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**ATRT2 AUG Mtg in LA - DAY 3**  
**Friday, 16 August 2013 - 08:30-17:30**

BRIAN CUTE:

Are we recording yet? We are? Okay. All right, folks, we're going to get started. This is Brian Cute. This is ATRT 2 Meeting at Los Angeles Face-to-Face, Friday, August 16<sup>th</sup>. Welcome to everyone in the room. Welcome to everyone online. Today we are going to continue our work starting with Work Stream 4, walking through preliminary conclusions on potential recommendations.

We need to do a good hard push of work today. For many of you in the room, you're going to be on a plane shortly going home. It's almost over. Thank you for putting your nose to the grindstone one more time. For some of you it's not so fast. I'll see you tomorrow. With that being said, let's make good use of our time. Fiona Asonga, if you'd lead us through Work Stream 4's work.

FIONA ASONGA:

Thank you, Brian. Work Stream 4 was looking at four main issues. These were the previous review processes, how they worked, what have been the outcome, how have they worked, and what can be done to improve; the review of actions of Board and staff and ensuring public interests; the issue of legitimacy and outreach; and the Board and staff processes involved in review and implementation of the recommendations.

So there were papers that were to be done by members of the team. And what were basically done is going through the documents, going

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through our previous discussions in Durban, going through the discussions we've had over the last two days and put down possible recommendations based on papers that have been presented. And so we shall begin with the previous review processes.

Out of this, there is – I've separated the issue, the observations that we've made and possible recommendations that were proposed. So the first issue is previous review processes, observation on appointment of Review Teams. If everyone allows me, I don't know if I had a chance to read through the document, but I'll read through the issues that we had put down. And because we already had discussion on a number of issues, I hope that you will not go into repetitive discussion again, we'll be able to move and address only the issues that we had not discussed because some of them were discussed yesterday and the day before.

So we had proposed that ICANN should ensure that Review Teams are appointed in due course, align them time to start their work on January 1<sup>st</sup> of the calendar year in which the review processes are supposed to begin. On getting the Review Team started, we have a recommendation that in order to facilitate the reviews by Review Teams of the appropriate implementations by ICANN or recommendations from previous Review Teams, ICANN should before the start of the calendar year of the review in question prepare an Implementation Report. This report should be submitted for public consultation. The Implementation Report including the Consultation Report should be ready for the Review Team by the first of January in the calendar year that the review will take place.

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On the budgets and transparency of accountability of the budget for the review processes, ICANN should ensure in its budget that sufficient resources are allocated for reviews to fulfill their role including but not limited to establishment of an independent secretariat to assist Review Teams as well as accommodation of request of Review Teams to appoint independent experts or consultants if deemed necessary by the team.

The recommendation around that is ICANN should already have an initial stage before a review is initiated on accounts and the published budget for review together with the rationale of the amounts allocated, and the budget should be established based on experiences that achieved from work of previous teams including ensuring a continuous assessment and adjustment of the budget according to the needs of the reviews.

Still on the review process, we've got D, the compression of Review Teams input into ICANN's strategic plan. ICANN should ensure that the ongoing work of the Affirmation of Commitment reviews including implementation is fed into the work of ICANN's strategic panels. Then there's a comment on the observations of Durban and how this should be integrated into the review process.

E, the [inaudible] of progress. ICANN should ensure that it strictly coordinates the various review processes so that all reviews are done before the next ATRT reviews with proper linkage of issues within the affirmation of commitments and considering the function of a technical facilitator whose mandate is to coordinate the reviews.

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I'll stop there so that we can discuss. For those who had put in papers and input around this, you're free to chip in. Yes, Alan.

UNIDENTIFIED MALE: If we could scroll back to the top of it.

ALAN GREENBERG: References to January first, I know the ATRT Reviews have been on a calendar year, I don't think or at least I'm not sure that the other reviews have been. And in the case at least the WHOIS Review, they spent about a year and a half. They were not constrained to a year, so I think we need to be sufficiently general in this process. I would strongly recommend that the first one not say kick it off by January, but say the Review Team should be given at least a year. Unforeseen things happen and the Review Team shouldn't pay the price for that.

FIONA ASONGA: Views, Steve?

STEVE CROCKER: Just to follow up on what Alan has said and really to what I was saying yesterday, if one lays out the entire calendar including the time it takes to send out calls for the various groups to begin their selection process and for them to do their selections or their nominations and then the selection of the committee, all of which is time-consuming but doesn't actually start the review process. That's much longer than a full year

when you put all those pieces together. And so it's just a question of how much visibility do you want to put into that whole process?

I'm not sure – as I indicated yesterday – I'm not sure I understand an absolutely requirement but within the 12-month period that it will be done by December 31<sup>st</sup> except that that's always said in the AOC but from conceptual viewpoint, I don't have a sense of why that has any absolute need.

FIONA ASONGA:

Okay. We have Brian then Jorgen. Thanks, Steve.

BRIAN CUTE:

My opinion is that I think some structure provides the opportunity for some discipline organizationally. Having in two of these now and both of the ATRT-2s which are having less than 12 months, less than 12 months is not ideal. But in my view, 12 months is absolutely sufficient. What we're able to accomplish in the first Review Team and what we're accomplishing in this team, if we had full 12 months, absolutely sufficient.

So I'm not for strictures for stricture's sake but if there aren't some expectations in some predictable timeframes, slippage occurs in implementation and recommendations, the New TLD round comes up, something else comes up, and you have the real risk of losing organizational discipline around something that should be an absolute priority for the organization.

JORGEN ABILD:

Thank you, Fiona. I was the one who drafted these three lines on the basis of our discussion yesterday. And I would also echo what Brian has just said. I think the important message in this recommendation is that the Review Team must be appointed 12 months in advance of the date where the final report should be delivered. It might be first of December. It might be first of February. But it must be 12 months before the time for delivery of the report.

Also to accommodate Brian's remarks about the need for having some discipline in the whole work, but personally I'm open for changing the date first of January to dates like the one I just sketched out.

STEVE CROCKER:

I would support your formulation quite precisely. And since I made a point of saying what the timing was for this one, I looked at my calendar and as I reported, Heather and I sat and made decisions on January 30<sup>th</sup>. That was not the date that I would say that everybody was appointed. That was the date that we made selections. Then there was a process of notifying people and getting confirmation that they were still interested and willing and so forth. That process we tried to make it go quickly within some number of days but it didn't go perfectly that quickly. And I think it took three weeks or something like that to nail down everybody.

So I'm just sensitive to how quickly the time gets used up at the early time when it doesn't feel like one's in a hurry and then of course it creates...

BRIAN CUTE: You're not on the clock at that point. That's not part of the one year. As long as the one year started.

STEVE CROCKER: Yeah. The only point I'm making is that if you start the clock at the time when we then declare that we've got a committee, that's fine. I just want to sensitize everybody to the process that it takes to get up to that point which for various reasons can take a little longer than it might look like.

FIONA ASONGA: Thanks, Steve. I think the recommendation here is looking at from when the team is ready to start working. So one year from when the team is ready, after they've done all the preliminary. Thanks.

Any other input on any of this? Yes, Carlos?

CARLOS RAUL GUTIERREZ: It was just a question. That doesn't change the fact that that it's [healthy] that staff produces the report on progress by January first independently when the team starts, because then we always we're in trouble.

FIONA ASONGA: Alan?

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ALAN GREENBERG: We seem to have general agreement that this group or our successors need a year and that should be irregardless of exactly when the mechanical parts of selecting the people are. We're talking about Review Teams in general and I have no clue – maybe Michael does – as to why the WHOIS had a year and a half. Was that planned or did they simply go over or what? But since we're talking about the AOC Reviews in general, we need to make sure that whatever we're saying makes sense for them.

FIONA ASONGA: Yes, Larry?

LARRY STRICKLING: Well, I think part of what we're losing sight of here is the fact that these are recurring reviews. So the ATRT, the original AOC said it had to be done by the first, it had to be done by December 31, 2010. And then it says that additional reviews will be conducted every three years. So the problem you have is that as soon as you start slipping these things then you're compressing that timeframe in which the next review has to start because you don't measure the time from the end of the previous review.

So if somebody takes 18 months, then you're starting the next review sooner than the otherwise – you haven't given enough time for things to be done. This was set up with the idea that people would be disciplined in terms of getting the reviews done, six months for the Board to basically respond and get the implementation going, and then



you'd have the experience of them running – of actually have the experience of the changes in place before you come back and review. As people keep sliding how long they take the reviews, it's compressing more – smaller and smaller time to actually get the experience and it just I think defeats it.

Now, if people want to come back and say, "You know what, the three-year cycle doesn't make sense," that could be a recommendation back to ICANN in which point they would come negotiate with the Department of Commerce to say "Could we get some relaxation in the way this thing is structured?" So that's another way to deal with this. But I guess I'm a little nervous about trying to muddle up what's actually on the paper right now.

FIONA ASONGA:

Thanks, Larry. We've got Demi, Alan, and then Olivier.

DEMI GETSCHKO:

Just a short remark that something is bothering me since yesterday about the concepts of this review. I understand the review is something very healthy, very good to have to have it every three years in many [inaudible] of the organization. But I understand also that this review is an input, it's an advice to ICANN. It's not infallible thing done by perfect people because I remember, for example, [inaudible]. It was a review about GNSO that's not really just on the point. We have to schedule another review.

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Yesterday, for example, I we heard from David Conrad the review of the Stability and Security. In my opinion, too long with too much, too many items and some overlapping in these many items. My comment is of course that things change. Of course, it's very important to have the review periodically every three years or so, but to have a mind that this is also subject to failure and we have to use this as an advice, as an input and the form to measure the behavior of ICANN is to see how ICANN adopted and implemented that advice, but not going point by point as that was infallible or perfect. Thank you.

FIONA ASONGA: Alan?

ALAN GREENBERG: Thank you. Just in relation to what Larry said, I was not arguing that WHOIS should be given a year and a half. I'm just saying I have no real knowledge of how that happened and whatever we put in place should make sense for the other reviews. Again, I wasn't passing judgment. Just alerting that ATRT is not the only review in town.

FIONA ASONGA: Olivier, then Brian.

OLIVIER CRÉPIN-LEBLOND: Thank you, Fiona. I cringe when I see first of January of the calendar year because that's when the ICANN offices are closed and in fact the

previous week the ICANN offices are closed. They're very seldom closed but they are closed during that period just after Christmas until then. So that's one small implementation issue.

With regards to the reviews being performed every three years, would there be a window for opportunity to specify whether those reviews would be performed every three years from the start date of the previous review or from the end date of the previous review. But for ICANN to come back to the Department of Commerce and find out – because if you do it from the start date of the review then of course if any review slips, then you will have less time for implementation. If you do it from the end date of the review, then of course you will have this natural slippage that will go on. But that might be more amenable to the reviews having a bit more flexibility.

FIONA ASONGA:

Brian?

BRIAN CUTE:

I'm hearing this through three different lenses. The participants would have to do the work and the pain points of having in less than 12 months understood. I think Demi's made some very good points with respect to the review itself and what it puts forward to ICANN. We will talk about and need to think hard about what we put forward, how many recommendations, how they're shaped so that they can be as effective as possible. That's a discussion we haven't had yet. But the

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third line for me is through the organizational lens and what's the high-level objective here.

The high-level objective here is for ICANN to become a more accountable and transparent organization internally into the outside world. That's why I put more of the weight on a scale for me. So with respect to my prior comments, I don't think unreasonable strictures or processes or in anybody's interest an organization can do what it can do with the resources and time it has, but I do believe whatever we conclude here that some clear discipline in process and prioritization of this process is of importance at the end of the day.

FIONA ASONGA: Alan?

ALAN GREENBERG: I can't argue with any of that. I think we just need to keep in mind as we're formulating rules that quality matters too, not just adherence to schedules.

FIONA ASONGA: Steve?

STEVE CROCKER: I've been digesting a lot of the talk. I think I'm in line with the various points that you're all making including the point that you're making, Larry. I think it would be helpful – and this is a bit of a repetition but just

in terms of emphasis – I think it would be helpful for this report to shine a light on the beginning and end of the process. The beginning being the selection process and the preparation of materials and so forth, and to put a little bit of attention to these things are the preparatory steps and they will help a lot.

And then on the other end, the previewing and testing of recommendations along the lines of what Fadi was asking for and what we've talked about a little bit in terms of checking feasibility and implementability. That will make a substantial difference in my opinion on the speed with which the organization can then respond, absorb, and implement the recommendations coming out. With those tactical changes and emphasis, then I think that the timeframes that we're talking about are very doable. And the pace can be kept up.

I like the point that you were emphasizing, Larry, that if there's slippage in this process then that eat in to the time it takes to actually implement, experience the change, and so forth, and then that clouds the next review. So stepping back, looking at the entire picture – I take your point very strongly. In order to make that work then focus in on where we can tighten the pieces of both ends and make this thing go on at a good pace.

FIONA ASONGA:

Thanks, Steve. Any other comments? Yes, Brian?

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BRIAN CUTE: Sorry. Just a note for the calendar to restate. We're going to have staff coming in at 9:00. So we've got eight more minutes in our session. We'll reconvene after we finish with staff.

FIONA ASONGA: Any other comments on any of that? Other recommendations? The budget for the team, we discussed. Larry?

LARRY STRICKLING,: This is just a question. We certainly had the benefit of some reporting out by ICANN staff on the state of implementation which they had been doing on a regular basis for at least ATRT. But then we substituted our own set of questions to get additional information, so I don't have a view one way or the other. But I think do we under [B] – which I support entirely, the idea of having a Consultation Report – do we feel that we should supply any specifications for what ought to be in that report or just leave it totally to staff to determine that? Because we did I think find the materials that were available to us when we got started at the beginning of this year, they needed augmentation for us to really get started. But I just offer that as a question.

FIONA ASONGA: Brian, then Alan.

BRIAN CUTE: I think the issue that's come up time and again for us is what's the effect of implementation and I don't think in the reports that we're already prepared by staff and provided along the way with respect to progress and implementation, nor even necessarily some of the responses to the questions we crafted gave us that. I mean, it's more two-dimensional. We did this. We completed this document. We completed this task on this date. But that's really kind of the missing piece of the puzzle. I'm not sure how we articulate that, but that's one missing piece of the puzzle.

FIONA ASONGA: We've got Alan and then Carlos.

ALAN GREENBERG: I think the sheer number of questions with subtle nuances that we ask obfuscated the output, even though...

UNIDENTIFIED MALE: [inaudible]

ALAN GREENBERG: I'm talking about the columns in staff report. When I look at them and I've spent untold hours looking at them, there's so much there that is either replicated from column to column or copied and pasted from somewhere else that I think – and I'm not prepared today – but I think we could come up with a generic type set of columns that open up the

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issues that Brian was talking about – tell us what you have done, point us to demonstrations of it, and evaluate what you believe the impact of it is. I’m just – it’s probably more [inaudible] than that and I don’t think this is the venue which we should do it, but I think between now and October when we craft a resolution, a recommendation, I suspect we could do that.

FIONA ASONGA: Carlos, then Olivier.

CARLOS RAUL GUTIERREZ: Yes, Larry. I don’t know if I understood exactly what you meant. But if there are yearly reports on the implementation of recommendations and they go all to public consultation, by three years of reports, the report should be much better assuming there is every year further questions and further refinement. Or are we talking that this report will be prepared only every three years just for the next team?

FIONA ASONGA: Larry?

LARRY STRICKLING: Just reacting to the language that’s up here, this only requires one particular report that is prepared and issued right before the team is assembled to do the next review. It doesn’t speak to the fact that the staff may on its own decide to put out interim reports and nobody



should discourage that, I don't think. I was simply raising the point that all we specified is there needs to be a report and was asking whether or not for that particular report that kicks off the next team, do we want to provide any specifications of what the contents of that report need to be to make sure the team gets the kind of information we think it needs to have to get started as opposed to getting only a partial set of important information and then having to spend the first 60 days going back and getting additional questions answered.

Do we know there are questions that we really want to make sure are answered by the start of the Review Team and so do we want to then go to the level of prescribing in this report what those need to be. Again, I don't have a strong opinion one way or the other. I just wanted to note it since it had been a factor in how fast we were able to get started.

FIONA ASONGA: Olivier, then Brian.

OLIVIER CRÉPIN-LEBLOND: Thank you, Fiona. In response to Alan's position of reducing the number of questions asked, I remind you all that we were perhaps a bit overambitious in the number of questions that we did ask. But it will probably be quite a simple exercise to reduce those number of questions based on the responses that we received. So I see this is a very worthy exercise and [inaudible] much time. Thank you.

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FIONA ASONGA: Brian?

BRIAN CUTE: Yeah. Picking up on your point, Olivier, this could become a substitute for the exercise we had to go through at the outset if we do this thoughtfully. I agree with you completely. Let me just clarify my prior response. Metrics, benchmarks have to be in this report in some form.

FIONA ASONGA: Okay. How much time do we have? Two minutes. Any other comments? Because that was looking at B. When we move to C on the budgets for the Review Team, not the total ICANN budget. Yes, Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Fiona. The problem you are highlighting here or the suggestion you're making here is actually one suggestion that could be made across all of ICANN's budget. We're well aware that the budget for ATRT-2 comes from various sources within ICANN. But it's quite incomprehensible for us due to the fact that there's some of the small bits of budget adding here and there. So that will probably be part of the wider recommendation because it is the same thing across all SO/ACs, etc. I wouldn't be able to tell you today where the budget of the ALAC is.

FIONA ASONGA: Okay. Brian, please.

**BRIAN CUTE:** I think we need to have some more discussion on this suggestion of an independent secretariat for the Review Team. It's an important suggestion. I'm not sure we've come to a conclusion on it. If it is a recommendation, it's a new structure. It requires resourcing and budget, etc. So I think we need to talk more about that.

**STEPHEN CONROY:** I'd agree. I think the implications of it we just have to quite talk through. I mean we're trying to establish an independent or separate GAC secretariat and where we get the funding for that. So there's just issues that we got to work our way through if we were to go down that path. I don't think we could just jump to tick that one just yet. We just need to talk through some of the issues a bit more.

**FIONA ASONGA:** Jorgen?

**JORGEN ANDERSEN:** I appreciate there is a need for discussing that further, but I think that we should based on our experience from the work of this particular Review Team, I think there is a need for having some sort of additional support for the work carried out. I think that many of the team members on various occasions have expressed their views on the enormous amount of workload related to participating in the team. I don't know whether the establishment of an independent secretariat is

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the right solution. But I think that it should be considered to find some sort of way of relieving the heavy workload of the members of the team. Personally, I would be open for any solution.

FIONA ASONGA: Larry, Alan.

LARRY STRICKLING: So I just want to make sure I understand this. First off, I think we get great support from ICANN on the logistics, on scheduling, on going back into the staff to get information for us – the work that Alice and Charla and Larisa are doing – you're not proposing we would replace that with other people, right? I guess that's coming from Jorgen. I'll let him answer that. Go ahead.

JORGEN ABILD: Yes. I agree and I think I also mentioned that when we discussed it yesterday that I'm deeply impressed about the wonderful support we get from ICANN on any aspects of logistics, the formal framework for our work. But I have noted that a couple of times when there has been a request for having a summary of responses received from the consultation process and so on, I have been met with the answer that we cannot let ICANN do such a summary because ICANN is not neutral in that manner. But I think there is need for having possibility of letting someone do some papers summarizing where we are in the process doing some proposals for discussion of items and so on.

Like you and I are used in being a member of the government administration, you don't do that yourself, Larry. Neither have I.

LARRY STRICKLING: I go back and read the documents themselves, Jorgen, and I don't know what you're talking about. I don't rely on summaries.

JORGEN ANDERSEN: You do both. I do both of that.

LARRY STRICKLING: If I understand this right, you're suggesting that there's additional work that nobody is doing right now that perhaps we might be aided if we had at least a neutral party doing some additional work.

Here's my concern, which is as I've watched this group operate this year, and I think we're starting to get into fighting shape here in August, but the biggest burden anybody has is actually going through and reading the materials and informing opinions, forming judgments. I'm extremely... I don't think you can delegate that. I absolutely agree that that's not a task for ICANN staff to do for us. I don't think it's a job anybody should be doing for us other than ourselves. And I think maybe what's needed here is to have more of an expectation set for people who join this committee that they have to understand what they're getting into.

I think those of us who have been through it before knew that there was going to be a mountain of material that you have to assimilate. But the only way you'd really get at these issues is to read some of these comments, and frankly it didn't take – any of us who read all of the comments that were filed. It was not a big task because there weren't that many that were filed. You have to look through the materials that have been assembled and granted they have to be assembled, but at the end of the day, what has I think hampered this team more than anything else has been how long it's taken each of us to actually read and assimilate the materials.

And I worry that if we think that magically a secretariat is going to fix that problem for us, we're kidding ourselves because there I think there is a huge risk that if you're looking for somebody else to be making those judgments for you, they're going to get them wrong because they're going to – whoever it is – is not necessarily going to understand what you think is important and what you're going to react to reading the materials. There's just no substitute for setting aside the time to sit down and do some of the reading.

Now, when you get to the drafting maybe there's – to get from fragments we have now until a final report maybe we could use some help at that point. I don't know. But I guess before I could agree to something like this, I'd really want to understand exactly what the expectation is of this neutral party to do and why it is that something is better for them to do than us individually.

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FIONA ASONGA: Thanks a lot, Larry. I think we're going to stop that because we've got Nora online for the staff presentations. So I'm going to hand it over to Brian.

BRIAN CUTE: We've got Nora and Christine and we're going to be talking about the – sorry? Christina? Sorry, Christina and Nora. Welcome to the meeting. We're going to be talking about the multilingual issue that we were touching on the other day. So we want to have some follow-up with you and get more information from staff. [inaudible] papa.

UNIDENTIFIED MALE: [inaudible]

BRIAN CUTE: Let's see. Someone who was on this issue and discussion, I apologize. Can we put a bit of a focus on this. What were the key points we left hanging on this? Oh, I know what it was. At least one of them was – I think the phraseology of the recommendation, Christina and Nora was to the maximum extent feasible and the recognition that there were only so many resources, only so much money, maybe technical constraints and others, but could you provide us with some detail around those elements? If someone were to ask ICANN staff, why aren't you doing more on translation and multilingual content? How would you respond in defining we're doing the maximum extent feasible? I

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think that's an important piece that we're missing. And then I have a follow-up question. Could you start with that first one? Thank you.

CHRISTINA RODRIGUEZ: This is Christina Rodriguez. Hello, everyone. Thank you for having us. I'm not sure if Nora wants to take over or I should answer, whichever way.

NORA ABUSITTA: Go ahead, Christina. And then if there's something that you don't mention, I'll comment.

CHRISTINA RODRIGUEZ: Fantastic. Okay. The maximum extent feasible. As you said at the very beginning of what you were starting this short conversation, there are budgetary constraints to some extent and also the material that we translate. To be honest with you, there's not – I cannot recall the time that we turned back from a translation request.

So far, anything that is being requested through the staff of course or because the community of stakeholders or the different stakeholder groups requested to the corresponding staff member that for a material to be translated, we have always translated the material that was requested.

There are certain things that we translate, like it would say a given announcement, blogs, announcement for public comment period and any material that is related to New gTLDs and the Policy Department



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material, GAC material, anything that comes our way pretty much we have been translating because we have never had something that came our way and that we had to somehow question whether we were going to translate that or not. So I don't know if that answers your question.

BRIAN CUTE:

I think, in part, it means that you've been translating to the maximum of your resources. But we were talking about also the fact that ICANN is going to grow. That's fairly clear at this point. and that one can anticipate that the demands for multilingual content will likewise expand over time. And again, I think the reaction to the recommendation of ATRT-1 was a firm commitment to translating in a six UN languages. the organization has, based on your response, announcements, blogs, public comment period. you clearly have some criteria around which document you're going to translate. But anticipating growth, anticipating increased demand, can you give us specific thought on how you address resources to take on growing demand and what would your rationales be for providing more translation or staying where you are.

CHRISTINA RODRIGUEZ:

Of course, I can answer to that. In fact, when we prepare our budget, we always think of it very carefully anticipating on what's to come for the upcoming fiscal year. And the way we measure, it has also to do with the plans the organization has. For example, with Fadi WE have the internationalization plan and the outreach and reaching out for more

people to connect with ICANN and to come closer. So by all means, when we put together the budget, we've anticipated all this additional stuff that we're going to be doing. In fact, one of the reasons why, as you saw on the small report that we put together, ICANN was – the language services within ICANN was until one point shares the function.

The demand was a good demand. It was a pretty large demand you could say but as you just said, we'll see that will be increasing in that not only in translation. Of course, when we have more interpretation, when we have more teleconference calls then we have more transcriptions and then we might have even more transcribing if we have more sessions. If we look at the history of the number of sessions, for example that takes place at an ICANN Meeting, I can clearly remember that my very first meeting which was Mexico City, I think we had approximately like 80 sessions or so. And right now we have 210 sessions in the past meeting – 211 I think it was.

So obviously the growth is taken into account from a language service perspective as well. With that in mind, we thought about it and assess all the possibilities and are now implementing a Language Service Department within ICANN. With that said and I've shown on the report that was sent to you – it's on Adobe right now – we are hiring people that will become – you could call them the Language Owners or the people that's going to be the expert representing that one language. And that each of those people are going to be the first point of contact for people with any questions requirements, comments in regards to a term they should be reviewed and so on in the particular language.

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The people that we are hiring are of course native speakers of this language they are representing and this is actually part of the initiative that we are taking upon this growth that we see on demand. Because with the growth and demand, if we do not prepare, we are going to put at stake in a big manner in a big way anything that is related to quality. Not only we want to – and we understand and we heard the different concerns in regards to quality. But we want to make sure that the growing doesn't become an excuse for going back into having a poor quality or rush type of a quality, because when rush happens, quality declines or becomes lower. Looking at all that...

NORA ABUSITTA:

To the point that Christina made about the initial planning phase and how we plan according to the strategic goals from the operational goals of ICANN in general. We also proactively need [inaudible] departments with ICANN staff on very regular basis. We touch-base with them to see what the anticipated work volume might be just to stay on top of things. For the longest time, it was only Christina doing that. Now that the volume of work is growing, Christina will allocate languages per person so that there are four more people or five more people eventually that will do that work. So we stay on top of the growth and the volume.

BRIAN CUTE:

Thank you. Can you tell me what was your total budget for last year and have you tracked the growth in the prior years – one or two years – before that?

CHRISTINA RODRIGUEZ: Yeah. Actually, I have the budget for every single year. But to be honest with you, I wasn't prepared to get that. I have to search on my computer. If you bear with me or can keep on with something else while I search for it so that I can...

NORA ABUSITTA: Although it's a comment on the budget – while you find those numbers, Christina – in the past there were always plans for expansion that never saw the light of day. So there was an anticipation for this growth. There were requests for hire that were never followed through for one reason or another probably because Language Services kept changing from one department to the next or because whoever was there at the time didn't see the long-term goals for the department.

Things are changing now. We see Language Services as a very important part of what ICANN does and what ICANN is, and we're very actively working on formalizing a department, and so filling those requests that have been put through budget after budget without actually hiring anyone.

BRIAN CUTE: Thank you, Nora. Also, Christina, while you're looking for the budget number, Michael, Carlos you had raised the issues about spot-on quality of translation and you'd said you've been speaking with Christina and Nora. Just any points that you want to bring up at this point?

MICHAEL YAKUSHEV:

Good morning. It's Michael Yakushev speaking. Good morning, Nora and Christina. Buenos dias. We have spoken in Durban and the idea was to make unified glossary, a unified terminology for the native speakers like Russians or people that speak Spanish and Latin-American Spain. But based not on the ICANN's concept how to be translated but based on their already used practice of certain terminology that is used, for example, in Russia and can be seen on the websites of the registrars of our Registry Coordination Center, etc. because it's already used in their lawsuits, in mass media, in the contractual language, etc. But it does differentiate from what ICANN usually translates as same terminology.

As far as I remember, we agreed that the final meeting on this can be arranged in Buenos Aires during the ICANN Meeting, but of course we also would like to know whether there's any development after what we have suggested, and we had expectations that something can be done already by now. Thank you.

NORA ABUSITTA:

Hi, Michael. [inaudible]. Buenos dias. Actually, the conversation we had with you in Durban started a very interesting and exciting project for us, which is the glossary update project that we discussed. We are – right now, we have just finalized the plan for updating all the glossaries that we work with and the way that we're going to update them, as we discussed, is that we're going to work with the community in phases.

So the plan is ready. We are moving along. We will start reaching out to community members very soon. Once we hire the language experts,

we're all meeting in the L.A. offices in September to discuss this initiative. But I assure you that we've already started on it as soon as we came back from Durban and I'm hoping that in Buenos Aires we'll have an interactive discussion with the community and a final sign-off on the most updated glossaries for all the languages that we will circulate and we will also look through the community for advice on how often we need to do that exercise because we do realize that we're – things change with time. There are some terms that change. And so I think this should become a regular exercise for language services, obviously not monthly or maybe yearly. So we are definitely working on it and we will update you as we start going through the phase of working with the community.

BRIAN CUTE: Great. Carlos.

CARLOS RAUL GUTIERREZ: Here is Carlos. Muchas gracias. [inaudible].

BRIAN CUTE: Thank you, Carlos. Christina, if you have that budget number, fine. If not, then you could...

CHRISTINA RODRIGUEZ: Yes. No, no. At least have the last two years. For 2012 that was 2.1, for 2013 2.9, and for 2014 (this year) approved 3.6.

BRIAN CUTE:

Thank you. And again, you're anticipating growth. For the past years, you haven't seen some of it develop. What we're hearing in part is a real strong initiative to bring 10,000 active participants on Board in the short term. So that increase is a reflection of needing to support more volume. Are you potentially anticipating more languages? Is that in your view as well or not yet?

CHRISTINA RODRIGUEZ:

We are keeping the UN rationale because I think it's actually the best we can do, to be honest with you. We discussed this plenty of times, and to be honest with you, I've had in the past request for adding languages. As funny as it may seem, even Esperanto was requested at one point. So you can imagine how much people we will have using Esperanto material. There's always demand for other languages.

There's always people requesting "You know, you should add this language. You should add this language." But the volume of requests – I mean, if there's two, three, five, even ten people requesting, it's just ten people requesting the [inaudible] language. It would really, really be something not worth doing, to be honest with you. I don't know if I'm wording this the right way. It's just we really need to assess that when we receive a request for a new language, we really need to assess whether the request for that language will really serve the purpose within the community. How many people are requesting this? How strong or what is the weight of the request for this language?

So for now, what we are doing, because we thought it was the most logical thing to keep doing was stick to the rationale of the UN languages. Not too long ago I presented a whole document to the PPC, I remember very well, in regards to the rationale for the languages that we translate into within ICANN. I will be more than happy to share it with your team.

BRIAN CUTE: Thank you.

NORA ABUSITTA: To add to Christina's points, we are also constantly monitoring these requests for the languages. There is a lot of flexibility on where we are there and then. So right now we're looking into the fact that we're going to have – we have an office in Istanbul, we're going to have the office in Singapore. It doesn't mean that we will translate into these languages in all our ICANN meetings, for example, but we will need to be a little bit more open-minded about adding these languages for some of the documents per request, etc.

So our role really is to serve ICANN and the community, and so whenever there's enough demand or enough need, we adjust according to that. But like Christina said, the need and the demand has to be substantial enough to justify the budgetary requirement.

BRIAN CUTE: Thank you, Nora. Any other questions? Olivier?

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OLIVIER CRÉPIN-LEBLOND: Thank you very much Brian. Are you using a CRM system for your tracking translations and the work that you receive?

CHRISTINA RODRIGUEZ: No. We [inaudible]. Should I go ahead?

NORA ABUSITTA: Yes, yes do.

CHRISTINA RODRIGUEZ: Okay. No, we haven't. We don't. The legal department has been for quite some time trying to figure out and looking at actually a system that will be a document – sort of a database where we can even keep – where we will be able even to keep track of a base to a document and versions of a document and so on. That's not something that we can do from our side. It has a very big legal back to it. So that's the department that is taking care of it. But I know for a fact that they are looking into something like that.

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you. As a follow-up question, if I asked you today, I have a 20-page document to translate in the UN five languages, would you be able to give me an estimate right away on the spot as to how long it would take to translate it?

CHRISTINA RODRIGUEZ: Of course. By all means.

NORA ABUSITTA: Christina, I think it would be helpful if you walk people through the process of how people request things and how you respond and so on and so forth.

CHRISTINA RODRIGUEZ: Sure thing. I can do that very quickly. When we receive a request for a translation of a document, regardless of the type of document that we receive, it could be an InDesign file, an Excel file, a Word document, even a PDF. Depending on the document, of course, because of the details of the document, like for example an InDesign file, it might take a little bit more or less so that adds up to the time. But I'll tell you that at the end of the process.

So we receive a request. The request is assessed right away in regards to word count. You could – a guesstimate, a quick estimate. If we're talking on the phone and you say – like you just say, "I'm going to send you a 20-page document." A quick thought is, okay, it's about – just an estimate – it's about 300 words per page. So 300 x 20 pages, it's so many words. And then you multiply that by the days that it would take to translate.

So for any regular linguist it takes about one day to translate one working day. Of course, they're six to eight regular hours of work to translate anywhere between 1800 and 2500 words. With that in mind, a

document that is about 2000 or maybe even 3000 words could be translated within the same day, but it has to go through the process of quality assurance and it has to go through the process of DTP, which is desktop publishing, to return the document back to us in the same format that we deliver the document.

So for the minimum document – not the minimum. For a document that is about 25 to 3000 words, you could expect to receive it between two and three days. Now, this depends. Then when the words keep multiplying because the word count keeps getting greater and greater then you add the necessary days. If it's an InDesign document that is about let's say ten pages – so it'll be about 3000 to 4000 words, maybe a little less because an InDesign document you have a lot of graphics – then it's very important that we receive that as the same time the source files for the graphics.

The source files mean the file in the format in which that particular graphic was created. Let's say if it's a picture or if it's an Adobe document or anything, it is very important that we receive it in the source file. If we don't, we have to create the whole file to then embed it to the document. So all those details are DTP.

When a document is complex in its format, then it takes a couple of more days to bring that document back into the original format or the source file format. So that adds up into days as well.

NORA ABUSITTA: Sorry, Christina. So basically, I mean, within hours of receiving the translation request you can send back saying, "This should take us X amount of time." And the time will depend on the format and the complexity of the documents and obviously the word count.

CHRISTINA RODRIGUEZ: Exactly.

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you. Sorry, I'm stopping you here. I mean, I realize it seems to be a very [proven] technique and you seem to be able to provide good evaluations of how long a translation would take. Would it take the same time on the 13<sup>th</sup> of November 2013 which is one week before an ICANN Meeting?

CHRISTINA RODRIGUEZ: No. When you are within the ICANN meeting's time, what we have done is put together sort of – you could say disclosure or note, whichever you want to call it. Actually, it's just something for people to be aware of that it might take up to ten days more. Because the volume of work that we receive during ICANN meetings is really big and to that you have to add to the fact that we are travelling, we are preparing for the meeting and there's so many other things on the table. It's not really a matter of having more resources, to be honest with you. We can improve those additional ten days.

In most cases, we never took those additional pay days in our history, to be honest with you, unless it was a document that it was let's say 25,000 words because you have to think 25,000 words, okay, ten days? No. Ten working days, so that is two weeks. But that's two weeks just for translation so you have to add the days for quality assurance and desktop publishing. So that's not two weeks. That is most likely three to four weeks, especially on an ICANN meeting time.

NORA ABUSITTA:

And Olivier, we have been discussing those high-volume or high-season times, and Christina and I have looked into different possibilities of increasing the number of translators, for example, around those times or allocating different resources around those times. We've done ICANN meetings enough time to know what kind of volume comes before and after and we're trying to work around those now.

CHRISTINA RODRIGUEZ:

Let me explain something else that I think is really worth having in mind. If I was to receive 50 documents today and each of those documents were about 5,000 words each, they can all be delivered even at an ICANN meeting time within a reasonable time. It wouldn't be more than four or five days at a most.

Now, if I receive ten documents that are 5,000 words each, but then I receive this one document that is 50,000 words, only one document or 20,000 words, a quality should comes into place. When you want a document of that length to be translated really fast, of course it can be

done because the document could be parted into different chapters or pieces every ten pages for different translators. But the problem is that the same way – you see, when I’m explaining something I have my way of speaking and explaining things and Nora might be talking about the same thing and she has her way of speaking and explaining things.

So when you send it out and you divide the document into different pieces to distribute into different language experts or linguists or translators and then you put the document together back again, consisting within the document is really bad because each person put his own tone and his own methodology and way of translating. And this is aside from the basic terminology, the acronyms and so on. This is specifically about tone and the way you render a translation.

OLIVIER CRÉPIN-LEBLOND: Okay. Christina, thank you very much. I just wanted to jump in to close off this. I see we’re running out of time on this. It sounds like a standard case of queuing theory and I happen to have done my Ph.D. on queuing theory, so it’s one of these things where you can forecast the times when you’re going to have high workload or lower workload.

The thing I was trying to get at is that at the moment – and I mean, with all due respect, I’m very happy with the work that your department is doing but I’m very concerned that as we’re scaling up we’re still running in a very crafts-like mode when really we should be looking at starting to think of industrializing this especially with regards to managing the queues. That you’re able to forecast your queuing in order to show

more transparency, you can definitely be able to have graphs that will show the average delay that will be incurred before an ICANN meeting, etc. It sounds like you've got all of that – all of this with you.

And certainly starting to think now about the system that we'll be able to optimize this without you having to manually push the thing across the system either with the CRM or something to that extent would both help you and help the community and knowing how much you're able, how much workload you're able to take on at any one time. And I'll stop here. Thank you.

BRIAN CUTE:

Thank you. Steve?

STEVE CROCKER:

Can I ask what your estimate of what your workload is? How much slack time you have? You obviously don't run at 100% all the time and you obviously do have busy periods just before ICANN meetings. Do you have a sense, even just a gut sense, of what your average load is during the year?

CHRISTINA RODRIGUEZ:

During the year? Wow. You mean number of projects per year?

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STEVE CROCKER: No, whether or not you're running at 100% or 10% or 50% or some – how loaded do you feel?

CHRISTINA RODRIGUEZ: I'll tell you the truth.

NORA ABUSITTA: I can jump in here.

CHRISTINA RODRIGUEZ: Yeah.

NORA ABUSITTA: Up until now language services have been running at more than 100% because it was the one person who was handling all of this and it's Christina and I are actually very impressed that she was able to do that. Moving forward that this workload will be divided up – and I am pretty sure from the languages that we cover and the services that we cover that the people that will be with us full-time we'll be using 100% of their time.

CHRISTINA RODRIGUEZ: Definitely.



NORA ABUSITTA: What I'm hoping to do is that whenever there is some downtime, we need to look back and clean up our memories and clean up our glossaries and make sure that things that were done in the past that we had to rush or do quickly are now fixed because they're out there. But so far, from what I've seen in the past year with ICANN, Language Services have been running at above 100%.

CHRISTINA RODRIGUEZ: Yeah. I was going to say the same thing. It's been just busy and busier periods but never like a 50% period, never ever. You all have to remember that Language Services is not just translation. It's translation, interpretation, teleconference, transcriptions, and scribing.

STEVE CROCKER: Thank you very much. It was Olivier's comment about queuing theory that caused me to ask because in queuing theory for dummies, there's one single figure that is helpful, which is if you ran at about 70% of capacity then things are good. You go above that and things start to get jammed up.

CHRISTINA RODRIGUEZ: Exactly.

STEVE CROCKER: So your answer of you're at 100% or more suggests that there really is a potential here for a need to examine whether or not we have enough

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capacity and whether our expectations need to be in line with what's there.

NORA ABUSITTA:

And just real quick before we move on. When I started working with Christina, I took the number of words that we process and I took the services that we provide, and I literally went through language service providers and said, "If you have X amounts of words for those languages for those services, how many full-time employees would you put on them?" And I got all these different answers, and honestly I was surprised that we had been running at this rate for so long.

And now we're starting to build the department, the proper department, where there's enough resources to cover for the volume. Above and beyond that we are always aspiring to bring in systems that will help us process better, bring our quality better, and our response time better. But I think to start with we needed to clean house a little bit and bring in the people that we need to work properly.

BRIAN CUTE:

Thank you. How long will it take you to translate an ATRT-2 translation request that you receive on January 1<sup>st</sup>? That was a trick question. I was checking to see who in the room is awake. [laughs]

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NORA ABUSITTA: I was saying [inaudible] because this is an ATRT-2 call, we'll do it before January.

BRIAN CUTE: Wow. People are sleeping. That was a test.

CHRISTINA RODRIGUEZ: I was lost.

BRIAN CUTE: Okay, never mind.

NORA ABUSITTA: I think Christina was looking in here queue to see if she's missed something.

CHRISTINA RODRIGUEZ: Yes. I was like, oh my God.

BRIAN CUTE: The answer is you're closed on January 1<sup>st</sup>, never mind. People in the room are sleeping. It was just a test.

CHRISTINA RODRIGUEZ: You know something? I am not. I have never been closed on January 1<sup>st</sup>.

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BRIAN CUTE: Thank you. That wasn't for you. Listen, as far as I'm concerned, if there's no other questions here – very helpful. Thank you. Very detailed inputs. You're clearly very engaged and very aware of your stresses and things that are coming down the road, and everything you've given us is quite useful. Are there any other questions from the Review Team for Nora or Christina? I don't see any hands.

So, Nora Abusitta, Christina Rodriguez, I think that's all we need for now. Thank you for your time. If we need anything else, we'll come back to you with follow-up questions.

CHRISTINA RODRIGUEZ: Yes. Thank you for having us.

NORA ABUSITTA: Thank you all.

BRIAN CUTE: Thank you very much.

CHRISTINA RODRIGUEZ: And obviously, never hesitate into contacting us for any questions or anything that you need to know about with the process or anything that you need to know at all.

BRIAN CUTE: Certainly. Thank you.

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CHRISTINA RODRIGUEZ: Thank you. Bye-bye.

BRIAN CUTE: Bye-bye.

NORA ABUSITTA: Bye.

BRIAN CUTE: Okay. We've got ten minutes until the next staffers come in, correct, on reconsideration? We have legal staffers coming in and we have an hour booked. It doesn't make any sense to jump back in the WS 4 stuff. Do you want to take a ten-minute break and then reconvene at 10? Let's do that.

We'll be starting momentarily. Okay we're going to get started, folks. This is ATRT-2 reconvening, Friday, face-to-face session for the next approximately an hour. We're going to be looking at review mechanism for Board decisions, issues that have arisen. Amy and Sam from the Legal Department here are joining us. We're going to direct some specific questions that we received.

The center of this issue that we're looking at goes back to ATRT-1's recommendations, specifically recommendations 23, 24, 25, and 26 which covered review mechanism for Board decisions. To put specific focus on it, we received some input with respect to Recommendation Number 25 which read, "As soon as possible but no later than October

2011 the standard for reconsideration request should be clarified with respect to how it is applied and whether the standard covers all appropriate grounds for using the reconsideration mechanism.”

I am going to paraphrase now what we’ve heard and I think we may still yet receive some inputs from members of the community with respect to the implementation of this recommendation. Then what I’d like to hear from your side is a reaction to my paraphrase. I hope my paraphrase is accurate and we will get to that over the course of time.

What we’ve heard is with respect to the implementation of this Recommendation Number 25 that the work on this on implementation didn’t start until sometime mid-October 2012 that an Expert Working Group was commissioned to take on the analytical task of looking at the reconsideration mechanism and the standard for purposes of clarification on whether the standard covered all appropriate grounds; that the Expert Working Group was given a short period of time to conclude its work I think roughly two months; that the report that came out from the Expert Working Group, while open for public comment, was open for public comment that received at least two public comments from constituent members of the community, some raising specific and significant concerns about the conclusions of the report of the Expert Working Group; that there was one session in Toronto that was lightly attended, where the community was to have an opportunity to discuss in full and that much of the discussion in that particular session did not in fact address substantive matters, and that subsequently the proposal from the experts which allegedly have the

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effect of the phrase used as “gutting the standard for reconsideration” was approved by the ICANN Board on consent agenda.

I’m sure I’m missing a few of the facts or suggestions that have been put forward, but that’s my recollection of the main points that we’ve been told from parts of the community. Again, we may get written documentation of those views and we’ll certainly follow-up with you, but if you can walk me back through that history from your perspective, what transpired. Thank you.

AMY STATHOS:

In terms of Recommendation 25, admittedly, the process did not take place by June 2011. There’s no question about that. I think that the proposed implementation plans, the detailed proposed implementation plans, indicated that that probably was not going to be a viable date.

In early 2012, there was a large push through the BGC and the BGC discussed the matter on a regular basis during its meetings in terms of the methods of obtaining the right expert group to evaluate the review mechanisms. There were advertisements placed and inquiries put out and seeking recommendations as well as we posted something on the website seeking recommendations for experts. That process took longer than we had anticipated.

We got proposals from several members of the community. One of the things that we’re looking for were people with significant both dispute resolution as well as governance expertise in order to understand the recommendations that they would make not only were appropriate in

dispute resolution but also would be viable in terms of a [governant] standpoint.

So once those three parties were identified, they did begin work in terms of research evaluating and reviewing their past history, reviewing the Improving Institutional Confidence papers, which was referenced in the recommendations. They did significant background and analysis on those. They also met on a regular basis to discuss the possibilities both whether or not the entire processes should be thrown out and started from scratch or whether they should make some recommendations to improve the existing process.

They ultimately came to the conclusion that attempting to improve the existing process would be the best way to go, recognizing that it would be – it could be a stepping stone, that it may not be the ultimate way to go but it's making some improvements along the way to see and let those be tested before they just started throwing it out and going – starting from scratch.

So they started working in the middle of the summer and they met on a regular basis. They then had prepared and identified some proposed recommendations which then led to the work that they did both with the BGC to get their input as well as the community in Toronto. They not only presented at a public session but they did interview individual members of the community as well.

The post-Toronto, there were final recommendations – draft recommendations – posted for public comment as you indicated. There



were comments taken. Again, you're right that in the Toronto presentation that it was pretty lightly attended. There were not very many people there at all. We were actually quite disappointed I think in that because we had hoped that it would have garnered some more interest. Again, in terms of public comment also, there were some and definitely there were a couple that had identified some issues that were addressed, but there weren't as many comments as we had hoped to receive.

In terms of going through after the public comment was received, all of that information was taken to an input, both reviewed by not only the BGC and the full Board but also by the experts to determine whether they felt based on any other comments they should make any revisions to the recommendations.

BRIAN CUTE: Sorry, Amy. It's Amy Stathos for the record.

AMY STATHOS: Yes, sorry about that.

BRIAN CUTE: What was that timeframe – when they receive the comments and they were reviewed by BGC?

AMY STATHOS:

The BGC and the Expert Working Group reviewed comments. They were provided the comments after the first 21 days, the initial comment periods, and you might have more on the detail of the timing.

SAMANTHA EISNER:

This is Samantha Eisner for the record. Within days of the Toronto meeting, we had worked with the experts and after hearing the inputs and just as a little bit off the tangent, I think it's really important to note that one of the items or feedback that we received was that the work was done in a very short time. This was actually something that was flagged for the Expert Group in Toronto and that was mentioned.

Along with the BGC, they had a conversation to say, "Do you need more time? Do you need more time to do this after hearing what you've heard, the communications you've had?" The Expert Group itself said, "We think we have everything we need." So they had an opportunity to extend the timeframe that they had. There were no artificial limitations imposed on that.

But then once after hearing the community inputs in Toronto, and again significant work had already happened to lead to the presentation of their draft recommendations at the Toronto meeting.

As we were receiving comments, we were actually in frequent contact with the Expert Group. When we would identify a comment that was received that really went to a substantive nature, particularly those that were critical of the report or some of the recommendations, we would provide that to the working group on a rolling basis so that they could

continue to determine as they were being received if those need to be further addressed.

AMY STATHOS:

Thanks, Sam. This is Amy again for the record. So once all of those – the comment period had closed, there was not only a full summer review with the BGC but then also with the full Board in terms of evaluating the public comments which were also presented to the Board and the BGC for consideration and they looked at it and they considered it.

BRIAN CUTE:

Timing.

AMY STATHOS:

Yes. So this was all in November – late November, early December, and then on December 20<sup>th</sup> is when they actually the Board made the decision that was not in consensus agenda in April as you had indicated.

I've got a stack here of paper which is what the Board had in front of it when it evaluated everything which included not only the revised report, it included the public comment summary, it concluded the revised by-laws revisions, and included analysis of the comments that were provided, and an analysis that the experts had provided in reviewing the comments and how they felt if any changes needed to be made or if changes did not need to be made.

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BRIAN CUTE: So Board discussion on this took place on the basis of those documents and input from the work of experts in the late November, early December timeframe.

AMY STATHOS: The discussions took place as well as a thorough review and analysis and the decision was made on December 20<sup>th</sup>.

BRIAN CUTE: December 20<sup>th</sup> decision?

AMY STATHOS: Yes, yes.

BRIAN CUTE: Okay.

AMY STATHOS: The minutes show that. The resolution, the rationale were posted on December 20<sup>th</sup> and all of the Board meeting materials had been posted and had been posted when the minutes were approved as they are typically done at this point.

So what happened in April, just to move forward a bit, was simply the decision to make the bylaw revisions effective and the changes effective. The reason there was delay is because they made the decision, wanted to have the decision made in December and give time

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to update the forms and evaluate some of the supplemental rules that were presented that needed to be implemented. And so that was why there was a delay in the effective date of the bylaws. But the bylaws and all of this substantive decision-making had happened back in December with thorough discussion and evaluation.

BRIAN CUTE: So the decision to change the bylaws happened on the Consent Agenda in April?

AMY STATHOS: No. No.

BRIAN CUTE: I'm sorry.

AMY STATHOS: The decision to change the bylaws, which the bylaws had been posted, the revised bylaws had been posted for public comment and the comments were made on those, the decision to change those was made in December 20<sup>th</sup>. But the decision to make those changes effective was done in April. Right.

And so in terms of – and I think I have referenced that there public comments raised. Those public comments were addressed. They were discussed both by the BGC – and you'll see actually even there's a discussion of some of those comments in the minutes. They were

discussed by the experts and the experts had determined that for the purposes of the changes that they had recommended that they did not believe that in any additional changes needed to be made based on the commentary, because some of the concerns were about things that had not yet been tested, and so they felt that this was an opportunity to try to test these and then figure out whether it was going to work or not, and if it's not then the idea is always to come back and take another look if it wasn't working. But it hadn't been tested.

In terms of the comment about gutting the standards, I'm really not sure where that came from. The standards in fact were expanded. The exact standards for a reconsideration process are still there. Those weren't changed. An additional grounds for review was added with respect to whether or not there was an evaluation of what was determined to be inaccurate or false information. In fact, that standard was added as a result of a reconsideration request that had been previously made where there was an allegation that the information that the Board evaluated was in fact false or inaccurate. So the experts actually took that to heed and thought that was a very good ad to the grounds for reconsideration that if you made the decision based on inaccurate information, you should certainly take another look at it. So that was added.

In addition, the idea of having what we call here as class action reconsideration matters were also added, where if there was more than one group or community that was or felt that they were materially

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affected by a decision that they could jointly actually file a reconsideration request.

Those two key expansions were added and nothing was taken away. So that's why I'm not sure I understand the gutting comment on the reconsideration process.

BRIAN CUTE:

Thank you. Again, I'm paraphrasing what we heard. To the extent we receive documentation, we can provide that for further discussion from you. Any questions from the Review Team? Alan?

ALAN GREENBERG:

One of the other comments I recall – and again my recollection might be faulty – was that the selection of the external expert was questionable for some reason. And again, there were no details brought. I'm just wondering, have you heard anything like that, and if so, can you comment?

AMY STATHOS:

Actually, no. I had not heard any negative remarks or reactions about the method of selection or who was selected.

BRIAN CUTE:

For our purposes, can you just – after this – by e-mail point us to the documents that we can access that provide the basis for understanding of this process with your comments?

AMY STATHOS: Absolutely.

BRIAN CUTE: Yeah. That would be helpful. Anybody else have questions on this?  
Okay. That was very helpful. Thank you. Sorry, Alan?

ALAN GREENBERG: Before Amy leaves, when we talked to you last time about the Whistleblower Act – which is not called the Whistleblower Act – and we asked a question of why is it not public, why are the details have to be kept held to the chest? And your answer was a candid you don't know. But you were going to get back to us and I don't think I saw anything.

AMY STATHOS: Yeah. One of the things we did evaluate that – I'm glad you asked the question, Alan, because I did wanted to mention this – typically our policies, our employee-related policies are part of the handbook that we have for our employees that are kept on our staff Wiki, if you will, the internal staff Wiki and they are not policies that we've publicized. I don't think that there is an issue of publicizing the policy itself and I think we can do that.

One of the recommendations that I think Avri made during Durban was to include a report of metrics in terms of how many times the process has been used and some other different criteria and possibly put that in our annual report. I came back after Durban and mentioned that to a couple of people and we all agreed that we thought that was a good



idea and anticipate that that would be something that would be part of the annual report evaluation process this time around.

ALAN GREENBERG: Given that, if I recall correctly, there has only been one use of the system creating those reports retroactively for the period that it existed might be interesting also. Since we have virtually nothing to report, it shouldn't be a lot of work.

AMY STATHOS: Yeah, that would be pretty quick work. So we could certainly do that.

BRIAN CUTE: Consider it asked. Avri?

AVRI DORIA: Thank you. Now that we've moved to the Whistleblower, I had another question. Since it's been instituted, has any of the groups in the world that deal with these things and standard come in and looked at it to evaluate its appropriateness or, for example, even One World Trust it was the one who had made the original recommendation to you, have you ever had an opportunity to reach out for them and say, "Please come check and see that what we've created matches what world standards and your requirements requested"?

AMY STATHOS:

We have not subsequently done that. It's certainly something that we could do. When the policy was developed, it was developed with legal counsel, employment and labor-related counsel to achieve that. In terms of one of the things that we looked at was what is required under a Sarbanes Oxley process and we emulated that in terms of having the third-party provider, having the anonymous aspect of the process and going through and making sure that we use this time-tested provider. And so we did that when we developed it, but no, we haven't subsequently evaluated it.

BRIAN CUTE:

Anyone else? Alan?

ALAN GREENBERG:

Just again, with regard to the reports – and if there's only been one, I understand this might be somewhat awkward. But it would certainly be interesting to those who watch ICANN to know what the generic level of outcome is of these.

In other words, if you had 30 in the last six years and in all cases the employee mysteriously disappeared within a month, that's a different perceived result than you've significantly adjusted your procedures and taken action as a result of them. So anything you can give us – and again, understanding if there's only one even though you're not telling us the name, it may be difficult – that would help us understand to what extent this is something we want to look at or not.

AMY STATHOS: Sure. We will definitely evaluate what level of information we can provide without violating either the employee's privacy rights or confidentiality requirements. But we'll definitely take a look at what we can do.

BRIAN CUTE: Anything else for Amy and Sam? Thank you both very much, appreciate your time. Hold on. Larry?

LARRY STRICKLING: I'm sorry. I've been trying to track back to the submission we got in Durban with the changes. It seems as if there's also some questions being raised before us about changes made to the independent review process. Could you maybe go into that a little bit? Because it does seem like the e-mail we got summarizing the discussion in Durban seems to be focusing on a change in the standard to be applied by the independent review panel, which is a different section.

UNIDENTIFIED MALE: [off mic]

LARRY STRICKLING: Well, it looks like the panel covered both reconsideration and IRP if I'm reading this right. But we've only been talking about reconsideration. Yeah.

BRIAN CUTE: Who sent that e-mail?

LARRY STRICKLING: Becky Burr.

BRIAN CUTE: And it's on the ATRT-2 list?

AMY STATHOS: One of the things that the Expert Group looked at both for reconsideration as well as independent review is putting some definitions and some clarity around what the standards were at the time. I think we could all agree that sometimes the languages in the bylaws could be vague and interpreted in different ways.

So one of the goals was in order to provide certainty and clarity for both the people utilizing the mechanisms as well as ICANN and/or the panel who would be evaluating an independent review process, they would have more clarity on exactly what they should be evaluating. So that was the goal of what the panel was intending with the restructuring a little bit and the clarity surrounding the standards for the independent review.

But ultimately what did not change is the standard that whether or not there was a violation of either the Articles of Incorporation or the bylaws remains, and still remains, and that did not change in any way.

SAMANTHA EISNER: I would have to go back and look at the public comment, but I also do not recall statements being made within the public comment that we received on it that the Board by approving it would be gutting the independent review process. There was not a wholesale abdication of the recommendations in that way that came through the public comment.

BRIAN CUTE: Yeah. What was referenced was the Registry Stakeholder Group's comments. Again, we need to firm up these facts as we receive them or allegations as we receive them to make sure we're clear on what we're providing you. Larry, is there anything in that summary about comments from the community?

LARRY STRICKLING: Maybe we can just clarify it. Just what I thought I heard Amy say is that the actual standard hasn't changed. Now what was added in paragraph 4 in section 3 of article whatever were three issues that the IRP could focus on. Maybe the confusion here is that this was not intended I think from what you're saying to now constrain the standard of review. These were three examples of things that the IRP could focus on and ought to focus on in rendering a decision, but this was not the exclusive list. Is that a way to perhaps cut through this?

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AMY STATHOS: I believe that's the case. Honestly, it's been a while since I've read these, so I would have to go back. And I don't know if we have what you're talking about from Becky, an e-mail from Becky. If we could take a look and we could evaluate that and also present you with some information in response to that would be helpful.

LARRY STRICKLING: I have it right here. What's your e-mail address?

AMY STATHOS: It's [amy.stathos@icann.org](mailto:amy.stathos@icann.org).

LARRY STRICKLING: Sure.

AMY STATHOS: That'd be great. And as we were going to provide you with information on the reconsideration, we'll do the same with this.

BRIAN CUTE: Perfect. Larry, any other follow-up questions? Okay. Again, thank you both, Amy, Sam. Take care. Oh, hold on. Larisa?

LARISA GURNICK: I think you had some follow-up questions on Recommendation 20 having to do with a decisional checklist.

BRIAN CUTE:

The decisional checklist. We talked about it and my recollection was it really was a mechanism – intended to be a mechanism – to make sure that inputs were identified, registered, and ensure that the Board in fact – those inputs came into the process of Board decision-making. And one of the questions was, is that posted? Is that visible? Thank you.

SAMANTHA EISNER:

I believe that we – the decisional checklist is available online. I believe we provided Larisa with a link to that earlier that she could – the list itself. So turning back to Recommendation 20 from ATRT-1, the decisional checklist was referenced in terms of when policy decisions were made. So from how we have implemented that to this time, the decisional checklist has been used, but it has only been used once. And that is because since the time that the decisional checklist was finalized for the GNSO, there has only been one GNSO policy recommendation that's gone to the Board for approval. But it was used at that time. It was an IRTP Part C recommendation and it was on December 20<sup>th</sup>. The implementation – or the Input Tracking Checklist is part of the second part of the Board briefing materials. I printed out a copy of it here.

So we do have it now as part of our internal processes and we know that there will be more items coming from the GNSO. We also expect ccNSO items to be coming as well as ASO items to be coming. But we have to look at it in terms of the SO that the PDPs come out of. We don't create opportunities to use it. We use it when it needs to be used.

So we have used it. It is posted. When you look through the one that we posted for the IRT Part C, you'll see that they have identified each of the different times that public comment was available or could be taken. That included both open mic sessions as well as written comment periods and how those were announced as well. We're trying to make sure that we have some sort of record. Was it we just decided one day to have a meeting the next day or were there broad announcements? Those sorts of things. So those are all identified and if there was a public session, etc.

We then identified within the checklist – so the checklist remains the same. It's just which boxes get checked in it. Which groups did you receive input from? So we have both all the recognized constituencies and stakeholder groups as well as SOs and ACs within ICANN. We also have a box in there. Were there any additional entities or people that were seen as so essential to the topic that you performed specific outreach to get their input? So we have those items listed.

So they use that, but then that is a component of the briefing material that's given to the Board so the Board can see. And I think we talked about this a bit the first time that I came to visit ATRT-2 that this is one of those areas where the recommendations get to the Board – out of policy development processes, the recommendations get to the Board after the SO that's considering them has considered public input.

We do have a Stage 4 community comment after those recommendations have been approved by the SO and they go to the Board. So there's a final stage for public comment. But really, the

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development of the policy work happens well before it gets to the Board.

So what we were trying to capture through the input checklist were those underlying inputs. Who all participated in your process before it comes to the Board? As it's only been used once, I don't know how well it's working, but we will continue to work it. But it also creates a bit of accountability to really keep tracking that. Then I don't know if within your recommendations you're looking more at how you can involve the SOs in helping to make sure that there is more accountability to those people who participate earlier in the process.

BRIAN CUTE:

Thank you. I think your comments just now reflect the intent of the recommendation. That is it's a tool to make sure nothing falls through the cracks, that we can document that inputs were received by the Board in its process. It's only one piece of a number of recommendations that were made. As you use it more often, if you have more observations, feel free to share.

SAMANTHA EISNER:

I have a question if I can ask it of the ATRT-2. I saw in some of the information that Larisa presented to us there was a discussion about the redaction of Board briefing material. Understanding that discussion or that recommendation was separate, but of course it applies here. It applies anytime the Board makes a decision. And there is a reference of overly redacting the Board briefing materials and it's something that

we've really been working hard to not do. The main times where you would see large scale redactions would be if an item was removed from the agenda.

And also at some points if there was something so highly privileged or confidential – I know for both Amy and I when we look back at each of the two specific items that we wanted to present to you today – me on the IRTP Part C, Amy on the Accountability and Transparency recommendations – there were no redactions in either of those papers as they were posted out of the hundreds of pages of materials that were posted.

And so I think it would be helpful if recommendations are going to be issued regarding further redaction practices or something to understand where some of the concerns lie so we can really dig in to see where those are. We're not perfect. I'm not saying that we are. But it would really be helpful to us to understand where things seem to be – where there's a concern that we are being too overly editorial.

BRIAN CUTE:

Thank you. All I can communicate to you is that we have heard that the impression for some is that there appears to be more redaction or perhaps excessive redaction. We don't have any data underneath that. And because of the nature of the question, it's redacted material, it's really impossible to tell. So it's a little bit of a Catch 22 for us. We've heard the suggestion. We don't know how to present you with any other data to answer the question.

AMY STATHOS:

Just real quick. The only thing I can think of is if you go back to the people who have said that to you. If they could identify some examples where they see that, I don't know if that's a possibility, but it would definitely, as Sam said, help us a great deal to understand what the concerns are.

ALAN GREENBERG:

I can give you one specific example, and there's two aspects of it. It was a legal briefing paper the Board was given on the Red Cross IOC – reasons for protecting them. It was redacted at the time. We asked for it to be revealed. When a GNSO group had been charged with addressing the issue, we said it would be really useful to understand what the rationale was. It took months and months and months to get it released. When it was finally released, we read it and said, "Why did you need to redact that?" And the answer was, "Well, we thought you might misinterpret it," or something like that. I don't remember the exact words, but it was akin to that.

That triggers two comments. I hope worrying that we're not sophisticated enough to interpret it hopefully is not a reason for redaction. And number two, when things are redacted that need to be redacted right now, I hope there's a tickler somewhere that says if it can be revealed two months later that it is and it doesn't just stay redacted until someone's astute enough to ask for it.

AMY STATHOS:

So I would hope that the message that came out around when we revealed that document that it was not about community misinterpretation. I think you did touch on the really important point that there are some items of information that at one point are important or we do consider it important for redaction, maybe based on the status of the legal advice, particularly when we're dealing with privileged information. But that a point really may come, as it did with the IOC issue, that it made sense to no longer hold that.

So we really are trying to work into our process how we can re-review to see if there are appropriate periods of time. I apologize that the message that went out around the release of the IOC material was that the community would misinterpret it; therefore we can't have it out there.

We do have a concern about causing confusion. I'm not sure that was applicable to this one, but this one was withheld because it was a privileged legal memo at that time that we were really basing some decisions on that needed the privilege that it had been provided under. But we did recognize that it was appropriate for release later.

BRAIN CUTE:

Avri?

AVRI DORIA: Yes. Thanks. I just wanted to go back to the input checklist for one second. Is that included in the published materials? Because I just took a quick look and couldn't find it, but that doesn't mean anything.

AMY STATHOS: So it is included in the December 20<sup>th</sup> published materials. I was there this morning to visit in anticipation of meeting with you all. It's part of the second Board briefing book, which at that time held the reference materials. So if you go into it, it's actually published at page 82 of that.

AVRI DORIA: I just started looking for it during this meeting and couldn't find it, but I knew that had every chance of just being me and ability to find things.

BRIAN CUTE: And one last question. I think when we looked at the form, if I'm not mistaken, on the right-hand column it's "Actions Taken" or something to that effect.

AMY STATHOS: Yes. So when you're looking at the tracking of the stakeholder inputs it says, "Summary of Action on Input."

BRIAN CUTE: Yeah. But my question is is that being used in any way to create kind of a summary of the input or is that a summary of the Board action taken?

AMY STATHOS: It's not a summary of the Board action taken. It's a summary of the SO action taken on the input that's provided to the Board to see how they can track it. So here, for example, the Registry Stakeholder Group was requested to provide, and did provide, input on the IRTP Part C. And the Summary of Action on input is that the Working Group reviewed and addressed the input received and it would then be included within the public comment summaries that were included. So it created the chain of accountability of, "We heard it, we did something, we acknowledged it."

BRIAN CUTE: So it's process tracking, not necessarily summarizing substance of argumentation. It's really more process tracking.

AMY STATHOS: Yes. One of the things that the balance we were trying to create at that time, and this is something that can surely be improved or changed, was that we weren't trying to use the Input Tracking Checklist as a means to restate public comment summaries. That's where things can get really challenging. So it's really tracking the process so you can go and see where they dealt with it, but not about regurgitating everything that had been said before.

BRIAN CUTE: That's what I was getting at because we heard the issue of the summaries of public comment, yes, are there; yes, they've improved.

But sometimes they still don't reflect accurately or don't reflect – that's kind of an ongoing thing you hear from parts of the community. So that was the focus of my question. If this tool begins to or morphs into a summarization of "just be aware of that concern." It sounds like you're using it strictly as a tracking tool, which sounds perfectly appropriate.

Okay, don't move. Any other questions for Amy or Sam? Okay, thank you very much. We'll follow-up. Thank you.

I think, if I'm not mistaken, we are clear for the rest of the day. We're on the agenda to just plow through the remaining work of WS 4, any remaining templates, right? Okay. So I'll turn the microphone back to Fiona Asonga. Fiona, if you would pick up where you left off on the WS 4 preliminary recommendations.

FIONA ASONGA:

Thanks, Brian. We stopped off at the point we were discussing Observation C on the secretariat and need for the Review Teams to have an independent secretariat. And Carlos – Larry had just finished commenting and asking about the justification for that and whether we really need to have a separate secretariat from the support we were already getting from the ICANN staff, and Carlos had his hand up. So we will start off with Carlos, continue the discussion started with Carlos and then Alan, Brian, and hope that you can be able to agree on how to move on this particular issue, so that then we can look at all the other options. So the queue is Carlos, Alan, Brian, Avri.

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CARLOS RAUL GUTIERREZ: Yes. I want to step back and not go into specific questions about secretariat, yes or no; independent, yes or no or money. But I want to address this issue from the following point of view. And I'm not looking for a fight on this one, but I think there is a conceptual issue there.

I want to go back to commentaries we have had about the double role – you know, the operational side of ICANN. And on the other side, the policy-making side. And on the policy-making side, I would include GAC, I would include the review teams, I would include the GNSO policy development process which is all voluntary based and sometimes stressful and sometimes too long and sometimes a little bit difficult to understand.

My point of view is that if we have clarity – not clarity, transparency – between these different two roles. And by transparency, I mean only the recognition that these two roles are somewhat different. And if we could reach transparency in terms of having clear budget assignment to both sides clearly separated. And by budget, I mean just resources assigned for the support of this voluntary system, which I think it's very important because it's unique and it's different to other issues, as opposed to the operations which is like a corporate operation that produces its own money and so on, this discussion would proceed much easier.

And we don't need to fight. Why? Because as I said, all this concept of the multi-stakeholder being it a review team, being it the GAC, being it the GNSO is based on this voluntary system and sometimes there is difficult to get voluntary people. Sometimes it's difficult to get new



people, like for the GNSO and so on, to give the assurance that all these flows will have consistent support in terms of resources over time. It would be very helpful. I mean, we just had the discussion how much language translation costs before the outreach program.

So as I said yesterday, if we're spending \$3 million and we do open these offices and involve more governments and so on, so next year or the following one we will be spending \$10 million on top of the offices and so on. So if I compared this expense of the outreach and the offices and the language translation, what does it mean to have a certainty about the budget?

In terms of the experts, Larry, I also think if your review teams ask for independent experts, it's just an option. There might be a secretariat with professional experts that help GNSO policy development and help review teams and help GAC and so on. It has not to be exclusive, but if we look at the past review teams and we recognize that in almost all cases they've hired independent experts, the reconsideration process being the last one. There is the necessity of extra resources, and I don't want to get into the discussion if independent or not independent.

I had a long discussion with Steve off this meeting room. If we could reproduce the knowledge of the staff two times so we have staff dedicated for the operation of part and staff separated as equally proficient for the other side. I have to agree with Steve that it is impossible. We cannot have – it's also illogical, because the staff is the one that knows [what is] best. And after a long discussion I agreed with him that it doesn't make sense to duplicate the fine two lawyers we just

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had here and say one is for the staff and one is for the other side. So there is a great [economies] of scale in using the staff.

But having clarity that this voluntary system would have enough resources, having clarity in terms that the budget says, “Here is the money for the GAC and the Board and the GNSO,” and separate that we don’t have to run after that money, it’s very important.

And the last point I want to make is having clarity in the organizational chart that we have these two separate legs, and these two separate legs are reflected in this budgetary process. We have so much for this leg and this other leg [inaudible] going to produce a lot of money and so on, would add a lot of transparency. Thank you.

FIONA ASONGA:

Thanks, Carlos. Next, Alan?

ALAN GREENBERG:

Thank you. I want to support pretty much what Larry said. I don’t believe we can hire someone to do our thinking for us. I think in this particular group, due to the lateness and difficulty in assessing the input we got from staff, our work was – for some of us anyway – significantly augmented. I think if we think through how we make the requests and what we get, I think that work goes down to a much more manageable level.

We still haven’t addressed in this resolution anyway whether the single review team – the next ATRT – should be reviewing all of the previous

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review teams in general and the ATRT work. And I think that may warrant some discussion. But in the general case, I would like to see a very carefully-designed definition of what this secretariat would do before I would consider asking for money for it. And I don't really see the need. I do see the need of making sure we get volunteers who understand what they're volunteering for. And yes, David, maybe we don't get any volunteers then. But there's always a few of us suckers. But I'd be very careful about asking for a secretariat without knowing exactly what it is going to solve, and without making sure that it isn't only solving a problem we had in the past but we're fixing by another means anyway.

FIONA ASONGA:

So you have a plus-one from Carlos. Brian?

BRIAN CUTE:

Similar comments. To my mind, what has to happen in this process is pretty basic. ICANN staff and Board present to the Review Team, "Here's what we've done." It's the Review Team's responsibility to look at that and look underneath it and test it and reach its own conclusions.

Whenever you put an intermediary between there, whether they're providing summarization or executive summaries or any other repackaging of the data that comes from staff, you can read it, but you still have to look underneath that. The work doesn't go away at that very basic level.

So that's how I see the dynamic of this. I think what we should be talking about – Alan just picked up on it – is we now see on the second ATRT that you've got these previous reviews which need to be assessed, unless the AOC is going to change that has to be done and they're recurring. So that is a chunk of work that needs to be done.

To the extent that staff's preparation of inputs is more predictable in timing, it improves in terms of substance and depth, perhaps there's ways to streamline that piece of this work. And whether there are auditing type mechanisms that could be thought about – and I think we're going to hear from ICANN Board member, Ray Plzak, he's got some ideas because he's in charge of the institutional reviews.

I think we should look at the work in two chunks. That is the backward-looking work which is voluminous. But documented, subject to review and testing, and could we mechanize that in some way, put audit type practices in some way? It still has to reach firm, substantive conclusions about whether implementation was effective or not and what the effect of that was.

And then the second bucket which is what we want for the organization is what's new? What are the new issues? What are the new pain points? Where can they improve as they move forward? And having a Review Team be able to provide the majority of its brain power and focus on those new issues so the organization continues to improve going forward, to my mind would be a very nice balance to strike. I don't have the answers yet, but that's one snapshot I see.

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FIONA ASONGA: Alan, your turn to comment.

ALAN GREENBERG: Yeah. Just very quickly. It dawned on me as you were speaking that if instead of the ATRT reviewing the other review teams, each review team would have as its job review how well the previous guys' work was implemented and then see if there's anything new. It might have made more sense not only in allocation of skills, but also the timing is such that we're not reviewing something which is just barely started. Maybe that needs to be changed in the future.

FIONA ASONGA: Avri? No, Avri, then Lise.

AVRI DORIA: Thank you. Okay. I guess I have a slightly different view. Everybody else has been sort of agreeing with everyone. I totally agree with a lot of what's been said. Yes, it is up to us to review everything. Yes, I believe that the secretariat help that we've been getting from the staff is superlatively good.

What I think is missing, though – and perhaps it's only because I come at this as a researcher – is a continuity of research, a continuity of knowing where all the pieces of the documentation are. And even, yes, we have to spend lots of time and we have to look for it ourselves and we have to do our own digging.

But we don't have a person who is totally dedicated to the notion of digging up the information that we have to have, someone who is not directly within a reporting line in ICANN but someone who – and not just for the ATRT but for the succession of all the RTs from year to year, a permanent research archivist, what have you, who is there always knowing where to find the stuff we need as opposed to going through long months of, "Can anybody tell us, is there a document that..." Kind of the same powers that often an auditor has in a company. They're separate, but they're inside. They get to look at everything. They get to know where it is. They get to be the ones that sort of help us have the organized information.

So that's the kind of thing that I look for. I don't think we need a secretariat, but I do believe we need an audit/researcher who is an independent in the same way that an ombudsman is independent who is there for all the RTs and provides that continuity of knowledge from one review team to the next in terms of knowing what information the previous team used and had accessible and such. So that's the kind of thing that I would look for as a permanent adjunct to the review process – a semi-independent role maintaining the information knowledge.

FIONA ASONGA:

Lise?

LISE FUHR:

Well, I would like to separate the budget and the secretariat because I think it's very important that we set out from day one with a budget.

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We didn't do this for this Review Team. But to have the budget is essential in order to find out how can we accomplish what we want to with the amount of money we have and maybe need to ask for more or less or whatever.

Then I find a secretariat, I like the idea. But the bottom line is it should be the new Review Team that considers do we want this? We can make a recommendation that you get some help, but that should be up to the next Review Team to decide. We can bring on our experiences, but I think we should leave it open.

FIONA ASONGA:

Stephen Conroy?

STEPHEN CONROY:

I like the general idea that I think is being pushed forward there. I'm probably a little more skeptical. I strongly agree with Alan's view that we shouldn't be seeking to outsource our own experience. And I've probably got the least experience of anyone in the room in terms of the processes of ICANN. So I think the value of the people around the table, we shouldn't look to delegate down to somebody. But I do think, and I've listened to a lot of the discussion about the level of volunteers and the struggle to get fresh volunteers coming through and I think in the future there will be the need to have somebody who represents – well, represents is the wrong word – but is funded by ultimately I suspect ICANN. And if you look at the problems – I mean, arguments about the GAC. Who should fund an expanded role there? I think a similar

argument can be made for having a person that is funded that represents the GNSO, represents all the other stakeholders.

Now that's not, say, one for everybody. But there should be a process by which we have that ability for there to be somebody to be ongoing. This role, this organization, is evolving and we all want it to evolve in a positive way and expand its network of influence to counter other forces. So I think the thrust of what's in there is very worthwhile. I'm probably skeptical on the secretariat for this role, but I think there is going to be need for funded assistance for all of these organizations to be able to liaise on a much more regular basis with ICANN, and I think that's going to become incumbent on ICANN's Board to accept that there is going to be a role that is going to need more funding.

Now, obviously, the organization is expanding to take on all of its new roles, so its overall budget – some of what we're talking about. Collective, if we did all the things we've all talked about, the budget could become problematic. But I think there is going to be a need for a full-time person representing a range of people whether it's the ALAC, the GNSO, all that. There's going to be that need. If the organization is not going to become more separated, we're going to need something there to keep it together as we try and face these new challenges.

FIONA ASONGA:

Thanks, Stephen. Jorgen?



JORGEN ANDERSEN:

Thank you, Fiona. I have listened very carefully to the interventions by everybody here in the room and I think to me it's clear that there's no support in general for establishing an independent secretariat. But on the other hand, I think Lise and also Stephen gave the foundation for maybe reaching a compromise about the text from number three here. If you simply delete some of the wording, I think we have a text which could be agreed to, at least I hope so, by everybody. That is deleting the words, the establishment of an independent secretariat to assist review teams as well as – I've not heard anybody opposing that we should ensure that there is sufficient resources for accommodating requests from the review teams to appoint independent experts, consultancies, deemed necessary by the teams. Nobody opposed that. And I think, Stephen, you gave some good arguments that there is a need to have this opportunity to have resources for additional assistance. So I don't know whether everybody could accept that.

LARRY STRICKLING:

I think that's a good change. I support it and I would also then point out that to the extent that there is some support needed for the ATRT it seems to me independent experts/consultant is broad enough to capture that. So all I was raising that, not that I'm opposed to it, but I just thought that we really needed to well define what that assistance would be and make sure it wasn't trying to hand off work that we ourselves ought to be doing.

But I think that the concept even of secretariat type services is within the broader notion of expert and consultant. So I think you still keep that idea in the thing even by taking out your language.

FIONA ASONGA: Thanks, Larry. Alan?

ALAN GREENBERG: As this is evolving I think back to how the GNSO Working Groups work. I'm not suggesting the exact analogy, but bear with me for a moment. Policy staff is involved in the calls, involved in the discussions, and tends to be the first drafter of the text. Not putting their own ideas into it, but trying to synthesize what was said. That immensely simplifies the process of creating reports, because then the volunteers are there to say, "No, you got it wrong," or propose alternative worrying but not do the initial drafting. And I can see something similar. Not necessarily with ICANN staff in this case. Perhaps a good hired editor or something like that. I can see doing something similar here, which could alleviate a lot of the mechanical work and not remove from us the responsibility of the content below it.

FIONA ASONGA: Jorgen?

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JORGEN ANDERSEN: Yes, thank you, Fiona. Jorgen speaking. What Alan has just said is exactly what I have in mind. A supporting person who can assist doing the hard work, so to speak, in reporting what was said for our approval afterwards. Exactly [inaudible]. Thank you.

FIONA ASONGA: Thank you. Now, [inaudible] move from 3 and look at proposed Recommendation 6 because it ties to the same thing. So can we get rid of 6? 6 reads, "ICANN should entrust strict coordination of the various review processes so to have all reviews done before the next ATRT-2 reviews with proper linkage of issues within definition of commitments and consider the function of a technical facilitator whose mandate is to coordinate the reviews." Do we keep that or what do we do with that? [inaudible]. Okay. Larry?

LARRY STRICKLING: I guess at least as of now, maybe we could play with the words, but I guess I'd like to keep that thought somewhere in the recommendations.

FIONA ASONGA: Thank you. I think that helps as [inaudible] moving forward. That remains – because we're going to discuss the recommendations again and again, so can we think about that particular one? [inaudible] what we have discussed in Number 3. Okay. Any input for 4 or 5? 4, Alice. There.

4, ICANN should already – oh, we finished that. Fine.

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5, ICANN should ensure the ongoing work of the Affirmation of Commitment reviews including implementation is fed into the work of ICANN's strategic panels. I think that – yes, Alan, Brian in that order.

ALAN GREENBERG:

I think that's rather specific to this week, or this month. We don't know if there's going to be strategic panels in the future, and by the time this report comes out, they may be halfway through doing their job and abandon is a bad idea. So I'm not quite sure. If we're going to do anything like this, it should be interaction with other related efforts within ICANN and very less specific.

FIONA ASONGA:

Brian is next, then Avri.

BRIAN CUTE:

I don't want to clarify. This may have come out of the discussion with Fadi yesterday. My comments at the end there were not intended to create any kind of structural connection between this Review Team and those strategy panels at all. But what I did recognize in looking at the charter of some of those strategy panels is that the questions they're going to look at do have interplay with some of the questions we are going to issue recommendations on.

So there's a clear connection there, and more for the benefit of the strategy panels that they understand this process and what it means to ICANN in this point in time and maybe in the future.

So in speaking with Fadi, what I was really looking to get was a recognition which he provides us that, yes, I see a connection; yes, I think it would be useful for those strategy panels to hear about or from the ATRT-2 with respect to its work. So I think we have that commitment from the CEO. I don't think we need to do a recommendation on this particular point if that's what we're driving at. That's just my own view.

FIONA ASONGA: Avri, Olivier, Larry.

AVRI DORIA: My comment is actually going back to something before. So if this conversation is continuing here. I just basically have the issue of I made a recommendation that got totally ignored and I just want to make sure that that was indeed the intent.

FIONA ASONGA: Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Fiona. I think we're confusing things a little bit. The ICANN strategic panels are high-level strategy objectives which will provide some kind of vision. This is not the ICANN strategic plan. The strategic plan, the [inaudible] planning, is still going on in a parallel

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process and is much more down to Earth in doing things, just to sort of notify that.

LISE FUHR: It is supposed to be on an overall level, but if you see on the actual wording to the panels, one of them is to describe and make a process and a tool for expanding the multi-stakeholder model. That's not for me being a high-level strategic panel.

FIONA ASONGA: Okay. Larry?

LARRY STRICKLING: Actually, I'd like to make a proposal that we collapse D and E together with the idea of capturing this thought. I think our issue really here is the coordination of the AOC reviews within themselves which is captured in E, but also in terms of how they relate to other reviews that are going on elsewhere in ICANN.

It seems like perhaps the concept we really want to capture here is the idea that ICANN needs to make sure that the progress of the AOC reviews is kept coordinated so that when the ATRT is meeting they are able to look at a complete record of what's before them as opposed to having to look at something that perhaps was just adopted six months earlier for which you really can't be making judgments. So that's kind of one issue, and I think that's captured in E.

But then once you have more formality in terms of the dates for those meetings, the second responsibility ought to be that as ICANN is doing other planning functions that might relate to what's going on with the AOC reviews that they be cognizant of how those need to fit in and not interfere with what's going on with the AOC and vice-versa.

So maybe we're trying to really capture an overall point of coordination here so that there's a – if everybody understands exactly when the AOC reviews are going to take place, it's easier then perhaps to coordinate with other activities that are going on inside ICANN. So that would be my proposal.

FIONA ASONGA:

Thank you, Larry. I've captured that. Fiona?

FIONA ALEXANDER:

Maybe just to add, because I was originally going to raise the same point Olivier did. The strategic plan is not the same as these panels. But my recollection of the conversation in Durban was that when they met with the Board, Ray Plzak actually had some ideas about how to link all these things together and I think he's being doing some work. So maybe it might be useful to get an update from Ray because he specifically mentioned giving more thought to these reviews, the other reviews, everything. Maybe that might actually help with the recommendation.

FIONA ASONGA: Thank you. We have next on queue who? Carlos, Denise. I think it was Alan first, Carlos, Denise. And then Avri, we've captured your comments and have taken notes, so we'll come back to look at them. Thank you.

ALAN GREENBERG: I won't phrase it like Avri did, but I made a comment also before which I don't think was further discussed. But I think it does fit in with Number 6 and that is I don't think as long as the ATRT is responsible for reviewing the other review teams, I think we're going to be in a continual mode of doing it at the wrong time with the wrong skills. I would strongly make a suggestion that it be changed. And if that requires a negotiation with NTIA, so be it. But that we put the onus on reviewing the WHOIS Review Team on the next WHOIS Review Team in the future. We're still stuck with it this time, but insoforth.

BRIAN CUTE: Are you saying this is the wrong time and the wrong skills today?

ALAN GREENBERG: Well, knowing that we were going to have to review these, we perhaps have put the right skills in this group. But the workload certainly is unmanageable and perhaps it would be better done as part of what do we have to do next and seeing what we already did. They're going to have to do it anyway. The next WHOIS Review Team or Security & Stability one is going to have to look back at the last one, see what they



did. Is there anything still gaps? They're going to have to do it anyway. We're replicating work and at the wrong time.

FIONA ASONGA: Okay. Brian?

BRIAN CUTE: We're not going to know if it's unmanageable until December 31<sup>st</sup> of this year.

FIONA ALEXANDER: I think also, just to defend a little bit the construct that was put in place – and it doesn't mean it can't be changed subject to what Larry wants – but this group is supposed to be looking at the process, not the substance of the recommendations and I think this group continues to stray beyond that on those two cases and maybe you can't separate process from substance on some cases and that's maybe a real challenge to this.

But again, part of this gets back to more formulaic reporting from staff and all these things that would influence and help all of their review teams. So if you can get a more formulaic response and reporting every year on everything, this does make it a little bit easier going forward. So I'm not willing to concede that the construct doesn't work just yet.

FIONA ASONGA: Thanks, Fiona. We'll go back to Olivier, then Denise. Sorry, to Carlos, then Denise.

CARLOS RAUL GUTIERREZ: Sorry, Larry, I have to ask you again. I don't know if we're looking at the same deadlines. Wouldn't it be easier for the staff to produce regularly every year, every end of the year, reports on the AOC independently when the dates of the different AOCs happen? Wouldn't what we expect from staff that they have it in the DNA the AOC reviews, so they produce them and they are not so worried if the review team started half year or too early or too late?

And when a review team starts, they start from the last report. It might be very recent or it might be six months old. That's what I tried to convey the first time. Sometimes I get the feeling we're focused on our deadlines, but there are other people who also have other deadlines and they write yearly reports anyhow. So it would be rather easy to include the AOC chapter in their regular reviews.

LARRY STRICKLING: I think all I'm suggesting is that given all of these reviews that are going on and the fact that we seem to be finding that they're not all happening at an optimal time, something that looks ahead and says, "This is the schedule on which the AOC reviews will be conducted by calendar day," helps everybody in terms of ensuring that other work that's getting done is coordinated with that as best as possible.

If there's always an uncertainty or an ambiguity as to whether the ATRT is going to start in January this year but the next time maybe it's going to slip to July and in between that you're trying to coordinate with what will be three other reviews, because the gTLD review is going to be coming online before the next ATRT, how do you keep all this balanced and moving in a fashion that allows people to do the optimal work when their review gets teed up?

Plus I think it helps the rest of ICANN that should not be discouraged from doing their own reviews where they need to. And again, I have no problem with the strategic plan or strategy panels or anything else, but I think it helps everyone to know that if you're going to ask somebody to do something that the ATRT is also going to be doing, if you at least know what the time period is that the ATRT is operating within, you can try to adjust around that if you want to.

If it's all just going to be done according to the law of the jungle whenever we're ready to do it, it makes it difficult for anybody to do any rational planning and we'll continue to have collisions between different reviews where people don't understand why we're doing the same thing in three different places at the Same time.

FIONA ASONGA:

Denise?

DENISE MICHEL:

So I think it's important to keep in mind that you're not operating in a static environment. There is a lot going on. You have a very broad [inaudible] and you are not the only one working in these spaces. And I know that is challenging. And I am following up on Larry's comments. I think there's more that we can do to coordinate these efforts. But I'm a little surprised no one has mentioned the GNSO review, and then the GNSO efforts to do a self-review. Those are in your wheelhouse and I don't know that there's been a lot of discussion about coordinating with that effort either. So that's just one example of a lot of things that are going on.

I don't agree that the strategy panels conflict with this. I think they're very complementary and also will be supportive of the multi-stakeholder process and strategic planning.

I think when the WHOIS and SSR review and the first ATRT review was created under a previous CEO there was a lot of attention given to independence and autonomy. And the WHOIS and SSR reviews decided to go forward with their own work schedule and their own timeline and took more than a year to complete. I think it's certainly worth looking at whether we can have a greater degree of certainty and a more specific schedule. This team has been very specific about their work plan and when they're going to conclude. That just hasn't been the case in previous reviews. As we continue to learn from these initial processes, I think it would be good to get the insight of the ATRT-2 and how to regularize and have a better coordinated effort in here.

FIONA ASONGA: Thanks, Denise. Brian?

BRIAN CUTE: Thanks, Denise. And I think to your point when we raise the issue of review fatigue – or that was raised to us by Chris Disspain – the institutional reviews are part of that discussion. And my understanding is that what Ray is working up as one approach includes the institutional reviews as well. So I think it's something we are going to look at. It's very important. We have to do that. We just haven't had the material put in front of us yet, so that's an absolute.

I also think the independence is – as you've heard me time and again – the Review Team has to be as objective and independent as possible. I think deferring to that independent is absolutely important in terms of the quality of the Review Team's output.

I also think we need to have a discussion, though, about this issue because I feel as though it's created a little bit of a disconnect sometimes between staff on the one hand and the Review Team in that we're all trying to be respectful of that line. But I think sometimes in being respectful to that line, we're losing potentials for efficiencies. It's just a separate conversation. I think if we can put on the table how we can operate more efficiently in terms of staff providing data to the Review Team, while respecting those lines we could create some efficiencies for review teams going forward.

FIONA ALEXANDER: Follow-up on that. Of course the other challenge is that for each review we have a whole new set of personalities and experiences. You bring a completely – except for those few of you who were on the first ATRT team – completely different set of perspectives, understandings, expectations, and interpretations of what your mandate is, how you want to carry it out and what your focus is going to be.

So when you talk about regularizing things, about having staff anticipate in advance the data and information you need, part of the challenge inherent in that or where you want to draw the line between independence and staff assistance. Part of the challenge of that is: is this the changing nature of these review teams? And the very different perspectives and understandings that people bring to each team.

FIONA ASONGA: Alan, then Stephen. Olivier. I'm sorry, Alan, then Olivier.

ALAN GREENBERG: I think there's a big difference between staff anticipating our needs on the retrospective review of the previous Review Team rather than guessing where we think the new efforts has to go, which clearly has to be driven more by us. So I think you need to separate those two issues when we're looking at staff anticipating.

FIONA ASONGA: Olivier, Avri.

OLIVIER CRÉPIN-LEBLOND: Thank you, Fiona. Just briefly on the issue of review fatigue, I've also heard some people say that there needs to be less reviews because the first round of reviews fixed a lot of things and now there's less things to fix in ICANN. I just wanted to say I disagree with that. There still needs to be a lot of things to be fixed.

FIONA ASONGA: Avri, then we can wrap up on this.

AVRI DORIA: Thank you. I guess I had two comments here. One, I wasn't absolutely positive that the GNSO reviews on all of those were actually in our wheelhouse. I'm glad to hear it, because I do have an immense amount to say about those.

On the every three years and the AOC commitments with the 2010, I've been reading it over and over again for the last bit. I don't see the requirement in there that they all have to terminate on the 31<sup>st</sup>. Yes, it says "no less frequently." Yes, one needs to be in a review period no less frequently than three years by that. But I just don't see it.

I mean, I think we can set ourselves with that requirement and it's fine, but I just don't see it in what's written there. It may have been the intention that this one would have a fixed termination date every three years and then the others would not necessarily have fixed termination dates, but just reading it like a student of philosophy. Secretariats and IGFs looking at words – I'm looking in the middle of 9.1 there that says,

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“ICANN will organize a review. The execution of the commitments no less frequently than every three years.”

So that means that they have to organize it no less frequently than every three years. It doesn't mean it needs to finish no less frequently than every three years on the 31<sup>st</sup> of December.

LARRY STRICKLING: Under your construct, though, the first group could take two years and eleven months. That clearly is not what you want to have.

AVRI DORIA: The first one, though, had to finish by December 31<sup>st</sup> but that's the only one.

LARRY STRICKLING: Right. But the point is that what I said earlier which is that you need to have – because there's six months in the AOC for the Board to take action, whatever that means. That doesn't mean that everything's implemented but I think—

AVRI DORIA: [I have to] read it and say thank you.

LARRY STRICKLING: The first Board – I mean, the Board on the first report took that six months to mean they needed to come back and say, “We're going to



implement all of these,” and then set a schedule for doing that which seems reasonable. So now you’re down to 18 months before they have to start the next one, if assuming the team took only the first year.

I think anything that give you less than 18 months to actually evaluate what you’re looking at makes the next team’s job potentially impossible.

Again, we can say what we want here, but let’s try to put some discipline on this so when the next team shows up, they’ve got something meaningful to review. I think that’s the point.

But it can’t be that you can take any amount of time you want to do a report, given the fact that every one of these teams has to run every three years I think except for the gTLD that only has two years between the first two reports and then they go on a four-year cycle. So we’ve got to be sensible here.

AVRI DORIA:

Yeah. I’m sure we have to be sensible, but I’m not sure that flexibility automatically puts us in the law of the jungle being undisciplined. I think that the notion of being sensible means that there’s certain flexibilities certainly giving attention to not overrunning by a year. I’m not saying we should miss it. I’m not saying we should plan on missing it, but I think too constrained a discipline is as unreasonable as the law of the jungle.

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FIONA ASONGA: Olivier, Brian.

OLIVIER CRÉPIN-LEBLOND: Thanks, Fiona. If I may say, and I think we've already discussed this before, but I'm feeling a déjà vu of Northern European timing versus Southern European timing. I don't think we can fix that.

FIONA ASONGA: Brian?

BRIAN CUTE: I think the thing that Larry said that resonates most with me is the next Review Team having less than an 18-month track record of implementation efforts and I'd ask staff. Denise, from your perspective, having at least 18 months to try to implement recommendations, it seems if you get tighter than that – you've been through his exercise now a few times. That's a substantive constraint on the quality of the unsuing review.

FIONA ALEXANDER: Yeah. I would agree with that. And of course, most of this work is on top of all the other work.

AVRI DORIA: There's another assumption there that I'm not sure is completely operational and that's that any recommendation that's made needs to

be a recommendation that can be completed in 18 months. So you can very well have recommendations that would take five years to implement because that's what it takes.

And I think at the moment we're very much, if we're going to get geographical, in an American notion of everything must happen in short bursts. And that, therefore, we review it, we must come up with small-bite recommendations that are going to be done in 18 months so that we're ready again. I guess it's the question of: is 18 months enough to implement? That sort of presupposes that everything should be done in that amount of time.

BRIAN CUTE:

That wasn't the supposition at all. It was just generally as a timeframe of efforts to implement anything whether it would take five years, whether it would take 12 months or whether it would take 24 months, that 18 months as a timeframe of effort and impact is – you get much shorter than that, it's why bother?

FIONA ASONGA:

Thank you. I think comments are noted. Larry, so you're taking notes I hope, so that we will come back and look at all those issues, but we can move forward to Issue Number 2, reviewing the actions of Board and staff and ensuring public interest. There is the question of financial accountability and transparency. Proposed Recommendation Number 7, in order to improve accountability and transparency and facilitate the work of the review teams, ICANN's Board should each year – and I think

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this was [inaudible] the review teams. But ICANN's Board should each year on a rolling basis establish a program for work and budget reflecting the planned activities and corresponding expenses. The program of work and budget may cover a two-year period. The following year, a report should be drafted describing the actual implementation of plan work, budget, including activities as well as related expenses. And budget should be related to the timeline of the strategy covering more than one year as the preferred way of moving forward with proposal of three years.

That was input that came from two documents for [Jorgen] and Lise. So we could discuss that proposal. Jorgen?

JORGEN ANDERSEN: Just an additional comment to Fiona's introduction. I'm trying to capture in the first couple sentences what Steve proposed yesterday, his remarks. Thank you.

FIONA ASONGA: Fiona?

FIONA ALEXANDER: I just have a question about 7, 8, 9, and 10. How does this compare to the existing budgeting process now of the financial plan and independent auditor and the external auditor and all the stuff ICANN already does now?

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CARLOS RAUL GUTIERREZ: Is it separate?

FIONA ALEXANDER: I don't know. My understanding when looking at the material on ICANN's webpage and the independent auditor which they're required to do under California law, a lot of this happens. So I'm not sure if what they're doing now is insufficient in some way. But I'm just not sure how this is different from what they already do.

FIONA ASONGA: Lise, please.

LISE FUHR: Well, I guess you have to divide it in two. Some of it, if you look at the budget this year and if we've seen some of the comments, especially from the GNSO group, is saying that you can't relate any projects to the budget. You can't say, well, they're planning to have this budget for this project.

Well, this team is a good example. We don't know what the budget is for this team. We know now, but it's not put in the public budget. It would be nice to say we plan on spending this much on the ATRT-2 team and we're having these plans for the strategy and we will link these monies to these projects. I'm not saying it's not done at all, but it's just done to high level. And that was some of the comment we got from some of the groups.

The other one is you would have an accountant that would look at is it done according to the law? And then you could have an accountant that says is the money used as you should use it as a nonprofit organization? Could you be more efficient? Could you be more—

Well, could you use the money in another way? Could you lower the different prices that you have for domain names? Because we're looking at a business [inaudible] that are expanding.

So what I'm saying is you don't need a review that's done at the moment. You need a review that's more critical to what kind of business you run that's a nonprofit.

FIONA ALEXANDER:

I guess my questions are, based on what I've already read on ICANN's website about their funding and what they do and how they track everything and based on the presentation I think that Fadi made maybe in Toronto about this dashboard he was putting up and how you could click and see every particular staff assignment and how it all tracked, including funding I think – I'm just not sure if this recommendations have been analyzed against what already happens and occurs.

I understand the comments that were made in Durban from the community, but even the template that was provided wasn't filled out. It was just the recommendation. So I think if we're going to propose recommendations like this, there's got to be a lot more analysis of the facts that are currently happening there. I'm not familiar enough with

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them. But I have looked at some of the stuff. But maybe the staff has more information.

FIONA ASONGA: Okay, Lise?

LISE FUHR: well, yes, of course it needs more work. This is not final recommendations. I just tried to do some recommendation on a subject I think we need to discuss and have some more [dig] into. I just didn't have time to do it.

AVRI DORIA: Can I ask a clarifying?

FIONA ASONGA: Yes.

AVRI DORIA: In a question that you're asking in this, if I understand correctly, you're not only asking about is the accounting being done properly but you're asking about a review of the appropriateness of charges and levels and perhaps even salary levels and things like that. So you're asking for a review not only of actuarial facts, but of appropriateness as an NGO.

LISE FUHR:                                 Yeah.

AVRI DORIA:                                 Okay. Thank you.

FIONA ASONGA:                             Alan, Denise.

ALAN GREENBERG:                         This might be moot in light of what Lise just said. I tend to agree with Fiona. I think what was actually asked for there is close to what we're doing right now. What's missing is the ability to look at – and I'm not quite sure what the right word is. The budget is organized based on how ICANN is organized, and therefore part of our budget is in constituency travel and part is in strategy and part is in policy support and things like that. And to slice and dice it to get our view of it is what's missing right now, and also an incredibly difficult thing to do when you don't know all of the possible views ahead of time.

So if we're going to do a recommendation like this, I think we need to do a lot more homework and be specific and make sure we're asking for something that we really want them to devote the time to do.

FIONA ASONGA:                             Denise?



DENISE MICHEL: So it seems like it would be useful to get the new COO and the CFO together with either the team or a subgroup of the team so they can lay out what we're currently doing, the evolution that they have planned, which is relevant to many points that you've raised and then discuss where you see the gap there. Then I think you'll have the full facts that you can go forward with in relation to this area.

FIONA ASONGA: Thank you. Any other comments? Larry?

LARRY STRICKLING: I'll try to be brief because I think I'm just piling on. This is a difficult area because with everything else we've talked about pretty much up until now, we had a prior recommendation by which we could see what had been done. We could get comment from the community as to whether or not it had been done right and completely and the community could tell us where they thought there were still gaps. And I think that served us really well in terms of the discussions we've had the last two days.

Here we have a topic for which there really isn't an antecedent of a prior recommendation. So what we're I think challenged with right now is this lack of a factual narrative to really identify where the problems are and where is the community concerned. And while I have absolutely no problem delving into this space if the need is there, I just can't sitting here today say there is a need because I don't know exactly what the factual analysis would tell us and what the community has been saying to us in terms of comments. I just don't know that we have much of a

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record here on which to jump into something as critically important as budgeting. But that's not to say we should not do it. It's just getting to a point where we can have a fact-based discussion.

FIONA ASONGA: Jorgen?

JORGEN ANDERSON: Just very quickly. I think that I can support Lise's remarks and I think that Avri made a very valuable further interpretation of what Lise intended to say. This is about the appropriateness, not the technical dealing with the finances. This is appropriateness of the expenses.

Larry, you were asking for requests from the community that we look into this. I want to remind you it was mentioned in the Toronto meeting last Autumn and it was repeated in Durban, and if you look into the communique from GAC, it is explicitly stated there that ATRT-2 is urged to look into this. So there's strong support or request from GAC at least for looking into these issues. Thank you.

LARRY STRICKLING: And again, I have no problem looking into them, but it's August the 15<sup>th</sup> and the question is how do we get a factual analysis that lets us reach conclusions? I don't dispute that people have said, "Here's something you should look into." But I just don't know that because it's a new area that we've got much of a record on which to be making judgments. That's all.

JORGEN ANDERSEN: Thank you. Please don't misunderstand me, but I can't resist the temptation of saying if we had a budget for independent experts, this analysis on the issue of finances could have been launched way back in March or whenever we started. We knew in advance. We knew from the Toronto meeting that there was a request for dealing with these things. So please, I think this is a very good example that some expert support, some secretariat support, is very appropriate for reviews like this. Thank you.

FIONA ASONGA: Alan, Brian, Carlos, Avri. Stephen.

ALAN GREENBERG: Just very quick. I'll reiterate what I said earlier, but it was backed up by what we've heard reported this week. There is very significant financial work being done in ICANN. It's just about to come online so that we can see the results, probably not the best time to do an analysis of what has happened until now.

FIONA ASONGA: Okay, Lise?

LISE FUHR: I just want to reply that the timing – well, we don't know how the finance reporting is going to end up and we discussed it yesterday that we shouldn't take out any recommendation even though we knew that

work was going on. That was what we talked about yesterday and I didn't hear any harsh disapproval of that.

But when it comes to finances, it seems that there is a very sore tooth or what you call it. I know it's a subject that's pretty controversial, but I think it's a very essential one for being a nonprofit organization of the kind ICANN is. I think we owe it to the comments that have been made to look into it.

FIONA ASONGA:

Stephen?

STEPHEN CONROY:

I'm just trying to understand, and I appreciate there's been some commentary made, exactly what it is that we're seeking from this recommendation. I'm not opposed to a recommendation and getting more information. I'm not quite sure from Avri's comment that seemed to broaden out the scope of what was originally being suggested. Perhaps both of you can add what exactly it is we're trying to find.

Should we look at this line item and make a judgment about whether we think the expenditure in that area is appropriate or not? I'm just trying to understand what it is – the information on the website is fairly detailed. It's there. We want to look at it. I'm really just trying to understand what it is we're looking for. I probably wasn't at the meeting where these comments were made, so I might have missed the context. I'm just hoping that the context—

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AVRI DORIA:

As I said, I was asking a clarifying question, and because in terms of the reading and the talking, I had gotten the impression that the question wasn't so much actuarial as to what we could see about numbers. It was about appropriateness of various kinds of expenditures, various levels of expenditures and so on.

And these are things that you not only heard from the GAC. I could tell you, you hear them constantly within the non-contracted parties of how is money spent here, how are these decisions made about the spending of money and the various levels? Going all the way from what programs are decided on to levels of salaries, people make questions about the appropriateness of various—

So that is I think the clarification I was looking for. Is that what was being asked? One hears about it constantly. Does ICANN behave like a nonprofit or does ICANN behave like a corporation? Does it expend like a nonprofit or does it expend like a for-profit corporation? Those kinds of questions are constantly being asked, so I understood and therefore asked the clarifying question that what was being requested by GAC as well as others was more in that appropriateness line. Are we behaving like a nonprofit or are we behaving as something slightly more profit-making and grandiose? That is a fundamental question that one constantly hears within—

LARRY STRICKLING:

Where is the evidence?

AVRI DORIA:

Now, the question may be, other than looking at some of the expenditures being already in evidence, you may at this point say, "Okay, even if we have had a whole year to study it here, we might not have had enough time, but now we've [inaudible] shortened it to a few short months." So the only recommendation we find we can make is to request an ongoing study into what are appropriate—

And there are lots of studies that one can point to about expense levels within NGOs. Now, mostly they relate to charities, but there's an immense amount of data out there about what are appropriate salaries, what are appropriate expenditures, what are appropriate ways of structuring a nonprofit corporation? As I say, mostly they pertain to charities because people worry about the overhead of the money. But then again, if you talk to registrants who look at prices and you talk to registries and registrars about the monies that are expended, they say there's more overhead perhaps than is merited. And that's a question that's always there.

You're right. Can we resolve it in three months? I don't know. We can certainly say this is an issue that needs to be on the table that needs further detailed study in such and such a way. The fact of the question I don't think there's any doubt. Not only did GAC write it down, but just walk up to anyone and ask them about expenditures in ICANN and you'll get an earful.

[ALAN GREENBERG]:

I come from a city that survives on rumor and innuendo and asking questions. I'm speaking of Washington. I have no problem getting into this. I have no problem reaching recommendations. I will not subscribe to a recommendation that is simply saying people are asking questions, because that's too easy for people to do and we see it all the time in Washington where people just ask questions, and then a week later, it becomes fact.

I will only associate myself with fact-based analysis. Again, I'm open. I'm keeping an open mind in terms of this. I don't have the facts. I don't know. But [inaudible] until we have something presented to us that says, "Here are the comments, here are the facts that we have determined and based on this, we think there is a cause for doing something about it," I'm there. I'll support that.

But I'm not hearing that. All I'm hearing is that if you ask people, they ask questions. But I'm not hearing facts. I'm not hearing evidence. So I think the challenge to this team is if this is important to the team, then somebody somewhere has got to undertake that analysis and present something back to us and say, "Based on this analysis, we recommend X." But I'm not going to subscribe to something that just says because people have asked us to look into it, we should have a recommendation without having done the analysis.

FIONA ASONGA:

Okay. I'm seeing Olivier. Stephen, you didn't take your turn.

STEPHEN CONROY:

I do support Larry. The financials are up. If someone wants to sit down and say, "Based on these comments that have come..." And we've had a look at the financials and they're available on the website under Financials, and say, "Look, this line item is blown out by 100%." So suddenly Travel is blown out by 100% or salaries have blown out. Come back and say, "Look, this seems pretty odd based on the commentary. Can we ask for an explanation of that?"

It may be as simple as [inaudible] staff has doubled and the international travel budget has doubled. It may be that the salaries have doubled because we're suddenly paying someone what we would all think is too much.

But if we can come back to the next meeting [inaudible], "Hey look, here it all is on the website. I'm concerned based on the comments, and I've gone and looked at these, that we need an explanation." I'll happily engage in that. If there's an area that people have been made aware of that the rest of us aren't, pull it out, tell us and let's look at it.

FIONA ASONGA:

Thank you. Olivier, then Carlos.

CARLOS RAUL GUTIERREZ:

The horse is dead. Let's keep floating him. I want to go back to my previous point. When I listened yesterday, the CEO of ICANN saying this is a business that is growing and when I listen to Alan that the budget is organized in the way ICANN functions, and when I listen to Alan asking



the CEO, “Do you have an organizational chart,” and he says no – and when I propose that we should have not accountability – I don’t doubt that no dollar has been lost here. But when I propose in terms of transparency to have transparency in terms of the separation of the business side which is growing and the side that requires funds to keep it working because it’s voluntary because it’s multi-stakeholder, because it’s bottom-up, etc., it would be very nice – very, very nice – to have an organizational chart that has on one side the money-making machine and on the other side the subsidy to the model because we don’t have like ISOC [inaudible] making the money and ISOC spending it, but it’s a good example.

Okay, we know where the money is being made and we know where the money is being spent. So in every traditional budget, in every business, there is a separation where you make the money and where you spend it and it would add a lot of transparency to have this organizational chart and to be able to view the budget in terms of this organizational chart. Maybe not this year. Maybe not this Review Team. But sometime it would add a lot of transparency. Thank you very much.

FIONA ASONGA: Thank you. Olivier again.

OLIVIER CRÉPIN-LEBLOND: Thank you, Fiona. It wasn’t again actually. Carlos just jumped ahead of me flogging a dead horse. I don’t know what kind of horse I’m on. Effectively, I’m listening to these discussions and while these were

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happening, I was going on through myICANN.org which is being [inaudible] as being this gateway to all information needed. I looked at the FY14 budget and I saw a big red circle in trouble. I also looked at the website.

[LARRY STRICKLING]: Go back to that one. We need to put that one on the screen.

OLIVIER CRÉPIN-LEBLOND: In trouble. Planned completion date: 30<sup>th</sup> of June, 2013. Well, there you go. So I then looked at the main ICANN website and on the main ICANN website we've got Financials, and on the Financials thing it gives us the financial information for FY ending 30<sup>th</sup> of June, 2013. So that's last year's financial information. And I want to find this current year's financial information, so I go on Current and I reach FY10 financial information. So we effectively are going backwards.

ALAN GREENBERG: My recollection is at least one of those is mislabeled and doesn't get you to what it says it does.

OLIVIER CRÉPIN-LEBLOND: What I'm basically trying to say is there is a will. There's definitely a will from ICANN to display that information, but the execution of that plan doesn't seem to be running particularly well. This is one of the problems that we're faced with. We're taking a snapshot of the organization

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today as it is in trouble with the red circle. That's what I see on the screen.

I'm just concerned that we're spending an enormous amount of time on something that is hopefully going to get fixed. Maybe if the recommendation needs to be made, it's to basically say, "Fix that darn thing and get on with it." The assertions that the company or the organization might need to find better ways to run its business and to save money and do all the wonderful things that Carlos wants it to do is a great goal. But I think that today the organization needs to learn how to walk before it runs, and I'm really concerned about the first step not even being taken at the moment. That's all.

FIONA ASONGA:

Thank you, Olivier. Brian.

BRIAN CUTE:

I'll try to be brief. I agree. What we need is a clear problem statement and the foundation for that problem. To Larry's point, I'm just quickly walking through the smattering of things that have hit my ears along the way.

ICANN just got a windfall or is getting windfall of money from the New gTLD process. What are they going to do with it? How can we be sure they're going to be responsible? Well, those are decisions that haven't been taken yet and they're strategic decisions, so how do we attack that? I don't know.

Is it using finances according to a published operating plan? Yes. It's got an operating plan. It does that. Are we stating a problem accurately? They have audited books. Their audits are thumbs-up audits.

Are expenses appropriate in the level of expenses or the nature of the expenses? You got to come up with specific examples. Yes, it's a not-for-profit but are we not-for-profit too? And you have expenses and you run an operation and just because there are certain levels or a certain nature doesn't mean it disqualifies you from a not-for-profit. There are clear rules but we need examples.

Something I've heard ever since I've been here is the clarity issue. I can't track back to a budget line some program dollars. That seems to be a persistent issue that could be that ICANN is cleverly structuring its budget lines in a way that tends to obfuscate certain dollars and makes it difficult to track. It could be that ICANN's not doing that at all but it's terrible at communicating how its program dollars are managed. It could be a number of things, but we don't have a stated problem and evidence of the problem.

I take Steven's point about identifying problems specifically, but I don't think we want to get in the business a Review Team of doing one-offs. If we're going to identify our problem, let's identify a clear problem and have a holistic nature to it so there can be a holistic solution.

FIONA ASONGA:

Thank you, Brian. Lise, are you going to respond?

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LISE FUHR:

Yes. For me, it's not that I distrust ICANN, but I think ICANN is an organization that needs to be open and transparent. And what I've experienced as a member of the ccNSO Group was that we had a hell of a hard time getting the expenses for the ccNSO Group. So it would be very nice to have those expenses related to the project. That's one of the things we're trying to say in the recommendations.

Another one is that we've seen this year some deviations and I think – there is a deviation report but on all deviations. I think it's very important to explain if you don't fulfill your budget. You have an explanation and then life is fine. And you might have that according to the law. I need to do some more looking into this, but we try to have someone with better expertise than me do it, but that was voted down in this group.

But I would happily try to provide more data on it and try to see if it is a real problem. There is a perception that it's a problem, it's out there. It's within the GAC. It's within some of the groups. I'm reacting to some of the perceptions. And I think some of them I've seen as the problem like getting the expenses for the ccNSO Group. I would like that we could do some recommendations regarding that, but if the group is against it, well, we'll find out.

FIONA ASONGA:

Brian?

**BRIAN CUTE:** A quick suggestion. One thing we could do because I think the clarity of our own group, the clarity of ccNSO and that persistent issue I've heard over time of "I just can't track the dollars," we could do a call to each of the AC and SO Chairs tomorrow and say, "Provide us with two or three examples of an instance where you had difficulty tracking and be specific and provide us the evidence." It's one way to crack the nut. If there's reality there then we'll get data flowing out and if there's not, maybe not. Just a thought.

**FIONA ASONGA:** Stephen?

**STEPHEN CONROY:** Thanks. Just to support the seeking of information that you're after, also like Larry, I've been at the point here [inaudible] asking hard questions about how expenditure [inaudible] process, but I've also then been in charge where my job has been to supervise three or four of the not-for-profit public corporations in Australia where we've had the – I probably had to be in charge of employing the three most well-remunerated individuals that would be classified public servants.

The head of Australia Post, the head of ABC, a public broadcast, and the head of the National Broadband Network Company, all of which have had lots of complaints over time about are they fulfilling a not-for-profit mandate. And they're all massive organizations with a couple of thousand people working for them and it's very easy to take pot shots of the salary of the head of the NBN Co. is \$2 million, the salary of the

head of Australia Post \$2.3 million. I mean, these run large, massive organizations. They sound very attractive. I assure you, they're not. Because of the sort of public scrutiny that they get put under for the letter did not arrive yesterday.

So I'm also a bit like Larry that if we're going to want to look at the Avri style questions that she was asking, putting at least maybe what we should be looking at. Is it a not-for-profit versus just a well-heeled not-for-profit and the charities issue. Usually the benchmark is 20% of money should be overhead and if it's going above 20 then, just a minute, we should be asking legitimate questions.

So I'm not sure we've got a benchmark. I suspect ICANN fits into more those other agencies I've talked about rather than a straight up charity. But even I've heard, and as I said, I've the least experience of all of you of ICANN. Even I have heard of the stories that maybe the travel and the salary have been a little bit over the top over time for what it did. So I think we just got to get the balance right between sort of the information Lise's talking about versus how do we quantify the issue you've raised?

FIONA ASONGA:

I think with that, we can – hold on, Larisa – we can consider moving forward. I would like to propose, but Brian you will still go ahead and try and do the call to the SOs that you proposed. Yes, you did. Kindly hold on. Hold on. If Brian would do that, and then based on the input that you get then we will ask staff to organize for a meeting with the CFO

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and COO based on specific questions we shall have for them to help us understand the facts. Then we'll revisit these recommendations on finance and be able to chart our way forward.

So with that, what time is it? Carlos is hungry. We still have a few more minutes.

BRIAN CUTE: Excuse me. You have 31, right?

FIONA ASONGA: Yes, there are 31 of them.

UNIDENTIFIED MALE: [inaudible].

BRIAN CUTE: No, we don't.

FIONA ASONGA: No. Tomorrow is for the drafters. Yes.

BRIAN CUTE: To be clear, we need to get through the balance of yours. Some of them are the GAC and we've already gone through them. But there's still a fair number to do. We also need to have a stock taking where there's more work or gaps to be filled, a clear listing of who owns that. And



then I would like to have a discussion – just a light discussion – around the shape of the report with the full team before the drafters tomorrow start putting pieces together so we have a consensus around the shape of the report. So we’ve got some work to do. Fiona, anything else? Anything else before you...

FIONA ASONGA: What’s your proposal? We break or...? Okay. What time is lunch?

BRIAN CUTE: What time is lunch? Go to 12:30. Continue to 12:30. Carry on.

FIONA ASONGA: I know the discussion has been a bit intense and everybody is hungry but there’s some tea out when one would want to have something to [inaudible] right now. We can please move on.

Next is Publication of Yearly Statistical Reports on Transparency and the proposed recommendations on here are ICANN should include a yearly Transparency Report as part of its yearly reports. The Transparency Reports needs to include a session on employee with [inaudible] activity including metric on reports submitted, reports that resulted in change to ICANN practices, and this report should be created under the supervision of the ICANN ombudsman and these requests are changed in the bylaws of the ombudsman’s [court].

And probably as you look at that you can also look at 12, 13, and 14 that touch on recommendations on the ombudsman's relationship with ICANN. Yes, Avri.

AVRI DORIA:

I think actually these are seemed to be going fairly well. I mean, from the conversation we had this morning with Amy and Sam that the idea of looking into a transparency issue on a yearly report seemed okay, seemed amenable to the idea of getting a professional to come in and review the Whistleblower program against standards and as they set it up basically in consultation with those who had global standards and seemed amenable to a recommendation that be reviewed and I think we could even make a recommendation that it'd be periodically reviewed seemed amenable to that.

The ombudsman issue in getting the ombudsman involved and that is an issue that we haven't broached, and as you say, that's all part of a broader ombudsman issue. But anyhow, so I think that without even getting into some of the details that bring up the concern on Whistleblower, there seems to be a willingness to bring someone in that can look at it from a confidential basis, from a basis of knowledge and facts of how these things are best done and review itself.

I think we're in good shape in the sense of having a possible recommendation and having the responsible staff have sort of indicated that they're amenable to thinking about it. I mean, I wouldn't take that as a commitment to do but certainly amenable to review. And especially

important I think is including the yearly transparency audit type of thing in the annual report and that being something that if we recommend – I didn't hear great aversion to it, so...

FIONA ASONGA:

So we discussed that and we look at [inaudible] of 11, 12, 13, 14, and 15 so that we address all of them together in that since they touch on the same thing. They all came from one paper and from discussions we had with the ombudsman in Durban. So let's comment on those together. Yes, Steve, Alan, Brian.

STEPHEN CONROY:

I don't think that it's wise to put them together. I mean, I think best practice ombudsman activities normally presents an Annual Ombudsman's Report which details the work they've done – or hopefully they say there was no work – but an Annual Ombudsman's Report and we've all talked about how we could change that and I think there seems to be reasonable support for some of the ideas that we kicked around. So I think [inaudible] we just combine that and write it up quite differently if they're all in the same ballpark I think is a good idea forward, Fiona.

FIONA ASONGA:

Thank you. Alan?

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ALAN GREENBERG: I think I heard you say “to combine together all the way down through F.” No?

FIONA ASONGA: It is B, C, D.

ALAN GREENBERG: B, C, D? Okay, fine. Because I was going to say E and F are completely different things. I think one of the measures in terms of the Whistleblower Act, we should probably should get the right name of the program. Is it something which is likely to be used? And if we look at the history in ICANN according to the new CEO, until he took over, there was a culture of fear and all sorts of problems at a staffing level and yet the program was virtually never used once, some time, we don’t know when. I think that’s a strong indication to us that we really need to push this hard, so if there’s any question in anyone’s mind, I think that should remove it. Thank you.

FIONA ASONGA: Brian?

BRIAN CUTE: We’re talking about ombudsman now too or just Whistleblower? Okay. So with respect to the ombudsman part, no issue on the Whistleblower, I think – I recall – I think the ombudsman said that ATRT-1 recommended at the Board Review the ombudsman role to make sure

it was consistent with international standards. I think that was done. I think I thought I heard the ombudsman report that that review was done and that in his view his office was set up. If I'm wrong there, I'm happy to be wrong.

AVRI DORIA:

I just want to – I think you're correct in that insofar as it goes, it is consistent. It would also be consistent he said for it to do more. And I think he made both of those statements that there was nothing inconsistent in his current role but in the normal role of an ombudsman there was a lot more he could do.

BRIAN CUTE:

So review was done, the way it's set up is consistent with international standards according to the ombudsman. The question was could he take on more tasks – a broader set of tasks? This is my takeaway.

So my inclination is I don't think we need 12. I think that was done. I think the review took place, the board did it, and the ombudsman himself told us his office is set up consistent with international standards. I think the question we narrowed in on is should this person be addressing more issues, more tasks? So 13 is consistent with my takeaway from that.

And we've got 14. Should it be in the internal mediation process? Either we just do one recommendation that says track back to the issues that he (or we or both) thought would be useful for him to get engaged and

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give one recommendation – take the plunge or take a look. Should his role be expanded?

AVRI DORIA: Yeah. The only thing I would add is the thing that is in 12 that one needs to capture is that the bylaw would need to be changed. So it's a review of the bylaw in relation to the work he does, not does it meet the standards but in terms of, does that need to be negotiated? That, I guess, hasn't been looked at in ten years in terms of the scope of work.

FIONA ASONGA: Larry. No. I actually understand the Australian [approach]. Yeah. Larry?

LARRY STRICKLING: So I think I would ask on C is that we did have Recommendation 24 in the first report. Again, you're going to come back and talk about structure of the report, but I do think that the structure of the report ought to be we address did they comply with 24? I can't remember, Carlos, if that was in your list yesterday.

CARLOS RAUL GUTIERREZ: [inaudible]

LARRY STRICKLING: All right. So we have a gap. We need somebody to take ownership of Recommendation 24 to write up did they do what was recommended

before and then what's the record in terms of suggesting a need for further recommendations? and then make the recommendation.

FIONA ASONGA:

I think that's okay. Avri will run with that. Any other comments? So we delete 14 or we add it? We'll reword 14? Okay, 14. Okay. That's okay. Fine. Thank you.

Last one in that section. No, two more. There is the issue of volunteer engagement and this I picked from Alan's e-mail. [inaudible] not prepared but I've been prepared around that and the discussion separate from Alan's e-mail and the discussion we had when we're discussing the templates, so I don't know whether we could have someone look into it. Alan, yes.

ALAN GREENBERG:

I don't think the title is right and I'm not sure the description is right. It's not really volunteer engagements and things that we should have paid people to do. It's the fact that we are relying heavily on volunteers and we have to make sure that that's a sustainable model and most particularly with the volunteers who aren't here as part of their business.

There's going to be no trouble getting volunteers from registrars and registries. Yes, some of them put a lot of their personal time and anguish and blood into this and we appreciate that. But it's also part of the reason they exist. They can't ignore ICANN. There's organizations

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and individuals whose life will go on quite well and a lot smoother sometimes if we ignore ICANN. And it's those that I think we have to have a particular focus on and that was the intent of what I was saying knowing full well I have not fleshed it out very well.

FIONA ASONGA: Yes, Brian?

BRIAN CUTE: Alan, is this tied to Review Team processes or is it broader volunteers and across ICANN?

ALAN GREENBERG: The latter.

BRIAN CUTE: And the focus of the recommendation is does that work as the model expands?

ALAN GREENBERG: Or does it work today? I mean, the whole concept of a multi-stakeholder model and getting contributions across the constituencies is that we actually get those contributions. Right now there's evidence that it is sadly lacking in some cases and it's likely to get worse.



BRIAN CUTE: Sorry. That sounds like a question, not a recommendation just at this moment in time. Is there a recommendation in there?

ALAN GREENBERG: The recommendation is ICANN needs to take action to make sure this is a sustainable model that reflects Fadi's view of a multi equal stakeholder model.

FIONA ASONGA: Okay. Fiona?

FIONA ALEXANDER: I'm not disagreeing with the amount of work and energy everyone puts into this but – and knowing that you just said this one sentence – but I don't see any of the facts or the analysis or any of that stuff that we would need to sort of decide whether or not this needs to be a recommendation.

ALAN GREENBERG: I granted that. Only if the rest of the group decides it's something we want to go forward on.

BRIAN CUTE: Are you waiting on a volunteer to bring the facts forward?

UNIDENTIFIED MALE: I mean there were some comments by Chuck Gomes on the development of volunteers for the GNSO process, very specific ones. And when you look at the summary, he also repeats that. And when we were in Durban some of the non-commercial groups also mention that. I mean what else do we...

ALAN GREENBERG: And it was said in [spades] by a comment that was sent to us recently by Rinalia Abdul Rahim.

FIONA ALEXANDER: Right. But comments doesn't substitute for like a fact-based analysis of the situation. That's all.

BRIAN CUTE: All kidding aside, when I first read this I thought it was specifically targeted to the Review Team process and my suggestion was going to be, yeah, that's valid. Can we collapse that into our recommendations on how to improve the Review Team process? To Fiona's point, if it's broader about volunteers within ICANN, there's got to be a specific problem statement underneath that. There's got to be facts. It's just not clear yet for me what it is.

CARLOS RAUL GUTIERREZ: Fiona, do you remember the report that David Olive did of the public consultations? Do you remember how many public comments didn't get

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any comment? Would that be enough? Do you remember David Olive's analysis of the public comment? I see a lot of facts here. I see the facts there. I mean, how many public comment periods didn't get one single comment? Do you remember the numbers?

FIONA ALEXANDER: Right. But that doesn't necessarily mean that people never worked.

CARLOS RAUL GUTIERREZ: Okay. If that's not data [inaudible] help, then we should leave it for the third review team.

BRIAN CUTE: I'd need to know more. Do we have evidence that there were no responses because volunteers were stretched too thin and we have [inaudible] because all the parties—

CARLOS RAUL GUTIERREZ: It is so technical that nobody understands it. When you read the [themes] that didn't [inaudible] anyone, you get [inaudible]. It's not only volunteers. Volunteers with a high level of technical understanding to move this. It's not only volunteer. I mean, volunteers are [inaudible]. There are many. We're talking of volunteers who can produce policy for the DNS. That's like the IETF or the Internet architecture, but that kind of volunteers.

FIONA ASONGA: Brian? I think the question...

BRIAN CUTE: Yeah, go ahead.

FIONA ASONGA: The question is whether this is something that we need to cover or not and we need to probably get our facts together and someone needs to put a template that we can all go through and see what the facts are so that it's also clear what exactly we are wanting to propose in terms of a recommendation. Are we in agreement on that? So who's going to prepare for us a template? Carlos? Alan?

ALAN GREENBERG: I suspect between me, Avri, and Carlos we'll try to put something together.

FIONA ASONGA: Thank you very much. The issue of cross-community work, that had been discussed. So I'm not going to go into that. However, is that the proposed recommendation correctly captured? ICANN should look for opportunities where there are real benefits for joint efforts. The Board in particular could charter cross-constituency groups where there are synergies between and amongst ICANN units. Keep up the efforts that are currently underway for broader cross-community interaction and learn from previous efforts and produce guidelines for future effort. We

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already discussed this. Yes. And she did do the merge and I've collected this from the merged document.

Okay, moving on to multi-lingual quality. Yes?

BRIAN CUTE:

I think the one question that we teed up, I'm not sure we addressed it, was should the Board be creating cross-constituency work or not? Olivier, you have the self initiated at the community level DSSA, right? We have the Chairs who meet. It's not really formal cross-constituency work, but we've seen kind of bottom-up organic, self-organization. The question is should the Board be creating cross-constituency work or not?

FIONA ASONGA:

Alan, Carlos.

ALAN GREENBERG:

We've also heard evidence that on the one example that was used, there's some evidence that the organization ignored the existence of such unit because it was formed bottom-up. That's number one.

Number two, it's not that they must all only be formed top-down, but that path should not be ignored when there are synergies. The example I gave was the policy implementation, which although gTLD policy may fall under the GNSO, it is not the only one with thoughts and opinions on how to resolve that issue.

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CARLOS RAUL GUTIERREZ: This is one way to ask it. The other one is to go down the list of the 9.1 and ask ourselves if the lack of acceptance of the decisions of the process are low in the public because they don't recognize their work. So I wouldn't limit it. If it's the Board's job but the ones, the lower three ones, that are a little bit less worked out so we could focus it from there would be my position.

FIONA ASONGA: Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Fiona. Just a question to Alan. With regards to this policy versus implementation, was this chartered by the GNSO or was that a Board resolution that chartered this group?

ALAN GREENBERG: My recollection is that there was a Board request to the GNSO. I may be wrong on that, but I believe there was.

FIONA ASONGA: Carlos?

CARLOS RAUL GUTIERREZ: In some of the revisions, the Board speaks that there is an ongoing process already in the GNSO and this week the GNSO invited the GAC to

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start up in the development of this process. When did it start and by whom? I don't know, but it's ongoing.

ALAN GREENBERG: I'll revise it. It may well have been a Board request to all organizations, but not for them to get together and do it but independently. I don't remember the details.

OLIVIER CRÉPIN-LEBLOND: And that's the point I was going to make.

FIONA ASONGA: Brian?

BRIAN CUTE: Steve, a question for you. Does the Board on this notion of the Board where it sees benefits initiating or promoting cross-community work feel constrained in any way from doing so? Is there an attitude of that's what you should do and you feel you have the liberty to do that? Is there any sense of the Board on this question? Is a recommendation that the Board consider this and do it where necessary, necessary?

STEVE CROCKER: There are several questions you asked. I can answer the last one easily, no. I have examples in my head to speak from, but generically, there's

both a resistance of one kind and a sense of empowerment on the other. [inaudible] speak to both sides of it.

The Board does not want in general to intercede and create things to happen. That's best done through the community, through the processes and so forth.

We're not in the business generally of setting forth our own agenda and saying, "These are the things we want to make happen and we just have to figure out how to look like they're okay with the rest of the community. We don't do that at all. That path would be a very poor path.

On the other hand, in selected cases where we see that it would be helpful for something to happen, we might try to encourage or create something. As I say, I don't have enough examples in my head to flesh that out. An ideal situation would be where different groups decide that they want to get together and chat and that's good. I come from a tradition where [inaudible] investigator's meeting where a senior guy got up in front of all the principle investigators and he said, "Look to your left, look to your right." He said, "When you hear that in college, it's usually followed by one of you won't be here in the next year." The punch line here is you guys are going to be working together next year. So that's the spirit that I think, from where I'm sitting, we would normally encourage as opposed to we're going to dictate or we're going to drive in a particular direction.



On occasion, I could imagine we might say, “Why don’t you guys work on this?” or something like that. At the end of the day, it has to feel right, it has to work through the processes, it has to be agreed to by the community and not just imposed from. So we might stimulate something without – and then carefully back away and let it flower or not flower.

FIONA ASONGA:

Okay. We’ve got Brian and then Alan.

BRIAN CUTE:

I think Steve’s answer is very important because if we’re going to make a recommendation here we’re asking the Board to do something to initiate something that that might be perceived as a top-down thing and the Board necessarily has sensitivities about not acting in that manner, so that’s understood.

I think we have to ask ourselves is the problem significant enough that we need to signal to the Board that it should be an actor in addressing this problem? And if it’s simply a matter of everyone feels that’s appropriate, there’s a small [inaudible] on the Board that has some reticence about it and a signal from the Review Team would help them get over that line, fine. But if you think the Board is on balance, predisposed to when necessary, give a nudge, then maybe a recommendation is not needed. That’s what I’m trying to get at here.

FIONA ASONGA: Alan?

ALAN GREENBERG: If we were to make a recommendation saying the Board should be cognizant and use this tool when appropriate, the implementation is very simple. Yes, we will. And done. Because you can't predict when the next time it is that comes around where it will be appropriate.

The gist of, or the origin of this, was we do talk about silos and the natural inclination of groups is to work independently. Is there a way that we can nudge them in another direction when appropriate?

STEVE CROCKER: Let me try to transform this a bit. Let's suppose that you drafted and put forth a recommendation or [inaudible]. One of the problems that might come up is people would say, "So what is it that the ATRT had in mind? Why did they say that? What are they trying to accomplish?" And I think that might be the more compelling question for this group to have in mind.

What's the rationale? What example do you have in mind? And how will the community know whether or not it's been implemented? It's easy for the Board to say, "Sure, thank you for the advice." I don't know that that would accomplish what you have in mind and be an effective path forward.

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FIONA ASONGA: Olivier, then Fiona.

OLIVIER CRÉPIN-LEBLOND: Thank you, Fiona. I'm a bit concerned here that we're again splitting hair lengthwise. We're asking whether it's proper for the Board to ask for the community to work together. That's pretty bizarre. In fact, especially since the Board has done that in the past on some formal occasions. Looking at the Special Trademark Interest Working Group, for example, which was asked by the Board to relook again at the IRP. I see Alan who tells me that wasn't the case.

ALAN GREENBERG: That was a GNSO activity.

OLIVIER CRÉPIN-LEBLOND: Was it a GNSO activity? But wasn't it the Board, though, that did ask that the community work together to try and find a solution?

ALAN GREENBERG: The Board may have said the ALAC should be included because there's a liaison, but I don't remember if it did and it wasn't any wider than that.

OLIVIER CRÉPIN-LEBLOND: What about the Joint Applicant Support Program? That was a Board thing I think, if I recall. The Board did ask for something to be created.

ALAN GREENBERG: That may well be one that was mandated by the Board, which is perhaps the only reason the GNSO did it that way.

OLIVIER CRÉPIN-LEBLOND: So this is why I'm thinking we are spending a lot of time on this, but I don't see what the big deal is. Getting the Board to sometimes tell the community, "Please work together on such and such subject" is something that they've often done and that they can do at will.

STEVE CROCKER: In the case, for example, vertical integration where the Board said, "We're going to adopt this posture unless you come up with something," didn't actually work out as well as intended to put it very mildly. So I think the Board will tend to be hesitant about things that are that specific and we'll try to find more subtle ways, if you will. Because it has the effect of suggesting that you do it our way or the following will happen. So we lose the neutrality that we really do need because we've sort of committed ourselves to it, or have the appearance of having committed ourselves to a particular outcome. It's difficult.

In saying we're not happy with where things are, therefore you guys work together, it's hard to say that without it also having the effect of saying, "And here's in effect where we want you to wind up." And it's very hard to try to do half of that without the other half without—

FIONA ASONGA: Next, Fiona, Alan, Avri.

FIONA ALEXANDER: I was just going to suggest that I don't think anyone disagrees with the intent of what you're trying to propose here, but maybe you just bracket this one for now because the Expert Report that the consultant is going to have information that's going to influence this in addition to the reason we're bracketing the one that's GAC related. The GAC related participation across the process is the consultant you've chartered. These are all looking at the same issue, so maybe it's just better to hold on these until you have that.

FIONA ASONGA: Thank you. I think unless Alan and Avri have something to add to that – Yes, Avri?

AVRI DORIA: I actually do because I don't want to leave a standing assumption that one can't recommend neutrally that we have received comments from both of you and we therefore think you should sit down and talk actually mandates that you have to say, "And we want the particular solution to come out of it." So I think recommending people talk without adding the ultimatums of "this is what we'll do or else" is – they're separate issues.

FIONA ASONGA: Alan?

ALAN GREENBERG: I really don't think it's related to the outside consultant. That is very specifically talking about the GNSO PDP which, by definition, is a GNSO activity. Perhaps one that welcomes other people, but nevertheless. The reason for raising this all together is we are continually faced with discussion about silos and how do we break them down, and this was an attempt to say, "Is there anything the ATRT can say which might help in that direction?" So I'm not going to push it strongly. I think it's an important issue, but I'm not sure how to proceed.

FIONA ASONGA: Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Fiona. If the Board is able to throw things back to the GNSO for further work, then it should be able to throw things to the whole community. That's the nature of bottom-up.

FIONA ASONGA: Brian?

BRIAN CUTE: We can say things in our report and we can issue recommendations. All I'm trying to get at is we've already got a lot of recommendations on the table. We're going to have to confront how many we issue. They require implementation efforts, time, resources, tracking. Do we really need a recommendation for this item is the question I'm trying to get at.

FIONA ASONGA: Avri?

AVRI DORIA: Thanks. In this case, A, I think we have a recommendation that doesn't take a lot of work to implement and I do think we need this one specifically because we do have a situation where things do seem to get stuck as opposed to getting sent back down to the bottom.

So if we can make a recommendation that says the Board, without making ultimatums, please send stuff back to us when it's confusing what you've gotten from us or however we want to put it, I think that's a good recommendation to make and it doesn't have a whole lot of implementation baggage. It's an advice to the Board as it were on send things back to the bottom when the bottom sends you things that's mixed up. [audio cuts out]

BRIAN CUTE: This is Brian Cute. ATRT-2 is recommencing its work, Friday, August 16, in Los Angeles. Welcome back from lunch. Okay, just to outline what we have in front of us we have to finish walking through Work Stream 4 proposed or preliminary recommendations. Here's the good news. There are only three left to do. Look at that.

Here's, it's not bad news, but what we have to do once we've finished that is we need to go through each Work Stream and identify what are the specific remaining tasks, if there's research, documents, things we need to go fetch so we can finalize a recommendation or determine

we're not going to make a recommendation, clear assignment of ownership of that and when that needs to be delivered. So that's the next step, and it will be a little painful but we have to walk through everything we've done, identify that, assign an owner, and then move on.

After that, I'd like to have a brief discussion on the shape of the report, because those who stay behind tomorrow are literally going to start drafting the report, and perhaps some recommendations if there are a few that are already fully formed.

Then we have just a list of some other business items that Larisa and Alice will help us walk through in terms of structuring our work going forward. So with that, Fiona, would you mind taking us the rest of the way?

FIONA ASONGA:

Thank you, Brian. We have moved down to Number 29 because all the rest between 18 and 28 were discussed yesterday, and we've had a lot of discussion around those. And so we start with Part 3 B on legitimacy and outreach. Government Outreach, proposed recommendation Number 29, On improving outreach to governments, ICANN should include a baseline and goal to be reached with clear plan on relations to GAC as well as to non GAC members.

It's in two parts: A) ICANN should enhance its activities aiming at making ICANN's work relevant for stakeholders in those parts of the world



where stakeholders are less active participants in the work of ICANN than stakeholders in other parts in order to ensure that ICANN's decisions are "embraced, supported and accepted by the public and the Internet community" in all parts of the world. B) For each region of the world ICANN should develop an operational plan on how to develop and improve the local domain name business to ensure that local enterprises and entrepreneurs fully and on equal terms can make use of ICANN's services including new gTLDs.

The operational plan should identify any barriers from a local perspective and present action points to address barriers or in the case that general ICANN rules or policies present an obstacle the plan should make recommendations for consideration of the problem in ICANN's policy-making processes. The operational plan should be made in cooperation with local stakeholders. The operational plan should include a baseline of the local access to ICANN's services. The plan should be presented for public consultation. The operational plans should be finalized by a certain agreed date.

Then Number 30 that is also touching on Government Outreach/ ICANN/GAC interaction can be summarized and communicated in a more structured way to increase the transparency on how ICANN reacts to GAC advice, and this could be summarized in an annual report, timing to be presented at global IGF.

Feedback on that? Brian?

**BRIAN CUTE:** This is a question, and I don't want the question to be interpreted as pushback, but I think it's an important question for every recommendation as we're going through them. Is Part B of this necessary from the perspective of is this already being done? Is the CEO, who we know is in the middle of significant outreach, developing such a plan? That would be important to know. If yes, it would be an excellent opportunity for the Review Team to engage with the CEO and have a discussion about what should be in that plan. So that's just an open question from my perspective. I don't know.

**FIONA ASONGA:** Carlos?

**CARLOS RAÚL GUTIERREZ:** I think we should make emphasis in working through GAC independently who is the minister because what I heard yesterday, I told that to the CEO six months ago. If you go and look for the telecom ministers, you are working into the ITU. Who is going to analyze in each country who does the Internet policy or not? They should concentrate and work through GAC and respect the GAC as the official channel. Don't worry if in this country it's the telecom minister and in the other country they have an Internet minister. If you start – so I want to make emphasis that it should be to whoever the government sends to GAC because I think it's very meaningful to have this outreach as long as they do it through the GAC and not jumping over the GAC. Just because nobody came to the GAC and so on you might feel, "Okay, let's..." One

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day you might find yourself sitting in the middle of the UN or at ITU and the question is did you want it to go there? So it needs some rework.

The same for the IGF. I don't know the IGF whatsoever. It might be the right place. I don't know. I've never been to one. But my position here at this table is whatever you do with governments, try to focus it through as the CEO said precious whatever channel that you have which is the official one which is the GAC. Whatever happens beyond that, careful.

FIONA ASONGA: David?

DAVID CONRAD: So I have to say I feel very uncomfortable for a whole bunch of reasons. For one thing, the exclusive focus on domain name business just rubs me the wrong way because my view of ICANN is it's more than just the domain name business. But the idea that ICANN should "develop and improve the local domain name business" seems to be sort of outside of the bailiwick of an organization that's structured to coordinate at a global level the Internet, identifiers, things. I would never have thought that that would incorporate improving local domain name businesses. I mean, it makes me nervous that we would make a recommendation that would be seen as encouraging that direction for the organization.

FIONA ASONGA: Alan?

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ALAN GREENBERG:

I too have a bit of discomfort with several of these sections. Whether it's ICANN's business to be encouraging growth of the domain name business in Africa or whatever is rather moot. I'm not sure I see the connection with accountability and transparency. It may well be part of our global responsibility to do that, but I don't see how it's part of this group's charge.

I have a lot of discomfort with 30. We're sitting here in November 2013 – or will be sitting in November 2013 – and making a recommendation about what ICANN should do at the next global IGF, which might be a year after that. And that's the kind of strategy decision that should be made by people closer to the ground at that time and not something we should be prescribing and then they have to defend why they didn't why they didn't do it. There are a number of things I've got that I just don't feel comfortable with.

FIONA ASONGA:

Larry?

LARRY STRICKLING:

So could I make a recommendation so we can move on? I understand the sentiment that leads to these recommendations being made. I think the sentiment is already partially captured in the work we talked about yesterday, and if it's okay with the rest of the group since I think Jorgen's the author of these, how about if we work with him to try to bring these concepts into the GAC recommendations and expand them a little bit to talk more about what ICANN should do. And I think the real

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issue is how specific do we need to get. And if you, I guess, just delegate it to us to work with you and to try to come up with that balance, I think we could keep moving.

FIONA ASONGA: Jorgen [inaudible].

JORGEN ANDERSEN: Yes, I would be happy to support that proposal. I think just to explain, I understand the concerns about B isn't very careful to what date it but it is a very specific recommendation which might be considered to go beyond the scope of what we should recommend ICANN to do. I take that point.

With respect to A, I think it is important to note that the background for that particular proposal is the lack of balance in the number of applications in the gTLD process, which clearly reflects that there is much, much more activity in North America and Europe than should have been the case in the rest of the world. If we should take seriously what is written in the AOC that it should be ensured that ICANN's decisions are embraced, supported, and accepted by the public and the Internet community, here there is a clear place where you could consider to do something to improve the situation. That's the background of this.

And my last remark is about 30, and I think that we touched upon it already in our discussions yesterday. And I mentioned it when we

discussed the proposed recommendations from Larry that there might be scope for extending one of the proposals. So I would be very happy to work bilaterally with Larry on how to see that we get moving on this. Thank you.

FIONA ASONGA: Any other comments? Alan?

ALAN GREENBERG: Just a quick one. I was somewhat negative about B and 30. I am absolutely positive about A. I think that's the kind of thing – and I think the wording needs revision – and it's something that ICANN preaches regularly but we're still not showing a lot of evidence we're doing it well, so, yes.

FIONA ASONGA: David, then Demi.

DAVID CONRAD: Yeah, actually, I think A, I agree is appropriate. I think I agree with that one. It needs to be reworded a bit. It doesn't really feel like an actionable recommendation as written, but I think that's just wordsmithing. The other comment I had is on 30. I actually – if you leave off the very last bit: “timing to be presented at global IGF” – I actually think an annual report summarizing the various things having to do with the GAC actions would actually be useful in the terms of

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accountability and transparency. Just throw out the IGF bit, and it actually sort of makes sense to me.

DEMI GETSCHKO: Thank you. This is Demi. The same comment as David. I suppose not need to nominate the IGF in this 30 point. I have another concern just slightly to make it clear. I'm not comfortable with domain name business name. For example, in some countries like Argentina the domains are for free now. Then this business included in the domain name, I suppose it's more than we are trying to aim. Thank you.

FIONA ASONGA: Okay. Any other input? I think that's it, so we'll leave it to Larry and Jorgen. Oh, okay, Lise.

LISE FUHR: I just have a short remark, and that is that I think you might not like that IGF is mentioned specifically, but I think the outreach to other organizations is very important and if we can find a way to write that without writing IGF, I think it's fine. But I think it's important that we focus on the outreach to the community but also to other organizations.

FIONA ASONGA: Avri?

AVRI DORIA: On the IGF, I don't it's as strange a statement as it appears since ICANN does a session at every IGF talking about all it has done. I don't know that it needs to be in a recommendation. I'm not sure. I'm not going either way, but I'm just trying to sort of say that it's not unusual since there is a forum on ICANN at every IGF where it says, "We are great. We do this."

FIONA ASONGA: Yes, David.

DAVID CONRAD: And to be clear, I mean, I think it would be eminently useful to present the annual report at IGF. I just don't think it needs to be explicitly called out as the intent of the recommendation.

FIONA ASONGA: Okay. Any other comments? Okay, then I think we shall leave it to Larry and Jorgen to work on the comments from the floor and to work on reword the recommendations so that they are appropriate for us to move forward with.

Finally, Item Number 4, Board and staff review and implementation of recommendations. And for this, the recommendation is that need to develop baselines and clear goals to be achieved and metrics as a tool to guide in decision making and implementation of recommendations. I know that staff have been working on metrics. The work is still ongoing.



However, in view of the input we were able to get in as far as the Board and staff processes for review and implementation of recommendations are concerned, there was a need for us to put in place some tools for ICANN to have in place some tools so that we are able to appropriately assess that process. Any input, comments on that recommendation? That one came from my observation and feedback from the documents we have been going through and the discussions we've been having. Yes, Carlos.

CARLOS RAÚL GUTIERREZ: Sorry to ask again. Is this metrics work is for all review teams? Not only for ATRT but also to WHOIS and so on? Are we talking about like a common baseline of review teams?

[LISE FUHR]: The accountability and transparency benchmarks and metrics, the work is relative to defining accountability and transparency focused metrics and benchmarking against similar organizations, so it's not specific to the work of the review teams, although there would be a tremendous overlap. But the mandate is specifically to look at accountability and transparency elements.

FIONA ASONGA: Brian?

BRIAN CUTE: I agree with that mandate statement, but I would take it down to the level of recommendations. I'm not saying that we are going to be prescriptive, but I think when we engage with the consultant we have to have substantive discussions about what types of benchmarks or metrics can be applied to these types of recommendations. We may still leave it to the organization to develop them specifically because that's appropriate, but to me the mandate does come down to actual recommendations that were made in the past and are going to be made in the future.

FIONA ASONGA: Any other comments? No input? Alan.

ALAN GREENBERG: You're asking for any other comments on this item, correct?

FIONA ASONGA: On this, yes.

ALAN GREENBERG: Okay, I have none, but when you're finished with this item, I do have one.

FIONA ASONGA: Okay. I think we are then done with that item, and I will hand over back to Brian and tell the rest of you in Swahili asante sana (“thank you very much”), hoping one day shall get Swahili translation.

BRIAN CUTE: Well done. Thank you very much, Fiona. Thank you very much.

ALAN GREENBERG: We’re not finished.

BRIAN CUTE: Oh, go ahead, Alan, please.

ALAN GREENBERG: Okay. There were two items that I had there that seem to have disappeared. One was the recommendation that Board responses to review teams should meet certain criteria, and the second one was the recommendation that we will be making recommendation or recommendations on the PDP. And although we don’t have the report from our external consultant yet, I did do a fair amount of work on starting that and I was wondering if we were going to discuss that or not. That was 1 E which we didn’t do under one but said we would do under 4.

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FIONA ASONGA:                   Sorry. I missed that. If Alan can just take us through it because I didn't get...

ALAN GREENBERG:               The first one, the recommendation on Board responses, I think is relatively clear what I wrote there. It's a target that the Board did meet and most of the cases did not meet, I believe. And we've had significant discussion on it in the case of the WHOIS Review Team, and it think it's warranted as a general comment on review teams that the response should be in line with the effort put into the work.

BRIAN CUTE:                    David?

DAVID CONRAD:                Just to be clear, you're talking about Number 1 here, right?

ALAN GREENBERG:              Correct.

DAVID CONRAD:                So I personally, having gone through the SSRRT recommendations with a fine-tooth comb, I get a little twitchy when I see terms like "with clarity and precision" because they're subjective evaluations. I personally think that whenever possible if we're going to make recommendations, we need to do so with some sort of objective

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measurable values so that we don't get into subjective evaluations about, "Yes, I did it." "No, you didn't," kind of things.

ALAN GREENBERG: And since the one case that this is in response to has just that quality, yes, I can only agree and if my words weren't right then we need better words. That wasn't an attempt to draft a final recommendation. But there needs to be clarity so there's not any misunderstanding in the community. If these review teams are as important as we're pretending they are or saying they are, then that level of follow through has to be done with the same level, that's all.

FIONA ASONGA: And the second one?

ALAN GREENBERG: The second one was the recommendation on the policy development process, the one that was under 1 E. I don't know where it is on the documents. It was the two- or three-page document that I submitted under templates if that helps someone find the name. While we're finding it, I'll talk for a moment.

This clearly is one that's going to require more discussion certainly as the external consultant's work proceeds. What I tried to do is put in place the issues that seemed to be already on the table that are not likely to change, and they're recommendations that have been raised by

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a number of different groups in the community as we interviewed them and came out in spades with the working group chairs e-mail discussion.

Okay, we've got it on there. The substance is that we are not claiming the PDP is broken as the words have been used, nor at this point is there evidence that the overall procedure needs to be revised in any significant way but that there needs to be tools provided to the working groups to allow them to do their job, particularly in subject areas which are thorny, contentious, lots of money at stake – various things like that. And the reason I feel so strongly that we need a recommendation is I believe to implement this it's not just going to take the will of the GNSO, which it will take also, but it's going to take money, and therefore I think it's the kind of issue which is warranted to bring up at the Board level.

FIONA ASONGA: Carlos?

CARLOS RAÚL GUTIERREZ: Are you talking only about the PDP process? Because I would like to see this voluntary issue in a broader sense. I mean, public input from the community, working groups for policy development, GAC, whatever. You can put what we need in terms of numbers, voluntary people, and that requires money, yes. But the way to phrase it for me is the constant support for all these elements where there is a lot of voluntary work involved, and that happens in many different places. It happens in GAC. It happens in the Board. It happens in the GNSO PDP. It happens in

public comments on anything. It happens everywhere. It is the sustainability of the bottom-up policy development process altogether.

ALAN GREENBERG:

And my understanding is we do have another one on that. I think that was one that I, you, and Avri were volunteered to work on. And there are likely other things on the PDP itself to come out, including GAC involvement and stuff like that. I wasn't trying to gaze into my crystal ball and get the full sum of everything we're getting out of the external consultants. I was trying to put in place the ones that at this point in time seem to be clear recommendations. There may well be more coming out of it, otherwise we're wasting our money if we already know all the answers.

FIONA ASONGA:

Has everyone read those recommendations that Alan is talking about? ICANN including the active participation of the GNSO must develop options for carrying out PDPs with support of professional negotiators, facilitators, and/or arbitrators as well as guidelines for when options may be invoked. And the second one is ICANN must provide adequate funding for face-to-face meetings with augment e-mail, wiki, and teleconference for GNSO PDPs. Comments? Larry, you would like to say something.

LARRY STRICKLING: I was distracted, and I probably shouldn't say anything, but I guess I'm just wondering why are we taking this up before we've heard from our expert. That's all. But maybe that has been discussed, and I was distracted and didn't hear that.

ALAN GREENBERG: Well, I'm not sure it was discussed well enough. What I said was from comments from the community in Durban as well as written comments and outcomes of the working group chairs discussion, which I think talked about some of these things in-depth, that it appears that these two conclusions are givens at this point. Conceivably, we could reverse that, but at this point it looks like these are two components which are necessary. There may well be others coming out of the study, or in fact the study may end up altering these, but these ones seem to be on the table already.

DAVID CONRAD: Then could we just bracket them so we don't lose them and have them available when we get to the larger discussion?

ALAN GREENBERG: I just wanted them discussed because they had been presented.

FIONA ASONGA: Thank you, Alan. I've added them to the table so the updated table will have them added in.



ALAN GREENBERG: Now I turn the discussion back over to Brian then.

FIONA ASONGA: Well, he's not there, so I hand the table back to you.

ALAN GREENBERG: Does anyone remember what he wanted us to discuss next?

FIONA ASONGA: He wanted us to discuss the areas that need more data, more work, which ones are not going to be considered and assign individuals to get that work done. But he's right there.

ALAN GREENBERG: I think I'll go tell him we're ready.

FIONA ASONGA: Yes.

ALAN GREENBERG: What he says is we need to do a stocktaking, decide where the gaps are and what deliverables are, and I should start with Olivier. That's verbatim. Fiona says Brian had a template which we didn't go over. I thought we did go over it at one point, but I don't remember what it is so I can't say.

FIONA ASONGA: We went through the public participation process. He talked about it on the first day, on Wednesday. So what we did was in going through the Work Stream 4 work, we have not gone through the specific templates. What I've done is I assumed we had read the templates and therefore picked the recommendations for us to discuss. No. That we've captured in the discussion on the review process.

AVRI DORIA: We can't really discuss it without him being here anyway, can we? So does that change the order, and do we still go back to Olivier and we go back to this when he gets back here?

ALAN GREENBERG: Or we take a break.

OLIVIER CRÉPIN-LEBLOND: Good afternoon, everyone. It's Olivier speaking. I think we might wish to plow forward because we haven't really got that much time for a break. Looking back at Work Stream 1, 9.1 E, Larisa very kindly added the comments and points that she collected during the time that we spoke yesterday. Was it yesterday or the day before yesterday it feels like? It was yesterday and the day before yesterday. Okay, great. So you'll see a couple of more columns that have appeared to the right of each one of our issues. And we had a long discussion, so we're not looking for a discussion today. We're also – speaking to Brian earlier – we're not thinking of drafting an actual full set of recommendations, but I think

that what we need to do right now is just go and do a quick pass over what we have to validate what we've got and make sure we haven't forgotten anything in there.

So ATRT-1 recommendation 1 A-D was the mechanisms for identifying collective Board skillset, benchmarking Board and BGC skillsets, tailoring and consulting on skills; reviewing for each NomCom; publishing outcomes and requirements with NomCom's notice. The discussion yielded some input from David, I believe, who has actually got a large document that's got the – where is that – communications with the Board. Isn't that correct? Yes, that's the one.

So David, "Need to document how it's being benchmarked. This should be done whenever something is benchmarked. Some elements are ongoing and should be formalized or stated." The actions was that Lise was to research the references to recommendations not being implemented. And in brackets it says, "Was it referencing NomCom review under the bylaws and structural reviews?" Correct. Okay, so maybe since we're at the task assignment, do you have a timeline for this, Lise?

BRIAN CUTE:

Weren't volunteering timelines. Don't mean to intervene, but I feel pretty strongly that given the pace of our work and the arc of our work, we all have to endeavor, whatever the outstanding task is, I would say at the latest two weeks from now. Ideally, if you can get the task done

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in a week from now and get it circulated back to the team, that would be great, but two weeks at the latest.

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian, for providing Lise's timeline.

LISE FUHR: Thank you.

OLIVIER CRÉPIN-LEBLOND: David?

DAVID CONRAD: So with regards to the discussion, this might actually hopefully be an information gathering thing. The assertion was made that the Board was being benchmarked, NomCom was being benchmarked against something. That benchmarks were being done, so presumably they're benchmarking against something and just need to find out what that is. And in the future, if there are any other benchmarkings being done, then just need to make a point that whatever is being benchmarked against is actually documented. That was the point of what I was saying.

OLIVIER CRÉPIN-LEBLOND: Okay. Let's move on. Okay.

AVRI DORIA: Was there a task attached to that? And somebody doing it?

BRIAN CUTE: That's part of the recommendation, right?

AVRI DORIA: In terms of the gap analysis that we're doing now of work that needs to be done.

BRIAN CUTE: Right. No, you're properly focused.

AVRI DORIA: Is there a task now?

BRIAN CUTE: So your question is are they?

DAVID CONRAD: There were assertions that the roles on the Board and such were being benchmarked against – what was it – corporate and skillsets that meet community – sorry, just a second – similar corporate and other government structures. But there has been no reference to what those might be, and for openness and transparency, I believe it would be useful that they were actually documented.

Now, since those benchmarks have been done presumably in the context of this particular Recommendation 1, they're benchmarking against something, right? You don't benchmark against nothing, right? It makes no sense. Yes, Larisa.

LARISA GURNICK:

I was just going to suggest that staff follow up and get the answer to that question.

DAVID CONRAD:

That's exactly what I was looking for, that staff was going to be able to do that. But in addition in the future if anything is benchmarked, the recommendation is that what is benchmarked against is documented. So it's a two-part thing.

BRIAN CUTE:

That can be part of our recommendation on Metrics/Benchmarks. The task is – Larisa, thank you – [inaudible] at NomCom. Ask them if they have published these benchmarks. If they haven't, can they provide them and will they publish them going forward. We could eliminate the need for one aspect of the recommendation if the chair says, "Why, yes. We'll make that part of our practice. Excuse us for forgetting." So if you can follow up on that task, Larisa, and let us know what you hear back on all those points.

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. And thank you, David, for this. The second part to this same original recommendation was to do with outreach where David mentioned that outreach needs to be improved and go to a wider audience. David, should we expand on this?

DAVID CONRAD: It seems pretty clear to me. I mean, does anyone need any clarification?

OLIVIER CRÉPIN-LEBLOND: Okay, thank you, David. For the sake of writing a recommendation on this, should we focus further, or would that be seen as being a bit too micromanagement and just have a recommendation which mentions just that?

BRIAN CUTE: Could you restate that?

OLIVIER CRÉPIN-LEBLOND: Is this a recommendation that's complete enough, or should be actually have it – I think we are to jump to still it's Number 1, so one down.

BRIAN CUTE: Wait. This is an ATRT-1 recommendation that we're assessing the implementation quality of.

OLIVIER CRÉPIN-LEBLOND: Correct. Let's go back to Number 1, just one up. It's very difficult to get it. It's one of these sort of halfway. Down? Down one? Here we go. Outreach needs to be improved, go out to a wider audience.

DAVID CONRAD: So to clarify, this was input that we received related to recommendation Number 1 that the NomCom efforts did not do sufficient outreach and public relations to bring in the right number of applicants and awareness of the NomCom process.

BRIAN CUTE: So as a matter of their outreach practice, they should cast their net more broadly, globally, wider audiences. Is that the thought?

DAVID CONRAD: Better, yes.

BRIAN CUTE: Better. Okay. The question for us is, is that going to be a recommendation or is that going to be an observation that's part of our report? It could be either/or. I don't prejudge it. David.

DAVID CONRAD: I actually think an observation is sufficient. I don't think it needs to be cast as a task the ATRT-3.



OLIVIER CRÉPIN-LEBLOND: Okay, thanks very much, David. So next one, Number 2, regularly reinforce and review training and skills building. David's recommendation on this is to make documents regarding training processes available publicly if possible. And Steve's note was the new support person is coming and will tackle these items. An agenda of things in progress will be made visible. Do you wish to expand on this just to remind us please, Steve?

STEVE CROCKER: Thank you, Olivier. I've had training for Board members as a – priority isn't quite the best word since if it was a high priority, it would have happened – but as an important goal. And we have done some of what I've had in mind, and it hasn't reached the level of continuity and completeness that I had in mind. So it remains as a work item. There is a series of different topics, different classes of topics.

One, for example, is basic work governance, topics that would apply to almost any organization. Another are the things that are very specific about how ICANN operates. Another area is about the environment that ICANN operates in. And I could go on for some time about all that. So we have partial implementation of the things that I'd like to see. And I want to kick it up a notch so that it's a very regular, organized activity and that there are materials that are available. There are some circumstances in which the material covers things that would be considered sensitive or proprietary, and so there's some question about how much of that can be made public, but by and large a lot of it can be. And so I wouldn't want to sing up for 100% for just only publicly

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available materials, but the bias is certainly in that favor, and then the next thought comes up as well.

Why is that only for the Board? Why doesn't that apply to other people in the community? And then that expands to, what about the ICANN Academy that ALAC has been pushing and so forth. So all of that needs to be thought through. My particular focus is a bit parochial, focused on the Board, but to the extent that it makes sense to collaborate, cooperate, harmonize for those, happy to do that.

OLIVIER CRÉPIN-LEBLOND: Thank you, Steve. David.

DAVID CONRAD: Yeah, so there was actually a fourth sort of pseudo recommendation to Number 1, and it was expand the skill survey and benchmarking to include NomCom selections of GNSO, ccNSO, and ALAC. Right now it focuses exclusively on the Board, and we had received input in Durban that it might be worthwhile to apply that to the other parts that NomCom touches. And, yeah, I'm just putting that out there.

OLIVIER CRÉPIN-LEBLOND: Thank you, David. That was under which part? 1?

DAVID CONRAD: That was under recommendation Number 1. In my document, it was 1 D, but that's meaningless.

OLIVIER CRÉPIN-LEBLOND: Thank you. Charla, if we can go one step up and just add this.

[DAVID CONRAD]: And I guess the question is, is that something that we want to pursue in terms of a recommendation? And I don't have a strong opinion. I mean, it seems to make sense to me.

OLIVIER CRÉPIN-LEBLOND: I'm not quite sure who is adding this. Charla. Larisa, sorry.

LARISA GURNICK: That's okay. David, when we were working with these documents, we hadn't picked up all the recommendations from your document and incorporated them in here. We can certainly do that.

DAVID CONRAD: Well, yeah, and I guess that would be of questionable value if we're not going to pursue it, right? So that's why I was asking the question, is that something we want to discuss and include or not? If it is, then we can throw it in, but if not, move on.

OLIVIER CRÉPIN-LEBLOND: Brian?

BRIAN CUTE: So I think we're assuming that there would be a similar dynamic where the NomCom would interact with At-Large or GNSO, and those bodies would provide NomCom with a sense of the skillsets that they're looking for just as happened with the Board. Is that not happening today in terms of interaction between the bodies and NomCom?

OLIVIER CRÉPIN-LEBLOND: David?

DAVID CONRAD: I actually can't answer that question. Alan might be able to, but it was actually, I think, a slightly different point in that the Board, at least as my understanding is that, there are some formal benchmarking going against skill surveys and that sort of stuff, and that was not being applied to the other areas that NomCom was focused on. That's all.

OLIVIER CRÉPIN-LEBLOND: Thank you, David. Now would this be a recommendation or an observation?

DAVID CONRAD: That's sort of the question. We can observe that it is not being done, or we could recommend that it be done.

OLIVIER CRÉPIN-LEBLOND: Anyone has a point of view on this? Avri?

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AVRI DORIA: Different questions. Do we need to follow up that it is or isn't being done? I mean, so I'm looking at it from the perspective of, what do we need to do before we do anything? And so do we need to actually follow up and find out what's going on?

OLIVIER CRÉPIN-LEBLOND: Well, I've seen it being done, but whether it's being done formally enough or done well is another question. In theory, yes, it is being done. And the NomCom has been meeting with the ALAC and the ALAC ExCom and has been asking what skillsets do you need, etc., on my point of view. But whether that's being really taken into account afterwards is something I don't know. Brian?

BRIAN CUTE: I suggest we just table this for now. The purpose of this session is to identify outstanding tasks and homework and to dos and who owns it, and we're starting to delve into more substantive discussions. I don't think we need to go this deep. Yes, Avri.

AVRI DORIA: Before tabling it though, as you said, since it's saying you are identifying the who, the task and the who is doing it. Right. So we haven't gotten the owner on that one yet, do we? We don't have the owner on this task yet, do we? Okay, so the task of checking the NomCom skill tracking to see whether it is happening to the degree it needs to happen.

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[DAVID CONRAD]: So I would love to look over to my colleagues on staff who are glaring at me. Actually, I'll be happy to follow up with the NomCom folks.

UNIDENTIFIED MALE: Thank you.

OLIVIER CRÉPIN-LEBLOND: Okay, thank you very much. Let's move on.

BRIAN CUTE: With that shirt, you can't hide. Keep going.

OLIVIER CRÉPIN-LEBLOND: Let's go to Number 2. So Number 2, David's recommendations are to make documents regarding training processes available publicly if possible. And Steve's recommendation was the new support person. I think that we said that this was a case where we weren't quite sure since there's a new support person and there's movement on this. So I think that we just need to punt it to the side for the time being and task someone to check with that new support person. And I would ask, perhaps staff is probably better equipped to find out who that support person is and what that support person is doing.

And let's move on then. So Number 3, the first part of Number 3, so increased transparency of NomCom's deliberations and decision making process as soon as possible but starting no later than the next NomCom. As we know, there has been a lot of movement in that. David's view is

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that transparency has improved markedly, translating materials such as report cards into standard UN languages. And Lise has added that there needs to be more outreach, such as in Africa.

I somehow believe that the outreach works pretty much with what we had in the previous, so maybe we can move this over to one box up. And transparency having improved markedly, well we were just noticing that this is the case. So the only thing I can see out of this is to translate materials, such as the report cards, and that could just be a recommendation, I guess. Any thoughts on this? Brian.

BRIAN CUTE: Are there any tasks to be assigned?

OLIVIER CRÉPIN-LEBLOND: Not that I see up here.

BRIAN CUTE: What does moving one box up mean? Just so I understand what you're saying, move one box up, what does that mean?

OLIVIER CRÉPIN-LEBLOND: Okay, so sorry, Brian. Yes. So Lise's note of need more outreach, such as in Africa, has to be moved to one box up to the mechanisms for identifying collective Board skillsets because we did mean in there that there was outreach involved, if I can get it correctly. David.

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DAVID CONRAD: So one task might be to consult with the NomCom chairs to see if they view the publishing, like for example the report cards or other materials, as beneficial in promoting NomCom's transparency. It may very well be that that's sort of pointless because they're just ephemeral things. And I guess the other thing that we could look at is the cost, the implications internally as to how much is this going to cost to translate the NomCom output into the six languages because nothing's free, right?

OLIVIER CRÉPIN-LEBLOND: Thank you, David. And just to make sure, when I said move it to the other box, it was move it to the box 1 A-D, mechanisms for identifying collective Board skillset where the box already has David, outreach needs to be improved, go out to wider audience. These are the same. Lise?

LISE FUHR: Well, together with the translation, there was also a recommendation to explain NomCom business more. And I think we need to put that in the recommendation too because what NomCom said was that people didn't understand the scope of NomCom.

OLIVIER CRÉPIN-LEBLOND: Thank you.



BRIAN CUTE: Tasks to be assigned?

OLIVIER CRÉPIN-LEBLOND: I'm not seeing any tasks there. I think we can move on. Alan.

ALAN GREENBERG: What I heard Lise just say is we need a recommendation, which does sound like something that needs to be tasked if we really mean it with a capital R.

OLIVIER CRÉPIN-LEBLOND: The problem is that if it's a recommendation regarding outreach, then we said it was not going to be a recommendation. It was going to be an observation. That's already tasked. And if it's a recommendation regarding translation, then, yes. We can have a recommendation on this, if that's how you feel. Brian.

BRIAN CUTE: I think where we are in our work is that we've gone through all of the possible recommendations and we've had substantive discussions, and some of them still have some information or data that need to be brought in before we can reach a hard conclusion and that's what we're focused on right now. If we're talking about a new recommendation, at that point we can note it, but the use of our time now is to fill the gaps, assign owners of the tasks to come in and fill the gaps so we can reach a hard conclusion.

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OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. What I was trying to say here is if we need a new recommendation on this, we need to task it to someone. No. Just write it in? Okay, fine. I'm okay with that.

Alright, move on to the next one. The next one is a green box, and there doesn't appear to have been anything coming out of it. That's the second part of the increased transparency part with staff input.

Fourth, continue to enhance Board performance and work practices, and there we have a number of observations which were made. For some reason, I don't have the same – here we go. Yes, we do. Discussion, so Carlos, 60-120 days for a Board member to spend on Board matters. David, recommendation is being met. Need metric to measure improvement over time.

Maybe useful to provide translations for both standard operating procedures, if there are any, depending on frequency. Heather said that these items should be communicated and are important to the government representatives, requires a deliberate plan and focus. Metrics should be flagged for a consultant. Carlos mentioned that translations of basic documents should be linked into the broader recommendation on multilingualism. Disconnect between staff assessment and Board assessment. Board's expectations of improvements and report of accomplishments should be published. And Olivier added need visual aids to display ongoing work status in order for community to see progress. Reporting should include – I have a problem with reading the rest of this – should include what?

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LISE FUHR: The impact of implementation. What are appropriate tools for communicating this progress?

OLIVIER CRÉPIN-LEBLOND: Thank you. I can't see it on my computer for some silly reasons. The actions, Denise? They are over here. I can only read one box at a time. The action was for Denise, will be considered by A&T benchmarks and metrics. ATRT I think, isn't it? A&T?

LISE FUHR: Accountability and transparency.

OLIVIER CRÉPIN-LEBLOND: Accountability and transparency, yeah. And Brian, how are these improvements communicated to the community? Thoughts on this?

BRIAN CUTE: I don't see any tasks. Does anybody see any tasks?

OLIVIER CRÉPIN-LEBLOND: Number five, implementation compensation scheme for voting Board directors. Conclusion, done, no follow up.

Next, Number 6, clarity distinction between policy development process and executive function issues. Discussion, Avri, a continuing issue. Nothing. ATRT-2 on Friday the 16<sup>th</sup> to provide information and clarification.

BRIAN CUTE: Yeah, I don't see that happening today. Maybe we'll get lucky by the end of the day, but clearly we need to hear from staff one more time before we can draw a conclusion. Perhaps on our next call in the short term we can arrange for that. And it really needs to be very substantive discussion and input from the staff side on this question. This is a really knotty one for everybody. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Brian. And so the action item on this is for staff. Fiona mentioned the question to Steve about informational Board calls. Steve's response, sometimes Board meetings last a very long time. Standard when come together for a Board meeting. That's going to have to be deciphered somehow.

STEVE CROCKER: I think the intent of that is the standard that we want to achieve is that when we come together for a Board meeting, everyone is prepared. Prep work is done, including any education that's needed ahead of time.

OLIVIER CRÉPIN-LEBLOND: Thank you, Steve. Okay, Brian.

BRIAN CUTE: I think a task was actually Amy tasked me to talk to anybody who said, if there's too much redaction going on, to ask them to provide more details or specifics, which I will do as a task.

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. Alan?

ALAN GREENBERG: Steve, I think what you said – maybe I got it wrong at the time – was not that there should be no discussion at Board meetings, but there shouldn't be things being raised for the first time and education.

STEVE CROCKER: Yes, that's a friendly amendment. That captures it. We certainly do have to have whatever discussion is necessary. We certainly do not insist that everybody come to the same conclusion, and if people want to put on the record disagreements that's fine. What we don't want to do is consume the time for people to begin thinking about things afresh, and then consume all our time in an unproductive way.

ALAN GREENBERG: No, I understood that. At least, I thought I understood it. I wanted to make sure it was captured.

OLIVIER CRÉPIN-LEBLOND: Thank you, gentlemen. So the action on this was need data. Check with staff regarding availability of data. And we had Amy this morning, so the question of redaction, etc., was touched on. I just open the floor whether there needs to be further movement on this, further action? Alan.

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ALAN GREENBERG: If indeed any of the people that we vaguely remember said something about this have any real data, this should be provided.

OLIVIER CRÉPIN-LEBLOND: Thank you. And maybe then, I guess, we have to ask staff to liaise with staff to get that? Oh, it came from us? Okay.

BRIAN CUTE: I've already volunteered. The person who brought it to my attention, I'm going to go back and say, "Do you have any specifics?" If anybody else has heard that from other people, take that as a task and bring the data back.

OLIVIER CRÉPIN-LEBLOND: Okay, thank you, Brian. Next one, 7.2, publish rationale for Board decisions and for accepting or rejecting public and community input. The discussion was such that David, can rationale be tied back to the four criteria listed in the AOC? Recommendations from SSAC, where SSAC does not believe that the Board has responded in the context of policy decisions, should a recommendation be made relative to this? Jorgen added distinction between rationale for considering public comment or feedback from SO and AC. Alan added sometimes rationale is not included. And Larry clarified that GAC consensus advice does not require rationale.

LARRY STRICKLING: Can I cut this one off? So our intern is already through half of the resolutions, so we'll have something to report back next Friday. You're kidding. We said we'd do it. No, it's done. Or it's not done, but it's in process. If people would like – we can send – why don't we, Fiona. We'll send the criteria that he's applying which look good to us, but we'll send those around to everybody so you can see if in case somebody has a problem with it. But the actual review will be done in time to report out by next Friday.

OLIVIER CRÉPIN-LEBLOND: Thank you, Larry. Alan?

ALAN GREENBERG: A question for Olivier, actually. We had a discussion – I can't remember if it's in this room or privately – about should we have a formal recommendation that the Board should reply to advice given. I don't think we have one on the books right now. Was that a private discussion or one we had in this room that we forgot about?

OLIVIER CRÉPIN-LEBLOND: Thank you, Alan. It was a discussion we did have in this room as well. I'm not sure whether it gained any support. The concept was that the other ACs and ICANN are not receiving the same kind of response than the GAC is receiving. Avri?

AVRI DORIA: As I remember the discussion, Steve said, “Yeah, that’s something willingly we would do,” and then I went on and said, “Yeah, but we should probably make a recommendation to that effect so that it survives beyond his chairmanship as something that was.” Of course, you’ll be chair forever.

STEVE CROCKER: Only as long as Brian is willing to chair the ATRT. And I think we closed it by saying as between redundantly making the recommendation and perhaps being unnecessary versus not making it and finding that it might be necessary, it’s better to choose the belt and suspenders. Do it even if it’s not necessary.

OLIVIER CRÉPIN-LEBLOND: So recommendation on this, should we task it to someone? Avri. Thank you. Number 8, publish redaction conditions. And Olivier provided anecdotal information that this has not been consistent. Brian said that guidelines have been published. So redaction conditions are done. Okay.

We move to the next one, Number 19, publish translated Board material within 21 days. We had a discussion this morning with the translations department. Any recommendations? And this is one where we have to mull over what we heard this morning and perhaps come up with a set of proposals. David.



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DAVID CONRAD: Again, this is one that we might look into the cost-benefit ratio as just an internal task. It does cost to do the translations and such. No, I'm not saying it is. I'm just saying that it is probably worthwhile doing the research.

OLIVIER CRÉPIN-LEBLOND: Carlos and then Alan and then Steve. Carlos, please.

CARLOS RAÚL GUTIERREZ: Yes, I always plead when we talk about multilingualism that we have a list of priorities. Like having the online glossary immediately. Then the basic documents, have them translated with a public comment period.

And of course, the simultaneous translation during the public meetings, but then there are other translations and other things that I don't think we have to really consider if we want them translated or if we want them translated within 21 days. Because that's what I understood makes it very expensive, the timeliness. Have priorities in terms of translation and the priorities set in terms of what is really urgent or very important and what can take more time. So I agree that the first thing I would check here if that document is in 21 days still very important or not. That's the way I would take your cost-benefit analysis.

OLIVIER CRÉPIN-LEBLOND: Thank you, Carlos. Alan, then Brian.

ALAN GREENBERG: The words there say it's being done most of the time. Occasionally, they forget. We note that and walk on. I don't think we need anything more than simply noting generally it's being done but not as regularly as it should. The Board can make a decision saying it was a waste of money and we'll stop doing it or make sure that language translation is resourced properly or it's an administrative issue that will be fixed with their secretariat. I don't think we need more than this note.

OLIVIER CRÉPIN-LEBLOND: Thank you, Alan. Brian. Okay. I think that's pretty cleared. Did you want to say something, Steve?

STEVE CROCKER: I've tried hard not to respond to often to things, but the word "shoddy" up there seems to me unnecessarily inflammatory.

BRIAN CUTE: That was [Chehade].

OLIVIER CRÉPIN-LEBLOND: Isn't this how you write it?

STEVE CROCKER: So that's not a multilingual problem? That's a transcription problem.

UNIDENTIFIED MALE: For the record, good recovery from Brian.

OLIVIER CRÉPIN-LEBLOND: Right. Thank you. I think we can close this one. However, building up on the discussion we had this morning with language services, I would urge Work Stream 4 to think of other recommendations with regards to language services. I'm personally – separate issue. That's the new issues, isn't it? Work Stream 4? These would be new issues. I don't think that it's a follow up on this. Larry.

LARRY STRICKLING: Well, maybe this is better left for the discussion on what the report looks like, but my strong recommendation, and certainly the way we've been headed on the 9 to 14, is to basically review what happened with the recommendations. Were they implemented or not? And then going forward propose what should be new. Since the issue of translation is the subject of an earlier recommendation, it seems to me that my proposal would be that in the drafting of the report we cover all that in one place and not have this artificial separation between what was in the past and what's coming in the future. But I realize the group hasn't reached a consensus on that, so I'll just not worry about it for right now.

OLIVIER CRÉPIN-LEBLOND: Thank you, Larry. That's a structural issue, I guess. We can probably deal with it later on. Let's just get the recommendation done, so let's make

sure no one drops this one. Make sure for the time being it's in Work Stream 4.

Next one, 20, ensure and certify that inputs and policy making processes are considered by the Board. Steve in the discussion mentioned that it would not be applicable frequently. If it is published, then it offers confirmation that group's input was delivered to the Board. And the action was that decisional checklist questions for Sam Eisner. Is this published? Is this checklist expanded as needed? How many times has it been used? Provide examples of the checklist. And the checklist has been presented to us, but we haven't been told how many times it has been used. Oh, is it once? Okay, well, that's done. Any follow up? Any recommendation based on this?

BRIAN CUTE: Any tasks?

OLIVIER CRÉPIN-LEBLOND: Or tasks? I don't see any, so thank you. Move on to the next one, 23, get input from committee of independent experts on restructuring review mechanisms. Denise mentioned that this was done and posted and provided us with details. Carlos has a template on this. On the review, yeah? No, restructuring review mechanisms. Brian?

BRIAN CUTE: Yeah, in terms of tasks, I think there's a task to connect with Ray Plzak and review the material that he has developed as to alternative

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approaches. I'm happy to take that task on and connect with him and bring that into the process. Are we talking about two different things?

LARRY STRICKLING: Review mechanisms for IRP [inaudible] ombudsman. It's not Ray's issue. But recommendations 23 through 26, we need an owner, and Carlos did three out of the four, so maybe he's willing to do it, to actually write up the sequence. Here's the input we've received, here's the evaluation, and then if there's any further recommendation. No, there are four recommendations on review, 23 through 26. You already did a template that covered three out of the four, and then I think Avri said she would agree to take 24. But maybe the two of you could actually create the piece of paper that pulls all this together.

OLIVIER CRÉPIN-LEBLOND: Thank you, Larry. Brian?

BRIAN CUTE: And in terms of tasks, I'll take on the task of pinging Becky Burr to see if she has a – oh, you did it?

UNIDENTIFIED MALE: In terms of Becky's filing? Yeah, she has said they were going to file imminently. So if it hasn't already happened, expect it soon.

OLIVIER CRÉPIN-LEBLOND: Okay, thank you. Do you manage to catch this, Larisa? Yeah? Okay, excellent. Let's move on then. Let's go to the next one. And so we are moving 24, 25 – 24 is done as well – so we are done with this first document, and I invite you all to the next one, which is 9.1. Well, should we do B, or shall we just move through C and D and then we'll go over to you?

LARRY STRICKLING: No. Here's what I would propose on B. We have two documents, again, subject to whatever the group decides when you talk about structure. My recommendation would be is that be collapsed into a single document that deals with all of the issues regarding the government advisory committee. We've taken notes from the discussion the last two days. We'll go back and incorporate all that. We need to work with Jorgen on his additional recommendations to make sure those sentiments are captured. I want to go back and look at Mr. Zhang's paper to make sure we've got all of that, although when we've asked he's indicated that he things we've covered things, but we'll still take the courtesy of going back over that and get a new draft of it out by next Friday.

OLIVIER CRÉPIN-LEBLOND: Thanks very much, Larry. So that deals with 9.1 B in one stroke. If only other people like Olivier did as much work as you did, that would be great.

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LARRY STRICKLING: I'm sorry? If what?

OLIVIER CRÉPIN-LEBLOND: If only other people like Olivier did as much work as you did, that would be great.

LARRY STRICKLING: I would like to say Olivier, for the transcript record, is showing terrific leadership skills. Perhaps ones we want to take advantage of in three years if Brian can't step it up.

OLIVIER CRÉPIN-LEBLOND: Please, have pity. Okay, so we're at 9.1 C now. And we've got recommendation Number 15, implement stratified prioritized public notice and comment processes. And this has absolutely nothing next to it because it yielded such a large discussion and it's got so much red to it. I'm not sure where to go on from here. I think that there are a number of recommendations that might come out of this. The discussion that we had at the time – in fact actually it's 15 and then there's 16 and 17. The first part, no notes were taken, and then on 16 and 17 there were several notes taken. Flexibility to experiment with the timeframes and loosen up the process. There was the thought that staff could loosen up the process and experiment with various ways.

And so the action is that staff to investigate the source of 70% and how it was calculated – 70% I believe was it the number of initial comments that were submitted in the response period or something? It's in H, in

column H. Yeah, 21 is part of this, 18 is part of this. Sorry. There is 15, 16, 17, and 21 are all dealing with the public comment. There is the public comment forecast on 21, but that's been done. So that can be put to bed. The 16 and 17 where the recommendation is, here we go, the data analysis shows the majority – over 70% of reply submissions – were not related to any prior comment and rather were forwarded after the initial period ended.

Staff was to investigate the source of the 70% and how it was calculated. I think that's pretty simple. They looked at the input, and the data was collected this way. I, frankly, remember that the team last year did this work to find the results. So I don't think there should be much action on this. Verify with Sally that blackout periods around ICANN meetings are explicitly enforced. And then the conclusions are articulate overarching objectives, recommend loosening up process and let staff explore different tools and strategies. A reminder for the community to use the forecast that ICANN is now preparing regularly. Make sure that blackout periods are embedded into ICANN DNA and communicated to the community. Brian.

BRIAN CUTE:

So it seems to me that the only tasks are with the staff.

OLIVIER CRÉPIN-LEBLOND:

Correct, yes. At this point in time, does anyone else believe a recommendation should be necessary?



UNIDENTIFIED MALE: Well, you've – I mean, it's there.

OLIVIER CRÉPIN-LEBLOND: On this. Larry.

LARRY STRICKLING: Isn't the right-hand column the recommendation? What I remember of the discussion – and I remember I spoke to this which was – ATRT 1 said you need a comment and a reply comment period. What we heard from staff in Durban was dialogue's important but maybe a rigid comment, reply comment isn't working very well. So then I think that right-hand column says, "Okay, well then, maybe we should simply articulate the objective which is to have dialogue and allow staff to experiment to find an approach that achieves that other than the rigid comment, reply comment period." That seems to me to be the recommendation that we would put forward.

OLIVIER CRÉPIN-LEBLOND: Thanks, Larry. We have Alan and then Brian.

ALAN GREENBERG: Yeah, I think given the specificity of the original recommendation, we can't say anything other than it was done. So it probably falls into a new recommendation to say what we will now want them to do. Any easy one to write but nevertheless.

OLIVIER CRÉPIN-LEBLOND: Thank you, Alan. Brian?

BRIAN CUTE: And just to consider an alternative of this is just part of our observations in the report too as opposed to a recommendation.

OLIVIER CRÉPIN-LEBLOND: Thank you, but I see no task apart from the task assigned to staff for this. Thank you.

UNIDENTIFIED MALE: Somebody's got to write it.

OLIVIER CRÉPIN-LEBLOND: There's a drafting team tomorrow I think that will pick up most of this and see if there are any loose ends. Okay? Are we set? Larisa, everything updated? Thank you.

So Number 18, ensure multilingual access to policy development process to maximum extent feasible. And there was a whole discussion about follow up with Christina and Nora regarding the work that should have started since Durban as discussed with Michael and Carlos. We had the discussion this morning. I don't need to read the full recommendation to you. I think that this will probably fall as an integrated language services recommendations that Work Stream 4 will be putting together or that will be in the Work Stream 1, depending on

how the report will be structured. But it will all be integrated together, so I don't see any specific tasks to allocate on this one.

Next one, Number 21, create annual public comment forecast. That's been done.

Number 22, ensure senior staffing arrangements are appropriately multilingual. And here the action at the time was to get an update from human resources for senior staff multilingualism. Is there a public metric? Can one be implemented? Avri mentioned what about training for staff, and we were told that there was training for staff for them to learn other languages. Can we show progress since ATRT 1 for the senior staff? And if we can, let's obtain the information. Larisa.

LARISA GURNICK:

So I sent to the Review Team last night the response from HR, which essentially says that metrics are not currently in place. The analysis of the data as of the end of the review of ATRT-1 versus today can be done. It's a manual process, will take about a week. So we'll follow up on that, make sure that gets done. And then there was a whole lot of information about the various training tools and resources that are available, where they're available and kind of how staff has used them. But it's all anecdotal and there's really tracking mechanism. But that's all in a discrete e-mail.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Larisa. Any comments? So as an action of tasks to be done, do we have to task staff to pursue these suggestions?

LARISA GURNICK: Well, what was being pursued is the analysis of how many multilingual senior staff are there today as compared to at the time that ATRT-1 completed their review. So that data is being gathered and will be delivered next week.

OLIVIER CRÉPIN-LEBLOND: Thank you Larisa for clearing this. Fine. And with regards to the ongoing metrics, does this team wish to write a recommendation? And I turn over to Brian as the chief of metrics here.

BRIAN CUTE: So is this metrics for multilingual?

OLIVIER CRÉPIN-LEBLOND: Multilingualism, yeah.

BRIAN CUTE: At the time of ATRT? This is not metrics for At-Large?

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OLIVIER CRÉPIN-LEBLOND: Correct. This is metrics with regard to multilingualism knowing that at the moment it's anecdotal, I understand, and there would be a one-off and it has to be done by hand.

BRIAN CUTE: Yeah, I think that staff has the task. They're pulling together the data. They're going to look for what they can find in 2010 to now, present it. Yes, Stephen.

OLIVIER CRÉPIN-LEBLOND: Stephen?

STEPHEN CONROY: Putting aside what the results are, are we thinking that we should say there should be X% non-English speaking background or speak a second language? I mean, we might find this information. It might be interesting. It might have gone up; it might have gone down. But what would we intend to do after we get the information?

OLIVIER CRÉPIN-LEBLOND: Thank you, Stephen.

STEPHEN CONROY: I just want to know whether we actually want to go down the path of actually trying to say, "Well, we think it would be a good idea if they had more. That might be nice." But anything remotely like that. So I just

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wanted to see what the mood of the meeting was as to where we want to end up once we've got that information.

OLIVIER CRÉPIN-LEBLOND: Thank you, Stephen. Well, according to Fiona Asonga, about 90% of staff should speak Swahili, but apart from that I don't think this is the path to move down. I've seen nodding from Brian about this. But what I do believe, though, is there should be since we are dealing with anecdotal and this is a one-off report, there should probably be a recommendation from this committee that there are ongoing metrics with regards to this so as for this to continue in the future so as to see the level of multilingualism. Brian and then Steve.

BRIAN CUTE: My concern is that if that's a recommendation, that can lead to a quota paradigm for hiring practices, which is a terribly sticky sometimes problematic. I'm not sure we want to inject that. I think it's important that ICANN be multilingual, but I'm not sure how far we want to go down that road.

CARLOS RAÚL GUTIERREZ: By opening offices in Istanbul and Singapore, you will fill the quotas very easily.

OLIVIER CRÉPIN-LEBLOND: Thank you, Carlos. Steve.

STEVE CROCKER: Well, speaking of multilingualism, I would like to see some emphasis on mathematical literacy too. I'm the only one not laughing.

OLIVIER CRÉPIN-LEBLOND: Thank you, Steve. We'll have metrics on that, and we'll give it a percentage hopefully and see what 70% mathematical literacy means. We'll see what it is. Right. Thank you very much. This closes the second worksheet – or the third one, Part C. And I invite you all as David stretches and puts his hand up in order to stretch but not to ask a question, we have 9.1 D. Yes, Larisa.

LARISA GURNICK: I just want to comment that when we look at accountability and transparency metrics, we intend to consider multilingual issues as one of the dimensions of accountability and transparency. So perhaps there will be some recommendations from the expert on how we benchmark that and measure that on the whole.

OLIVIER CRÉPIN-LEBLOND: Thank you, Larisa. That's welcome. Recommendation Number 27, evaluate and report on progress on recommendations and accountability and transparency commitments in the AOC. The discussion, Brian said that metrics can improve communications. How it's communicated is a real opportunity. Effectiveness needs to be addressed. Data versus information. How do you communicate this

important work? At an ICANN meeting, via chairman's blog, or in another way? And Board and staff should have a role. Brian, any expansion or clarification on this, please?

BRIAN CUTE:

I think this bears one more discussion between the team and the staff. I had mentioned the reporting tools that staff had been using to communicate the implementation progress. I'm happy to take on as a task reviewing those tools, coming up with a set of questions, and then scheduling one of the conference calls to come in the short a dialogue so we can identify whether or not we have any clear recommendations on that.

But at the high level, the metrics and benchmarks recommendation is coming. That also depends in part when we have the interaction with the consultant that's being engaged by ICANN. So two interactions with staff that have to happen before we can firm this up. And I'm happy to take the task of looking at the tools that have been used to date.

OLIVIER CRÉPIN-LEBLOND:

Thank you, Brian. So that task is assigned to you. Any more comments or questions on any of those worksheets? No? Then we have 9.1 E, I believe. And that does not have details. What does have 9.1 E, a template draft PDP process with Alan is the only thing it has. Is this to be punted to a later date when we have the consultant report? Alan, 9.1 E. No, there are no Work Stream documents for that, 9.1 E.



ALAN GREENBERG: You're saying E as in "easy"?

OLIVIER CRÉPIN-LEBLOND: E as in "elusive."

ALAN GREENBERG: I did draft a template for PDP. We talked about it a few minutes ago. We decided to table it for the moment until we get the report keeping those words there and then we'll augment as necessary.

OLIVIER CRÉPIN-LEBLOND: Okay, thank you, 9.1 E just to remind you all is assessing the policy development process to facilitate enhanced cross-community deliberations and effective and timely policy development. There was no staff input document on this. This is why we're working off different documents. Brian.

BRIAN CUTE: Yes, we have to get the input of the independent expert. That will take some time. We probably won't get their interim report at least for a few weeks, so I actually wouldn't mind taking a few minutes here to just take a temperature of the team on this issue. We have heard a lot of inputs in Durban and some inputs from staff. I wouldn't mind getting just a sense of the group as to this issue. Where directionally we think we're going with a potential recommendation on the PDP process. High-level sense. Anybody? Or too soon? Carlos.

CARLOS RAÚL GUTIERREZ: Yes, I think I had an exchange with Alan on this, and I get a feeling that it would be most interesting to look at real policy ones – capital “Policy” or capital “P” ones – and I don't know the words. I’m misunderstanding before on that. That we don’t just go and count PDPs but really look for real policy developments or real decisions of the Board that created some reconsideration and so on. I don't know if that’s possible, but it’s also as a reaction to the fact that when things are very technical there are no public comments and so on. They probably went through very easily.

So if we take just all of them we can come up with numbers that say 90% of the PDPs went through in less than 18 months and there were no public comments and there were no reconsiderations, but 10% of the more complex ones took three years, they had a lot of reviews, etc. I don't know if I expressed myself well on that, but Alan reacted. There is a very nice note of Alan to me on that, that I have to go back and read.

BRIAN CUTE: Is that a suggestion of tasking for the independent expert? Okay, thank you. Alan?

ALAN GREENBERG: Yeah, what Carlos is referring to is something that is certainly a concern of mine. On the telephone call with the consultant that we ended up selecting, they were pretty adamant that they were going to look at all PDPs. And that, to me, raises an issue that they’ll find that, “Hey, most

of them work. No problem.” And we know most of them work. That’s not the issue.

The issue is do we need to do anything on the more complex ones? So in talking – and you’re the conduit to the expert – I think that message needs to be conveyed to them. In terms of where are we going long term on the process, well we have a couple of ideas. Clearly there’s going to be something – not clearly, but almost surely – there’s going to be something in our final recommendation about involvement with the GAC. We had that long discussion the other day, and I think there was a general consensus that somehow we need to structure things so the work groups have the ability of considering GAC input and feeding things back to the GAC.

And I think, in my mind, we have to be very unclear as to the mechanism because if we’re in the process of specifying a mechanism, someone’s going to shoot it down. Whereas, if we specify the end goal, we’re challenging people and hopefully it will be met. There’s a little bit we’re also talking about in the other recommendation we’re looking at on cross-constituency work and getting involvement. The two may end up melding together somehow.

BRIAN CUTE:

Anybody else have any specific, high-level, directional notions? Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. Just a reminder of the discussion that we had with the chairs of working groups. I think that was particularly significant input that we had from them.

BRIAN CUTE: Thank you. Okay. Back to you, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Brian. And that concludes our work. Back to you, Brian.

BRIAN CUTE: Thank you, Olivier. Wow. Wonderful. So let's carry on. I think the good news is that for David on the one hand and Michael on the other that they're going to end up owning most of the tasks that are remaining, and Alan as well. But as we go through this, if you need help, this is where we have to get volunteers to help you with tasks. Okay, just to fairly balance the load. But, David, if you can walk through specific outstanding tasks if you have them or if you don't.

DAVID CONRAD: So, I mean, I have a set of outstanding tasks, but they're all involved with staff, with talking with Patrick and just resolving sort of the outstanding informational issues. Once I get through that, then there might be something, but I sort of doubt it at this stage. So I would actually yield all of my remaining time to my colleague from Russia.

BRIAN CUTE: Okay, Michael, remaining to dos, tasks, and do you need help?

MICHAEL YAKUSHEV: I think that after yesterday's clarification, more or less it's clear what should be done. So I think it will be okay.

BRIAN CUTE: Alan. Thank you.

ALAN GREENBERG: Yeah, Larisa and I had a conversation yesterday late afternoon on the need from our point of view of seeing anything that can demonstrate that there has been progress. We understand that a lot of the things are not at a stage where they're public right now, but to the extent that we can get evidence that there is progress, we can be a lot more upbeat in our evaluation than otherwise we're going to have to be. And I think that's well understood. Aside from that, we have some dog work to do.

And I do have a request, and that is in listening to David yesterday, I realized how much of an advantage he had by actually talking to the people involved and not talking through our local support. And although I've been doing that with Maggie just because I knew her ahead of time, we may be able to benefit by taking our staff support out of the loop and letting us try to get feedback directly from the right people. I'm not sure I know who the right people are in all the cases.

BRIAN CUTE: Thank you. Larisa.

LARISA GURNICK: So Margie's putting together a response with that idea in mind that where there are action plans or implementation plans, milestones, deadlines that can speak to Alan's points, we would provide that as well as links to any demonstrated work in process. And for each recommendation, that information will be provided as much as it's available as well as the owner on ICANN staff. So once we have that, we would be happy to coordinate and make sure that you have direct communication channel to the subject matter experts on the staff to engage in that.

ALAN GREENBERG: One further comment. Fiona set the ultimatum, I think, yesterday that whatever we don't get by the end of August doesn't exist. Looking at my own time schedule, I probably have just a little bit more flexibility than that, but we don't have a lot. So time is of the essence I think the answer is. But there are some things I know I'm not going to get to in the next weeks where I will in the next three to four, and that kind of timeline is probably okay.

BRIAN CUTE: Thank you, Alan. So let me just stop at this point and pick up this note from Larisa. Where we are in our work is it is now clear and in view to ICANN staff the potential recommendations that we have developed.

And thank you for the offer, Larisa, and I know this is all in the works, but I just want to be clear.

There are two distinct tasks here. Our task as a Review Team is to identify gaps in our analysis of facts, which we're doing, try to fill those in and reach a firm, solid conclusion about a recommendation. That's our responsibility. I've asked Larisa offline and now online that since staff now sees where we are in our work that we're asking staff for every recommendation that we're developing to go back to the record themselves.

If there's any document we've missed, if we've gotten something wrong, if there's new information that you have, bring it all to us so that we can have, again, that solid foundation of a conclusion and a recommendation. Two weeks is an ideal timeframe. I know it may involve a lot of work, and if it needs to go beyond that we can work through it together. But critical that both the staff and the Review Team take those final steps on firming up the foundation. So thank you for putting that into motion already, and let us know as that's coming. And if you have any problems in delivering that, let's have that conversation.

That being said, I think we can now move to Fiona to walk us through what outstanding tasks are there for the WS4. While Fiona's doing this – without making you too schizophrenic, Olivier – if you haven't already can you just do a quick stocktaking of how many potential recommendations are coming out of your work stream so we have a number? Fiona, take it away.

FIONA ASONGA: Okay. Sorry, I haven't checked my sheet with the notes, but probably I'll do that. So I'll talk from my notes here. We can go back to the sheet we were using with proposed recommendations. On the previous review processes, there is a proposed action item to review the timeframe of review processes, whether they should be three years or longer. Shining a light on the beginning and the end of the process along the lines of implementability of recommendations that are provided. And we have not assigned that to anybody to follow up, to work on, or to look into.

AVRI DORIA: Isn't that the thing you were going to talk to Ray about?

FIONA ASONGA: He is talking to Ray about interlinking the strategic activities of ICANN with...

AVRI DORIA: I thought it was the review structures.

BRIAN CUTE: Actually, what I understand Ray to have is a framework approach to efficiently running reviews that would include the institutional reviews, not just the AOCs. So I haven't seen that yet, but I think Fiona's focusing in on the timing within the AOC for the AOC reviews. And we've heard views on that, and certainly I think we'd have to defer to the signatories at some level between commerce and ICANN as to whether that's



something that needs to be shifted. And I'm trying to punt here, but it there's a task here to take that on as additional work before we reach a recommendation on the reviews, that might be my suggestion.

FIONA ASONGA: I think there's a task to look into that. I don't know what the rest of the team feels. Being that Larry mentioned if the Review Team found it necessary to extend the period, then we would put a recommendation to ICANN and the Board would pick that and go with that to negotiate with Larry.

BRIAN CUTE: When you say extend the period, what do you mean by that? Because I'm not sure I heard that the way I understand the phrase.

FIONA ASONGA: There was a discussion around whether if the ASO review process has to be done within a one-year period. And we want to see some level of implementation within 18 months, counting the timeframe that there is between the processes and when the next Review Team is supposed to start. Is that sufficient time? And there was quite a bit of discussion on whether or not that time is sufficient. I think we need to look into, someone needs to pay attention to that so that you can know whether or not we can get a recommendation out of that. That is my thinking.

BRIAN CUTE:

So what I heard, and I think I'm zeroing in on an idea that had some support in the room was, that the team be given one-year process from the date it starts its work. And I guess the practical question – Larry, maybe this is for you to think through – is if that were a recommendation to this team, would that dynamically still be able to work within the cycles envisioned by the AOC, or would it break that. I'm not sure there's a clear answer here, but probably a threshold analysis.

[LARRY STRICKLING]:

So my own view is that the AOC is very clear that the ATRT has to basically start every three years. There has to be a review every three years. So if there's a delay in starting the process or an extension in terms of how long the process takes, what it does is it compresses the period of time where you are actually either both implementing the recommendations and getting the experience of what improvements the recommendations have led to.

So I'm nervous about something that just says, "You can take as long as you want to start the Review Team, but you've got to give them a year to get their work done," because that doesn't protect against the fact that that starting date for the next one, the idea that that they have to be done every three years, that doesn't change.

And again, I made the other point that I think it's important for the rest of the community, particularly ICANN management and staff, to understand how the AOC reviews are lining up in terms of calendar in

order to have the opportunity to make sure that any independent work they're doing to review processes can be done in a way that's complementary if they want to. I mean, they may choose that there may be other reasons why they have to do a particular study at the time they want to do it, but at least they would have the ability to look at how what they're doing complements the AOC reviews because they're on a schedule that's predictable.

BRIAN CUTE:

Thank you. Alan?

ALAN GREENBERG:

Quite predictably, I strongly support a recommendation that says the Review Team should have at least one year, but I don't think we want to do that in isolation of other issues. For instance, I think accompanying that is the process within ICANN to select the Review Team and put it together so it can start working needs to pull out all stops to do that by January 1. If we meet that target, there's no problem at all. But I don't think the Review Team should suffer if there is a small slippage.

So I think those go together. But the other component we haven't discussed at all, and I haven't seen any statistics but I think they're bad, is what is the period of time from the date the review report is delivered until the time the Board acts and directs staff to take some action on it? No, I understand what the AOC says, but my recollection is on the average it has been longer than that. And if you say the Review Team has a year and we really don't want the next one to kick off unless

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there's a year and a half of implementation, that says we really do have to make that six month target. And I'm just curious if, in fact, on the average for the last three reviews have we?

[LARRY STRICKLING]: So I think to my knowledge, certainly on ATRT-1, the Board met the six months. Now that didn't mean everything was implemented within six months, but they took their action and said, "We adopt every one of these, and now here's our plan for actually making them happen." And you think that for WHOIS and Security and Stability they met those six months as well?

ALAN GREENBERG: Then I'm wrong if they did. My recollection is that there were much longer delays on WHOIS certainly.

[LARRY STRICKLING]: Right, but you still have the like the example you were talking about this morning that the expert group that they brought in to review the appeal processes didn't actually convene until last year. So that was long past the six-month window, and that clearly, I think, hampers our ability to understand the impacts of the changes they made.

ALAN GREENBERG: But the Expert Group being brought in was part of the implementation, and they did that within the one-and-a-half-year window that

[inaudible] awful lot towards the end. I was just commenting that the delay getting the Board's resolution to direct staff is a component of that overall time frame, and if they're meeting the six months then the rest of it works.

BRIAN CUTE:

Thank you. So the task is to start drafting the recommendation on how to improve the review processes. And the task I have is to connect with Ray and get his framework so we can factor that into our thinking. Okay, Fiona. My task.

FIONA ASONGA:

So you will handle that?

BRIAN CUTE:

Yes.

FIONA ASONGA:

Thank you. Okay. Moving on, the other issue that has action points is – we skipped that [inaudible] finance and address it to the other finance. Hold on. We did a change in that proposal. Okay, yeah, we go to the finance. We agreed that additional data would be collected from the chairs of the various SOs and ACs. Information would be also gathered from the CFO and COO of ICANN. And then a factual document would be presented with some benchmarks so that we can then determine

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how to proceed with the proposed recommendation on finance. Lise was to do that. Brian?

BRIAN CUTE: I have a task of sending the e-mails to the chairs asking for specific examples, and I'll work with Lise on that.

FIONA ASONGA: Thank you, Brian. Moving on, we have the question of the ombudsman, and Avri she's not in [inaudible] is to follow up looking at recommendation 24 of ATRT-1. Which? Yes. Avri and Carlos are working on that.

BRIAN CUTE: What's the task? Are there tasks?

FIONA ASONGA: Yes, they need to look at the recommendation 24 of ATRT-1 in view of the recommendations that have been put down for the ombudsman and reworded. Then moving on, okay, I'm going to just move to Number 3 on the GAC. I'll need help on that. When we discussed, had we assigned? Was there anything, Larry, that was to be worked on? Okay. So Larry will work on that. Oh, yeah, and Jorgen also. All the GAC recommendations, Larry, Jorgen, and the other government representatives. Then on Number 4, Board and staff processes for review and implementation of recommendations, we agreed that types

of benchmarks need to be developed, but we didn't say who will do what.

BRIAN CUTE: This is the large, big picture metrics recommendation, so this is going to require interaction with the consultant. I think we can begin to develop a recommendation. No specific task other than an interaction scheduled with the team and the consultant.

FIONA ASONGA: When?

BRIAN CUTE: Well, that's depending on...

UNIDENTIFIED FEMALE: We're targeting towards the end of September.

BRIAN CUTE: End of September? Okay. I'm happy to take point on developing a list of questions from the team, circulate to the team, make sure everyone's comfortable with that, to bring to that engagement.

FIONA ASONGA: Thank you, Brian. That will be very helpful. On the PDP process, I think that will have to wait for the external consultant, again, to give us their insights. And that is it.

BRIAN CUTE: Asante sana (“Thank you very much”).

FIONA ASONGA: Caribou (“You’re welcome.”) Yes, Larisa. I’ve left out something?

LARISA GURNICK: What about Number 16?

FIONA ASONGA: 16 is which one?

LARISA GURNICK: Volunteer engagements.

FIONA ASONGA: Oh, that needed to be reworded. Alan?

LARISA GURNICK: I have Carlos, Avri, and Alan will work on the template.



FIONA ASONGA: Yes.

LARISA GURNICK: Is that right?

FIONA ASONGA: Yes, that's right. I also have the same. Yes, Brian.

BRIAN CUTE: Do you have a sense of how many recommendations you have emanating out of WS 4 right now roughly?

FIONA ASONGA: We have consolidated and dropped and we're coming to 29. Yes.

BRIAN CUTE: So that includes the GAC?

FIONA ASONGA: Yes.

BRIAN CUTE: And Jorgen had put some forward that may get recast, but okay.

FIONA ASONGA: Yes. Okay, those ones get redone and you are able to lump them into fewer recommendations, yes, and we will reduce.

BRIAN CUTE: So 29?

FIONA ASONGA: But right now the numbers are 29, and Jorgen's were A and B, so that is just one.

BRIAN CUTE: I know, Olivier, when you have a chance, but we've already exceeded ATRT-1. Yes?

OLIVIER CRÉPIN-LEBLOND: Yeah, thank you, Brian. I've got one at the moment. No, there's probably more than one. I'm just counting them as I go along. Well, counting them, there are a lot of possible recommendations, but we still are not 100% sure since we're waiting for more information on many of these. So we'll be able to see, but there's certainly more than one.

BRIAN CUTE: Thank you. So at this point, Larisa, if you've been tracking the assignments, would you kindly when you have a chance put just a list together of who owns what assignment and circulate it to the team so that's seen. Anybody who has an assignment, if you can turn it around

within a week, that would be perfect. No later than two weeks back into the team so we can factor it into our assessments. And thank you again. Larisa was up late last night giving us collations of things we had done during the day. You have provided fantastic support. Thank you again.

At this point, what I'd like to do is put up on the screen an outline. It's just a suggested outline. We can rip it to shreds, but let's talk about the shape of the report because tomorrow editors or drafters will start sitting down and drafting an outline. I've got Olivier and Carlos.

OLIVIER CRÉPIN-LEBLOND:

Thanks very much, Brian. Before we move on to the overall shape of the report and so on, I wanted to find out whether we had captured all of the input that we received from the community. I do believe that this committee was in listening mode all the way up to this week, and there have been some e-mails that were recently received in the input to ATRT-2. I wasn't quite sure what was the process for intertwining these with the work that we're already doing at the moment. I would appreciate a clarification.

BRIAN CUTE:

Thank you. In terms of the e-mails we've received – first of all, have we received any new public comment, even if it was filed late? Responses to our questionnaires from the governments. One. Carlos?

CARLOS RAÚL GUTIERREZ: Yes, I wanted to include this development of the food for thought paper that was distributed before Durban with comments from the U.S. government and it never made it to the floor in the GAC plenary. And now the initiative working group has started inside of GAC to go out with questions to the community about that. So that in Buenos Aires we really pushed forward for this review of working process of GAC. I've been copying the people that I think it's important that this is considered like a development in the GAC area that we should take note of. This has been off the official public comments, but the GAC has agreed to come out with a questionnaire for the whole community in the short term.

BRIAN CUTE: Okay.

FIONA ALEXANDER: I think it's probably okay to take note of it in the report that it's actually an ongoing thing, but it's still internal to the GAC and it's not final I don't think still. So Heather's on vacation for the next two weeks, so it's not going to happen before then. But I think it's okay to take note of it and reference it, but it's not going to be a completed effort in terms of finalizing recommendations because the recommendations are to be written in the next month.

CARLOS RAÚL GUTIERREZ: That's for sure, but we have vice chairs and GAC is alive even if Heather is on vacation.

FIONA ALEXANDER: So the last comment I saw was it will take two weeks for anyone to finalize that. That's what I saw this morning.

BRIAN CUTE: So there were no additional responses to our questionnaire or public comments? Oh, there were. Sorry. And those were received? Okay. Oh, that's right. And this is all of the new input we received since Durban? Okay. Alan, Olivier, Fiona.

ALAN GREENBERG: I think it's important since these are not published in a public comment area that we respond to these, and I don't know to what extent we have or not but we certainly need to. Otherwise the efforts that people put these comments together just go into a black hole and they don't know who they're being seen by, if they're being seen by anyone and so forth. So I think either the chair, one of us, staff – somebody has to send a thank you.

BRIAN CUTE: Before we go, did we send a thank you to all the prior inputs? So it's a suggestion we send a thank you to?

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ALAN GREENBERG: But at least those it's understood where someone looks to see if their comment was even received or did it get lost in the e-mail morass.

BRIAN CUTE: Aren't these visible? These will be visible.

ALAN GREENBERG: Well, yeah, if you know how to find our mailing list pointers.

BRIAN CUTE: That stands for the other folks you were just talking about who submitted comments prior.

LISE FUHR: No, the difference is that it was done through the public comment forum, which now has been closed. But it's still available. Those that submitted comments can go and see their comments and see the recap, whereas these came directly to the ATRT e-mail.

BRIAN CUTE: Olivier, Fiona, Avri.

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. I don't know whether you should or should not answer to these, but I think that they should be taken into consideration. My question was just what was the process for taking

those into consideration. I mean, I don't think we should read the three things now and take the rest of the afternoon reading the input, but what's the process for it? That's all.

BRIAN CUTE: We read them. We read them. We read them, and if they pertain to your Work Stream and they have substance that factors in, you factor it in. And if there are quotes in there that you might use in your part of the report, identify those quotes and earmark them for being part of the report. Treat them as we've treated everything else. Fiona.

FIONA ASONGA: Mine is just a reminder. The ASO would like to have a session with ATRT because we were not able to do it in Durban, so they asked for a conference call on the 12<sup>th</sup> of September, which is supposed to be their meeting day but they are sacrificing their meeting to have an ATRT discussion. So they need our response.

BRIAN CUTE: We've got that teed up on our any other business at the end of the session. Thank you, and we will absolutely hit that. Avri?

AVRI DORIA: Yeah, I actually don't see any reason to send any special letters to anyone. I think it's quite sufficient that we're going to have in our report or however it goes, "These are the people we've received comments

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from,” and we just have to make sure that their names are in the list also. And we’ll probably even thank them in [inaudible].

BRIAN CUTE: We will absolutely do that. Anybody else in the queue? Alan.

ALAN GREENBERG: I raised the issue because I received a personal note from one of the commenters saying, “I don’t know who this goes to. Is it going to staff and they’re going to summarize it? Is it going to the whole ATRT? Did it go into a black hole and no one received it at all? I did, but it brings up the issue of one person asked those questions; the other commenters may have similar a question.

BRIAN CUTE: Any other inputs besides these that we’ve received since Durban?

UNIDENTIFIED FEMALE: Brian, staff doesn’t have visibility to the private e-mails, so we know that you’re managing those on your own.

BRIAN CUTE: Thank you. We are, and when we get to the end of this session, which will not be too soon, we are going to go into a closed session. There are certain members of the team who have asked to be removed from that e-mail who I’m sure will remove themselves from the room at that time,



which is fine, but we need to have a follow-on discussion of what we've received so far.

Okay, let's get the outline up on the board and have a brief discussion about the shape of the report so the drafters tomorrow can start walking down the right road and not the wrong road. Yes, Carlos.

OLIVIER CRÉPIN-LEBLOND: For the transcript record.

BRIAN CUTE: All right, 10-minute break. Cranky people.

Okay, we're going to get started. Who are we missing? Steve and Avri? Alright, let's get rolling. Reconvening the meeting. What we're going to do next. We have talk about the shape of the report. We have some any other business items, but they're mostly administrative. They won't take much time to get through. And we need to talk about Buenos Aires meeting and meeting potentially at the end of September face-to-face.

So for discussion up on the board. I just put this together. It's a loose outline. Really for me the top idea is unlike the last report, which I think if you look at it in a fair assessment, is that from a structure standpoint and a communication standpoint it was a very academic piece the way it was structured, the tone and narrative. I really think we've got to make this document a communications opportunity in terms of the narrative, in terms of the tone, in terms of setting the vision and telling the story of what this process is about.

I think we really want to take advantage of taking a different approach to telling this story up front in narrative prose. I know it's always good to start with an executive summary, and "here are the 52 recommendations that we're setting forward" in big, bold, but I really want us to focus on the opportunity here to tell a clearer story to the community about what this process is about, what it means, and what it means for the future of ICANN. So that, to me, is the most important thing.

And in keeping with that, these are just loose thoughts of what you want to focus on. Top line, what are we talking about in terms of accountability and transparency? What do we mean by that? What is the objective of this exercise at a high level – 30,000 foot? Where is ICANN now on accountability and transparency? Where does it need to go? Particularly taking into account the future environment that we see shaping up from an Internet governance standpoint, from an ICANN growing as an organization standpoint, where is it going and what should it be doing. And then you can get into the nuts and bolts of, "Here's what our process was. Here are our observations" and get into what we think the future review should look like. This is not set in stone. I just want to start some discussion and see what people think about shaping this report.

Lastly, the appendices in terms of the recommendations, a recommendation is two sentences or three sentences. What's underneath the recommendation is the background, the input, the analysis, the conclusion. To my mind, the templates are a pretty good

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structure for capturing all the foundation underneath. We could take the templates and just put them in as an appendix so that, consistent with an executive summary approach, “Here are the recommendations up front. If you want to read all of our research and analysis and conclusions, that’s in Appendix A in the templates.” And, of course, we’re going to have a report of an independent expert that we’ll want to have as part of the report, likely as an appendix, and also factor their thinking into the substance of our report.

So I’ll be quiet. These are food for thought. I’d like to hear from the team. Is this a good direction? Should we tweak it, change it, throw it out?

[ALAN GREENBERG]:

Do you explain how is this different from the first report? Did you say?

BRIAN CUTE:

I think, to me, the most important difference could be the tone not as academic, that we use the upfront narrative to really communicate the story of what this is about at a high level. Put some broader context around it. What do we mean by accountability and transparency? Where is ICANN now on this issue? Where should it be going on accountability and transparency as the Internet governance environment becomes more complicated, as ICANN as an organization grows? I think tell the story almost – not PR, but for more of a clear communications perspective – tell the story of what we’re doing here. Less academic, and use the upfront narrative to accomplish that.

CARLOS RAÚL GUTIERREZ: I think it's very useful when we work, to work closely what the Affirmation of Commitments says, but the first one looks more like a checklist and a long list of recommendations. And what I would like to see is more like a linkage between the different aspects of the Affirmation of Commitments. Make it an opportunity reinforce that. And if I just take a list of the 9.1 and could turn it around and say, "If the policy process works very well and gets a lot of public input and it gets to the Board well and the GAC doesn't give the wrong advice, then there's no reason the public should not accept it. It is just this way not to go point-by-point, which is good for a working procedure of the Review Team but makes the result a little bit dry.

BRIAN CUTE: Thank you. Any other reactions, suggestions? Jorgen.

JORGEN ANDERSEN: Well, I'm not capable of writing it, but I think that I have maybe a comment on the proposal. I noted that you said, Brian, that we should start the paper, which is the result or the report from this Review Team, taking a 30,000-foot perspective on what it's all about, and I like that idea. And it can be no surprise by anybody here in this room that I from the very outset had mentioned a couple of times the experience we gained, some of us, in Dubai. And we heard a lot about countries somewhere in the world who wanted to see the whole Internet governance changed.

And I don't know whether this is what you are aiming at, but we try to start doing things like that. There's a lot of merit in that, but I wonder whether if that is within the mandate of our work to do so. I can feel very positive about doing it, but do we go beyond the actual mandate we have a Review Team by doing so? I don't know.

BRIAN CUTE:

Thank you for that, and let me elaborate a bit. This can't be a sales piece. We have a job to do. We have to assess how well ICANN has done on implementation of recommendations and how accountable and transparent they are. We can't tip over the line of using this as an ICANN promotion piece. So to be crystal clear, I would never cross those lines. What I think the opportunity is, is clearer communications of the story of what this is about. I mean, the Affirmation of Commitments is a unique document. It has a unique objective. In all of the Internet governance space, it's unique so let's – as Carlos says – communicate more clearly in a better narrative so a reader who's not connected to this space can pick it up and understand the story line and be less academic in that way. Does that provide clarification? Avri?

AVRI DORIA:

Yeah, and I think the other piece is that you all are going to edit it and review it and notice if it does cross over the line in terms of being sales-y, but I think it's possible to write a fairly neutral narrative that describes – and still be interesting and nonacademic – it's possible. Not that I'm volunteering, mind you, but it's possible.

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BRIAN CUTE: Carlos?

CARLOS RAÚL GUTIERREZ: We have chosen one subject for an external review, which is the PDP. It just happens to be E. It happens to be the last one. And what I'm suggesting is, can we start saying, "Okay, there are a lot of things to do. We have 52 recommendations – whatsoever – nevertheless the group agreed to start here with the policy development process" and take this as the core message and from there develop, well, the problems with the GAC and the PDP, the problems with the Board and the PDP under revision, etc.?

It's just a matter of focusing and saying, well, as a matter of fact it's the piece that we still don't have. But let's say that the ATRT-2 started there, started with E, started with the policy development process and derived from there the order of the recommendations. Not more than that. It's just instead of going A, B, C, D, E, in this case it just happens to be E, so it's like starting from the end. But it's not starting E, D, backwards but as a main theme.

BRIAN CUTE: Thank you, Carlos. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Carlos. I'd love to do that, but it didn't. It did not. Well, the ATRT-2 process has not got the answers to the PDP work of the consultant, so you can't say that we started with the PDP.

BRIAN CUTE:

Yeah, let's not write it yet. Let's let the drafters get up. Look, I think there's going to be some rational organization of these recommendations in groupings of them. And even Fadi asked, if we could do that, would you do that? So we'll figure out what the natural grouping and sequencing of these things are that works best, and it will be a first draft and everyone will get a chance to edit the heck out of it.

The other thing that we need to recognize is that if we use the templates as the analytical basis as it should be and attach it as an appendix, that means we still have to fill out and complete a template for each of the issues and we have to normalize them and that's a fair amount of work. I mean, everyone has a sense of the state of the templates right now. There are a lot of empty spaces to be filled in with data and assessment and conclusion. So everyone realize, there's a fair amount of work and if you own a template, you're the primary owner of getting that to the finish line. And, you know, we still have a good month or so before we reconvene and look at a full draft that's going to go out in October. But recognize that's work that's still to be done.  
Fiona.

FIONA ASONGA:

Have we agreed on when we are convening?

BRIAN CUTE:

Not yet, but can we just put that to the side and make sure we're all in sync on the shape of the report? Anything else on the shape of the

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report before the smaller group gets together tomorrow. Everyone seems comfortable with at least heading off in that direction? Fiona.

FIONA ASONGA: I'll be happy to help with just reading it and sharing it with all the important details but not too academic so that it's easy for my business executives to understand and to pay attention to.

BRIAN CUTE: We're going to try to hit that voice exactly so that the non-ICANN insider can really understand this. Olivier.

OLIVIER CRÉPIN-LEBLOND: Thanks very much. So where do the recommendations go?

UNIDENTIFIED FEMALE: The appendix.

OLIVIER CRÉPIN-LEBLOND: In the appendix?

BRIAN CUTE: No. The recommendations would be up front. They're somewhere up front, whether we do the classic executive summary or whether we do a narrative that tells a story first and then the recommendations, but they'll be somewhere in the front. They have to be.



OLIVIER CRÉPIN-LEBLOND: If I can follow up, the recommendations are what we're writing. The rest of it is very nice prose and garnish, but the recommendations are our primary thing and I would have thought that we would have also had an executive summary in front that would effectively provide with a shape to the document and basically say, "Well, you'll find the recommendations between this and this."

If I'm going to read a report that's, I gather, more than 100 – maybe 200 pages, I don't know how many pages our drafters are going to draft or 50 pages or something – well, you've got the whole accountability and transparency and what is the objective? Where is ICANN now? I mean, this takes a lot of paperwork. I'd like to be able to jump directly to the position, the stuff I want to read. I don't really care where ICANN is. I just want to find out what the recommendation is.

BRIAN CUTE: Thank you. I'd just offer that context can be more than a garnish. I have no idea. I don't think it's that much. I really don't. I don't think it's that much. Thank you. Okay, we'll take a first stab at it and we'll send it around.

Okay, with that we've got on the any other business agenda we have the ASO item. We have our potential meeting in September. Alice, do you want to bring up the any other business list. All right, Larry.

LARRY STRICKLING: Again, maybe is it crystal clear who has the write ups off of the ATRT-1 report? We've been talking about them as Work Streams A, B, C, and D, but is it really clear? Do we know who's on the hook for each section of that to have the final template that includes the write up of the comments received, the discussions, what's in the record, the evaluation of each recommendation? We clearly have 9 to 14. As we go through these and having looked at the templates, it's not crystal clear to me that every one of those is covered with a writer.

BRIAN CUTE: So, yeah, with respect to the templates, can you pull up the list of templates and who owns them? Because what I'm suggesting is that the current owner of the template has the task of bringing it to its final shape – updating it, filling in the gaps.

[ALAN GREENBERG]: Which essentially is the person who authored it originally or as that has changed in the last few days.

BRIAN CUTE: Larisa?

LARISA GURNICK: But we don't currently have a template for each of the assessments of the prior Review Team's recommendations. That's the missing piece.

Those templates have not been assigned. We have the format, but those have not been completed or assigned.

LARRY STRICKLING: Right. We did one for 9 to 14. I think David came very close to doing them for 1 to 8, even though it was styled as future recommendations. But I think after you get past 14, I'm not sure who's on the hook for 15 to 27.

BRIAN CUTE: So let me put it this way, for assessment of implementation of prior recommendations, the chair of the Work Stream is ultimately responsible for the drafting of those corresponding templates and can delegate to members of their Work Stream as needed. For the new issues where we've developed this template, whoever owned that – the primary owner – is responsible to bring that to the finish line.

[LARRY STRICKLING]: Okay, well then, I think now is the time for me to bring back what I had recommended earlier for discussion and decision, which is I really feel that it splendors the report to have a discussion of the previous recommendations and then waiting for 15 pages to get a recommendation that directly emerges from the review of the old recommendations in a separate place. I really think that all ought to be dealt with in one spot. And so I'll put that out there and see what people think.

BRIAN CUTE: Say that again. I'm sorry.

[LARRY STRICKLING]: We did a paper on the implementation of recommendations 9 to 14. We did a separate paper on possible future recommendations. I think to make it more readable and more accessible to people, I would collapse all that into one section of a report which starts out with, "Here's what the ATRT-1 found" – a paragraph that basically summarizes the findings from three years ago. "Here's what ICANN did. Here are the recommendations. Here's what ICANN did to implement them. Here is the feedback from the community in terms of how well they did all of this." And then we can provide an assessment then, the ATRT-2 assessment of how well the recommendations were implemented.

Then I think you go beyond that and say that in addition, here's community input on additional things that relate to these topics. And out of that then emerge the group of additional recommendations, some of which may be an extension of work that didn't get done the first time. Some of them may be totally new issues, but they all relate to the topic that was the subject of the grouping of recommendations. And that should just be one section of a document, all of it written in a way to flow from the original finding of the ATRT-1 to the new recommendations, if any, of ATRT-2.

BRIAN CUTE: Thank you. Clear. So I've taken notes on that structure. We can go back to the formatted document that we've been using and see if we can tweak that in a way that captures that.

[LARRY STRICKLING]: Where it becomes important is that there were a couple of instance earlier today where things were being said, "Well, that will go to Work Stream 4," but it was a new recommendation directly tied to a recommendation from ATRT-1. And I just think we ought to have one person who's really focused on like multilingualism. We don't need it in two places. It's like here was the recommendation from before. It was implemented or not. And whether or not it was, here's a new recommendation going forward. That all ought to be captured in one flow of thought.

BRIAN CUTE: Linked. Yeah, linkage, absolutely. I've captured it. That's a structure issue. I've got it. Alan.

ALAN GREENBERG: Yeah, Work Stream 1 versus Work Stream 4, in my mind, is an artifice of our dividing the work, not something that's going to show up in the final report.

[LARRY STRICKLING]: But you need one author now to capture it.

ALAN GREENBERG: Well, perhaps, but from the report's point of view, we have to report on how ATRT-1 recommendations were implemented and any new ones, some of which may be linked back to the old ones. But I don't think we want to divide 1 versus 4. And I think it's going to be exceedingly confusing if we were to list the recommendations from ATRT-1 but leave gaps out in numbers because there's a new recommendation coming because of it. So at the very least, there needs to be a placeholder in numeric order that says "further information here" or something.

[LARRY STRICKLING]: Are you proposing we're going to keep the same numbering from before and now add new numbers?

ALAN GREENBERG: I think if someone's trying to get an assessment of how well the previous one did, they should be able to get that.

BRIAN CUTE: I think at a high level what I'm hearing is if it's a prior recommendation, there has to be an assessment. Here's what happened, an assessment, conclusion, and if there's a linked recommendation, that's all together in one place. New recommendations that grew out of our work can be separate from that. This is just structural.

Paul Diaz, who is working with me, one of his tasks he's going to help with is to be a single set of eyes that will help this report have clear

structure and a single voice throughout because we've got a number of different drafters. I think a task for the team tomorrow per Larry's comments will be to go through the recommendations and sort them just as he suggested. Prior recommendations, conclusion. If there's new recommendation coming out of it, let's make sure that's identified and linked together for drafting purposes. So that will be a task for tomorrow. Sorry. Thank you for your patience. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thanks very much, Brian. I applaud the depth to which people are concerned about recommendations being scattered around and so on, but this is a first draft and things will be able to come together afterwards. I don't know why we're going into this detail. You wanted numbers earlier on the first Work Stream 1.

BRIAN CUTE: Yes. What you got?

OLIVIER CRÉPIN-LEBLOND: On Work Stream 1, Sub Stream A, there would be four or five recommendations. On Work Stream C there would be two to four, depending. On D, there would be one. And on E, it's the PDP process and this can be anything. We don't know yet. So there will probably be some, but we're not dealing with very, very large numbers as in some of the other Work Streams.

BRIAN CUTE: So taking the top end of your estimates and estimating four or five for that, I've got us at a total of 46 recommendations, 31 from Fiona and 15.

OLIVIER CRÉPIN-LEBLOND: Oh, I thought you weren't combining them. Mine is 10.

BRIAN CUTE: Well, I just assumed four to five on the PDP. Maybe it's just one big fat one, but let's say four to five arising on the PDP work. That puts it at 15, so that's 36, pardon me, 31 plus 15. In the GAC is there duplication on that subset?

FIONA ASONGA: No, there isn't. It has been very clear. The areas are similar. That is what Larry is trying to explain. When the report is being written, all the GAC issues should be put together, both those from the previous ATRT and the new issues. That is what is similar. [inaudible] the recommendations are not the same repeated.

BRIAN CUTE: If you can provide us some kind of a list or just direct us to your document in a way where we can identify what you see as recommendations – the 10 to 15 and the 31 – I think tomorrow we're going to want to identify them. Again, we have to do some structural



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housekeeping. Forty-plus recommendations is an awful lot of recommendations.

DENISE MICHEL: And if I may.

BRIAN CUTE: Denise.

DENISE MICHEL: So on a majority of the recommendations and ideas that were discussed over the last three days, the majority of them included areas where additional information needs to be shared or there are some incorrect assumptions or misunderstandings or just simply a lack of data and facts. And so I know Larisa and Alice have kept a master list and will be working quickly to, I think, get the staff managers on the phone with the people who are holding the pens or had the ideas and recommendations and just quickly talk about this and then follow up with written information.

So I just want to make sure you understand that's what the staff is going to do on this end. And so there's a chance that some of these recommendations will be combined. Some may go away. And I think some of them, staff would definitely like to discuss further before you finalize in a draft.

**BRIAN CUTE:** Thank you. And Larisa had signaled that to me. And when you were out last time, that was a specific ask from me. Please, bring that if you can within two weeks' time. If it bleeds a little, that's understood, but this is important that we get that input from staff. We still have our responsibility to go through the record in full, but let's bring that together. Okay. Okay, Olivier?

**OLIVIER CRÉPIN-LEBLOND:** Thank you, Brian. In your total sum, you have not counted possible recommendations that might come in from any of the additional input that was brought in, both on the confidential line and also on the input to ATRT line in case there is such a thing. But it's just a number at the moment. It can go up and down. Let's just move on with it.

**BRIAN CUTE:** Yeah, we will. Anything else on the shape of the report? Okay. Who are the drafters who are staying behind for tomorrow? Just so I can see a show of hands. Get it up. Carlos. All right, one, two, three, four, five, six. Okay, thank you all for volunteering the extra time. We'll be starting at 10:30 a.m. – I'm just kidding. That's a joke. I'll stay.

**STEVE CROCKER:** Do you have logistics arranged for the building to be open, people to be here?

BRIAN CUTE: I don't know. Is that okay?

UNIDENTIFIED FEMALE: We were not [inaudible].

BRIAN CUTE: No. About 9. We'll take this offline. You know what? We have the real possibility of getting out of here before 5, so let's move to any other business. What? Yeah. Okay, Alan.

ALAN GREENBERG: Before we bifurcate for [inaudible] session, are there any formal or informal dinner plans? Olivier and I, among others, may need to know soon.

BRIAN CUTE: In-N-Out Burger, and then take Larry to the airport.

ALAN GREENBERG: The answer is no.

BRIAN CUTE: Wow. That was a yes. Okay, let's move on the any other business. First one, and this is simple, last time ATRT-1 published the scoring sheets for the bidders. Just the total score, not the detailed score, and the

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composite total score – the average. Is there any objection to us doing the same this time around? I'm just looking for hands.

STEPHEN CONROY: If we said in the document that this would happen, yeah. So my only concern is [inaudible] had a thought that it wouldn't be public.

BRIAN CUTE: Great question. Let's check that in the RFP. My assumption is it was probably silent on that particular data point, but can we check it in the RFP?

UNIDENTIFIED FEMALE: I'm pretty sure it was silent.

BRIAN CUTE: You know, the hobgoblin of consistency would say post it again, but if you think there's a concern we could always reach out to them and ask if they have any objection and take that path too. Yeah.

STEPHEN CONROY: I'm not saying we shouldn't know. I just wanted to know what was in the document.

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BRIAN CUTE: The total average score, and these would be the other three. You'd see where you landed. Avri?

AVRI DORIA: The possibility is to indicate that there were three and itemize the two that lost and give the scores of the losing without giving the identities.

BRIAN CUTE: Anonymized is better?

STEPHEN CONROY: You think that's [fair]?

BRIAN CUTE: Yeah. Everyone comfortable with that? Anonymized total scores: Bidder 1, Bidder 2, Bidder 3.

AVRI DORIA: The winner of the thing is identified.

BRIAN CUTE: Well, there will be a separate announcement, yes. Yes.

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OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. Is this a horseracing game or something? I mean, why do we need to give scores and things. I mean, usually you just announce the winner, and I don't know if there's any need to...

AVRI DORIA: Transparency of process.

BRIAN CUTE: Open, full transparency, and it wasn't close.

UNIDENTIFIED FEMALE: Internally, I mean, for regular RFPs that ICANN does we generally don't do that, but it's really up to you how you want to handle this.

BRIAN CUTE: Actually, when .net was rebid, the losing bidders were identified and their scores were posted as well.

UNIDENTIFIED FEMALE: I stand corrected. You're right. Except for registry RFP.

BRIAN CUTE: In gory detail, yes. Unless there's strong objection, anonymized for the two that didn't succeed, composite total score. Any strong objection to that approach? Okay. And we need to post an official announcement

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that ICC was awarded. So if we could put that draft together and get it up on the site. Alan?

ALAN GREENBERG: Is the contract actually signed?

BRIAN CUTE: Yeah.

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: Sorry. As a mere ATRT member, I wasn't told.

BRIAN CUTE: Sorry. Your delegate was non-communicative. So moving on to the next item, conclude terms of reference discussion. Alice, thank you very much. Recognize [effect], this terms of reference document is not for the RFP. This was back at the beginning of our process when we developed some guidelines for our work in terms of reference. Not finalized, a couple of open items, so I'm going to take onboard looking at that document, seeing what's open, bring it back to the team in the short term and see if we can close it out. It's administrative, but let me just take a look and see what's there. So I'll take that on as an action item.

We'll put the Buenos Aires calendar up on the screen, and there it is. Okay, so focusing on Buenos Aires, just a quick check here to make sure everyone is apprised. And there's a suggestion from ICANN staff of doing something a little bit different on the frontend before Buenos Aires, so Larisa.

LARISA GURNICK:

Well, actually Brian, I did want to talk about some questions for the September meeting first. Well, I hear that you were discussing the possibility of a September meeting, so I thought we should talk about that before Buenos Aires.

BRIAN CUTE:

Back to any other business. So we'll put Buenos Aires to the side for the moment. ASO has a request for a teleconference. Suggested date is 4 September. We'll have a call with the ASO if they want to have a call with us, and it's just a matter of scheduling the time and you'll take care of getting that. Yes, David.

DAVID CONRAD:

I'm just curious. Do we know the topic of the call? I mean, is this a providing of input? Because September 4<sup>th</sup> is late. I mean, I'm just curious what the context is.



FIONA ASONGA: The ASO felt that because they were not able to meet the ATRT in Durban – reason being that the ASO normally has only one face-to-face meeting a year and it would be during an ICANN meeting, so we were not able to have full attendance at all ICANN meetings – members felt that instead of a face-to-face meeting with ATRT-2, there should be a conference call where they can share their views and give their input to the review process. That’s the request that has come through following the August meeting.

BRIAN CUTE: And we’ve committed to interact with all of the ACs and SOs.

DAVID CONRAD: Yeah, I guess just, I mean, September 4 is, yeah, and it’s not possible to have it sooner so we could incorporate their input more easily into? Never mind.

BRIAN CUTE: It’s a fair point. No, no. That is a fair point.

FIONA ASONGA: The challenge is that members of the ASO have very – okay, we are normally managed by regional registries because we don’t have a full secretariat to support us, and the regional registry staff sort of preschedule all our meetings and everyone needs two weeks’ notice for our meeting.

And in view of that, it becomes very hard to plan for a meeting in, say, seven days. We don't get quorum even for our own meeting in seven days. So being that the request was during this meeting I ask for when we can meet, and when I check two weeks it will still take us to about 4<sup>th</sup> of September, and that seems to be realistically the earliest we can get a quorum to have the conference call.

BRIAN CUTE:

Okay, we'll work with their calendar and take their input and factor it in as best we can to our draft. So if you could take care of the scheduling part of that, Larisa and Alice, that would be welcome. Thank you.

Last bullet I think we already discussed, responding to input received. We've identified what has come in. We need to read it, factor it in, and we've had a discussion about how we would reflect back to everyone that we have received their comments and factored them in in our report at a minimum.

Okay, is there any other business that's not up here besides a meeting in Washington that we're going to talk about in a moment? That's it. So once again, Buenos Aires. Any other items before we go to a potential late September meeting in Buenos Aires? No. Late September meeting and Buenos Aires. Yes.

Okay, so just in terms of getting this work really polished before it goes out the door in October as solid as we can get it, I think we all recognize that there's a fair amount of substantive work still to be done, some facts still to be pulled in, some drafting of templates that need to be

done, and at least one other vigorous round of discussion. And sometimes when you get down to the final phraseology of a recommendation, you can have some real wrestling matches, which is all healthy and part of the process. A suggestion is that we schedule a two-day face-to-face meeting, and after doing some polling of some, the dates of Monday, September 22 and Tuesday, September 23 are targeted.

UNIDENTIFIED MALE: That's Sunday and Monday.

BRIAN CUTE: Sorry, 23<sup>rd</sup> and 24<sup>th</sup>. Monday the 23<sup>rd</sup>, Tuesday the 24<sup>th</sup>, and the suggestion of Washington, D.C. There is an ICANN office there that can host us. Fiona.

FIONA ASONGA: I cannot be available because I'm hosting the African Internet Governance Forum.

BRIAN CUTE: Those dates?

FIONA ASONGA: Yeah.

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ALAN GREENBERG: Poor excuse.

BRIAN CUTE: Jorgen.

JØRGEN ABILD ANDERSEN: I think that some of us may be attending a conference in Washington the 27<sup>th</sup> through 29<sup>th</sup>, so the proposal might be that we take the meeting the 30<sup>th</sup> of September and the 1<sup>st</sup> of October. [inaudible]

BRIAN CUTE: I'm on international travel. I'm not available that week. Larisa.

LARISA GURNICK: So, Brian, are you envisioning a full team meeting? Because that's something that we need to factor into the budget, as you would imagine, because after this meeting we only have one other meeting budgeted which is the Buenos Aires meeting. I think we spent it on the consultant.

BRIAN CUTE: I'm on international travel. I can't do Thursday or Friday. I'm blocked out from the 26<sup>th</sup> to the 4<sup>th</sup> or 5<sup>th</sup>. How about the prior week, 19/20? What's the date today, 16. That's one, two, three, four, five weeks from today. It's better to do that than – 19<sup>th</sup>/20<sup>th</sup>? Just stop along the way. Do

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those dates work? We may have to do a Doodle poll: 19<sup>th</sup>/20<sup>th</sup>, 23<sup>rd</sup>/24<sup>th</sup>, and – what? You can't make it for that one.

UNIDENTIFIED FEMALE: Brian?

BRIAN CUTE: Yes.

UNIDENTIFIED FEMALE: Can I suggest that maybe we look at the conference call option and then see if maybe a subset of the team would gather?

BRIAN CUTE: This really has to be a full team interaction because we're talking about really finalizing the recommendations before the report goes out. We're targeting mid-October, 4<sup>th</sup> and 5<sup>th</sup> – 7<sup>th</sup> and 8<sup>th</sup>? October, until October. You're hoping.

ALAN GREENBERG: There's no date that everyone's going to make. Let's do a Doodle and try to get a majority.

BRIAN CUTE: We'll have to do critical mass. So why don't we do a Doodle: 23/24 September, 3/4 October, 7/8 October. It is Saturday. Yeah, 19/20

September, 23/24 September – I'm not doing Saturday, no – 3/4 October. Does 3<sup>rd</sup> not work for you? It doesn't? Ah, okay, 3/4 October, 7/8 October. We have four targets to shoot at, and we'll go with critical mass. Oh, wait a minute. Hello. Stop. Yeah, 4/5 does not work for me, right. Thank you, Avri. You know mine better than me, 7/8 October. Three targets. Let's see what we come up with. What's that? 9/10 October? 7/8 or 9/10 October? Yeah, why not? Yeah, we're targeting mid-October to get it out. So let's go with the three, and see what the results are.

Okay, now Buenos Aires. So again, targeting to get the draft up by 15 October, translations. Well, 7/8 gives us a week to scribe away. It gives us one week to scribe away. Translations take two to three weeks, depending on the size and complexity of the document, so we have to factor in some extra time because we want to get it out in advance of Buenos Aires. And the suggestion from staff is, which would be new, that we could do a webinar before Buenos Aires inviting the community, basically presenting the draft report, the proposed recommendations in advance so the community can walk into Buenos Aires more fully armed with input for us. Maybe better than a questionnaire, more effective. I don't know. That's a suggestion. Is everyone comfortable with that as a suggestion? Make sense? Okay.

STEPHEN CONROY:

And would that be after we all got together in Buenos Aires?

BRIAN CUTE: Before.

STEPHEN CONROY: A week or so before?

BRIAN CUTE: It would be once we publish the draft report and proposed recommendations mid-October, shortly thereafter.

AVRI DORIA: At least a week or two before the Buenos Aires meeting.

BRIAN CUTE: Okay, and with respect to our schedule and Buenos Aires, staff is suggesting that just one day of face-to-face on the frontend before we do our traveling circus of meeting with ACs and SOs over the course of the week. I don't think we need, once the report is out, we shouldn't have too much business. So one day of scheduled meeting for us, and then we do the round around the community. Carlos. Saturday? Friday face-to-face? Friday on the frontend? You're a GAC-ista. Fiona?

FIONA ALEXANDER: So I think first of all, Sunday's the 17<sup>th</sup> not the 16<sup>th</sup> just date-wise. But I notice that there's a suggestion that we shouldn't do a session with the whole community but just do these individual one-on-ones. So if that's the case, can we get them scheduled as soon as possible and not have

them span out between four days because I don't think that I can keep Larry there that long. I appreciate everyone else is there for the whole week.

BRIAN CUTE:

I personally don't have any problem going early to late in compressing all the meetings into two days if it could happen instead of spreading it out over four or five days. I think other people feel the same way. Can we go with the suggestion of Saturday face-to-face so we don't lose GAC reps. Sunday maybe some meetings, but try to get it wrapped up by Tuesday? Is that possible as an objective? By the end of Tuesday as an objective. Alan.

ALAN GREENBERG:

Just for the record, Olivier and I are probably double or triple booked on the Saturday, but we can try. Friday too.

BRIAN CUTE:

Or we could have our first face-to-face on Monday and try to get our meetings wrapped up by Wednesday. I mean one of those days is constituency day, right? Tuesday, which makes it hard. Oh, no, actually that's the day, yeah, that's right. That's the day we parachute in. Face-to-face on Monday, and try to get all the meetings wrapped. [audio cuts out]

[ END OF TRANSCRIPT ]

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