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**ATRT2 AUG Mtg in LA - DAY 4**

**Saturday, 17 August 2013**

BRIAN CUTE:

...Suggested approach here. I think the first and most important thing for us to do as a group is make sure that we are firmly agreed on the structure of not just the report itself, but that'll be a conversation. Let's go through the shape of the report. But also the templates. We had a little bit of discussion yesterday from Larry. I captured some thoughts of his of what should be in the template part of the report. So we'll check the templates, walk through them. Make sure we check off those points Larry raised.

If we need to modify the template, we will. But again, let's first agree on the skeleton and then we'll need to walk through, particularly for the review of previous recommendations... There are a lot of prior recommendation so just in terms of the drafting for each prior recommendation, make sure that we have owners, make sure that we have deadlines, and a clear understanding of who's drafting what. The other challenge is going to be how many chefs do you want in the kitchen, and everyone has their own drafting voice and style.

We can agree to structure, that's important, but the more people holding pens the more difficult it will be to pull this document back into a single voice. And we do have a resource who's going to be dedicated to that purpose, Paul Diaz. He's assisting me and he's an excellent writer – that's one of his... That's his role here at this point in time; as

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the report gets fleshed out to make sure we're using the same tone, the same voice, and get some consistency.

So let's take that as our rough Agenda for the day. Just so you know, I will be leaving at 3:30 pm. I'm on a 5:10 pm flight so that's when I intend to cut out. I assume we should be able to get through everything we have to by then if not sooner. But the most important point is that we're all clearly on the same page with respect to structure and approach to the drafting.

Before I leap in, any questions or discussions or thoughts on that? No, okay. Jorgen, please.

JORGEN ABILD ANDERSEN: Yes, thank you Brian. Maybe I was not fully present at the meeting yesterday but I have no very, very clear idea about exactly which recommendations did we decide to move on with and I think it would be very helpful if we get a clear common picture on exactly which are the recommendations we want to move on with because that would of course govern the templates to be drafted.

BRIAN CUTE: Thank you for that. Absolutely. We need to do a clearer stock taking so Olivier on the one hand and Fiona on the other. We will need to do a clear stock taking of which recommendations at this point of our work are going to move forward. That'll be a task. Thank you.

Okay, Larisa would you first just put the template we developed up on the screen or Alice, thank you. And then I'm going to try to grab the inputs from Larry on structure. Okay, so before we walk through this. And this may not change the template at all but what he rattled off was basic structure should be – here's the recommendation, and this is for prior recommendations. This is not a new recommendation. Here's the recommendation from prior Review Team. Here's what ICANN did. Here's how we assess what they did and where relevant, here's what the community offered that relates to this and more needs to be done.

No, I'm not reading what's on the screen. I'm walking through – this was a very specific contribution from Larry. It was where we were offering a new recommendation that related back to a prior recommendation. That was it – he didn't want new recommendations that linked back to prior recommendations to be separated from the prior recommendation treatment in the report.

Now I've got the context. Okay, that's fine. Thank you for bearing with me on that. And he just wanted to make sure that we had a clear linkage so if ATRT1 recommended X and ICANN did Y and we assessed it to be partially done. But there's still issues in the community, reflected that as well and we offered a new recommendation that all appear in one place in the report, the old recommendation assessment and that new recommendation, Alan.

ALAN GREENBERG: I must admit, I'm a little bit confused. I certainly understand that they have to be linked but if we co-locate the analysis of the old one with the new one then either we do not have a cohesive place to look for all the analysis of the prior report or we don't have a cohesive place to look for all of the recommendations. Because we're taking what is essentially two subsets and saying number five of one and number six of another have to be co-located, one of them is going to have to move, unless I'm missing something.

BRIAN CUTE: Carlos.

CARLOS RAUL GUTIERREZ: That we order the recommendations, some of them are totally new. Some are partly new – that will be a higher level of organization within what he just described is not the structure of the document.

The way I understand it is if there is a recommendation related to an old one then pack it this way. This doesn't mean that we can't organize the next high level a little bit different.

ALAN GREENBERG: I thought he was talking about the organization of the document.

CARLOS RAUL GUTIERREZ: I don't think so.

BRIAN CUTE:

The template section, if you will, of the document. So imagine – this is an important conversation, this gets to the skeleton. We will have enumerated recommendations at or near the front of the document. The recommendations will be up front. Here they are, all of them.

I think we're going to go through the exercise of some logic. We're going to do that so all of the recommendations up front, some logical grouping. In that set we are not going to put the label new recommendation or recommendation relating to a prior recommendation. This is just enumerated and grouped.

Later in the document where you have templates, so recommendation eight somewhere later in the document will have a template which fleshes out our assessment – our full assessment – input from community and input from Staff and the conclusion that supports recommendation eight appears later in the document. And I think all Larry was saying was that in that template piece, that we need to have the interlinkage between – this is a prior recommendation that generated a new recommendation. That was my understanding of his suggestion.

ALAN GREENBERG:

We're using the terms linkage and co-located interchangeably and they're not. I guess the question I'm asking is – what is the ordering in the template section?

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BRIAN CUTE: Carlos.

CARLOS RAUL GUTIERREZ: Alan, let's think hierarchically. Do you want to work based on recommendations or do you want to work based on issues? And then within the issues work out recommendations, that makes a big difference. We could work issues, then recommendations and then say if it would happen first or not or we can work issues if it was in the first round and then recommendations. Or we can work based on recommendations, which is what we had in ATRT1; we had a list of 32 recommendations which I think is boring.

ALAN GREENBERG: Maybe I'll ask a different question that may bring it out. We have said that for Work Streams two and three, the review of the other Review Teams where we're not making new recommendations. Our analysis of – yes, done perfectly, thank you, tick mark, no it was an abomination. Nothing is done, it needs new focus. Is that only going to show up in the template section and not in the body of the report? If it's not in the body of the report we have a real problem because it's going to get ignored.

BRIAN CUTE: No, it would appear in some form in the body of the report. The question is how many pages do you put to that? You could write a tome or you could write some crisp text about how they didn't implement the

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recommendations under the WHOIS Review Team and then in the appendix have templates for each of those that are fully fleshed out and provide more dense data and an analysis in some form.

The answer to your question is no, it wouldn't be left untreated in the body of the report.

ALAN GREENBERG:

Okay, I'm willing to leave the discussion of the organization of the template section. I don't quite understand it. Let's see what it looks like as we actually have to start drafting it. I think we're going to have a problem in terms of organizing that and making it accessible. I think by grouping the two together co-locating, we're solving one problem and creating a larger problem but we don't need to spend time now talking about it.

BRIAN CUTE:

Larisa.

LARISA GURNICK:

I think somewhere in the template section or appendix section, you want to provide a resolution for how each of the prior Review Team recommendations concluded. So that linkage can be done as a table and I think that's something that needs to be really clear to help whoever's reading the report to understand what happened. But in terms of the discussion and how it fit into new issues or broader issues, that doesn't

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have to be organized in the same order as the recommendations that were done by the prior Review Team.

BRIAN CUTE:

That's a good point. How we treat the body of the report... There's the first part of the report that's going to contain the recommendations logically grouped. There's going to be the body of the report where we're going to discuss how well ICANN implemented prior recommendations and we're going to discuss new recommendations and why we came up with them.

Then there's going to be a third part of the report, like the appendix where you're going to have all the dense data inputs, conclusions and my bias – I'll put that on the table and it may be challenged all the way is that's fine. I think having a lighter, clearer, narrative on the front end and all the dense work and analysis and data and charts at the back end for those who want to go to the back and drill down and get all the data they need is the better way to go but that's a bias. Avri.

AVRI DORIA:

Thanks, two things: one, I'm not quite sure I understand what we mean by logic and I think that that's a logical organization and I think that's still stuck in that definition. I think that doing them by issue then becomes a categorization problem and those are always indefinitely difficult. I think that in terms of the appendices – I just wanted to put this one back on the table – I think we're better off with under 100 page document and significantly under. And that those appendices for the



most part should be another document, a background document that is paired, that also keeps us from making that document have to have the authority of unanimity and everything else that the recommendation document has.

I think everyone has to agree to what's in the recommendation document. If we have a separate background document, we don't have to comb through every word in every template to make sure that it's a word that's comfortable with you. You say, "These are the materials we used to create this. This is the discussion materials. This is the background materials.

The inclusion of these materials in these documents is approved by all but not necessarily every word." Very similar to what was done in the Working Group on Internet Governance so you can give the body of research without having to bless it as official but you have a small, readable, manageable document. But if you put it all in appendices, people don't see, "Oh, but the basic document is only 50. It's the appendices that are 300." They see a 300-page document.

BRIAN CUTE:

Thank you. Let's do this. Let's focus on what's going to be at the end – the appendix, appendices, the template. Let's focus there first. Let's get the template on the screen and thinking about... I've read the recommendation on the background narrative on that and now I want to do a deep dive into what the team did in the appendix.

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Let's take a walk through the template as we have it constructed and ask ourselves, "Does this contain all the elements that we would want it to contain?" and if not let's identify those now. This A is analysis of a previous Review Team's recommendations and this is where we can add to Larry's thought, too , and see if he added something new that was missing.

Here's the recommendation, meaning in this template in the appendix we're saying, "Here is recommendation 12 from ATRT1." Boom, recommendation 12 from the ATRT1; second, summary of ICANN's assessment of implementation including actions taken implementability and effectiveness; that's his second point, here's what ICANN did.

Here's the recommendation. Here's what ICANN did. Summary of ICANN's assessment of implementation including actions taken, implementability and effectiveness, this is writing for Staff that has to come into ATRT2 as well so volume wise, just flagging that for you.

Next is, this section may include the filing on its Board approval of the previous Review Team's recommendations. Yes, David.

DAVID CONRAD: Yes, just for clarification so Staff is going to be writing that summary. Is that your recommendation?

BRIAN CUTE: No, that Staff has to – well Staff has to provide that to us.

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DAVID CONRAD: I thought they all ready did through the spreadsheets.

BRIAN CUTE: If they have... To the extent that anything's missing. We've got to write the report. We're responsible for writing and editing the report.

DAVID CONRAD: All right.

BRIAN CUTE: The input comes from Staff. I'm just saying the extent that there's anything there that you haven't provided to us, you'll want to do that so that's not a thin or empty box on the report. Thank you, David.

This section may include the following elements: Board approval of previous Review Team's recommendations and directive to Staff. Staff, Board input via written and oral reports, just stopping there, is there anything else that we think should be included here? Is it broad enough? Does it catch everything? And clearly there's an incentive for ICANN Staff and Board to put as much into this section as you believe relevant or give to us what you think is relevant.

Okay, next would be summary... Yes, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you Brian. Just on this section may include the following elements: Board approval of previous Review Team's recommendations

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and directives of Staff. Staff and Board input via written and oral reports, there is also input from the various Chairs of the different committees. For example on the NomCom side of things there's not only Staff input but there's also input from the ex-NomCom Chairs and Chair Elect.

BRIAN CUTE: Would that fit in community input? The next bullet or are you referring to something else?

OLIVIER CRÉPIN-LEBLOND :I see a difference between the community input which is the background, the sort of response by the community and the input from the person who was in charge of implementing this, although they were a volunteer.

BRIAN CUTE: Person in charge of implementing within ICANN Staff or Board or person in the community that played a role? I'm unclear.

OLIVIER CRÉPIN-LEBLOND: Well, what's the Chair of NomCom? If it's someone in the community, I wouldn't want to have the same level of input from the NomCom Chair than John Doe who's just a member of the community and sees this from the outside.

BRIAN CUTE: Okay, I see your point. Just to be clear, what I read is that summary of ICANN's assessment and Board approval. I see this as Staff and Board and if you're saying for a given recommendation that the NomCom had a unique role, the GAC had a unique role and that we're looking for their assessment, their inputs on how implementation went. That's what you're trying to capture, right?

OLIVIER CRÉPIN-LEBLOND: Yes, that's right. I would say Staff, Board and driver – whoever is driving it...

DAVID CONRAD: They're effectively the implementers even though they happen to be unpaid volunteers therefore they really fall under the category of the Staff one.

ALAN GREENBERG: That bullet, the summary of the implementer's assessment of how well it worked and whether they completed it or not, things like that and it may in some case be volunteers.

BRIAN CUTE: All of this is understood. I've captured the thought but there has to be a dividing line between ICANN's assessment, even though the NomCom might have had a direct responsibility... The NomCom's assessment of

how it went could be different from ICANN's assessment of how it went and we have to make sure there's some structure there, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you Brian. I thought ICANN was everyone?

BRIAN CUTE: No, there's a clear Staff and Board construct to this – absolute. Absolute in AOC in ATRT1, there is a clear Board and Staff element that has to be part and parcel of how is ICANN implementing. Yes.

LARISA GURNICK: When we put together the original answers to the questions, the way it was handled that we looked at Staff, Board or other Chairs or individuals that were directly responsible for the implementation and to make it clear as to who was providing that input, we used either people's initials or categories.

If you go back to the original spreadsheet, there's a clear delineation but in terms of the category it was all treated as ICANN's assessment as opposed to community feedback or ATRT2 assessment.

BRIAN CUTE: So, for example, there were a number of NomCom and ICANN Board specific, focus directed recommendations. You two go do X. So there's a responsibility for NomCom. GAC and Board, you two go do X. Restructuring the public comment process, that's uniquely ICANN Board

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and Staff. I would not put any actor within the community on the same par. Do you see the distinction? Okay.

OLIVIER CRÉPIN-LEBLOND: Thanks Brian. Yes, we are on the same line here but it's just in the case of NomCom for example, you can't just say Staff and Board. This is, I think, what Larisa was saying. I think we're in **[inaudible 00:24:45]** agreement.

[DAVID CONRAD?]: The same for GAC – there is no entity paid within ICANN that takes responsibility for changing the GAC or talking to the Board. Just like Board is volunteer to some extent, I think these are other entities that are implementers.

BRIAN CUTE: So we could either go with a modification of this bullet to say, where applicable other AC or SO or have a separate bullet that says AC or SO assessment of how it went. I'm not partial here but we need to capture that is some form, right? Maybe the where applicable is a better approach.

ALAN GREENBERG: Since GAC is a large part of this and they're clearly not a part of ICANN Staff Board, let's make the reference to the party or parties who were responsible for implementation which may be ICANN Staff, may be the

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Board. It may be the NomCom which is very much hands off from both the Board and the Staff. They're the only entity that can actually change the NomCom so it's whoever was responsible under the recommendation and under Board's direction for implementing.

BRIAN CUTE: Okay, this section may include the following elements: Board approval of the previous Review Team's recommendations and directive to Staff, Staff, Board, Chair. I didn't do WHOIS or SSR, were there any recommendations in WHOIS or SSR that put direct responsibility on an AC or SO? David, in SSR was there any recommendation that put direct responsibility for implementation on an AC or SO or was it all on ICANN Staff and Board?

DAVID CONRAD: There's the recommendation that involved SSAC and RSSAC.

BRIAN CUTE: Having direct responsibility for the implementation?

DAVID CONRAD: Yeah.

BRIAN CUTE: Okay.



DAVID CONRAD: Well, in conjunction with the Security Office, It wasn't exclusive but SSAC and RSSAC have to work with the Security Office to come up with their roles and responsibilities.

BRIAN CUTE: Okay, so I think the edit here should be Staff/Board/relevant AC or SO or something like that because it's not just GAC or NomCom.

DAVID CONRAD: I think we can refine the words later as long as we understand...

BRIAN CUTE: I'm not trying to perfect them, I just want to get them in there as a placeholder.

DAVID CONRAD: Or relevant ICANN ACSO, they're all ACs in fact.

BRIAN CUTE: Thank you. Okay, the next bit is summary of community input on implementation including effectiveness. Good? Next is summary of other relevant research, Alan.

ALAN GREENBERG: I, for one, have a lot of difficulty on this. Certainly looking back on the retroactive, on the previous Review Teams - I in doing WHOIS had to do

a lot of research to figure out what had been done or things like that but I'm not sure it's other relevant research so I'm wondering to what extent is this going to be a common thing and if it's not very common, can we group it somewhere else? I left it out completely as a column in my tabular report for WHOIS so I'm wondering to what extent is it relevant.

BRIAN CUTE: David, in your research did you look at... Is there utility in this or not?

DAVID CONRAD: Yeah, there were a couple of cases where I found materials that weren't covered by the previous bullet points that I either did or was planning on throwing into the other category. Most of the time it will be empty because most of the time the materials I used, at least, were found as community input kind of things or mostly Staff input. As a catchall that's left empty most of the time, I think it's okay.

BRIAN CUTE: I, for example, Avri looked back at the One World Trust report that predated the AOC reviews. That certainly is other relevant research. Alan was suggesting that summary of relevant research may not be useful in this report.

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ALAN GREENBERG: Remember, we're looking at analysis of previous recommendations not the template for new recommendations where it is relevant.

BRIAN CUTE: I was just saying when ATRT1 issued its recommendations, we also look back on One World Trust. We looked at other documents that informed questions in front of us.

AVRI DORIA: In fact, I didn't actually go outside of content that I was able to find referenced in the first ATRT.

BRIAN CUTE: But I think there's use for it. Let's just leave it there for now and...

ALAN GREENBERG: I guess I'd leave off the word research and say other relevant information.

BRIAN CUTE: Okay, next. Yes, ATRT2 analysis of recommendation implementation. So let's focus on the words complete, incomplete or ongoing. And they're put forward as complete recommendation has been implemented and all work has been completed. Incomplete, recommendation has not been implemented or has been implemented partially, no further work

is being conducted. Ongoing, the work has not been completed and is ongoing. What to do with this?

AVRI DORIA:

I have a couple of problems with those definitions. First of all something can be... I think we've overloaded each of the terms. You can have work that is in some sense complete but its nature is that it is ongoing. I think that's important to indicate. Now, we could say complete and ongoing but ongoing by having said, saying it's not completed we overload the meaning of the word ongoing by saying not completed. You can be completed and ongoing. You can be incomplete and ongoing.

I think incomplete we've overloaded with has not been implemented. I think that has not been implemented is an important category in and of itself. if there are things were deemed to be impossible, improbable or just weren't done for one reason or another. That's not incomplete, that different.

Incomplete has a notion of it is being worked on and such so and I had that problem as we were talking but it was no time to get into definitional word games but I think we need more categories than just... The other two are just overloaded.

BRIAN CUTE:

We did ask the Board in the recommendation continuously improve X. That literally was how the recommendation was written so there is a clear point here that we need to address accurately. Alan.

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ALAN GREENBERG:

I think this section the intent is - did they, whoever the they is, do a good and reasonable job as expected by the original Review Team? So the fact that something is ongoing because it's something which is going to have to be done annually for the next 12 years is an interesting dialogue but it's not related to the implementation.

I think we're really asking, "Did they fulfill the expectations of the Review Team?" and that's almost a yes/no answer but one of the no's is they're still working on it so they understand they're not finished yet which is what we sort of said is incomplete. Again, I'm not sure of the words we should use. We're trying to pass judgment. We're giving a grade for how well this was done.

BRIAN CUTE:

Avri.

AVRI DORIA:

I guess that's where I disagree. I think we're talking about transparency and accountability. There was a set of recommendations and I think what we are evaluating is the progress that has been made based on these recommendations towards accountability and transparency. I do not believe that we are sitting in judgment and giving grades on performance. I think what we're doing is sitting and giving judgment on accountability and transparency and how we're doing at achieving that.

For example, if we were to look back at one of the previous – and I'm not saying we should and I'm not saying I have – if we were to look back

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on one of the previous recommendations and said, “You know, it made sense at the time but a year later the world changed and it made no sense,” then what we’re doing is evaluating the recommendation and its implementation in respect to accountability and transparency, not did somebody somewhere pass or fail.

BRIAN CUTE: Alan.

ALAN GREENBERG: That’s an accurate description for the review of ATRT1. The assessment of security, stability and resiliency and WHOIS is not directly related to whether it’s transparent and accountable. It’s did they fulfill the recommendation or not.

BRIAN CUTE: I’m not sure I would separate any of this from accountability and transparency if that’s what you just suggested because that’s what this is all about – accountability and transparency. I’m not trying to be dispositive here but I tend to lead toward the way Avri’s... And this is a very charged area because people are going to read this rightly or wrongly as we are grading them.

If you don’t think that’s what we’re trying to do here the community’s going to read this and say, “They really screwed up here,” and the ATRT 2 just said that so let’s be very thoughtful. To my mind, my bias is that a Review Team made a recommendation. Under the AOC, the Board is

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required to take action. It doesn't have to accept and that we need to note as well. But when the Board accepts a recommendation from a Review Team under this document that the organization has signed and committed to, there's an expectation they will implement it.

That's where I put my focus is - did they implement it? And that is a binary yes or no, and then underneath that there can be an assessment of how well they went about the task of implementation. There can be some qualitative judgments about the effort, the timing, the resources and take into account whether or not we actually gave you a recommendation that was terribly complex and created some challenges that we didn't anticipate but in my mind that's the construct that I lean toward.

This is a really important discussion. This is where people are going to say we are grading then, rightly or wrongly, so let's be thoughtful. I'd like to hear some more. Alan.

ALAN GREENBERG: Just for the record, I agree completely with what you just said.

BRIAN CUTE: Jorgen.

JORGEN ABILD ANDERSEN: Yes, I also tend to agree but I think that our experience with respect to the reporting from Staff about how they implemented things and also

the intervention by [inaudible 00:38:27] at our meeting in March indicates that it is a little more complicated than that.

That is that we found out that one of the problems with respect to implementation was that much of the implementation was sort of tick the box implementation. There was from a quantitative perspective there wasn't any baseline. There wasn't any assessment of the effect of what has been done so you could end up in the situation where you say, "Well, all the recommendations have been completed. All the implementation is right. It has been completed," but leading back to what Avri rightly said, this is not a question about, "Can you tick the box and say this is complete."

This is an issue about accountability and transparency and not a formal implementation of a recommendation just to be able to tick the box. In my mind, that makes it more complicated than that and that leads to a situation where on numerous recommendations, I think this is the conclusion we have come to here in this group.

On numerous recommendations we must, in our report, say, "Well, this recommendation has been formally implemented but it has not been implemented sufficiently according to this ATRT2," so we establish an additional recommendation saying, "In order to address this particular area sufficiently, you must do this and this." This is how I understand it. That is a reflection of what Avri has just said.



**BRIAN CUTE:** Do we scrap these terms altogether? Picking up on your suggestion, do we just approach this as you kind of paraphrased, ICANN input suggests that this was implemented however ATRT2 Team said implementation was insufficient and then lay out rationale. Are we boxing ourselves in by using these words and do we want to take a different tack? David.

**DAVID CONRAD:** So, as I was going through the SSRRT stuff I found that the way I tended to view things as either: it was complete, I agreed with the Staff evaluation. There were no discrepancies at all. It was clearly incomplete and there was agreement by the Staff evaluation that they agreed that it was incomplete or there was a discrepancy between my interpretation and their interpretation.

A lot of the things are ongoing, they're not going to terminate. They're continual improvement kind of things. I think the categorization is useful if you're trying to read through the document rapidly and are only interested in the high level outcomes having complete or incomplete or special case I think is helpful to the reader but I tend to agree that it leads towards box checking and my preference would be to probably keep the categorization as essentially either yes, no, or special.

**BRIAN CUTE:** I want to pick up that one thread, it is an opportunity for this Review Team to send a signal to ICANN as well about what we think is important in terms of implementation. I think at least three things come to mind.

One is - you've got to use benchmarks or nobody's going to know whether you've done it or not and do that this time for sure. Number two, it's not about checking a box. This whole thing at the 30,000-foot level, it's not about checking the box. It's about taking this on as part of the DNA of the organization and reflecting that back out in the way you operate and to the outside world. And check the box is of very little value.

If you're on Staff and you're getting an annual review by your manager and you've have 13 tasks, they have utility but in this setting that's not really what it's all about. Again, do we want to use words like this? Do we want to use different words? Do we not want to use any words that don't reflect what we want to reflect? David, Alan, Carlos – I just forgot it. I literally forgot the third thing as I was talking and I'm going to try to dredge it back up. Sorry. David, Alan.

DAVID CONRAD:

So my experience in going through both the SSR and the Board communication parts of 1A, I found that on its own, 99% of the SSR stuff was not check the box type. There was a clear effort to both implement but also explain to me, as the reviewer, how the implementation was done and from that perspective it actually was relatively easy to understand, that there was an actual effort behind the implementation.

On the 1A stuff that I did, I have to admit a certain level of frustration with some of the responses in that I could, after a lot of research, determine that things were done but in the context of the answers

supplied by Staff, there were a number of cases where it was implemented, see URL and the URL pointed to a large document and it forced me to actually go and read the entire document without having a specific reference.

That's relevant to how the information was presented to us, make recommendations for ATRT3 when they go through this exercise they have a clearer definition of the information they want Staff to provide. However in the context of this particular question about what terminology we use, really for the ease of the folks who are going to be getting our report, I think we need to have a succinct summarization of - yes this has been done, we believe this has been done, no we don't believe this is done and we disagree with Staff's interpretation of whether or not it's been done just to make it easier for the reader to then look into the body of the text that we write.

I'm assuming that not everyone is going to read every word we write, perhaps I'm pessimistic but in the few cases where there are discrepancies that people can actually go in and maybe judge for themselves who's right in those cases.

BRIAN CUTE:

So, implemented, not implemented, unclear, different view – something like that. Okay, Alan.

ALAN GREENBERG:

I think we're confusing checking the box with what Staff might have done to hopefully satisfy things with us providing, and I like the term, succinct analysis for someone scanning over it saying, "Overall how well did ICANN do in doing it?" In the case of WHOIS, I can only think of one case where there was a check the box type approach and in the opinion of the work stream their answer was they didn't bother doing it at all and they say they did it. That's an easy one. That's binary. That's black and white.

Most of them are nowhere near that clear. It's not even a case of Staff said complete and we think it's incomplete or vice versa. In most of the cases I'm looking at, it's everyone agrees it's incomplete. To what extent is it incomplete is where the differences may arise.

I really think that a previous work team made a recommendation. Some time has passed, maybe enough, maybe not enough. At the point in time that we're making our evaluation, is it reasonable to say that the expectations of the review team that made the recommendation have been met or not?

BRIAN CUTE:

I worry about expectations of the prior Review Team because you have to define those and that's a number of individuals and that wasn't carefully captures or articulated.

ALAN GREENBERG: I'm not trying to craft the words, I'm trying to give the gist of what we're trying to evaluate.

BRIAN CUTE: David, then Larisa.

DAVID CONRAD: From my perspective you have this spectrum. You have at one end clearly done and at the other end you have clearly not done. From the perspective of ATRT I guess in the document my thought would be that we would have the equivalent to done or not done and in both cases, specifically in the cases where we evaluate as not done then we're going to want text that explains our evaluation of why it's not done and to the level we believe it's not done.

We may also want to include Staff's interpretation of their level of believing it's done or not done. Whether or not we provide an ultimate summary where we say we think Staff was completely wrong in their interpretation or here's where we differ in the interpretation of staff.

The example that I have in the SSR stuff was with regards to whether or not the security team define their charter. From my reading and my understanding of the situation that lead to that recommendation, my interpretation was the Review Team really wanted a succinct document, a single document that says this is what the Security Office Team does. Security Office's Team interpretation of the exact same words was an informal description of what we do is sufficient. So who's right? I'm not

going to guess. The informal description, given the situation now, is probably sufficient. Do we want to hold them to the letter of the law? Maybe, maybe not – I don't know.

That actually gets into what I think is a more interesting question. Where we have those situations how do we document them? Do we make the decision that we hold their feet to the fire that they have to meet the recommendation or do we look at the ultimate effect or try to interpret what the ultimate effect will be and determine whether or not the spirit of the recommendation has been met as opposed to the letter?

BRIANE CUTE:

I think there's a judgeship in his future. Larisa.

LARISA GURNICK:

On the WHOIS and SSR recommendations, for a lot of them I think given that the directive from the Board came out at the end of November. Not 12 months has gone by so as you evaluate the progress, would it be useful to look at what was the original plan and are they tracking as compared to the original plan.

In other words if someone says it's going to take us 12 months, are they 10/12 into the progress or some other indicator like that because I think in some cases it just wouldn't be feasible to be complete on something that hasn't had the full course of the project.

BRIAN CUTE: David, then Alan.

DAVID CONRAD: One of the issues that I ran into in talking with Patrick is that there is a natural tendency to view incomplete as failing and I definitely... I really want to get away from that. Where there's a statement that a particular recommendation is incomplete,

I think it's critical that within the explanation of that that we acknowledge the ongoing efforts, the reason it's incomplete is not that Staff isn't working on it or that there's some ill intent, it's that it's taking time. This is where I get a little concerned about the terminology because incomplete sort of implies failure. Done, not done, the challenge is the terminology, the concepts are clear at least in my mind that incomplete is not a negative, it's that work is ongoing.

If we can figure out some way of characterizing that in a neutral way, I think it will be helpful for the readers of the report to actually understand what the situation is.

LARISA GURNICK: So incomplete but on track versus incomplete but abandoned could have different connotations.

DAVID CONRAD: Yeah, the problem there as far as I was able to determine there are no incomplete but abandoned. They are all incomplete and there's every

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intention of completing. For whatever reason, people have real jobs as opposed to doing real... That's not to say that it's not real.

BRIAN CUTE: Alan.

ALAN GREENBERG: I think we're now getting toward the gist of it, the wording I was going to use was incomplete but progressing well. There's also an incomplete and we're questioning whether it's ever going to be completed or the direction is wrong. So incomplete alone is not a good word in its own right. Certainly in the case of WHOIS, the nuances are far more complex and there's far more judgment calls because when you're only at the stage where you've done a plan, it's hard to predict whether than plan will ultimately be successful, implemented, implementable or all of those things.

Still, that's why I said I think what we're trying to get at in our evaluation relatively early in the implementation of some of these – and it's different for Work Stream 1 - is are they doing a reasonable job at what they were tasked at doing which may mean complete, it maybe be very incomplete and expected.

BRIAN CUTE: Olivier.



OLIVIER CRÉPIN-LEBLOND: Thank you Brian. I think we've kind of nailed it here but I just wanted to remind everyone of the diagrams which Fiona, Alexander sent yesterday of the US Department of Commerce where they have these dials. Green, orange, red and then the arrows - horizontal arrow which showed that the matter is ongoing.

BRIAN CUTE: Could I try a suggestion? I think we're coming closer to a conclusion but I want to nail this. What do people think of using the monikers implemented, not implemented, Review Team and ICANN views differ noting that taking into account all the conversation that just took place under the not implemented heading and even under the implemented heading, that we can add context and color in our descriptions.

Abandoned versus on track - that we can put the context in color into the wordings and I wanted to ask, if you look at the AOC, looking toward the bottom - to the which the Board and Staff have implemented the recommendations arising out of other commitment reviews. Whether Board and Staff have implemented the recommendations is the wording.

The Review Teams, having been approved or the implementation recommendations being approved by the Board in November and there's too short of a ramp to do qualitative assessment. That can be recognized in our description as well. The flip side of that is there may be some instances in ATRT1 where there was more than sufficient time

and work didn't get kicked off soon enough and that can be addressed in the description. Is this a good approach? Alan.

ALAN GREENBERG:

I think the wording that we have highlighted there doesn't factor in that we're doing the assessments so early in the process. It was reasonable for it to be implemented – was it or was it not? And if we're looking at some of these which are very early in the sequence, that doesn't quite have the nuance.

My only concern is that we are trying to do a qualitative, we're not just looking at a percentage number and saying is it over 70% in which case we give it a pass mark. I want to make sure that what we end up with does not either provide a very pessimistic and bad looking review just because it's so early in the process. On the other hand, that we have the ability of nuancing it so say we have the ability to do we didn't do a good enough job given the time.

BRIAN CUTE:

I take all those points. I think the template also allows... I think there a bullet that shows ATRT2 assessment of the recommendation effectiveness. To your point we also have that to talk about effect and the meat of it to it.

ALAN GREENBERG:

Just for clarity, on WHOIS, because of these kind of problems I merged those two together and yes, I know it doesn't allow us to give a green,

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yellow, red but I was not really able for virtually any of them to come up with a single word that would capture the situation and I ended up merging those two sections together.

BRIAN CUTE: David.

DAVID CONRAD: So the concepts of satisfied as opposed to complete and in progress sort of address the issue here.

BRIAN CUTE: Perhaps satisfied is a bit of a loaded term although I know where you're going. In progress, particularly when we are thinking about the two Review Team's recommendations that haven't had a lot of time for implementation. If you went through and just went, "Not implemented, not implemented, not implemented," and it was a factor of they haven't had enough time. That might create the wrong impression in the community. I think that's fair. There might be utility in progress.

Clearly there's going to have to be... You're going to have to capture at the outset of WHOIS and SSR that these were approved in November of 2012 and make it very clear up front that again the labels can also miscast to some degree so can we just for no go with implemented, not implemented, Review Team and ICANN views differ, in progress and have those four monikers up there. I think we probably have a bit more thinking to go on this. Yes, Jorgen.

JORGEN ABILD ANDERSEN: Thank you Brian. Just before we leave this, I think we have been maybe stuck in our discussion in an approach which should lead to agreement on qualifying each of the recommendations implemented with exactly one word only.

What prevents us from using a whole sentence or a couple of sentences which would make it much easier for us to capture exactly the situation which we have ahead of us? It's not rocket science. You could give a rather precise description of what has happened in say, three lines. That would be my proposal.

BRIAN CUTE: Scrap the words altogether.

JORGEN ABILD ANDERSEN: Yeah.

BRIAN CUTE: I'm fine with that but in the description we need to have... If we're going to take that approach we have to have some common understanding of the words we're going to use and some consistency. Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you Brian. I'd like to keep at least one word to describe a whole section because some people will quickly scope through the report and will just be attracted to the ones that aren't implemented so basically they'll just focus on the ones in trouble.

BRIAN CUTE: Thank you. Jorgen.

JORGEN ABILD ANDERSEN: Well, I agree with Olivier. I think you're right on this but I don't think it conflicts with my proposal because you could start each description with using the one words we agreed upon and then you could make it bold complete, full stop and then the three lines describing further what you mean when you say complete or the opposite, incomplete.

BRIAN CUTE: So without using labels as the start of each, rather use the sentence as a narrative. The words we're going to commonly use: implemented, not implemented, in progress. I don't mean to belabor this but we need to have agreement of what the right words are. Olivier.

OLIVER CREPIN-LEBLOND: Thank you Brian, I was going to... I'm happy with complete, incomplete and ongoing but with the incomplete one, I would suggest a second field which would be saying... Sorry it's just gone out of my head but something to the extent whether it's satisfactory or unsatisfactory.

So for example, for incomplete you could have incomplete ongoing or incomplete stopped, stalled. I'm just trying to bring some additional words. I don't think we should just stick to one word. There's two classifications here, whether the work has stopped or is continuing and the second one is whether it is satisfactory or unsatisfactory.

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BRIAN CUTE: So, complete, incomplete, ongoing, satisfactory, unsatisfactory – is that a good set, a good tool kit?

OLIVIER CRÉPIN-LEBLOND: Subset satisfactory, subset unsatisfactory.

BRIAN CUTE: Yeah. Is that a good tool kit for drafters? Yes, Carlos.

CARLOS RAUL GUTIERREZ: **[Inaudible 01:05:24]**

BRIAN CUTE: Well we have a separate discussion for effect, whether this was effective or had effect. I think there's a distinction. That's important. Alan.

ALAN GREENBERG: I'm fine with that. For those who aren't looking over my shoulder, my notes - that's basically what I wrote when I showed it to Brian and he said something facetious. I'm very happy with that.

BRIAN CUTE: But we're also leaving effectiveness as a separate... We're treating that separately, assessment of the recommendation's effectiveness.

ALAN GREENBERG: That's only applicable if it's moderately complete otherwise you can't really assess effectiveness if it's only in some nebulous state where it hasn't really seen the light of day.

BRIAN CUTE: That's true. Okay, all right. Avri.

AVRI DORIA: I'm sorry. First of all I'll accept any set of words as a working set of words and while people are writing they can try to use them and if they need other words they need other words and we come back and use it. If we say these are just... I find the words satisfactory and unsatisfactory totally unsatisfactory because they are purely a value judgment and we're trying to base things on fact so things like complete and ongoing and even effective, ineffective - although that starts to be judgmental but satisfactory and unsatisfactory are really purely value words and they're purely subjective words. And so at some point we will find ourselves sitting here and saying, "Yeah, I know it's incomplete but I think what they have done is satisfactory." "No, no, no, no - because it's incomplete it can't be satisfactory."

Well, I'm willing to sacrifice on it and then we can get into the definition of what sacrifice means because it's less than satisfactory but still pretty good. To me, those two words are extremely problematic but I'm willing to work with a working set of words and see what we have at the end but I just can't imagine using those two words.

BRIAN CUTE: Thank you. Olivier and Alan.

OLIVER CREPIN-LEBLOND: Thank you Brian. I thought that was exactly the job of this team, to find if something was satisfactory or not satisfactory. That's what we're here for. We're here to evaluate the work that was done by ICANN to implement the recommendations of the first one. I can't imagine what else we're going to otherwise we're not going to have any recommendations.

AVRI DORIA: That's still going back to my original statement. I think we're here to be part of ICANN working on improving our accountability and transparency and so what we're looking for is - is it moving in the right direction? What recommendations can we make to help it along looking at previous recommendations, have they helped, have they not helped, etc.?

So yes there are evaluations but this binary judgment of good/bad, satisfactory/unsatisfactory is not what I believe we're here for. We're not here to judge what Staff has done. We're here to judge the progress of ICANN in accountability and transparency.

OLIVIER CRÉPIN-LEBLOND: Can I respond?



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BRIAN CUTE: Yes, and then Alan.

OLIVIER CRÉPIN-LEBLOND: Thank you Brian. I'm reading from Section 9.1E integral to the foregoing reviews will be assessments of the extent to which the Board and Staff have implemented recommendations arising of the other commitment reviews enumerated below.

SPEAKER: **[inaudible 01:09:24]**

OLIVIER CRÉPIN-LEBLOND: I thought our job was to find out and whether to have a consensus on whether it was satisfactory or unsatisfactory, complete or incomplete.

AVRI DORIA: Complete or incomplete are different from satisfactory and unsatisfactory.

OLIVIER CRÉPIN-LEBLOND: That's why I mentioned it, complete/incomplete, satisfactory/unsatisfactory.

BRIAN CUTE: Alan.

ALAN GREENBERG: The words aren't there anymore but the words said in progress and then underneath said satisfactory or unsatisfactory. I thought that was asking, "Do we believe they are making satisfactory progress? Are we at a stage that is expected and reasonable given the time frame and whatever else?"

If that's not why we're here being paid the big bucks to make that evaluation then I just wasted the last five days.

BRIANE CUTE: Jorgen.

ALAN GREENBERG: That's a joke.

JORGEN ABILD ANDERSEN: Thank you Brian. Can I have the text from the AOC again on the screen? Why don't we use the exact wording each of the **[inaudible 01:10:29]** reviews. Yes, can I offer to replace the word satisfactory with successful? We are very close to the text of the AOC if we use the word successful. This is our task to consider whether or not it has been successful, that's what's written.

BRIAN CUTE: Olivier.

OLIVER CREPIN-LEBLOND: Thank you Brian. I'm confused now because we are only applying satisfactory or unsatisfactory to ongoing work so we cannot tag it as being successful or unsuccessful. It's in progress - successful progress, unsuccessful progress.

BRIAN CUTE: Let me answer. Alan, I really mean we can accommodate your concern because I understand a set of work in front of you that was launched a short time ago so some of these things don't apply spot on but we can come up with the right vernacular to accommodate that and we will but let me use an example.

Recommendation six, I think the record shows – I could be wrong here – but I think the record shows that the work on that really didn't begin in earnest until last October when framework paper was provided to the community and there was ongoing work there and it's a robust debate and anyone would say implementation is under way.

Barring any other facts that I'm forgetting or haven't been presented to me, it's completely unsatisfactory that they didn't start that work until last October and that for such an important issue I think it would be appropriate for this team to reflect somehow back to the organization for purposes of learning going forward that on an important issue like that it is not a satisfactory way to implement, to take that much time unless there are many good reasons that I have yet to hear.

For the purposes of reflecting back to the organization we do have to provide some value judgments about how they go about implementing

things. I don't know what the right words are but I think that is something we should do. Adhering to the wording of the AOC is... That's our charter. Carlos.

CARLOS RAUL GUTIERREZ: I think we are between what the Staff does and what the people outside expect so I certainly agree we are not here to give value judgment what the Staff does. We are here to take a measure of how much they have done, how much have they advanced and then we have to turn around and think, "Will the community accept this as an improvement or not?"

This is the balance. We are in between what the Staff does, management does, Board does and who is going to read it to see if there is more accountability and so on. If we focus only on the Staff then we're going to miss the point. We will never write something that is geared for the community. I think we are just in the middle between the both sides.

I think it was useful to take stake and make the evaluation of the Staff and of the progress and so on and then at some point we have to stop and turn around and of course, I share with David probably the security and resiliency things are clearer to define. There is progress, we cannot say more.

We don't know what tomorrow's threat is in terms of security. When we get into the soft things everything gets muddled and the value decision we have to take is not in terms of what the Staff has done. The value decision that we have to say is to try and convince the community

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that this has been good, enough and it can be improved but then we have to think in terms of the reader. We have to convince them, not us.

BRIAN CUTE: Avri.

AVRI DORIA: If I can just say – and then I'll keep my mouth shut on satisfactory and unsatisfactory for a while. Even if your sentence I would talk about that being something that concerns us, that something that is even problematical. I just see the... To declare something unsatisfactory is to force someone into a defensive. It's not going to be a profitable way to move forward. Not profitable – a successful way to move forward.

I think that we should list what our concerns are, we should discuss what the problems are but to declare something unsatisfactory has just such a finality of judgment to it that I really don't believe it's a useful term for us to use is really what I'm saying. Even if, yes, get me talking over a fancy gin drink at night and I'll tell you it's totally unsatisfactory.

I don't think it's useful terminology for us to be using. I think we should describe our concerns. We should say it's problematic that... There's any number of constructs we can use and that's really my problem with that binary good/bad judgment.

BRIAN CUTE: Thank you. Fiona.

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FIONA ASONGA:

For the last one and a half hours we have just discussed the semantics of a few words. I think the bottom line as far as our mandate is concerned is – was the implementation for that recommendation done or not. Is it complete or not complete? I think when we start going into the level to which it's complete, are we satisfied, are we... Who cares whether we are satisfied or not?

Maybe the community just want to know whether something is being done or not and I think a large part of the ICANN community would like to know if a recommendation was proposed, has it been done or not and if it has not been done, what explanation is there? When we begin to put in our opinions of whether we are satisfied, we are not satisfied. It's 60%, it's 10%, honestly from a top level, if I was reporting back to my Kenyan community that is interested in ICANN, they really don't care.

They just want to know when a team of volunteers sits down to do this review, is ICANN taking it seriously enough to act on the recommendations and if the recommendations are not being done, is there something about the recommendations that makes them unimplementable?

What Avri has explained in terms of us putting in or not, from a top level I think that is very important otherwise we are going to spend the whole day discussing to see how each of us is comfortable with complete/incomplete, satisfactory/unsatisfactory, successful/unsuccessful. We need to close this discussion. We need to release that - getting the work done.

BRIAN CUTE: Thank you Fiona. I thought we were just getting started. Alan.

ALAN GREENBERG: At some level I'm delighted if we do that because for the WHOIS, which I'm doing I just do complete/incomplete and my job's done. It's really simple. I'm really disturbed that we keep using the term do we think it was successful or unsuccessful because I don't think that was ever proposed.

We were talking about is the progress successful at this point in time and I think that's a substantively differently issue but I say let's move on, pick a set of words and if they don't fit then Paul will have a good job trying to map to the right answers when he tries to make it uniform.

BRIAN CUTE: I'm not engaging in a further discussion of what words we should use but you cannot ignore the fact that the word successful is used in the affirmation of commitments. That is our charter – period.

I think it is an open question. Jorgen put it on the table. It is in the charter. That is something we are tasked to assess. Fiona.

FIONA ASONGA: I think using the word in that regard we could use something complete to be successful and anything that is incomplete fall under unsuccessful but we put in an explanation of either observations or a combination of

our observations and what ICANN feels are the challenges it is doing, some explanation of sorts.

We are not just throwing in complete/incomplete that way. If it is incomplete then the onus is on us to explain why isn't it successful because complete maps with successful. Incomplete unsuccessful.

BRIAN CUTE: But not use the word unsuccessful. Successful from the AOC, complete, incomplete, incomplete explanation which could be ICANN put all its best efforts forward. There hasn't been sufficient time for follow up and implementation. It could be incomplete - the resources and commitment don't appear to be there to get this thing done stated neutrally. Carlos.

CARLOS RAUL GUTIERREZ: **[Inaudible 01:21:18]**

BRIAN CUTE: That's effectiveness. That's the next bullet, yes.

CARLOS RAUL GUTIERREZ: **[Inaudible 01:21:31]**

BRIAN CUTE: Actually, effectiveness, for me should derive out of benchmarks, metrics, measures that are on the record that we can point to to say

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there's been an effect. Unfortunately, that's going to be pretty much of a void this time around because to a large degree they weren't put in place but I don't see that as a personal assessment myself. Was there an effect? There should be neutral data, metrics, measures, benchmarks that help us. Yes, there was an effect. Are we settling on successful/complete, incomplete/explanation? Olivier are you there?

OLIVIER CRÉPIN-LEBLOND: I don't know why we would add successful/complete. Something can be complete but... I'll have to re-read about the meaning of the word successful. I thought something is just complete and that's it but let's just move on because it's true, we are losing a lot of time on semantics.

[ALAN GREENBERG]: I'll just point out that the public comment one was implemented completely and has not been successful. You can say the implementation was successful because they published 21 and 21. Let's try things. We can go back and fix the words.

BRIAN CUTE: You could say successful/complete and what was the effect? Well, there wasn't much of an effect because people aren't using it as intended. I think you could manage that one. Let's tie that off. It was a worthwhile conversation as laborious as it was. Jorgen.

JORGEN ABILD ANDERSEN: Just a quick remark I think that points to what Olivier has just said: as a matter of fact when discussing whether it was successful isn't the right word to use. You cannot separate that from the effect issue and that is also what is written in the AOC. I think this is what you pointed out Olivier is...

BRIAN CUTE: That's okay. For those of us who are going to pick up pens after today, do we have enough of a common understanding? Do we need to push this one further based on Olivier's comment and Jorgen's reaction? Let's move on.

The last bullet here and Alan, recognizing that for you this might not be a useful bullet, for others it will be. We do where we can need to assess the effectiveness of a recommendation. Okay, Alan.

ALAN GREENBERG: I hate to go back to the previous bullet but my understanding from what we've set is that we'll use these words and then elaborate as necessary because otherwise for the ones that are only partially done, we're doing no assessment at all.

BRIAN CUTE: I think that's consistent. Okay, shall we plow on? For new recommendations, this is important. We need to have the templates fixed in stone. I know it's tough sledding. Olivier.

OLIVER CREPIN-LEBLOND: I'm sorry to come back to this. I'm being picky. I just want to be clear on the last one so can we just go back one page please? I just want to make sure I totally understand the meaning. So you've got incomplete... Well, I'm not quite sure with the indentation so a recommendation is going to be what? Because complete is in brackets, you have complete, incomplete and in progress and you've got a sub-part of in progress so it could be in progress successful, in progress complete, in progress incomplete. Well obviously it's not going to be complete if it's in progress so I don't understand why there's in progress...

BRIAN CUTE: Could I make a suggestion? Could we lose complete, incomplete as they are above and in progress and agree that the top monikers are successful, complete, incomplete and that in our prose, in our sentences we will bring in the elements of ongoing, in progress, stalled, hasn't had enough time to reach full implementation. Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you Brian. So what's the definition of successful and complete?

BRIAN CUTE: Jorgen.

JORGEN ABILD ANDERSEN: I'm picking up on my last intervention. I think that I was contributing to the confusion and sorry about that. I think that assessing whether the

recommendation implementation has successfully contributed to accountability and transparency is the last assessment to be done. You can make the assessment whether the recommendation has been complete but only if you, at the same time, come to the conclusion that it has sufficiently contributed to accountability and transparency to say it was successful.

So I think that more or less you have to merge the two last bullets. The analysis of implementation and the analysis of effects because as Brian rightly said, the AOC is our charter and we are given the task of considering whether it has successfully contributed to so that must be the end that he asks. You see, has this recommendation been completed and if yes, has it contributed or has it been successful in contributing to response in accountability and transparency? This assessment must be made according to AOC ?

BRIAN CUTE:

So the suggestion is complete, incomplete and successful is tied to our assessment of the effectiveness. I think that sounds very good to me. Alan.

ALAN GREENBERG:

I completely agree with the words you just used, not if we add the phrase successful or in increasing accountability and stability. Some of the SSR ones have nothing to do with accountability and transparency. They're making the DNS work to make sure we can recover from

problems, to make sure it isn't subject to problems. Those aren't accountability issues. That's good custodians of the DNS.

BRIAN CUTE: I would call that accountability. If I have the responsibility... How is that not accountability in some way? It's a serious question. I want to understand where you see...

ALAN GREENBERG: I see accountability as – that we are doing things in a visible way. It's an administrative issue where some of the reviews are looking at essentially the technology or in the future reviews, consumer confidence. I don't see them as accountability and transparency. There are several reviews. One of them is accountability and transparency. We happen to also be tasked with evaluating the other reviews which are not A and T but it's semantics, I'm not going to argue about it.

BRIAN CUTE: But ICANN as an organization is the technical coordinator of the DNS and has clear responsibilities in that context that ties to SSR issues. This is important. If you see no linkage somewhere, that's important.

ALAN GREENBERG: I guess I can see us being fully accountable, fully transparent and incompetent.

BRIAN CUTE: Okay. Jorgen, did you have something... ?

JORGEN ABILD ANDERSEN: Yes, I quickly want to quote again the text we had on the screen just a couple of minutes ago. Each of the foregoing review shall consider the extent to which the assessments and actions undertaken by ICANN have been successful in ensuring that ICANN is acting transparently and accountable for its decision making and acts in the public interest so you have to make the assessment.

BRIAN CUTE: Okay, let's start on the new recommendation template. God help us. Yeah, we're done.

ALAN GREENBERG: We're worn down.

BRIAN CUTE: All right, so new recommendations. Let's just walk through – same exercise. Hypothesis of a problem, we've identified a new problem that doesn't arise out of a recommendation of a former Review Team and we need to do some research to establish a foundation that there is in fact a problem and we are going to identify, write a summary of ICANN's input to us on this problem as we've identified it. Summary of community input via the public **[inaudible 01:31:51]** process and the

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face to face meetings, are there any other mechanisms through which we receive public input, community input?

SPEAKER: **[Inaudible 01:32:03]**

BRIAN CUTE: We can get away from all the mechanisms and stuff if we just say summary of community input. Thank you. Just lose the rest of it, summary of community input. Alan.

ALAN GREENBERG: Clarification, are we expecting to use those subheadings or those are the things we put into the section Research Undertaken?

BRIAN CUTE: I think we should have them there. It's important for the community to see... I think that's important – the subheadings.

ALAN GREENBERG: I wasn't debating, just asking.

AVRI DORIA: The question I had when I was doing it and I don't care which way we go. We just need to decide. When you have a heading that has nothing

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under it, is the space left intentionally blank or do you delete the heading? Okay, two different opinions.

BRIAN CUTE: I like consistency in the skeleton. Space left intentionally blank, no data or something.

AVRI DORIA: As I said, I didn't really care. I just think we need one way to go.

BRIAN CUTE: Yes. Olivier.

OLIVIER CRÉPIN-LEBLOND:N/A.

BRIAN CUTE: N/A. Yes and Summary of Other Relevant Research and then obvious stuff.-relevant ICANN by-laws, relevant ICANN published policies, relevant ICANN published procedures, Alan.

ALAN GREENBERG: I suggest we put those three in a heading just like we did the previous ones.



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BRIAN CUTE: Single heading, by-laws, policies, procedures... ?

ALAN GREENBERG: Or three bullets if you insist.

BRIAN CUTE: No collapsing is fine.

ALAN GREENBERG: We're going to be using a huge amount of vertical space here.

BRIAN CUTE: Yes.

ALAN GREENBERG: Let's try to condense.

BRIAN CUTE: That's fine. Agreed, then ATRT2 analysis, draft recommendation including rationale - shouldn't the rationale come out of the analysis? Shouldn't that be clear through the analysis? Yeah, so just draft recommendation so lose including rationale. ATRT2 analysis and rationale for the recommendation, Thank you. We're the knitting needles.

Public comment on draft recommendations to be completed later, final recommendation to be completed later. Well for purposes of the

October thing we're not going to need those two bullets. The October version of the draft report, draft recommendations, draft proposed recommendations. Avri.

AVRI DORIAS:

Yes, I think having them there and leaving them empty is the signal that we want comment and we want recommendation - that we're not treating it as a done deal.

BRIAN CUTE:

That's perfectly timed Jorgen. It's all done. We've taken care of it, stepping out for coffee. Yes, I think we're done right? And then links to relevant documents be included. Those are Larry's bits. I think we've captured in some form Larry's bits: recommendation, what ICANN did, how we assessed, relevant community comment. I think these are all captured in those templates. Are they not reflected somewhere in the templates we just walked through? Anything new, novel, nouvelle. No, okay. Coffee? Let's take 15. We'll take a 15 minute break.

See drafting of that beginning in earnest until the templates are complete or full enough to start the drafting process and so really in terms of our work, it's templates first before drafting body of that report. What I really didn't capture as we went through the templates in the last couple of days is which ones are really ready for prime time and which ones aren't.

I think a very small number are complete enough to be ready for prime time so that brings us to the point that between now and the next two to four weeks, the most important task is getting those templates filled out. Whether it's a new recommendation or template looking at implementation of a prior recommendation - so this is the key work and it's not necessarily easy. It's going to take some focus.

That part of the report can't be drafted until the templates are full and that's also with a view toward uniformity of tone. Paul Diaz is there. I think it does make sense to have more drafters for templates just in terms of the volume, fewer drafters for the report. That's the totality of my thoughts. Alan.

ALAN GREENBERG: You're using the term uniformity of tone. I'd much prefer to use uniformity of style.

BRIAN CUTE: Totally agreed, I misspoke.

ALAN GREENBERG: No, I just want to give it rationale as we've had a private discussion and I've had a number of discussions with a number of people saying that if we have strong things to say, we need to be hard hitting. We shouldn't be pulling our punches if we think there are problems and uniformity of style is fine but I think we think to be direct in cases where I think there's a problem.

**BRIAN CUTE:** Agreed. After the body of the report come the appendices which right now we've got templates for A, which is we get more detailed and dense. People can go read to their heart's delight. B, the report of our independent expert, is there anything else we would need as an appendix that I've overlooked? Alan.

**ALAN GREENBERG:** I'm not answering that question but as I was thinking back to Avri's comment about all the recommendation should be Tweet length, there's going to be lots of people – let me finish. I don't really care whether it's exactly Tweet length or not. There's going to be a lot of people who will only read those versions so we have to make sure that they don't lose essential parts in attempting to be brief. That's all.

**BRIAN CUTE:** Avri.

**AVRI DORIAS:** Among other appendices, I think we're going to find all that other craft that's always in a report - how often it met and how it did this and who was on it. There's an indefinitely large number of things that have to get included from who's a member to I don't know that we kept attendance sheets like some Working Groups do.

Some Working Groups, there's an attendance sheet at the end of every thing to show who attended and who was actually there. You didn't know that? Yeah, and that kind of stuff is the kind of stuff that's

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expected within this environment, there will be people who will check to see that the ASO person was here all the time. And I don't know if we've kept attendance but people do that and they check that. I don't even have the list in mind but there's an immense of informational pieces of nana that have to be attached.

BRIAN CUTE: That's the first time and that will be an appendix. Sorry, Alan.

ALAN GREENBERG: I was going to say the adminstrivia appendix.

BRIAN CUTE: So that will be appendix C. Larisa.

LARISA GURNICK: So just a clarification, all that information has been captured in the records that are on the Wiki. To what extent can the Wiki be referenced or... ? Okay.

BRIAN CUTE: Avri.

AVRI DORIAS: I think it actually has to be captured on paper. Wiki's are FMO and impossible to find a year later.

LARISA GURNICK: So just to be clear, we need to capture by date, by meeting, by Work Stream, by call, all the attendance?

BRIAN CUTE: I would take a look at ATRT1's appendix where we laid out how many calls, how many face to face, the types of support. Take a look at that yourself. I think that with a link to the Wiki for deeper information might be one way to go.

AVRI DORIA: I also recommend looking at some of the latest Working Group reports and see what has become sort of the standard expectation at this point and I rarely look at those things but I know they're there and I know people who do look at those things and it's the only think they look at.

BRIAN CUTE: Alan.

ALAN GREENBERG: I'll repeat what Avri said, links to Wikis will almost certainly not work two years from now. We will change the Wiki, the links will... We still have links to ST.ICANN around for social text. They're worth zero other than to frustrate people so if we need to capture something, we need to capture it – period.

In terms of the attendance report, I think we owe it to groups that want to say, “We selected someone to be our representative. Did they never show up?”

BRIAN CUTE: I don't think anyone's pushing back on the attendance reports. Larisa.

LARISA GURNICK: I will take a look at how the other groups have reported this and I'll come back. If it looks like it's a resourcing issue and how to capture it, I'll bring that question back up.

BRIAN CUTE: I can always assign an author on the HRT2 to take of it task. We did it last time so it's not a big deal. Fiona.

FIONA ASONGA: I was actually going to suggest that we could have one of the authors just work on it. If you look at the SO websites, we do keep track of that because our community expects us to be reporting on that so we keep track of everything we do, who's doing what and to what level. At least I know the SO would want that report to reflect on the involvement on this process.

BRIAN CUTE: Okay. Larisa please take a look and come back with a suggestion, composite. Okay, anything else in terms of the structure of the report? Any other appendix, piece of information, chunk of information that we want to be part of this report? Okay, Lise.

LISE FUHR: Are we going to have the comments as an appendix to the report?

BRIAN CUTE: Yes and the question is in what form? Do we provide an appendix that just links... Alice, we may have a precedent.

ALICE JANSEN: To be consistent you need to have the transcripts of all the sessions that you've had as well. If you do include the public comments it means you have to other comments you receive during the session.

BRIAN CUTE: True, Alan then David.

ALAN GREENBERG: In terms of the public comment reports, that's once of the parts of the ICANN website that does seem to keep on living forever so I don't think we need to reproduce those. I think the few thoughts we've had come in on our new direct mailing list I suspect could be transferred to that



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and would live forever. How we document all the sessions we had though, the mind boggles on that.

BRIAN CUTE: There should be transcripts at a minimum. That's once point that Alice was making. David.

DAVID CONRAD: I would think a better way of approaching that would be to actually incorporate URLs and not URS department of website. Not try to turn the document into 15 linear feet of text.

BRIAN CUTE: We do have translation issues to think about, too.

DAVID CONRAD: Yeah, I think it would be painful if the document actually included all the transcripts and translations of the transcripts. It would just be way too big so just URLs to pointers to a permanent place within the ICANN website or maybe the ATRT.info website, one of those.

BRIAN CUTE: So we agree there needs to be an appendix that reflects back the public comments and the public input that we've received as to form I'm hearing links might be a better approach. Not conclusive but Larisa, Alice could you come back and give us a view of what that would look

like if we went with the link direction? Manageable, any issues if we take that approach, okay?

All right, very good catch Lise, anything else that needs to be part of this report as an appendix? Avri.

AVRI DORIA:

Just in terms of the translation and I don't think that stuff needs to be... That's one of the reasons why I recommend a short main document that gets translated and the appendices are really in a background document that doesn't get translated or at least doesn't have an immediacy of translation.

BRIAN CUTE:

Yes and so you all know, that's my aspiration, too, that this document be as brief as we can make it. If we can pull off 30 pages I'll be very, very happy but if it's longer than that I won't be surprised but I'm looking for brevity as well, full content but brevity. Okay, Alan.

ALAN GREENBERG:

With 30 recommendations and assessments of God knows, 70, 80 recommendations we're not likely to make 30 pages.

BRIAN CUTE:

That's understood. We can shoot high. Olivier.

OLIVER CREPIN-LEBLOND: Thanks Brian. Consultant report?

BRIAN CUTE: Appendix B, yeah independent expert, appendix B. Anything else? Olivier.

OLIVIER CRÉPIN-LEBLOND: Thanks Brian. Table of Contents, there wasn't one in ATRT1's report and it made it very difficult to read.

BRIAN CUTE: Agreed, table of contents.

[ALAN GREENBERG]: If you're going to add your statement of executive summary halfway through the report instead of at the beginning where most people look for it you'd better have a table of contents.

BRIAN CUTE: Table of contents, anything else? Okay thank you for that. We'll get this fully captured and circulate it. I think you can... Leave it, you're doing the right thing.

Now I think we need to shift to just the stock taking of completing the drafting of templates and make sure we have a very clear inventory of who is the author who is taking that template to its end state in the next two to four weeks at the latest so how do we attack that? Olivier, just

go back to your chart and walk through and check the owner and then talk about whether or not we have enough people on the tasks or not. Thanks.

OLIVER CREPIN-LEBLOND: Yes, thanks Brian. I was going to go back to the original excel sheets and I've identified where... I'm going to e-mail them to you and if you give me 30 seconds I'll e-mail them over to you and tagged on the side which ones I think recommendation is probably coming out. I've also looked at David's input on his template and I've also tacked this as well in terms of might be or might not be and I think we can go through that in about 15 minutes.

BRIAN CUTE: Terrific, thank you. Fiona.

FIONA ASONGA: I think I'm ready. Alice all ready has the document and I've kept it simple and precise but with lots on the side which hadn't worked on but I expect to work on our expected templates to rid the comments that came in from the floor and looking also the transcripts and what Larisa was taking during the discussion.

**BRIAN CUTE:** Thank you. So while we're waiting for the spreadsheet let me go to David Conrad and we'll start with where you are and drafting and do you need another set of hands on the drafting that you have to do?

**DAVID CONRAD:** Well, to clarify, I'm assuming that I'm going to be writing up the Work Stream two, the RT review as my primary focus. I am happy to provide some additional input into the templates that I had originally written for the 1A for the Board administration stuff but whether or not I'll be able to contribute significantly on that is dependent on how fast I can get the SSRT stuff done.

I think the most productive way of moving forward is that I write essentially the rough draft and then throw it at other work stream members for editing and additional input. From that perspective I believe the two to four week time frame is well within the realm of possibility, if not feasibility.

**BRIAN CUTE:** Thank you and you were working on another template and understood it's not a problem. Let's just make sure we flag that and know who owns it, that's all. Alan on WS3.

**ALAN GREENBERG:** A template of analysis on the WHOIS will be complete sometime in the reasonable near future. I don't think we've decided on a format of how those things get summarized in the body of the report so I think we

need to do that at some point. Other than that, I don't think there's an issue.

I think I'm it for WHOIS in terms of writing. I'm certainly going to have a time issue because of the recommendation templates that I'm also responsible for so I may want to try to get a second in command or something on those because I don't think there's a fall back for me on the WHOIS.

BRIAN CUTE:

Thank you, but to be crystal clear we have a template for assessment of implementation of prior recommendations and you're using that template for each of the recommendation for the WHOIS Review Team?

ALAN GREENBERG:

The table I showed that looks like a table but is in fact was basically the same titles we used, just organized with a horizontal component and yes I plan to continue using that format and at some point I can translate them into a vertical format or Staff can. But yes that's the format I'm using in the template section. As I said, we still need to determine what the format is going to be in the embodiment of it in the body of the report.

BRIAN CUTE:

And David, you're doing the same? You're using the template for each of the recommendations of SSR in filling out the template?

DAVID CONRAD: I guess, yeah. I had a vastly simplified form of the template in the stuff that I wrote up on Thursday.

BRIAN CUTE: This would be the time to have this discussion because if we take... I'm not wed to the hobgoblin of consistency but if the two and the three did something different and HRT1 used a template. It has a look to it.

DAVID CONRAD: One of the key differences is obviously SSR and WHOIS don't have recommendations right, so the entire second page is not relevant. From the context of the inputs into the evaluation - I think - if I remember all the fields of the template, I think they're all appropriate but I'll have to double check and I'll send you an e-mail.

BRIAN CUTE: Thank you, Alan.

ALAN GREENBERG: All do note that virtually all of the WHOIS ones, there is no community input. There's a couple where At-Large has made some pointed comments but other than that there has been virtually no community input. If we want to go ahead and have each section N/A that's fine but it makes for a lot of white space.

BRIAN CUTE: I'm glad you put your finger on it because this is a point I was going to emphasize for everybody, all four Work Streams and anybody who's got a pen is that this is the point in the exercise where you really need to go through the public comments and pull in relevant public comment or input and understand that in the final report we will pull in specific public comments into our report and you don't have to capture every bit of it in this iteration. But you really should to through the public comments, the summaries and if there's germane comment that influences your assessment, or two, now's the time to do that. And that applies to everybody. Alan.

ALAN GREENBERG: For the record, I certainly will go through it again and make sure I didn't miss anything but in general there are very few public comments and we had decided earlier that we would not omit title sections, we'd put N/A and I'm just noting that's a lot of white space.

BRIAN CUTE: Thank you, David.

DAVID CONRAD: I'm sort of in the same boat.

BRIAN CUTE: Avri.



AVRI DORIA: I don't it's white space. I think it's an essential comment.

BRIAN CUTE: I agree and that's fine. It is what it is but what we don't want to do it overlook something that's germane. That would be bad. Okay, Olivier, are you ready to walk us through just from a task assignment? Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks Brian, I'm fine thank you. So let's go to 9.1A summary of responses please, the latest one that I've sent and if we could also open David's document as well please, the PDF David Conrad with notes.

DAVID CONRAD: I've added notes on it.

OLIVIER CRÉPIN-LEBLOND: They're just a bit musical. Are we ready? No, it's not 9.1 the original. Did you call it 9.1 the original? Okay so if we go over to the last... I'm not saying anything at the moment nor am I singing with notes. Let's go back to the beginning of that document please.

So completely on the right hand side, if we scroll to the right we will find recommendation and observation and then we can... So 1A to D, there were a number of discussions that were made in this and most of the input was added to this was the input from David. Is that the correct

sheet? If you scroll down one, do we have the blue box or not? Yeah, we do, perfect so we can go back up.

Most of the input was from David's template and if we go over to David's template we can then scroll quickly through David's template. Communications for the Board David Conrad with notes so recommendation one – there was no recommendation from ATRT2 about this because David's assessment was that with formal recommendations 1A to D would appear to have been effective based on the improvements in NomCom performance.

Improvements in NomCom transparency as apparent from **[inaudible 02:31:55]** documents and interactions with the 2012 NomCom would appear to be both qualitatively and quantitatively more transparent than previous NomComs.

BRIAN CUTE: Can I ask a question?

OLIVIER CRÉPIN-LEBLOND: Yes, go ahead please.

BRIAN CUTE: So just to be clear, in terms of the template drafting part of this, 1 through D, David is the one person who took on that task and developed it to the point it is right now, the template?

OLIVIER CRÉPIN-LEBLOND: David.

DAVID CONRAD: Yeah so what I've done is I took the templates, reformatted them and if you scroll down a bit you will see actions taken, keep going down, implementability, effectiveness, summary of community input and implementation including effectiveness.

I did the research but I didn't record it. The analysis and assessment of recommendations and this gets into the recommendations and almost all of this are to be filled in later kind of things simply because I didn't have time to put it all together.

BRIAN CUTE: And that tracks to template B?

DAVID CONRAD: Yes.

BRIAN CUTE: But you have modified it template A?

DAVID CONRAD: Somewhat, I simplified it to some extent so if we're going to go back and we're going to match to the original, someone will have to go in and do that.

BRIAN CUTE: Just to take the substance of what you've done, take what we've just agreed to as the skeleton of template A and then reorganize and re...  
Okay, got it.

OLIVIER CRÉPIN-LEBLOND: Thank you David. Thank you Brian. Before we continue, on those recommendations which will require no recommendation from ATRT2, are these still going to be treated in the report? David.

DAVID CONRAD: These were sort of my suggestions and we have had a number of discussions on this topic over the past couple of days. I still have some opinion about whether or not some additional recommendations or at least clarifications are requested whether we can get the clarifications may drive whether I think there should actually be a recommendation in this space. But I'm not going to go the mat on these because I have other things to worry about.

OLIVIER CRÉPIN-LEBLOND: Thanks David. On this actually, I recorded that there might be observations. I did not record any specific recommendations based on your input.

I just wanted to scroll through this document and show what possible observations were to be found. If you scroll down, 1D, I didn't find anything. Recommendation two, the bottom of recommendation two I highlighted - so that's the Board skills and going down to the bottom of

recommendation two is the ATRT2 assessment of recommendation effectiveness and that's one where I put metrics. This could be something to punt over to the metrics. This looks exactly like the sort of thing for the metrics so it's not recommendation in this section but it will be, I hope the metrics will be able to look at this and take this as a possible metrics thing.

We can go further down - 2A, nothing; 2B, nothing; Recommendation 3, divide into 3A, nothing, oh Avri.

AVRI DORIA:

Sorry, I want to go back to metrics in general and it appeared there that that's the one that rang the bell for me. To what extent are we saying that metrics is somebody else's problem versus we suggest things that can be measured? Now it's not all the way to defining metrics but are we taking responsibility for every place where we say there should be metrics for giving a suggestion as to things that could be measured. That's my question. Or are we saying again, "Dear Staff, we need metrics. Go figure it out."

BRIAN CUTE:

May I? Just for clarity's sake are you saying that should we be pointing to certain things as an example of what you're saying? Should we point to certain things saying, "That's something that could be subject to benchmarks or metrics. You should do that going forward." Is it identifying things to be measured, what?

AVRI DORIAS:

I think... In my interpretation of your statement I actually heard two different things. One is pointing to areas and saying, “You should be benchmarking that.” There’s also the thing that sort of says, “The specific types of things that you can build a benchmark on are... “ and giving recommendations, measure frequency, measure number of comments over a period of time, measure comments that were acted on.

In other words or are we just saying, “Go forth and measure,” without actually giving an indication of what we think... And it’s only a suggestion. Obviously that design statistical metrics will look at what has significance. We’ll do testing and building their statistical models, etc. but normally when you hand something like that over – at least in a research aspect where you’re building metrics – you’re giving them a clue as to the kinds of things that they can build metrics on and then they go ahead and figure out what makes sense.

BRIAN CUTE:

I haven’t prejudged this but I think what might be a good direction for us to go down is in engaging with the consultant as well. The general message is again you really should be applying benchmarks and metrics to so following Review Teams can actually measure the impact of these things – high level.

We can say a whole host of things along with that like first time around ATRT1 said, “We’re not prescribing here but there’s something called

smart metrics. It's a little tool, specific, time bound, all the rest of it. We can say a whole host of things.

I think we should stop short of prescribing the metric or the benchmark but I think it's fair game for us to say any number of things to ICANN and then they go down the path of implementing that. Larisa.

LARISA GURNICK:

And just to speak to the other part of this that we're working on, the work plan of this project. There will be some very key inputs the consultant will take. All the former Review Team recommendations, all the By-laws, the affirmation of commitments, everything that has to do with accountability and transparency obviously as well as identification of relevant peer organizations that we would use as an indication of benchmarking as well as ICANN Staff and ICANN community ATRT2 being a very prominent and early input point in September.

BRIAN CUTE:

That's perfectly appropriate. Olivier, it's your session.

OLIVER CREPIN-LEBLOND:

Thank you Brian. Let's scroll back down. Alan, sorry.

DAVID CONRAD:

We did discuss this in a little bit of detail earlier and at that point we decided that although we were not required to specify exactly what

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metrics would apply everywhere, if any came to mind that we should use them as examples of possible ones.

OLIVIER CRÉPIN-LEBLOND: Yes, thank you Alan. I think that's in the spirit of what the Board expects in general from any advice. Rather than having to start raking their mind and so on they might be happy with some suggestions.

Okay, let's continue scrolling down. David.

DAVID CONRAD: Yeah, I thought Steve explicitly indicated that Board is most happy when they're provided with expected outcomes.

OLIVIER CRÉPIN-LEBLOND: Okay, thank you. So we continue scrolling down and from David's input, everything is pretty much satisfactory. There are some questions, of course, for example recommendation number 5 where the question is – the Board should expeditiously implement a compensation scheme. Underneath there is just a note – based on the increased number of applicants in the 2012 NomCom process it would appear a limitation of this recommendation has had some effect. Whether this materially improves the makeup of the Board remains to be seen. I guess that's just an observation.

This is something that is just not quantifiable. I would love to write it as satisfactory or unsatisfactory but that would probably land us into more



hot water. So these are the sort of outcomes which are not going to be recommendations as far as I believe. These are things which are ongoing where there is an unknown outcome. Brian.

**BRIAN CUTE:** Actually, this could be something that's subject to metrics and this could be worded in a slightly different way. Whether this materially staffs the Board with members who have the requisite skill sets that have been identified as being important, that could be another way to say it and subject to a metric and measured down the road.

**OLIVER CREPIN-LEBLOND:** Thank you Brian. Avri.

**AVRI DORIAS:** If I was going to add a metric to this one, I would also like to follow has this had a deleterious effect on applicants for other roles?

**OLIVIER CRÉPIN-LEBLOND:** Good point, Avri. Thank you. Okay, let's move on. As Jorgen has just left us to go and catch his flight we move on to number 6. I have highlighted number 6 outcome. Assessment of recommendation effectiveness so recommendation 6 is with regards to the distinction between issues that are properly subject to ICANN's policy, development process or I think it's policy or implementation. That's a big story.

The last line on this, David's assessment was, "This time frame in which this recommendation was couched was optimistic. Given the ongoing debate between policy and implementation it is unclear when the recommendation will be ultimately lamentable," so I wasn't quite sure on this one... I marked that it could be a possible recommendation based on this or there could just be an observation on this.

BRIAN CUTE: What's the recommendation itself? Is it stated up front, the original recommendation from ATRT1?

OLIVIER CRÉPIN-LEBLOND: If we scroll back up please.

BRIAN CUTE: I don't think we need to get on the substance, it's just about tasking right? Let's get back to tasking.

OLIVIER CRÉPIN-LEBLOND: The recommendation is: The Board should clarify as soon as possible but no later than June 2011 the distinction between the issues that are properly subject to ICANN's property development processes and those matters that are properly within the executive functions performed by the ICANN's Staff and Board and as soon as practicable develop complementary mechanisms for consultation in appropriate circumstances with relevant SOs and ACs on administrative and

executive issues that will be addressed at Board level. And I wish I had actually inhaled before speaking this whole paragraph.

BRIAN CUTE:

I can't judge one way or another at this point but it just occurred to me, we should be having a tasking discussion and we're getting into substance. Really for me, the sole question is who's got the pen on this. David's got work to do on SSR and clearly his yeoman's work here is very well appreciated in getting this to this point but to me that's really the sole question. And if you don't mind me jumping the process a little bit, Olivier, on that question, I'm happy to offer my time to pick this up and take this as a template further.

Two considerations: 1, I genuinely don't want what comes out of ATRT2's review of ATRT1's work to be a reflection of just my views in any way or perceived that way and in saying that I would be more comfortable offering my time if I had a co-drafter or co-editor who was not a member of ATRT1. If no one's willing to step forward in that role, I'll take on the task but I'm very serious. I don't want the output of this to look like I was there the first time and it's my view driving the assessment the second time. That would just be inappropriate. Avri.

AVRI DORIA:

As someone who's hypercritical of ATRT1, I'm willing to work with you.

BRIAN CUTE:

I'd feel much more comfortable if that's the case.

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OLIVIER CREPIN-LEBLOND: Thank you Brian and again, you can count on me to do a critical assessment. The aim of the exercise here was just for us to synchronize on whether because I've basically made my own assessment on whether a recommendation was required or not so it's really the first step in being able to assign afterwards. That's why we're going through this and trust me that's probably the longest one we have to go through anyway.

BRIAN CUTE: Thanks.

OLIVIER CRÉPIN-LEBLOND: Thank you Brian. So this one specifically is tasked to you and Avri and that's going to be a bit of a tough one. Larisa.

LARISA GURNICK: So just a clarification, Brian and Avri will be tasked with taking that template forward on all of the Board communication items or just this one?

SPEAKER: **[Inaudible 02:47:37]**

OLIVIER CRÉPIN-LEBLOND: That's fine, as long as we have recorded our decisions just now. We've confirmed that my assessment, which is no recommendation and just

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an observation are correct. So they don't have to come back to us and say, "Oh, what did we decide on this?" Larisa.

LARISA GURNICK: I was just suggesting that we would use your input. All we are doing is just adding one column to say who will be responsible.

OLIVIER CRÉPIN-LEBLOND :Fantastic, okay. Fiona.

FIONA ASONGA: I think my understanding was that you had all ready discussed and identified which ones were recommendations and which ones were not and some got moved to Work Stream four and that is how we ended up capturing them as recommendations so we are sort of repeating.

OLIVIER CRÉPIN-LEBLOND: Fiona, we had done a first pass. We had not actually pinpointed because on some of them we left the door open on whether it was going to be a recommendation or an observation or nothing. So here at least we are picking each one of the recommendations or the observations and are basically punting them to someone. Brian.

BRIAN CUTE: So just to that last question you left about recommendation six. I'm not prejudging whether there would be a new recommendation on this or

not but I think there's a few things we have to consider. If there's ongoing work, there's ongoing work and whether you think the ongoing work is going particularly well or not, I think you still have to take that into account and respect that.

I see in rough terms a new recommendation being required where we think there is a persistent problem that's not being addressed by implementation of a prior recommendation is one way to put it. But these are things we kind of have to have a framework of how to approach it. I think those are two elements of it.

OLIVIER CRÉPIN-LEBLOND:

Thank you Brian. So the next one is recommendation seven where David did not pick up anything but our discussions picked up... It's the published rationale, 7.2 Public Rationale for Board Decisions and for accepting or rejecting public and community input. Strictly speaking that was done but a recommendation was proposed specifically by Avri and others on making that recommendation that advice provided should be responded to by the Board, advice from all SOs and from all ACs.

I've got it drafted, I've got it marked down in my document as being a yes recommendation but I'm not quite sure yet, right now, since we are tasking things whether this would be tasked to Work Stream one or attached to Work Stream four.

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BRIAN CUTE: Can you show me the proposed recommendation? The new recommendation?

OLIVIER CRÉPIN-LEBLOND: It's not drafted yet.

BRIAN CUTE: To your question, this is where Larry said linkage was important. If there's a new recommendation rising out of an old recommendation it appears here not Work Stream four.

OLIVIER CRÉPIN-LEBLOND: Fiona, then Lise.

FIONA ASONGA: I think Brian has explained that.

OLIVIER CRÉPIN-LEBLOND: Thank you, Lisa.

LISE FUHR: But isn't this one that Larry's intern is doing the check of the rationale. The rationale is done by the Board so we can't really conclude before we have this.

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OLIVIER CRÉPIN-LEBLOND: That's with regards to the GAC. That's another part.

BRIAN CUTE: No, with regard to Board decisions on this one and doing a complete assessment and that input will come in shortly so that input will come in and that will supply us substance to say yeah or nay, new recommendation or not.

OLIVIER CRÉPIN-LEBLOND: Okay, your own deficiency, sorry. Then we can jump directly to 19 and on 19 it's the translations and I think we had said that was going to be unified somewhere. I'm not quite sure where we're going to unify it and who is going to take care of all the translations work. We need to assign it to someone.

This is the thing, we did have a big discussion regarding the translations. We did note that there was some improvement but was it the improvement that we wanted and was that satisfactory. I'm not sure that we've actually had a discussion within ourselves to be able to decide what we were going to do with the translations as a whole, as a global thing. Fiona.

FIONA ASONGA: I am working on the template for multilingual quality. I would be happy to pick that on as something that I cover as part of that however, in this context what I'm trying to see. If we could go back, scroll down, what I'm looking for here is there proposed recommendation on... ?



OLIVIER CRÉPIN-LEBLOND: There's no proposed recommendation as such but there is the establishment that there have been... Some of the translations have been lacking clarity and accuracy. So there are two things: there's timeliness of translations and then there's accuracy of translations.

What we had decided was that we would unify things so that I would said that this specific recommendation would then do a pointer over to a Work Stream four recommendation unified so we don't start treating these things all over the place. Brian.

BRIAN CUTE: That sounds like a perfectly fine and rational way to structure it and I don't think it runs afoul of what Larry had in mind linking, prior to new, sounds fine. We should also note that the specific areas we focused on in terms of the quality being better, you're growing as an organization, you need to be preparing to scale up for your demand, queuing theory, all the rest of it.

We can develop that but this is also one of those where we should engage with the Staff and if they have in their strategic plan and operational plan a clear plan to address those issues and have taken other measures to get the accuracy improved, it could be one of those that doesn't become a recommendation at the end of the day. Let's note that, okay? We need to engage with Staff to find out if there is a real problem that can be improved by a recommendation.

OLIVIER CRÉPIN-LEBLOND: Thank you. Larisa and then back to Fiona, Larisa.

LARISA GURNICK: So Brian are you thinking that we need another session with Nora and Christina beyond what you've all ready heard from them?

BRIAN CUTE: Maybe a session when Fiona has this recommendation drafted and we're laying out the problems that we're trying to solve, you could just send that to her and get a reaction, too.

OLIVIER CRÉPIN-LEBLOND: Perfect. Fiona.

FIONA ASONGA: I was going to say in Durban, the meeting in Nora was actually done by Lise, myself and Carlos and then we invited Michael along for purposes of working on that template and because she's accessible to us, we are able to keep getting input from her on clarifying the issues. We are communicating and I hope that allows us to still continue working with her as we draft the template because so far from everything she's given, we still felt as of yesterday when we went through these recommendations that there still needs to be a recommendation in that area.

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We will work on the template and will incorporate these issues in translation so I'll snatch them from you to take them up and make your work easier so then you can move onto the next.

OLIVER CREPIN-LEBLOND: Okay, thank you very much Fiona. Then the next one to jump down to is 24, The ombudsman relationship. We had an extensive discussion on this. I don't think we've reached consensus whether we would have a recommendation or an observation on this. I have tagged this as being either/or and we need to scroll to this, Larisa please.

Can anybody refresh my mind on who took the job of dealing with the ombudsman recommendation? Alan.

ALAN GREENBERG: I can't clearly because I'm not sure but I thought we decided to merge this together with the whistleblower one.

FIONA ASONGA: No, we agreed...

OLIVER CREPIN-LEBLOND: The pizzas have arrived. We have enough pizzas for all of ICANN not just for the staple. Fiona, go ahead.

FIONA ASONGA: We agreed that we're going to have Avri and Carlos look at the ombudsman relationship with ICANN in regard to recommendation 24 of ATRT1 because initially we put the ombudsman activities together with public publication of yearly statistics reports on transparency saying that that was something that needed to be so we did separate them.

OLIVIER CRÉPIN-LEBLOND: Fantastic, thank you very much Fiona so that means these are tasked over to Avri and Carlos.

ALAN GREENBERG: Wasn't there a decision to link expanded functions for the ombudsman into the whistleblower recommendation?

OLIVIER CRÉPIN-LEBLOND: Fiona.

FIONA ASONGA: Initially, yes. During our discussions yesterday that changed and we decided that the whistleblower to be looked at separate and broadened in terms of the note here it says, "The whistleblower looked at separate that Avri had prepared and the recommendations were acceptable to everybody." So it's just cleaning it up and if you one to three touches but the ombudsman to move from the public publication of yearly transparency reports to have its own issue with Avri and Carlos working

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on that. And then the publication reports by Avri to be looked at and broadened in terms of transparency of all other issues and not just ombudsman and whistleblowing.”

OLIVIER CRÉPIN-LEBLOND: Thank you Fiona. You’ve got that Larisa.

LARISA GURNICK: Yes, so what I have is this is Avri and Carlos on this 24.

OLIVIER CRÉPIN-LEBLOND: Fantastic, thank you. Then number 25, there is the reconsideration request. There was a template that was done by Carlos so that’s assigned to Carlos. I marked for the record that I wasn’t sure there would be a recommendation or an observation because that’s really down to Carlos to work on at the time.

Then number 26, it’s the timeline that would still be with Carlos and I’ll put this as a question mark and that closes part A of Work Stream 19.1. The other two are a lot shorter so we’ll be able to whisk through them just afterwards. That gives us a total of four or five recommendations, we’re not quite sure. It really depends on the evaluation. It’s all documented, that’s why we’re tasking. Okay, so back to you Brian.

BRIAN CUTE: Five minute break for lunch. Come on everybody - get the pizza before it’s cold.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Brian. Welcome back everyone after this quick lunch and we're now moving over the Work Stream 9.1C as B is all GAC related work and that will be dealt with by Larry [Strickling] and his group and a few others.

On this one we have effectively the public comment discussions primarily so if you look at the document you will note that I've kind of put everything together so there's kind of 15 implement, stratified, prioritized public notice in comments process. 16 and 17 provide common cycle and reply comment.

Brian has also provided a template for this. Did you want to say a few words or not? What I've done on this - I calculated or estimated that there might be a couple of recommendations coming out of this, the public comment since it was clear that there was some problem and in fact if you look at Brian's template on this you would find that there were a few recommendations, primarily that Staff should be given the ability to experiment with things. Staff should re-assess the management and prioritization of consultation, adopt new approaches that ease of public comment process. It all stems from the discussion we had so do you want to take this or... Brian?

BRIAN CUTE: Sure Olivier, I'm happy to take the template to the end. Just an observation listening to the conversation and what started to look like a potential recommendation which was effectively allow the Staff to

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loosen up was a phrase used and I think Larry's thought were that we may have been too prescriptive.

The structured comment reply shouldn't be the only vehicle and that new ways to create dialogue should be considered although I didn't hear any push back on the notion of keeping the public reply comment structure in place. In fact support for keeping it in place for a while. I'm not sure there's a recommendation here or observations.

I think what was said could almost be couched in observations as well, too, so that's my sense right now. I'll take the template to the end as though it is a recommendation and we can have that conversation later.

OLIVER CREPIN-LEBLOND:

Thank you very much Brian. There were also additional thoughts when we were told that Staff – namely [Chris Gift] is also going to experiment with other means of public input as well. Other tools so we might see a totally different tool therefore being too prescriptive might just make us totally irrelevant in any recommendation. That's the one, that's assigned to Brian.

Eighteen - ensure multilingual access in policy development process to extent possible. I've put this as integrated with any language services recommendation which I believe was Fiona.

Twenty-one - create annual public comment forecast. That was seen as done so no further recommendations or connections on this.

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Twenty-two - ensure senior staffing arrangements are appropriately multi-lingual. I didn't see the need for a recommendation on this. I think there was general feeling this was on its way as well. It was a question of whether we would have something under metrics for that or not, whether metrics would cover this.

There was some opposition – I recall – from Avri with regards to, “If we start having metrics, then you start having quotas.” Staffing, yeah, multilingual. That's why I thought no recommendations on this, we can't come to a...

That's 9.1C and if we go to 9.1D, there's just... Yes, Larisa.

LARISA GURNICK: So as far as the template is concerned, is that assigned to anybody even though there's no recommendation, you still need a template.

OLIVIER CRÉPIN-LEBLOND: Yes, correct. Well, I don't really know, any takers for this? The annual public comment forecast and senior staffing arrangements appropriately multilingual, Lise. Okay, fantastic. You're working on the multilingual.

LISE FURH: Yes.



OLIVIER CRÉPIN-LEBLOND: Perfect, all right. So, 21 and 22 – more Danish. We expect the...

BRIAN CUTE: And Swahili, we expect Swahili.

OLIVIER CRÉPIN-LEBLOND: We expect the recommendation to be in Danish and Swahili and it might be translated to other languages if we have the... Did you get this Larisa? Hakuna Matata. Let's move on please.

Now we are on 9.1D. It has one recommendation. It was evaluating, that's number 27. Evaluate and report on progress on recommendation in accountability and transparency commitments in the AOC. It's an overarching issue, Brian has been working on this.

Of course that relates also to the PDP process although I'm not quite sure, I think this is... The draft templates submitted page was mis-categorized, cross community review and cross constituency I think is in E, not in D. If someone could check please, so on Wiki page which has the draft template submitted would have to... Okay, thank you, so on this effectively on D we have progress on recommendations and accountability and transparency commitment in the **[inaudible 03:09:59]**. I tagged this as having a recommendation. I wasn't quite sure how or where... I think it falls completely – since it is measuring success – that falls directly into the metrics part. Brian.

BRIAN CUTE: Sorry Olivier, I just wanted to look at the recommendation itself. 27 you said, right? Just before we make any... This is the overarching recommendation.

OLIVIER CRÉPIN-LEBLOND: That's correct, yes.

BRIAN CUTE: The Board should regularly evaluate progress against these recommendations and the accountability and transparency commitments in the AOC. These recommendations and commitments in the AOC and in general, analyze the accountability and transparency performance of the whole organization so as to once a year report to the community on progress made and to prepare for the next ATRT review. All evaluations should be overseen by the Board.

There's a few piece parts here that may break down a little bit differently. The first is the Board should regularly evaluate progress against these recommendations and the accountability and transparency commitments in the AOC.

So Larisa, I think if we can get inputs from the Board as to how they have been briefed, how they been evaluated progress that would be useful. And in general, analyze the accountability and transparency of the whole organization so as to once a year report to the community on progress made and to prepare for the next ATRT review.

Another question for the Board – have they had annual reports, yearly reports to the community on progress which is one piece? And anything they have on – and Steve’s in the middle of this one – preparation for the next ATRT review. So really we need all those inputs and I think what I had focused on in the discussion yesterday were the tools that Denise had been publishing regularly to show progress and that’s fine.

That’s one thing we need to look at and if we have any observations or recommendations we can certainly make them but this is clearly Board focused so that’s important to note. We need some inputs, Larisa if you could get whatever’s there in terms of taking this template to the end, Avri’s all ready agreed to hop on board with this one, too, with me so we have that balance.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Brian. On this estimated is one or more recommendations.

BRIAN CUTE: At this moment in time, I’m not sure I see any until I see the inputs from the Board. Thank you.

OLIVIER CRÉPIN-LEBLOND: Okay, thank you Brian. Yes, Lise.

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LISE FUHR: I just have a short question for the ones that Fiona and I are going to look at – the recommendations. Do you want us to put the in the same template as all the others or how do you want us to write these?

OLIVIER CRÉPIN-LEBLOND: Thank you Lise. I think we have an overall template now that everything has to fit on.

LISE FUHR: Yes, so we put it in the overall template like all the others without any recommendation with...

OLIVIER CRÉPIN-LEBLOND: Fiona.

FIONA ASONGA: We are going to work on it. We have started off by discussing the templates today, right? So we are going to just work on them, putting what fits into the old into the old and the newer into the new and then, yes.

OLIVIER CRÉPIN-LEBLOND: Thank you. So that does D and then we have E. If we can turn to that and have a quick look, now E doesn't have – as I said earlier – doesn't have assessing the development process to facilitate the enhanced cross community deliberations in timely policy development. This is

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clearly in the PDP and policy development and so that all ready has a template that was drafted by Alan and Avri. There was a unified template where both of you worked this week to unify your template.

Alan, you look puzzled.

ALAN GREENBERG: I only heard half of what you said. I'm not sure which recommendation it is.

OLIVIER CRÉPIN-LEBLOND: 9.1E Assessing the policy development process to facilitate and enhance cross community deliberations and effective and timely policy development. You had put together cross constituency template draft. Avri had done cross community review. The two were brought together so I gather it's ready to be assigned to...

ALAN GREENBERG: Yes, that is correct plus there is another one that was bracketed or tabled or something on the PDP itself, on the capitalized PDP itself.

OLIVIER CRÉPIN-LEBLOND: Correct, that was in 9.1A I believe and that was PDP related.

ALAN GREENBERG: 9.1E it's the one in relation to the expert consultant.

OLIVIER CRÉPIN-LEBLOND: You're probably right. You're absolutely correct, I'm sorry. I stand corrected. It didn't come out in the Staff document. I think they were put somewhere else in there. Brian.

BRIAN CUTE: Thank you Olivier. Just looking at the list owner's list here, I thought a little while back I heard Carlos was assigned to something. Was that captured or did I mishear that because I know Avri would certainly want to do less than she's currently assigned with me. I thought I heard something, Larisa.

DAVID CONRAD: Carlos was going to be on the one with the Ombudsman. I don't know what number it was.

OLIVIER CRÉPIN-LEBLOND: That's correct.

LARISA GURNICK: Are you going back to 9.1A?

BRIAN CUTE: It was just before the break and it was as we were having this discussion towards the end, in the 20s.

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LARISA GURNICK: Yes, Carlos has at least one or two. Let me look it up.

FIONA ASONGA: Carlos was going to work on that with Avri, that is what I have.

BRIAN CUTE: I'm sorry, Avri. I tried.

OLIVIER CRÉPIN-LEBLOND: And Carlos works on reconsideration as well.

AVRI DORIA: Committed to the Ombuds one, yes.

OLIVIER CRÉPIN-LEBLOND: Okay, do we have all owners?

[ALAN GREENBERG]: And Avri on the Ombuds one also.

OLIVIER CRÉPIN-LEBLOND: And that takes us through the whole 9.1. Take it away Mr. Cute.

BRIAN CUTE: Good progress, than you Olivier. Awesome, awesome job. All right, you're on Fiona.

FIONA ASONGA:

Thank you Brian. I think my work gets easier every time. What do you mean you've got to change that? When I come last, it comes easier. Up on the screen you'll find the table we're looking at yesterday. It has my comments of the notes and discussions. They may not be very accurate so we'll need to check with what Staff has captured so that we able to work on it but I have left those there because they are areas that we identified that needed to be worked on.

Out of that list, I have deleted all that we agreed is not going to be A recommendation. It should be considered differently as an observation that is captured with a new document. It's in the old document but it's not in the current document so we're looking for the observations I'll be able to help point those out.

On the first column under Issue, I have indicated who is going to work on what as per previous discussions. Yes, Brian.

BRIAN CUTE:

Given the fact that I just raised my hand for the other bit; A, I wouldn't mind if somebody were willing to step into my shoes here; B, if that doesn't happen I wouldn't mind Fiona if you took the lead with the pen and I provided kind of editorial support; either/or.

FIONA ASONGA:

Yes, Alan.



ALAN GREENBERG: I think Larry only agreed to recommending that Review Teams get a full year to work if we pair it with a statement recommendation that they be appointed in sufficient time by January 1, I don't remember the exact wording.

FIONA ASONGA: Yes, those are my short notes so I'll need to explain to you my short notes. If you can avoid reading my short notes, focus on the main document, that will help us a lot. Forget about the **[inaudible 03:20:15]** in blue.

ALAN GREENBERG: I couldn't read the word in blue, the contrast is not good for me. I was only looking at the white.

FIONA ASONGA: The blue has captured what you're saying. That's why I have not deleted it.

ALAN GREENBERG: Then we need a new requirement for Review Teams that they have better vision.

FIONA ASONGA: Noted, I have no problem working on it and then Brian you help me with the editing and correcting so change that and let's have Fiona

Asonga and that will cover both A, B, C was moving to finance so all the finance issues are going to be addressed together and these are notes to that effect. Check on the notes of finance. It covers 1A, B and D.

Then on 2, when we look at finance we are bringing in 1C that was up above, all the finance issues being addressed by Lise, Avri again and Jorgen. Yes, on the finance.

Then the publication on the ALS on transparency - that was Avri. She had all ready more or less completed so unless the rest of the team can review the template and add in input, that was completed. Yes, Avri.

AVRI DORIA: Yes, what I think I needed to do was actually remove some stuff from it to other ones but other than that it's...

FIONA ASONGA: That's right. We've discussed ombudsman, that is being done by Avri and Carlos. Whistleblower, that came in now as a separate recommendation. The template is to be worked on by Avri.

AVRI DORIA: That's all ready contained in the one I basically just have to split apart into two. **[Inaudible 03:22:42]** editing job.

FIONA ASONGA: Next is volunteer engagements, the template was to be done by Alan but he was to be assisted by Carlos so that they develop a sustainable, see if we can recommend ICANN developing some sort of sustainable model. Alan.

ALAN GREENBERG: And Olivier volunteered to help me on that one also as well but I'm willing to have just my name be there.

OLIVIER CRÉPIN-LEBLOND: I'd like to have my name somewhere, yeah.

ALAN GREENBERG: You can take it over completely then.

SPEAKER: No, with someone else.

FIONA ASONGA: Okay, so we will factor Olivier in there somewhere. Multilingual quality, I've done a template and we've been to work with Lise in factoring in both of the issues raised from ATRT1 recommendations that have still not been addressed. We'll figure out how to put it all together but Lise and I will work on that. Yes, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you Fiona. Is this multilingual quality all of the multilingual work that we've punted over to you?

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FIONA ASONGA: Yes, as of today it is now all the multilingual work.

OLIVIER CRÉPIN-LEBLOND: So perhaps we can have multilingual quality and timeliness since it's an overall quality of service issue I think.

FIONA ASONGA: Thank you Olivier. I think we shall add that. Alan.

ALAN GREENBERG: I'll just note that I think your blue note implies it but the description under 13 under voluntary engagements is not exactly what we were going to do. That was Carlos' original suggestion but I think it's significantly expanded into guaranteeing volunteer engagement. I notice Avri's name is there on the blue note. We're certainly going to pass things by her because she represents one of the groups that has problems but I don't think we need to change anything there.

BRIAN CUTE: I thought you couldn't read the blue notes?

FIONA ASONGA: So did I. Suddenly...

ALAN GREENBERG: I couldn't read it well but I think I can make out some words.

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FIONA ASONGA: I think Alan can work with Carlos on this and pick on Avri's brain as you move along so that Avri can work on the other documents. Next is public participation process, that was being handled by Brian and we've just discussed it in your report. Yes, Brian.

BRIAN CUTE: Question, this came up in your context, in your grid, right Olivier? So we can eliminate this here. That's what we just agreed to. Thank you.

OLIVIER CRÉPIN-LEBLOND: We can zap it now or just leave it on, duplicate.

FIONA ASONGA: Is GAC mission outreach? The GAC was being led by Larry and Jorgen and that is all the GAC issues so I skip from 16 to 26 and look at them and try and see how to consolidate the recommendations as they are put together.

Then on... This we've just looked at partially so I think I'll leave it to Avri and Brian as part of what you're doing in terms of the Board processes.

BRIAN CUTE: I'm confused. Did this come up on Olivier's spreadsheet as well?

FIONA ASONGA: Yes.

BRIAN CUTE: So we have duplication here?

FIONA ASONGA: Yes.

BRIAN CUTE: We can zap this here because that's a prior recommendation right?

OLIVIER CRÉPIN-LEBLOND: The question is as follows, I thought that we had said that when we have a new recommendation that comes in from something that was done previously, we would then point from the previous part of the chapter over to the new recommendation section for... That's why it's up here and doesn't come up earlier because at the moment I think what we might be doing is to zap it here and the other part point to what's just been zapped.

BRIAN CUTE: Let's revisit that because I think Larry's point about linkage is an important and I think people are in agreement with it that if you have a prior recommendation, we assess, we develop a new recommendation then those should be linked together structurally wherever they appear in a template in a report. I'll stop.

AVRI DORIA: I think we have a couple of the situations where basically the language consists of further work needs to be done and this is part of a large or another item referred to elsewhere. For example, if the ombudsman or languages ends up listed in several, I think it's sufficient just to have a stock phrase that says, "Further work needs to be done on this language issue and it is combined with several others in recommendation forward reference."

BRIAN CUTE: So this is cross-referencing across the two grids, not honing of this in WS4 or is it honing in WS4? That's what I want to get at.

OLIVIER CRÉPIN-LEBLOND: I think it's honing of it in WS4, that's the way I saw it so we might have made an error earlier zapping something that control Z might be required here.

ALAN GREENBERG: Maybe I'm missing something here but if we have things that end up being related, regardless of what the origin of the idea was, we're supposed to be combining it in the same area regardless of which Work Stream it's in.

BRIAN CUTE: If I may, I think we're not there yet. We're at the stage of let's just get the templates written and then we'll talk about grouping, consolidation.

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FIONA ASONGA: Okay, in that case we leave the template as is there. The issues still remain to guide us but let's make a note on it. For example, public participation Brian is preparing that template so when we come to now compiling the document then we will see how that compilation process will work. Yes.

LARISA GURNICK: A clarification on the GAC related items, those I think can be taken off your list because they're covered in 9.1B.

FIONA ASONGA: They're still being done by the same person so...

LARISA GURNICK: But in terms of double counting.

FIONA ASONGA: Okay, the recommendation is that for GAC the recommendations that were new recommendations are very different. Larry took different documents, one on the old recommendations and one with the new recommendations so what he ended up putting in Work Stream four were purely new recommendations so there's no double counting there because it was one person handling everything and I think that is the approach we're taking because if we do it that way we will not have a chance of double counting any recommendations.

Then... Olivier.



OLIVIER CRÉPIN-LEBLOND: Thank you. I think Brian hit the nail on the head and basically said as long as we assign it to the same person then this can be brought together later so there's no constraint at this point.

FIONA ASONGA: So that covers it. Yesterday we added onto the list the PDP process, the Working Groups and the independent expert and that to be reviewed in addition to the proposals from the independent expert. Comments? I'm finished. Did we assign the PDP process to someone? Question, yes Olivier.

OLIVIER CRÉPIN-LEBLOND: So far in Work Stream 1, the PDP process was assigned to Avri and... Sorry, no, one specific part of the recommendation the cross constituency cross community was assigned to Avri and to Alan but this is where the but is, I believe at the moment it's the whole team that will have to look at the PDP process from the consultant's report so I think it's a bit premature to assign it to anyone.

ALAN GREENBERG: Since I did author the part that is printed so far I'm willing to take my name on it for the rest. That may involved different people when we see what the results are.

AVRI DORIA: And I just want to say that conflict of interest-wise, I am too much a PDP Working Group, PDP author, PDP process author, Chair of the group that approved the process to ever comment on it objectively.

BRIAN CUTE: I think a template could still be developed while the independent expert is doing their work and going to feed that in and the entire team needs to assess that input. From a drafting standpoint there's no reason to not develop this template. We've had a great call with the Working Group Chairs. We've had some other inputs. I would still encourage that we do that drafting to a point.

FIONA ASONGA: In that case...

ALAN GREENBERG: That is indeed all ready done, we just have to keep on adding to it.

FIONA ASONGA: Yes, it was done. Alan had done something so we'll just leave it to Alan. So everything then is assigned.

BRIAN CUTE: Thank you very much Fiona. Well done. Then the only other recommendation I have is for the GAC 101 educational module, they should use hand puppets. Denmark. Anyway.

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I think so but let's take a deep breath before we run out the door.  
Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Brian. Just a quick question, the unknown unknowns, the input that we haven't received yet, the input we haven't assigned to anyone yet because we haven't received it and I am volunteering just in case there is input that we haven't received to keep track of this. Certainly the recent e-mails and maybe some of the e-mails of the confidential list, I'll try and put it together and see if we've got any recommendation or any assignment on that.

BRIAN CUTE: Thank you very much. Much appreciated. There are three distinct pieces of input that I've got on my radar screen. One, I'll touch base with [Ray Pizak] when I get back to the office and at least meet with him. We'll bring all the material to the team and sit down with him and walk through this holistic approach to reviews and efficiencies. That I'll take the point on and bring to the team with my understanding and then we can all consume it and see if it makes sense in any way.

Two is the independent expert on the PDP and again, with a call yesterday with Mark they seem to be at least out of the gate chugging along well. No immediate barriers and then three is any inputs from the Staff with respect to pieces we've missed, a new data, something that influences potentially our conclusions under any of these so the holistic input from Staff.

Those three pieces are on my radar screen for sure. Anything other than what Olivier touched on and I just touched on that we need to be conscious of – inputs to our process? Are we expecting anything from the GAC? Carlos mentioned some document that was going to be public soon that might be impactful.

AVRI DORIA:

But then I thought his soon was countered by Fiona and Heather that soon was not really that soon and that it wasn't something that we should be looking for. If it showed up, fine but we shouldn't be looking for it in the near future.

BRIAN CUTE:

Thank you. I remember that exchange. Okay, I think that's all we've got to do. Larisa and Alice, it's a Saturday and thank you for the time you've given us here. When you get a chance if you can put what we've just done into some clear order and then circulate back to the team so that everyone knows what they're responsible for.

I'll follow up with the nasty edged message that we need to have all this done in two to four weeks, no longer. What else do we need to do? Is that it? Oh yeah, I've got my to-do's as well and one of them is e-mails to the Chairs of the SCs and SOs and asking them for specifics about budget visibility problems, etc. Anything else before we step away? I don't think so.

ALAN GREENBERG: Who's around for dinner tonight?

BRIAN CUTE: Lise.

LISA FUHR: I was just wondering, the Washington is that approved or is that a maybe that we're going to meet?

BRIAN CUTE: It's a strong maybe. It's a strong maybe is how I'd put it. If this report in two to three weeks time is shaping up very strong, very robust, we don't have a lot of large issues to tackle then maybe that's a trip that we won't need but we're going to get a lot of input from the Staff that could raise some questions in what direction we go. I think we'll be lucky to have a very well bolted together piece of work in three weeks time. Those are my assumptions so it's a strong... Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you Brian. Are we expecting the consultant's report by then.

BRIAN CUTE: Mark was suggesting to me an interim report from them in three weeks time. That being said, what they will be able to do is do a pretty comprehensive review of the cold record of PDPs, pull together some

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statistics and data from that so that piece I think they'll probably have pretty well pulled together.

The interviews are the interviews. They are going to be doing the best they can. The good news again is they've got 120 plus names. They know who to go out to and they have additional ideas for other interviewees but that's just who's available and what they can accomplish in three weeks. Yes, Alice.

ALICE JANSEN:

I just thought of something you can do - an independent expert announcement. We can do that now, because we have these recordings to publish on the Wiki so...

BRIAN CUTE:

We'll type it up before I go. It's a brief announcement that we've selected ICC to be the independent expert da, da, da, da. We haven't publicly announced that yet. Olivier.

OLIVIER CRÉPIN-LEBLOND:

Thanks Brian. Is there any other consultant or contractor or anything with regards to anything else or is the PDP the only one? There's nothing on the metrics, for example?

BRIAN CUTE:

The one that ICANN is engaging directly that consultant and we will interact with that consultant.

OLIVIER CRÉPIN-LEBLOND: That's the gist of my question, yes. When would that take place? Could we have clarity on this, please.

LARISA GURNICK: Sure, we're in final negotiations with a firm. We expect to finalize the contract in the upcoming week. The work will begin early September and by end of September we will schedule interaction with the ATRT2 and we expect this to be completed, if not by December 31, very shortly thereafter. That's the plan.

OLIVIER CRÉPIN-LEBLOND: Okay, thank you.

BRIAN CUTE: Thank you Olivier. Okay, anything else, significant material? Olivier.

OLIVIER CRÉPIN-LEBLOND: Thanks Brian. You could give us a 10 minute break, it's usually at breaks that we remember what we've forgotten.

BRIAN CUTE: That's a great idea. Take a 10 minute break and come back if you decide to.

OLIVIER CRÉPIN-LEBLOND: I'm not entirely kidding actually. If you don't officially close the meeting then in 10 minutes time we can sit back down for a minute and say, "Okay, no further thoughts, let's finish."

BRIAN CUTE: Excellent suggestion. Take 10, reconvene briefly and then off we go. Thank you Olivier, we'll take 10.

**[END OF TRANSCRIPT]**