
BRENDA BREWER:

Hello, everyone. Good day. Welcome to the ATRT3 Plenary #62 on the 1st of May 2020 at 11:00 UTC.

Members attending the call today are Cheryl, Daniel, Pat, Tola, Jacques, Jaap, Osvaldo, Liu, Sebastien, Demi, Vanda, and Wolfgang is joining us. Observers, Hanyu Yang. Attending from ICANN org is Jennifer, Negar, and Brenda, and Larisa just joined. We have technical writer Bernie on the call, and apologies from KC. I will note that Leon is joining us as we speak.

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

CHERYL LANGDON-ORR:

Thanks, Brenda. I think I'll just kick us off and then Pat will drive us for the rest of the trip, hopefully home in a in a timely manner. This is the exciting end of the spectrum. I suspect many of you are pleased to see us get to this point in time in our work plan. Welcome, one and all.

Is there anyone who has a Statement of Interest update to let us know about? I'm not seeing anybody in chat or raising any attention on the queue. In which case, we will now jump to see whether or not there are. Well, first of all, are there any action items? I don't believe there are, Jennifer, but I'll double check with you.

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JENNIFER BRYCE:

Thanks, Cheryl. On the last call, we just had a couple of action items for team members and Bernie to make comments. Bernie was going to clean up the document and team members made comments in the document, all of which we're going to review today so we'll mark those two action items as "closed" today after the call. Other than that, nothing else. Thank you.

CHERYL LANGDON-ORR:

Fantastic. Thank you. Yes, indeed. It's the substantive part of our agenda which will be indeed reviewing the changes to the document since the last meeting. This is version 2.0. You've had lots of time or as much time as we could make available by not holding one of our meetings through the week so that you could have time to look at the track changes and review the document.

I wanted to note, for example, Vanda has done additional work by looking at the document and taking it into Portuguese, etc. so she could do a little bit of sanity checking to assure herself and us that it will translate well. So thank you for that extra effort, Vanda. We do appreciate that. With that, we are still obviously going to take the document through any final toilette, in other words, tidying up, etc. before we take it to the next phase and go through a consensus call on the recommendations, etc.

Let's get down to the important business of putting the penultimate, if not ultimate, text together so that we can make the next piece of progress, and then we will discuss our next steps. There'll be a point of Any Other Business, and if you have any other business you wish to

mention to us now so that we can note it for our item 4, please do so. You can type it into chat or raise your hand. Thank you, Wolfgang, I see you. We always do a quick review of action items or decisions reached. Wolfgang, yes? Over to you.

WOLFGANG KLEINWÄCHTER: Can you hear me?

CHERYL LANGDON-ORR: Yes, we can.

WOLFGANG KLEINWÄCHTER: Okay. You know, I wanted to ask a question whether we should have a short conversation about the .org decision taken by the Board yesterday, whether this is relevant for us or not for our report. If you go to the letter by the California GA, you will see that in one of the final paragraphs there is a reference in the letter to ICANN's accountability. If we, as a review team on ICANN's accountability, remain silent on this issue, this would probably undermine our credibility. I mentioned that already several times that I do not propose that we take a position, but in something like an epilogue, we should at least make a reference that we have discussed the issue or something like that. So I have not yet a final position about this, about the whole sale. I had mixed feelings as I said it also in Brussels. But anyhow, my question is whether this is relevant for us, yes or no. If yes, what would be then the paragraph we should include in our final report? Thanks. Back to you.

CHERYL LANGDON-ORR: Thank you, Wolfgang. As an epilogue which is an attractive option for mine and I suspect not just my perspective, we could wrap that into the next steps indeed or the AOB. But let's put that as an item that we will discuss briefly in today's call and determine how we may or may not particularly journal the outcomes of our discussion as part of today's agenda. Thank you for that.

I noticed Pat's hand going up briefly. Pat, did you want to make a point?

PAT KANE: Thanks, Cheryl. I was thinking the same exact thing because there are topics that have come up through the course of our conversations that probably would fit in the same area such as the EPDP which hasn't been concluded yet. I know that KC has brought up the Interisle report which kinds of points to the EPDP. So that might be a good way to put things in and reasons why we didn't include them but they did come up sporadically throughout our conversations over the course of the year plus now. So I'm in support of that, Cheryl.

CHERYL LANGDON-ORR: Fantastic. Wolfgang, if we can prevail upon you if you do have some sample text or very rough text that you might want to pop into our chat as inspiration for us, feel free to do so. I see your hand is still up. Did you want to have another word? No? Like me. Sometimes I also leave my cursor in a position where just making a little brush on the keyboard will put my hand back up as well.

Okay, with that, I would say that we've got our agenda and our work in front of us for today's call well organized. So let's dive right into it then. Bernie. We've got Brenda showing us the screen, a very familiar report now. Where would you like us to begin? Glass of water to hand, I hope, from yours. Over to you, Bernie.

BERNARD TURCOTTE: I forgot to bring my glass of water so I'll wait for the break. All right, welcome, everyone. Thank you for joining us. I've made a copy of the document as 2.1 which will preserve all the comments but I propose that as we walk through, we actually settle everything so that we know the things we've hit. I don't see any other way but starting from the top and working our way down. I hope that's okay for everyone. Okay, executive summary.

CHERYL LANGDON-ORR: You've got Sebastien's hand up.

BERNARD TURCOTTE: Oh, I didn't see. Sebastien?

CHERYL LANGDON-ORR: He just put it up. Go ahead.

SEBASTIEN BACHOLLET: Thank you very much, Bernie and Cheryl. I know that we are in the final document but I consider that we need to still to go through the main

document and not to go first to the executive summary. We need to finish by that. I know that there are some comments beyond the executive summary and I am concerned by that because I think in the main part of the document, there are some explanations that can be useful in the discussion and, therefore, I suggest that we go through. As a matter of fact, I was not able to fulfill my full job and I wasn't able to read the last 15 pages, and I on purpose didn't read the 22 first pages because I want to be sure we agree on the core substance and then we go back to the executive summary. Now if we go through that, I will participate, but I think it's a little bit loss of time if we don't go first to the core part of our document. Thank you.

BERNARD TURCOTTE: Great suggestion. Then let's go to Section 1, the Board.

CHERYL LANGDON-ORR: With the intention of coming back to the executive summary, of course.

BERNARD TURCOTTE: Absolutely. Page 23, please.

BRENDA BREWER: 22? Thank you.

BERNARD TURCOTTE: 23, sorry.

BRENDA BREWER: 23 coming up.

BERNARD TURCOTTE: There we go. The title is highlighted in green because there have been those changes over the last two meetings – not by me anyways. But let's see if we have some comments.

CHERYL LANGDON-ORR: Sebastien?

SEBASTIEN BACHOLLET: If I may, Bernie, I put one comment or two comments, in fact not really a comment first but typographic. I was reading this at 1.4 in page 26 then I tried to read the other. In fact, my question is “recommendation, suggestion, and observations,” why all bold here. And the second is that in the other, if I read well, you add “related to” in the title of the paragraph we are talking about. Either you keep it to have “related to the Board” here or you change it in all the other, but I suggest that you add here “related to Board.” And like that, it's consistent with the rest of the document. Thank you.

BERNARD TURCOTTE: Yes. Okay. We're going to do that right now. There we go. Tada. We're good like that, Sebastien?

SEBASTIEN BACHOLLET: Yes. Thank you.

BERNARD TURCOTTE: Excellent. Anybody else on Section 1? Nothing. So what I'm going to propose is that we lock this down. It's done so I will put it in a nice shade of red. That means it will be closed. Excellent.

Section 2 I had it in green because I did not make any changes but let's see if there were some other comments as we walk our way through it. And 2.5, I see something.

SEBASTIEN BACHOLLET: In fact, it's the same. But you can disregard this because you add the Board at the first one then that's okay.

BERNARD TURCOTTE: Right. Disregarded and done. That number is bold so we can get that fixed. There we go. Any other points on Section 2? No? Okay. Let's lock that down.

Section 3. Okay, it's in yellow so I have put in a few comments. Let's walk our way to the first comment. Okay. Minor editing for clarity basically instead of asking a question, it's better to state the problem and make it more presentable, if you will, for this kind of report. So hopefully that will be okay with everyone. Sebastien is clicking "okay". Thank you. Walk through those changes. There we go.

SEBASTIEN BACHOLLET: One thing for me with I guess when I read it again, I don't know why you have "the" in "5-7 until this most recent year."

BERNARD TURCOTTE: I'm losing you. Where are we here? Which section?

SEBASTIEN BACHOLLET: It was in page 34. At the end of page 34.

BERNARD TURCOTTE: Ah okay. I'm not there yet. That's why I'm lost.

SEBASTIEN BACHOLLET: Not coming up, no.

BERNARD TURCOTTE: Okay. First comment is again they're mostly clarification. So "explain why" is taken away and replaced by "resolve the issue." That's what we're asking the Board to do. Delete "it's". There we go. All right. Then the next changes. Oh, I added a footnote. I don't think that's a big concern. Delete "the". Yes, thank you for that, Sebastien. Okay. Nothing else here. That would take us to the end of 3. Any further comments on 3? Going once, going twice. Done. Let's mark that as locked. Okay.

Let's go to Acceptance of Board Decisions, Section 4. No, you're too far, Brenda. Section 4, previous one. It's a short one. It's easy to miss. I had

not made any changes to that. That's why it's green. I see no other comments. Any final comments before we close this off?

SEBASTIEN BACHOLLET: Bernie, it's minor. It says O again of the "observation" in 4.4.

BERNARD TURCOTTE: Okay.

CHERYL LANGDON-ORR: Actually, that's not just there. It's been consistent since number 2. It's been consistent since the GAC.

BERNARD TURCOTTE: Okay.

CHERYL LANGDON-ORR: The only one that we use lower case is the one you changed originally and now this one. I was going to [tell you].

BERNARD TURCOTTE: Okay. So 4 is done. Section 5, PDP. Green since I have not made any comments. Let's see if there are any.

SEBASTIEN BACHOLLET: Sorry, but I must raise my hand. Here you would need in 5.4.

BERNARD TURCOTTE: Yeah, I noticed.

SEBASTIEN BACHOLLET: You're missing "suggestion" and "observation". Thank you.

BERNARD TURCOTTE: I'll use the same phraseology. Okay. I'll just highlight it for now. Actually, I'll go fix it. It's not a big thing. There we go. Any questions/comments Section 5? No. Okay. Let's mark that as "done".

Section 6. Assessment of the Independent Review Process. I added the year in there. I don't think that's going to cause anyone any heartburn. Yes. Thank you, Sebastien, "And observations." Any other comments on 6? No. Okay. Let's lock it down. It's done.

7. ATRT2, green, I have not made any changes or comments to it. Yes. Thank you, Sebastien. Yes, I agree. Thank you. Good catch, Sebastien. I'll add it in for clarity. No change in meaning. Okay. I think that's about it for Section 7. Any other comments? Done. Let's mark it as "done". There we go.

All right. Now, here I'm sure we'll have a bit more of our work cut out, Section 8. Okay. First comment. Yup, that's where we are. There's a 2 there, right, that needs to go away?

SEBASTIEN BACHOLLET: I didn't know if it was something related to a comment that you want to put on a footnote. It's why I didn't –

BERNARD TURCOTTE: Yeah, okay. I appreciate that. I think it was a random 2, personally. Next one. Any additional work done on that matter prior?

SEBASTIEN BACHOLLET: We are talking about EPDP.

BERNARD TURCOTTE: Right.

SEBASTIEN BACHOLLET: I think that I could have some other word done on that but it may be not so well English written but I tried to put the idea.

BERNARD TURCOTTE: Any additional done on that matter? Let me just make sure here. Yeah. Actually, that works for me unless there are any issues. I may tweak it after and the comms may fix it, but I think yes. That's a fine addition. Thank you, Sebastien. Next.

OSVALDO NOVOA: Excuse me. This is Osvaldo.

BERNARD TURCOTTE: Yes, sir.

OSVALDO NOVOA: On that phrase that Sebastien ... another [perhaps it would be better,] “Any additional prior work done on that matter.” I think for me it would be more clear.

BERNARD TURCOTTE: I think that probably works fine. I’m not a fan of group editing but in this case, let’s take it home. How about this? “Any additional prior work done on the subject,” does that work for everyone? Yes. Okay. All right, good. Next comment.

ATRT3 supports the need ... following completion of the launch of the possible next round. Sure. I think that makes sense.

CHERYL LANGDON-ORR: Perhaps “any” rather than “possible”? I’m just thinking –

BERNARD TURCOTTE: Yeah.

CHERYL LANGDON-ORR: Without changing the meaning of possible. It gives a little more – okay.

SEBASTIEN BACHOLLET: Sorry, but I am not sure that it's the same meaning but I may miss something, but we are not yet sure that there will be a next round. It's why my suggestion was "possible". Any possible next round but –

BERNARD TURCOTTE: "Any" implies that there could be none.

CHERYL LANGDON-ORR: And there could be one or there could be many.

BERNARD TURCOTTE: Yeah, there could be one.

CHERYL LANGDON-ORR: It's in keeping with what the recommendations of the Subsequent Procedures Working Group will be.

BERNARD TURCOTTE: Okay. SSR2 is completed, with relevant input from ICANN org. Okay.

SEBASTIEN BACHOLLET: Wait, wait, wait, wait, wait, wait. I get that "any" could be possible, it could be zero. But wait a second. If we say "any," that means that – at least I understand that we don't want next round and then we launch a second one and then the third one and the fourth one. Next round then it's any. We wanted to be very specified that it will be just happening after the next one, whatever it is. I don't know if it's –

CHERYL LANGDON-ORR: So you're seeing it as indicating it will be after each as opposed to – yeah, I see what you mean.

SEBASTIEN BACHOLLET: Yeah, it's my feeling. Thank you.

CHERYL LANGDON-ORR: It's a long bow but it is a possible interpretation. So can we either fix it or flag it?

BERNARD TURCOTTE: Yeah. I'm just going to flag it and I'll fix it. Okay, there we go.

CHERYL LANGDON-ORR: I see what Sebastien means there. It would be indicating each as opposed to if all, if one. Tola, it's not that "any" doesn't take care of "possible," it does. And that was certainly my thinking but any can also mean each. So any of you, in other words, either or all of you could be asked to do something around that. So, Sebastien is pointing out we're not intending it to be after each and every subsequent round but after any next round, first round, initial round.

BERNARD TURCOTTE: How about that? Does that fix it for you?

CHERYL LANGDON-ORR: Let's see how Sebastien feels about it. Good. Tick from him. Tola, or anyone else?

Subsequent possibly could be interpreted, Leon, with as much flexibility as the word any. If one is going to draw long bows, one could suggest— read each subsequent and that this is saying the next –

BERNARD TURCOTTE: Yes, okay. I think we've kept the meaning. Next point from Sebastien. And community and Board. Okay. How about relevant input from all parts of the ICANN community? Does that work for you, Sebastien?

SEBASTIEN BACHOLLET: Yes. Thank you.

BERNARD TURCOTTE: Excellent. Thank you. Next comment. Okay, page 58. Oh, okay. Maybe you can give me some context here, Sebastien. I'm not sure this one –

SEBASTIEN BACHOLLET: Sometimes I put the proposal here. It's a comment but it's a proposal to add, maybe implement it given the recommendation ... somewhere else. The question is that we talk about evolution ... something from my point of view ... Okay, I need to check where it was supposed to go. Okay, I will come back because I think it was somewhere else.

BERNARD TURCOTTE: Okay.

SEBASTIEN BACHOLLET: Sorry. I'll come back.

BERNARD TURCOTTE: Okay.

CHERYL LANGDON-ORR: Bernie, Vanda is just noting that if you put a space after SSAC and before the dates, that will also be in better keeping with convention.

BERNARD TURCOTTE: Okay. Where –

SEBASTIEN BACHOLLET: It's a number, it's a name of the document. I put that also but I guess it's the name of the document, SSAC2018-19.

CHERYL LANGDON-ORR: Just go up a little bit, Brenda.

BERNARD TURCOTTE: Oh yes. Okay. SSAC2018-19. Yes.

CHERYL LANGDON-ORR: It just needed space. That's all.

BERNARD TURCOTTE: Yeah. Well, it's a copy-paste from the name of the document. I can add in spaces but it's actually written like that. Okay.

CHERYL LANGDON-ORR: [Let's do it with a space, it was proposed ...]

BERNARD TURCOTTE: Like that?

CHERYL LANGDON-ORR: But if it's a problem ... That was the proposal.

BERNARD TURCOTTE: It's not a problem. I'm just saying it was a copy-paste from the official name of the document.

CHERYL LANGDON-ORR: Sure.

BERNARD TURCOTTE: Okay. Replace [replace with evolve.] Okay. Based on this analysis, ATRT3 will recommend that ICANN –

SEBASTIEN BACHOLLET: If I may?

BERNARD TURCOTTE: Yes, please.

SEBASTIEN BACHOLLET: To explain. Maybe we need to ask Osvaldo his inputs because here I tried and it's an important tweak if we do that. I tried to take into account Osvaldo's inputs and my suggestion it's not ... and I guess we discussed already that a little bit but it's not to replace the organizational review but it's to evolve the organizational review to add or to change it but it's still an organizational review. Even if it's continuous improvement, we are not withdrawing the organizational review. We are just suggesting or proposing to change the way it is done. And as you add in red text somewhere else, the assessment can be conducted by an independent contractor budget permitting, if the SO/AC/NC so desire. We are not withdrawing the organizational review. We are evolving it. That's where I am coming from and that's the first place where I am trying to dig into that, and it was really to try to answer some of Osvaldo's concerns.

OSVALDO NOVOA: Excuse me. Can you show the text we are talking about?

SEBASTIEN BACHOLLET: It's a little bit –

BERNARD TURCOTTE: Bottom of the page of 58. We'll highlight it in yellow.

OSVALDO NOVOA: This is Osvaldo.

BERNARD TURCOTTE: Yes, sir?

OSVALDO NOVOA: The thing is perhaps what I understand as continuous improvement program and what I understand that's a review because I think they are quite different one from the other. Perhaps I may misunderstand it but I don't know if you can explain. Because evolving means that one is continuing and changing too. Replacing is just take one out and put the other in. So I don't understand. Sorry.

BERNARD TURCOTTE: I think the point Sebastien was trying to make ... Sebastien, I see your hand. Why not go to the source?

SEBASTIEN BACHOLLET: Thank you. In fact, even if it was return/replace, we were discussing about how to evolve organizational review. Today it's done only—or first by an external reviewer and then the SO/AC receive that and they have to do an awful lot of job to align or not to align and to convince the

Board that it's good or not good and how it is done. It's why we were thinking to change the way and also taking into account comments, we consider that continuous improvement is a good way to do organizational review. It's why my suggestion is that we change "replace" by "evolve" because in fact we will be evolving as we have added continuous improvement, but we are still allowing and at the decision of SOs and ACs, we are still allowing external reviewer to help SO and AC to do their work if they wish so. And we add to that global overview with systemic – we will discuss the name after – with the systemic review. Therefore, it's why I think it's more an evolution of the organizational review than replacement as such. Thank you.

OSVALDO NOVOA:

In principle, I would accept that. I agree with that, sorry. But what I don't understand how the evolution would take place. Shouldn't we be more specific or just leave it to the interpretation of the implementing group? Thank you.

SEBASTIEN BACHOLLET:

If I can? It's explained in the document. We propose this new way of doing the organizational review and still allowing the current way to be done if an SO/AC wish. I am sure, for example, that there are parts of the community who will not wish to have external reviewer right now and some other will decide to go first with external reviewer and change it in the future. I guess it's well explained in the document. The only thing I was here pointing out is that in fact we are not putting away

organizational review but we're changing them in a new way or additional way with what it's currently done. Thank you.

CHERYL LANGDON-ORR: Osvaldo, I'm not at all concerned about the use of "evolved" here. I think it's a good explaining term. It's a word that is meaningful. I think you'll see that it's happening in the chat as well. It is, I hope, making it clearer that whilst one part of the organization in its own internal review process could in fact emulate the traditional and previous external review program, that's fine, and should another part of the organization wish to run a more traditional continuous improvement program and then say every three or four cycles of that have an external audit done of it, that's equally fine. It's giving the flexibility. So hopefully that will give some comfort to those in your constituency that seem to be deeply connected with tradition. Thank you.

OSVALDO NOVOA: Yeah, I think it would. I'm sorry. First of all, I forgot. I must apologize to bring all this discussion at this moment when this is in very much part due to the calls and the face-to-face meeting in Singapore I missed, so I'm really sorry I'm causing all this problem at this moment at the end of the discussion. But yes, I think that would at least calm our – how you say? I don't know, [our nerves] about this. Thank you.

BERNARD TURCOTTE: Okay. So accepting those changes. I see Wolfgang.

WOLFGANG KLEINWÄCHTER: Osvaldo, there is nothing to apologize because the review was from the early beginning and the center of our discussion. And as you recall, we had lots of different approaches. I remember Singapore when we raised the issue for the first time and called for more drastic proposals and then we moved more or less into the middle. I remember also the dispute between Michael and me in Montreal when you said, what would be the best way to review.

In my understanding in reading now of the text is that we reached more or less a middle ground by offering a flexibility for future approaches. So I think the language—or I think Pat now in the chat used also the word “flexibility”. That means we do not propose a new fixed structure for the reviews. We say, “Okay, please avoid duplication, avoid inefficiency. Concentrate on the resources we have within the corporation, do not outsource to external groups which have probably not the needed knowledge or the engagement.” But we leave it in the hand of the community.

Because I raised the issue in Singapore more than one year ago, I’m not 100% satisfied with the outcome, but I can live now with it and I think it could be a step forward, although with the timelines we have that we stretched it over longer time. So as Sebastien has argued, this is an evolution of a process where we identified weaknesses and we tried to eliminate the weaknesses by keeping the substance and the basic element of the review, because review is a central element of accountability and of ICANN oversight. So insofar it’s in the heart of our work and it’s absolutely natural that we have different approaches. I have also no problems with the minority statement if this is needed.

Insofar, Osvaldo, go ahead if you have input from your constituency and add it to the report in part of the minority statement.

BERNARD TURCOTTE: Thank you, Wolfgang.

CHERYL LANGDON-ORR: Thank you, Wolfgang. Hopefully, we've written it so it won't be requiring minority statements, but so be it if it does. Sebastien, you had your hand up briefly. Did you want the floor?

SEBASTIEN BACHOLLET: Thank you, Cheryl. Just to say that once again, Osvaldo, don't apologize. I think your question help us to have enhanced documents. Therefore, it's good and even if it's come just now, when I read it, I think some of the inputs could be useful, even if I'm not answering all your preoccupation or question, but thank you.

BERNARD TURCOTTE: I would like to thank (A) Osvaldo for doing this in this way, it's very constructive; and (B) Sebastien, I think you've provided us a great way forward on this. What I will note is I'll have to go through the document a bit everywhere and adjust according to this paragraph that we've accepted to change here. I'll highlight it just to make sure we don't forget it. Then I'll make sure that the rest of the text elsewhere matches properly. Would that be okay for everyone? Wolfgang, I still see your

hand up. Down. Okay. So I'll take it that's okay, and then I'll be making those changes to make this all consistent like this.

All right, next comment. "Continuous or current or our proposed evolution not covering all aspects of the ..."

SEBASTIEN BACHOLLET: Sorry. It's organizational review. It's just I didn't write it. Organizational review current or our proposed evolution are not covering all the aspect. It's not to say that it's just because we change it that we have this question of pieces missing. Because it's a way to introduce a systematic whatever name we give to the review, and I don't want to say that it's just because of today's proposal, it's also because of the past. It's why I have suggested that. And it's organizational review and when you see SR, it's specific review. Sorry.

BERNARD TURCOTTE: Okay. That's going to require a bit of wordsmithing but I'll leave your comment there and I'll play with it after this call.

SEBASTIEN BACHOLLET: Good. Thank you.

BERNARD TURCOTTE: Osvaldo ... Ah, the great systemic to holistic discussion.

SEBASTIEN BACHOLLET: There's Leon who has his hand raised.

BERNARD TURCOTTE: Yeah.

OSVALDO NOVOA: Should I speak now or?

BERNARD TURCOTTE: Leon has his hand up so we'll go to Leon first then I'll come back to you, Osvaldo.

OSVALDO NOVOA: Oh, sorry.

LEON SANCHEZ: Thank you, Bernie. I agree with what have been said but I just want to flag something that could become a problem at some point. This is consistency in review approaches from the different SO/ACs. I agree that it is good to provide of course this independence to each SO/AC, but I just want, as I said, to flag what will happen if there is such inconsistency between the approaches across different SOs and ACs that it actually becomes something that creates more problems than it solves.

I'm not saying we don't do it this way. I'm just flagging it as something that we should look at and maybe provide some space should those

inconsistencies become – I don't know how to say this in English – but we cannot reconcile differences in approaches. So if there is such difference in approaches that they seem unable to be reconciled, we should provide some space to do that. I see that Sebastien is flagging or saying that the systemic review group will be in charge of that. So yes, that could [become] just a little bit concern of not providing space or a way for these differences to be reconciled properly.

BERNARD TURCOTTE: Thank you, Leon. Pat, before I go to you, I have Osvaldo. Osvaldo?

OSVALDO NOVOA: No, please let Pat speak before then I –

BERNARD TURCOTTE: Okay. Leon, your hand is still up. Pat?

PAT KANE: Thanks, Bernie. Leon, I've got a question for you on irreconcilable issues. Are you suggesting that there would be some level of animosity or accusation between SOs and ACs because one doesn't take the same approach as another one did in terms of the deep discussion or near revolutionary approach to how they view the organization? Is that what you're getting towards? Or is it the amount of money that will be applied given different types of approaches or scope in terms of these reviews? I'm trying to put into my head the scenarios that you're driving

towards and other than those two, I can't think of any other. So I'm just trying to get some context.

LEON SANCHEZ:

Thanks, Pat. I'm not making any assumption or any anticipated situations. I would just, as I said, try to provide some space should those differences arise. I still don't have a clear picture of how the holistic review process would consider inputs that come from different review approaches at individual level. So if we could work a little bit more on that, I think it could provide a little bit more clarity as how should these differences arise would be reconciled via this holistic review process. I hope that helps.

BERNARD TURCOTTE:

Cheryl?

CHERYL LANGDON-ORR:

Thanks, Bernie. Leon, I understand where you're coming from. I guess I want to point out a couple of things based on the two evolutions or just a revolution in one place of the review process that I've certainly survived in my time at ICANN. But at no point has there been a successful driver. There's been an attempt at one stage throughout the CCWG process, but that didn't succeed fully, but there has not been a successful driver to pull in a principle of harmonization and consistency anyway.

There are some principles that [are tested] such as the fitness for purpose and the validity of continuation of the entity. But beyond those

guiding principles, it's basically [a crapshoot,] which is part of the problem. So I'm not sure that there is a problem where you're looking for the problem yet. If anything, the opportunity for more autonomously managed but totally immersed in the specific needs of the community it serves in its own development with a few guidelines and implementable tools should head us towards greater harmonization and comparative capabilities between each of the reviews between the systemic reviews. I guess I'm less concerned. If anything, I'd say this is a step forward, not a step backwards toward chaos, because at the moment, there is absolutely no driver for any form of comparative qualities or characteristics as a result of any review beyond the fitness for it to continue.

BERNARD TURCOTTE:

Thank you, Cheryl. I'll just point out, I think what I'm taking from this, - and I tend to agree with Sebastien – the systemic reviews, the great equalizer, and I think we're providing a good system, walking back from that, as we said, we're going to try and line up. This has been a concern and Leon brought it up several times before and we're trying to make sure that there is a consistent core of what the continuous improvement will be in each review and that's the point of setting it up in the beginning.

However, I'll take it back to the bottom of page 58 for a second again for just a minute. A little bit further up. A little further up, please, Brenda. Right. Which is why I included the quote from the ccNSO review. "While no significant changes are anticipated, the findings, recommendations, and suggestions indicate there are opportunities for

the organization to continuously improve as it fulfills the three objectives above.”

For me that sort of summed it up is some of these reviews are – we’re at the point of its continuous improvement and I think we’re building a system where there will be a core. That is what we’re proposing and where there will be some verifications and unification. So I have to agree with Cheryl that actually what we’re proposing is a lot better, yet we’re giving the flexibility, as we said, that there can still be some external evaluators that you’re permitting and working on those things. I think we’ve got it covered. Any other comments on this topic? Sebastien?

SEBASTIEN BACHOLLET:

Yes. Thank you. We had part of the discussion when we were discussing about the five-day retreat and we finally decide that it will be up to each SO and AC. Therefore, I think we are giving some tools and we are giving the possibility for each to decide which tool they want to use, and I think it’s a better way to go. And if there is too much discrepancy, both systemic review and ATRT in the future can redress that. We are just two and half years away from one or the other. Therefore, it’s not so a big deal in the ICANN history. Thank you.

BERNARD TURCOTTE:

Thank you, Sebastien. Vanda?

VANDA SCARTEZINI: Yeah, I totally agree. We gave a lot of flexibility. But anyway, if we're going to give more explanation about that, should not be here but in the systemic review [text,] because there we can refer to consider any difference that may make some difficult to review all those AC and SOs information at that time. I believe here is a great suggestion from Sebastien in my point. Thank you.

BERNARD TURCOTTE: All right. Thank you, Vanda. Great. Okay. Any final comments? I think we've got around this. I think people generally feel comfortable that we've got answers for most of these things.

Okay, let's get back down to the Osvaldo comment that was suggesting we replace systemic – sorry, Brenda. That will be at the middle of page 59. Osvaldo: "Replace systemic with holistic." This goes back a few times. I see Osvaldo's hand up.

OSVALDO NOVOA: Personally, I didn't understand the difference between holistic and systemic, and it was explained to me a short while ago. So I may be wrong on my explanation, but what I understood was that a holistic review would look at the different parts of a system and then see how they help to obtain the objectives of the whole system, while a systemic review would look at the system as a whole, not necessarily looking at the different parts of it. That's what I understood and that's why my constituency would prefer holistic review where it would see each of the different SO/AC and the NomCom and then see how they fit in the whole ICANN system.

BERNARD TURCOTTE: Thank you, Osvaldo. Vanda?

VANDA SCARTEZINI: Just remember that we have those difficulties during Brussels. Because when you're using Latin language, maybe it has this difficulty to go understand that the systemic will go deeply into each part of that. But in the end, we have a long discussion in Brussels. I believe we agree with that. I'm okay with the holistic because I can understand what is in the translation. It's much more understandable than systemic, but I can live with both. And I believe at that time we agree with systemic. It's just to remember that really, it's not so clear when you go to ... I don't know in Russian or other language but in Latin language, I believe there is this small difference that may leave the systemic to not go deeply into each one but I believe when we explain the systemic, it is clear the work they should do. Thank you.

BERNARD TURCOTTE: Thank you, Vanda. I see Sebastien put in the comment on this. Sebastien, can I ask your thoughts on this?

SEBASTIEN BACHOLLET: You know, we had a long discussion together in Brussels as Vanda said, and we finally came to a conclusion the systemic would be better. I don't have the record of all the discussion, but from my personal point of view, I can live with one or the other. The word is not so important from my point of view. It's what we intend to do and the explanation we

will put into the document. Therefore, if we globally are more comfortable with one or the other, for me, that's okay. There are explanation on why systemic is better than holistic and the reverse too. Therefore, at the end of the day, it's what will be more understandable by the participants, that it's more important, the meaning again, and when we explain what we want to do I guess we will be agreeing and that is more important. Thank you.

BERNARD TURCOTTE:

Thank you, Sebastien. All right, seeing that, we have the additional arguments that in the public comment we use holistic, which I think is a good point. We have Vanda's point that holistic translates better. I'm with Sebastien. I think at this point is more about the explanation than the title. So am I seeing a general agreement that we replace systemic with holistic and just be done with this? I have a thumbs-up from Pat, I have a check from Jacques. I don't see any opposition. Osvaldo, a great suggestion. Cheryl, has her thumbs-up. Let's go with this. If you have massive objections for this ... I'm seeing support in the chat. I think we've got a winner here. All right.

Remove the "as proposed in the draft report."

SEBASTIEN BACHOLLET: May I?

BERNARD TURCOTTE:

Yes, please, Sebastien.

SEBASTIEN BACHOLLET: We are the winner in Brussels, too. Therefore, what is important ... Sorry, Bernie. It's not too much that we are the winner. It's that we agree that we will stick on this word up to the end and we will not come back to this discussion because I really feel that it's the decision for this word at least, because if not, we can come back to Brussels discussion in two weeks and do the same again. Therefore, let's keep with that. One reason is that it's the first [we're all] specific, therefore, it's good to have another title for review. HR will be better. Thank you.

BERNARD TURCOTTE: Thank you, Sebastien. I think we all understand that. Forgive my colloquialism, but I think holistic review fits for a number of reasons. I've highlighted it here so that I make the change everywhere.

Okay. Next comment at the bottom of page ... yeah, that one.

CHERYL LANGDON-ORR: You've got Pat's hand up.

BERNARD TURCOTTE: Sorry, Pat. Thank you, Cheryl.

PAT KANE: Thanks, Cheryl. Thanks, Bernie. I just wanted to say that we've come to the hour and if we wanted to take a break for a couple of minutes here. Are you not in a good breaking point, Bernie, do you think?

BERNARD TURCOTTE: I would hate to break. We're in this Section 8. I really want to get this done. I think that's going to be our big one, so I would suggest we power through if that's okay for everyone.

PAT KANE: Go ahead, Bernie.

BERNARD TURCOTTE: Okay. Thank you. All right, so we have from Osvaldo a comment: "A continuous improvement program is just to maintain an organization efficient but with no major changes. Sometimes it's necessary to introduce major changes in the organization. I think this is what the periodic reviews are for." Okay. "They're called specific now. There were many complaints at the last GNSO review regarding the limits of Board imposed on the review."

Again, Osvaldo, I see your hand is up so I'll let you speak to that.

OSVALDO NOVOA: This was regarding the preference for organization review instead of continuous improvement program. If we are putting the evolution of the organization review into continuous improvement programs, then I think we can take out this comment and just adapt what[—have the evolution term in the —]

BERNARD TURCOTTE: All right. So we would take this out. Okay. Osvaldo, your hand is still up. Okay, thank you.

Next comment. Sebastien: "Can we split in three: organizational review, specific review, and systemic review?"

SEBASTIEN BACHOLLET: If I can explain.

BERNARD TURCOTTE: Yes, Sebastien.

SEBASTIEN BACHOLLET: We are talking about organizational reviews, and here at the second bullet point, it's specific reviews. In fact, the holistic review, it's meant to be an addition to the organizational reviews. Therefore, I suggest that we have three bullet points: one about the organizational review, one about specific review, and one about the proposed holistic review. Then we try to combine all because it gives a strange impression that we are putting the holistic link with ATRT.

BERNARD TURCOTTE: Right. Okay. Fine. I understand that. I agree. There, I'll leave your comment in and work my magic so that it makes sense. Okay.

SEBASTIEN BACHOLLET: And the next one given both, I don't understand the sentence but it may be my understanding.

BERNARD TURCOTTE: Okay. I'll fix that. I'll keep that comment there. I don't think there's any change in meeting there. We're introducing a new category, yes. It's mentioned in the text.

Okay, next. "We may add the comparison between schedule and in reality timing for ATRT3." Oh yeah. Okay. Please, Sebastien.

SEBASTIEN BACHOLLET: It's because we are talking about five years, but in fact with ATRT3 compared to ATRT2, we are much more than the five years. Therefore, it's one of the reasons we also take that into account and we consider that we can change things a little bit because the reality shows us where we are today. It's why I suggest that we add that. And what is in red because holistic was the only place where it stays from the previous document. Okay. Thank you.

BERNARD TURCOTTE: Okay. I'll add that and leave your comment there and I'll fix it. I don't think it removes anything. Okay. Yes, agree with that, holistic.

SEBASTIEN BACHOLLET: Then the next one it's that we say every three – I suggest to put three to four years. I think that's a little bit more flexible and we don't stick with—that's the proposal. Thank you.

BERNARD TURCOTTE: Done. Okay. Systemic with holistic. Oh yes. Good catch. Thank you. So we're at the bottom of page 60 heading into page 61. Okay, RDS review. "Access to data and privacy of registrants is being handled now via EPDP. Other topics are taken care of by GNSO. If after any components of RDS need to be reviewed could be rolled into the work of the ATRT." Okay. What are you suggesting we do here, Sebastien?

SEBASTIEN BACHOLLET: It's to add this. We are just talking about EPDP and I think there are other topics. It's something I write a few months ago already but I don't think they're just EPDP regarding RDS reviews. It's why I think we need to open up somewhere about the other part of the work done by GNSO or other part of the ICANN community.

BERNARD TURCOTTE: Okay. Let me think about that. I'll leave that comment there.

SEBASTIEN BACHOLLET: And the next one possible, you need to align with what we have already discussed up there. Thank you.

BERNARD TURCOTTE: Okay. The middle of page 83 is the next comment. I changed and Vanda agreed. So basically, “The assessment can be connected by an independent contractor...” Yes. I think we’ve actually discussed this several times indirectly now. So I think that’s okay.

All right, top of page 64. Now a systemic review shall be set up. “The first one shall start no later than one year after approval by the Board of the first recommendation by ATRT. The subsequent ones shall start no later than every two and a half years after approval by the Board of the first recommendation by the latest ATRT review.” Yes, I can certainly live with that.

SEBASTIEN BACHOLLET: I know that it’s written later on but as it’s the beginning of this discussion, I think it’s important that we raise that it’s one year. The first one will be soon and not waiting –

BERNARD TURCOTTE: Yes. And it’s not a systemic, it’s a holistic. It’s a holistic. Okay, I think that’s good. “This will include a review of survey results, an in-depth analysis.” Okay, I can live with that.

SEBASTIEN BACHOLLET: It’s because I think we need to use review carefully outside of the reviews.

BERNARD TURCOTTE: Yes. There we go. That's done. "Should be launched no later than seven years following the approval by the Board to be revisited." Sebastien?

SEBASTIEN BACHOLLET: Because we are not anymore seven years after the approval. We are staggering between ATRT and the holistic review. That's why I say it needs to be revisited to align with the rest of the text.

BERNARD TURCOTTE: Fix to align. Yes. We'll do that. Yes, systemic. Thank you, Osvaldo. Holistic.

OSVALDO NOVOA: [Some other systemic there?]

BERNARD TURCOTTE: Well, let's not worry about it today. I will actually do a search and replace them everywhere.

OSVALDO NOVOA: Okay, of course.

ADETOLA SOGBESAN: This is Tola. So what are we talking about no later than several years now?

BERNARD TURCOTTE: Because that's a fragment that stayed there from earlier text. We've got this thing where it's so many years after the first recommendation from the ATRT is approved. We get the holistic and after the first recommendation from the holistic so many years is the ATRT. So I just need to bring that so it matches the rest of the other things.

ADETOLA SOGBESAN: All right. Thank you.

BERNARD TURCOTTE: Okay. "Recommend the creation of a systemic review to allow..." Okay. Holistic. Yes, okay. It's done.

SEBASTIEN BACHOLLET: You need to take off holistic. I will do it because this time holistic will not fit here. Thank you.

BERNARD TURCOTTE: Okay. Missing systemic/holistic since 2002. So in the bullet points down here is what you're talking about?

SEBASTIEN BACHOLLET: Yes, Bernie. We had this discussion but I don't know, I didn't find where it is. It may be in the summary but we need to say also that it's not just we find a lot of things and one is that we are missing a global view of this organization. It's why we suggest.

BERNARD TURCOTTE: Okay. I'll add in a bullet right on top. I'll fix just some placeholder text. I'll adjust it a little later.

Okay, 66, 67, 68. Okay. Top of 70 there's a comment. Yes, "Such ATRT3 concludes that ICANN has reached a point of diminishing returns with respect to organizational reviews as they are currently."

SEBASTIEN BACHOLLET: I didn't use "currently" because currently is not anymore [but it's used to.] But one of the reasons that we still say organizational review. It's why I try to tweak something. It's done up to now but of course, write it the right way. Thank you.

BERNARD TURCOTTE: Okay, I'll leave the comment and I'll put in something. I don't want to wordsmith on the fly on that one. "Better use and more speed." I am on the top of 71, Brenda.

SEBASTIEN BACHOLLET: It's not speed, it's spread.

BERNARD TURCOTTE: Oh, sorry. Yes.

SEBASTIEN BACHOLLET: It's not lowering the resource commitment. It's using it more in a better way and one of the reasons is that it's spread and not all at one time in one or two years.

BERNARD TURCOTTE: There we go. Does that work for you, Sebastien?

SEBASTIEN BACHOLLET: Yes. Thank you.

BERNARD TURCOTTE: Okay. Next one, results of the first systemic. How will be effective?
Okay. I agree with that bullet.

Next comment. "Very significant as this would have a direct impact on ICANN's core activities and responsibilities regarding ACs and SOs."

SEBASTIEN BACHOLLET: Accountability and transparency, sorry. Okay. There we go.

ADETOLA SOGBESAN: This is Tola speaking, please.

BERNARD TURCOTTE: Tola, please.

ADETOLA SOGBESAN: [Okay. We have – is it 128—is it 12 months? I see on there where you have 128 months after approval for the – I’m not seeing properly. Oh, I see it. You cancelled 8, you now have 12, right?]

SEBASTIEN BACHOLLET: That’s my proposal. Yes.

ADETOLA SOGBESAN: Okay, 12 months after approval. So just like one year. I’m seeing that ... Shouldn’t we have a bit of consistency? In some cases, we use 12 months. In some cases, we use one year. Are we saying different things? Why do we have months in some cases and year in some other cases? I just want to be clear what that implies, actually. I’m not against it. I just want to be clear.

SEBASTIEN BACHOLLET: If I may, I write one year, but Bernie write 12 months and that’s part of the difficulty. I will try to switch my language to 12. Sorry.

BERNARD TURCOTTE: I think I’m going to have to fix this part for a few years. So the last ones, I will adjust that. But not here, I will change the meaning. Okay.

Then we get to the chart. The first one is the old one, the second one is the new one, Sebastien, or is it vice versa here?

SEBASTIEN BACHOLLET: This first one, it's the last one because it's written 13th of April. It was the last change. I had one year. No, it's the first one.

BERNARD TURCOTTE: The first one is the good one?

SEBASTIEN BACHOLLET: Yeah. Take off the other one.

BERNARD TURCOTTE: Okay, thank you. There we go.

SEBASTIEN BACHOLLET: The text here, we can't withdraw it but I still think we need to have some place where we have a summary of what we do, something like that, the ATRT recommendation regarding reviews. But we can take it off from this place now and we will remember that we need to do something, if we want, around that. Thank you.

BERNARD TURCOTTE: All right. Thanks, Sebastien. Okay. Section 9. Given it's almost half past – I'm proposing we power it through.

PAT KANE: I concur, Bernie.

BERNARD TURCOTTE: Page 75. Yes. Thank you, Brenda. Sebastien, you've highlighted corporate.

SEBASTIEN BACHOLLET: Yeah. I have trouble with this word, I think organization or structure or whatever. But it's not just because we are a corporation. I know that it's our name, but it's because we are a well-managed organization or structure, whatever.

CHERYL LANGDON-ORR: Sebastien, that term isn't referring to ICANN at all. It's referring to the wider practice in all other businesses.

SEBASTIEN BACHOLLET: Yes, Cheryl. I understand but good practice, it's done also for nonprofit organization, as we can see in ISOC. We are big not-for-profit, we're not a corporation. We using corporate –

CHERYL LANGDON-ORR: A not-for-profit is still a not-for-profit corporation. The term corporation still applies.

VANDA SCARTEZINI: In English. Corporate in Latin language is just for profiting ones.

ADETOLA SOGBESAN: For me, I understand the corporate means anything that is executive, not-for-profit or for profit. If in Latin, as Vanda mentioned, means another language, it implies that even when translated at some point, readers in Latin will have different interpretations. So we may, for that purpose, just look for a synonym that will appeal to all. If we can't find, then we just have to deal with corporate. That's my opinion. Thank you.

CHERYL LANGDON-ORR: We could put a synonym in as well as opposed to replace. I think it's one of those, you know.

BERNARD TURCOTTE: Corporate/organizational?

CHERYL LANGDON-ORR: Find a synonym. Well, find a synonym that works and that works specifically with what we know is the issue with Latin.

ADETOLA SOGBESAN: Sorry. Wouldn't organizational stand for corporate as well? I'm looking at if we have only organizational good practices, then it covers almost every form of corporate entity. But I don't know what that means in Latin again. Maybe Vanda will need to help us if that's the only challenge. But I'm thinking organizational good practices, we mean the same as corporates and good practices.

BERNARD TURCOTTE: I'm going to propose that I take this up offline and we'll just settle it with whatever comes up. Vanda?

VANDA SCARTEZINI: Just quickly explain. That's quite different because there is a lot of rules and good practice for organizations as a whole and the corporate itself. Corporate means open in the stock markets, those kinds of [quite profity] and large organization in many of Latin words. Organization is any formal, from associations to institutions, to companies and so on. Thank you.

BERNARD TURCOTTE: Would we be comfortable with organizational?

CHERYL LANGDON-ORR: I'm not totally sure. But total replacement there. I think I'd rather have both than get one or the other.

BERNARD TURCOTTE: So the slash thing works?

ADETOLA SOGBESAN: Sorry. What do we intend with our statement? Maybe that can guide what's the choice we make. I'm thinking when we say corporate good practices is just like Vanda had explained, it could be interpreted in different [inaudible]. With organization, every corporate entity, every non-corporate entity has organizational structure. So that's my thinking.

[So having it both.] Maybe we can leave it without spending too much time on this and we can just leave for Bernie take care of that.

BERNARD TURCOTTE: Or we can remove both and just say, "In keeping with good practices."

ADETOLA SOGBESAN: Say that again, Bernie, please.

BERNARD TURCOTTE: Remove corporate and organization. Just say, "In keeping with good practices."

ADETOLA SOGBESAN: Let me read it from the beginning.

CHERYL LANGDON-ORR: That doesn't have a latch to anything. Good practices. There's no recognition of standard, where there is for organizational, perhaps less so in some laws. But in corporate, there is very specifically agreed standards and practices.

BERNARD TURCOTTE: All right. I agree with Tola.

ADETOLA SOGBESAN: I'm reading it again. I think I'm seeing what Cheryl said, starting from ICANN [has been producing,] if I read it, corporate seems to be more appropriate. But I'm thinking, should we spend time on this one or we just let Bernie sit on it later and give us feedback?

BERNARD TURCOTTE: Yeah, we'll finish it later. I'll just highlight it and make sure I come back to it. I'll find some good compromise there.

Okay, next comment. Added quote marks. I don't think that's going to cause anybody any concern.

Next one, added a footnote. Okay. The operational plan says 35, but if you actually count them, there are 36. I'm sticking with my 36 but I put in a footnote.

SEBASTIEN BACHOLLET: I agree with you. I make the counting myself, too. Thank you.

BERNARD TURCOTTE: Thank you very much, Sebastien. Thorough as usual. That's done. Yeah. That's just cleaning up word. It doesn't propose to change the meaning of anything. It's just readability.

SEBASTIEN BACHOLLET: But if you have to time off, we come back to you.

BERNARD TURCOTTE:

All right. We have Sebastien. Delete W. Okay. Thank you. Yes, account. Okay. Going to keep going.

In six months of proving this recommendation. Okay. Sebastien's comment, "In current situation, I'm not sure that ICANN offer to do this retroactively. We ask if there are documents provided to the Board or internal ICANN." Okay. Sebastien is bringing into question that we ask that this be done retroactively. The point is that if we're not asking for anything, the five-year plan has been done. So it'll be six years before there's anything. We're not asking for changing the documents, we're asking for some documents to append to it.

There's also a footnote 167 there, you will note, which I discussed with Leon. I think he was okay with the general idea here. But there was some understanding that maybe not everything could be answered as we were talking about there so I included this section, which is a bit like a disclaimer in the insurance policy. "ATRT3 understands that the strategic plan and the operational plan have been or are in the process of being finalized and that the retroactive application of these requirements may not be possible for all those outcomes, etc. ATRT3 expects a best effort from ICANN for applying these requirements to the strategic plan in the short term, providing explanations for those elements which cannot meet the requirements and in the medium term, correcting any issues, given the strategic plan is a living document. With respect to the operational plan, ATRT3 has similar expectations as those of the strategic plan with the exception that all operational initiatives in the operational plan be in line with the ATR3 requirements within one year following the approval of the recommendation by the Board."

I guess to a certain extent, this goes to Sebastien's concern. We have provided an out, we're not asking for an absolute total commitment for this. So I think with the footnote, we covered the situation. Sebastien, does that at all address your concerns?

SEBASTIEN BACHOLLET:

Yes. But frankly, I think we are a strange situation and it's why I will not push on that too much. I consider that if they have ... what will be more important—because I am sure that there was some document provided to the Board about the summary of what's happened with the previous operating and strategic plan and, therefore, I would have preferred they publish that and they do another document. But I will not struggle for that too much. But it's a general feeling. I think it's in the COVID-19 situation, I will not ask too much things for the past and prefer to turn to the future. Thank you.

BERNARD TURCOTTE:

I think this allows ICANN to produce those documents if they want or if there are sensitive things in there, then they can redact them and put them in this format then it meets the requirements. Or at least I hope so. All right, any other things on this point?

Okay, next comment. Annual Reports. That was just specifying exactly what we're looking at. It's not adding anything here. Again, just specifying the version we looked at. We are done 9. How are we doing on time? 20 minutes. Okay, we have prioritization. I think we can do this. Let's hope so.

I see some wordsmithing there. All right. On this section here, I've added ... "The creation of cross-community tasked with operating a prioritization process for recommendations made by review teams, cross-community groups or any other community related budgetary elements the Board feels appropriate."

So the only thing we're doing here is we're saying we may not ... Since we're making recommendations on this process, there may be other things you want to use it for. So we're leaving that part open if the Board feels there are such SO/AC elements which they would want to use this process with is all we're saying here. It doesn't remove anything, it doesn't force the addition of anything, it just leaves the door open. Would that be okay? I'm not seeing any argument there. Okay.

SEBASTIEN BACHOLLET: It's not an argument, it's just the situation with the budget for the one who participate to the budget evolution presentation. In fact, Org is already proposing a prioritization and I guess with the support of the Board. Therefore, it's important that we came with this proposal to have a real way to have a cross-community participation in that decision. Therefore, I think it's okay. Thank you.

BERNARD TURCOTTE: All right, great. Thank you, Sebastien. All right. It was implicit everywhere else. But we didn't formally state they were proposing an annual process so I just added that in there. It's meant to have a continuous dialogue with the ICANN org during the preparation of the

budget. Just making sure that we're not throwing stuff over the fence and then hoping for the best that once this ... as part of these guidelines, whatever this group prepares, there is an ongoing dialogue when you're preparing the budget. I think that's consistent with everything else we've been saying.

SEBASTIEN BACHOLLET: If I may?

BERNARD TURCOTTE: Sorry. I didn't see your hand.

SEBASTIEN BACHOLLET: In fact, it's meant to have ... I know that it is a repetition but it's meant to have a continuous dialogue because it's already done. We have already this continuous dialogue with ICANN staff on the budget. Therefore, we're not proposing an evolution, not a revolution and even evolution because it's really very well done today by the finance team. Thank you.

BERNARD TURCOTTE: Okay, great. Just fixing some language. I don't think there's anything there. Again, just for clarity. Going down and we're done. All right. Still a little bit of homework, but I think there are minor tweaks for consistency. There we go. All right, back to you Pat and Cheryl.

CHERYL LANGDON-ORR: Great progress. Excellent. Am I unmuted? Yes, I'm unmuted. Osvaldo, go ahead.

OSVALDO NOVOA: I thought we were going to look at the executive summary before –

CHERYL LANGDON-ORR: Yes, we are.

OSVALDO NOVOA: Okay, thank you.

CHERYL LANGDON-ORR: We're going to dive right in from the top now. Did you want to take a short break now, Bernie?

BERNARD TURCOTTE: I don't know what is best for everyone, but let's just keep going.

CHERYL LANGDON-ORR: Sebastien first.

SEBASTIEN BACHOLLET: Thank you. I was thinking that we may wish to have Bernie taking into account what we have discussed in the core of the document to be included in the executive summary and that we came back to that at the

next call because I have trouble with ... because we're discussing that we'll change the text of the executive summary here and we'll be better to be done with a cleaner text. That's just a suggestion. Thank you.

CHERYL LANGDON-ORR: Okay. Well, we've certainly done a great deal today. Is that the will of the meeting? Vanda, I believe you have agreed in chat. Osvaldo's agreeing. Pat's putting his thumbs up. Bernie, you're okay with that? Jacques is agreeing. It seems that is the will of the meeting.

BERNARD TURCOTTE: I actually think it makes sense. Let me actually go through the document and I will fix these things and then we should have a much shorter list and a clean copy to look at at the next meeting.

CHERYL LANGDON-ORR: Okay. Which leads us neatly into our next steps because that's obviously one of those steps as we move forward. Good. All right. We shall do it that way. Fine. Can we go back to our agenda then, Brenda? I know it's not a very extensive agenda but we do need to look at what our next steps are. Also this is the ideal time to look towards the intervention that Wolfgang has proposed and that is the development of an epilogue. I rather like the epilogue terminology.

So let's open ... Pat, do you want to run this part of it and see what we can get in terms of general guidance, if not specific text, as we move towards both next steps and the development of an epilogue?

PAT KANE: Certainly, Cheryl. I'm happy to do that. I think we've identified that we will meet on next Wednesday from a next step standpoint to go through the executive summary and to probably take a look at what an epilogue might look like. But from any other business, Wolfgang, you brought up initially to take a look at or have a quick discussion on, think about or approach, as an example, the .org decision that was made or finalized last night. Wolfgang, I would invite you to carry through how you think we should take a look at that and then let's go from there and have a conversation about that.

WOLFGANG KLEINWÄCHTER: Okay, thank you. As I said in my first intervention, all the time since the deal was announced, I had mixed feelings about it. My analysis leads me to the conclusion that ICANN will move into troubled waters, because whether they decide yes or no, it's probably for a number of groups watching ICANN, not the key decisions. It's like the theory of unintended side effects because we will move probably in a situation where fundamental questions are asked about ICANN oversight and the multi-stakeholder nature of the organization and who has the last word. So that means as we see it now with the rejection of the proposed contract, this could trigger a process where we have now court proceedings.

After the GA from the Californian Court has written the letter, the question is, who has the final say? Is it the GA from California or Californian Court, or is this the Empowered Community? With the IANA

transition, we got rid of the US government oversight and this was celebrated as a success. We said, okay, ICANN is accountable to its stakeholders and the stakeholders are represented by the Empowered Community and we had a process in place. So if now a Californian court tops the Empowered Community, this will raise a number of issues which have only little to do with the original deal with Ethos but this will raise fundamental questions.

If you read the decision made by ICANN yesterday night, they have a number of reference points to justify the decision and one is [the 30] letters from stakeholders. Then in the fourth or fifth bullet points, they also say that they have considered the letter of the GA from California. So that means ICANN is accountable to the multistakeholder community. By the way, this is also a paragraph in the letter of the GA where he said there's a difference between a for-profit corporation responsible or accountable to the shareholders and the stakeholder corporation that are responsible to the stakeholders.

So we have instruments, we have theories but this is the first real stress test for ICANN, how to move forward. Insofar, it's not a question of whether we should say yes or no to the decision the Board has made or whether we feel individually the contract was a good one or bad one or the sale was justified or not justified. [It's a] question to whom ICANN is accountable. I think this would be my proposal, that we make clear in epilogue or let's say in conclusion or whatsoever, [that there are] also a number of other related issues and this includes all the EPDP and cybersecurity issues and on, that it should be clear that ICANN is accountable to the global community, where governments are a part of it in form of the Governmental Advisory Committee. Because what I

could see is that sooner or later, you'd have some neutral or not so neutral observers, which has nothing to do with the .org deal. They will raise the voice and ask the question, "What is this? Shouldn't we have another oversight mechanism over ICANN?" That means the whole discussions we had 8 or 10 years ago with [inaudible] and some other things and the World Summit on the Information Society could come back.

This is my fear. Insofar, it would be good to strengthen the approach that ICANN is accountable to the stakeholders in a general way by referring to a number of discussions which are raised by concrete developments including the .org deal and also security, EPDP. The meta perspectives comes always to the same point. So who has the final say over ICANN and to whom ICANN is accountable? Insofar, a short paragraph, not a long explanation, would give our review team a good standing. Back to you, Pat.

PAT KANE:

Thank you very much for that, Wolfgang. I think that this is clearly a topic for an ATRT to look at. If we were starting today, this would certainly be one of the one of the most important use cases for us to walk through. But given where we are and how we want to talk about this because we're a week away or 10 days away from being complete, it feels like, so how do we address that? Do we talk about it as these are accountability items that have come up over the duration of our review and thus did not get reviewed for a set of actions but recommend that it's specifically be a topic for the next ATRT? I'm just trying to figure out how we take what you just said and clearly not turn it into an actual

investigation but make a recognition that this is a topic that should be or must be or we recommend that it be included in the next review. Any other thoughts, Sebastien?

SEBASTIEN BACHOLLET:

Thank you. The question is that if we say so – how I can say that? A lot of people will laugh at us because it will be in seven years and it will be lost. Therefore, I have no proposal here but I would like us to think about what can be done in between where we have so important topic. This one will not appear again. Something else maybe, but this will be ... It's a case study, as you say, and maybe we need to wait but suggest like for the CCT that we have a review one year after the fact. We have the possibility to create review. I know we are late in the process, but with what's happened, it's maybe good to say we suggest that something be done in one year to review what's happened, [to have a ...] I don't know if it's in all country, but you have a parliamentary search on specific topic and that could be a way to go. Because if we wait, if we say, "Next one," done, it's over, it's too late. I am trying to find something that could be done quicker with more fresh elements [than] it will be in seven years. But thank you for bringing that to the discussion, Wolfgang.

PAT KANE:

Thank you, Sebastien. Vanda?

VANDA SCARTEZINI:

Wolfgang has really relevant points. I agree with Seb that we need to recognize the issue, suggest something to take into account in the reasonable time, maybe six months or something like that. That is not more than this. Because this is something that we need to recognize the impacts that may become usual in the community and we don't want to see that again and again. So it is necessary to really raise those concerns. I suggest that in line with what Sebastien have said and recognize Wolfgang's important points, that we make a short statement and suggest a work, six months to maximum one year or something like that. But really we need to address that. Thank you.

PAT KANE:

Thank you for that, Vanda. Given that we've got five minutes left, why don't we make this suggestion that between now and our next meeting, which I think would be scheduled would normally be for next Wednesday, let's put some thought around that and have that be one of our topics so that we can come to conclusion on that. Is there any opposition to that approach? I see a thumbs-up from Cheryl on that. So let's do that then. Jaap is in support. Osvaldo says yes. Liu says yes. Vanda, yes. Sebastien, yes. Okay. So we'll move that to next Wednesday for a conversation. We'll also put the executive summary review on next Wednesday's agenda. Anything else that we need to identify for next Wednesday, Cheryl?

CHERYL LANGDON-ORR:

No, I think we're in good shape for that to become an agenda which we can get out as soon as possible. It will be 11:00 UTC. Even though this is

11:00 UTC, this was ... unless you want to switch it, but it's meant to be 11:00. We've switched this one for individual case reasons. Do we want to discuss that or not?

PAT KANE: No, I think we stick to 11:00 UTC.

CHERYL LANGDON-ORR: Okay. Good.

PAT KANE: All right. Any Other Business before [we close] out? I see none.

ADETOLA SOGBESAN: Can I say just one?

PAT KANE: Sure, Tola.

ADETOLA SOGBESAN: Okay, good. Well, this may just be on a lighter note though. But I was wondering, not having a face-to-face opportunity has increased the number of bandwidth I'm using, and I was just wondering when will the co-chairs consider giving us a data stipend amid COVID? And that's the AOB I wanted to bring to your attention. Thank you. Bye-bye, everybody.

PAT KANE: Thank you, Tola. I will chat with Cheryl on that when she and I have our next call.

CHERYL LANGDON-ORR: We will consider that, Tola. If anyone else would like to make a case, please do so in our e-mail list, please. We'll take it all into account. Okay. All right, in that case, Jennifer, a quick taking us home.

JENNIFER BRYCE: Thanks, Cheryl. The team agreed to meet on Wednesday, the 6th of May, 11:00 UTC. The agenda will include the discussion on the executive summary and the epilogue. So ahead of this meeting, team members to think about text to include in that, what's related to the items to be included in the epilogue. Then the team decided to replace systemic with holistic throughout the document. Bernie's going to make that update along with the other changes discussed today.

That's all I captured. Let me know if I missed anything or need to correct anything. Thank you.

CHERYL LANGDON-ORR: It seems reasonable to me. Go ahead, Pat.

PAT KANE: No, I was just saying thank you to Jennifer.

CHERYL LANGDON-ORR: I just wondered if we ... Because we've got a brief agenda knotted out now, we probably don't need to take a full leadership team meeting on Monday. But if there's any particular administration and other discussions happen, I might take an opportunity, but I don't think we need a full leadership team call on Monday. I think it's more appropriate after we take the next step to do that. Okay. Pat has his thumbs up with that one.

PAT KANE: I see no opposition, Cheryl. So let's do that.

CHERYL LANGDON-ORR: Okay. All right then. With that, you may close it all, Pat.

PAT KANE: The hardest part of the day. All right. Thanks, everybody. We will see you next Wednesday at 11:00 UTC. Thanks for your time today. I appreciate it.

JACQUES BLANC: Thank you.

VANDA SCARTEZINI: [inaudible] for whom today is holiday like here. Good holiday and stay safe. Bye-bye.

JACQUES BLANC: Thank you, Vanda.

[END OF TRANSCRIPTION]