
BRENDA BREWER: Good day, everyone. This is Brenda speaking. I'd like to welcome you to the ATRT3 Plenary #59 on the 15th of April, 2020, at 21:00 UTC.

The members attending the call today are Cheryl, Daniel, Pat, Jaap, Vanda, Wolfgang, and Sebastien.

Observers are Herb, Hanyu, and Everton.

Attending from ICANN Org is Jennifer, Negar, and Brenda, and technical writer Bernie.

We have apologies from Jacques and Leon.

Today's meeting is being recorded. I'd like to remind you to please state your name before speaking.

Cheryl and Pat, I'll turn then call over to you. Thank you.

CHERYL LANGDON-ORR: Thanks, Brenda. I'll do the administrivia and let Pat run the terribly complex queue that I'm sure will happen when we get into our main piece of agenda today, which is after the next two things.

First of all, is there anyone who has a statement of interest update?

Other than the fact that many people would be interested in getting out, it doesn't appear to be the case, in which case, Jennifer: action items.

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JENNIFER BRYCE:

Thank you, Cheryl. On last time's call—I believe it was last week—we had an action item for the review team members to look at the new text for Section 9 of the report and make comments in the document ahead of this call. So today, I guess, we will mark the action item closed but when Bernie will go through all those comments as part of Agenda Item #3.

Apart from that, I have nothing else to report. Thank you.

CHERYL LANGDON-ORR:

Nice and simple. Thank you, Jennifer. I appreciate that. Last time I checked, there weren't any comments, but we shall see. But certainly the action item is closed, which brings us to the substantive part of today's call, with the exception of if anyone has any Any Other Business for us to deal with. If you do have some you'd like to flag, please put it into the chat now. Welcome, Osvaldo. You're not late. We're just getting started. Please put any Any Other Business you'd like to flag into the chat, but we'll make another call for Any Other Business before we complete our agenda today.

The two substantive pieces on our agenda today is the review of Section 9 of the report, which we're going to dive straight into after I stop talking and hand it over to Pat and Bernie, noting that we are using the report version 1.8. Of course, there it is as a link, but I do note that, until Zoom changes the security modifications, I'll call them, that they did, they do intend to make the links live again. But they haven't done so with the most recent update. So that is work pending from Zoom—at

least so they tell us Zoom account holders So cut and paste and you'll have the document open.

With that, Bernie, I'm going to hand it over to you and Pat for 3 and 4.

BERNIE TURCOTTE: Pat, over to you. Someone is typing very loudly. If you're—

CHERYL LANGDON-ORR: They are and it's not me.

[BRENDA BREWER]: I got it. They're muted. Thanks.

CHERYL LANGDON-ORR: Bernie, you want to just dive in?

BERNIE TURCOTTE: Sure, why not? Hello, everyone. Welcome. Hopefully we will get through this if there are not too many changes. Maybe we'll change the version number, Sebastien.

All right. Enough levity here. 9.1/9.2. There's not a lot there, really. Let's go to 9.3 right away. All right. "With a full version being better or not, it looks like the new one resulted in [being] more diplomatic than the previous one." So we have a comment from Vanda.

We have a hand from Sebastien.

SEBASTIEN BACHOLLET: Thank you very much. I was not about to make any change in the document. Too much going on. I was able to read it and I have some comments to make during the call.

My first, I would say, large comment is that I feel that—it's maybe the same for all the different items—we may want to switch the X#2 and X#3 because I think, after the introduction, it will be better to go directly to the substance and to leave the document we were working with as a follow-up and not a beginner. One of the reasons is that, when you read the link, you—well, at least I—have questions. I think, [if] it's answered in the next one, then it may be easier.

Now, if we take the current 9.3, I have a general feeling—I can understand where you come from in writing that—that I don't like at all corporate best practices for multiple reasons. One is “corporate” but the second is “best practices.” There is no best practices. There are good practices and, in each and every case, those practices can be used in the same way or a different way in other companies or in other organizations or in other corporations. But that's my own feeling about this general way of talking about something. Who is doing best practices today? A big question mark. That's my first comment.

The second is that I didn't have time to go back to the different documents, as you have done, Bernie. We have a five-year strategic plan. We have a five-year operational plan. And we have a five-year finance plan and a one-year operating and finance plan. We talk more

about strategic operation, except at the end of this part about finance. Is it on purpose? My description—is it the right one? Thank you.

BERNIE TURCOTTE: All right. Let's go through the document and take the things at hand.

CHERYL LANGDON-ORR: Bernie?

BERNIE TURCOTTE: I see your hand, Cheryl. We'll come back to you in a sec. As far as switching 9.2 and 9.3, or Sections 2 and 3, I have a bit of an issue with that, but I'll be glad to take the decision of the group.

Cheryl, over to you.

CHERYL LANGDON-ORR: Thanks. Sorry. I just didn't want you to miss me because, being at the top, I'm not sure. Just on Sebastien's point on best practices, this was actually an extraordinarily extensive discussion during the cross-community working groups not so many years back. I believe, if memory serves, Bernie, that we did decide to go with the term "good practices" because of the deeply held views of a number of people on the terminology of best practices. So I certainly think we could perhaps work sentence changes to take that into consideration in this document. Thanks.

BERNIE TURCOTE:

All right. Yes, I was going to mention that when we got to there. Yes, I think there was general agreement in Work Stream 2 that “good practices” will be done. We certainly can do that. Let me take a note on that, and we’ll fix that. Good.

Next we have a comment from Vanda. I could not [inaudible] [full] version being better or not. Looks like the new one resulted [in being] more diplomatic than the previous one.”

Let’s talk about that or a second. The point to actually doing this new version, Vanda, was that, based on the information we got from Susanna and some further information afterwards when we asked them questions clarifying that, it became clear that ICANN is probably going to go away from accountability indicator. Focusing all our recommendations on accountability indicators and not looking at the bigger picture would probably result in not much action. So really the idea was to look at going one level up so that our recommendations could go somewhere.

Vanda, over to you.

VANDA SCARTEZINI:

Yeah, I do agree. It’s clear and more diplomatic, considering exactly what you said, that Susanna explained better that they probably not proceed on that. So there is not much reason for us to go deeply on that and criticize each point and so on. So I can survive with that new one. It’s good and diplomatic and. [Anyway, focus] on the points that we do not agree on. Thank you.

BERNIE TURCOTTE: Thank you, Vanda. At the end of the day, if you look at the recommendations, which we will get to at the end of the document, we're basically trying to keep the spirit of a lot of the things we had come up with for the accountability indicators anyways. Or I tried to do that.

Let's get through this. Now, I guess the question I'm going to ask at this point is, do you want me to do a read-through or shall we just go through the comments? I'm very flexible. We can do either one. I think most people were there when we did a read-through last time. I can certainly do it again or we can just do comment.

I know Sebastien didn't have time to put in his comments, so it's probably best to walk our way through, if that's okay with you, Pat.

PAT KANE: Yeah, Bernie, I think that works.

BERNIE TURCOTTE: All right. Thank you. Let's dive in. "ICANN has been producing strategic and operational plans in keeping with corporate best practices"—"best practices" will be changed for "good practices"—"for quite some time with some of the earliest versions dating back to 2003. The development of strategic and operational plans at ICANN is a significant undertaking for the Board, ICANN Org, and the community. Confirming with these good practices, the latest version of the ICANN strategic plan has a clear mission statement, a limited number of strategic objectives,

which are then broken down into goals, which in turn have a number of outcomes and risks associated with each goal. Again, in keeping with good practices, ICANN produces an operational plan, which is based on the strategic plan, to identify activities which will contribute to achieving the objectives and goals and outcomes of the strategic plan. ICANN also updates the community on its progress versus the strategic objectives and goals and outcome via the annual reports since 2012, ICANN Org reports to the Board since 2016, and accountability indicators since June 2019.”

“Although these efforts technically meet the good-practice requirements for such activities, ATRT3 notes some significant issues with respect to the transparency and accountability of reporting on strategic and operational plans. A current example is the fiscal year ’19 annual report, noting this is the fourth annual report presenting a status of the ICANN strategic plan for fiscal years 2016 to 2020. In reporting on the first objective of “evolve and further globalize ICANN,” it updates the reader on the three goals of this strategic objective. The update for the first goal of “further globalize and regionalize ICANN functions” refers to the six regional reports for further information. Each of these lists all of the events and developments for the region in that past fiscal year and provides some excellent statistics on regional implication in ICANN for a total of 57 pages.”

“ATRT3 appreciates the long list of details provided in these reports but notes that there is no categorizing or linking of the information versus the goal of the four expected outcomes listed in the strategic plan. There is no assessment and summary provided which details if the goal or outcomes listed in the strategic plan are being attained or not. The

information provided with respect to the goals of the five-year strategic plan only include information on the most recent fiscal year and, as such, does not provide a complete review over the total period with respect to the progress towards this goal. ATRT3 notes that these issues are present in most goals in this annual report and that the ICANN Org reports to the Board, for the most part, suffer from these same issues.”

“ATRT3 welcomed the publication of the ICANN accountability indicators in June 2019, hoping this would provide improved progress reporting versus the goals for the 2016-2020 strategic plan, as the indicators presented in this website perfectly mapped to the goals in that strategic plan. However, a detailed analysis of the accountability indicators by ATRT3 found a number of significant problems with these (see Annex C for detailed analysis of these).”

Sebastien?

SEBASTIEN BACHOLLET:

Thank you, Bernie. I would like to go a little bit up to the first of the three bullet points. There is not categorizing or linking of the information. I have trouble understanding. I was asking myself, “There is not categorization or linkage of the information?” but it’s my English inability here.

BERNIE TURCOTTE:

Okay. What we’re trying to say—thank you for pointing it out; maybe we can use some different words here—is that, in the annual report, there’s basically just a bunch of facts under that “things that are done

for that goal.” We have no idea which of those facts actually do apply to that goal or do not and which ones apply to the outcomes. So I’m just trying to say that you can’t figure out, from the list of stuff they give us, the things that actually matter for the goal.

SEBASTIEN BACHOLLET: Okay, I understand. I think, if you can change the language, it will be easier, at least for me, to understand.

BERNIE TURCOTTE: I can look at that. Thank you.

SEBASTIEN BACHOLLET: If you go after those three bullet points—“ATRT3 notes that this issue”—what is the issue? Way of reporting?

BERNIE TURCOTTE: Well, the three bullets.

SEBASTIEN BACHOLLET: Okay. “are present in most goals.” What do you mean by that? It’s not true for just only a few of them but a majority?

BERNIE TURCOTTE: Most of them.

SEBASTIEN BACHOLLET: Okay.

BERNIE TURCOTTE: Yeah, majority. That is the point of the most.

SEBASTIEN BACHOLLET: Okay. In the next paragraph, why do we talk about June 2019?

BERNIE TURCOTTE: I believe that's when the accountability indicators were published for the first time.

SEBASTIEN BACHOLLET: You're saying that it's just less than one year ago that it was published for the first time?

BERNIE TURCOTTE: The accountability indicators as presented and the ones we worked on, yes. As far as I know.

SEBASTIEN BACHOLLET: But, if that's the case, then, if nobody knows about it, it's quite normal. It's just brand-new. But what is strange for me is that it's brand-new. I would like very much to be sure about this date because—

BERNIE TURCOTTE: I'll double-check.

SEBASTIEN BACHOLLET: ... if it's brand-new and we will stop it ... I am not sure about that. I see that there is a comment in the document. I was thinking that you may want to [put in] when we as a group were aware of it. If that's the date, then some of the comments we made about the accountability indicators are quite moot because of the fact that nobody knows about. If it's brand-new, it's quite normal. Thank you.

BERNIE TURCOTTE: Okay. I see in the chat that Jennifer is correcting me, too: 2017. So we'll confirm that and then we'll be good.

SEBASTIEN BACHOLLET: Okay. Thank you.

BERNIE TURCOTTE: All right?

SEBASTIEN BACHOLLET: Yeah.

BERNIE TURCOTTE: All right. So that June date is there. All right.

TOLA SOGBESAN: Hello, Bernie?

BERNIE TURCOTTE: Yes, Tola?

TOLA SOGBESAN: Yes, this is Tola. I was just reading what Jennifer posted here. I think there's a bit of explanation there, if that can satisfy what Sebastien is asking. Because I just read from the chat what Jenny posted. There's a bit of information. Thank you.

BERNIE TURCOTTE: All right. Well, as I said, we'll definitely take a dive at that and have a look and really confirm the dates properly. Thanks, everyone, for responding to that one.

phone rings That will go away in a second. Sorry about that. Let's go back up just a bit. I think we're too far down. Okay, thank you. We had just finished the accountability indicators. We got the thing with the date. We'll be checking on those.

"ATRT3 also notes that it is unaware of ICANN publishing a final overarching report with respect to any strategic plan which would assess with precision the success and failures of that plan and therefore misses and opportunity to improve future strategic planning efforts. Such an evaluation is a requirement for much smaller projects and should therefore be an expectation for strategic plans."

Sebastien?

SEBASTIEN BACHOLLET:

My trouble with this is that we go from one plan to another. Therefore, I have the impression that at least there is some output of the previous plan that is taking care in the next one. At the same time, the history of ICANN about those plans is that you got a new CEO and you got a new strategic plan. We may wait for one year or one-and-a-half years before starting his own one. Sometimes it's maybe the reason why there is no assessment of what the previous CEO has done with the strategic plan. That's my bad tongue today about the way this organization is run. But I really would like to be sure that there is nothing about that.

In this document, Bernie, you are really [itching] a lot of things about strategic planning that were never discussed within the community that must have been in the comments by one or the other. That's quite, first, strange and good from your work, but I would like it to be that we are cautious about how we do that. Maybe one way to go is, like, with Susanna, to have somebody from ICANN Org and we have an exchange on that specific issue. I remember the time where we just had a strategic plan for five-years and the operating and finance plan for one year. Now everything is five years. Once again, it's maybe good, for [entering] what we are saying, to have a discussion with somebody in charge of that within ICANN Org. Thank you.

BERNIE TURCOTTE:

Very good question. I believe we did ask that question of Susanna. Am I correct, Jennifer?

JENNIFER BRYCE: Regarding the strategic plan?

BERNIE TURCOTTE: Regarding a final overarching report with respect to strategic plans.

JENNIFER BRYCE: Yeah, I believe so, Bernie. There is no final overarching report on the strategic plan.

BERNIE TURCOTTE: That has ever been produced.

JENNIFER BRYCE: Correct.

BERNIE TURCOTTE: So we did so our homework on that, as far as we could tell.

Wolfgang, I see your hand.

WOLFGANG KLEINWACHTER: I think this is more a general problem. I understand Sebastien, that we list some points in our discussions. This was also [why], when I always used the language, we did an eagle's view on ICANN as a whole. But I

think, at this stage where we are now with the final report, it's not practical to go deeper on this issue.

I would recommend—this would take Sebastien's point on board—that, in our conclusions or final part, we have a number of bullet points that we say, "This would be done," with. A report on the strategic plan, I think, would be certainly part of this. Thank you. Back to Bernie.

BERNIE TURCOTTE:

Thank you, Wolfgang. I think we have that in our recommendation at the end, but we'll get there by the end.

Any other comments?

No. Let me check chat [and the] blog on accountability indicators. Okay.

"ATRT3 therefore concludes that ICANN is, at worst, failing and, at best, falling short of community expectations with regards to being transparent and accountable as it should be with respect to its strategic plans. Although the conclusion is clear, it's important to look at the root causes of these issues so that these causes can be addressed effectively in a recommendation by ATRT3."

"Setting strategic objectives and goals based on the 2021-2025 strategic plan. ATRT3 notes that the public consultation on the 2021-2025 draft strategic plan only received a total of 15 comments, most of which were from SOs and ACs or their subcomponents, which would seem to indicate a failure of the community to buy into the process."

Sebastien?

SEBASTIEN BACHOLLET: Thank you, Bernie. This failure puzzles me because, if we have SOs and ACs, those are the ones who need and have to comment on those documents. I am not sure that we are looking for 5,000 comments by individuals, like for .org or for enterprise [,Skype], or for others like that. I have trouble with how we can measure it. Therefore, I understand your point of view, but I consider that it's not a failure. Eventually, it's a good way to be sure that major groups are answering and participating in the discussion. Therefore, I am a little bit not sure about this. You repeat it in different parts of the document, and each time I was quite puzzled.

BERNIE TURCOTTE: Well, I repeat it once when we talk about the operational plan. I can understand your concern. I certainly don't think we need to die in the ditch about this. I was simply bringing it up to point it out. We can certainly review this part.

SEBASTIEN BACHOLLET: Okay. Thank you.

BERNIE TURCOTTE: "Overwhelming complexity in understanding what results are being sought. The 2021-2025 strategic plan has five strategic objectives, which break down into 17 goals, which in turn break down into 59 targeted outcomes. These outcomes lack specificity. Most of the 59 targeted outcomes do not clearly state what needs to be done to attain the

outcome or how one would measure the progress to achieving the outcome. This makes it very difficult to determine in a clear and simple fashion if the targeted outcome is achieved or not, which in turn makes it even more difficult to determine if the strategic goal is achieved, therefore making it almost impossible to determine if a strategic objective, which is composed of multiple strategic goals, has generated the expected results. ATRT3 believes it is a reasonable expectation that, as a minimum, all goals and outcomes have a clear and simple criteria for success which can be factually assessed.”

“Annual operation plan. Based on the 2021 draft plan.”

I’m not going to repeat the public comment. Sebastien had an issue. Sebastien, your hand is up.

SEBASTIEN BACHOLLET:

Thank you, Bernie. I consider that is good to have what I consider, even if [ends with two dots], an annual operational plan. We may wish to add that before the one of “setting strategic objective.” We talk about the five-year strategic plan, and it may be good to have some separation in this document. I was reading that as a title and I was looking at we were talking about before, and I had trouble finding where it was and how it was organized. That’s just a comment on the organization of the document here. Thank you.

BERNIE TURCOTTE:

All right. We can look at that. Thank you. As I said, we had some negative comments. As I said earlier, we’re remaking the point about

only 13 comments on the operational plan, and most of them were about finances.

Next bullet. “The one-year 2021 operating plan presents the reader with 15 operational initiatives aimed at supporting the strategic goals and outcomes from the strategic plan, and five service groups, under functional activities, which are further broken down into 36 units. It’s important to note that details of each entry in the operational initiatives and functional activities is very well organized and presents certain critical information very well. Understanding the link of the operational initiatives to the goals and outcomes of the strategic plan 2021-2025 is no easy task, even if each of the operational initiatives presents a section titled “Strategic Goals and Targeted Outcomes Supported.””

“A major issue is that any specific operational initiative can contribute to multiple goals and outcomes. An as example of this, the operational initiative name of “Facilitate DNS Ecosystem Improvement” lists that it contributes to eleven goals and outcomes from the strategic plan. In fact, the 15 operational initiatives collectively have 59 entries which support goals and outcomes. The main problem with this is that there is no cross-referencing provided, which indicates what goals and outcomes are supported by which operational initiatives. Adding to this complexity are the 36 functional activities, which in turn contribute to the operational initiatives by listing 100 such contributions. This type of matrix approach can be effective but significantly increases complexity and essentially makes traceability of what contributed to a goal or outcome impossible and also makes it impossible to measure progress for any given goal or outcome from the strategic plan. Relative to this,

the ATRT3 commends the ccNSO for its detailed and insightful comments on ICANN’s fiscal year 2021 operating and financial plan.”

Getting back to Sebastien’s original question—I see your hand, Sebastien, and I’ll get to you in a second—the only reason I mention the operating and financial plan is that the—

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BERNIE TURCOTTE:

Excellent. So the only mention there is that the operational plan is included in there, and that’s the full title of the text.

Sebastien?

SEBASTIEN BACHOLLET:

Thank you. I had a question about the last sentence you read, as you have read very carefully all the inputs. You underlined the ccNSO because there are some very specific issues. We are not dealing with comments made by other groups in this comment period?

BERNIE TURCOTTE:

That is essentially it. Correct, yes.

SEBASTIEN BACHOLLET: Okay. If I remember well, you [came to it] twice. I guess there's another place where we talk about the ccNSO the same, I guess.

BERNIE TURCOTTE: I don't think so. I have one mention of the ccNSO in this section. Well, in 9.3

SEBASTIEN BACHOLLET: Okay. Good. Maybe it's in the introduction of the document.

BERNIE TURCOTTE: In 9.2, there's the reference to this document because I list all the documents.

SEBASTIEN BACHOLLET: Okay. We will see if we find it somewhere else because I think I read it somewhere else.

BERNIE TURCOTTE: No, those are the only twice places. One, it's listed in the documents referenced in Section 9.2, and it's referenced here in this bullet.

SEBASTIEN BACHOLLET: Okay. Thank you.

BERNIE TURCOTTE:

“Understanding how to assess the success of the operational initiative is, at best, very difficult. Each operational initiative has a section titled “How Progress is Tracked.” ATRT3 notes that, to track progress, there needs to be clear measurements versus a target towards which progress can be made. Unfortunately, this is rarely the case in these sections. As an example, the operational initiative titled “Evolve and strengthen the multi-stakeholder model to facilitate diverse and inclusive participation in policy-making” lists five entries, none of which has a specific target, and measurements are, for the most part, vague and/or very broad, such as metrics related to public comment proceedings. These observations are applicable to most, if not all, of the operational initiatives. ATRT3 also notes that, although the 36 functional activities, which in turn contribute to operational initiatives by listing 100 such contributions, none of these contributions are included in the “how the progress is tracked” section.”

Herb says he has to leave the call. Thanks for joining, Herb.

So those are the issues we list.

“The issues identified in this analysis bring to mind the following quote: “All problems in computer science can be solved by another layer of indirection, except for the problem of too many layers of indirection.””

I threw that in because it really jumped to my mind. Each time we have a goal or objective, we keep referring to something else, and then we keep referring to something else, and then we keep referring to something else. We never get a target of this is going to be what’s going to be done and how we’re going to measure it.

“ATRT3 concludes that the almost complete lack of specific measurements, milestones, and the definition of clear targets with respect to the goals and outcomes of the 2021-2025 strategic plan, as well as in the operational initiatives in the 2021 operating plan, will make it very difficult, if not impossible, to track progress and assess if these elements have been achieved or not. This conclusion may help to explain, at least in part, the lack of participation in the public consultation process with respect to the strategic and operational plans, given the average community member is provided with no clear information on what is being proposed and how it will be assessed.”

Yes, this last sentence here is dependent on if we keep those other parts.

Sebastien?

SEBASTIEN BACHOLLET: Thank you. I was questioning “average community member” because, [if] everybody gets the same information., then they’re average—the top and the down and the SOs and ACs—given that the community is provided with no clear information. Thank you.

BERNIE TURCOTTE: The point I was trying to make here and maybe didn’t make it very well is that it may be fine for ... If we take the ccNSO as an example, they have a subcommittee that deals with this specifically. It’s a well-populated that takes its time and actually produces this. I was trying to

address the issue of individuals who actually want to contribute to this process and make comments, but I may have not done that properly.

Sebastien?

SEBASTIEN BAHOLLET: No, no. You have done it properly, but my suggestion is therefore that we put here that the community is provided with no clear information and it's even more difficult for average community members—

BERNIE TURCOTTE: Oh, I get your point. All right, Thank you.

SEBASTIEN BACHOLLET: Thank you.

BERNIE TURCOTTE: Good point. Thank you.

“ATRT3 understands that there be a number of factors which have steadily evolved over time to create this situation without there being a specific intent to do this. However, ATRT3 believes that this situation is no longer desirable or acceptable, as there can only be very limited accountability if there are no targets set, well-defined measurements made at measurable intervals versus those targets, and an assessment if those targets are met or not at the end of this period. As such, ATRT3 is making a multi-part recommendation with respect to the accountability and transparency of strategic and operational plans.”

Sebastien?

SEBASTIEN BACHOLLET: Thank you. With the previous paragraph, where you talk about accountability, I have no suggestion, unfortunately, but I would like very much that you find something with transparency also because, in our recommendation, we talk about both. Here we have the impression, that, at the end, we have elements about accountability—

BERNIE TURCOTTE: Very good point, Sebastien. As I was reading it, I was thinking the same thing. All right. I'll reword that.

First bullets. "Goals, strategic or not, outcomes, targeted or not, operational initiatives, etc., must provide a clear and concise rationale in plain language explaining how each goal/outcome/operational initiative is critical to achieving the results of the one it is supporting. Example: for each strategic goal, there must be a rationale as to how it is critical for its strategic objective," "critical" meaning it will fail without it.

After that, I have, in a parentheses, as an option: "Ideally, such rationales would be a maximum of one paragraph." I'm trying to avoid condensing things.

Sebastien?

SEBASTIEN BACHOLLET: Thank you, Bernie. Here I'm questioning if we are not doing too much in explaining how ICANN needs to work. I get your point totally, but I am not sure that it's our goal to tell them they need to have a short document or that they need to have more than X items. What we need to say is that we think they have to rethink about how they want to communicate about those topics. But I don't feel it's ATRT3 who has to tell them how they will have to work. Thank you.

BERNIE TURCOTTE: Okay. "Goals, strategic or not, outcomes, targeted or not, and operational initiatives must have, clearly articulated and in plain language, specific criteria defining success and shall be [smart] unless appropriately justified. ICANN should review its '21-'25 strategic plan and '21 operating plan to ensure that they meet this requirement. ICANN shall publish an annual status report on its strategic plan and operating plan, objectives, goals, and outcomes in operational initiatives. They should clearly assess each of the elements presented in the strategic and operational plans, objectives, goals, outcomes, etc., clearly indicating what progress has been made versus the target in concise and plain language. Any additional comments with respect to the assessments should also be made in concise and plain language. Prior to being finalized, the report will be submitted for public comment."

Again, I have in parentheses, as an option: "Ideally such"—whoa. You're going too far, Brenda. Back up a bit. Okay, thank you. "Ideally such a report would allow for a maximum for one page per item."

The final one is, “ICANN shall publish an overarching report at the conclusion of a strategic plan, starting with the ’16-’20 strategic plan. They should clearly assess each of the elements presented in the strategic plan—objectives, goals, outcomes—clearly indicate if it was attained or not and justify that assessment in concise and plain language. Any additional comments with respect to the assessments should also be made in concise and plain language. The report shall conclude with a section distilling the results of the assessments and how this could be applied to the ’21-’25 strategic plan. Prior to being finalized, the report will be submitted for public comment.”

Again, a suggestion on a page per item.

That’s it. Then we get to the old version of the report.

Sebastien?

SEBASTIEN BACHOLLET:

I will play the devil’s advocate here. Each year, we revise the strategic plan. Therefore, it’s a moving target, and we need to build the next one. If we wait for an overarching assessment, then we will have a one-year or two-year delay to build the next one. It’s something we need to, I guess, take into account. That’s my first [inaudible].

Okay, you disagree with me. No problem. I really feel that we are putting in too much detail. We are putting our finger in things that we don’t need to. We need to tell ICANN that they need to do thing, but they how have to do it? If it’s five words or ten words, it’s their duty, not

ours. I really feel strange in telling them they need to have five items and not more, and so on and so forth. Thank you very much.

BERNIE TURCOTTE:

Okay. A couple of points on that, Sebastien. I don't think anyone is suggesting that the overarching report is a requirement to start the new plan. I think, as you say, it's continually revised. So, whenever we get to it, the point is simply to produce a report at the end of a strategic plan so the community has an idea where we got with it.

As to the thing that's bothering you on number of items, number of pages, you'll notice there in brackets, because I also had some concerns, there were trying to be some guidelines to be helpful. But I absolutely have no issues with removing them, which is why I put them in brackets in the first place. But thank you for those.

Anybody else?

Going once ...

CHERYL LANGDON-ORR:

Bernie, it's just that there are some interactions in chat that you'll need to pay attention to as well.

BERNIE TURCOTTE:

Okay. Let's have a look at that. Vanda: "But I believe the suggestion on how would be good and not a bad idea, Seb." Sebastien: "Are you sure that's the best good idea, Vanda? I'm not." Cheryl: "Actually, Seb, I think

it's our job to define that such rationale be succinct yet sufficiently detailed and written in plain language where possible." Osvaldo: "@Vanda, me too. I think we should point is lacking and what we think must be done to make them better." Vanda: "If we are criticizing the way they are redoing suggestions, a good way, in my opinion, is a good direction." Cheryl: "That fits my personal view, @Vanda and Osvaldo. Direction, as my text above, is not, in my opinion, too specific in detail." Tola: "I think the issue is for us to avoid delving in redefining operations for ICANN Org." Indeed. Agreed, Tola.

There we go. I think we've done some really good comments, so I'll try to edit those into the next version and make that available tomorrow.

"Yes," from Tola.

Pat, I'm going to hand it back to you, unless there's something else on this section.

PAT KANE:

Thank you very much, Bernie. We can pull up the agenda again, please.

Sebastien, your hand is raised.

SEBASTIEN BACHOLLET:

Thank you. At the beginning, Bernie told us he was having an issue with my suggestion to switch X.2 and X.3, as I really feel that it will be easier to be read by the average community member. But, Bernie, you told me that you have a question with that, and we didn't discuss it. Thank you.

BERNIE TURCOTTE:

Very good point. Well, I think you made the suggestion. In my Cartesian ex-programmer mind ... Let's go back to that, actually. Brenda, if you can bring up 9.1, please—actually, 9.2. And she whips that right up. Excellent. What we've done in all the other points is use this exact setup. So, in 9.1, we say why we're looking at this. In 9.2, we say the things we are considering. 9.2.1: ATRT2 recommendations. There are none in this case. 9.2.2: ATRT3 surveys related. We say which questions we looked at. 9.2.3: Other information. And then we list the other information we go through. Then, in 9.3, we go through the analysis of the information. As I said, with my Cartesian mind, when I'm ready to, I'm not going to die in the ditch in this, but I'm more than willing to take direction from the group on this.

Sebastien wants to put the analysis before this listing, which could be considered a bit of a bibliography in a way. I understand that.

I'll throw it on the floor if anybody else has any ideas.

PAT KANE:

Thank you, Bernie. Does anybody else want to weigh on the ordering here?

Cheryl, your hand is raised.

CHERYL LANGDON-ORR:

Thanks, Pat. I'm also not going to die in a ditch on it, as long as whatever we do in 9 we do everywhere else.

BERNIE TURCOTTE: Yes. Obviously, if we make a change here, we have to change the nine other sections of the ten-section report.

What I'm going to suggest, if it's okay: let's, as Cheryl likes to say, put a pin in this one and think about it because it's really an ordering issue. It's not a fundamental discussion. It's just about, are we going to put this section in this order [inaudible] and talk about it again in the next one?

Sebastien, I see your hand is up.

SEBASTIEN BACHOLLET: I'm sorry. I was cut off. I'm really sorry. My internal connection is unstable. When I got that, it was when Cheryl was talking. It's not my fault, Cheryl. I don't know what you said.

I just wanted to raise one issue here. When we talked, I was really wondering why you were taking specifically the ccNSO in this list. I had the answer later on. It's why, at the end, I was suggesting to switch those two: Point 2 and Point 3. Thank you. That's my rationale.

BERNIE TURCOTTE: Thank you. What you missed from Cheryl was two things. The first thing is, if we switch it here, we have to switch it in the nine other things, which makes sense, and, second, that she's not going to die in the ditch for it as long as it's reasonable for everyone. What I suggested right on the heels of that is I think we've made some discussion on it. It's not a

critical point. It's a formatting point as far as I'm concerned. Let's put a pin on it and come back to it on our next call, if that's okay with you, Sebastien.

SEBASTIEN BACHOLLET: It is okay with me. No problem. Thank you very much, Bernie.

BERNIE TURCOTTE: Thank you, Sebastien. Pat, back to you.

PAT KANE: Thank you, Bernie. Since we are approaching the top of the hour, before we get into our next section, which is the executive summary and introduction, why don't we go ahead and take five minutes here?

BERNIE TURCOTTE: Oh, thank you.

PAT KANE: We'll start back up at ... You want to take five or ten? Five? So let's start—

BERNIE TURCOTTE: Five is five.

PAT KANE: All right. Let's start back then at exactly the top of the hour. Thank you, Bernie. We'll see you in five.

Welcome back, everyone. We're going to now actually go through the introduction and executive summary.

Bernie, you're up again.

BERNIE TURCOTTE: Yay! Welcome back, everyone. Executive summary and subsections. There have been some modifications. KC quite correctly had pointed out earlier on that we had not referenced things properly, so we've tried to fix most of them, if not all of them. So here we are.

"This is the final report of the third Accountability and Transparency Review Team (ATRT3) produced in accordance with the ICANN bylaws, Section 4.6B. The review comes at a critical time for ICANN, given its accountability and transparency framework has significantly evolved since the ATRT2 review was completed in December 2013. Elements which significantly contributed to this evolution include the IANA stewardship transition in 2016 and approval and implementation in the bylaws of the CCWG Accountability Work Stream 1 recommendations in 2016. Work Stream 1 essentially had three components to implement: bylaws changes, which the CCWG Accountability Work Stream 1 Co-Chair declared complete, implementation of the Empowered Community, and associated mechanisms and the implementation of the IRP-IOT, all of which are implemented. [The launching of work to improve the effectiveness of ICANN's multi-stakeholder model of governance in April 2019, approval by the Board of the CCWG

Accountability Work Stream 2 recommendations for implementation in November 2019, the leveling off of ICANN revenue ...] The budget projections for fiscal year '20 show revenues at \$140 million versus expenses of about \$137 million. The 2019"—I will get to you in second, KC— "annual report shows revenues at U.S. \$143 million versus expenses of \$139 million."

KC, over to you. I know you had objectives to this originally. I got no other objections. I removed that comment. If you want to make it again, please go ahead.

KC CLAFFY: Can you hear me?

BERNIE TURCOTTE: Very well.

KC CLAFFY: It was on an early comment. I'm just as confused about the English. I think it's a [writing] thing. You say the CCWG Accountability Work Stream 1 declared the bylaws change complete, but it's not clear to me who's declaring the rest of it. This English is weird. You've got "implementation" in here several times. "implementation of then Empowered Community and associated mechanisms." So who said those were implemented? The next one is "implementation of the IRP-IOT." Who said those were implemented? Then you say "all of which are implemented." That implies that we are saying those are implemented, but I don't think we've looked at those.

BERNIE TURCOTTE: No, I don't think we're saying that. The references point to the documents. The Empowered Community is defined in the bylaws and has its own website in ICANN. That's what we're pointing to with its associated mechanisms. The IRP-IOT also has its own wiki and has its own ongoing section. We even deal with that in our report in Section 6, if I remember correctly. So, if it's just the English that bugs you, then we can work on that, but—

KC CLAFFY: Yeah. I think you need the last five words removed.

BERNIE TURCOTTE: All right. We'll look at that. Thank you.

Moving on, "It is also important to point out that specific and organizational reviews also need to evolve. Elements supporting this include publication for public comment on a process proposal for streamlining organizational reviews in April 2019, approval of the new operating standards for specific review in June 2019, the publication of the Board paper on resourcing and prioritization of community recommendations, draft proposal for community discussions in 2019"—why there's a 15 there I don't know; I'll fix that—"publication of the summary recommendations relating to Work Stream 2 and reviews (November 2019), which shows a backlog in improving or implementing the 325 recommendations, and the publication of the Board Chair's paper on enhancing and streamlining ICANN reviews, issues,

approaches, and next steps in October 2019.” Why there’s a 16? I think that’s just a copy-paste artifice.

KC?

KC CLAFFY: Sorry. No, I’m down. Hand down.

BERNIE TURCOTTE: Oh, sorry. Okay. Thanks.

KC CLAFFY: I’m just reading. Sorry.

BERNIE TURCOTTE: “In defining its scope, ATRT3 added two elements to the eight defined in the bylaws. These were accountability and transparency relating to strategic and operational plans, including accountability indicators and prioritization and rationalization of activities, policies, and recommendations. To accomplish this, ATRT3 undertook a number of activities, including: reviewed the implementation and effectiveness of the 46 distinct ATRT2 recommendations (see Annex A for details)”—I got a footnote there explaining the difference between what was the twelve ATRT2 recommendations in our accounting of the 46 distinct—“conducted a major survey of individual structures, SOs, ACs, as well as GNSO constituent bodies and RALOs, on a wide range of relevant topics (see Annex B for details), reviewed the ICANN accountability indicators

in detail (see Annex C for details), received briefings from various groups, such as ICANN Org’s public comment team and the NomCom Review Implementation Working Group”—bit of formatting there—“reviewed many ICANN documents, and held interviews and meetings with the community at ICANN65 and ICANN66. For each topic [and] its scope, ATRT3 gathered all the relevant information, assessed the information to identify if they were any significant issues, and made recommendations where necessary.”

Sebastien?

SEBASTIEN BACHOLLET: Thank you, Bernie. Here I would like to add “relevant and available information” because we didn’t get all the information we were asking for. Thank you.

BERNIE TURCOTTE: “relevant and available.” Okay, noted. I’m just writing a note here so I get the right place.

“In considering and analyzing all this information, ATRT3 identified five areas which it deemed required recommendations. In making its recommendations, ATRT3 has adhered to the new guidelines for specific reviews, as well as its own requirements for recommendations and its term of reference. All ATRT3 recommendations are meant to be SMART and include a complete checklist of requirements as per specific reviews recommendations.”

“ATRT3 concludes its report by making these five recommendations ranked in priority order as follows: recommendation on prioritization of review and CCWG recommendations (Section 10 of this report), recommendation on amending specific and organizational reviews (Section 8 of this report), recommendation for accountability and transparency relating to strategic and operational plans, including accountability indicators (Section 9 of this report), recommendation on public input (Section 3 of this report), recommendation on completing the implementation of ATRT2 recommendations (Section 7 of this report).”

So that’s the executive summary.

Sebastien?

SEBASTIEN BACHOLLET: Thank you, Bernie My question here is on the ranking. I don’t remember if we had an in-depth discussion on that, but my feeling now is that, even if we add, I would put the two first ones at the same level: [1,1,2,3,4.] Thank you.

BERNIE TURCOTTE: Okay. Cheryl?

CHERYL LANGDON-ORR: Thanks, Bernie. You know me and numbers, Bernie, and the order of them—bleh. In the executive summary, we may as well just mention the recommendations in the order—Section 3, Section 6, Section 7, Section

8, Section 9, Section 10—in that text order and then, if there’s any ranking, have that as a separate sentence. Thanks.

BERNIE TURCOTTE:

All right. Both interesting suggestions. I’ll see what we can do with that. You’ll remember that, originally in our draft structure of the report, we had a final section where we were looking at doing the prioritization [and] the recommendations. So maybe what we can do is say what Cheryl was saying here and just put them in numerical order here and have that discussion later.

Anything else before we leave this part?

Nothing? Okay. “Review background. The affirmation of commitments between ICANN and the United States Department of Commerce, signed on the 30 September 2009, required ICANN to commit to undertaking several reviews,” blah, blah, blah. “Reviews are important accountability mechanisms that are now required by ICANN bylaws and are critical to maintaining a healthy multi-stakeholder model. AoC reviews are currently referred to as specific reviews and are mandated in Section 4.6 of the bylaws. They include the accountability and transparency reviews, the competition, consumer trust, and consumer choice reviews, the security, stability, and resiliency reviews, and registration directory services reviews. According to the bylaw’s Section 4.6, the ICANN Board shall cause a periodic review of ICANN’s execution of its commitment to maintain and improve robust mechanisms for public input, accountability, and transparency so as to ensure that the

outcomes of its decision-making reflect the public interest and are accountable to the Internet community.”

“Accountability and transparency review. The bylaws outline the issues that the accountability and transparency review may assess as described in Section 2.3 of this report.”

I may have to review that reference. Good point. 2.3.

“Article 4.6 VI states that the accountability and transparency review shall be conducted no less frequently than every five years, measured from the date the previous accountability and transparency review was convened. Additionally, there is a requirement that ATRT reviews be completed within one year. The first ATRT review (ATRT1) submitted its final report to the ICANN Board on 21 December 2010. The report include 27 recommendations on the following topics: ICANN Board Directors governance, performance and composition, role and effectiveness of the GAC and its interaction with the Board, public input processes and the policy development process, review mechanisms for Board decisions, and overarching recommendations. The second ATRT2 review (ATRT2) submitted its final report to the ICANN Board on 31 December 2013. The report included twelve general recommendations, which ATRT3 has broken down into 46 distinct recommendations, on similar themes as those [of] ATRT1. The third ATRT review (ATRT3) had its first face-to-face meeting on 3-5 April 2019 and is mandated to issue its final report within one year of convening its first meeting—that is, by 5 April 2020. When the report is handed in”—we’ll figure out some wording to put in there, given that we’re obviously past 5 April 2020. “Details of the ATRT3 composition are available on the ATRT3 wiki page.

The ATRT3 contracted Bernard Turcotte to serve as technical writer for the review.”

Anything on this section?

Okay. “Review scope. Per the ICANN bylaws, Section 4.6”—I’m not going to read these. These are quoted straight from the bylaws. I don’t think there’s any value in taking our time on that.

At the bottom here: “The ATRT3 included the above items in its scope, along with the following topics: accountability and transparency relating to strategic and operational plans, including accountability indicators, and prioritization and rationalization of activities, policies, and recommendations.”

“Methodology. After identifying and prioritizing its scope items through a series of brainstorming exercises, the team agreed to conduct its work in four work parties: Board, GAC, reviews, community. Work party objectives were guided by ICANN’s bylaws. After completing its initial research and analysis of data, the review team agreed by consensus to move work party to plenary level.” We have to fix the wording there a little bit.

“To undertake its work, ATRT3 organized its report based on its scope items, reviewed the implementation and effectiveness of the 46 distinct ATRT2 recommendations, conducted a major survey of individuals and structures on a wide range of relevant topics (results of the survey can be found in Annex B), held interviews and meetings with the community at ICANN55 and 56, received briefings from various groups, such as ICANN Org’s public comment team and the NomCom Review

Implementation Working Group, reviewed the ICANN accountability indicators in detail, reviewed many ICANN documents, and requested and received several clarifications from ICANN.”

On that last one, I’ll refer to Sebastien’s previous comment, and I’ll tweak that one, regarding that we didn’t get everything we asked for.

Any issues on this point?

No. Okay. This is pretty much cut-and-paste of various things we’ve said in the past.

A more interesting point is here. “Summary of major and findings”—wow. Okay, so that needs to be fixed. “Summary of major findings.” Brenda, we dropped just a bit. Okay. “ATRT3’s first major finding was that reviews, both specific and organizational, could not continue as they were currently operating. Elements which led ATRT3 to this conclusion, in addition to those listed in the introduction section, included results of the ATRT3 survey regarding reviews and prioritization, publication of the summary of recommendations relating to Work Stream 2 reviews (2019), which shows a backlog in approving or implementing the 325 review and Work Stream 2 recommendations, work on the evolution of ICANN’s multi-stakeholder model, issues related to implementation of past specific review recommendations (ATRT2, SSR1, WHOIS 2), issues related to the completion of the SSR2 review, which is still ongoing three years after its first meeting, issues with organizational reviews with respect to the recommendations made by independent examiners (ALAC, SSAC, and RSSAC). These findings are presented in Section 7, 8, and 10 of this report, which include

recommendations on completing the implementation of ATRT2 recommendations, amending specific and organizational reviews, which will require a bylaws amendment, and instituting a prioritization system for the implementation of review and CCWG recommendations, which may require a bylaws amendment.”

“ATRT3 also identified significant issues with respect to the production and reporting on ICANN’s strategic and operational plans and makes a recommendation regarding this in Section 9 of this report. Finally, ATRT3 found some significant issues with public input, especially with respect to public comments versus other public input methods. ATRT3 presents its findings, including a recommendation, in Section 3 of this report.”

“Review team suggestions and recommendations. In a context where there are 325 review recommendations awaiting approval or implementation, ATRT3 has chosen to be pragmatic and effective in making recommendations. Although ATRT3 makes both recommendations and suggestions, it only requires the implementation of its five recommendations. Suggestions are meant to be exactly that— suggestions—and it is left to those concerned by those individual suggestions, which can be found in Annexes A and B of this report to decide if they should or not be implemented. In making its recommendations, ATRT3 has also adhered to the new guidelines for specific reviews, as well as its own requirements for recommendations in its terms of reference. All ATRT3 recommendations are meant to be SMART and include a complete checklist of requirements for specific review recommendations.”

“SMART shall come with”—a comment from Vanda—“an information at the end of the page, for instance, to allow translators to make”—yes. I’ve used the acronym SMART earlier and defined, but, yes, I will do it here also, Vanda. Good point.

“Additionally, ATRT3 is ranking its recommendations.” We haven’t finished doing that; this is a suggestion. “ATRT”—getting tired here. Sorry. “ATRT3 makes five recommendation which are ranked by priority order.” Sebastien has already noted that the first two should be at the same level.

I think that’s it. After that, we get into Section 1 of the report.

I’ve taken a few comments. KC?

KC CLAFFY:

I’ve never seen an executive summary that didn’t list the recommendations. Can we actually put the recommendation in here? These are topics of the recommendations. [I’ve seen them twice].

BERNIE TURCOTTE:

That’s an interesting point in that our recommendations tend to be long, and I wanted to have that discussion. So thank you. Yes, we certainly can put them in. It’s only an editing feature. But let’s remember that we will end up with about, I don’t know, five or six pages of them.

I see Pat giving us a thumbs up. Cheryl, you have a comment?

CHERYL LANGDON-ORR: Yeah. I guess I'm after balance between the long length I should say, of the executive summary and having at least a brief statement that outlines more of your PowerPoint version headline of the recommendations. So I do hear what KC is saying and, yes, that is probably something that I'm more than comfortable putting in, but I'm not comfortable putting in some five extremely long recommendations and rationales. So, if we can shorten ... We've got the links to the actual places in the documents. If they can be made hyperlinked in the final document, which I'm assuming they will be, excellent. It'll allow ease of the reader to dig in and get the greater details. So, if we can list as brief but as accurately as possible and hyperlink it to the gory details, I'm comfortable. Thanks.

BERNIE TURCOTTE: KC?

KC CLAFFY: My experience is that a few people read past the executive summary, so we definitely want them to know what the recommendations are before the end of this section of the report. There's a redundancy in this section, including these last five bullets, which are repeated twice. So it seems to me that we could deal with some of the redundancy to get us room back to make room for the recommendations and then not put all of the rationale in just a sentence describing that. But I haven't tried to do that, so, Bernard, I know that makes you're hard. I don't know how hard that's going to be.

BERNIE TURCOTTE: I would stay away from trying to put in the whole rationale. If we're going to put in the recommendations, then let's put in the recommendations.

We have Vanda's hand up. Vanda?

VANDA SCARTEZINI: My suggestion is just to make link for those links into the sentence. Like, Section 10 is on the line and you click on that and go directly to read that, instead of putting all things around. I believe that we agreed that it was not a good idea to have all those recommendations beforehand jumping into the people like that. If people want to read that underlined section—Section 10; you click on that and you straight to the other part of the report—make it easier for someone that wants to read first and so on. So that's my general comments. [Vofagin] said there could be an extra box to put on that. Anyway, for me, the link will be more useful for someone reading this report. Thank you.

BERNIE TURCOTTE: Thank you, Vanda. Pat?

PAT KANE: Thanks, Bernie. Yes, Vanda, I think that's right if everybody reads online. From the standpoint of KC's point around having an executive summary that I can just walk away from and understand, maybe not in gory

detail, exactly what the recommendation is and the rationale behind that, I think that's important to have in the executive summary. So I agree that, while we don't want to just replicate everything, there still had to be some sufficiency to what we are putting in there so that people can walk away from the executive summary and go, "Yeah, I understand that these five things really are driving towards." They should be hyperlinked, yes, or the online version, but, for those of us who like to touch and feel the paper, I think they need to be in the executive summary.

BERNIE TURCOTTE: Thank you, Pat. Tola?

TOLA SOGBESAN: I agree with what Pat just said. I was going to say the same thing. I believe very strongly that we need to have the recommendations in the executive summary. That's the reason why there's this executive summary anyway. Maybe we just make a link. You click on it and it takes you to the exact page for the details. We need to have the recommendations in the executive summary. Thank you.

BERNIE TURCOTTE: All right. I think then people have spoken. Let me see what I can do to take in all those comments, including KC's, saying: let's not reduplicate this and maybe make room for that. I will throw that together tomorrow and send out an e-mail to the list. We can all have a look at it and see what it actually looks like when we put that in.

Does that sound okay for everyone?

Vanda has a checkmark. Pat has a checkmark. Cheryl has a thumbs up.

Tola, your hand is still up?

TOLA SOGBESAN: I'll [drop it].

BERNIE TURCOTTE: All right. Great. Pat, I'm done. Back to you.

PAT KANE: Thank you, Bernie. If we could pull up the agenda, I think we're at Any Other Business at this point in time. While I don't think we called for it at the beginning, do we have any other business at this time?

KC CLAFFY: Pat, I guess I want to talk about that—what is it?—that intro report, which is making the rounds on SSAC, too. I just want to make sure, if the rest of the committee doesn't think this is an accountability issue, we can just drop it and I'll mention it somewhere else. But it's got "accountability" in it so many times and I've heard similar things from maybe a [line/set] of stakeholders with those guys. I just wonder if we're going to say nothing. Or do we want to mention it as an issue that needs to be addressed.

I'm also in the middle of an SSAC conversation about the EPDP progress so far, and apparently SSAC is not super happy with it. So a comment is going to come out. I'm a little worried that our trust in the EPDP solving a bunch of things and therefore there being no need for, say, future RDS reviews or worrying about implementation of previous recommendations is a little optimistic.

PAT KANE: KC, those are two separate items, but let me address the first one with the Interisle report.

KC CLAFFY: Great.

PAT KANE: I was trying to be careful and not say that I was for or against the Interisle report. I think there's some important items in there.

KC CLAFFY: Agree.

PAT KANE: But I [was looking at it] more from the standpoint of the Mason Cole position and coming from the IP constituency in terms of that there's a lot of pressure that comes out of the IPC in terms of, "Hey, ICANN. You've got all of these tools in your agreement, so why don't you go do something?" and then a conversation from ICANN, saying, "We don't

really have the tools in the agreement.” That’s what I was referring to as what is a difference in interpretation of what is allowable within the agreement or within the revisions of the agreement based upon negotiations with contracted parties.

I was trying to be a little careful because I am a contracted party, so I didn’t want to put a lot out there that said I was one way or the other way. I was just suggesting that, if wanted to evaluate what an impartial or a non-biased view of what the contractual obligations are, we probably ought to have some kind of legal advice that we would have paid for by ICANN if we had done that in the beginning, much like EPDP went out and got legal resources that provide advice to that group in terms of interpreting the law or taking a look at those kinds of things.

So that’s why I was suggesting about legal resources, not that I was saying anything really about the Interisle report being wrong, or right for that matter. I think it’s a good report that they’ve put out, and I think it has some things to consider. But, when it comes to the tools that ICANN has available, are we trying to evaluate what Interisle has said, or are we trying to evaluate what the IPC is saying or what Perkins Coie is saying in terms of what ICANN can and cannot do with their agreement? So I was just trying to be cautious around that in the reply to your early Monday morning/late Sunday night e-mail.

KC CLAFFY:

Yeah, I totally agree and appreciate all of that. That’s exactly why I think something needs to be said. It’s late in the game to actually go try and investigate this, but I think it’s not too late to put some wording in here

that this is an accountability issue that needs to be resolved by presumably objective parties. I think the EPDP law firm is currently taking some heat—or the whole process is taking heat—for not being objective. So obviously this is a risk of the multi-stakeholder dynamic. I'm just wondering if there is consensus reachable and if something should be said about this issue because, whether you think the existing contracts—I don't think we should go near trying to legal interpretation of the contracts ourselves—are enough right now or not is independent of whether there's an accountability issue with respect to accessibility of the data for public use for operational security or whatnot, which is really more what the Interisle was getting at. Let's not even talk about the Mason Cole thing because it's much more shrill.

PAT KANE:

On the Interisle report, when it comes to accessibility to the data, I'm not certain we're done yet. That would be my only caution about trying to put something out right now because, yeah, the people that use the registration data and WHOIS data have not had access to it for two years. I know that that's painful for intellectual property or security researchers or government agencies that bring actions and law enforcement. So they've all had struggles with that. If we want to make a comment or even a suggestion about a process that's not done yet, is it that we would be making a comment about the process or we'd making a comment about the condition that really we're in, where registries and registrars have to evaluate making that data available without having a solution at the end?

So I would argue that access to that data is premature to make a comment on because the process isn't over. While, yes, they've got a big wall right now around getting to this access model, it's still not done. So, if it had an outcome, I would say I think you're right, but we don't have an outcome yet.

KC CLAFFY: Well, I'm not talking about the two-year accountability issue. I'm taking about the 25-year accountability issue. I understand that GDPR is the latest excuse, and the EPDP is trying to navigate its way through that. But, again, that's a symptom of the larger problem here.

PAT KANE: Okay.

KC CLAFFY: Maybe we've said [inaudible].

PAT KANE: So I guess we should put it to the rest of the group, knowing that we're at the end and we may not be making recommendations but maybe we're making strong suggestions. Does anybody else on the review team feel strongly that we ought to talk about these areas?

Bernie, your hand is up?

BERNIE TURCOTTE: Thank you. Yes. Just an operational comment here. I'm not sure that everyone is as aware of all the details of this as maybe you are, as there's only the two of you talking about this. If we want to put this to the group, maybe we should have a small text, at least, explaining what we're talking about and what we're asking people to consider looking at, just so everybody is really clear on what is being asked here. Thank you.

KC CLAFFY: Am I still unmuted? Wolfgang was the person that sent this document to list. I wonder if he actually wanted to have a discussion about it, if he's still on the call.

PAT KANE: Yeah, Wolfgang is still on. Wolfgang, do you want to contribute here?

WOLFGANG KLEINWACHTER: Yeah. Can you hear me?

PAT KANE: Yes, we can.

WOLFGANG KLEINWACHTER: Okay. My comment was really to ... At the end of the day, I think what people are really reading is the executive summary and the recommendations. Here we have to invest a little bit more to make the language very clear and the message very clear. I just mentioned in the

chat that I reported yesterday that, at the policy meeting of the Non-Commercial Stakeholder Group, they wanted to know—they gave me five minutes—what’s going on. So far, if you read now or if you present the text now, it’s, for outsiders, it’s a little bit confusing. That means we have [substance there]. It’s not a substantial issue [inaudible] formatting issue and how to find the really right words and the right sentence.

So it’s not a big point, but at the end of the day, we all know this. So nobody reads 100 or something pages. So it’s an executive summary and the recommendations. Here we have to invest a little bit more. Bernie has indicated that he will go through the text, and we will have probably a more condensed version tomorrow. So probably it can be even shorter. Half a page or one page is really absolutely enough on the executive summary. And the recommendations [inaudible]. We have the rationale. But we have the five or six recommendations and then some subpoints. I think this has substance. I think I mentioned this also in Brussels: a shorter final version is much better. All the long analysis can be put in there [next]. Back to you, Bernie or Pat. Thanks.

KC CLAFFY:

Okay, we totally switched topics there, Wolfgang. We were actually asking you about the document that you sent to the list last week—the Interisle report—and whether we should discuss making a comment on it in the ATRT3 report. Although, since you switched topics, I want to say I actually agree with you about the executive summary. It could be clearer, but I think that adding a recommendation itself would help to

make it a lot clearer. And more condensed, as you say. So I think Bernie is on it.

WOLFGANG KLEINWACHTER: Okay. Yeah, I missed the points. Sorry. It was a question. I think Jaap and Pat gave an answer and said it's better to discuss this in the [EPDP]. Partly agree. If you read [a] document, sometimes you say, "Oh. Could this fit?" At this stage where we are—the very final stage—it makes no sense, but we should be aware. There has been some critical points in this article which probably touch all the other things.

I mentioned a little bit earlier today that it could be an idea that, in a very final section, we say "Looking forward to what has to be done," because, in this paper, they raised some points which, in my opinion, are serious. Certainly they are not under the mandate of the ATRT3 primarily, but they belong to ICANN as a whole. So far, probably we could add five, six, or seven points under a new section—looking forward to what has to be done—where we just raise problems which were not discussed by us where we have no concrete suggestions or recommendations but we say, "This is work which has to be done in the years ahead of us." Back to you.

PAT KANE: Cheryl?

KC CLAFFY: Okay. I think that's reasonable. I don't hear anybody else having some interest, so I just want to make that I brought it up. I can let SSAC know

that ATRT3 is not going to talk about this. They're waiting for EPDP, and SSAC is on its own if it wants to make recommendations in this space.

CHERYL LANGDON-ORR:

Thanks, KC. My hand was up. I'm a little more ambivalent, I suppose, but I see the points on both points. I think, from my point of view, my preference is certainly that anything substantive gets left to EPDP, but I think there can be some merit in what Wolfgang raised in his intervention. That is that there's a possibility of us making a very high-level recognition of the work and a comment—a noting, if you will—in some form of going forward—an “in conclusion” type thing—at the end of the document, which, of course, could have a brief note or linkage to the executive summary, which is what we're actually discussing for most of today's call. But I think this probably best somewhere else, if at all.

So I might not have helped clarify anything, but that was just my personal opinion. Thank you.

PAT KANE:

Thank you, Cheryl. I think that, given where we are and what Wolfgang has said, you're right, KC, that that's where we're going to end up: we're not going to address it. We're going to leave it for the EPDP Phase 2 to finish up their recommendation. Then, of course, it will follow on with an implementation review team. Since they are scheduled to be done by the end of June, I think they'll do something relatively soon.

Everyone good with that? Any objections to that?

I see a thumbs up from Cheryl. I don't see any other indicators of yes or no.

All right. Well, I guess that's where we are then.

Any other business?

All right. Thank you. Jennifer, if you will fill us in with what we decided or what action items we walked away with today. Thank you.

JENNIFER BRYCE:

Thank you, Pat. The action item that I captured is for Bernie. He's going to adjust the executive summary to include the recommendations in some form, as discussed today, and he will circulate that summary to the list on Thursday for the team to review.

That's all the actions I captured. Let me know if I missed something. Thank you.

PAT KANE:

Thank you very much, Jennifer. I appreciate that.

Cheryl, if there is not anything else, I think that we will go ahead and close. Do you have one last word, please?

CHERYL LANGDON-ORR:

Nope. Happy we're done. Let everyone know when the last call is. That's always a good plan.

PAT KANE:

All right. We're on Friday at 11:00 UTC. We'll see you all then.

[END OF TRANSCRIPTION]