
BRENDA BREWER: Good day, everyone. Welcome to the ATRT3 plenary number 63 on the 6th of May 2020 beginning at 11.00 UTC.

The members attending the call today include Cheryl, Daniel, Jaap, Jacques, Pat, León, Vanda, Osvaldo, Sébastien, and Demi.

Observers are Avri, Jim, Everton, Herb, and Sophie.

From ICANN Org, we have Jennifer, Negar, Larisa and Brenda, and technical writer Bernie.

Apologies from KC.

Today's meeting is being recorded. Kindly state your name before speaking for the record. Cheryl and Pat, I'm happy to turn the call over to you. Thank you.

CHERYL LANGDON-ORR: Thanks, Brenda. I'm going to grab it, and later on, I'm going to hand over to Pat, as basically, it's very late in my day. Not because it's late in time but because it's late from when I started my day. Anyway, none of that's important.

Does anyone have any statements of interest updates? If so, please let us know now, remembering that we work under the rule of continuous disclosure. Not seeing anybody raise their hand, let's then move on to action items, new and closed. Jennifer, have we done anything?

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.

JENNIFER BRYCE:

Thank you. Yes, Cheryl. I'm going to close one action item which was the homework that team members had to think about the epilogue text which we're going to discuss on today's call. I'll mark that one as closed, but other than that, no other action items. Thanks.

CHERYL LANGDON-ORR:

Thank you very much. Sort of an important one to close off, so it's good to see that done. So today's agenda after those two items, we're going to dive in to a review of the executive summary, and you've got the link to the report which of course staff will magically put also into the chat so those of you who wish to follow along in the Google doc can do so.

We're then going to dive into the discussion on consensus of recommendations. We're going to conclude around the inclusion of epilogue items in the report. We've got a list and we want to make sure it's as complete as is reasonable and the group so deems required. And then we'll do a quick next steps. And by next steps, Pat and I mean taking this home to finalization and delivery to the board.

There'll be obviously a few minutes of Any Other Business, should anyone have any. And with that, let me ask, as we always do, is there anybody who would like to raise any Any Other Business that is not going to be discussed in the listed agenda items?

Sébastien, and Osvaldo. Okay, Pat, Any Other Business is going to take longer than we scheduled. Go ahead, Sébastien-

SÉBASTIEN BACHOLLET: Thank you, Cheryl. It's not Any Other Business but we didn't come back to one point in the document. We were supposed to come back at the end of the call last time. Therefore, we may need to go back to the section eight just for that point of order, because then it's to add that to the review of the point number three. Thank you.

CHERYL LANGDON-ORR: Thank you, Sébastien. Right, we will pop that in as a 3.A. So if you can make that as a mark in the actual agenda, please, Jennifer. We don't need to update the slide, but in the record, if you could be so kind as to flag that up. Thank you for that.

And with that, our final item will be, as usual, confirming our action items and decisions reached. So with that, assuming you will all have clicked the link, should you so desire, on the Google doc, it is a living document, one of which we are planning on completing. Osvaldo, I see your hand up.

OSVALDO NOVOA: Hello. Yes, I would like to talk about KC's mail we got in the final report. Could we add that in Any Other Business?

CHERYL LANGDON-ORR: Right. Okay. Should it be not looked at as we go through the agenda items? After all, we would have already determined next steps and closed off things if we put it into Any Other Business. It would be a jump back.

OSVALDO NOVOA: Sure. Okay. We can discuss it during the document.

CHERYL LANGDON-ORR: Fantastic. Thank you so much. And of course, I believe KC is on the call as well. Let me just double check. No, she isn't. Okay. All right then. I'm sure you or someone else will bring any points forward as we go through in the relevant points in the document review.

With that, that is our plan, that is our agenda, that is the task in front of us, and I just wanted to recognize that we have an excellent turnout tonight, a good number of our review team members, and of course, some of our stoic and enduring audience. Seriously. You're not an audience, you're a vital part of our process and we welcome all of those, some of you who've been with us through thick and thin to be in today's call as you have been in many others.

Right, enough [filibustering] from me. I'm assuming that you've all got the version 2.0 up. We're about to display it and we're going to dive into the review of the executive summary text. Bernie, that's over to you.

BERNARD TURCOTTE: Thank you. Per Sébastien's point, since we have some unfinished business on eight, I would prefer that we go to that because then that feeds into the executive summary, if that's okay with you. All right. Thank you, Brenda. Pat's giving me a thumbs up. Okay.

Just to make sure we're talking about the same point, Sébastien, what would you like to cover in section eight?

SÉBASTIEN BACHOLLET: At the end of the call last time, we leave one thing I was supposed to come back, and I did come back to you, therefore you may have made the changes already. And there are two or three points still in the eight following some exchange we have together. And that we may wish to close that more or to enhance it.

BERNARD TURCOTTE: All right. Excellent.

SÉBASTIEN BACHOLLET: It's page 60. It's better if you show the text itself and not just our comments.

BERNARD TURCOTTE: So right on that first bullet there, me and Sébastien have been discussing about Sébastien's suggestion that reviews would remain—I'm simplifying the word here, but the concept is organizational reviews remain and we're just adding continuous improvement to them.

SÉBASTIEN BACHOLLET: It's not at this one. Sorry. This one, if I may, it's just the sentence was written that recommendation on the ATRT [an holistic] review will remain and my suggestion is to say that ATRT reviews will remain [an

holistic] review would be set up [and add a dot] that that will be the only regular schedule. That's for the first sentence where you have something in your screen. I guess it's brown or something like that.

BERNARD TURCOTTE: Good point. I actually don't have a lot of argument at this point about this one. Let me pull that up just to make sure. We can fix this online as we're going along.

CHERYL LANGDON-ORR: Bernie, we have Osvaldo's hand up. Go ahead, Osvaldo.

OSVALDO NOVOA: Yes. I see some contradiction between the previous one and this one since the organizational review will evolve into continuous improvement programs, not necessarily the ATRT reviews would remain the only ones. They may continue the organizational reviews while they are evolving or not.

BERNARD TURCOTTE: Well, that's part of the discussion, but this point is—

CHERYL LANGDON-ORR: I think they're different points.

BERNARD TURCOTTE: Yeah. This bullet point is on specific reviews.

OSVALDO NOVOA: Okay. Thank you.

BERNARD TURCOTTE: All right. Our second point, you didn't like this second paragraph—

CHERYL LANGDON-ORR: Sébastien's hand is up again.

SÉBASTIEN BACHOLLET: Yeah, but it was up to say exactly what you say. For the specific review, it was just to talk about specific review. Here, I try hard and I spend a long time to try to—I got trouble to understand the sentence and we were saying that we need to do that, therefore we will do that. And I tried to change the sentence to have shorter and to say the same thing at the end of the day. It's not a change of meaning, just a change of how it is written.

CHERYL LANGDON-ORR: Thank you, Sébastien. So it was a wordsmithing, not a change of intent, is I think what you're trying to say. And thanks to the additional effort that you're making, and I'm delighted that of course we're working with a professional writer who speaks French as well as English. That will undoubtedly help dot the Is and cross the Ts in both languages. Vanda, go ahead.

VANDA SCARTEZINI: Yes, for me, the sentence in highlight yellow was really hard to translate and understand. So the second suggestion, given the significance that Sébastien brought there, was much clear for me. So if this will be the best way. Thank you.

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

ADETOLA SOGBESAN: Greetings, everyone. I'm [inaudible] and on the first instance specifically, on this item, I think I [flow] with what Sébastien has just written, it was a bit clearer for me, and I would go with him.

On the second point, while discussing this with my group—when I mean my group, [inaudible] discussion on what went on so far, there's a bit of a challenge in their understanding a few things. And even though I've tried to clarify one of the things we've done, there seemed to be a challenge that what we did [inaudible] January public comment request, there was an observation that was made and I'm going to put in the chat, I'll also put it on the mailing list now.

The observation was made that we deviated a little bit from what was presented on the public comment on specific reviews and they want to understand why and what's the [inaudible]. So if I play that [inaudible] right now, it seems in the same flow. How did we migrate—of course, I understand different discussion we have had, [inaudible] specific one, I will put it on the mailing list, I'll write it out so that we can now discuss

it. I will do that [before, I'll] put it on the mailing list, then I'll come back to talk about it. Thank you.

CHERYL LANGDON-ORR: Okay. Thank you, Tola, but I'm looking forward to understanding what it is you were referring to by reviewing the text in the mailing list, because I must say I found following what you just said somewhat of a challenge. Perhaps that's just me, however, but that's what mailing lists are for.

Unless it's something that is going to particularly change our recommendations, however, I don't think Pat and I would be keen to change the progress of our agenda which will include looking at how we will be developing consensus opinion on the recommendations.

With that, back to you, Bernie.

BERNARD TURCOTTE: Thank you. So that change has been accepted, and there's another comment on page 64. Vanda is supporting this. I don't think it's worth spending a lot of time. I'll make that change according to Sébastien's wishes there. and I think that's all that we have in there. No, that's not true.

We are going to page 71 in the checklist. I've put in the second holistic review to understand the implemented measures. Vanda is saying [since mentioned the topic,] the first HR was in 2002. I'm not sure it was officially a holistic review, but we can clarify that language if it's only a question of specifying that it's the second holistic review or the holistic review following this new one, something like that. Would that be okay?

VANDA SCARTEZINI: Yes. That's, for me, the impression that is connected to 2002. If you read the whole issue and you said the second and you said the first one, so you imagine that it's related to that. But as you said, it's clear if you after that something.

BERNARD TURCOTTE: Okay. I'll fix that accordingly. Probably the other point we should note to everyone is that I've made the holistic review a specific review, and why did we do that? There are a number of reasons why we've done that. The first reason is that the holistic review doesn't fit at all in the definition of an organizational review.

The second thing is ATRT is only empowered to create new specific reviews. So it would seem to make sense given the rules of the road, if you will, that the holistic review would be a specific review. So that caused me to move some blocks of text, but I didn't really change the text, I just made minor adjustments as we were making it specific review. And if we go to page 62—

CHERYL LANGDON-ORR: While we're doing that, I'll note Sébastien's hand is back up.

BERNARD TURCOTTE: Okay. Sébastien.

SÉBASTIEN BACHOLLET: You can finish, Bernie, it's just to say that I agree with you and if you look to the review [inaudible] timeline updated, I do exactly what you say and I try to align with your suggestion. I think it was a good move for all of us. Thank you.

BERNARD TURCOTTE: Thank you, Sébastien. All right, so this is under the specific review block, C, a new holistic review of ICANN shall be set up, and then it's all the same text that has already been agreed. And that will of course be reflected in the summary on top.

So that's the last change there before we leave section eight. Do we have anything else?

SÉBASTIEN BACHOLLET: Just to say that I know that your eyes and my eyes look at a diagram, but if other can have a look and if there are some things that we need to change or enhance.

And one of my question, if you can go to page 73, please, what do you want me to put as date for ATRT3? As you can see in the diagram, we have a date in red. It's on the top of the page, ATRT3. I have still May, and I put May. Do we want to keep April as it was a date? It's just a minor thing, but if we want to be accurate, it's what you wish us to put here. It's one of the questions. Thank you.

BERNARD TURCOTTE: I'll turn back to Cheryl and Pat for that.

CHERYL LANGDON-ORR: Pat, do you want to take that?

PAT KANE: I think that's fine.

BERNARD TURCOTTE: It's realistic and I think it matters. Everything else to the left of that line is actuals, so I think it's starting to make sense.

CHERYL LANGDON-ORR: And will be pretty close on the rest.

BERNARD TURCOTTE: Yeah. All right, last call on section eight. Done. Let's go back to the top of the document, please, Brenda. Very nice, Sébastien. Yes, we finished section eight, Sébastien is clapping his hands. Yay to all of us.

On page three, we have a comment. On the bullet that says publication of summary recommendations relating to Work Stream 2 and reviews, November 2019, which shows a backlog in approving or implementing 325 recommendations. Still, some to approve, and if you look at the board resolution on CCT just as an example, there are some that are still pending, which is why I put in approving or implementing. Would that be okay? Okay, I think we'll just mark that one as resolved.

Coming down a bit, a couple of points on KC's e-mail. She suggested that it would be easier if we had this in the table. Did not have time to do that, so the summary of the recommendations we'll put in a table format in the final report. I won't change anything but the layout will be different.

Now, we get to the point I was discussing earlier.

SÉBASTIEN BACHOLLET: One question, sorry, on that specific topic. Maybe I don't recall well, but in fact, we had twice the recommendation, and I think that we say that in once, it could be in the document and the other one will be with [eye with the] priorities. I have the impression that we have twice with the priorities.

BERNARD TURCOTTE: In the table, I was going to put them in the order they are in the document.

SÉBASTIEN BACHOLLET: Okay. Thank you.

BERNARD TURCOTTE: Jacques?

JACQUES BLANC: Just what's highlighted here is evolve organizational reviews by including continuous improvement—

BERNARD TURCOTTE: We're getting to that point, Jacques. You're ahead of us just a little bit. All right. As we'll see, there has been a long string of comments here on this particular point. Sébastien was looking at keeping the term "organizational reviews" and saying that we are just including continuing improvement programs in each. I was having a problem with that because we're proposing such significant changes, and saying that we evolve organizational reviews and including continuous improvement program to me sounds like we're keeping organizational reviews exactly as they are but we're just including continuous improvement programs.

That's my point. Given Sébastien started that discussion, I think we should hear from Sébastien first, and then we'll take some hands.

SÉBASTIEN BACHOLLET: Thank you, Bernie. I totally understand. My point was we are evolving organizational review and my fear was if we say into continuous improvement program, that means that the name organizational review will stop and we will call that continuous improvement program. And we said last call that in fact, we change the content of the organizational review to become a continuous improvement program. But we keep the name. It was all my question, and is it [be including, is it intuitive,] that's the question of words, but the main question is how we say that, and we agree on what we want to say, but how we say that without the risk

that people could understand that organization review done and we start with continuous improvement program?

BERNARD TURCOTTE:

Okay. I actually did not understand that from our chat discussion in the comments. I think there's a way to write that, saying that we're evolving them into continuous improvement programs but we can keep the name. There's some wording, but the way you've got it right now in English anyway for me reads like we're keeping organizational reviews as they are and adding continuous improvement, which I don't think is a good idea. But let's go to some hands now.

SÉBASTIEN BACHOLLET:

Just one final—yeah, that's what you see here, but I propose second way to write it, and I know that I write in the comment and not on the text, but evolve the content of the organizational review into continuous improvement program in each. It was my way to say that what we are moving, it's not the box, it's what is done under this box or in this box, and the content will change from what it's done today to a continuous improvement program. It's why I suggest in one of the comment another sentence, but you say that it was not good either, then now it's in your hands. Thank you.

BERNARD TURCOTTE:

Thank you very much. Actually, rereading it now after we've had this discussion, I think it may make more sense. So I will put it as an

additional bullet before we start our discussion so everyone can see it. There we go. And I'll highlight it. There we go.

So what Sébastien was proposing is evolve the content of the organizational reviews into continuous improvement programs in each SO and AC. I could actually live with that. All right, now, let's go. Vanda.

VANDA SCARTEZINI:

For me, the previous sentence into continuous improvement makes sense when you translate in that including. I understand it like you understood, Bernard, that we are really keeping them and include something. And I do believe this into continuous, that makes sense in Spanish and Portuguese. Thank you.

BERNARD TURCOTTE:

All right. So Vanda, should I understand that you agree with the one that's highlighted in bright yellow then, that evolve the content of the organizational reviews into continuous improvement?

VANDA SCARTEZINI:

Yes.

BERNARD TURCOTTE:

All right. Great. Thank you. Jacques.

JACQUES BLANC:

Now that you put the second sentence, my feeling is maybe we could go one step back to the question of what are we trying to accomplish here. What I mean is if we say evolve the content of the organizational review into continuous improvement program, we're not only evolving the content of the organizational reviews. As rightfully said, we're changing the whole thing. We are turning organizational reviews into continuous improvement programs. And so be it. It can be a solution.

The feeling is if we want to evolve organizational reviews by including continuous improvement programs, then we would have to add what we want to accomplish into including continuous improvement programs, like for example so that organizational reviews have got [firm] KPI to refer to, [inaudible] to review. Something like that.

I don't know if I'm very clear, but I think we still have both ways we can go, but if we keep the first one, it's a decision to say, okay, we turn organizational reviews into continuous improvement programs, because we think that the right way forward or we want them to evolve and [inaudible] second solution, and for helping them to evolve and be more efficient, we will help them have KPIs, for example by including a continuous improvement program.

BERNARD TURCOTTE:

Thank you, Jacques. Osvaldo, I'm going to ask you to pause for a second. I think Larisa may have a technical point which I think would benefit the discussion before we get to you. So I'm going to hand it over to Larisa for the next speaker.

LARISA GURNICK: Thank you, Bernie. I have a question following up on Jacques' point. It may be helpful to clarify how the organizational reviews evolve, because with the change that was discussed earlier for the holistic review to be added as a specific review, I think there's components that are listed as objectives for the holistic review, at least as it was written in the last version that actually assume some of the purposes of organizational reviews. I may be wrong, that may have changed, but things like—

BERNARD TURCOTTE: You are correct.

LARISA GURNICK: Evaluating the purpose, the objective, the continuous—whether the particular structure has ongoing purpose and how it relates to other structures, those kinds of things would now be as part of the holistic review.

BERNARD TURCOTTE: Correct.

LARISA GURNICK: So it's not completely clear how this all is evolving. It's just my observation.

BERNARD TURCOTTE: Thank you, Larisa. Just to reconfirm, that is exactly the way we explained it in the text, that the continuous improvement programs we're proposing for the SOs and the ACs and NC would not cover those points. So those points got put into the holistic review.

All right, Osvaldo, over to you.

OSVALDO NOVOA: Hello. Yes, my point here is that with [inaudible] changes, the reason I accepted evolving like Sébastien proposed was that it leaves open the possibility of continuing with an organizational review for some time, at least one more time.

I'm not sure—it depends on how this evolving is done, and that's the thing I don't understand exactly how the evolution from one review to the improvement [inaudible] is going to take place. I just don't understand it yet. Thank you.

BERNARD TURCOTTE: Thank you, Osvaldo. Sébastien is next.

SÉBASTIEN BACHOLLET: Thank you. If I can try to answer, here it's just a summary. In the explanation, in the document, we talk about—we want to keep organizational review. That's first point.

The second, we want to allow all this review and all the SO/AC to do a continuous improvement program. And there are different tools that

you can use to do that. One of the tools is to, like today, hire an external expert to review. The second is to do it by themselves. The third one is to do with both things, and so on. And it's explained like that in the document. Here, we are just talking about one sentence to give the summary. And here, it's why I think it's important that as we agree last time, we keep the name of organizational review and in fact, for some, it will be done like it is today, and for other, it will be changed. It's why we say it's to evolve the content. That means that it's include for them to do the same and for other to do differently. We will try in the implementation to see what are the things who are comparable, but one thing that's important is that in three years, they have to publish a document, whatever the way they are doing the continuous improvement program.

It's why the sentence in bright yellow might be a better one, but once again, if you have other proposal, no problem. Thank you.

BERNARD TURCOTTE:

Thank you, Sébastien. Just to underline that so we're all very clear, Brenda, could you take us to page 64, please? Osvaldo, your hand is still up. Do you want to talk? Okay, thanks. All right, this is the text that will be slightly amended.

So under continuous improvement programs/org reviews, regular assessment of continuous improvement programs at least every three years, each SO/AC/NC will undertake a formal process to evaluate and report on its continuous improvement activities which will be published for public comment. The assessment can be conducted by an

independent contractor, budget permitting, if the SO/AC/NC so desire.
So this is what we're talking about, just to be very clear.

All right, let's go back up to where we were, and I will go to Tola.

ADETOLA SOGBESAN:

Okay. Thank you, Bernie. I was actually going to read the question you read just now. That was the reason why I raised my hand. I wanted to draw attention to that [inaudible] read it out so that all the folks can understand what we meant by evolving.

Now, while reading that, I struggled to establish a nexus between the word "evolving" and what you just read out, because my understanding of evolving, [we'd probably be aware I've] set out in that portion you read, we've said that in one year, this will happen, in two years, this is what will happen. In five years, this is what we recommend [inaudible].

So we have a progression recommendation, one, two, three, four years, this is what we expect SOs and ACs to do. So when we write that and we say we're evolving, it presupposes that SO and ACs can begin from step one and gradually evolve to step two, step three, step four, and I think that's where this confusion is. And the portion you just read out, which I've read it and I wanted to draw attention to it, in reading it out, we did not spell out that it will progress from step one to step two to step three. In which case, the word "evolving" would not be in tandem with what we have just written.

So I'm happy to be wrong if you can just explain to me better, then I'll be able to [inaudible] word "evolving." Thank you.

BERNARD TURCOTTE: Thank you for that, Tola. Before we get to that discussion, let's see what Pat has to say.

PAT KANE: Thanks Bernie. If I've heard correctly, everyone that's spoken on this topic so far, we don't have a timeframe which we expect the evolution to have been completed, because on 64, we talk about a report on the evolution to the continuous improvement program every three years. So, is that the piece that we're missing, that we don't have a timebound item here that says we expect this evolution to have been completed over a certain amount of time? Because Tola, you're right, what is that first step? When do you take your organizational review and shelve it if you have time and move to something else?

So I think the time bounding on the bright yellow highlight may be required as to when we recommend that this evolution should be complete.

BERNARD TURCOTTE: Thank you for that, Pat. I think that makes sense. What I would point out on that—and maybe it just needs some clarification, so Brenda, if you can take us to the bottom of page 63. Larisa, I'll get to you in a minute.

So continuous improvement program under organizational reviews. ICANN Org shall work with each SO/AC/NC to establish a continuous improvement program. Such a continuous improvement program shall

have a common base between all SOs, ACs and NC but will also allow for customization so as to best meet the needs of each individual SO/AC/NC. All SO/AC/NC shall have implemented a continuous improvement program within 18 months of this recommendation being approved by the board. These continuous improvement program will include ...

So in my mind, we do have some time bounding in here, and maybe it's just a question of making it clear, but the intent, you all remember our discussions, was that while the first holistic review is going on, ICANN will work with all the SO/AC/NC to establish the continuous improvement program and then after the holistic reviews are finished, then we move into starting the continuous improvement program.

Does that help at all, Tola?

ADETOLA SOGBESAN:

Yes. I do. I agree with that. And it's partly as what Pat was referring to in terms of the time scale of the evolution. The other part that I will need to clarify is the portion that we expect external independent consultant. Is it part of the evolution or is it a recommendation, we say it is good for you to do after this particular stage or no? Because if the evolution is about to be holistic, it presupposes that we consider an independent external consultant that'll come in after SO/AC have done independent reviews on their own, have done self-inspection of themselves, then the external can come at a particular time which we had recommended earlier.

So I would like you to just assist me and point me to where we have included these as part of the evolution. Thank you. Back to you.

BERNARD TURCOTTE: We've just read the overarching statement of the continuous improvement program which gives a timebound, and then right below that, we have the first bullet is annual satisfaction survey and the next bullet is regular assessment, which includes the sentence, "the assessment can be conducted by an independent contractor, budget permitting, if the SO/AC/NC so desire."

ADETOLA SOGBESAN: Yes, I like that one as well. I think we can progress with that.

BERNARD TURCOTTE: All right. Thank you, Tola. Larisa, over to you.

LARISA GURNICK: Thank you, Bernie. As far as the first holistic review is concerned, what's the vision for what it would use as its basis for that evaluation? Because it seems like that would happen before the self-evaluation and self-assessment and the annual surveys and all that would have an opportunity to be implemented. So, what was the vision for the first holistic review?

BERNARD TURCOTTE: The idea was—I see Sébastien so I will let the original author comment on that. Sébastien, go for it.

SÉBASTIEN BACHOLLET: Thank you, Bernie. I will answer half of that, but you know we didn't have any holistic review of ICANN since 2002 and what we call ICANN 2.0. What we are here suggesting is to have such a thing. Did they have a review from each SO/AC? No. Did they have—no. But they have a complete vision of this organization. And it seems we had gone through IANA transition, we had gone through Work Stream 1, Work Stream 2 and so on and so forth. And that's a good time to look at that.

What we were suggesting is that for the next one, we will [inaudible] the organizational review that they will start after this first holistic review, and we think that it's useful for the next holistic review to take all that into account.

And we don't need to have that for the holistic review at the first stage. There are so much things that changed since 2002, I think there's enough in the plate of the group who will work on that without this. But at the same time, if it's a question of what document they will use, they will use the organizational review as they were done up to now. Of course, the change is just a proposal [change] for the organizational review, and it will feed better on the way the holistic review can work in the future. But for now, the holistic review will use what is on the table and we can't wait six more years to have a first holistic review. Thank you.

BERNARD TURCOTTE: Thank you, Sébastien, who has sort of said everything I wanted to say. All right. So Larisa, anything else on this?

LARISA GURNICK: No. Thank you very much.

BERNARD TURCOTTE: All right. Thank you, Larisa. Okay, so my sense is that I've deleted the old sentence and I'm keeping the bright yellow that's up on your screen right now as the best match to what we're trying to say. Is that okay for everyone?

Okay. Not seeing any objections or further comments. I have a green check from Jacques, which is always very appreciated. Thank you, Jacques. Let's god own to the next comment, which will be—that's it.

SÉBASTIEN BACHOLLET: We are done, I guess.

BERNARD TURCOTTE: We are done. I have a few notes to myself, but basically, I will note that also KC made the point that some of the language in the recommendations was not clear to whom it was directed to. And so for the table, she suggested using the CCT review format which I will do, which makes that clear, but I've also not changed the meaning but I've

gone through all the recommendations and made sure that we are directive.

Probably the best example of this is the bottom of page 80. So this bullet did not read this way, but it's exactly the same thing. But because it didn't have ICANN Org in there stating who should do this, so now it reads ICANN Org and strategic plans and operational plans shall provide a clear and concise rationale in plain language explaining how each goal outcome operational initiative is critical to achieving the results. The same thing in the other one. So no change in content, but KC was quite right. So there were not a lot of them, two or three fixes like this where we make it directive, and I just wanted to be very clear. Thank you, Vanda, for agreeing with that. Yes, I think it makes perfect sense also. So I've gone through all of those and cleaned them up.

That's my last change. Cheryl, Pat, back to you.

PAT KANE: Thank you, Bernie. Appreciate that. So, is this where we want to address the other comment from KC? Since we're in the review. About the accountability item.

BERNARD TURCOTTE: From my point, that's up to you.

PAT KANE: Osvaldo?

OSVALDO NOVOA: I would appreciate that, yes. Thank you.

PAT KANE: So since KC is not here and you advocated for this, can you describe what it is that we think we're missing here?

OSVALDO NOVOA: Okay. What KC stated was that when we proposed to evolve the organizational reviews into continuous improvement programs, we are looking at the problem of too many recommendations not approved, an overload of recommendations due to the reviews, but not the accountability issue of the recommendation not being implemented. So instead of looking at why the recommendations were not implemented, we are looking at a way to reduce the number of recommendations.

I think KC is right that there is an accountability issue of why these recommendations were not implemented and that there should be a way of not forcing but ensuring that these recommendations are implemented and not reducing the number of recommendations. I don't know if I'm clear enough, but that's how I see it. Thank you.

PAT KANE: Thank you, Osvaldo. I think that's very clear. Bernie, your hand's raised.

BERNARD TURCOTTE:

Yeah, on that topic, if you really think about recommendation 10, prioritization, that's half the question. It's about doing a spring cleaning in that backlog of recommendations and slotting those that are a priority and still—or relevant, and doing that with the community to schedule them for implementation. That's what we're saying.

The first half of that is, why did we get there? I think we all instinctively know how we got there. Everyone got busy with the transition, reviews kept going on, and things were not followed through.

Since then, as we've pointed out in recommendation seven of the ATRT2 recommendations, there have been a lot of changes which have been brought in. And in fact, our recommendation 10 change is sort of the final block in that, at least the way I see it, in that it makes sure that we will not get into that situation anymore so that we're not—and to be very clear, in section 10 recommendation on prioritization, some people initially were saying, oh, you'll just clear up the backlog, it's a one-off application of this.

And you'll remember that in our discussions, we went and we said, no, this is an ongoing annual process. We will be there to make sure that things are prioritized and they make sense. But I will also take you back to the board document on this. Let's remember that as the board said, it's wonderful we have these processes for reviews that are there for historical reasons and for very good reasons. But there is no alignment between what the review teams make as recommendations and what all the other review teams are making for recommendations. And then prioritizing that for implementation.

So if you will, that's the core of the problem. And I think it was very clearly stated by the board. We've got all these review processes that are working independently, making all these recommendations, and really, technically, if you want to focus on that as an absolute, ICANN would stop doing most of what it's doing and just focus on implementing recommendations, which would be difficult.

So long story short, I think we've explained why we got there. I think that we're proposing mechanisms to deal with the bubble that we've got, the 325 plus recommendations, and a process going forward that will ensure that we don't get there anymore, and that recommendations do in fact get implemented. I hope that was helpful. Thank you.

PAT KANE:

Thank you for that, Bernie. One of the things that I just want to add to that is that we certainly imply why things don't get done, because of the discussion on lack of resources. I think part of what KC's point was, there's a process that we've gone through to where ICANN Org has declared completion of some of these items when in fact they weren't. And I think that, to your point about the prioritization, we've taken away the incentive to declare that something's done, because we have a prioritization process. so the accountability is that you now have a way to say we're not doing something so we've taken away the incentive to say, yeah, we're 100% done, and try to pin the recommendation on something else that was done because it was close. And so I think that that helps with the accountability issue. And the other piece that we've added as part of the process is having shepherds

to go through this in the future so that we are clear as to what the recommendations meant when they do get prioritized.

So I understand what KC's saying, but I think we have accountability mechanisms. They don't just sit inside the reviews, they actually sit within the new standard processes as well as what you very clearly pointed out, Bernie, the prioritization process itself.

So I would contend that we do have accountability measures in place because we've taken away the incentive to declare victory when in fact we should just retire some of these items. Thanks. Osvaldo.

OSVALDO NOVOA:

Thank you. Yes, I understand what you're saying, but the thing is—I agree with the prioritization as an accountability mechanism, but the thing is you put the prioritization to implement the recommendations. But on the other side, removing the organizational reviews, you are removing also a lot of recommendations that may have come out of the review process.

so yes, we had an accountability mechanism, but we are on the other side the generation of recommendations is reduced due to removing the organizational reviews.

The other thing is that the organizational reviews with external consultants is like an auditing process. you have an external organism that's reviewing what the SO/AC/NC is doing, and reporting on it, that the members of the organization may like or not, they may agree or not, but at least you have an outside view from it.

Now it's on the inside, and you are looking at yourselves, so it's not so transparent, I would say. Thank you.

PAT KANE:

Thanks, Osvaldo. I appreciate that. And I understand what you're saying, because it does depend upon the SO and the AC in terms of whether they are going to develop 30 recommendations every three years or 30 recommendations over three years. And that's the way that I would think we would look at it. And because it's an evolutionary process working with ICANN, there could be a process for external engagement, which we have identified resources available to be a part of that.

So I think there are mechanisms there, and we've driven towards greater flexibility in terms of how these reviews are done. So I do recognize your points, but I think that it's the right way to move forward, and we'll put it to the rest of the group when we get to consensus. Sébastien, please.

SÉBASTIEN BACHOLLET:

Thank you, Pat. Osvaldo, we didn't retire organizational review. We evolve them. And that's, from my point of view, very important. We take into account some good history about the way it was done up to now, but also very bad ones. And if you go to what it was done for At-Large, if you dig into, you will see that those people who were in charge of—and those people done better job on other part of the organization, but for At-Large they came with some idea, and they wanted to change everything, and without knowing really what is

happening and how things are working. They were outsiders. That's my first point.

The second is that we in each and every SO/AC a so diverse group that I don't see how you can say that it will be done internally and nothing will come out as a real in-depth discussion and even disagreement.

And just to take one example, this team is a good show that we have very important discussion because we start with some disagreement or not the same view or the same way of thinking, and that's good, but I can tell you that within At-Large, it's the same. Within the GNSO, it's the same. Within the ccNSO and so on and so forth.

Therefore, there is no magic in having somebody from outside. If they are doing the job well, it's useful. If they're doing a bad job, it's not useful. It's where we think in our proposal we suggest that we need to align that to take what could be done internally—and when I say internally, with a diversity inside, it's more important and more useful than just taking one outsider who came with his own dream, own way of thinking and not knowing enough about not ICANN but group they are talking about. And once again, At-Large was very willing on that, and show why we think that it's important to evolve. Thank you.

PAT KANE: Thank you, Sébastien. Bernie.

BERNARD TURCOTTE: Thank you. A few relevant points as I was listening to the conversation. First, let's remember that Work Stream 1 brought a lot of changes for

how specific reviews are manned by the SOs and the ACs. Let's also remember that in the holistic review, we're proposing to use that scheme. So I think that already brings a certain amount of accountability.

Let's also remember as we state in our report that in the ccNSO review, which was conducted by some pretty good evaluators, but even then, there were some very, I would say, serious discussions with the evaluator by the ccNSO regarding the report. And that evaluator concludes that report after one year saying, well, we're making some recommendations but really, we're at a point where it's continuous improvement. I think that's what we're saying.

Oswaldo is mentioning that, oh, well, the organizational reviews were making all these recommendations. Continuous improvement programs are meant to make recommendations, as Pat has said. It's not that recommendations will stop. They'll continue.

I would also point out that the Work Stream 2 recommendations for improving SOs' and ACs' transparency and accountability have yet to be finished to be implemented. Some have taken the lead on them, some have not. The board this last November approved the Work Stream 2 recommendations and there is that whole section which was like a major review.

But recommendations will continue and then there are some pending. For accountability, I think we have to remember that the three-year evaluations for each SO/AC/NC, there is a requirement that these go to public comment and that our community can actually look at this and

see if it makes sense. So I do not see this as being purely an internal exercise.

And finally, those three-year reports then go to the holistic review which is charged at not only looking at how SOs and ACs interact, but did the SOs and ACs in their continuous improvement program, and in reporting on these, actually do what is required?

So for all those reasons, I think we're meeting the requirement. Thank you.

PAT KANE: Osvaldo, are we good to move forward on that?

OSVALDO NOVOA: Yes. I'm not so totally convinced, but I have no more arguments, so we can continue. Thank you.

PAT KANE: Thank you, Osvaldo. Wolfgang, your hand is raised.

WOLFGANG KLEINWACHTER: Yes. I'm a little bit confused with this organizational review, holistic review now. I think [the answer is] simple. The holistic review has to look into—the criteria is the mission of ICANN. And the question has to be asked by the holistic review, how the various parts of ICANN in their special roles and responsibilities contribute to the implement of the mission.

So this is like two different layers. And I think this should be clear, and so far, somebody said in the chat that the organizational reviews constitute the basis for the holistic review. I think this should be very clear, and in my reading, our language offers this insofar I just wanted to strengthen this point that we do not create more confusion and bring a clarity, what we understand under the various reviews. Thank you. Back to Pat.

PAT KANE:

Thank you, Wolfgang. Any others? All right, well, thank you. so I think that we are done with this section. So if we can bring up the agenda. Why don't we flip four and five at this point in time? Let me go to the discussion around the epilogue, please.

Bernie, if you'll walk us through this, please.

BERNARD TURCOTTE:

All right. Thank you, Pat. All right, so you will remember that we wanted to include in our main report that there were some things that people thought we should look at. And maybe we did not, and sort of deal with those. So there was some text that was put forward regarding that.

We've got a lot of edits here, but I will just go through it and make sure that we're okay. The third review of the accountability and transparency review team strived diligently with the assistance of the ICANN support team to maintain the process, budget and schedule identified and agreed upon by the team in April 2019.

I'll take KC's edit for the moment. We'll see. I think they're just style editing and co-chairs will finalize that. Circumstances surrounding the COVID-19 pandemic led to our completing our final report approximately 45 days beyond the bylaw mandated one year, but within budget and proposed terms of reference. We are grateful to the board for their allowance and understanding.

Over the course of our work, several unforeseen events have occurred that ATRT3 considered subjects for accountability and transparency review of the board, the organization and the community. ATRT3 discussed and made conscious decisions to not address some specific items due to where we were in the process at the time they were raised or occurred, the events not having drawn to a conclusion, unavailability of documents to review, lack of consensus to undertake the topic, and finally, our limitations on time, resource and budget.

We do however wish to highlight these issues to [assure] the ICANN community that these are indeed important issues for the accountability and transparency of ICANN.

The team chose to not address, for some or all of the reasons listed above, the following items which we hope the holistic review or a future ATRT review considers as appropriate.

The proposed sale of the .org registry from ISOC to a private equity firm.

The Expedited Policy Development Process in response to the temporary specification enacted by the ICANN board in response to the General Data Protection Regulations, both phases one and two.

The addressing of domain name system abuse and the enforcement tools for which the ICANN Org has or does not have in their agreements with contracted parties.

The Interisle reports, Criminal Abuse of Domain Names, Bulk Registrations, And Contact Information Access, released in November 2019, and Domain Name Registry Data at the Crossroads, the State of Data Protection, Compliance and Contactability at ICANN, released in March 2020.

The shortened review request from ICANN Org of the Revised Proposed FY21-25 Operating and Financial Plan and FY21 Operating Plan and Budget due to possible COVID-19 funding shortfalls.

With the encouragement of the ATRT3, it is our collective hope that each of these events will be addressed in future reviews germane to each of these events. We look to serve as resources for any and all of those reviews.

Pat, back to you. I think it's sort of clear. There's some further pages there. Oh, yeah, there were comments. Sorry. Yes this was Sébastien's suggestion, and I think we tried to weave that in and we'll see if we did.

PAT KANE:

Let me go directly to Sébastien. Sébastien, do you think that with your original suggestion, we've got this covered?

SÉBASTIEN BACHOLLET:

Thank you. [I can't say.] My impression is that we were discussing last time to do something in the next six months or next one year, and here we have nothing about that. I understand that we can decide to push that for somebody else, but somebody else will be in two, three, four, five years, and we discussed that it needs to be fresh in the mind of this organization. And the only way to have it done, for example about the .org decision announced by the ICANN board on the 13th of April this year, it's if we decide to do something. If we don't, it will be lost.

We have to know if we are able as a team, yes, in the short time, yes, in the last minute, yes, but the fact that it's still under our possibility to do something, it's something we need to take into account, and I really feel that it will be useful to do something more than just suggesting that future people, organization, will do something.

I am not sure that it's taken all the idea about COVID-19. I think we need to say that something happened who changed the way we were working until the finalization of our document. At that time, yes, we changed the way of working, but it may change a lot for ICANN, and therefore I think it must be one of the topics taken. It is not just a question of money, it's also a question of how we will be able to work on that situation, how we can be sure that we have the various voice still coming, and maybe new voices. And that's why I feel that both of those items were not completely taken into account in your propose text. Thank you.

PAT KANE: Thank you, Sébastien. I'll get back on that, but I'm going to let Wolfgang go first. Wolfgang, please.

WOLFGANG KLEINWACHTER: First of all, it's a good step in the right direction, but the language as we have now on paper covers the issues we should raise in an epilogue, but it's very weak, and we just list the issues which should be considered later. And I agree here with Sébastien that this is like, thank you, we wash our hands, and somebody else should do this, [thereby] ignoring the recent developments, and I would say the state of crisis which we're faced with the various discussions from various groups.

To be frank, what we have seen just now, we are in the middle of the process, is first stress test after the IANA transition for the functioning of the accountability mechanisms and the functioning of the concept of the empowered community. And I think everybody who follows the processes will see that we have different groups, some people say the whole concept of empowered community is nonsense, it doesn't work if it comes to a real conflict.

[As I say,] oh yeah, finally it was a bottom-up process and this has led to a result and the board has made a decision. Third parties will argue, look, only after the GA from California has raised his voice, that means there is a governmental takeover now of ICANN because we have another [last resort.] It's not the empowered community, it's the GA from California.

So all these are issues which also put the finger on the point that there are some deficits in the mechanisms we have and also in the way how

the board is functioning. So as I said when I started this debate about an epilogue, it's not in our mandate, and we would go far beyond, so that means we should not take a position. But we should raise some concerns and not only list the issues which need further consideration. So that means I have not yet drafted a language, but I would say that we list in two or three or four bullet points what in our view are the problems or the deficits, and not only the issues.

And I think this is important, and I think the good thing for our community or for the ATRT3 team is that we say, okay, this has happened just now, because as I would have said, okay, this has been your task. I would deny that it has been our task, because ATRT was planned to start already a couple of years ago and we had to do a lot of work looking into the totality of the developments in ATRT2. And we have seen, spent a lot of time in analyzing the implementation of the recommendation from ATRT2.

So insofar, but it's our obligation to say, okay, something has to be done, and to be reviewed in the short term. And here I agree with Sébastien that we should not wait until ATRT4 or a holistic review which will be in three or five or seven years from now. But we should ask for a special taskforce or something to review latest developments. So I think this could be a final—not recommendation but a proposal or suggestion or something like that. So, back to you, Pat. Thank you.

PAT KANE:

Thank you, Wolfgang. Tola.

ADETOLA SOGBESAN:

Thank you, Pat. I agree with both Wolfgang and Sébastien on the issues that we discussed. My only worry, which I would like to get clarification for, is at the beginning of our work, we had defined sources of the input with considered. We considered ATRT2 report, we considered some other document we requested from the board.

We listed about 20 sources of documentation with which we worked. And as much as I'd like us to discuss the impact of the COVID and this particular point, I would like us to, at the same time, list the sources of our input, how did we get to discuss this issue? Did we visit [inaudible] request from the board to give us this document, or did we just see one online publication and [inaudible]? That's the only aspect I want to look at.

And for accountability, I'm thinking maybe it is possible, for example, we had Cancun was conducted online. So it could be a source of accountability measurement to say, okay, during this COVID-19, every operation of ICANN started taking place online, board meeting was done virtual, the ICANN meeting was held virtually.

So that is the source to bring legitimacy into whatever discussion we hold. That's the aspect I would like us to have clarification. Thank you, Pat.

PAT KANE:

Thank you for that, Tola. So I think the first place to start is that we're already late with our report given the bylaw requirement of a single year, and I think that we have done the right thing in terms of letting ICANN board know that we would deliver late, but when we went

through that process, we came to a consensus that we would ask only one time and we said we would do it by the end of May. And so my concern is that doing anything more than what Wolfgang suggests with a couple of bullet points, maybe three, that would say these are the points that we are concerned about under each of those items, beyond that, I believe that we would put at risk our delivery date.

So that's something that, if we're going to do it, Wolfgang, we need it immediately in terms of what those points are, and we're going to have to decide upon them on Friday as to what to put in here.

Now, Sébastien, I'm curious as to what you believe the mechanism would be for the community to go off and investigate these items, because I don't think there's any appetite for ATRT3 to continue beyond the end of May. Vanda, please.

VANDA SCARTEZINI:

Okay. Well, I agree that we have no time, but we need to raise two bullets or something like that about we are concerned about the eventual consequences in what has happened, and not more than that, because first, we don't have time, and we would need more deeply analysis to get the conclusion or any point on that. So just two bullets on concerns that Wolfgang raised. That's what we should do and finish our work and deliver our final report in the need of May. That's my point. Thank you.

PAT KANE:

Thank you, Vanda. Sébastien.

SÉBASTIEN BACHOLLET: Yeah. You ask me directly a question, Pat. Maybe I didn't write it well or say it well, but I am not asking ATRT to do the work. But we are the only place where we can propose the creation of a specific review.

And maybe it's not a specific review, but it's something like that. I don't know if it's a good parallel, but it's like a parliamentary commission or committee of inquiry or something like that that we suggest to create, because if we don't, the board itself will not do it because they are—and that's right, they're doing the things they think are good for the organization. But to have a broad review, we need to have something.

Either we decide to do that, or we put that to the community to say, hey guys, if you want something happen, you need to gather and to find a way to do it. I have the feeling that the discussion we have last time where I was talking about in one year and Vanda was saying that we need to do that within—to have that set up within six months, it's something that's missing in this document.

And once again, it's not to say we need to push after the end of May. I think we can do. and we can take some way of thinking as it is in the document that it's a short last decision we suggest to take because it seems for us that it's important for the future of ICANN.

If not, I don't see any mechanism, even in the empowered community, who can suggest such things. We are the only ones. Therefore, either we put it on the table, something short where we don't have all the element who could be useful to have better decision, but at least we put something on the table. I think we may do that. Thank you.

PAT KANE: Thank you, Sébastien. Vanda, is that a new hand or an old hand? Wolfgang, please.

WOLFGANG KLEINWACHTER: Thank you. Listening to Sébastien, Tola and others, here's a concrete proposal. Number one is I agree, we should not go beyond the end of May. And it's not our task to just postpone it to somebody else, but what is the problem here? If in particular in the .org case, the questions are around the functioning of the empowered community, and insofar, this is really an issue which was raised also in the letter of the GA when he said, to whom ICANN is accountable?

And insofar, if we just make the proposal and to say that the recent developments have shown that the functioning of the empowered community, which was introduced as an innovation by the IANA transition, has raised a number of issues which need [a special] review so that we just propose a review of the functioning of the empowered community in the light of the recent "stress test" related to .org and probably towards the other issues which are not so traumatic but also relevant as we have listed here in our epilogue.

So [inaudible] a new mechanism which therefore a single issue to review the functioning [inaudible].

PAT KANE: Wolfgang, we're losing you. We missed the last part of what you said. We may have lost Wolfgang altogether.

So I think that the items that we're talking about here are [inaudible] items as we've listed them out in the epilogue, but the specific question I had was, if we do make a recommendation as to how they're handled, what would that be? What is it that we have available to us that we could put as one of the bullets under each of the items to throw these two to say this is the review mechanism that should be used? We can't create new mechanisms, I don't believe, and if there's one that exists that we could point to and say the empowered community should be reviewed as part of some type of process, what is that process that we would do? And that's the specific question that I had. Vanda, your hand is raised.

VANDA SCARTEZINI:

Yeah, we should avoid to go deeply on any issue that take us to any recommendation or even strong suggestions or something like that because we don't have time. So we need to think more deeply on that and I was following Wolfgang's way of thinking and I believe those bullets not recommending, not suggesting anything, just recognize the importance of that because if we do suggestions that should this or that, we should go deeply and explain why and how it should be done and when and so on. So that's my concern about how we should do that.

I'm not sure that we have clear statement. We need to think about that. I don't have—I think during the week, but I didn't come out with some clear bullet about that, but I was following Wolfgang thinking and discussion on the former board members, and maybe we could use some words from Wolfgang and raise the concern, just that, because

more than that, I don't believe that it's for us to go deeply on that, because we'll not have really a clear point where this will take us. Thank you.

PAT KANE: Thank you, Vanda. So your suggestion is to be clear on what concerns us but not be making a suggestion as to how to deal with it.

VANDA SCARTEZINI: That's exactly my point, because we don't have deeply analysis on that.

PAT KANE: All right. Thank you for that, Vanda. Bernie.

BERNARD TURCOTTE: Thank you. Just trying to understand Wolfgang's point in failure of the empowered community. The empowered community was created as a check on the board for decisions it has made. And there are very clear rules for how that can be done.

Now, the .org decision was just made and if the empowered community, according to its rule, wants to do something versus that decision, then it is certainly within its power to do so. But I do not see— or I'm trying to understand a failure of the empowered community prior to the decision being made by the board. Thank you.

PAT KANE: Thank you, Bernie. Sébastien.

SÉBASTIEN BACHOLLET: Yes. Thank you very much. I have trouble to raise the issue of empowered community. What I think is that [inaudible] a discussion about, I will say, the .org case and how we handle that. We can wait what's happened next, but I think ICANN could be in some jeopardy with what's happened with the California intervention, will be in trouble with what some member of these I* community is doing now and so on. And I feel that something must be set up, and I don't see any other mechanisms than the one on ATRT because it's question of accountability and transparency here to suggest the creation of one single issue review to take that into account when it can start. We can discuss that. It's what I put in my document with some ideas. But I don't see how I can give you another proposal that what I write, even after the discussion we have. And you can of course disagree completely, but it was my feeling that it was a summary of our discussion last time. Thank you.

PAT KANE: Thank you very much, Sébastien. Wolfgang?

WOLFGANG KLEINWACHTER: Bernie, I do not say that this is a failure of the empowered community. My point is that we see that some ideas which were put into the bylaws with good intentions, if they are stress tested, they create a number of

problems and you have different opinions in the community whether this is good or not so good accountability mechanism.

I'll give you just one example. we have in Germany now a rather serious discussion in the community with respect to the letter the German government, the foreign ministry and ministry of economics wrote to the ICANN board just at the eve of the .org decision by criticizing the German government that the German government did send the letter without consultation with the broader community in Germany and by strengthening or supporting the letter of the GA and bringing the problem of more governmental involvement into ICANN's decision.

So I think this is really a big political issue, and insofar, there is a number of governments, as I can observe, who have no trust to what was seen as the main achievement, the building of the empowered community. So the efforts by the [inaudible] to start the process failed for [inaudible] reasons, because either they did not understand how it works, or they made some mistakes, or they could not get the consensus of all involved parties.

Anyhow, there is certain, let's say, mistrust into the mechanism which was established after the IANA transition. And insofar, to review this is not the right word. Probably to analyze or to have a deeper look into the functioning or something like that. But because the issue of accountability is raised, my feeling is that we cannot just list it as an issue for further consideration. We should have here a little bit [a great] approach that we see the problem, we cannot give the answer, but we would encourage or support ICANN and ICANN board to do something to clarify this issue and to avoid the beginning of other discussions as

unintended side effects which could create some bigger problems for ICANN in the years ahead.

So insofar, I would propose to use a weak language here but we should make the point and play the ball back to the ICANN board and to say, okay, we have understood, we have to look deeper into the mechanisms. Also the communication between the community and the ICANN board.

I think in the decision made by the ICANN board, they refer to the 30 letters from the community before they referred to the letter of the GA. I think that this is an important point, that the board made clear that the biggest push for the decision came from the broader community. It was not the empowered community, it was the community at large, you could say. And then they said we looked also into the letter.

So I think this makes clear that the final result is the community and not the GA. But insofar, I'd say here's the problem, and we should put a finger on this problem and to encourage ICANN to do something in a rather polite and more general sentence. Back to you, Pat.

PAT KANE:

Thank you, Wolfgang. So I appreciate everybody's input and I think here's where we need to go on this. Over the next 48 hours, put a couple of items that are specific concerns that we have under each of the items that we've called out—so Brenda, if you could scroll up back to the four, five that we have—yeah, right there, and just put a couple of specific items that you are concerned about under each of those bullets. That would be helpful. But let it be what we're concerned

about. Not a suggestion, not a recommendation, and I know that we've had a lot of conversation on the .org registry sale or proposed sale, and I think we need to be careful here because this isn't done. There are a lot of things still left to happen. The decision was made by the board last week. The empowered community will take—if they take a look at it, do they act, do they not act? So it's their turn to do something at this point in time. But let's not criticize them for not doing something, because it's now the time for them to do that.

So let's call out specific items, get it in the next 48 hours and we'll talk about it on our call on Friday. Any objections to that from the group? I see none in the participant window, and I see none in the chat. I see an "okay with me" from Tola. All right, so let's declare that that's what we'll do as an action item. Jennifer, if you'll capture that, that'll be great.

Can we go back up to the agenda, please?

VANDA SCARTEZINI:

I guess León has a point in the chat.

PAT KANE:

So that would be something that people would look at as part of review. So the empowered community would have to look at that. So León, I agree what your point is, but that's not something we should call out, I don't think, as an issue, because we don't—and I think the board resolution used that as one of the things that they took a look at, not the only thing. So I agree with León.

All right, so we skipped over discussion on consensus of the recommendations. Since we have about ten minutes left, I think that we need to get to a point where we now talk about consensus. So if we could go up to the recommendations in the report, please, Brenda.

BRENDA BREWER: You want me to start at the first one?

PAT KANE: Yes, please.

BERNARD TURCOTTE: The bottom of page four, [inaudible].

PAT KANE: Thanks, Bernie.

BERNARD TURCOTTE: For the shortened version.

PAT KANE: So as we go through these, we're going to talk about consensus. So, do we have consensus on the recommendation on amending specific organizational reviews, section eight of this report, with those listed before. If you are in support of this recommendation, in the participant window, please select yes, and if you are not, please select no. I see

nine in support and I see one not in support. Could we scroll down to the next recommendation, please?

Recommendation on prioritization of review and cross-community working group recommendation section 10 of this report, ATRT3 recommends that the board and ICANN Org and then the following. So if everybody could clear, if you are in support of this recommendation, please select yes in the participant window. If you're not in support of this recommendation, please select no. I show 10 in support and none not in support. If we can clear the participant window, please, and scroll down to the next recommendation.

Under medium priority, recommendation for accountability and transparency relating to strategic and operational plans, including accountability indicators, section nine of this report, ATRT3 recommends that the board and ICANN Org—and we've talked through this, that recommendation. Those in support, please select yes. Those not in support, please select no. I show 11 in support and none not in support. All right, please clear your window.

The next recommendation, under low priority, or our lower priorities, recommendation on public input, section three of this report. ATRT3 recommends that ICANN Org—and we've read through this several times. Those in favor, please select yes. Those opposed, please select no. I show ten in favor and I show none in opposition. So please clear your window.

And to our last recommendation, recommendation on completing the implementation of ATRT2 recommendations, section seven of this

report, ATRT3 recommends that ICANN Org, and then the following, which we've become familiar with. Those in support, please select yes. Those opposed, please select no. I show 11 in support and I show none in opposition.

Thank you very much for that, and I will note that KC has already listed her opposition and where she is opposed, she is intending to write a minority statement.

All right, let's go back to the agenda, please. Our next steps will be, Bernie, you're going to clean up the final portions of the document, we're going to take some specific items underneath the epilogue in terms of the areas where we have specific concerns to address on the five bullets that we've identified for areas of future review, and then we will submit the final report. Objections, concerns, comments? Osvaldo.

OSVALDO NOVOA:

I stated my opposition to the recommendations on review. It's not that I'm completely against it, it's just that I don't have the total support of my constituency. They need more time to analyze it and to see the justification for it. We support totally the holistic review, it's just the organizational review in particular that we have some discussion inside the constituency, and that's why also Tola sent a message that we would ask for more time to analyze it and be able to see if we want to present a minority statement or we just let it go by. Thank you.

PAT KANE:

Thank you very much, Osvaldo. Tola.

ADETOLA SOGBESAN: Thank you, Pat. I was just going to—I wanted you to recap how you [state the next steps.]

PAT KANE: I'm sorry, Tola, I missed the question.

ADETOLA SOGBESAN: Okay. [When we go to item six on the] agenda, you stated the next steps, but I missed it. I didn't hear you properly.

PAT KANE: I think we have two next steps. One is for Bernie to finish up the document.

ADETOLA SOGBESAN: Okay. Because just like Osvaldo [inaudible] I had presented a request from the CSG stating that there'll be a need for a time or some explanation from us to clarify some of the things that are not clear, and if that clarification was not granted, then we need to present a minority report. And I was trying to clarify what we have in terms of the next steps so that we know the time available for that to be considered.

I'm going to be reporting back after today's call and I want to be very clear what I'm going to be reporting. [inaudible] presented the interest and I want to have a very clear message to take back. Thank you, Pat.

PAT KANE: Thank you, Tola. Sébastien, please.

SÉBASTIEN BACHOLLET: Yes. Thank you very much. I have one question of process here. If I look to the way we were seated in the ATRT3, we were seated all together by all the chair of SOs and ACs. Therefore, are we the voice of each and every of our constituency, or are we working together? And I am not sure that if we need to go back to where we are working within ICANN to work on that issue today. The comment period was closed. Now we have a document and I guess one of us needs to decide what we want to do with and I think we need to go ahead with this document and send it to the board now as soon as possible. Thank you.

PAT KANE: Thank you very much for that, Sébastien. Tola, is that a new hand?

ADETOLA SOGBESAN: Yes. As much as I agree with Sébastien, [having come] more than 12 months together working night and day on this document, I agree with Sébastien. But at the same time, just like we're talking about the .org issue earlier and we were referring to empowered community, at the end of the day, whatever report we put out is still on behalf of everybody. So if we have one [inaudible] issues coming out from—yes, all of us coming here, I remember Cheryl mentioned once in one of our meetings that everybody on ATRT3, we are not representing the

different constituencies. Yes, while seated together in this room as ATRT3 member, then we are working on behalf of everybody.

However, as much as we're working on behalf of everybody, we still need to take listen here to what comment the entire community is coming up with. At the end of the day, this report is going to be on behalf of everybody, and I think if there's any merit in the submission [inaudible] consider them regardless of whether it's come in [a bit later time] or not, if we find collectively that there is no merit in the request, then we can let it be. But I wouldn't want us to throw it out under the guidance [where mostly for SOs and ACs.] Thank you, Pat.

PAT KANE: Thank you, Osvaldo. Tola, I'm sorry. Thank you, Tola. Osvaldo, please.

ADETOLA SOGBESAN: [No, I've added it to my name now, Osvaldo.]

PAT KANE: I apologize.

OSVALDO NOVOA: Yes. Regarding to what Sébastien said, two points. First, we have the discussion inside our constituency, and my instructions were that I am representing the constituency. I'm not only as myself, my personal opinion, but I have to translate also my constituency opinion on the work we are doing.

And second, regarding that there was a time for public comments, I have to note that on the draft report, the two options we presented for the organizational reviews were very different from what we are recommending right now. So even though there was a period for public comments, there was no possibility of a public comment regarding this recommendation because it's very different from the one we presented on the draft report, and also, a lot of the comments on the draft report were favoring option two, that was keeping the organizational review produced in time, and so we are going against the comment. I would say that there is space there for discussion on how we presented the work. Thank you.

PAT KANE:

Thank you, Osvaldo. León.

LEÓN SANCHEZ:

Thank you, Pat. What I [inaudible] is that there are significant differences between the recommendations that we are including in the final report and what was commented by the community. So this might be an issue at the time the board considers the report, and what I'm hearing is that there is some desire to further engage with the community so that they are able to comment on these recommendations since, again, they seem to be significantly different from those in which they were able to comment during the public comment period.

So I just want to flag this because it might be an issue when time comes for the board to consider these recommendation. And I don't know if

this calls for any public comment as Daniel is signaling, but certainly, there needs to be some sort of engagement with the community so that they are updated on these changes and they are able maybe to comment on this, or at least be aware of these differences, and then the board is able to consider rightfully these recommendations. Thanks, Pat.

PAT KANE: Thank you, León. That would certainly cause us to have to balance delivery and adding another 90 days if we were to do a public comment, so let me chat with Cheryl about that and what we need to do with that. Cheryl, are you still with us?

ADETOLA SOGBESAN: Pat, while you're doing that, can I say a word?

PAT KANE: Sure, Tola.

ADETOLA SOGBESAN: All right. Thank you. I just wanted to [learn from here, in a small chance] we have some challenges in terms of constraint, what the bylaws stipulate, what we need to do, I just want to know, should it be [inaudible] that we have the 90 days as you mentioned? I'm not advocating for it, but [I'm requesting—][inaudible] with what we have currently, does it help us or is this something we can consider if at all we're going to look at extension?

PAT KANE: I think extension is problematic.

ADETOLA SOGBESAN: In view of—I'm talking about force majeure here. Force majeure is nobody predicted, nobody wanted, nobody knows how it's going to be, and it's going to affect everybody. So yes, I know it's going to be problematic, but I'm just trying to look for a window that can help us in case we have to justify why we need to do what we need to do. Everything [inaudible]. So even if the bylaws say we need to do a few things within a specific time, if everything is disrupting what we need to do, is it a window for us to consider? If we need it, anyway. I'm not saying we need it. I'm just trying to find [the leeway if at all we're going to consider] anything like that. Thank you, Pat.

PAT KANE: Thank you, Tola. And I understand that we've got COVID-19 to contend with, and I will just go back to one of the conversations that we had about an extension of time we all agreed upon—or at least I believe we all agreed upon—that we would ask for one extension and we would do that to the end of May. So if we want to do that, I need to have a conversation with Cheryl about that. And I know it's late for Cheryl, so she may have dozed off. I don't know.

But let me have that conversation, see what we need to do there. But I think that for now, what our next steps ought to look like is that Bernie's going to clean up the document. And we're going to close the

document as it is. I think we've gone through each section by section and we've gotten to the end of where the wording of the document—although there are a couple of items that we do not have full consensus on that we're going to get some minority reports or positions. And they should probably be in quickly, and I think that that probably ought to be a week. But I think we ought to close the document as it is now because we've gone through a consensus vote.

ADETOLA SOGBESAN:

Yes. Thank you, Pat. I think one thing we missed actually was the [community engagement] in Cancun. If we remember, we went around in Montréal, we engaged with the constituencies, and we got their feedback and were able to incorporate a few things that were gray area. And I think that was a challenge that's probably [come up a lot] because we [never] had the opportunity to engage at ICANN 67. Maybe that is what is coming back to affect us now.

PAT KANE:

All right. Thank you, Tola. León, your hand is raised.

LEÓN SANCHEZ:

Yes, Pat. As I was putting in the chat, me flagging this issue does not equate to me requesting or pushing for another public comment period, just to be clear. I just want to flag this issue because I thought it was important, but it doesn't mean at all that I am pushing or requesting that we go to another public comment period. I hope that's clear.

PAT KANE: Thank you for that, León, but it certainly does give us consideration for how the final report will be received.

[ADETOLA SOGBESAN:] Exactly.

PAT KANE: So I understand what you're saying. Sébastien, please.

SÉBASTIEN BACHOLLET: Thank you very much. I am not convinced at all that we get out of the discussion we had with the community the proposal we are on the table, it's quite close with what we discussed and it also allows what was requested by the comments made for example by Osvaldo about the question of how we can keep as it is or the way it is done today as the organizational review. We add that, we make a lot of changes in the document since we started the discussion two weeks ago on this item eight. Therefore, I understand that you can keep your [position, whatever we change,] but I feel, as somebody who I would say pushed for some modification, that I put a lot of water in my wine. I didn't drink any wine at all. But for example, I consider that we must not go to evolution but to change the organizational review. But after this discussion, I stepped back and I said, okay, let's just evolve it and put some additional way to do it and allow people, organization who want to stay with what they have to do it.

Therefore, I would like that everybody do the same. If we want to find a consensus, [we may need to make step in each] direction. And I feel

that at least I—but I am sure that other have done a lot of step to get to some middle ground and I would like very much that both Osvaldo and Tola think about that and make a step in our direction. Thank you.

PAT KANE: All right. Thank you, Sébastien. We've got two more [follow ups in] line, Vanda, then Tola, and then we'll close the queue for today since we're already over by almost 15 minutes. So Vanda, please.

VANDA SCARTEZINI: Yeah. Just a suggestion, because really, I believe not going to Cancun and have those meetings face-to-face with the group really lacked more understanding for some groups, and I do believe that if we're going to have minority statements, we should as an information for the board that we lacked time for explaining directly and we allowed people to continue to have their model as a part of this evolution.

So I do believe that we should address that to make it clear for the board that maybe it's not a problem with model, it's a problem of understanding the model. Thank you.

PAT KANE: Thank you, Vanda. Tola.

ADETOLA SOGBESAN: Okay. Thank you, Pat. There are three points from me. Number one, I wanted to agree with you. When León made a statement pointing out

the issue wasn't an encouragement to request for another round of public comment. But [I quickly took note that] León has stated that this may likely bring up an issue when the board is considering.

So if we know what will be happening at the end of our submission, why wouldn't we just tackle it before it gets to the board? And I'm glad you pointed out that issue.

However we're going to do it, it's better to consider it than just submit it and have an issue when the board is considering the recommendations. It will have just wasted the 12 months that we have spent on this. I would rather not waste that time and do whatever we need to do at this time to ensure that [we got everything, we have put our sweat in,] and we don't allow Sébastien to put another glass of water in his wine, and we make a submission and the submission is [inaudible] considered.

That's number one. Number two, yeah, I understand with Sébastien, it's not possible for us, the members of the ATRT team, to come together and have same agreement on every issue. So it means it's a give and take completely from the beginning, and that's why most of the time, I don't usually make comments, because I know [inaudible] and when somebody is saying what I'm supposed to say, I just keep quiet and [inaudible].

So I agree, but I will say that [if we say] one or two issues, like Vanda quickly made mention of, if part of the community are having issues understanding what we do, then it is our responsibility to ensure that we, anyhow we find a way to engage them to explain what we've done,

which I've done in this case, and I think [others have] done. And I'm sure [inaudible] done in relation to our constituencies.

So I don't know how we're going to find this consensus to ensure that we don't waste too much time, and at the same time, we don't ignore any part of the constituency that is raising any issue at all.

Number three, the last point, was seeing if we can consider what Vanda said. Is it possible we can make minority—I don't know what statement we're going to put somewhere—to ensure that, yes, we were affected by the time and we couldn't have for that time to engage?

I don't know how it's going to be done, but if it is something that is worth considering, I would suggest that we consider that. Thank you. Back to you, Pat.

PAT KANE:

Thank you very much, Tola. And I would say that León didn't encourage us to have another contracted parties, but he gave us something to think about from and consider based upon how the board might receive it without a further comment. And Larisa just put some very helpful wording into the group chat.

So I'm going to declare that we're going to get done with this and we're going to continue the discussion on next steps on Friday. We have a scheduled meeting for 20:00 UTC on Friday. So we will move forward on that. We will take the document as it is right here and declare the document closed, and if we start working on—if we do have minority statements, let's start working on those and have one week, and we'll

have a further conversation about that on Friday, but I think that that's something we should start getting prepared for. I'm sorry, Brenda corrected me, it's 21:00 UTC, not 20:00 UTC, on Friday, and the first topic we'll have is the continuation of the discussion on next steps.

On the next topic, we didn't have any other business identified early on, so Jennifer, if you can close us out.

JENNIFER BRYCE:

Thanks, Pat. Just a couple of action items. Very early on, we discussed I'm going to update the formal agenda record to reflect the discussion on the reviews that was had, and then ahead of the call on Friday, if team members can add specific items of concern under each of the items in the epilogue, and that will be discussed on Friday's call.

Other than that, nothing else. Thank you.

PAT KANE:

Thank you very much, Jennifer. All right, with that, thank you all for working over by an additional 20 minutes, on top of the 30 minutes we added a long time ago. Have a great rest of your day, and we'll talk on Friday. Thank you, and goodbye.

VANDA SCARTEZINI:

Bye. Stay safe.

SÉBASTIEN BACHOLLET:

Thank you. Bye.

JENNIFER BRYCE: Thanks, everyone. Bye.

LEÓN SANCHEZ: Thanks, everyone. Bye.

[DANIEL NANGHAKA:] Thank you everyone. Bye.

[END OF TRANSCRIPTION]