

ACCOUNTABILITY AND TRANSPARENCY REVIEW TEAM 2 (ATRT 2)
THURSDAY, 25 APRIL 2013 – 14:00 UTC
CONFERENCE CALL - TRANSCRIPT

Brian Cute: Okay, well I'm going to kick it off and I hope others are joining momentarily. This is Brian Cute. It's Thursday, April 25th, the Accountability & Transparency Review Team 2's conference call #4. Welcome, all, to the call. First order of business is review and adoption of the agenda for today. We have 8 items. We're on number 2. The third is update a declaration of interest and we will have an exchange with the ATRT2 candidates and we have 60 minutes budgeted for that. We're then going to review the draft Los Angeles agenda for our face to face meeting with ICANN staff, and then discuss response to public comments at the end and any other business. Is everyone on the review team okay with the agenda as proposed? Should we make any changes?

Unidentified Participant: No changes.

Brian Cute: Okay, then the agenda is adopted as is. So the -- Alice, can you clarify for me the preliminary reports that are in agenda item #2?

Alice Jansen: Yes, this preliminary report was circulated to the list. It was sent out on March 28th and you should all have a copy of the report. If there are any amendments that are needed, I don't see anything on the list, but if we are ready to approve it, then I will post it on Wiki as adopted.

Brian Cute: Okay, thank you. So that's up on the screen now? This is the preliminary report from our meeting of March 28th, it is conference call #2. Does anybody on the review team have any suggested edits to that report? I'm looking for hands on Adobe. If you're not on Adobe, just speak up, please. Alan?

Alan Greenberg: Brian, a question. Is preliminary meaning it's draft or is there a more formal report that will be coming afterwards?

Brian Cute: Preliminary I believe means the preliminary draft to be approved. And once it's approved it becomes the report from that call. Correct, Alice?

Alice Jansen: Yes, that's correct.

Alan Greenberg: Okay, thank you.

Brian Cute: So that preliminary -- I'm, Carlos, I'm just picking up the handset. Is that helping you hear better on your end?

Carlos Raul Gutierrez: Yes, it's much better now.

- Brian Cute: Sorry about that, folks. Any suggested edits or questions with respect to the preliminary report before it's finalized? Going once, going twice. Thank you. Okay, that report will be deemed final and posted to the Wiki. Do we have another report?
- Alice Jansen: Yes, the Beijing report.
- Brian Cute: Okay, and this has been likewise circulated to the review team and members, correct?
- Alice Jansen: yes.
- Brian Cute: So this is a report from our face to face meeting Friday, April 5th. Oh, this is the Beijing meeting, pardon me. Any edits, suggest changes to the preliminary report for that face to face meeting? I don't see any hands. Okay. And I'm just checking on the terms of reference item #3. We still have identified here that there are a couple of items that need to be refined in the document. So that being stated, I have no changes to it and hearing none, this will deemed a final report and posted to the Wiki.
- Any other preliminary reports, Alice?
- Alice Jansen: No, that's all for today.
- Brian Cute: Just the two for now. Okay. Thank you. So we can go back to the agenda. I believe the next item in the agenda is a call to anybody on the review team -- do you have any updates to your declaration of interest statements? Looking for raised hands. I see none, no updates. Okay, moving onto item #4 and really the main purpose of this call which was for ATRT2 to have an opportunity to hear from candidates for ATRT2. Based on some discussion for the candidates who are on the call to interact with us, there was discussion among the ATRT2 in our first meeting in Los Angeles and in the prior conference calls that we felt it would be very important to get your perspective on this review team's activities and focus. And that having volunteered your time and understanding how much time is involved in this task and understanding your desire to take on the task, we really felt it was important to hear from you your perspectives as we are at the outset of our work. And it is an open invitation. Whether it is issues that you think we need to focus on in particular, if it's errors that you think we need to avoid or even perhaps perceptions that we need to avoid, we're really looking for your thoughts here so that we at the outset can shape our work to produce the best possible outcome in terms of recommendations by December 31st. And, Alice, can you just read off for me the folks who are on the line, the candidates?
- Alice Jansen: Yes, online we have Dejan Djukic, Olivier Muron, Mike Roberts, Daniel Reed, and Marie-Laure Lemineur. If there is anyone else on the bridge, please feel free to imply your presence as well. Thank you.
- Brian Cute: Okay, terrific. Well welcome, and thank you all very much. I'd like to start with just perhaps a round robin for those of you who are on the call. And, Alice, if you want to just call each person out. It's an open question at the outset. From a high level view, what are your views on the ATRT2 review process itself? And what are your initial suggestions to us in terms of areas of focus? If we could just kick it off and open the table, Alice, if you'd call the first person alphabetically?
- Alice Jansen: I guess will start with Marie-Laure. Marie-Laure Lemineur, are you online?
- Marie-Laure Lemineur: Yes, I am. Can you hear me?
- Alice Jansen: Yes, perfectly. Thank you.
- Marie-Laure Lemineur: Good morning to all of you. First of all I would like to thank you for seeking our input. Yesterday I was reviewing the documents and I was very glad to see that you had divided the work

into 4 work streams and I would like to congratulate you to start working on the issue of the implementation of the ATRT1 recommendations. I think it's common sense and thank you for doing so. I think it's a key issue that is very important. That was an issue that had to be addressed. But I have a question regarding the way you're working, you've been working so far. And I understand, and correct me if I'm wrong, that you organized a session in Beijing and that you did not have as many people as you expected attending the session. And I don't know whether I'm wrong or not, but that's what I heard. And also, yesterday I reviewed the list of public comments and I wasn't able to find any comments. And again, I don't know whether I was looking at the wrong or right page.

So I was wondering whether so far there is like very limited community input. That's the impression I have. And I'm just wondering whether you have a Plan B in case you end up with -- because it still -- the period for comments is still open. So I'm wondering whether you have a Plan B if you end up unfortunately with such limited amounts of community input and whether this at the end of the day could end up undermining the legitimacy of the report and the recommendations you are going to issue.

Brian Cate:

Thank you. Marie-Laure, this is Brian. I did observe in the interaction with the community that I was disappointed with the turnout for the session. It was an observation that I made, not necessarily of the other team members. And in part, understanding the importance of this process and the opportunity for people in the ICANN community to come to a session, provide inputs at the early stages of our work, I personally hoped there would be more people in the room. I also do recognize that a large part of the community is very engaged in the new TLD process and there's a high amount of energy and focus on that particular focus of ICANN's workings right now. So to extrapolate on my comments in the room, I don't necessarily conclude anything from the low attendance in the room. It could be just due to those pressures, if you will, or those activities. But that being said, this team recognizes, I think, the importance of getting inputs early because we do have an awful lot of work to produce to review three prior review teams' implementation of the recommendations and to have a fourth work stream. The sooner that we get inputs flowing, the better off we'll be to reach target for providing concrete and useful recommendations to the board of directors.

So I did make those comments, and just to be clear, there could be a number of reasons why there weren't as many people in the room. It could be that there weren't as many people in the room because a good number of people in the community think that ICANN on balance is operating in an accountable, transparent manner. I didn't mean to project any particular conclusions. It was just an observation that the process is now on here and an opportunity was present in Beijing. No more, no less.

With respect to a Plan B, we are aware that there have been no comments. We did launch the public comments, a request for public comments, just prior to Beijing. We recognize that that was not the common practice, that was suboptimal with people getting on planes. And then therefore had the comment period open for 21 days after Beijing. We're aware that as of a couple of days ago, there still aren't any comments. There's a reply comment cycle that will follow for another 21 days, so the window will be open. It's not uncommon for the community to put in comments at the tail end of a comment period, so we may still see some input. But we're very much aware of that and we'll see what comes in after the public comment period and reply comment period closes and picture where we are from there. Any other observations from the review team members to Marie-Laure's points?

Alan Greenberg:

Brian, it's Alan. I think everything you said is true, but that being said, I think we do have a problem. I don't think we counted on quite as many people getting sick after Beijing as they apparently have. That perhaps impacted the comments. But I think we need to get better at outreach and giving people advanced notice about meetings and comment periods and things like that. We've done some of these things from the public's perspective on very short notice, sometimes inadequate notice if people are busy and have other commitments. And I think we

need to get better all around at making sure that we are letting people comment and letting people have input and letting people know what we're doing. So I think internally we have some work to do as well. Thank you.

Brian Cute: Thank you, Alan. And I see Olivier's post as well where he says typically a reply comment period is not an issue when there's been no comments received in the comment period. And his follow-on which is I believe we could decide to have a comment reply period in any event. We can check that with ICANN staff. I don't know if there would be any obstacles to that, but that's certainly one thing we could consider to expand that window of time for comments. Anybody else on the review team, reaction to Marie-Laure's points? Thank you, Marie-Laure. Alice, if we could go around the table again?

Alice Jansen: Yes, Daniel Reed, are you online? Daniel?

Brian Cute: You may be on mute, Daniel.

Alice Jansen: Okay. Shall we then turn to Mike Roberts?

Mike Roberts: Yes, I'm here. Can everyone hear me? I have just two or three brief comments. Suggestions to you. I'm impressed with the depth and breadth of your work so far and I don't think you ought to feel frustrated that engaging in the community is going slower than you thought. One comment about the first team and the first results. There was a political flow over from the AOC creation and some of the activities and some of the results from the first team looked to me as though there were in fact representing efficacy positions of constituents that had somehow or other crept into their work. Because ICANN doesn't have a statutory basis, it's really had to invent its own framework for accountability and even today, there are widely different views about what accountability means in ICANN context. And I don't know that you're in a position to illuminate your view of that or not, but you might consider as a contribution to going forward being a little bit more specific about what accountability really is. Because it's a notion that's susceptible to a variety of interpretations, it can be used as a gaming tool and I think it has been.

The second point I would make is that ICANN has become a very large organization very rapidly. And the scope and the intellectual depth of many of the issues that are before it and that are presented in the open forums and in the open records are intimidating to the average internet person. I think that if you analyze the participation in ICANN at the meetings, it's sort of a truism that you see the same old faces. Well the reason for that is, engaging with ICANN in depth really goes back to people who have an economic interest in ICANN. In effect, I'm paid to be involved with ICANN. There are a very small number of people who are completely divorced from any economic relationship with ICANN.

When we started with ICANN we knew that and we knew that -- and the interagency working team deliberately structured ICANN so that in effect it was a public forum where strong advocacy positions would be in effect thought out. So I think if you recognize that as a going-in assumption, then it can provide context for getting both the best out of that and neutralizing the worst of it. So those are -- let's see, one quick third comment. And that is, I think that you have to be very careful about substituting process for substance in your, in what the ATRT is responsible for. There's, as you know from negative reaction of ICANN leadership and staff to the first report, there was a feeling about that they were having inflicted on them a whole lot of process burden that at the end of the day really wasn't going to get them in a better position or the public or the constituents to ICANN.

So I challenge you to think long and hard about your coming report and your recommendations about the process versus substance. We hoped, and it hasn't really turned out that way, when we started that we could have a lean and mean ICANN. A lot of the early major voices in ICANN were from the IEGF which has managed over a long period of time to keep itself mean and lean. And in effect, you can't be a player on the global forum for internet and related matters without

getting into very complicated business. But just to sum that up, really look at how can we trim this back to the essential minimum to get the job done without making life tough for ICANN and its constituents. Thank you.

Brian Cute: Thanks, Mike. I'm going to try to shorthand 4 points I just heard for discussion because I think you raised excellent points. The first was the advocacy interest creeping their way into the report or recommendations of ATRT1. The second was defining accountability in a meaningful way. The third was the scope of issues that ICANN is faced with and the tieback to who are the regulars and the fact that they have an economic interest. Which I'm going to tie into the advocacy interest creeping into the report. And then your fourth point was the process versus substance in terms of recommendations and getting at the substance and not creating unnecessary burdens for ICANN the organization to produce more accountable and transparent workings in alpha. Is that a fair capture?

Mike Roberts: Excellent.

Brian Cute: Thank you. So all excellent points and I'd like to start with the advocacy creeping its way into the report. I want to open this up to the review team. Let me just start by saying something that we've noted in this review team is two things effectively. That we, all of us, come from some place within ICANN, whether it's ccNSO or some other part of the ICANN community or structure. That's recognized, that's the structural aspect of this review. But that being said, that each of us have to endeavor to be as objective as we can in assessing accountability and transparency and making recommendations. That objectivity is critical to the validity of our outfit. Also, we have to endeavor to be independent while working with ICANN staff and with the Chair of ICANN participating, we need to be independent in how we do our work and independence will feed into good output. Those are things that we recognize, that we put on the table for ourselves. So that's a starting point, but I'd like to hear from Carlos on this.

Carlos Raul Gutierrez: Yes. We discussed this (inaudible). Thank you very much, Mike, for your excellent comments. I also get paid to follow up ICANN, but I get paid by my government. I come from the GAC experience base. Right now I'm fascinated by a new discussion paper that GAC has put out to discuss the difference between policy development on the one hand and implementation of policies and operations on the other hand. I don't know if you know the paper, but would you add something to your comment in your view, or would you make a different comment if we separate policy development from implementation and operations, please? Thank you.

Mike Roberts: Did you want me to respond?

Carlos Raul Gutierrez: If you have any comment, yes, I would love to hear your reaction to the separation. Would you adjust any of your comments with criteria being separate?

Mike Roberts: Very briefly, I spent 10 years in Washington in the 80s and 90s advocating internet policies. And it's very subject to gaming. And those of you who are in the political arena recognize this. If you don't win your constituency's position, then you're looking for ways to make the other sides to look bad. So I would -- and we see behavior all the time in ICANN in policy development where -- and I watched it on some of the mail lists that I subscribe to, where people were taking what I regarded as political positions on whether a given point was a policy point or an advocacy point. But I think that you have to just recognize gaming behavior when you see it and sort of call it out. Be very direct about it. And also I think it is, the gNSO is looking at the business of shaping up the whole policy process and I would very much endorse that. I think gNSO policy development has been a problem for quite some time.

Brian Cute: Thanks, Mike. Carlos, did you have a follow-up?

Carlos Raul Gutierrez: Thank you very much for your dialogue.

- Brian Cute: So Mike, I want to stay on this first point, too, because it is an important one. You said you felt that in the first ATRT, ATRT1's report and recommendations, that you saw or sensed that there were some advocacy positions that crept into the report. Do you have any specific ones you can point to now? And if not, this is an open invitation. If you don't have them handy, by all means present them to us in writing or some other way so that we can reflect on them. Is there something that jumps to mind that could be instructive to us as we're doing our work now?
- Mike Roberts: Well I'm not -- I was not close enough to the AOC work to have a detailed understanding of it, but there was considerable irony to me because I can remember at the end of 1998 when we signed the first memorandum of understanding, the head of NTIA told me that they would be gone and out of our existence within 24 months. That was sort of a rosy view of the future of everything and it also was, I think, a little bit of a how should I put it, naïve point of view on their part. In effect, they launched this very small at the time seriously underfunded nonprofit out there with no legal foundation under it. And I remember the Monday morning after I took the CEO job, one of my friends called me up and said, have you been sued yet? Well you have to -- it was very clear as we progressed and as some difficult decisions were made by the board, that the problem for people who were unhappy with us was that they not only had to sue us, they had to sue the US government. And most lawyers will tell you that's not a good idea.
- So here we are, all these years later, with the AOC still in effect extending a legal umbrella over ICANN for, if you will, last ditch problems. Some people have said, and it's like a third rail, people sort of go around the sides of that without ever wanting to come right out and say we haven't got this right yet. And so that of course immediately launches a new conversation about well what is right? So I'm talking too long and I'll just leave that one there. But that's just an example I think of an area of continued political tension because of a lack of a foundational structure.
- Brian Cute: Thank you. Alan?
- Alan Greenberg: Thank you, Mike. Two quick comments. As one of the few people on this review team who are not paid in any way to put my time into ICANN, I tend to agree with your comments about those with a financial stake in the ground being strong advocates of their own position. And it's something that I think we're going to have to come to grips with if we're going to make a legitimacy of ICANN something that is generally viewed, generally believed.
- With respect to the last point you just made on the gNSO policy development process being a problem for quite some time is I think the wording you used, I for one would really appreciate if you could put something in writing at a later time as to what you see as the problems and perhaps what you see as the solutions. It's one of the areas of the AOC that the first ATRT did not tackle at all and I think it's one that we have a goal and plan to. So any insights you have on that would be appreciated. Thank you.
- Mike Roberts: Okay.
- Brian Cute: Thank you, Alan. And any other examples of advocacy interest and how to extrapolate the objective and independent process of output will be welcome as well, Mike. I don't see any other hands on this point so let's move to the accountability question, defining accountability. Alice, if you could just scroll up on the screen, Mike and the other ATRT2 candidates, do you see the screen in Adobe?
- Mike Roberts: Yes.
- Brian Cute: Okay, so this is the terms of reference document that we picked up from ATRT1 and refined ourselves in terms of orienting our work. And we did endeavor to have a statement about accountability. I'm not sure if you'd call it a pure definition, but if you can read it there, it says that at its simplest, accountability refers to a process by which individuals or organizations are

answerable for their actions and the consequences that follow from them. Accountability is not only a means by which individuals and organizations are held responsible for their actions, it is also a means by which organizations can take internal responsibility for shaping their organizational mission and values, for opening themselves to external and/or independent scrutiny, and for assessing performance in relation to its goals. This includes both the sanctioning elements of accountability and the learning and participatory aspects.

That statement is in our terms of reference. That statement is what we would refer to, the individual working streams and the entire review team, as we review and assess the implementation of prior recommendations and develop recommendation ourselves. Having seen that, Mike, could you elaborate on your comments about defining accountability from your perspective?

Mike Roberts:

If you back up to the 30,000 foot level, the conventional understanding I think among people that have some business organizational background is that in a nonprofit world, the essence of accountability is, are you doing what you're supposed to be doing? This paragraph that's in front of me uses a lot of words without actually getting to that. And I suppose I'm jumping into this without having done any homework recently about it, but it might be useful for you to think about accountability as sort of a tiered approach. Some things that ATRT1 did in essence would be something that the audit committee of any organizational board would be responsible for looking into. In other words, the performance of individuals in their organizational context is something that is sort of routinely given to an oversight committee to look into. Now I'm not sure that you would want to label that and elevate it into an accountability sort of thing, but it does mention here individuals and so on. In other words, and I need to be brief because I'm using up a lot of your time, but I'd say accountability really ought to be, for your purposes, ought to be rather narrowly defined as mission related and not performance related. At the individual level. In other words, going back to the business policy and implementation, the job of the board, one of the important responsibilities of the board, is to see that the executive and the secretariat in effect carry out policy appropriately. That's now really something that ought to be the business of random inputs from the outside. Except in the sense that you ought to always have feedback methods.

So I would separate assessment of accountability into a rather more elevated and rather more narrow position than is here.

Brian Cute:

Thanks, Mike. I see Daniel Reed's hand up. Daniel, did you want to comment on this point?

Daniel Reed:

I did and I wanted to -- can you hear me?

Brian Cute:

Yes, we can, thanks.

Daniel Reed:

Okay, good. Thanks. I wanted to comment briefly on this and also back to the previous discussion. To me it seems to be the fundamental issue, and it was just touched on, is the conflict between what am I called, doing what's best for the common good versus mixing what often is being an avatar for a particular interest group. And as it was just mentioned, there's a lot of inside comment going on inside of ICANN given the diversity of the interests at stake. And that's inevitable given the importance of some of the issues. But the real gist of the issue I think is how do we insure that the folks who are engaged, to the extent that they can, put aside what the group they represent might want and in the end do the right thing. And defining what the right thing is of course lies in the eyes of the beholder, but that to me is the crux of what accountability means. You want the organization to be transparent in the sense that the political battles, and there are battles, you all know that, are out in the open and are explicit so that people understand that rather than some of the decisions made about participation being implicitly made based on what coalition wants might support a particular individual or a position. And I realize that's all easier said than done. I would also add that I think the paper description of the process is not the challenge. I think it is, as was just said, the issue about really accountability to the broader constituency. And that's really the point that I wanted to leave you with.

- Brian Cute: Thanks, Daniel. Anybody else from the review team on the question of accountability before we move forward? Again, this is an outstanding open invitation to provide more examples of the issues you're facing and any suggested approaches to insuring that we handle these emerging issues in the right way beyond this call. The fourth point you raised, Mike, was the process versus substance. And that substance was what the focus of the recommendation should be recommendations to paraphrase that impose burdensome process but don't deliver substance at the end is not, is suboptimal. Do you have any specific examples there from ATRT1 or just any other details on that pint that you'd like to throw out for the team to discuss?
- Mike Roberts: Well I happened to be serving at the NONCOM at the time it came out and I thought that its recommendations on the NONCOM were sort of beside the point. It did not openly go at the crux of the NONCOM problem in finding and inducing high quality directors to join the board. I think that this call is kind of a tough place to go into more detail than that.
- Brian Cute: Yeah, that's fine. And again, we invite more detail on that. In my -- I don't want to talk off the top of my head. In my recollection of those recommendations, at least one element that was in the mind of ATRT1 was engaging the board and the NONCOM together to create further definition of criteria that could help capture the right attributes of directors across the board. But also at the same time have that process work so that it didn't look as though the board of directors is effectively instructing or dictating to the NONCOM what their results of the process should be. And I recall us recognizing that slight tension and wanted to respect each of those orgs in their respective role. I don't know if that explanation feeds into or illuminates some of the things that you saw, and I'd be hesitant without the recommendations and report in front of me to go further there, Mike. But again, please feel free to provide more to the team.
- I've got Daniel in the queue.
- Daniel Reed: Actually I think I made the point that I wanted to make about that earlier. Sorry, I should have lowered my hand.
- Brian Cute: Oh, your hand was still up, okay. Alan, please?
- Alan Greenberg: Thank you. I just wanted to point out that although our normal mode of operation is complete transparency and we provide transcripts and recordings of all calls, we will accept confidential input if the person feels that they have something important to say that should not be or they do not feel comfortable saying in a public forum. So we do have a mechanism for handling that if this particular input or any input is in that category. Thank you.
- Brian Cute: Thanks, Alan. Thanks, Mike. In the interest of having others provide their views at this point, too, I appreciate your thoughts, all of them, and welcome more input from you. Daniel, you've commented on some of Mike's points. Did you -- it was your turn, we missed you. Were there additional points that you wanted to raise for our consideration?
- Daniel Reed: No, I'll just briefly summarize what I said before which is I think the -- making -- one of the things I would say is in terms of penetrating the process of participation is that in order to become a viable participant at many levels of ICANN, you have to spend many years in the process. And there's some value of course in serving your time and become acquainted with the process and the people. On the other hand, one of the effects of that I think is often it socializes people to a certain behavior which perpetuates some of the processes that one is trying to make more transparent. And so one of the things I think is important in terms of transparency is, how is it possible to quickly get new people involved in this process who have insights to offer who may not have been involved for a long time?
- Brian Cute: Thanks. Anybody on the review team have a question or comment for Daniel? Looking for hands. I don't see any. Okay. Thank you, Daniel. Alice, who's next in the queue?

Alice Jansen: We can turn to Olivier Muron. Olivier, if you're still on the line?

Olivier Muron: Yes. Hello. Dual capacity of former member of ATRT1 and a candidate to ATRT2. I think among -- the most important topic for me, for ICANN, is the question of internationalization. It's still I think one of the biggest challenges facing ICANN. In terms of the recommendations from ATRT1 were important in addressing this question about internationalization, (inaudible) two of the gut countries providing multilingual access to the documents and things like that, who are ensuring that senior ICANN staff is enough multilingual. So they are important recommendations, but I think still if you look at the situation now, there is progress still to be made. If just take an example the application for new gTLD, 45% of them are now coming from US companies. Where now it's estimated that the US, North America users of the internet, represent about 13% of the whole. And if you come to a meeting and you see the people expressing themselves, for example at the big forum, you still see a very high proportion of native speaking, English speaking speakers. So this question I think is still alive and I'm just raising the question. I'm not suggesting recommendation. But I want just to mention that on this topic, next week should be -- that's one of the topics where metrics I think can be useful to see exactly if progress is being made. That's the first point.

And the second point then which I'm sure is not in this (inaudible), I'm just theorizing it, should discuss ICANN and accountability and transparency of ICANN. In my country, in France, people consider that they are making big progress with ICANN, big progress thanks to their mission of commitment. But most of the people will also raise the question of the IANA contract as a remaining difficulty. So I just wanted to mention that also. That's what I wanted to say at this point.

Brian Cate: Thank you, Olivier. With respect to internationalization and metrics, what I can report is that the ATRT2 in Beijing spent a fair amount of time on both topics from these perspectives. On metrics, I think there already is a clear sense in ATRT2 that metrics is something that needs more thought and more development from the review team to ICANN in the form of recommendations. There is a recognition that ATRT1, for its own reasons, felt that it should not get in the business of developing metrics for ICANN other than some proposed deadlines for implementation of some specific recommendations about how to measure improvements in there that the ATRT1 deferred on that. There is a recognition that I sense on ATRT2 that actually more work needs to be done there. Thank you for the suggestion as it applies to internationalization efforts.

On internationalization, we spent a fair amount of time in Beijing talking about, particularly from the perspective of post wicket and external pressures on ICANN from governments in particular, what ATRT2 has put out for request for public comment, what things might ATRT do to address outreach with internationalization. There was a good discussion around that point. No firm conclusions. There's also a recognition that the review team has a specific mission within the scope of the AOC and that senior management of ICANN is those important points. So I think you can rest assured that the issue of internationalization will be a strong thread through the work of this team going forward.

And the point on IANA has also been raised in a couple of different contexts of discussion as well. Any other comments from review team members to Olivier's points? Or questions for Olivier? Alan?

Alan Greenberg: Brian, it's Alan. One very quick one. I differ a little bit from you and some of the other review team members in that although to the extent we can come up with metrics I think that's a good thing. But I think one of our recommendations really needs to be that ICANN, when it comes up with new programs and things like that, must be setting metrics itself. The review team can't after the fact dictate all the metrics that ICANN needs. It must become part of the DNA and part of the nature. Thank you.

- Brian Cute: Thanks, Alan. Anybody else for Olivier's points or questions for Olivier? Okay, seeing none, Alice?
- Alice Jansen: We have Dejan Djukic.
- Dejan Djukic: Generally I don't have too much to add at this stage. I read your questions that you posed to the public and I think that you have done a great job with the list of recommendations. I hope that you will have enough response that you can make some conclusions about it.
- Brian Cute: Thanks, Dejan. In terms of a Plan B, in addition to keeping the comment period open on having reply, we do intend to have structured interactions with all of the ACSOs, GAC, board, staff in the meeting in Durbin and present some questions in advance and prepare for good, solid inputs from across the community in that perspective. So that will happen as a matter of course and I think we do have the option of keeping the comment period open to see what comments we can get at this phase as well. Had you other comments? I hope I didn't cut you off.
- Dejan Djukic: I don't have further comments other than raising (inaudible) second -- May, I think. And I will post some comments at the appropriate time.
- Brian Cute: Great. Thank you for that. We're almost at the 60 minutes and we have to go through the Los Angeles agenda. I just want to give all of the ATRT2 candidates another opportunity given the conversation we had if there's any additional point that you'd like to raise on this call. Any follow-on thought from the prior conversation, the floor is yours. Yes, Marie-Laure?
- Marie-Laure Lemineur: I have a couple of questions. I'll actually use the public comment space to display the questions, so I'm done for today. Thank you very much for the opportunity and -- thank you.
- Brian Cute: Thank you very much. And that means we're going to get at least one comment, so that makes me happy. Thank you, Marie-Laure. Olivier?
- Olivier Crepin-Leblond: Thank you very much, Brian. It's Olivier Crepin-Leblond for the transcript. I just wanted to ask one thing to the points that were made here. Very interesting points. There is not much response from ATRT2 members. I've heard a comment that was made after our republic meeting in Beijing where the questions that were asked, it wasn't very much commenting from ATRT2 members and it was taken that we were not looking at any of the points that were raised. I'd like to basically put for the record that we are going to look at everything that's being raised and I think it's maybe not heard well enough out there that we are in listening mode at the moment and every point that gets brought forward, although we might not have a point of view on them right now, because they're being brought forward, we are going to consider those and see whether it fits within our mandate and proceed forward on that. So I do thank all of the people that have come in today. It's very interesting to get some input. Thank you.
- Brian Cute: Thank you, Olivier. Anyone else in the candidates? Any last points of suggestions before we switch to the next item?
- Artur Piechocki: Hello, this is Artur Piechocki. I don't know whether you heard that I have joined. I was late to this discussion so at this time I would like to say something.
- Brian Cute: Yes, of course. Who's speaking?
- Artur Piechocki: Artur Piechocki. So I regret that, at least me, I didn't have much time to prepare for this discussion for this conference call. I learned only just yesterday about the conference call so there was not really much time to prepare. And in addition, I haven't been to any ICANN meetings for the last almost one year, so I'm not updated with ICANN issues except for information on the website. So I'm sorry if what I say is already covered somewhere because there are two issues I would like to raise. First is -- actually both of them are related to transparency. First issue is on

transparency of ICANN staff and of course actions and work. I remember when I was on the ccNSO and we as members of ccNSO we always had to run after meetings and were informed a bit too late what happens during ICANN staff and ICANN board meetings. And then it was a little bit better because we were informed by (inaudible) about work of ICANN Staff and ICANN board. But I think it was still insufficient and that's one issue about transparency, what I saw from my own experience which could be covered or maybe it was already covered. So sorry if it was already covered. That's the first thing.

And second issue is transparency of IANA contract and negotiations on IANA contract. I think it was last year with regard to the NTIA didn't want to sign a prolonged contract with ICANN. I think information about reasons for them signing of the agreement was -- the information was insufficient and so we will not talk what really happened. At this I couldn't find any information on this. And it's always like this with IANA contract. You never know who decides and from what basis. I know it's not only ICANN issue, it's also NTIA and of course government issue, so we cannot request them to (inaudible) transparency. But I think it would be valuable for the committee to know much more about the IANA contract than we know now. So that -- these are two of my comments for you.

Brian Cute: Thank you, Artur, and apologies for the late notice on the call. As I mentioned earlier in the call, this is an open invitation. We genuinely wanted to hear your points of view about this process. We do have emails on the website, we'll have other opportunities to interact. But please, if you have follow on thoughts, provide them to us now so we can take them into consideration and know that the two specific points that you raised were not in the orientation and focus raised prior, so thank you for those contributions. Anybody from the review team have a question or comment or follow up to Artur? Olivier?

Olivier Crepin-Leblond: Thank you very much, Brian, it's Olivier Crepin-Leblond for the transcript record. I just wanted to respond to the question with regards to the transparency of the IANA contract negotiations. In March when the negotiations were taking place at the time there were similar concerns about the lack of transparency or the apparent lack of transparency and the question was asked to the board. And the answer was that actually it was an NTIA thing that the contractual negotiations would need to remain confidential for the time of the negotiations themselves. That's the response we were given and that was accepted by the committee. So I guess for these tricky things we can only go so far as far as transparency is concerned. But that's the response we got given. Thanks.

Brian Cute: Thanks, Olivier. Anyone else for Artur? Okay. I'm not seeing any -- Fiona Asonga? Okay, never mind. Okay, we're on the 60 minutes. Thank you all very, very much for coming, for contributing. Again, an open invitation, please do follow on with us. As Olivier Crepin-Leblond mentioned, we are in listening mode, we are hearing these issues, and even if we don't have immediate reactions, we're taking them onboard. We will reflect them and factor them into our work and appreciate very much your time and inputs. And again, the bill is open for follow on thoughts as well from all of you. So thank you very much.

And of course these are open proceedings to the extent that you want to stay on for the remaining of the proceedings. You're more than welcome. Our next agenda item is to review the Los Angeles, the draft Los Angeles agenda. Alice, if you could put that up on the board. And Fiona, I thought I saw your hand up. I'm responding to Fiona Asonga and recognize that it wasn't thus correct, right? Or did you have a contribution?

Fiona Asonga: No, I hadn't put my hand up.

Brian Cute: You did or you did not?

Fiona Asonga: I did not.

- Brian Cute: Okay, that's what I was trying to clarify. Thank you. Okay, looking at the draft agenda for Los Angeles, again, the Los Angeles face to face meeting with ICANN staff on May 2nd and May 3rd, the primary purpose is for ATRT2 to hear from ICANN Staff. We've had a conference call about a week ago to discuss the expectations going into that meeting. Here is the agenda that's been drafted for the meeting. I'm asking the ATRT2 members to review it. As you will see, the lion's share of the time is dedicated to the presentation from ICANN staff to ATRT2, implementation of the prior recommendations. There was an understanding that there will be written responses to the questions that we left with ICANN staff at our last conference call prior to the face to face meeting. Are there any questions or suggestions, edits to the agenda? Alan?
- Alan Greenberg: Thank you. I'm actually going to make a suggestion which will not require a change if you follow it, or if we follow it. The comment period officially ends on the end of May 2nd or about early in our meeting on May 2nd based on UTC. I would suggest at this meeting we make a decision to extend the comment period and I would say at least two weeks, perhaps more. If we can't do that at this meeting, then I think it should be the first thing on our agenda on May 2nd.
- Brian Cute: Thanks very much, Alan. Alice or Denise, is there anything that would prevent us from -- let's assume there are no comments that are received, to Olivier's prior point, in the comment period before it closes. The practice is not to open a reply comment period. Is there any bar from us opening a comment reply period or extending the original comment period to afford more time to the community?
- Alice Jansen: Brian, it's Alice here. There is no -- it is current, it is quite common to extend public comment period, but if the team decides it wishes to extend, it shouldn't cause a problem at all for us.
- Brian Cute: Okay. So we have the latitude. Okay, very good. Why don't we add to the agenda, an item on extension of comment period, and we'll take that action item at the face to face meeting.
- Alan Greenberg: And just due to the timing, it should be first or close to the first.
- Brian Cute: Sure. Put it at the top if you would. Thanks. Carlos?
- Carlos Raul Gutierrez: Yes, thank you, this is Carlos. I don't feel good waiting another week to announce we are going to extend the period. I mean if we agree that we are going to extend the period, then do it right now. I don't know if people know that the period was running out and I'm not sure it will make any impact if we decide to extend it and the time runs out. Thank you.
- Brian Cute: Not a bad idea. Do we have a quorum? I'm looking at the apologies. 2, 3, 4, 5 out of -- it looks like we have a quorum for purposes of taking a vote on that.
- Fiona Alexander: Brian? This is Fiona Alexander. So just in our experience of running public comment processes here at NTIA for many, many years, we find that people always work to the deadline. And so if you announce now that you're going to extend, you run the risk of actually further delaying comments just based on the experience that we have here in this process. So just for that data point.
- Alan Greenberg: Brian, are you still there?
- Brian Cute: Yeah, actually I was on mute. Thanks. That's a good observation and if I'm not mistaken that behavior has been observed in ICANN comment periods as well. If staff can confirm that, that might argue for making the actual decision in May, on the 2nd when the period is just about to close and extending it. Alice or Denise, can you confirm that you've seen that type of last minute provision of comment behavior?
- Alice Jansen: Yes, we can confirm that that's what usually happens.

Brian Cute: Okay. Alan?

Alan Greenberg: There is a counter to it which is offset if we extend it enough. And that is, people who are late in the process will often decide there's not enough time left. They haven't extended it, I'm not going to make a comment. So there are two sides to that. I've been on both sides of those, of both decision situations. So if we're going to extend it for 2 or 3 weeks, then that nullifies the effect that I'm mentioning. If we're just going to extend it for a small amount of time, then it kicks in and we may be losing comments because of the perceived ending. But it is a fact, people tend to comment near the end. But that's because there's a lot of work involved in generating a comment and people tend to use as much time as is possible.

Brian Cute: Thanks, Alan. Heather, you have your hand up?

Heather Dryden: I do. Can you hear me okay? So it's just -- I'm thinking from a GAC point of view. I don't have particularly good sense of where governments are and whether they're really prepared to submit by May 2nd. What I can observe is that we're still getting organized after what were really intense meetings in Beijing for us. So I would be concerned about governments being able to submit by the current deadline for that reason. I do know that the ATRT2 activities and issues are of great interest to GAC members, so I'm inclined to think that an extension is perhaps realistic. But I'm happy to hear what others may think as well about likelihood of other parts of the community being able to respond by that time.

Fiona Alexander: Heather, this is Fiona. Brian, this is Fiona. I just had a question for Heather. Just based on the last time this process ran, do you think the GAC as the GAC will actually submit written comments to the ATRT2 or would the GAC interaction be similar to last time where it was captured in the face to face meeting and it's likely to happen of the GAC and review team in Durbin?

Heather Dryden: We do place a lot of value on those face-to-face exchanges. What GAC members have been advised following Beijing, and we had a good exchange in Beijing -- I had a lot of positive comments about that discussion that we had. So they've been advised to comment directly. So for the GAC members that have a particular priority or interest in raising an issue, that they could do so directly to the comment period rather than trying to come up with GAC advice and such. I don't know that we would do that now and perhaps we might not do it in the future as well for the reasons that you outlined. We do value the face-to-face exchange.

Brian Cute: Thank you, Heather. Important consideration for the comments there. Fiona Asonga?

Fiona Asonga: I think part of the challenge from the feedback I've gotten regarding the comment period is not question they will no doubt have discussed it and may have missed it, is whether the question now would be translated into a couple of other languages. I've gotten some feedback from the (inaudible) Telephone community who are asking is it possible to get a French translation of the question. And I know that translation may be a challenge in terms of us being able to collect the comments and feedback. So I don't know how we will best address that, but maybe something we should consider.

Brian Cute: Thank you, Fiona. Alice, can you give us a status of the translated versions of the questions put up for public comment, when they were posted and what the timeline is of those?

Alice Jansen: I actually sent a reminder two days ago and I got response they would be coming by the end of this week.

Brian Cute: Okay, and those will be published in the 21-day comment period for those language communities. Okay. Well let's start with the baseline, the ATRT2 was putting out comments from 21-day period and a reply comment period for a 21 day period. So at least a full 42 days of an open window as

originally posted. I would like to get to the question of do we extend now or extend later and wrap that up if we can. Carlos?

Carlos Raul Gutierrez: Thank you, this is Carlos for the record. I agree with Heather that the face-to-face meeting was excellent. It's worthwhile to go over the recording. Still, if I'm going to write to my colleagues in GAC and make a pitch for them to take time and answer the questionnaire, I would like to know if I can tell them that we are going to extend the deadline or not. At least for the GAC members. And I would like to write to them and ask them to take the time. I don't think it's fair to ask them to send something for next week if I already know that we are going to expand the period of the deadline. Thank you.

Brian Cute: Thank you, Carlos. Alan?

Alan Greenberg: Thank you. On the relatively rare occasions where we have published multilingual things much later than the other documents, than the English documents, we've tended to have a full comment period for those. And often we have extended the English comment period to match the same closing. So I'm not sure we want to make that decision now, but it's something to think about at the beginning of our next meeting. I know the ALAC in the past have said the ALAC's input is composed of input from the regions and therefore if the regions haven't had a chance to reply, even though the reply is going to be in English, we really need the full period. So that's something that we will need to consider at that point.

Brian Cute: Thanks, Alan. I would think that we would want--

Alan Greenberg: It may dictate how long we extend the period.

Brian Cute: Yes. Thank you. I would think that we would want to have the same amount of time available to any of the linguistic communities even though they're not running in sync, but in kind of staggered fashion. Does anyone have a specific proposal to make on this question right now that ties this all together?

Alan Greenberg: It's Alan. I will propose that if the multilingual versions are available on Friday, that we have a full comment period for those and we extend the English one to match.

Brian Cute: Okay. And I'm not great at math, but if we did that, are we at the end of the period giving more time to the English speaking community than the other language communities? As an unintended result?

Alan Greenberg: Yes, that will be the case.

Brian Cute: Does that raise an issue for anyone?

Alan Greenberg: As I said, it has been done before and there hasn't been an issue with it. That doesn't mean there wouldn't be this time.

Brian Cute: Okay, so there's a specific suggestion to extend the outstanding request for comment period in English to cover the full initial comment period for the other language communities once they launch. Is that the suggestions?

Alan Greenberg: That is my suggestion and I would suggest that the dialogue that goes with this does encourage people to have comments all ready to submit them because the committee really needs input as soon as possible. I don't know if that's going to be effective, but we should say it.

Brian Cute: Okay. And then also we are contemplating a reply comment period of 21 days for all of the language communities from when the original comment period ends, correct?

Alan Greenberg: I think ATRT1 mandates -- the implementation of ATRT1 mandates that.

Brian Cute: Okay.

Alan Greenberg: But we haven't had our say yet.

Brian Cute: Okay, I've got Carlos and Olivier. Then if we can wrap this up, let's do that. Carlos?

Carlos Raul Gutierrez: Sorry, I didn't turn it off, sorry.

Brian Cute: No problem. Olivier?

Olivier Crepin-Leblond: Thank you, Brian, it's Olivier for the transcript. Just pressing on the point that Alan has mentioned, I don't think it's a case of us being concerned that one language community would have more time than another language community to respond. What's important is that all language communities have a minimum amount of time to respond and that is the minimum of 21 days. So that's I think the thinking that goes behind Alan's proposal. And I would totally support it. The other thing I would say Friday being effectively tomorrow, the closing date for the initial comment period was going to be the 2nd of May I believe. It would probably be good not to wait until the very last moment to extend, but then it's also bearing in mind what has been mentioned by Fiona, it's good not to be too early. So perhaps just after the weekend if we can come to a conclusion on this. Just after the weekend, so the 29th we could announce an extension.

Alan Greenberg: Yeah, Olivier, if I may interrupt, we can't set what the exact dates are until we know for sure when the translations are available. Deadlines do slip sometimes.

Brian Cute: Alice, do you have any sense on when those translated versions are going to be ready for publishing? Even if it's not until the day?

Alice Jansen: I've been informed that it will be ready by the end of this week. So we'll make sure to send a notification to listeners when we receive the translation.

Brian Cute: Okay, so I'm asking for consensus across the review team that the comment period in English will be extended to match the original comment period on the other language versions once those are announced and that all language communities will have a reply comment period of 21 days afterwards. Olivier?

Olivier Crepin-Leblond: Thank you very much, Brian, it's Olivier again. I agree with your point and I would also add that in the translated versions we don't say -- well the translated versions don't say you have 21 days from now which ends on the 2nd of May. Because that will just make people laugh three days later. So make sure the dates are right. That's all. Thanks.

Brian Cute: Certainly. Thank you. Any addendum or modification of this statement that I made? I'm looking for consensus to ask staff to proceed.

Fiona Alexander: Brian, this is Fiona, I just have a question. So what does it actually mean practically? Obviously not objecting to the concept, but can someone just clarify what that means for the schedule in terms of getting input and actually starting on recommendations and analysis?

Brian Cute: So let's assume that the other language community requests for comment y went out -- you said the end of this week or next week, Alice?

Alice Jansen: This week.

Brian Cute: This week?

- Alice Jansen: Yes, this week.
- Brian Cute: Okay, so that would mean let's say they launch the 26th, 3rd, 10th -- the original comment period for all language would close on the 17th of May, the 21 day reply comment period would ensue which would close on the 7th of June. And that would give us it looks like roughly 4 weeks or so before we're together in Durbin. So at least some time to digest the comments that are received and factor them into the work that we do in Durbin.
- Alan Greenberg: And we should be able to start working on the comments before the reply period ends.
- Brian Cute: That's true, too. Any concerns on that point? That looks like the calendar impact. Okay. Do I hear any objections from review team to proceeding this way? Hearing none, seeing no hands, Alice, if you would proceed as we've just described?
- Alice Jansen: Yes, certainly.
- Brian Cute: Thank you very much. Okay, I do need to -- I apologize, I need to jump off the call. Alan, would you mind taking over and just finish up a review of the LA agenda and walking through the rest of the agenda for this call? I apologize. Thank you very much.
- Alan Greenberg: I apologize ahead of time if I go into a coughing fit I still have right now. Any comments on the rest of the agenda that we have before us? I do have one comment but I'll open the floor to anyone else first. Seeing no hands, hearing no one calling out, my comment is I would like to have an item, and it doesn't have to be at the beginning of the day, but it should be sometime in the first day I think, on reviewing our administrative processes. As I said earlier in response to someone, I don't remember who, I think we need to look at making sure that we're doing things well enough in advance to allow the community to participate in any way that is reasonable. And there's some indication that we're not doing that based on a number of comments that I have received and I would like an opportunity that we have to discuss that, perhaps 15 minutes or so. I don't know where that fit fit into the agenda right now. We don't want to take time away from the ATRT1 discussion and the time is pretty tight, but hopefully we can fit it in somewhere, if only by extending the day a little bit on the first day. But I think it's really important that we address this on the first day so that we have time to think about it and perhaps take different actions on the second day. I see a check by Fiona. Any other comments? Fiona, yes? Fiona Asonga.
- Fiona Asonga: Yes, I'd like to propose (inaudible) because I think there are quite a number of administrative things we need to look at, so I agree with you completely. So (inaudible) just have to create time for and we could possible squeeze in some time at the end of the day to look that. I think that would be good.
- Alan Greenberg: Yeah, I tend to agree. 5:30 from we start at 8:30 is a long day already and hopefully we may be able to find some free time is something else runs shorter, to rearrange the schedule. But barring that, I would think the end of the day is our only choice. Our breaks right now are only scheduled 15 minutes. Any other comments on the agenda? I do have one request. Again, I don't want to dominate the call, sometime chairing it. Any other thoughts? Okay, then I'll raise mine. And this is really a question for staff. There was a WHOIS webinar yesterday, WHOIS review team webinar. And although a lot of the issues were addressed, they were not addressed in relation to the specific recommendations of the review team. It was left to the audience to try to piece together what was being done in response to specific recommendations. And I for one would appreciate -- it would certainly make the review team's job a lot easier if either the substance of the report that would be given by staff or a summary provided in parallel with it, does give us something that matches the review team recommendations. Is that going to be possible? I guess, Denise?
- Denise Michel: Yes, the reach of recommendation and implementation efforts that staff has under way for the (inaudible) recommendation will be in a spreadsheet template with all of the questions listed.

Alan Greenberg: Thank you very much. Appreciate that. Any other comments on the day one agenda? Alice, could we see the day two agenda then? I haven't had a chance to look at that actually, so we'll give everyone a moment to look at what we have there. So we have a debriefing on the previous day, more on ATRT1, SSR, a blank session for an hour on whatever we need, and then a review for it looks like 15 minutes. Any particular comment? That means we have about 45 minutes at the end to talk about upcoming activities and any other business. And implicitly that means a review of the days. Is that sufficient time? Any comments? I know Carlos and Fiona are leaving, so we're dropping off quickly. Everyone willing to adopt this agenda as is right now, obviously subject to modification when we actually get to LA?

Olivier Crepin-Leblond: All good mind.

Alan Greenberg: We have agreement from Olivier. No other comments? Then I consider this adopted and, Alice, you can proceed with it. And what else is on our agenda for today? Discuss the public comment period, I think we've already had sufficient discussion of the public comment period. And we haven't any other business item. Is there any other business? Not hearing any, and we have three minutes left in the meeting, I call this meeting to an end unless anyone has any last minute comments. Seeing none, thank you for your time and see most of you or hear most of you in LA six days from now. Safe travels for those who are travelling. Thanks very much, everyone.