
BRENDA BREWER: Good day, everyone. I'd like to welcome you to the ATRT3 Plenary number 66 on the 15th of May 2020 at 11:00 UTC. Members attending the call today include Demi, Tola, Jaap, Daniel, Cheryl, León, Pat, Vanda, Jacques, Sébastien. Observers, we have Herb, Everton, Jim, and Sophie.

Attending from ICANN Org is Jennifer, Negar, Larisa, and Brenda, and technical writer, Bernie. Osvaldo has sent an apology that he will be delayed. Today's call is being recorded. Please state your name before speaking for the record. Cheryl and Pat, I will turn the call over to you. Thank you.

PATRICK KANE: Morning, and thank you, Brenda. Anybody have any SOI updates this morning, or this evening, or this afternoon? Seeing none in the participant window or in the chat window, let's go ahead and move onto the action items review. Jennifer, please.

JENNIFER BRYCE: Hi, everyone. Thanks, Pat. So, one action item from a couple of days ago call that we'll close today, really to the prologue text that Bernie adjusted. He sent that to the list and, obviously, we'll be discussing that today. So, we'll mark that as closed. Thanks.

PATRICK KANE: Thank you very much, Jennifer. Any other business that we would like to add to the end of the call today? Either raise your hand in the participant

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window or write something in the chat window. I see none, so we don't have anything currently for any other business. And then, I think, Cheryl, you had one item where you wanted to slot in the ATRT2 dialog after the prologue. Is that correct?

CHERYL LANGDON-ORR: Yeah, if we can do. Thank you.

PATRICK KANE: We certainly can. All right. So, let's go ahead and finalize the prologue, then, as our next topic. Brenda, if you will bring up the prologue document. And Bernie, it's to you.

BERNARD TURCOTTE: Thank you. Can you hear me?

PATRICK KANE: Loud and clear.

BERNARD TURCOTTE: Excellent. All right. Brenda, I'll try to be more cognizant that I'm working off of two versions of this because I want to make the changes live so people can see them. I did not get any comments on that first paragraph, [it's at] green, except the "45 days," which will fit in a little later. Sébastien had the suggestion "seven to eight weeks." We are at 45 days so I think that may be a good change if everyone ... Let's just put in "approximately eight weeks." Would that work for everyone?

CHERYL LANGDON-ORR: As long as we say it in days. Whatever it is, but in days. So, X number of days. Thank you.

ADETOLA SOGBESAN: This is Tola.

BERNARD TURCOTTE: Yes, sir.

ADETOLA SOGBESAN: [inaudible] is there any reason why? What was the idea behind changing it to weeks, and what does it signify, weeks or days?

BERNARD TURCOTTE: I don't think it makes any difference, Tola. It's just one system of measurement versus another. Cheryl prefers days and that's what was in there before, so we're just, instead of eight weeks, saying 55 days. So, I think that works.

ADETOLA SOGBESAN: Okay. So, I go with the days if there is no major reason for changing it to, [but then, if we change it, it is more wrong]? But you've changed to 55. Is it 55 or 45?

BERNARD TURCOTTE: Yeah, I changed it to 55. But maybe Sébastien has something else, so let's listen to Sébastien for a sec.

SÉBASTIEN BACHOLLET: No, really, I don't care weeks or days. My only retro-note for weeks is that you have seven days in a week and you are not obliged to have a fixed ... It's more open than days. But I don't care. We can say days, but we have to be accurate. That's the only thing. Thank you.

BERNARD TURCOTTE: Approximately 55 days, I think, will do it. Okay.

SÉBASTIEN BACHOLLET: Okay, great.

BERNARD TURCOTTE: Thank you. Second paragraph. There were no changes, there were no comments, and that's good. The third paragraph is in blue, so I rewrote that to try to take into account all our discussions on that paragraph on Wednesday. So, "ATRT3 chose not to address for some or all of the reasons listed above, the number of items listed below. ATRT3 hopes that these can be considered in a future holistic ATRT review or other relevant process." And I think that's seen to work for everyone. Sébastien, your hand is up.

SÉBASTIEN BACHOLLET: Yes, thank you. Yeah. For this last sentence, maybe you can highlight it and we will re-discuss it at the end of the document, as one suggestion from Osvaldo was to move it at the end. Just the second sentence. Thank you.

BERNARD TURCOTTE: Yes. Okay. So, Pat.

PATRICK KANE: Thanks, Bernie. Are we talking about any type of future holistic or the future holistic review that we have identified as one of our recommendations? Because if the latter, we should capitalize that, I think.

BERNARD TURCOTTE: Yep, you are correct. Done.

PATRICK KANE: Thank you.

BERNARD TURCOTTE: Okay. So, next. Proposed change of ownership in the .org registry. The point we had below was, "The final decision from the ICANN Board achieved with diligence per the various requirements for this process?" I believe that's where we ended up landing on that one. Wolfgang?

WOLFGANG KLEINWAECHTER: Yeah, I made a proposal but I can live with this language. This is more general and there are so many open questions. And congratulations, Bernie, that you find the most neutral and clear language for this. Thank you very much.

BERNARD TURCOTTE: Well, this wasn't just me. Everyone worked at it on Wednesday. Sébastien?

SÉBASTIEN BACHOLLET: Yeah. This sentence, I have no problem, but I have a feeling that it has not embedded all that we want to say here. We are more talking about the end result and I was also looking for something on the process itself and how it moves on. It was one of the other proposals made in the document.

BERNARD TURCOTTE: Okay. Let me see. Wolfgang, your hand is still up. Is that an old hand? Okay. Tola.

ADETOLA SOGBESAN: Okay, thank you. I am thinking due diligence, [part of this] requirement, will have taken the care of the concerns Sébastien had raised. If due diligence was not taken care of, the end result is going to be affected, anyway. So, I thinking it is okay the way it is because of the word "diligence" and in relation to [the last] requirement of the process. Thank you.

BERNARD TURCOTTE: Okay. Thank you, Tola. All right. So, there were some questions. Let's finish going through it, and I'll highlight it in yellow, and we can come back to it if need be.

Next one, the Expedited Policy Development Process. That's in green, so we really didn't change that too much. The bullet below that has some changes. Okay. These are popping up. Let's take the color out of that so we can see it more clearly.

"ATRT3 is concerned about the accountability and transparency of the GNSP Policy Development Process when considering the expedited ones as it relates to data protection. All right. Sébastien, you're insisting on that and it just doesn't read right to me. If everyone else likes it, I'm fine, but it just doesn't read right.

SÉBASTIEN BACHOLLET: Bernie, I agree. It doesn't read well when you have three-times process. You have Policy Development Process, you have Expedited Policy Development Process, and process. Therefore, I think we need to simplify three-time process in the same sentence. It's too much. Whatever you say, you're right. It's okay. But please, the ePDP, Expedited Policy Development Process process. Even in English, I have trouble with it. That's my point. Thank you.

BERNARD TURCOTTE: Oh. Well, let's just remove the "process," because I agree with you. Process process. So, ePDP. There we go. There. Would that work better?

All right. No screaming hordes. Okay. So, we'll think that one is okay. Next major bullet, "The Accountability and Transparency Issues Related to Domain Name Abuse System."

That's a new title based on the results of our conversation on Wednesday. I think it captured everything. Now, we were very much trying to refer to the CCT report and the Interisle reports, and I put in some footnotes relative to those things in the points below. But for now, is the title okay? I'll take that as a yes. All right.

First bullet. "Accountability and transparency concerns around ICANN Org not providing a clear rationale relative to its enforcement of DNS abuse provisions in their agreements with contracted parties. An example of these concerns can be found in the CCT1 final report," and the web link is there. So, is that okay? All right.

Second bullet. "Accountability concerns regarding ICANN's negotiate agreements with contracted parties and their alignment with respect to ICANN's mission commitments and core values." That seems to make sense to everyone. Okay. Great. Now I've got the footnote there referring to the Interisle reports. I'm still trying to find the proper web links for those.

Okay. COVID-19. Essentially the same text. Let's take the color off of that. First bullet. The first part's the same. I changed the second part. "The accountability and transparency considerations related to the shortened review request from ICANN Org of the revised proposed fiscal year 2021-2025 operating and financial plan and fiscal year 2021 operating plan and

budget due to possible COVID-19 funding shortfalls.” A bit of a mouthful but all those things are technical titles.

Okay. I’ll go to the last bullet that’s in blue, and then we’ll have a chat about the middle bullet in yellow. So, a little further down, Brenda. There we go. Thank you. “The ATRT3 recommendation on prioritization will have to be implemented bearing in mind the impact of COVID-19 on ICANN and the community,” which was around Sébastien’s concerns for that, so I tried to bring that up. Does that read okay now, Sébastien?

SÉBASTIEN BACHOLLET: Yes, thank you.

BERNARD TURCOTTE: Okay, excellent. All right. Now, the middle part. I have a comment, here. Where is this Osvaldo comment? That’s later, okay. So, Sébastien was proposing this text in the last part, “Engagement of the Accountability and Transparency Review Team and the current consequences in future ones, more difficult to imagine. We’re in the mind of all the members but the team also faced it directly, face-to-face meeting, etc.”

As I said in my comment, I think we cover that in the first two paragraphs rather well and I don’t ... Sorry, I fell off, there. And I don’t see it as an issue, it’s just the statement which we already cover. So, I’m having trouble fitting that in here. So, Sébastien, are you ...? Yes, I see here.

SÉBASTIEN BACHOLLET: That's okay. I just think there's a writing somewhere, and even a little bit more than what we write, that we face a trouble but the whole organization and all the participants get into trouble.

BERNARD TURCOTTE: Can people hear me? Because I can't hear Sébastien.

[BRENDA BREWER:] Yes, we hear you, Bernie.

UNIDENTIFIED MALE: Yes, I can hear you.

SÉBASTIEN BACHOLLET: And you can't hear me?

[BRENDA BREWER:] I can hear you, Sébastien.

BERNARD TURCOTTE: All right. Obviously, I'm having issues.

UNIDENTIFIED MALE: I can hear you, Sébastien.

SÉBASTIEN BACHOLLET: That's Bernie who can't hear us, I guess.

CHERYL LANGDON-ORR: It would seem so. Well, Bernie's just logging off and logging back in again. That's only going to take a moment. If you don't mind, just hold for a second, there, Sébastien.

SÉBASTIEN BACHOLLET: No problem, Cheryl. I will.

CHERYL LANGDON-ORR: Are you back, Bernie?

BERNARD TURCOTTE: Yeah. Hopefully, I'm back.

CHERYL LANGDON-ORR: We can hear you. Can you hear us?

BERNARD TURCOTTE: There we go. Okay. Sorry about that, folks.

CHERYL LANGDON-ORR: Okay. Back to you, Sébastien.

BERNARD TURCOTTE: My audio system blanked out just as Sébastien started talking, so I apologize for that.

SÉBASTIEN BACHOLLET: Okay. That's okay, Bernie. Okay. Let's consider that it's in the first paragraph. As we already went through, I will not ask. But I still feel that we need to be a little bit more direct that the whole organization and all the participants face difficulty and it's not just a problem of money. It's much more than just dollars.

But as I have the floor, and I know that we already discussed it, are we sure that, at the end of the previous paragraph, that "possible COVID-19 funding shortfall," that's not the COVID-19 that we will be funding or we funding ICANN. It's the consequences of COVID-19 will effect on ICANN funding.

BERNARD TURCOTTE: "Due to the possible COVID-19 ..." I see your point, Sébastien.

VANDA SCARTEZINI: Maybe "consequences."

BERNARD TURCOTTE: Yeah, I'm trying to work that in right now, Vanda.

CHERYL LANGDON-ORR: Yeah. Good word, there, Vanda. Consequences.

BERNARD TURCOTTE: There. Something like that? Paul? Pat, sorry.

PATRICK KANE: My old buddy Paul.

BERNARD TURCOTTE: Yeah.

PATRICK KANE: I don't think we generate it in there. I think just "COVID-19 funding shortfalls."

BERNARD TURCOTTE: There we go. Done. Everyone good with that? All right. Great. Okay. Now, on this last paragraph here. Now, what I had said originally is that addressing these things we actually cover in the paragraph before we go into the bullets. Osvaldo is proposing to reinsert it here, but a slightly different version. Let's read it. Sébastien, go for it.

SÉBASTIEN BACHOLLET: Yeah. It's not Osvaldo, it's myself. Once again, here, it could be at the beginning or here. The only thing is that, in the first one, we are talking about holistic review, ATRT review, and other relevant processes. And here, we were talking our availability. That's two different ideas. We can

put them together here at the end of the third paragraph but I think we need to keep that the way it is. That's the only point I tried to make here.

BERNARD TURCOTTE:

Great. All right. Thank you. We understand your point. Let's talk about which is the best point. Maybe what we could do, then, is refer to that paragraph right before the bullets, and then put in the note, that "ATRT3 members."

So, I'm not going to try and rewrite that one on the fly but that would make a nice closing one and would incorporate Sébastien's idea without just simply repeating the idea of the previous paragraph. Would that work for everyone? Okay. It looks like it. Okay. And then, Sébastien, you said you wanted to go back to that paragraph right before the bullets. Was it for that reason?

SÉBASTIEN BACHOLLET:

Yes, definitely it was for that reason. Now, we get through, and that's okay. Now, you will manage most of them as you think is the best way to go. Thank you.

BERNARD TURCOTTE:

For closing off that paragraph. Great. Thank you, everyone. Keep it simple, Cheryl says. Yes, I will keep it simple. You know me, I like simple. Okay, folks. So, let's see if there are any last comments, or we will have to ... We'll keep that, so I'm thinking about it. And that's okay. Not seeing any further comments, so we are good to include this in the final report as our prologue text. Last chance. Okay.

So, to close it, I see a thumbs up from Cheryl. Going once. Going twice. We have a prologue text, ladies and gentlemen. Thank you very much. We are done with that. Great. I just have to fix up that last paragraph. I appreciate the confidence you're providing that I will be able to do that accurately. All right.

Let's move onto the ATRT2 text, the nice ... "Explaining difficult issues," Brenda. All right. Now, you'll remember from our discussion on Friday we had agreed that there should be the general points that were outlined in the first point.

I will say I did not repost this to start a massive discussion on two. We said two did not need people's requirements. We're not trying to include that in the report but I felt it was fair just to change section one because that's what was asked.

So here, we're looking at changing the text that was originally in 7.3. Not all of 7.3 but the bottom part of 7.3. It was some new text based on what we had. So, here is what we're proposing. "The results contrast with ICANN Org October 2018 Executive Summary Report that states all ATRT2 recommendations were implemented. The ATRT3 results are consistent with the findings from SSR2 and RDS with respect to the implementation of recommendations from previous reviews."

"In considering this, ATRT3 notes that ICANN published executive reports on the implementation of recommendations from ATRT2, SSR1, and WHOIS1, and has only received one notification of issues with the implementation of recommendations, which was part of the RDS2 report with respect to WHOIS1."

“The ICANN Board addressed the issue by approving most of the recommendations of the RDS2 report related to the implementation issues of the WHOIS1 recommendations. Until the publication of the operating standards for specific reviews ...” That should be “new.”

BRENDA BREWER: Bernie, I'm sorry. I'm lost on your document. Oh, I'll go to your—

CHERYL LANGDON-ORR: Yeah, you're not far enough down, Brenda. You're getting there.

BERNARD TURCOTTE: There you go.

CHERYL LANGDON-ORR: There you go.

BRENDA BREWER: Thank you. I'm sorry.

BERNARD TURCOTTE: Sorry. My fault, I said I would probably slip up on that. I apologize, Brenda. “Until the publication of the new operating standards for specific reviews, there were no requirements for how specific reviews should formulate the recommendations or require how they should be implemented and evaluated for success.”

“This, coupled with a complete separation between the implementors and the review teams created an environment that was guaranteed to generate implementation issues.”

“The introduction of the new operating standards for specific reviews in 2019 clearly addressed the issue of lack of implementation guidance for ICANN Org with respect to specific review recommendations by requiring reviews to produce smart recommendations and identify implementation shepherds which would be available to implementors throughout the implementation process. These changes should address most, if not all of, the previous issues.”

“Obviously, the failure to implement several ATRT2 and other review recommendations represents a significant accountability and transparency issue. However, given the information above, ATRT3 feels that, at this time, it only needs to make a recommendation regarding the completion of the implementation of ATRT2 recommendations.”

So, that is what would replace that original text from three, and it’s based on our discussion of Friday last week. Does that seem to make sense to everyone? Osvaldo.

CHERYL LANGDON-ORR: Osvaldo, go ahead.

OSVALDO NOVOA: Yeah. Just a question on where will this text be included in the report?

BERNARD TURCOTTE: In section 7.3, replacing the text that was mentioned above in 7.3.

OSVALDO NOVOA: Okay. Thank you.

BERNARD TURCOTTE: Any other points? So, I'll take it we're good to make that change based on our requirements?

CHERYL LANGDON-ORR: [Seems okay]. Yep, that's a strengthening of what we've said but it's totally consistent with the discussions we've had.

BERNARD TURCOTTE: All right. Great. Thank you. One more down. I will insert that one, also, in the document. No, we're not going down, Brenda. So, I'm done with that point. My co-chairs, do we want to proceed to the new document about the bylaws and responding to the board?

CHERYL LANGDON-ORR: Indeed we do. Thank you very much. If we can roll to that? We've actually progressed faster than I thought we would, which is excellent. So, we won't need to take any breaks or anything just yet.

BERNARD TURCOTTE: We're not going to take breaks? Geez.

CHERYL LANGDON-ORR: Well, you know me. I'm not big on kindness and humanity, anyway, but let's go on. Look, thank you, Brenda. Let's move on. Bernie, back to you.

BERNARD TURCOTTE: There are rumors to that effect, Cheryl. So, this document was the result of our questions and thoughts on Friday and we said we would address the board's concerns as it was brought up. While I was looking at that, it seemed to make sense to throw in the bylaws and see how our recommendation on organizational reviews matched up to the bylaws.

So, given this is new text, I'm going to propose that we walk through it [inaudible] and take questions as we go. So, the first part, as noted, is from the bylaws. Periodic review of ICANN structure and operations.

"A, the board shall cause the periodic review of the performance and operation of each supporting organization, each supporting organization council, each advisory committee other than the GAC and the NC, as defined section 8.1: 'an entity or entities independent of the organization under review.'"

All right. So, what we're saying our response is: "ATRT3 is proposing to move to a three-tier system in its recommendation to evolve organizational reviews to implement a continuous improvement program for SO, AC, and Cs."

"One, an annual survey of members in each SO/AC. The results of these would be public and used to support the continuous improvement program as well as input for the holistic review."

“Two, an evolved organizational review system to consider the results of the surveys and assess the progress of the continuous improvement efforts at least every three years.”

“Three, a holistic review every seven to eight years to review continuous improvement efforts of SO, AC, and C based on good practices. Review the effectiveness of the various inter-SO, AC, and C collaboration mechanisms. Review the accountability of SO/ACs, or constituent parts to their member constituencies. This will include an in-depth analysis of the survey results.”

“Review of each SO, AC, and C as a whole to determine if they continue to have a purpose in the ICANN structure,” which is the standard text, there. “ATRT3 believes its recommendation ensures a better system.” “To ensures,” there. I’ll fix that. Let me highlight that.

“The improvement of SO, AC, and C in a more regular and controlled fashion. ATRT3 believes its proposal meets the requirement for independence as follows: annual satisfaction survey of members/participants, the results of which must be published and inform the priorities for continuous improvement efforts. As such, ATRT3 believes this element meets the independence requirement as the members/participants are providing their input directly.”

“Evolved organizational reviews focused on continuous improvement, as per ATRT3 recommendation on this. The results of these reviews must be submitted to public comment prior to being finalized, which provides a level of independence.”

“Additionally, the recommendations of these evolved organizational reviews will be subject to the prioritization process and the final reports, as well as the public comments, will be reviewed by the holistic reviews.”

“Finally, budget permitting, the SO, AC, and C cannot have an external evaluator. As such, ATRT3 believes that, in considering all these portions, it meets the intent of the community: holistic reviews, which ATRT3 believes meets the independence requirement given the membership requirements for specific reviews detailed in the new operating standards for specific reviews.”

“ATRT3, as noted above, is also recommending that the GAC and NC be included in this process, which is not in accord with the exceptions in the bylaws. However ...” I fell off, there. Sorry. I see the hands. I'm just finishing going through the text, and then I'll take the hands. All right?

“ATRT3, as noted above, is also recommending that the GAC and NC be included in this process, which is not in accord with the expectations in the bylaws. However, since the NC does undergo organizational-type reviews and that the GAC has evolved enough to also be subject to this, since it has been making efforts in the continuous improvement area, making them subject to this recommendation could be done with their approval, which would not be in direct contradiction [about us] excluding them.”

“Overall, ATRT3 believes it meets and exceeds the requirements of the bylaws by providing a better system for reviewing SO, AC, and Cs while meeting the independence requirement.” All right. Now, let's go back to the hands. Osvaldo.

OSVALDO NOVOA: I'm sorry, perhaps it's my understanding of English, but an evolved organizational review is not what we are recommending. We are recommending a continuous improvement program. If we call it an "evolved organization review," it's still a continuous improvement program of which we are reviewing every three years. So, I don't know. I think this is not clear. I don't want to [inaudible].

BERNARD TURCOTTE: Thank you, Osvaldo. The reason we put in "evolved organizational reviews," you'll remember we had that whole discussion in finalizing the text in the main report and everyone agreed to label this an evolution of the organizational reviews.

OSVALDO NOVOA: May I continue?

BERNARD TURCOTTE: Yes, please.

OSVALDO NOVOA: Yeah, that's too clear. But we agreed, with the organizational reviews, we'll evolve to a continuous improvement program. And I think that was ... I must thank Sébastien for [redacting conclusion that centers], but it was just to give some leeway from some of the organization to the post

or give time for the organizational review to go over to a continuous improvement program.

So, it's that the organizational review will evolve to a continuous improvement program. So, we evolve organizational review into a continuous improvement program. I think we must be clear of what we are saying.

BERNARD TURCOTTE: Okay.

OSVALDO NOVOA: We are not having an evolved organizational review.

BERNARD TURCOTTE: Okay, I think I understand your point. Let me try some wording, here, while we're talking about that. So, let's go back up here. All right. Now, Osvaldo, those words ... I'm not going to do a global search and replace right now but I'm just working off of bullet two. "The evolution of the organizational review system into a continuous improvement program." Does that answer what you were talking about?

OSVALDO NOVOA: Yes, that's really clear. Thank you.

BERNARD TURCOTTE: Okay, great. Thank you. So, I can adjust that throughout the text. Let's not go back to it. I will highlight it here and we will make that correction if it's okay with everyone. Not seeing any arguments, there. Okay. Great. Tola, you're next.

ADETOLA SOGBESAN: Thank you. There are two points I noticed. The first one, Larisa had clarified in the chat. Because I have not observed a conclusion of NC and the GAC as a reference to the bylaws, but it's supposed to be only the GAC that is excluded, not [non-commit]. Larisa has clarified that and Cheryl has noted that we're going to clear it up. And the second point, I was wondering—

BERNARD TURCOTTE: Ouch.

ADETOLA SOGBESAN: The intent ... Any issue, Bernie?

BERNARD TURCOTTE: Yeah, there was a very loud noise there for a sec. Sorry.

ADETOLA SOGBESAN: Okay. Well, I was going through KC's comments and I took a look at the independence. I want us to look at it again. What is the intent of the independence that is included in the assignment, and what is the objective we are meeting? Because what the text explains says that

everything done by the review is subjected to further comment. Therefore, it has introduced a measure of independence.

But my understanding of independence was supposed to be an external engagement which we discussed at some point. So, I just want that clarification so that I know which is appropriate.

BERNARD TURCOTTE:

Okay. Thank you, Tola. So, uncertain how we're going to answer your question. The first point is that if you read at the bottom here ... I'll highlight it. Don't move the text, Brenda. You're doing great, thank you.

So, "By an entity or entities independent of the organization under review." It doesn't say anything about externals and, after much thinking about it, is just making sure that the reviews which are mentioned in here are not self-reviews all the time.

And if you look at this on the right-hand side, then, we're saying we're moving to the three parts. The annual survey of members, I think, meets the independent section because the members are providing their input directly.

The second one, we're saying, "Well, yes, it's a continuous improvement program which is informed by the survey but also goes to public comment," and there is the additional pressure because there were considerations when you play this out.

What happens if, these organization reviews that are morphing into continuous improvement programs, for some reason the people who are

managing that process, it gets captured and they start providing recommendations which are either not in line or are completely crazy.

And the accountability to that, if you will, is that in section ten we have provided the prioritization process which will review all recommendations. And you will remember all the requirements that there are for that, and that will catch that.

The third part, the holistic review, is populated by people based on the specific reviews requirements. And so, basically, what we're saying here is that, given that may include some people from the SO/AC being reviewed, there is enough other participation to meet the independence requirement.

Because "independent" doesn't mean it has to be from outside the organization – "independent" just means it has to be not yourself reviewing yourself. That's the best I can do right now. If anybody else wants to add anything?

ADETOLA SOGBESAN:

Okay. Thank you, Bernie. I appreciate the detail. I'm getting a bit clearer because my concern, initially, was that definition of an entity or entities. Okay. So, if we are fortunate during public comment to have a few entities make comment, that would take care of my concern about the "independent."

But what happens if we don't have any comment from the public? Sophie sent out ... It's hypothetical, though. Imagine if there is no comment from the public and if there is no adequate response to the survey. That means

we are left with the holistic review only to serve as the independent review, in this case. Would I be correct, that that would be the only thing left if we don't have any—

BERNARD TURCOTTE:

Yes. The holistic review is meant as ... Well, yes and no. I mean, from a big process point of view, the “holistic” is meant as what we call in English “the backstop.” So, if everything else fails there has to be one thing which takes care of it, and that, in our case, is the holistic. I agree.

But as I noted in my discussion earlier, there are other things in addition to the public comment. On the public comment point, what I will note, “public comment” doesn't mean people just from outside the SO or AC that is—

ADETOLA SOGBESAN:

Yeah, of course. Yeah.

BERNARD TURCOTTE:

Reviewed. And so, if no one from the inside makes any comment on a review report, well, you get what you ask for. So, I think the idea that there cannot be a surprise in a report, it has to be published for public consultation, public consultation has to respond to the comments that are made, I think we're doing pretty good.

And as I said, on the third leg of that stool, if you will, any recommendations that are made have to go through the prioritization process which, again, brings up another level of independence, if you will,

to make sure that what is being recommended is in line with things that work for everyone in the organization and is consistent with the input. Does that as your question, Tola?

ADETOLA SOGBESAN: Okay, good. Yeah. I'm okay.

BERNARD TURCOTTE: Thank you, Tola. Osvaldo.

OSVALDO NOVOA: yeah. Continuing with Tola's point regarding independence, we are relying on the public comments to warranty the independence but—

BERNARD TURCOTTE: No, we're not saying it's guaranteeing independence. We're saying it's a component that goes to independence.

OSVALDO NOVOA: But we don't have any way to ensure independence because, first, we know that in the public comments there is fairly low participation of the public. That's a number we have.

BERNARD TURCOTTE: Yeah. I agree with you, but if I can interject for just one moment?

OSVALDO NOVOA: Yeah.

BERNARD TURCOTTE: Public comments for general things, let's say key signing, is a very technical issue and not a lot of people are concerned. We're in a different space, here. If we're going to publish the results of the review for public comment, all of a sudden it should be of real interest to the members of that community. And if it's not, as I was telling Tola, well, that is telling in itself. So, I think we're going there. I see Pat has his hand up. Maybe he has something he can add to that before we keep going with you, Osvaldo. Pat.

SÉBASTIEN BACHOLLET: And please don't forget my hand is up since a long time. Thank you.

BERNARD TURCOTTE: Sébastien, I don't see your hand up, which is why I haven't gone to you.

CHERYL LANGDON-ORR: No, I'm not seeing it either, Sébastien.

SÉBASTIEN BACHOLLET: Yeah. I put it and I put a red cross when you asked for people who disagree with the sentence.

BERNARD TURCOTTE: Ah, okay.

SÉBASTIEN BACHOLLET: We moved on so fast. But let's go with Pat, and I will wait. Thank you.

BERNARD TURCOTTE: Okay.

CHERYL LANGDON-ORR: Ah, okay.

BERNARD TURCOTTE: We'll go with Pat, and then we'll chat with Sébastien. Pat.

PATRICK KANE: So, I think it's important to remember that we got to this tiered approach by trying to solve for a couple of items from the very beginning. I think that when we took a look at the costs of doing things there was a very specific conversation we had around that.

And then, when we took a look at the survey and the dissatisfaction with the current approach to organizational reviews ... Oh, okay. I thought someone was talking. I think that this is the approach that we've come to through this negotiator process we've been doing for ... Not negotiator, but this conversation we've been going through for the last year, to solve for a whole bunch of items.

There are going to be some steps in here that are going to have to be a little more trust, I think, in the process. And look at what Bernie's saying

as the backstop of the final external entity, or external review, or independence if things don't go right during this evolution to a continuous improvement model, which is more self-reflective, and then to this independent review of how the programs are working through that.

So, I think that we can't forget that this is trying to solve a lot of different pieces, and the tiered approach seems to address a lot of what we've taken in as input for the last 14 months. Thanks.

BERNARD TURCOTTE:

All right. Thank you, Pat. Since Sébastien has been waiting, let's go talk to Sébastien.

SÉBASTIEN BACHOLLET:

Thank you very much. A few points, the first one in the yellow underlined sentence. We are not going into "a" continuous improvement program. Either we say we take the "a" outside or we put it in plural and "a" will leave, also. But one way, we need to say that we are going to do "something" with different programs or with some entity together with the same thing. That's one point.

The second is that, I'm sorry, I will get a little history, and I have no figures for that. But in the previous way of doing a review, yes, it was done by an external expert. But very often, and I don't know how many but I guess it was much more than the majority of the review, a board committee was set up to review the review and this program was implemented.

Therefore, if we need this independent outsider at the beginning of the review, a lot of reviews didn't end up by being done by an external reviewer at the end. When we talk about the current type of review, if you look to At-Large specifically—but Cheryl can talk about that much more in detail than I can—we were obliged to work internally as a proposal was so far from what we, as At-Large, needed, but also because of why At-Large was set up within ICANN.

One of the reasons we are trying to find another way to do the organization review is that it was very time-consuming and this time could have been done to have a smooth continuous improvement program.

And the last point about this piece of document is that I would like that we put somewhere that the three years is also a publication of a report that will be used by the holistic review. Those are my three points, thank you. And yes, Larisa, it was done at the first round of organizational review. It's why I say I am coming back to some history on that to understand where we come from. Thank you.

CHERYL LANGDON-ORR:

Bernie, back to you. You've got Osvaldo and Tola's hands up still.

BERNARD TURCOTTE:

Yep. So, let's take the last two comments on that because we do have to move on. So, Osvaldo. What I will add before I go to Osvaldo, adding onto Sébastien's point, is that, yes, the board was reviewing those, but let's not forget there were also very clear issues with dissatisfaction between

the SO or AC and the results of the external evaluation. So, that was also a consideration that we had when we were looking at that.

And finally, the organizational reviews had a hard schedule every five years. If you take all of this away except the holistic review, we're saying there is a holistic review every seven to eight years. So, there is not that much mismatch.

I'll be quiet, now. Osvaldo. Osvaldo, if you're speaking we're not hearing you. Your microphone is muted. Ah, okay. I see your microphone unmuted. Muted again. Okay. Osvaldo has gone away. Tola.

ADETOLA SOGBESAN:

Okay, sorry. I came from the comment Osvaldo has written, that he's taken off for a few minutes, so he's probably not going. My concern was, well, the objective. I was grateful to Pat bringing us back to the reason why we have introduced all of this. And yes, I've had Seb mention the external reviewers for ALAC a few times and it was not palatable. But I'm not sure if they have the same stories across all the SO and ACs. But that is not the point, though.

From my understanding, the holistic review is supposed to now be the game-changer, so to speak, in resolving every other thing that we have raised. For me, if we're able to constitute ... I don't know. Do we define how the holistic review is being composed or is comprised? Is this supposed to be—

BERNARD TURCOTTE: Yes, that is included in the rules for specific reviews, which is why we made it a specific review.

ADETOLA SOGBESAN: Yeah. Okay. So, for me, at the end of the day, with the holistic review, what I believe, if any issues ... We don't have good participation in the survey. We don't have good intervention from external or internal entities from outside the SO and ACs in the public domain/public consultation. Then, the holistic review purpose of the challenge I have about the independence, I think I am okay with it. Thank you.

BERNARD TURCOTTE: Thank you, Tola. Osvaldo, we see you're back. Last comment, please.

OSVALDO NOVOA: Yeah. I'm sorry, I had an emergency here at home. Yeah. I lost a lot of the comments, so perhaps what I'm going to say is we [don't until] what has been cleared up earlier. The thing is, in the survey, there was a big support for the external consultants. 90%. And now, we are leaving them out and I don't find the reason why. There is no explicit explanation of why we are leaving the external consultants out. We are not saying they are not allowed, but we are leaving them out.

So, if you say, "Well, we are leaving each SO/AC to decide if they want to have an external consultant or not," the thing is the independence is lost because each structure is going to do its own continuous improvement program. The review that's done every three years will be done by themselves. So, I think we are losing the independence.

BERNARD TURCOTTE: Well, I think in part ... I'm sorry. Are you finished, Osvaldo?

OSVALDO NOVOA: Yes, sir.

BERNARD TURCOTTE: Okay.

OSVALDO NOVOA: Thank you.

BERNARD TURCOTTE: I think in part, yes, we did answer it while you were away. I will start. We do address this 90% a little later. We were probably a little erroneous in our question when we asked for external. We should have asked for independent to match the bylaws. We make that point later.

We did not have another question which actually said, "Well, is this about independence, or is it about external?" We think that it's about independence and not external, and we believe that was the core of the comment. So, yes, you are quite right, there, and we make that point a little later in this document.

The second thing, as we said, and we'll just repeat to make sure we were clear, the annual survey is independent. I mean, you're getting the raw input from your constituents.

Two, on the evolved organizational reviews, continuous improvement reports, we're saying there are three points. It has to be published for public consultation and it has, if it makes any recommendations, for those recommendations to go through the prioritization process, which will mean they are reviewed by an independent entity.

And finally, there is the holistic review which is, by definition, independent from any SO and AC and will review the three-year reports, and will review the annual surveys, and has within its requirements the review of the accountability of SOs and ACs to its continuant parts.

So, I think at some point we have tried very hard to meet those requirements. Will it be the same? No. But I think it will be better, is what I hope. All right. Final comment from Osvaldo, and then we'll move on from that point.

OSVALDO NOVOA:

Yeah, no. The thing is, I have to leave now. I have a business meeting. But my last comment would be, first, I have to continue reading the document. I didn't have time to read it completely. But I didn't see that the continuous improvement program review was being done by independent entities, nor the holistic review, first.

Second, we are relying a lot on the public comments for independence. Usually, the public comments are presented by the interested parties, not by independent parties. If we have a GNSO document regarding the GNSO for open comment, for public comment, usually those that comment are the members of the GNSO, not from independent ... From

the other side. And really, sorry, I cannot continue. I have a business meeting that I cannot evade. Thank you very much.

BERNARD TURCOTTE: All right. Thank you, Osvaldo. Sébastien, last point.

SÉBASTIEN BACHOLLET: Yeah. Just one word: is the NomCom an independent body and doing, there, independently from the SO and AC? Yes, and the holistic review is exactly meant to be the same type. Not the same way of selecting, but the same type of way of independence, and that's okay. Thank you.

BERNARD TURCOTTE: Very good point, Sébastien. All right. I think we've exhausted the discussion on this point. I'm going to propose that we move onto the next box.

CHERYL LANGDON-ORR: I think we have. I'd like to just make sure we are comfortable with this text the way it is and recognize that. And we've all heard Osvaldo's concerns. He will delve into this further but we need to finalize this text and move on. If his opinion has not swayed the rest of us—and it certainly has not swayed me—to change then I think we need to agree at this meeting that we can move on with a slightly tidier version of this text. Back to you, Bernie.

BERNARD TURCOTTE:

Thank you. Yes, a very good point, Cheryl. All right, yes. The minor tidying up have been highlighted up there in the “our minor fixes.” All right, Brenda, next box, which starts with “the goal.” Yes, there we go.

“The goal of the review is to be undertaken pursuant to such criteria and standards as the board shall direct – shall be to determine, one, whether the organization, council, or committee has a continuing purpose in the ICANN structure.”

“The first point is transferred to the holistic review for all SO, AC, and C. The ATRT3 believes that the holistic review will be able to do an effective and efficient job.” A little wording change, there. Then, “The current organizational reviews on this point, since it will be able to compare all SO, AC, and C simultaneously and on an even footing, which is a better basis for assessing this point for all of these.” So, comments? Questions? No? Okay. Next point.

CHERYL LANGDON-ORR:

Bernie, just before ... No, no, no. No, hang on. You’ve got a call for a small break and it is a little after the top of the hour. So, before we move into this subpoint three out of this document, if we can take a five-minute break, I think that would satisfy Tola. Is that correct? I’m assuming so. In which case, we will come back to the next box at quarter past the hour.

BERNARD TURCOTTE:

Excellent. Thank you.

CHERYL LANGDON-ORR: Thank you very much. Bernie, are you there? Let's go back into the box that says "subpoint three."

BERNARD TURCOTTE: Well, actually, we were at subpoint ...

CHERYL LANGDON-ORR: We were there.

BERNARD TURCOTTE: Yeah, three. Okay. Fair enough. "Whether that organization, council, or committee is accountable to its constituencies, stakeholder groups, organizations, and other stakeholders."

"For this, ATRT3 proposes one annual survey of members. The results of these would be public and used to support the continuous improvement program as well as input for the holistic review. An evolved organizational review to consider the results of the survey and the continuous improvement efforts at least every three years."

And three, "A review of all this by the holistic review. ATRT3 believes these three proposals meet this requirement at least as effectively as the current system, if not more." Okay. Are we good with this? Sébastien.

CHERYL LANGDON-ORR: I was going to say you've got Sébastien but I'm assuming you're going to make the same text change in point two as—

BERNARD TURCOTTE: Yes, as we said. Yes.

CHERYL LANGDON-ORR: As is picked up in the [inaudible]. I note that. I just want to make everyone else remember.

BERNARD TURCOTTE: Sébastien.

SÉBASTIEN BACHOLLET: I just wanted to understand why we have two time ... Except the first point and the second point. We didn't discuss the "ii." We get directly to "iii" but the comment is the same as in the reviews one. I am lost.

BERNARD TURCOTTE: Okay, you're lost. Let's go back up just a bit to the goal of the review. Yes. There we go. So, that's "i" and we're saying that's transferred to the holistic. Two, if so, "Whether any change in structure or operation is desirable to improve the effectiveness," and that is part and parcel of the holistic, also. That's why the response in both of those is the same. So, are we good on "i" and "ii," Sébastien?

SÉBASTIEN BACHOLLET: Okay, but it's a little bit strange to write the second point as it is the same. We can say the second point is equal to the first point. That means that we understand that we write the same thing.

BERNARD TURCOTTE: Okay. Well, actually, what we can do is move "ii" into the previous box and just combine the boxes and combine the answers.

SÉBASTIEN BACHOLLET: Good. Thank you.

BERNARD TURCOTTE: Okay. "Iii," we just finished talking about. Any questions or comments? I'm not seeing anything. I'm just going to leave myself a note.

SÉBASTIEN BACHOLLET: Just to be sure that we—I didn't read carefully—don't miss three years' report. We are more talking about the survey each year than the three years, anyway.

BERNARD TURCOTTE: Under "iii," we're talking point two. It says "at least every three years," and I can underline that it's a report. Yes, okay. I see your point. I will make that minor edit. No problem.

CHERYL LANGDON-ORR: You've also got a duplication of the number there, too.

BERNARD TURCOTTE: Yeah, I'll fix that.

CHERYL LANGDON-ORR: You've got "and three" and "and three."

BERNARD TURCOTTE: Well, it's every three years, and then it's point three, but yes, okay, I take it. All right. Next box. "These periodic reviews shall be conducted no less frequently than every five years based on feasibility as determined by the board." A response. "ATRT3 is splitting the responsibilities for reviews between annual surveys, minimum three-year assessments of continuous improvement efforts, and holistic reviews."

"If one focuses only on the holistic review, this is scheduled for every seven to eight years, depending on a number of factors, to allow for easing any cadence and scheduling issues. As such, and given the requirement of every five years based on feasibility, as determined by the board, ATRT3 proposals for organizational reviews not only meet this requirement but actually surpass it." Thoughts, questions, comments? Okay.

Next box. "Each five-year cycle will be computed from the moment of the reception by the board of the final report of the relevant review working group." And "see previous point." "ATRT3 is, in fact, proposing to change this requirement to ease the issues of timing and cadence. The only mandated time is for the annual satisfaction survey of members/participants."

“The evolved organizational reviews,” yes, we’ll change that, “must be held at least every three years, but this could be more often depending on the needs of the SO, AC, and C. The holistic review, as a specific review, will be held at seven-to-eight-year intervals depending, in part, as to when the board approves the recommendations from the latest ATRT review.”

“Considering the board’s ability to set timing of reviews, as noted in the previous point, ATRT3 believes its proposals meet this requirement.” Are we good on that? Okay. Next box.

“The results of such reviews shall be posted on the website for public review and comment and shall be considered by the board no later than the second scheduled meeting of the board after such results have been posted for 30 days.”

“The consideration by the board includes the ability to revise the structure or operation of the parts of ICANN being reviewed by a two-thirds vote of all directors, subject to any rights of the EC under the articles of incorporation in these bylaws.”

Our response, “The ATRT3 proposals for organizational reviews do not modify these requirements and responsibilities.” Comments, issues? Okay. It looks like we’re okay. Let’s go to the next section, which is looking at the board comments from our public comment.

“The board believes that there is currently a window of opportunity to substantially improve the effectiveness of reviews and their outcomes. The board acknowledges the complexity associated with this streamlining work, given the range of discussions and dependencies, including the

ongoing bylaws mandated review work, given ATRT3's limited remaining time."

Our response, "ATRT3 whole-heartedly agrees with this requirement, which is at the heart of its proposals for organizational reviews. The proposed data collection and trending will certainly improve the effectiveness of these processes." Are we okay with that? Okay. Next box.

"The board encourages ATRT3 to define overarching criteria that can guide the future review streamlining work." Response: "The ATRT3 proposals for organizational reviews in some areas; those beyond, just provided criteria in the hopes of streamlining discussions on this. ATRT3 does not consider this inconsistent with the suggestion of the board." Are we good on that? Okay.

"Such criteria should focus on the intent and requirements of the bylaws, the needs of the ICANN community, as well as ICANN's strategic plan. ATRT3's understanding of this point is that the board is seeking to ensure that recommendations from these evolved organizational and holistic reviews will be required to align with the bylaws, the needs of the ICANN community, as well as ICANN's strategic plan."

"ATRT3 notes that its recommendation on prioritization, which calls for an ongoing process, will be applicable to all recommendations from evolved organizational reviews, as well as the holistic reviews."

"Additionally, the prioritization process requires that the ..." That the prioritization process ... Well, we'll fix that. "Consider the following elements when prioritizing recommendations: relevance to ICANN's mission, commitments, core values, and strategic objectives; value and

impact of implementation; and cost of implementation and budget availability.”

“As such, ATRT3 believes that the combination of the evolution of the organizational reviews and the prioritization process will meet this requirement.” Thoughts, comments? Okay.

“The board envisions the future streamlining work to further evolve based on ATRT3 criteria and be informed by public comments received by ATRT3, as well as input gathered over the last few years as the community has been confronting the need to reimagine reviews.”

Answer: “The ATRT3 proposal or the evolution of organization reviews is built on public input, as well as the various results of the board’s work on this and related topics.” Comments, thoughts? Sébastien.

SÉBASTIEN BACHOLLET:

Yeah. May I suggest that we add, also, the idea that the last few years ... Because we did take that into account. When I make the small history of the reviews in one way, and I was not the only one, we take into account the history and the last few years that the community has been confronting the need for reimagining a review. It will stick even more with a board request. Thank you.

BERNARD TURCOTTE:

All right. I'm writing myself a note. And that is done. I think that's a good suggestion, unless there are objections. Not seeing anything. Let's move onto the next point. Excuse me.

“Based on the overarching criteria noted above with regard to organizational reviews, the ATRT3 might want to consider how to bring consistency and standardization to those individual SO/AC reviews. It might be useful to consider modeling ICANN review processes on industry-standard methodologies/frameworks for assessing organizations and achieving organizational excellence. For example, EFQM or Baldrige.” Excuse me.

“ATRT3 is proposing moving to a continuous improvement approach, the details as to the framework to be set by the organization and then specific implementations to be worked out with each SO/AC.”

“ATRT3, in its proposal to evolve organizational reviews, has built in flexibility such that each SO/AC can define their continuous improvement program as purpose-built since the needs of each SO and AC carry unique requirements.”

“Forcing all SO/ACs into a single model would certainly create significant issues. As such, ATRT3 believes its proposals are consistent with this requirement.” All right. Cheryl.

CHERYL LANGDON-ORR:

Bernie? Thanks very much. Just on this, we might ... Not all to this text, but in addition to this text, we could note that in implementation guidance. For example—for people including, I suspect, a goodly number of those who are in the organizations that we’ll be reviewing that haven't spent a part of their professional career or hobby immersed in quality management systems—we can put up a set of explanatories of the

features and benefits of not only these two quoted industry standards but several others.

There is a bunch of bodies of work out there and I'm quite sure MSSR wouldn't have any difficulty at all assisting with the creation of that reference text. So, we could aid, in a very professional manner, the organizations in their bespoke design. That's it.

BERNARD TURCOTTE:

Thank you, Cheryl. I saw Tola there for a sec. There we go. Tola.

ADETOLA SOGBESAN:

Okay. I am in line with what Cheryl just mentioned but I just wanted to ask, in addition to that, what is wrong if we have this kind of measurement across all SOs and ACs? In which case, we know the same parameters and can utilize ... [inaudible] their peculiarities with different SOs and ACs, but if we have a standard measuring tool for the continuous improvement it's easy to measure the KPI. So, say, compliance or otherwise the KPI.

But I just [return the thought] was against that. What is the advantage of having each one? For example, if an SO says, "I'm using Baldrige," another SO says, "I'm using EFQM," another one says, "I'm using KPI ..." What's his name, now? There is a KPI institute.

So, if three different organizations are used there, at the end of ... Where have reviewed the holistic review, what is means that we are using three different metrics?

BERNARD TURCOTTE: Tola, I'm going to stop you there. What we're saying is that ICANN, in implementing this, will work with the SOs and ACs to choose one system. That system will be adapted for each SO/AC but there will not be three, or four, or five different methodologies.

ADETOLA SOGBESAN: Okay. Beautiful. Thank you. Thanks a lot. Thank you, Bernie.

BERNARD TURCOTTE: There will be one methodology, otherwise it wouldn't make sense.

ADETOLA SOGBESAN: Exactly, that's what I was trying ... But it has clarified me. Thank you so much.

BERNARD TURCOTTE: All right. Sébastien.

SÉBASTIEN BACHOLLET: Yeah. In the same time, it was a request from some of you that we don't say just one single way to do it. The three-to-five-day retreat was not good for some and was good for others. For some, it was an external review, and not for others. Therefore, it's where end up. We could have said something straight, what we think is a good way to do, but some members of these groups say we don't need it. It's a bit strange to have

this back-and-forth. I think it's the best way to go, to have some flexibility here. Thank you.

BERNARD TURCOTTE:

Thank you, Sébastien. Tola, your hand is still up. Let's go to the next box, unless there are other questions, which will be the board's view. Yes. Excellent. Thank you, Brenda.

"The board's view is that such an approach would support the effectiveness of the holistic review as proposed by the ATRT3 by providing consistent and comparable data points."

Response: "At a meta-level, using the same continuous improvement methodology will support this objective. At an SO/AC level, that actual implementation of this will have to be managed by the Org to ensure the level of conformity they desire versus the need to flexibility from the SOs and ACs." So, just continuing on from our discussion we had on the previous point, I think. Any thoughts? Comments? Okay.

Next box. "In relation to improvements, one area benefiting from further input would be, how does the ATRT3 foresee the role of independent, external consultants in option two, considering the survey results?" That was Osvaldo's question.

Our response: "ATRT3 notes that it considers this survey question to relate to the bylaws point on independence of reviews. In considering this point, ATRT3 notes that organizational reviews can be considered as being split into three parts." I'm not going to go through all of this again.

We've done all of this text and we explain how we meet the independence requirement.

So, the key point is that first thing. And as I was explaining to Osvaldo, we probably didn't put that question properly. We should have talked about independence. So, we're taking the results of the survey to mean independence. Thoughts, comments? Okay.

Next box. "In terms of specific reviews, consideration of overarching criteria could guide the simplification of the review process and result in more impactful outcomes. The ATRT3 could propose and clarify several areas, including, for example, guidance on how to support appropriately skilled and impartial review teams, propose strategies to help future review teams, set their scope in a way that allows them to focus on issues most relevant and important to the ICANN community, and encourage review teams to improve the quality of their recommendations, including how to achieve effective and resource-conscious solutions."

"ATRT3 believes that, per its proposed evolution of organizational reviews, implementing a recognized continuous improvement program in each SO/AC, supported by ICANN staff, will allow SO/ACs to focus on the most relevant issues and will improve the quality and cadence of their recommendations."

"As to achieving resource-conscious solutions, ATRT3's proposal on the prioritization of review recommendations, etc., will create an effective last resort for recommendations, and the fact that this prioritization will be led by the community will have a trickle-down effect into the making of recommendations."

So, as we said earlier ... I see, Larisa. I tend to agree, after re-reading it. Yeah. I think we were more focused on ... Oh, we're getting video from Tola, Sébastien, and Cheryl. Yeah. I think I agree with you, Larisa. Sorry. I think we misread this and substituted organizational reviews for specific reviews. So, let's take care of that.

Next point. "The board also notes that the implementation timeframe recommended by ATRT2, Recommendation 11.7, and supported by the ATRT3, seems implicitly linked to the prioritization work detailed in the ATRT3 draft report."

"The board would like to encourage the ATRT3 to provide clarification on how the community role in prioritization links to the ATRT3's expected recommendation that the ICANN Board ..." Sorry. Fell off, there. "That the ICANN Board ..."

"Clarification of the community role and prioritization links to the ATRT3's recommendation that the ICANN Board and ICANN Org should provide an expected timeframe for implementation of each recommendation made through a community effort. The broader collective prioritization effort appears to be in conflict with maintaining ATRT2's Recommendation 11.7."

So, basically, you will remember that Recommendation 11.7 from ATRT2 was asking the board to either respect the timeframe for implementing the recommendation or explain why it did not. There is a concern raised that when we put out our draft plan there was a potential conflict between prioritization and that.

So, our response is, “The ATRT3 proposal for the implementation of incomplete ATRT2 recommendations is ICANN Org shall review the implementation of ATRT2 recommendations in light of ATRT3’s assessment of these and complete their implementation subject to prioritization. See recommendation on creation of a prioritization process.”

“Given ATRT2 Recommendation 11.7 will be subject to the prioritization process and that it, in some ways, overlaps and conflicts with the prioritization process, it is expected that the prioritization process would consider that the prioritization process has overtaken this recommendation, in that it can be retired, as this is one of the options available to the prioritization process.” Thoughts, questions, comments? Okay.

Next box, which I believe is the last one. Yay. “In relation to implementation, the board observes that ATRT2 recommendations did not always include guidance on outcome and measurement of success, as detailed in ICANN Org’s note to ATRT3 on 11th December 2019.”

“The board agrees with the ATRT3 that there is room for improvement in ICANN Org’s clarification on how implementation has been addressed, as well as delivering clearer and more understandable reporting of implementation process.”

“As the ATRT3 forms its recommendations, the board knows that the operating standards section 4.1 provides guidance for the drafting of recommendations and encourage the ATRT3 to adhere to these as closely as possible.”

“The ATRT3 notes that its recommendations checklist on the implementation of the remaining ATRT2 recommendations states, ‘How will the effectiveness implementation improvements be measured?’”

“ICANN Org and the ATRT3 shepherds to produce an updated report on the status of ATRT2 recommendations based on the ATRT3 assessment of the ATRT2 recommendations. Based on this report, ICANN Org will prepare a standard implementation report which will be reviewed by ATRT3 shepherds. This report will be submitted to the prioritization process section 10. The ATRT3 believes this aligns with the process for specific reviews.”

I would probably just add in there that all our recommendations meet the requirements of the new operating procedures. I’ll just leave myself a little tab, there. Any questions or comments on that one? Okay. Well, except for the minor edits, I believe we’re done. I’ll turn it back to ... Oh, sorry. Tola. And then, I’ll turn it back to our co-chairs.

ADETOLA SOGBESAN:

Bernie, no, it’s not about what you’ve just done. It’s not about these particular problems. It just struck me that ... Do we include a text somewhere explaining the misinterpretation of what was sent out for the public comment about independent and external? It’s so that it strikes some balance.

Now, we understand within this group that that was what happened, but a neutral reading the public comment and what we intended to write here wouldn’t understand what has happened. Is it possible we include this?

BERNARD TURCOTTE: Well, I think we already do. Let me re-find the point.

CHERYL LANGDON-ORR: And we can also annotate the appendix which deals, in particular specific detail, with all of the public comment material. That's another point where we would be annotating it.

BERNARD TURCOTTE: Brenda, the top of page eight, please. Okay. Right there. So, that's where we talked about that 79-90%. What we're saying here, Tola, is, "ATRT3 notes that it considers this survey question to relate to the bylaws point on independence of the reviews."

Maybe what we can do is expand a little bit, explaining that we didn't ask about independence but that is what is the requirement in the bylaws and that's what's we were seeking. So, our interpretation is this is about independence. Does that make sense to you, Tola?

ADETOLA SOGBESAN: Exactly, yeah.

BERNARD TURCOTTE: Okay. So, let me highlight that, and I will perform that minor fix, if you will, in the document. Okay. Back to you, Cheryl.

CHERYL LANGDON-ORR: Sébastien has a question in chat, which is an overarching question. I'll read it if you like, about bylaw of "current and possible." Was that you, Tola? Is your hand still up?

ADETOLA SOGBESAN: I'm trying to go on mute and I'm having issues with it.

CHERYL LANGDON-ORR: Okay, no problem. That's okay. So, Sébastien, you have obviously got microphone now, so back over to you. You can articulate your question.

SÉBASTIEN BACHOLLET: Yeah, thank you. Yeah. I have the feeling that we answer and the board say, "You need to stick to the current bylaws," and we try to answer, "Yes, it's our [inaudible] fit with the current bylaw." We will need for some part of our document to change the bylaw.

Therefore, that's my question, in fact. I don't know where we are here because it seems in this document we tried to say, "Yes, we stick with the bylaws," but in other parts of the document, obviously, we will have to change the bylaw. What is the global view on that specific question about changing the bylaw on that? Thank you. I don't know if it's clear, but I can try.

BERNARD TURCOTTE: Okay. Can I take a shot at this, Cheryl?

CHERYL LANGDON-ORR: Sure, but why don't you hear what Tola wants to add onto it before you do? Oh, no. Tola, did you want to ...?

ADETOLA SOGBESAN: Okay. I think Bernie can go ahead. I wanted to try but I would like to listen to Bernie. Thank you.

BERNARD TURCOTTE: All right. I think you have a good point, Sébastien. What we've tried to do is say, "You know, you can squeeze this into the current bylaws if you want to," but the reality is that, ideally, there would be a bylaws change to accommodate this. But I think what we're trying to do here is provide options to the board, to be flexible. That was my thought, anyways. Cheryl, back to you for managing the queue.

CHERYL LANGDON-ORR: Well, there isn't a queue at the moment, although I am concerned where Tola is walking us to. I'm excited about his jeans. He was going to take a [buyer] break. I was getting most concerned.

So with this, now, there are a few little bits of [inaudible] to be done. It's certainly our opinion that this is showing a clear demonstration that what we have come up with and what we are recommending is in keeping with, or responding to, or is able to comply.

And I'm not using that in a term to mean that we have to comply but rather that we are not necessarily out of compliance with several of the issues that the board raised in their letter.

So, that was a couple of meetings ago, now, a task. We were tasked with the job of showing that we had taken into account everything that the board had raised. This document, I believe, certainly does that in spades. Pat, you want to follow me on that before we get back to the agenda?

PATRICK KANE: It would be beneficial to be added.

CHERYL LANGDON-ORR: Okay, great. Right, then. Let's mention to the rest of the team, now. Just so you know, Pat and I worked with León. We prepared a draft and then had León look over it. He did dot a few I's, cross a few T's, raise a few questions. So, we did have some editing suggestions from him.

He has, I believe, taken the draft to share with the caucus so that they know, the board knows, how we have dealt with each of their issues raised, or what we believe we've dealt with in each of their issues raised, in advance of the publication of our text.

So, there should be no surprises. Well, of course, there always can be, but we're trying to mitigate and minimize our risks on surprise. So, with that, it looks to me like we are up to any other business, which is good because we're coming toward the top of the hour again.

We have no any other business posted or listed when Pat called early on, but is there anybody with any other business they wish to raise now? Not seeing anybody or hearing anybody.

We will just note, obviously, Jennifer will be picking it up now that this text, once it is toiletted, that we've just detailed through, will become one of the appendixes to our document. It doesn't need to be in the body of our text but we do need to refer to it. So, that will be an action item, just so we articulate action items and decisions reached. And with that, I believe, Pat, we now ask Jennifer to tell us what action items and decisions reached are from today's call.

PATRICK KANE: Thank you, Cheryl. Jennifer?

JENNIFER BRYCE: Thanks, happy to. Yep. So, I just captured the action item that Cheryl noted, there, that this document will become an appendix. And then, also, the team went through the prologue, which Bernie will make a few adjustments to, and then that will become finalized, as well. So, those are the two documents that we reviewed and confirmed. With that, I didn't capture anything else. Let me know if there is anything else I should add. Thanks.

BERNARD TURCOTTE: Oh, and we've got the ATRT2 text addition.

JENNIFER BRYCE: Okay.

BERNARD TURCOTTE: Thank you.

JENNIFER BRYCE: Thank you, Bernie.

PATRICK KANE: Thank you, Bernie, and thank you, Jennifer. All right. With that, we will declare plenary 66 coming to a close. Cheryl, any last words?

CHERYL LANGDON-ORR: No, but perhaps what we can do is, for our call next week, just publish the time on Wednesday that we will be running that into the chat so everyone can confirm that in their diary. That should be a call pretty much devoted to next steps, I believe. Am I correct in that, Bernie, in that we'd be looking at next steps at 11:00 UTC on Wednesday?

BERNARD TURCOTTE: I believe that is correct but, just to be clear for everyone, with the addition of the prologue, that piece of ATRT2 text, and this as an annex, we are going to include that in the report and send that off to comms to be cleaned up as being a stable document when we get that back as part of our discussion on next steps. Once everything is clean, and packaged, and shiny everyone will have one final look at it for any major issues. Thank you.

CHERYL LANGDON-ORR: Thank you. And Bernie, I noted from last call the beginnings of [calling] to give the public comment pro forma document. That doesn't need to go through the formal cleanup stability check but that will be work done in parallel while that's going on.

At least, that's how we've done it before. I'm assuming that's how we'll do it again. Am I correct in that? Great. Okay. Well, all of that will be affirmed and open for clarification if anyone is still unsure at our next meeting, which is at 11:00 UTC on Wednesday. Pat, you opened, you can close. I'm done. Thanks, everybody.

PATRICK KANE: All right. Well, thanks, everybody, today. Have an enjoyable weekend and we will talk to you next week.

[END OF TRANSCRIPTION]