to ATRT3’s survey, the following results were noteworthy. 100% of responses indicated that the information ICANN makes available on the ICANN Org website should be better organized to facilitate searching for specific topics. 85% of all responses indicated that it was important or very important that the Board implement the transparency recommendations from the CCWG Accountability Work Stream 2. 64% of structure responses indicated that they were not satisfied with the diversity amongst Board members. 61% of structure responses indicated that they felt that the NomCom as currently constituted was not a sufficient mechanism for fostering nominations that have adequate stakeholder and community buy-in. 40% of structure responses indicated that they were somewhat dissatisfied or very dissatisfied with the Board’s interaction with there SO/AC, with most of the dissatisfaction originating from the GNSO and ALAC substructures. 57% of structure responses indicated they were satisfied or very satisfied with the mechanisms ensuring the Board’s transparency. However, it is important to note the comments made by the [RrSG] and IPC and that 80% of individual responses indicated these mechanisms needed to be improved. ATRT3 did not assess any of the results of its survey with respect to the Board as requiring recommendations (see Annex B of this report for details) but does make several

[suggestions]”—sorry; dropped off—“regarding the 14 survey questions. ATRT3 notes that the comments made by respondents, which can be found in Annex B of this report, presents some interesting opinions and suggestions with respect to the Board. None of the other inputs raised any issues that required the ATRT3 to make recommendations or suggestions. Recommendations or suggestions: None. Suggestions: See Annex A and Annex B.”

All right. Let’s throw this open. Questions? Comments? Or we’re happy with that?

Seeing no questions, I will propose that we therefore, as described earlier, lock down Section 1.

Is that okay with everyone?

Pat gives me a green tick. Seeing no objections, we’ll take that as done. Sebastien gives me a green tick. Thank you, gentlemen.

Issue 2. And Daniel. Wow! It’s a green tick day. All right. Issue 2: Governmental Advisory Committee (GAC). 2.1. Prologue. “It is important to understand the special nature of the GAC when considering how ATRT3 assessed the implementation and effectiveness of the ATRT2 recommendations for the GAC. The GAC is composed of government representatives who are, for the most part, participating as official representatives of their respective governments. These representatives are subject to a number of expectations as to how they can interact with the ICANN community and can rarely commit their governments to anything without prior formal authorization. Additionally, these government representatives are trained to function

in certain ways when participating in international fora, like ICANN, and most require the GAC to function in similar fashion. These recommendations ICANN makes for the GAC via such processes as the ATRT reviews may have limited applicability or may have to be adapted to fit into the GAC context.”

So that’s not new text. It’s been there. I think we’ve all agreed that it’s important. That’s why it’s there.

Requirement is a copy from the bylaws. I’m not going to go through that. Information assessed. There’s the ATRT3 6-1A-H/6-2 to 6-9, ATRT survey results 15-18, other information, private interviews of the GAC leadership [at] ICANN 65, ATRT implementation executive summary, which reports the input, analysis of information, ATRT3’s assessment of the implementation of the 16 ATRT2 recommendations related to the GAC (can be found in the table below).

“ATRT3 assessed that most of the ATRT2 recommendations related to the GAC have been implemented and are effective but does make a few follow-on suggestions concerning these (see Annex A: ATRT2 Recommendations 61[D], 61H, and 66). ATRT3 did not assess any of the results of its survey with respect to the GAC as requiring recommendations (see Annex B of this report for details) but does make several suggestions and observations regarding the four survey questions. ATRT3 notes that the comments made by respondents, which can be found in Annex B of this report, presents some interesting opinions and suggestions with respect to the GAC. None of the other inputs raised any issues that required ATRT3 to make recommendations or suggestions. [2.5]. Recommendations [and] suggestions.

Recommendations related to the GAC: None. Suggestions [or] observations: Please see the relevant sections in Annexes A and B.”

All right. You know the drill by this point. Any further questions on this?

Going once ... going twice ... done. Therefore, since there are no other questions, I’m proposing we lock down Section 2. Osvaldo agrees with that. And Pat. It’s raining green ticks. I love it! All right. Thank you, everyone.

Let’s move on to Issue 3: Public input. Sorry. I’m having technical difficulties here. I’ll be back in just one second ...

All right. We should be better off now. Can you hear me? Yes, I can see my mic moving. Okay. Back to this—sorry about that—the requirements are straight copy-paste from the bylaws. Information assessed related to the public input, ATRT3 assessment of the implementation of ATRT2 recommendations, Annex A, 7.1, 7.2, and 7, ATRT3 survey results relating to public input (see Annex B), survey questions 19-27, other information related to public input, the ICANN report on the implementation of ATRT2, public comment versus other public input methods posting, presentation by public comments support team to the ATRT3, public comment trends report, improvements to public comment posting, and analysis of information and identification of issues.

“The summary of ATRT3’s assessment of the implementation of the three ATRT2 recommendations related to public input can be found in the table below. ATR3 assessed that most of the ATRT2 recommendations related to public input have been implemented by

does make one suggestion (see Annex A Recommendation 8). The ATRT survey found that 88% of individuals were in favor of reexamining the concept of public comment. The public comment trends report (2010-2018 final) provides some interesting data. The total number of public comment proceedings has declined significantly from a high of 77% in 2010 and continually decreasing to a low of 48% in 2018. Translations. The percentage of proceedings translated into languages other than English has fallen from a high of nearly 50% to 2010 to just under 10% in 2013. However, in the years 2015 and '16, there was a marked turnaround, ascending to 20%. 2017 shows a return to 10%, while 2018 increased again to 21%.”

Probably in that 2016 the Work Stream 1, Work Stream 2, and a transition documents accounted for a lot of that volume.

“Public comments versus other public input methods. The public comment guidelines for ICANN Org specify what subjects must undertake public comment processes. That public comment is the default mechanism in seeking feedback from the ICANN community or general public. Announcements, blog posts, social media campaigns, regional newsletters, and mailing lists will not be used as mechanisms for collecting feedback. This strongly contrasts with the current reality, where most blog posts, which are currently very popular on ICANN Org, collect feedback information as comments. I find it really hard to read when people are bouncing all over the text. Sorry “An example of this is the Chair’s blog and overview of the March remote Board workshop.” And the reference is given there. “In a related issue, the ICANN accountability indicators on their main page seek general feedback and then, on each goal page, ask for feedback on this goal without

publishing these inputs or providing any reporting on these or their impact on the accountability indicators. These issues create a significant concern that there exists a major transparency and accountability gap between the highly formalized public comment process and the alternate mechanisms for gathering public input, such as a public consultation, which have few, if any, rules beyond requiring executive approval. These include lack of formal guidelines to identify if topics which do not specifically require public comment process should use the public comment process or an alternative mechanism, the ability of the community to easily track [when] alternative mechanisms, specifically consultations, have been used instead of a public comment proceeding, the ability of the community to easily find and see the results of alternative mechanisms that have been used. Why are the complete public comment guidelines for the ICANN organization not made available on the ICANN website instead of an extract? Why do 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 a mechanism for collecting feedback?”

I’ll take a break here. That’s laying out our case of issues. Are we okay up to this point?

Sebastien?

SEBASTIEN BACHOLLET:

Thank you, Bernard. No problems, but I would like to suggest that we make cross-reference—what is written here—[without] ICANN

accountability indicators in the document. We have written about these accountability indicators. I think it's [inaudible] places. Thank you.

BERNIE TURCOTTE:

I was thinking exactly the same thing while I was reading it, Sebastien. Yes, we will do that: cross-reference Annex C. We've been doing this too long. We're starting to think the same things at the same time.

All right. The recommendation ... A green tick from Sebastien. "To maximize the input from each public comment proceeding, ICANN shall update the requirements per the following. Each public comment proceeding shall 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. Each public comment proceeding shall 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 key questions shall be included in the public comment proceedings, and responses to public comment proceedings in any of the official ICANN languages shall always be accepted. Results of these questions shall be included in the staff report on the public comment proceedings. 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 public

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 a complete public comment guidelines for the ICANN organization and explain why its blog posts collect feedback information when the public comment guidelines for the ICANN organization state that it will not be used as a mechanism to collect feedback.”

After that is the recommendation checklist, which I’m not going to go through. We’ve gone through it in the past.

So that is Section 3. Comments or questions?

Going once ... going twice ... done. All right. Given there are no questions, I will propose that we lock down Section 3.

A green tick from Pat and Daniel. And it’s raining green ticks again. Ladies and gentlemen, we’ve concluded Section 3. Yay!

Issue 4: Acceptance of ICANN Board decisions. The requirement is a copy from the bylaws. Information assessed ... Well, it’s really the survey only, Questions 28 and 29. Analysis of information. Since there wasn’t a lot, I just copy-pasted the table here. “Do you believe the Internet community generally supports the decisions made by the Board? Structure responses where 82% versus 18% no. Individual responses were 62% yes versus 38% no. Do you generally support decisions made by the Board? Structure: 83% versus 0. Individual: 63% 22%. ATRT3’s analysis of the survey responses indicate there’s widespread support for decisions made by the Board. As such, ATRT3

will not make any recommendations or suggestions concerning this issue. None.”

Questions or comments on this one?

No? Okay. I will therefore propose that we lock down Section 4.

Okay. I see green ticks. I see no opposition. Excellent. Section 4 is done.

Pat, I’m going to propose a five-minute recess to rest my voice before we get into the next one. That would take us to five after the hour to start again if that is okay with you.

PAT KANE:

Bernie, that is a fantastic idea. So we will start back up promptly at five minutes past the hour.

BERNIE TURCOTTE:

Thank you, everyone. Let’s the pause the recording for this period.

All right, everyone. Welcome back after this short pause. Let’s hope we can maintain our rhythm going forward.

Issue 5: Policy development process. The requirement is straight from the bylaws. Information assessed: ATRT2 Recommendations 10.1-10.4, ATRT3 Survey Questions 30-32, other information (general information) on PDPS, ATRT2 implementation executive summary, final report of the implementation of GNSO policy development process, final report on temporary specification of gTLD registration data, work to improve the effectiveness of ICANN’s multi-stakeholder model of governance.

Analysis of information and issues. “The summary of ATRT3’s assessment of the implementation of the four ATRT2 recommendations related to the policy development process can be found in the table below. Note ...” This one has been added in response to KC’s concern. “Given the vast majority of PDPs occur in the GNSO and that all of the ATRT2 recommendations regarding PDPs were for the GNSO, ATRT3 will only focus its review of PDPs on the GNSO.”

I’m going to pause there. So that would clarify a lot of things going forward. KC was right to point that out. Are we all okay with that?

A thumbs up from Pat.

“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 of PDP 3.0, the results of the GNSO’s EPDP process, and outcomes from the current [work party] 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 should not make any recommendations regarding gTLD PDPs to avoid any possible conflicts with the results of these other activities.”

No recommendations, but we do have this lingering suggestion there. But we have a lot of comments. So let’s back up a bit and go through the comments and try and clear this up.

“[inaudible]. [Add text—why?]” Okay. So I think that’s resolved, and we say we’re only dealing with –oh. Actually, let me bring that up. We’ll resolve them in real time as we look at this ... Where am I? Okay. Section 5. [That text—why we drifted into gTLDs?].” I think we just resolved that. “Need a status of the exercise.” [I’ve] given a reference to the update on that. “Delete “gTLD.”” Note we won’t do that because we have said it’s okay and is. “Still valid given the current status of other processes.” Okay. There we go. We should add “gTLD” in there. Okay. Any other points? No.

All right. My last question was this suggestion, which was not attached to anything—

PAT KANE: Bernie, Sebastien has his hand raised.

BERNIE TURCOTTE: Oh, sorry. My screen was locked when I was working. Sebastien, over to you.

SEBASTIEN BACHOLLET: That’s okay. My question is, are we really talking about gTLD PDPs or GNSO PDPs?

BERNIE TURCOTTE: Oh, good point. GNSO PDPs. I’ll fix that.

SEBASTIEN BACHOLLET: Thank you.

BERNIE TURCOTTE: Great point. Thank you. Actually, let's do that in real time. That's the GNSO on that one. It's okay. Okay, that's fixed now.

The last question was on this suggestion we had at the bottom here. "ATRT3 strongly suggests that any proposal to change the 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 the security and stability of the DNS."

Are we keeping that one in? Because, out of all our other ones, that's the only one that doesn't fit into ATRT2 or survey suggestions or recommendations.

I see no argument against. Sebastien, please?

SEBASTIEN BACHOLLET: I am not the best [teller] to argue about that, but I really think that, even currently, we are still not so clear on what GNSO will do and how the other SOs and ACs will be able to participate if they are not putting much more out there for this participation from people. Therefore, I suggest to keep it. Once again, I guess it's GNSO policy development process and not gTLD.

BERNIE TURCOTTE: Yes, that is correct.

SEBASTIEN BACHOLLET: But, for the rest, I think we may wish to do that because I am not totally clear where we end up with PDP 3.0. But Cheryl knows much more than me on that topic. It's just to help the conversation to go. Thank you.

BERNIE TURCOTTE: All right. That's where I was going anyways. Thank you for highlighting that. Let's fix that.

All right. So there is our Section 5. Any further questions or comments?

Going once ... going twice ... done. Given these minor corrects, are we okay with locking down Section 5?

Sebastien is okay. Osvaldo is okay. Seeing no objections. All right, Section 5 is locked. Thank you very much.

Section 6: Assessment of the independent review process. Requirements straight from the bylaws. Information assessed related is ... Well, there was no survey question and there was no ATRT2 recommendation. What we did look at what was the CCWG Accountability supplemental final proposal on Work Stream 1 recommendations (19 February), the IRP-IOT presentation to the ATRT3 on May 8th, the IOT meeting #2 (25 May), the IOT interim supplementary rules (19 October 2018), and the update and information on IRP-IOT recomposition (26 June 2019).

Analysis of information. “The Cross-Community Working Group on Enhancing ICANN Accountability (CCWG Accountability) Work Stream 1 Recommendation 7 proposed significant changes to ICANN’s IRP process but could not complete the implementation of these before the completion of Work Stream 1. This Work Stream 1 recommendation was included in the ICANN bylaws under Section 4 [and i] and required the creation of an IRP implementation oversight team (IRP-IOT) [by the] CCWG to undertake this work. Work Stream 1 Recommendation 7 implementation ...” I’m not going to read this whole thing. It’s basically just for reference.

“Following this, the IRP implementation oversight team began its work in May 2016 with the assistance of the CCWG Accountability. The objectives of the IRP were to complete recommendations, to update the supplementary rules and procedures, develop rules for cooperative engagement process, address standards and rules governing appeals, consider panelists’ term limits, and additional independence considerations. The IRP-IOT delivered an 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 revisions to then time to file considerations and the types of hearings. Following ICANN63 in October 2018, participation of IRP-IOT members significantly declines and activities came to a halt. To address this issue, Leon Sanchez, Chair of the ICANN Board Accountability Mechanisms Committee, wrote to the leadership of the SOs and ACs on 26 June 2019 requesting additional volunteers join the IRP-IOT to allow it to carry on with its work. The newly reconstituted IRP-IOT met for the first time on the 14th of January 2020 and restarted its work. Therefore, ATRT3 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: none.”

And we have a bunch of comments in there. Let’s have a look at those.

“What changes to solve what accountability problems?” I really didn’t see the point of this question from KC. I mean, I think the Work Stream 1 document was very clear and there was a whole annex dedicated to this, explaining this in detail. So I’m just going to mark that as resolved.

“Can we cite the source of the quote?” It’s clear from the Work Stream 1 final report, and the footnote for this is provided in 6211 just above. But I have included it here just to meet KC’s requirement.

“Who is the CCWG Accountability?” Well, again, I didn’t feel it was necessary to go into that, but I did give a reference to the CCWG Accountability wiki.

“Supplementary rules and procedures?” I’ve added a footnote that clearly explains that. So that is resolved.

“What is CEP?” Again, I’ve added a footnote pointing to the bylaws that define CPE. So I think that’s resolved.

And that’s about it. Let’s see if there are any other questions or issues around the IRP.

Sebastien?

SEBASTIEN BACHOLLET: Thank you very much, Bernie. Just to say that, in parallel, our work is moving on because I just saw a request for a proposal [for a candidate] to join the panel. It might be worth noting that things are going on on this project and not just the implementation. It's really starting. Thank you.

BERNIE TURCOTTE: Thank you. Any other points or comments?

All right. I'm going to propose we lock down Section 6.

Pat and Osvaldo: green ticks. Not seeing any opposition—oh, and the green ticks are coming all over the place. All right. Thank you, everyone. Section 6 is locked.

Let's move on to Section 7: Issue assessment of the implementation of ATRT2 recommendations. The requirement is from the bylaws. The information assessed: the relevant ATRT2 recommendations and all of Annex A. Other information is the ATRT2 implementation executive summary (October 2018), which is the reporting on the implementation of these.

Analysis. "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. The table below summarizes the results of ATRT3's assessment of the implementation of ATRT2 recommendations. See Annex A for details. Implemented: 25% or 54%. Partially implemented: 13%/29%. Not implemented: 8 or 17%. The results contrast with ICANN Org's October

2018 executive summary report that states that 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.” I give the links there. “This obviously represents a significant accountability and transparency issue for ICANN, and ATRT3 makes a recommendation with respect to completing the implantation of ATRT2 recommendations. Note: 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 if not all of these issues going forward. Recommendation related to the assessment of ATRT2 recommendations. 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 it should say Section 10 there.

I’m not going to go through the requirements checklist. All right—no, no, no. Back up, back up, back up. We have two comments. Back up a bit more, please. Okay. KC disagrees with this note, although the analysis identifies some issues.

And we have a comment: “But we agreed we will go to a specific exercise to review the current [OSSR] compared with ATRT3 practices.” I didn’t get all of that, Sebastien. Can you speak to that for a second, just to make sure we close this one off properly?

SEBASTIEN BACHOLLET: Yeah. We said during one of our meetings that we will go through the operating standards for specific reviews and see what were the discrepancies between our way of doing it, or the [inaudible], because we use it as even if it was not yet the standard. Now it's a standard. We want to be sure that it is implementable or workable. In our experience, it could be useful to have feedback on that.

BERNIE TURCOTTE: Yeah, that's a good point. We did say we would do that. So I will keep the note alive for that point.

But, for the rest of it, are there any other questions?

Okay. So, except for this specific point on us having to go through the [OSSR], can we consider the rest of this section, pending the result of this point we talked about, as locked down?

Yes. We've got green ticks everywhere. All right. Excellent.

Section 8. We just finished, so let's not go through it again. I'm not going to call lock down on this because we've just gone through it. I'll give people time to go through it and see where we are with this.

So let's move on to Section 9. Our favorite topic: accountability indicators. Now, I have yet to update the other information to include Susanna Bennett's presentation. We had to discuss her request. I'm going to propose we walk our way through what we have here and then come back and discuss the Susanna Bennett request.

Information assessed related. ATRT2 recommendations: There are none. ATRT Survey Questions 35 and 36. Other information: the accountability indicators webpage, ICANN's strategic plan, the operating plan [in] Annex C, and ATRT 3 analysis of ICANN accountability indicators.

Analysis. "Accountability indicators, which are the main mechanisms for updating the community 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 (see Annex C for details). These problems create a significant accountability and transparency issue for ICANN. The ATRT3 survey found that only 46% of structures were aware of the accountability indicators and that 67% of those that were aware found them somewhat ineffective or ineffective. ATRT3 assessed the 48 distinct accountability indicators as of 10 March 2020 (see Annex C for details) producing the following results (See full report in Annex ...") Well, I can remove that now. Sorry. I'll fix that. "Is the accountability indicator crucial to achieving the main objective? 65%: no. 19%: not clear. 16%: yes. Is there a goal or objective against which the data provided can be assessed? 56%: no. 31%: not clear. 13%: yes. Is there information on how the goal/objective is defined? 71%: no. Is what is being measured clear? 58%: yes. 28%: no. 14%: not clear. Is there information on where the data comes from? 85%: no. Is information being kept up to date? 81%: no. 10%: yes."

Basically, then we go into our recommendation. "ICANN 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 have a clear objective against which the results are being measured, shall explain in plain language how the objective was set, must indicate in plain language what is being measured as well as how and provide links to the data and the raw data when possible, and shall state how often (monthly, quarterly, or annually) and when (e.g., quarterly updates) quarterly updates to be made by the end of the month following the end of the quarter. Accountability indicators should be updated. The updating of accountability indicators shall be tracked by a monthly indicator dedicated to this. Undertake communications activities to inform the community of the existence” — oh, I see a hand from Sebastien. I'll pause here. Sebastien?

SEBASTEIN BACHOLLET: You really can finish. I will jump in after. Finish your presentation and I will come back. Sorry. That's okay.

BERNIE TURCOTTE: Okay, sure.

SEBASTIEN BACHOLLET: Thank you.

BERNIE TURCOTTE:

Thank you. “Undertake communications activities to inform the community of the existence of accountability indicators. This shall include possibly waiting for the accountability indicators to be updated with the new requirements, publish a blog on accountability indicators, mention in monthly and quarterly documents when they have been updated, holding a session at an ICANN meeting to present these, have a dialogue with the community regarding what indicators the community would find useful, holding a public comment proceeding on accountability indicators to identify community interest in the proposed indicators, and seek suggestions as to possible additional indicators.” “

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 the objectives and strategic and operational plans, these include clearly identified, measurable, smart criteria for success for each of these. Including this information in the public consultation 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. ATRT3 notes that the window-in-a-window approach used to display the accountability indicators makes it difficult to navigate and visualize the information and needs to be changed to a more user-friendly interface.”

And we don’t do the checklist. There we go. And I have a hand from Sebastien.

SEBASTIEN BACHOLLET: Thank you, Bernard. A few comments or questions. The first one is in the part of the report with the figures from the survey. You have places where there is no number before the percentage. Is it something missing or it's on purpose? For example, you take here, at the end of the page, 30 years and you don't have the number of respondents. And it's the case before—

BERNIE TURCOTTE: Oh, okay. That's just typing. I'll fix those.

SEBASTIEN BACHOLLET: Okay.

BERNIE TURCOTTE: Good catch.

SEBASTIEN BACHOLLET: Thank you. The second point is I really like our recommendation, and I would very much like that we add a discussion about Susanna Bennett's proposal. Particularly, I am not keen at all to have those links with the CEO report for two reasons. First of all, I don't think that the CEO report is a good place because it will become very long and we will not be able as a community to play with the information. The second is that I tried to find the CEO report. I found some president's report, but not the CEO report, outside ICANN's website. I didn't spend too much time on that. Maybe I didn't find the right place.

My third point is that I suggest that, even if we agree that it's one recommendation, we separate what is content is because our aim is to say what is not good for accountability and transparency.

By the way, we can tell you that window-in-window is not good, as well as some others, but it's not the main part. I don't think it's good for us to have them at the same level. I don't know how we can play with that, but I suggest this differentiation. Thank you.

BERNIE TURCOTTE:

Thank you for that, Sebastien. I'll fix those numbering issues. Yes, I think we're at the point of having this discussion. I think, basically, my take from Susanna's presentation was that she agreed with a number of our points but thought that we should take a more holistic view in our analysis of the accountability at ICANN and focus less on the problems of the accountability indicators.

Following up on that, similarly to Sebastien, I went hunting for the CEO report, of which there isn't one. But there is the president's report. So let's not quibble about the title. I did go through in detail the last president's report. There is really no accountability information there. It's more a list of what has happened and which projects have been completed. And there's a little bit of financial data and maybe a little bit of some other data here or there, but there are no objectives.

Vanda, I see your hand.

VANDA SCARTEZINI:

My point was in the same direction in that we should think more holistically on how we criticize what has been done, but, in the same way, they are weak, in fact. In my view, besides the financial issues, we do not have really accountability indicators at all. So I agree with Sebastien that that point is not at the same level as the others, but, in some way, we should separate tools and make it clear that that tool is not good because of this or that, or the contest of these accountability indicators does not mean what they want, or something like that. So, in my opinion, in general, even though I believe that Susanna was off-course trying to defend her team, the whole report for accountability indicators is too weak. So we need to make sure that our presentation here as a recommendation is strong enough to make sure that they will move for more clear indicators. Still our, in my view, definition here is not strong enough or clear enough to make all the changes that need to be done in those indicators. So maybe we should be more clear on where we need change. "In this one, we need to change tools. In this one, the contest was completed. Ignore it." Or something like that. So that's my views. Thank you.

BERNIE TURCOTTE:

Thank you, Vanda. Having played with the analysis of the accountability indicators, that is exactly what I did not want to do. I think, if we remember the conversation we had with Maarten in Singapore, it was about providing very clear analysis of what we found to be the issues. I think we did that. I think, in a lot of cases, we're very clear about what doesn't work. If there is no target or goal, that's very simple. There has to be a target or a goal. [B] is the information on how that target or goal

is set: yes or no? Is there information on what is being measured? Is that clear? Is this thing being updated? I think we're best served by that.

However, I do understand the general idea of what we're saying. But, up until now, my concern, to a certain degree, is that this particular section of our report deals specifically with accountability indicators.

Now, we can throw in some text at the beginning that talks about where else we can expand that text, about where else we're getting results about accountability, from the operational and strategic plan, which there is very little of and certainly not in the president's report. We can make those points, I think, within the context of keeping this about the accountability indicators.

I think that would be my suggestion. So we can fine-tune our analysis of the issues, if you will, to take into account and probably note that, as Susanna has pointed out, there are changes that are coming. It's great there are changes that are coming, but the point is, I think, as Vanda has said, we want to make sure that ICANN gets the message that it's not really reporting properly on how it's achieving the goals that are related.

Vanda, I still see your hand. I assume that's an old hand. I'll go to Jaap.

JAAP AKKERHUIS:

I want to react on your last point. That's exactly what I found reading the whole story of Susanna: these improvements [are common] but we don't know what it is. We cannot review it. We only see what's here, and here is just a bag of numbers without a lot of [the calls] where they

are done for. So it still keeps the current indicators. Not really very useful.

BERNIE TURCOTTE: Yes, I think we all agree on that. Sebastien?

SEBASTIEN BACHOLLET: After discussion, I would like to suggest two small changes in the text, just at the end—the two last bullet points before the recommendation requirement checklist. If we can go a little bit down ... a little bit up. Here. I suggest that we take this part of the text out, as it is, “The ICANN Board shall consider requiring,” and we add here also a [note] like that, that we have differences between content recommendation and the tools used. Thank you.

BERNIE TURCOTTE: I’m sorry, Sebastien. You’re proposing we take those two out of the recommendation?

SEBASTIEN BACHOLLET: No. I suggest that we put this part of the text in: “The ATRT3 also notes that ICANN shall,” because the beginning of the phrase is to say, “adopt and implement the [inaudible] requirement for accountability indicators shall consider requiring.” We don’t need also note that ICANN [shall], from my point of view. I suggest that, at the next point, we may add the ATRT3 and also note that the window like that is making differences.

BERNIE TURCOTTE: Okay. We'll work that out. Thank you.

SEBASTIEN BACHOLLET: Okay. Thank you.

BERNIE TURCOTTE: We've got a few things to fix in our recommendation. My proposal to you is that I rework the text in Section 9.3 a bit to mention the presentation from Susanna, to note that she advises there were changes coming, and that we're very encouraged by that, and then give an overall view of what we could find relative to accountability indicators anywhere else, and then keep our current structure of the report relative to accountability indicators, and [tell them] they need to upgrade their game.

Does that kind of approach work for everyone?

I see an okay from Pat. I see a hand from Sebastien.

SEBASTIEN BACHOLLET: Yes, definitely. I don't know when you intend to add or to link the annexes, but I would like very much to reread all the accountability indicators with Annex C that we worked out a few meetings ago, please. Thank you.

BERNIE TURCOTTE:

Okay. Well, Annex C is the analysis of the accountability indicators. It's not any different. So it's a copy-paste of that thing, just to be clear.

So we will not close that one. I've got a bit of writing to do. I think I'm clear on how we're going to approach that. We will do that and have a look at that at an upcoming meeting, as they say.

Is that okay for everyone?

Okay. I see some green ticks. I'm not seeing any objections. Thank you, everyone.

Let's move on to Section 10, our last section. Yay! Let's have a bit of a time check here. 13 minutes. Yeah, I'm hoping that's good enough. Introduction. Added the requirements by ATRT3 plenary in August 2019. Information assessed: ATRT2 recommendations related to the prioritization recommendation of activities policies ... Oh, my. I didn't put in all my references here. Okay, I will do that. ATRT3 survey related to prioritization (see Annex ... Oh, it's not. Okay, sorry. "(see Annex B, Questions 37 to 42. Other information related to prioritization: results of the evolution of ICANN's multi-stakeholder model, ICANN Board paper on resourcing and prioritization, recommendations action request review, the summary of recommendations, the public comment draft financial assumptions, ICANN Org's reviews website, the operating standards for specific reviews, the ICANN bylaws Section 4.4.4.5/6, and the draft fiscal year '19 operating plan and budget blog post."

Our analysis and identification of issues. "Neither the bylaws nor the operating standards provide a clear and consistent methodology for formulating effective review team or cross-community

recommendations, nor do they provide a basis for evaluating resource requirements associated with such recommendations, prioritizing recommendations across the universe of review teams and cross-community working groups or for budgeting for prioritized recommendations. This has resulted in a backlog of 325 recommendations which are either waiting approval or implementation. This number does not include the ATRT3 recommendations from this report, which will include the 21 recommendations from ATRT2 not or partially implemented and the SSR2 review recommendations due to be completed in the next few months.” I might remove “the next few months” at this point.

“Adding to the challenge of potentially implementing all of these recommendations are the following considerations. The draft financial assumptions and projections for the Board development of fiscal year 2021-2025 operating and financial plan does not include funding for the implementation of all of these recommendation in the operating costs and has little or not surpluses available for this under most scenarios. The significant delays in implementation will cause some recommendations to no longer be applicable or desirable. There is no process to retire recommendations which have been approved.”

“ATRT3 also notes that the responses to its survey regarding prioritization. 92% of structures and 73% of individuals supported ATRT3 making recommendations about prioritization and rationalization of ICANN activities. 100% of structures and 85% of individuals supported ATRT3 making recommendations about including a process to retire recommendations as it becomes apparent that the community will never get to them or they have been overtaken by other events. 100%

of structures and 97% of individuals supported ATRT3 making recommendations about having the community or representatives of the community involved as decisional participants in any mechanism which makes recommendations for prioritizing and rationalizing for ICANN. It is in this context the ATRT3 concluded that it will make a recommendation with respect to prioritization of recommendations from review and cross-community working groups.”

On to our recommendations. “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 ICANN community regarding prioritization, evolution of multi-stakeholder model, ICANN Board paper on resourcing and prioritization of community recommendations, and draft proposal. 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 recommendations 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 on resourcing and prioritization of community recommendations.”

“Draft proposal for community discussion. Section 5.8. The ICANN community and ICANN Org will collaboratively develop a methodology for prioritizing recommendations across review teams and for funding

implementation of prioritized recommendations as part of the annual budget process. This methodology will be consistent with the existing budget development process, including the solicitation and consideration of community input (see also discussion in Section 4 on prioritization).”

“It is in this context that the ATRT3 recommends the following guidance for the creation in the community-led entity tasked with operating a prioritization process for recommendations made by review teams or cross-community groups. ATRT 3 recommends that all SO/ACs should have the option of participating in this process or not. Those SOs or ACs wishing to participate in the prioritization process shall have one member per SO/AC. Additionally, the Board and Org shall also have a member. The Board shall also take into account the following high-level guidance for the prioritization process: shall operate by consensus of the individual SOs, ACs, Board, and Org members that are participating in the prioritization process, shall consider Work Stream 2 recommendation which are required to complete the IANA transition and are subject to prioritization but must not be retired unless this is decided by the Board, must be conducted in an open, accountable, and transparent fashion, and decisions justified and documented, should integrate into the standard operating and financial plan process, can prioritize multi-year implementation but these will be subject to annual reevaluation to ensure they will meet their implementation objectives and the needs to the community, needs to consider the following elements when prioritizing recommendations: 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 equivalent.”

So there we have it, folks. That’s our prioritization section. Questions or comments?

Sebastien?

SEBASTIEN BACHOLLET:

Thank you. I’m going through all that. Thank you for the reading. I have one question on the link with the budget because I understand this link but, if, at the end of the day, the recommendations are not implemented or people play the clock-I don’t know if that’s the right expression in English [inaudible] in French—and it’s not done now and it will never be done, I have a concern here. We need to be sure that everybody is doing that in good faith because, if not, we will have trouble and saying, “Oh, we don’t have time. We push that off to next year,” and next year we don’t have time and, at the end of the day, it’s not implemented, even if it was, for some parts of the community, important. I don’t know how we can say that and if it’s clear what I say, but I feel strongly that we need to fine-tune that. Thank you.

BERNIE TURCOTTE:

Sebastien, I think you expressed yourself quite clearly, but I think the problem is you’re trying to go to a belts, suspenders, and Velcro system. And possibly crazy glue. The reality of it is we’re saying that the community will be at the table with ICANN in the context of the realities

of what's available and will be making those decisions. If we do not believe that everyone around that table is acting in good faith for all of ICANN, then I think we have a bigger problem. I think we built this as guidelines. I think we've provided a lot of direction. I would be very reluctant to start getting into the nitty-gritty of some of these things when you don't know what some of the other parts are going to look like.

Pat Kane?

PAT KANE:

Thanks, Bernie. Sitting here thinking about Sebastien said on the concept of running out the clock, we can't have this be a time-based retirement. The retirement has to be a deliberate decision by the group that retires them. So I think I understand what Sebastien is specifically worried about: at some point in time, we just run out the clock. That's what we want to avoid. So, if there's a way to say that this should not be a timebound decision but a deliberate decision, maybe that helps what Sebastien is driving towards.

BERNIE TURCOTTE:

Okay. That's interesting. I will work on that.

Except for that edit, are we comfortable with the rest of it? And I see a green tick for what Pat has just said. All right. Except for that edit, which I will add in here, are we comfortable with this?

Okay. I don't think it's such a significant edit that it would prevent us from locking this down. So will propose that, subject to that edit and revisiting that edit, the rest of this section be locked down.

Is that okay with everyone?

All right. Not seeing any objections. Seeing some green ticks.

All right. A little late, but I think we have done exceptionally well. Thank you, everyone. With one minute left, I hand it back to Pat and Cheryl. Thank you.

PAT KANE:

Thank you very much, Bernie, for taking us through that today. I think we covered a lot of ground in the two hours that we got.

We didn't identify any other business early on, but I'll give one more shot: do we have any other business? Raise your hand or a green check.

Oswaldo, do you have any other business?

Nope. Vanda is unchecked. All right—

OSVALDO NOVOA:

No. Sorry.

PAT KANE:

Oswaldo, sorry?

OSVALDO NOVOA: No comment. Sorry.

PAT KANE: Okay, great. Thank you. Let's move to just closing out the agenda. Any confirmation of any action items or decisions that we have reached that you've captured, Jennifer?

JENNIFER BRYCE: Thanks. I just captured that Bernie was going to make adjustments to the text in the accountability indicators section for the review on a future call and then just that section there in Section 10 that needs to be adjusted for the review on a future call as well.

Aside from that, I didn't capture any other actions or decisions. Thank you.

BERNIE TURCOTTE: Fantastic. Thank you very much, Jennifer. Unless we have any other items to cover, Cheryl, do you want to close this thing up?

CHERYL LANGDON-ORR: I think we can declare a job well done for the day and look forward to our next meeting, which will be at 20:00 or 21:00 UTC [inaudible].

JENNIFER BRYCE: 21:00 UTC. [inaudible]

CHERYL LANGDON-ORR: Okay. 21:00 UTC. We will continue with our review of the final report. With that—Vanda, I’m getting a lot of interference—we can stop the recording and we can close the meeting for today. Thank you very much for managing, Pat. I feel [inaudible] very, very fragile, but I managed to hang in in Listen mode. Okay, then,. Thanks, Brenda. Thanks, everybody. Bye for now.

PAT KANE: Bye now, guys. Thank you. Be safe.

[END OF TRANSCRIPTION]