
ATRT2 AUG Mtg in LA - DAY 2

Thursday, 15 August 2013 - 08:30-17:30

BRIAN CUTE:

Greetings to those in the room, greetings to those online. This is Brian Cute. We are going to kick off our work Agenda for today. The Agenda, as it was posted, has been modified. Today's work and Agenda is going to consist of... It's up on the screen now. It's an all-team working session all day. We're not going to have breakouts at any point in the day. A new addition... Let me just stick with that.

At the high level, what we're going to do is finish up the preliminary conclusions discussion from Work Stream 1. That will be the first part of the day. And then we're going to have an update from Staff on strategic planning, with Denise Michel and Fadi Chehadé from 10:45 to 11:15. And then we will revert for the balance of the day to full team working sessions. What will follow that is a report from Work Stream 3 on their preliminary conclusions on recommendations coming from the WHOIS Review Team.

What will follow then will be a discussion of preliminary conclusions from Work Stream 2 with David Conrad. As I speak, David is trying to get some additional inputs from Patrick Jones, to try and flesh out some of his work. So we've switched 2 and 3 in order. And we need to push through all of this today folks and we need to identify any gaps that we have in terms of fleshing out our conclusions for all of these Work Streams. We need to identify who owns that deliverable and the additional work, reading and research to be done.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

Then we need to figure out how we're going to attack that on Friday so that come Saturday the drafters that are staying behind are receiving substantive preliminary conclusions on recommendations that we're going to write. So that's what we need to do today. It's going to be a long day. Let's bear down and get this in clear focus.

With that being said I think the microphone goes to Larry Strickling to finish up some parts of the GAC piece from Work Stream 1, and then it's over to Olivier.

LAWRENCE STRICKLING:

I note Heather is not here. Does anybody know where she's at and when...? Because I really think this GAC discussion ought to occur with her here. But I don't know... If she's not coming at all we can proceed but if she is and people know her schedule I'd prefer to wait.

BRIAN CUTE:

Absolutely. I believe that she's coming. So can we reverse you and Olivier now? Could Olivier pick up other pieces of Work Stream 1 and then we'll get to GAC? Are you okay, Olivier?

OLIVIER CRÉPIN-LEBLOND:

Okay. Thank you very much Brian. We've done most if not all of Work Stream 1 9.1(a) and we now have 9.1(c) and 9.1(d). The (b) part being things related to the GAC. So I invite you all to open up the document. There is a lot of red on this. The (c) one. I'll wait until everyone's on this. The first recommendation related to 9.1(c) is Recommendation #15, which is to implement stratified prioritized public notice and comment processes.

Now, I've actually put a full line with reds because to my knowledge we didn't receive follow-up from Sebastian Bachollet on this. But we do have the Staff answers and on there there were several questions marks. In the: "Did he or she identify additional opportunities for improvement by virtue of implementation of these recommendations?" And the response that was given was: "No additional opportunities for improvements were identified, relative to the specific recommendation."

However, now that it has been implemented for a full year, Staff suggests that the community be asked, perhaps via a survey instrument, whether the stratification and prioritization enhancements have provided value, and whether any additional improvements are advisable. Now, I call this "read" because there actually has been discussion about this over in Prague and we have a link to the Prague meeting transcript and the pre-Prague meeting report from Staff.

That is also in the Wiki and that provides us with some possible avenues that this Committee might consider to improve the process or to make recommendations to improve the process. I don't know whether you want to go straight into these, or... Let me just open the document. The document is linked to the detailed Work Stream 1 Organizational page. If anybody is on the ATRT 2 link you can go onto that. I also believe there is some input with a template from Brian Cote – Work Stream 1 (c) template draft public comment.

So Brian, I'll have to ask for your assistance on this so you can take us through that document as well please. That's up to you. In the meantime, there was also, looking at the same line of Recommendation #15: "How does he or she feel that ICANN has improved as a result of the implementation of the recommendation?"

And the response was: "With respect to Recommendation #15 data has not yet been collected concerning the extent to which these enhancements have improved ICANN's process for public comments. Additional information is available in the 2012 Annual Report on ATRT Implementation." So, Brian, do you want to run us through the paper? What I was going to do perhaps was just take us first to the quick Staff paper that was drafted in advance; before Prague.

That paper provides two possible solution sets. First, it finds several problems. The first thing it finds is that the reply period is not used as intended. The second is that the duration of comment periods was initially said as being 21 days minimum, plus another 21 days. But it could have been for a longer time than 21 days but nearly everyone uses the 21-day minimum period, which does introduce strain.

The third one was that there was a conflicting need and request from different parts of ICANN. Some parts of ICANN would not like the public comment process to delay their own policy development, whilst other parts of ICANN – the people that want to comment – would like more time to be able to comment. And of course, one needs to find a trade-off between the two.

The two solution sets that were proposed by Staff – the first was to have three things: "Extend the minimum comment period to 40 days. Allow overlap between comment and reply periods. And decrease the reply period to 15 days." The second solution set that was proposed was to extend the minimum comment period to 45 days or longer and to remove the reply period.

Those were the two that were proposed by Staff. To summarize the discussion that went on in Prague, another possibility was to extend the initial comment

period... Overlap the initial comment period and the reply period and to treat input from SOs and ACs so that the input was consolidated in a different way, thus providing SO and AC input a longer initial comment period time, so as for them to be able to build that and decrease the reply period for those organizations. You'd have individual input that would go on using the standard calendar as it is today, and organized input that would be using a slightly different calendar.

These are all possible solution sets. These were just discussed in Prague. There was no consensus on what was the best way forward. There was unfortunately no follow-up after this, due to so many things having to be done, but I guess this is now in our hands and on our table and I hand the floor over to Brian Cute. Thank you.

BRIAN CUTE:

Thank you Olivier. This is a template I put together and we walked through it in Durban on the last morning – those who were still in Durban. And this issue in particular... The recommendation emanates from ATRT 1. I think we've heard quite a bit from Staff and quite a bit from the community that confirms that you can conclude that it has been ineffective in terms of the objective of the recommendation, although it's been implemented.

Certainly a restricting of the comment process has been done and the organization deserves credit for that. The overarching question in my mind is still: "can it be effective or is there enough evidence to say, 'good idea, just didn't hit the mark, can't hit the mark, time to rethink this.' " And we should be open to all of those possibilities.

The questions in my mind – and this goes back to the first look at this in ATRT 1 and is also confirmed by some of the feedback and input, is that the first recommendation you had up had to do with stratification, prioritization of comments. And that recommendation grew out in part of a recognition that the community had been saying, prior to that point in time, that they were overloaded. That the volume of comment opportunities, policy processes, were so much that it was difficult to manage the volume and stay up and that that was a risk of the organization not getting input.

So that was the pain point, if you will, that led in part to the stratification and prioritization piece of the recommendation and then the restructuring of the comment process itself. And again, the stratification and prioritization piece of that was implemented and what strikes me is that today we still hear the community saying: “There’s too much volume – I’m overloaded. It creates an inability to effectively get my inputs into the system.”

So the problem is persistent and I think we clearly have to address that in some way. The questions that I personally have, looking at the inputs from Staff and the inputs from the community, are can this work or not? And is it really time to retire it or should it be given one more push forward? And I haven’t drawn a conclusion personally but among my questions are, how effective has the stratification and prioritization piece of this been in helping Members of the community better manage the volume?

And I’m not sure if we have data on that or survey. If we’ve already heard it, please just repeat it. But to me that’s a critical question before we reach a conclusion. The other thing that seems to be coming at us from a number of different points is the time of the comment period is too short. For better or worse that seems to be consistent input. Whether it’s: “I’m an organization or

an association and I simply cannot get sign-off approval as needed to submit on behalf of an organization comments in a 21-day period.”

That’s one form but it’s coming from a lot of different places. So to me those are persistent pain points and I don’t know if redoing the time periods might have a positive effect. I don’t know if taking one more education attempt with the community to make them understand the purpose and function of a comment and reply, so that they do take advantage of it, which then has follow-on benefits of the community being heard and the Board drafting better informed resolutions – whether that would have effect or not. These are questions in my mind. I haven’t drawn conclusions.

So that’s the totality of what I see and I’d be very interested to hear from ATRT 2 and from Staff on these points. Alan?

ALAN GREENBERG:

The latter – if I heard you correctly – of explaining to the community once again why this is what they need has the tone of “the floggings will continue until morale increases.”

BRIAN CUTE:

That’s not intended at all.

ALAN GREENBERG:

I understand. Some of the issues are not going to get fixed simply by explaining it so I do believe we need to make some changes. Whether we scrap and go back to stage zero or modify, as Olivier was identifying... Figure out a way to finesse giving more time to some people without elongating the whole time. I

don't know what the right answer is but it's got to be more than just explaining again and getting people to try and appreciate the benefits.

BRIAN CUTE:

Avri then Steve.

AVRI DORIA:

I actually think that we should take a conservative approach on this one. I think it's still rather new. I think, for example, my stakeholder groups and constituencies are really just learning how to use it. I think any notion of eliminating the reply period puts us back in the state of submitting at the last minute so that no one can counter. And I think that having the division between a comment and a reply is a good thing.

I think making the rules far more complex would be another problem. So maybe an exception such as SOs and ACs get to comment all the way through – I don't know. What I would look for is a recommendation from us that says – if you want to put it in Alan's words –: continue the flogging, continue the education, but to also recommend putting in various measures so that next time it's reviewed.

But I think something that's been in place for two years has a sound foundational reasoning to it and it should be given a bit more time for the community to get used to it. And I think what we've also seen is that on those occasions when it's not working right, it has been extended. The periods have been extended and have allowed for communities. I think it would be good to recommend that if you're going to be late and you're an SO or AC, say so and request an extension.

But we change rules like this, which are supplementary in terms of... What we want to do is have more people comment. What we want to have people do is get used to a comment methodology. What we don't want to do is keep changing it on them because anything new is going to be resisted, it's going to take two/three years for people to get used to, etc.

So I would recommend that we keep going as we're going for the next three years, but let's recommend certain things that should be monitored, certain things that should be measured – such that the next time we come back to it we've got some of those facts that are needed.

BRIAN CUTE:

Steve, Alan, Larry and then you're the Chair Olivier so take it back please.

STEVE CROCKER:

Bear with me for a second because I want to go down to the core here, to the roots of this. There's something I haven't ever voiced but it's been nagging at me for quite a long time. This whole scheme of public comment and replies and so forth has always struck me as slightly peculiar because very deep in this is an "us versus them" model. The community out there gets to comment on and reply to comments to us – us being Staff or the Board or the establishment – and we get to decide, filter, coalesce and sort through these things and then make a decision about all that.

In contrast, over in the IETF there isn't really that kind of distinction. Everybody is part of the same group and is commenting in the open about work that's in progress. There isn't a division between who gets to comment and who gets to listen to the comment. There isn't a distinction between "now is the time to

comment” and “now is the time to reply”. There’s a dialogue that is just in continuous motion.

And the managers of the process –the few that there are –are setting timeframes for: “This is the period of time we’re going to have” and trying to coalesce. But it’s much more a service to the community rather than a decision process and: “Thank you very much for your input. We’re done now,” kind of attitude. I don’t know whether or not we have the option of thinking about that in a fundamental way. But if it’s not here then I don’t know where.

But I thought I would put that on the table as a challenge to the underlying assumption instead of just fiddling with the parameters of this process, and ask the fundamental question about whether this process is really the kind of process that we need to have in our multi stakeholder decision process.

OLIVIER CRÉPIN-LEBLOND: Thank you Steve. I missed the queue... It’s Alan, Larry, Avri? Okay, you can jump the queue but only on this occasion Avri. Go ahead.

AVRI DORIA: What about Working Group last calls and IETF last calls? Those are specifically comment periods, though by a different name?

STEVE CROCKER: Yes, they are. But even in those there is nothing that precludes somebody commenting on whatever somebody says during a last call. I mean that’s an open dialogue, as opposed to... And again, the decision process about what counts and who’s allowed to comment and so forth is of much lighter weight than it is here.

OLIVIER CRÉPIN-LEBLOND: Thank you Steve. Next is Alan.

ALAN GREENBERG: It struck me as Avri was talking and saying we need to allow people to get used to it – I’m afraid some people are used to it. About three times, I think, in Durban, I heard different people in different contexts saying: “Well, it’s really a 42-day comment period. You can reply any time you want and nobody worries about the reply.” So I think people have gotten used to it, but not in the way the usage was intended.

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. Next is Larry.

LAWRENCE STRICKLING: [laughs] I think this is an example where perhaps ATRT 1 – and since I was part of that I will take personal responsibility for that – maybe we were a little too prescriptive. Because I’m much more drawn today to Steve’s comments. And I think this is emphasized in the discussion we had with Sally and her people in Durban, which is what’s key here is to generate a dialogue. And we looked at this. And in fact the bylaws specifically require there be an opportunity to reply to comments.

That doesn’t mean you have to have a separate reply/comment round. I think the dialogue satisfies the bylaw prescription. But I’m just wondering if going forward we might want to establish the principle that I heard from Staff in Durban, which was that dialogue is very important here. I think that’s the point Steve made.

And maybe we should step back from this a little bit and let the ICANN Staff function experiment with this for the next couple of years to see if there are better tools that can be used, than importing what we did here, which was to import the typical US regulatory process of having strict reply/comment rounds. It's apparent that it hasn't taken off yet.

It's possible that Avri's right and that it will with time, but I'm just wondering whether we'd be better served by establishing the principle dialogue, which is, I think, consistent with the bylaws of wanting to give people a chance to reply to things. But that should be without being so prescriptive and saying: "Let's keep these two rounds and keep trying it for another couple of years to see if it takes off."

OLIVIER CRÉPIN-LEBLOND:

Thank you very much Larry. One thing to note is that Chris Gift of ICANN Staff is currently putting together some new, experimental systems, that might be able to supplement or even replace the systems which are currently in place. The current reply/comment period is done using a standard forum and there might be other tools that will be rolled out very soon. But I'll pass the floor over to Denise first and then Larisa afterwards. Denise?

DENISE MICHEL:

Thank you Olivier. I'd like to agree with Larry's comments and remind the group of their conversations with Chris Gift and the fact that he is doing a lot of work in this area and he has a top priority of revamping our whole approach to public comments. He has a very, very seasoned, high-powered set of consultants that are helping him on this and will be coming back to the community and using the Labs initiative to experiment with some new things.

I would suggest for the Review Team to approach this area in terms of providing ICANN with the overarching objectives you want us to achieve, rather than getting into the details of how to achieve it. That would help to provide some overarching guidance to Chris Gift and Sally in this area, while not being overly prescriptive and allowing this process that Chris Gift has underway to play out.

I think the one potential exception in that area that might be worth discussing in this group is volume and prioritizing. David Olive indicated that that was a recommendation of ATRT 1 that he found particularly challenging. And clearly progress has not been made on that. If there are ideas and guidance in this group on how to manage the volume and prioritization overall of the public comment process across all of the ACs and SOs, the Board and the Staff, that would be valuable.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Denise. Next is Larisa.

LARISA GURNICK: Thanks Olivier. I just wanted to mention that as we are having discussions about benchmarking and metrics for the project that you're all familiar with, and particularly as the work gets started and we select certain organizations that will be considered as functioning similar to ICANN – to compare ourselves to for benchmarking purposes – that will also give us an opportunity to look at some best practices.

And this is one of the areas, being such a key consideration in the whole process of accountability and transparency, that we intend to look at and pull

any best practices and observations from others and bring them into the discussions with our own teams.

OLIVIER CRÉPIN-LEBLOND: Thank you Larisa. Any other comments? Brian?

BRIAN CUTE: I agree very much with what's been said. I would just pick up Denise's suggestion – the volume problem is a persistent problem and I don't have a magic suggestion on that but I think it's an opportunity for this Review Team to put something forward. Very often when this has come up in the past, this is a bottom-up, multi stakeholder model and in terms of generating this volume stakeholders play a key role. I don't have answers but I think it's an important opportunity.

OLIVIER CRÉPIN-LEBLOND: Thank you Brian. Regarding the volume function, there were some discussions that have been held in Prague and prior to Prague. One of the problems with the volume is that there tends to be a peak in the number of public comment requests just before an ICANN meeting. And there is also the problem that takes place during an ICANN meeting where everyone is busy during the week and yet the clock is still ticking on the public comment processes that are taking place.

One of the suggestions that was brought forward was to stop the clock during an ICANN meeting, so if you had a 21-day period, that would be exclusive of the length of the ICANN meeting itself. There was also another suggestion to not have public comments close during the week after an ICANN meeting, when most Staff are away and most people are completely washed out. And to also

maybe not have a comment period end the week before an ICANN meeting when everyone is travelling.

These are possible recommendations that this Committee might wish to pursue. Of course, the issue of prioritization and the issue of overall volume is very difficult and it really is a struggle between the increased activity that ICANN is going through as an organization, growing with the number of New gTLDs that are going to be launched, etc., and the speed with which the community itself grows, which appears to be at a slower rate with the speed of the work load that comes through.

This probably comes into a wider, overall struggle that the whole community has with being able to keep up with all the work that lands on the table. I'm not quite sure whether this Committee might have any great ideas to be able to solve that. If they do that would be great. Alan?

ALAN GREENBERG:

Thank you. There is no practical way to say let's have less comment periods, because you're telling the groups that are doing the work to: "Throttle your work and stop working as much," including the Board because a fair number of them now are actually being initiated by Board-related issues or Staff-related issues. So the concept sounds nice: "let's not have as many" but things surrounding ICANN meetings? Well, ICANN meetings are targets that are easy to identify on the annual calendar and therefore people do things to get them ready for discussion in ICANN meetings.

So all of these things are almost part of the design. I think your last comment is a really important one and I get very concerned when I hear things, like, at the last meeting that we are doing lots about outreach and we're expecting 10,000

people at the next meeting or 'n' years down. And I fully believe that's achievable. It will cause all sorts of constraints and related issues. I don't hear the corresponding statement of: "We are going to ramp up at a similar rate the number of active workers."

It's easy to get people to attend a conference; especially when you don't charge them for it. It's much harder to get workers. Now, if along with ramping up the number of attendees by a factor of five we could ramp up the number of active, really active, workers by a factor of five, the whole scene changes. But not only do we have a hard time doing that but I don't hear any talk about how we're going to do that.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much Alan. I also wanted to bring your attention to Recommendations #16 and #17, which are closely related to Recommendation #15. In the Staff input document it basically said: "A formal study of the public comment experience from 2010 and 2012, has recently been completed, including supported inferences concerning the effectiveness of the reply cycle. Data analysis that a clear majority – over 70% of reply submissions were not related to any prior comment."

So what I hear at the moment is we don't really have solutions, apart from maybe loosening the comment/reply period and giving Staff the possibility of being able to find alternative ways for public comment. Alan?

ALAN GREENBERG:

Just a question that I didn't click at when I first saw that. The ALAC, for instance, has the standard practice that if we're not going to make comment within the 21 days we put a holder there saying, "Expect something from us."

Does our final comment count as a reply? Because it is in reference to something that was posted earlier? If it does then those numbers may be very skewed.

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. I think what you're describing here is a fudge and I'm ashamed of admitting it but that's what it is.

ALAN GREENBERG: No-no, the point is, is that fudge counting as a reply? The 30% that are replies?

OLIVIER CRÉPIN-LEBLOND: I'm not sure actually. Denise, do you have any insight as to where the 70% came from? No? Okay, if we can find out. But I gather that in doing the survey Staff looked at the actual content of each of the messages and thought: "Well, that can't just be a reply to yourself. But it is true. The ALAC does send an initial message and say they'll be sending a comment on a certain topic.

Sometimes it's just a message to the Staff Member in charge in trying to send in the input outside the official comment period. But not all SOs and ACs are afforded the ability to be able to submit a comment outside the end of the public comment period. So that's something to really keep in mind. Avri?

AVRI DORIA: I think thought that people are developing approaches. For example, within the NCSG, the approach we've identified is inviting people within NCSG and [inaudible 00:35:00] to submit individual comments, and then within the reply period the NCSG as an organization comments on, endorses, and such.

Whatever. So we've taken the time because we can't create a reply and go through an NCSG vetting approval process within the given time.

So what we've done is develop a scheme that says, "Personal? Put in your comments." Then we'll do an endorsement and such. So I think that people are... And that would count as a genuine reply. So I think that there are ways... Again, I go back to... I think any system pretty much works, as long as people are given a chance to adapt to it.

OLIVIER CRÉPIN-LEBLOND: Thank you Avri. So would you be saying that letting the current system but perhaps opening it up a little more so as to give it some flexibility, as a possible solution?

AVRI DORIA: I love flexibility.

OLIVIER CRÉPIN-LEBLOND: Anyone else? Brian?

BRIAN CUTE: I agree with the flexibility and experimentation and not being prescriptive. One question for Staff – given the consistency of feedback on the 21 days being too short, are you thinking about experimenting with the timeframes? You are? Okay, thanks.

OLIVIER CRÉPIN-LEBLOND: Okay. Any other thoughts, questions or comments on this? I think we've got a plan forward. So, loosen up the whole process of 21 days plus 21 days and let

Staff experiment with different timings and also different tools, which hopefully Chris Gift will be able to present to the community and see how it works. I do note that part of the recommendation was fully implemented – for example, giving an advance forecast of what upcoming public comments are arriving.

On the implementation side the ball was dropped on a couple of occasions due to Staff changes and so on, but it's all back in line. So it looks as though this has helped some of the community in being able to forecast future work that is coming their way. It might be useful to reaffirm the fact that all ACs, SOs and Working Groups should make use of this advance forecast so as to be able to ease the load on the community and so on.

Now, with regards to the blackout periods during ICANN meetings, is there any thought from this Committee about doing something like this? Denise?

DENISE MICHEL:

Several years ago the gNSO asked for a blackout period and the Board agreed – there actually is a blackout period and you'll recall when the ATRT 2 wanted to post their report right before an ICANN meeting they were reminded of the blackout period. So when on occasion groups need to post something, for whatever reason, right before an ICANN meeting, they're asked to add an additional week to the end. Yeah, we do have one.

OLIVIER CRÉPIN-LEBLOND:

Thank you Denise. Is that in ICANN's DNA?

DENISE MICHEL: Yeah. I... That's a good question and I'll raise that with Sally's group. As you mention there has been personnel changes and it would be worth us going back and making sure that we do have the process in place.

OLIVIER CRÉPIN-LEBLOND: Thank you Denise. Brian?

BRIAN CUTE: A simple but related question – and I'm not trying to be prescriptive here – is that explicit when a request for public comment goes out, two days before the Board meeting, that the closing date is calculating the blackout plus 21, or whatever it is? Because the issue is also that there are small communication opportunities to reduce some of the noise. You still hear people say: "I can't believe they dumped on us again before an ICANN meeting." How many times have you heard that, right?

So, little things. Check that. See if it's explicit. You can at least say: "Hey, look. Yeah, we posted it but you had 38/42 days, it was explicit, it took into account the blackout period," and that's one way of reducing some of the noise that's avoidable. That's just a thought.

OLIVIER CRÉPIN-LEBLOND: Thank you Brian. Avri?

AVRI DORIA: On that "last day dumping" I don't think it'll ever change. I think if there is a deadline that people have to meet, they work to those deadlines. So I think that that's a reality we have to accept; that everyone has too much work to do, so they are all working to a deadline and any time you put a line like that, the

line creates the effect. So I think it's always going to happen that most documents are going to come on the deadline, because we have barely enough time as it is so we work to the deadline.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Avri. Fiona?

FIONA ASONGA: I have one observation or question: are the "they" here, in terms of dumping comments or things out, it's not necessarily ICANN Staff, it's different part of the community, right? Yeah, so how do you get the community to take ownership of their own scheduling and the complaints they have of the workload, when they're the source of the work?

In the GAC's case, it's not the GAC. The GAC is trying to respond to everyone. The GAC never puts anything out for comment, right? They can't keep up. But how do you have that recognition and realization in this community? How do you force people to make choices?

OLIVIER CRÉPIN-LEBLOND: Thank you very much Fiona. Alan?

ALAN GREENBERG: I think the only answer – and I said on enough groups that put out comments; put out things for comment – is that when you know you're doing it at the least opportune time, like just before a meeting, you try to adjust the periods to make sure that people will have a time to comment a few weeks after the meeting, and things like that. Some people fight that to the nail because they say: "We've got to keep on going. We can't afford to give people extra time."

And my personal one is that we should be looking for quality, not quantity, and you've got to give people the extra time. I think it's far better to release it right at the deadline, before a meeting and have the comment period extend way past the meeting, than to hide the report and not release it until after the meeting. That's dumb.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much Alan. Anyone else? Okay, and being able to move forward I'll quickly summarize that I think this Committee will recommend a loosening up of the prior recommendations and engage with Staff to be able to try different methods of public comment, including new tools.

With regards to the blackout periods, this is a proposal to you all whether this community would support to put the blackout periods in ICANN's DNA so that if there is a personnel change and new people coming in that it becomes part of the ICANN's internal procedure, so that everyone is well aware that there are blackout periods during the ICANN meetings.

And certainly that would probably have to be told to the community, so that's for the community to understand that they're not being dumped on just before an ICANN meeting – there are rules around to ease their workload. Everyone okay with this? Brian?

BRIAN CUTE:

I would just add that we should articulate the overarching objectives, as was stated at the outset – what's the goal here? And all those observations fairly reflect the discussion around the table.

OLIVIER CRÉPIN-LEBLOND: That's great. Thank you very much Brian. Okay. So that's done #15, #16 and #17. We now have Recommendation #18, which is to ensure multilingual access in PDP to maximum extent feasible. That deals with translations on one side and also with the PDP... Although I'm not quite sure... On there is says PDP. Is that Policy Development Process with an uppercase or lowercase PDP? It's uppercase on there but I've noticed on a prior recommendation it was "policy development process" and it was summarized on the Staff input document as PDP.

So I wish to not have the confusion between the two. I don't know if anyone has the original recommendation? Alan?

ALAN GREENBERG: Recall that at the time this was written, although people had talked about alternative processes, they were not technically, explicitly allowed in the bylaws, which they are now. They weren't forbidden but they weren't allowed either. They weren't referenced. And there was not a lot of examples. So it's not clear there was a huge distinction at the time this was written three years ago. Now there is. But hindsight says it's not clear that they really thought about the two and picked one carefully.

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. Brian?

BRIAN CUTE: One question on my mind is... And this goes back to the importance of having adopted metrics and benchmarks: when people on the Committee say: "Have you done this to the maximum extent feasible?" well, how do we measure that? Obvious criteria –there's only so many dollars, there's technology

limitations, there's maybe volume of documents in a given process that creates some parameters or limitations.

But I think the most important piece here is when people ask about this, what is ICANN's answer as to: "We've done this to the maximum extent feasible and here's what that is and here's how far we went and here's why we didn't go any further." And it also should be the organization thinking about it as, if we're bringing in 10,000 new folks, if we're going to grow globally and we're bringing in more participants from more language communities, there is going to continue to be more demand for this that you can anticipate.

So how do you answer the question: "Have we done this to the maximum extent feasible?" is one that, if Staff can help us with that and factor it into our report would be helpful to the community.

OLIVIER CRÉPIN-LEBLOND: Thank you Brian. Alan?

ALAN GREENBERG: I guess I would like from Brian or anyone else who was there at the time, what did you really mean by this? When I read that – and expanding the acronym – it says "ensure multilingual access to the process" and as far as I know, the only things that tend to have been translated – and I'm not even sure if in all cases they are, is the Issue Report and the Final Report, maybe the Interim Report too of the PDP.

So it is the raw input that goes into it and the final output. That, in my mind, doesn't give access to a process. And I don't know what the intent was.

Certainly interim documents, emails, Working Group meetings are not multilingual.

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. [Fiona had her hand up? 00:47:15].

FIONA ASONGA: This is Recommendation #18, right? So the Recommendation actually says: "The Board should ensure that access to documentation within the policy development processes," – plural – "and the public input processes," – plural – "are to the maximum extent feasible provided in a multilingual manner." So this is not specific to the PDP.

My recollection of this is that it's very much driven by the ALAC and Cheryl and [Eric, ATRT 00:47:41], and the idea that if people were to participate in whatever part of ICANN it was, they need to be able to do it in their own language. So whether it was a GAC discussion – I know the GAC's made a lot of progress on translation and things like that – regardless of where you were, this had nothing to do with the PDP itself, as a standalone, but all the parts of ICANN.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Fiona for clearing this up. That was the extent of my question regarding PDP and policy development processes. So that's looking at the whole overall of ICANN policy development and the Staff document provides all of the input, saying that there's been a lot of development. As we know, we had Christina Rodriguez who came to see us. Larissa?

LARISA GURNICK: I just sent to the ATRT 2 an update from Christine and Nora, so this might provide some additional context of the work that's been going on since their last update, so it might be useful to take a look at that. It just came in from Nora.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Larisa. Brian?

BRIAN CUTE: Do you have any feedback from community members on the effectiveness of the translation that's taken place in the number of different ways? I recall Michael Yakushev's observations that yes, some things are being translated into Russian but actually, the vernacular that's being used is not really accurate and therefore it's not effective. So getting to the effectiveness, have you had other feedback from non-English speakers as to how this has worked?

OLIVIER CRÉPIN-LEBLOND: Thank you Brian. Larisa?

LARISA GURNICK: I would be happy to address that question to Nora and Christine. I think they are the ones that could answer it more completely, but I know that in Durban there was an occasion for Michael and Carlos to speak to them and talk about some of the strategies that they're planning to put in place to start moving forward; not just in these specific two languages but across the board, in making sure that translations are reflective of the way the native speakers are expecting to see that terminology. So I think that's also included in the update they provided.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Larisa. We have Michael and Carlos. Michael Yakushev?

MICHAEL YAKUSHEV: Good morning, it's Michael speaking. I can confirm that we had a meeting in Durban with the Representative of the Linguistics Department of ICANN. We expressed our concerns about Russian translations, Spanish translations, and it was agreed that the people – the interpreters and translators – from ICANN would check the terminology that was used on the national level.

For example, they can be seen on open Internet sites, written in English and in Spanish, how certain terminology is expressed in the local languages. And I expect more interaction during our Buenos Aires meeting later this year. Unfortunately, by now, Carlos, I have not received any news that they have prepared anything yet and maybe they are still working or maybe they are on vacation. But they have at least confirmed that the work has started.

OLIVIER CRÉPIN-LEBLOND: Thank you very much. Carlos Raúl Gutiérrez?

CARLOS RAÚL GUTIÉRREZ: Yes. I want to emphasize the types of translations and the timeliness of translations. Of course, we have simultaneous translations while we have discussions. This is very important for the flow. Then on the other extreme we have official documents or very important documents that have to be available

in the languages, as Michael said, in a way that the local community understands. Not in the way they were translated in a foreign country.

And then there is this whole in between – how do we communicate? So I think it's very important to have a differentiated view. Are we talking about documents? Are we talking about comments that have to be translated fast and therefore the quality might not be as important as the timeliness? And then there is the huge, big expanse of simultaneous translation. And the way I came across this – and I just want to mention it – is that I don't agree with the way ATRT 2 is translated into Spanish.

And Christina Rodriguez was knowledgeable enough and she researched that, to say that we had this discussion two years ago and we decided to leave it like that. [laughs] So this is another issue that comes up once in a while and then they say, "Why bother?" and so on. And I respect that three years ago they decided not to touch it but next time Latin America comes up there is this discussion again.

And for me it's a fundamental discussion and it's a symptom of why we have no interest from Latin America in what we are doing. And there are two ways to translate accountability and it was translated as "responsibility". And responsibility in the corporate world is very widely used; corporate and social responsibility is "okay, you do corporate and social responsibility" and so on. Accountability is something totally different. It's to check accounts and to publish how this review came out.

So for me it's symptomatic. The way you translate is what you get two years afterwards in terms of interest from a whole region of what we are doing here. So I know it's very expensive. I think it's much more expensive than keeping offices across the world because the people need an office if they're in LA or in Singapore and so on, so that doesn't matter. This is a very expensive exercise.

To offer multilingual is incredibly expensive and it's going to be a budget problem over the years.

We had this discussion on the IGF and just because you do the IGF in a foreign country – because you have to take the translator and replace him... Just moving the UN apparatus for an IGF is \$750,000 – that's what came out of the discussions we had recently – for *one* meeting. So again, this is a budget allocation issue that is very, very important.

The only way to phase such an important expense for me is to differentiate the quality of translation and the timelines and the importance and the relevance and the participation of local groups to review that and so on. Because over the years it might become unbearable. Thank you.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much Carlos. Larisa and then I think we can move on, because I think that with the amount of information that Larisa has just sent us from Language Services, we probably need a little bit of time to digest this and we will have to come back to this later on this week for a short amount of time. We certainly are taking into account the discussions that we're having here. Thank you Carlos. Larisa?

LARISA GURNICK:

On the broader issue I think that it would be really helpful, once you've had a chance to review the document, because it takes a broad perspective. I think it talks about all the aspects that Carlos was referencing. And perhaps one of the takeaways could be to investigate the nuances that are associated with our

providing of translations and interpretations, because different timelines, costs and needs would be reflected in each category.

So that could be something that, as an analysis, Staff could take a look at and come back with some context for where the need is the greatest – how the cost compares to the need and where the real priority would be. And that could probably be done by language services, I would imagine. And on another point – I think it would be useful to have Christina and Nora speaking because they know the particulars – but I do know that they’re looking forward to having broad community input into the terminology.

Because in terms of making decisions about certain words, oftentimes that’s done in response to one voice or one voice saying they prefer it done a particular way. Then a couple of years later perhaps there is a difference in opinion. So that’s something that would also be useful to get more consensus from the native speakers from.

OLIVIER CRÉPIN-LEBLOND:

Thank you Larisa. Would Christina and her group be available in the next couple of days? I’m also looking at Brian because I don’t know how we’re going to be able to fit all these things into the next couple of days, but we definitely need to have this group here read what’s just landed in our mailboxes before proceeding further.

LARISA GURNICK:

Brian, my suggestion would be that as we’re trying to fit certain people from Staff to come and meet with you tomorrow, perhaps we give priority to the people who are here physically, because the face-to-face would be most useful. And neither Nora... Nora is actually on vacation I believe and Christina is not

here physically – but we will certainly take that as an Action Item to set up a time, conference call, if possible, for tomorrow. We'll certainly try.

OLIVIER CRÉPIN-LEBLOND: Thank you Larisa. Brian, is that okay with you? Okay, let's move on. #21 – create an annual public comment forecast. We touched on that a little bit earlier. That's being done. I recommend that we just proceed forward. This looks as though it's moving forward. I open the floor for any comment or questions. Okay, thank you. If I was Mr. Tickbox this one would be ticked. Good.

And we go to #22 – ensure Senior Staffing arrangements are appropriately multilingual. And on this one my own question mark was to perhaps introduce metrics. Is there any measure of the multilingualism of Staff in ICANN at the moment? Are there more Staff that are multilingual or less or...? Senior Staff, yeah, Senior Staff.

DENISE MICHEL: A lot more. Yes, there are a lot more. Let me just ask HR if they have an updated number for you. Is that what you need?

OLIVIER CRÉPIN-LEBLOND: A metric. I was alluding to a possible publicly published metric in the overall ICANN stats or something.

DENISE MICHEL: That's a good idea. They don't have a public metric but there's no reason why they shouldn't.

AVRI DORIA: Thank you. It seems that the whole focus on this has been hiring multilingual and I'm wondering whether there is a training component of the multilingual of taking the Senior Staff that perhaps aren't already multilingual, or are only slightly multilingual, and teaching them to have a greater degree of multilingualism.

OLIVIER CRÉPIN-LEBLOND: Thank you Avri. So I guess what you're asking is if David Olive, having moved to Turkey, is now being taught how to speak Turkish?

AVRI DORIA: I was asking for a broader notion of an educational program in languages so it isn't only what you know when you come in, but...

OLIVIER CRÉPIN-LEBLOND: Understood. Denise?

DENISE MICHEL: Part of the implementation for that particular ATRT 1 recommendation was language training for Staff. So they actually initiated that after the ATRT 1 recommendation, and that's something that's ongoing, on a voluntary basis.

OLIVIER CRÉPIN-LEBLOND: Denise, is this documented?

DENISE MICHEL: I don't...

OLIVIER CRÉPIN-LEBLOND: Documented and metriced. Brian?

BRIAN CUTE: On that, I'm not trying to be prescriptive here and suggest quotas or anything like that, but it should be easy enough, I think, to just identify at the Senior Staff level how many of those employees have multilingual skills. It might also be useful... I'm not sure if you can do it, but to go back to the time when ATRT 1 issued its recommendation, if you have that organization chart and could map how many Senior Staff at that point in time had multilingual capabilities.

It would be like a backward looking, shoehorning of the benchmark. That would be useful if you could get it. If you can't we'll start where we are now and benchmark going forward.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Brian. So we can close off 9.1(c) and move onto 9.1(d). 9.1(d) has got just a single recommendation in the Staff assessment, which was Recommendation #27, but we also have two templates we've prepared. One is the cross-community review and Avri Doria created that. So I'll have to ask you to describe this to us. And the other is from Alan Greenburg on the cross-constituency component.

So let's first look at the Staff input document. Recommendation #27 is to evaluate and report on progress of recommendations and accountability and transparency commitments in the AOC. That's an overarching recommendation. In the column "Did he or she identify additional opportunities for improvement by virtue of the implementation of these recommendations?"

The response was: “Additional opportunities include: agreeing on a definition of public interest; accountability and transparency; developing and reporting on additional metrics and benchmarks related to ATRT 1 recommendations; expanding a public dashboard reporting on accountability and transparency related activities; conducting an organization-wide assessment of ICANN’s performance against accountability and transparency commitments.”

And the last comment is in red, with metrics needed. So that’s a whole chunk of work to consider looking at and to make recommendations on. I’ll now open the floor for comments, questions, discussion, etc. I know that the discussion around the definition of public interest is one which has been taking place around a bottle of wine recently and is the big question as to who wants to define that. This is something that many parts of the community and ICANN have tried to tackle and so far have not been able to yield any results.

Anyone that wishes to start on this? I see that a lot of this actually is probably going to come up with a probably new issues in Work Stream 4, I guess. Except these are actually direct follow-ups from Work Stream 1. Brian?

BRIAN CUTE:

Can I start on something other than the public interest or do you want to stick with that topic? [laughs]

OLIVIER CRÉPIN-LEBLOND:

I’ve opened the floor. I’ve just tantalized your taste buds with the public interest, but you’re very much...

BRIAN CUTE:

I don’t want to get in the way of a conversation but I’ve got something else.

OLIVIER CRÉPIN-LEBLOND: Actually, I'd be quite grateful if we didn't start the conversation into discussing what the public interest is, because we've only got three days here.

BRIAN CUTE: What I want to focus on is two things: the evaluating and reporting on progress on recommendations and accountability. And there are three aspects. The first one, in terms of the reports that ICANN Staff have put out since ATRT 1 in tracking the progress. Lots of data, lots of good information. What I've heard in more than one case...

And I think part of this goes back to the fact that metrics were not adopted and that's obviously something that's going to be addressed going forward, but those reports tell you a lot but you really can't take away from what the effect of the implementation has been on the organization because there is no benchmarking. So that's a problem that we've noted.

I think also because there were no metrics, in some ways some of those tools come across as a little bit of a "check the box" feeling or an impression and that's certainly not one that the organization wants to project to the outside world. I think there are some things we can talk about – metrics obviously being at the center of that, can help to improve the communications. And I do want to put an overarching thought over that.

I think that how these things are communicated by the organization and also how this Review Team communicates in this report are a real opportunity that we didn't take advantage of the first time. So that's one piece of it. The tools that report out progress and implementation, need to be more metric-centered, need to have more depth of impact on the organization.

Secondly, I think we all learned a lesson, on both sides of the table, when we asked Staff to provide us with some data and Staff came back with a very

detailed report that we asked them to create as part of this process. But again, I don't think that that tool was necessarily effective in our work and that's in part because of the ask and in part because of the structure of the deliverable that came back.

We need to think hard about what we can recommend to Staff and to the Board about how you communicate this important piece of the work. I also think there is a role here for the Board too – not just the Staff – but how the Board communicates progress on implementation of recommendations. Whether it's at an ICANN meeting or through a Chairman's blog.

I don't want to be prescriptive at all, but a really important opportunity to communicate more clearly so the organization is... a) that the community sees what's being done, what still needs to be improved... But the organization is getting the credit it deserves for taking a leading edge on this important topic. So those are my observations.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much Brian. Any other observations? This clearly is a big part of our work. Okay, should we first move forward with Avri's template? That one is about cross-community review. Avri Doria.

AVRI DORIA:

First of all, I think there was a joint assignment between – and this is my interpretation of what we did – Alan and I to work on the same... Now, I called it cross-community as cross-constituency because constituency being an overloaded term that has different meanings in different parts of the organization. I think both of ours – and Alan, forgive me if I speak wrongly of yours – are incomplete. I read the two of them again last night and I think they are complementary in terms of things we started to describe.

I only got so far as to include a hypothesis of the problem, coming out of 9.1, the assessing the policy development process to facilitate, enhance cross-community deliberations. I included quotes from the Berkman research that was undertaken for ATRT 1 as a background, even though that hadn't necessarily been brought forward as recommendations in that pass. And then discussed a little bit about what some of the various experiments in creating cross-community had been.

And then that's as far as I got. And this was all work that I'd gotten done by the Durban meeting, when there was a cause to get these things done. Alan could probably talk about his because he went a little bit further on current Staff reports on these issues and background research. So I don't know if you want to talk about your part, because all I did was lay out the history.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Avri. I'll hand the microphone over to Alan now for his part, hoping that maybe in the break or something he can bring the two parts together, if they work with each other. But let's see. Alan?

ALAN GREENBERG: Now, I'm not sure we're going to have the ability to rewrite it during the break but... Is it possible to bring it up on the screen? As I freely admitted when I sent it out, it was both incomplete and not very well researched. But the real bottom line is it's evident that cross-community Working Group don't spontaneously form on their own, most of the time. And on the few times when they form they haven't worked well.

The one case where it did work relatively well is the DSSA Group, and that one came together as part of a visceral reaction of a number of groups to the proposal that ICANN form its own cert, and I'm not sure we're going to or want

to see that happen again at that kind of level. So if indeed cross-community Working Groups are a good thing, if there are strong benefits from them, I think they're going to be almost engineered to happen and it's one of these cases where I suspect direction from the Board or requests from the Board are going to have to drive it.

If you look at the recent history, the gNSO went off and put together a list of what they thought were the important issues on how cross-community Working Groups would be created and would run. The ccNSO and the ALAC's initial reaction to that is, how can you go off alone and decide how cross-community Working Groups should be run? And the gNSO's answer was: "We were just trying to get our own ideas first, before starting 'the talk'."

The went to the ccNSO and the ccNSO came up with a laundry list much longer than the original one of things that have to change or things that need to be addressed. The ALAC has not gotten around the responding at all at this point, partly because of the bad taste in the mouth of how it started. I can easily see it taking a few years for us to come up with a set of rules on how cross-community Working Groups work and them never being used.

If indeed they are important and we want to see them, I believe it's going to require some push from various levels at the top – whether it's the Chairs getting together like they did in DSSA or some other mechanism, be it the Board or something else. So that's the gist of what I was saying. If indeed we as a group believe it's a good thing and the AOC seem to think it's a good thing then I think it's going to take positive action to make it happen.

OLIVIER CRÉPIN-LEBLOND:

Thank you Alan. Avri?

AVRI DORIA:

Now I understand why we have slightly different starts to the issue. I – perhaps it’s largely because I come from the gNSO – don’t see the evil intent in the gNSO having tried to understand what it thought cooperative groups were before talking to others. I also think we’re ignoring several successful examples. For example, the ccNSO and gNSO having worked quite cooperatively together on the join international domain name group and searching out, discussing and having successful results on things that needed to be done to make IDNs work better for both ccTLDs and gTLDs. It’s been a successful, ongoing group for years.

We’ve also had a very successful SSAC and gNSO work on internationalized WHOIS and what would be the requirements to support WHOIS in international developments. Another group that had a quite successful ending and they are now following on technical projects within the IETF and also work within ICANN. So we certainly have examples that have worked and we have examples that haven’t worked so well; the Applicant Support Group was somewhat of a disaster until it became just an ALAC effort. [laughs] Symbolically joint, but still...

There was the [RECSIC? 01:15:20] Group, which was both successful and not. I think that one was largely successful because nobody really listened to its recommendations very much after they came out, but the working together of that group was quite good. So I think we’re in a position now of having seen successful efforts and unsuccessful efforts,

And I think starting from that kind of position, if we want to make recommendations it’s advising a joint effort to look at what worked and what didn’t work and start building guidelines – not rules, but guidelines. In terms of the recommendation that these things need to be top-down driven by the Board, I don’t necessarily agree or disagree. I think there are times when the

gNSO and SSAC look at each other and say, “We’ve got a common problem.” Or the ccNSO and gNSO looked at each other and said, “We have a common problem.”

And it worked out. I think there are lots of times when the Board has an issue and instead of starting one of its presidential groups by a different name should indeed be starting joint efforts within the community and going to the community and saying: “Listen, we’ve got these larger issues that need strategic guidance – can we form that?” So certainly there is a role for the Board to do that, better than going outside and starting whole new efforts perhaps. So there is an advantage to that.

But I think that there is also just the natural experience that comes out when two groups look like the ccNSO and gNSO did and say: “You know, when we’re doing IDNs, even though there’s a lot that’s different about our IDN, TLDs, ccTLD or gTLD, there are many common problems. Let’s see if we can’t come up with common solutions.” That kind of movement among equals, movement among peers, is actually one of the most successful things for giving us examples of what does work.

OLIVIER CRÉPIN-LEBLOND: Thank you Avri. Carlos and then Alan.

CARLOS RAÚL GUTIÉRREZ: Just a question to Alan. Do Chairs regularly meet? Of the community, of all the groups, do they regularly and formally like to set an Agenda for the public meetings?

OLIVIER CRÉPIN-LEBLOND: Thank you Carlos. That's the rare time I have to swap hats. Chairs do meet. They do meet before every ICANN meeting. They have a few hours together and also with the CEO and Senior ICANN Staff. They also have a monthly call where they talk to each other about current issues. The monthly call only takes place if there are issues, so I think it's 15 days before the monthly call is due to take place. Staff sends out a message and asks any Chair if they wish to push an issue forward and if there are no issues brought forward then the meeting is cancelled.

CARLOS RAÚL GUTIÉRREZ: And of course the list of issues for the calls and the list of issues before the public meetings are all public and published?

OLIVIER CRÉPIN-LEBLOND: I'm not sure about that. [laughter] No, that's very good. On the At-Large side, in At-Large we publish all the questions that the ALAC Chair will be bringing forward, so that's open. I think on the gNSO as well – the gNSO Chair also does that. I'm not sure about the other Chairs.

CARLOS RAÚL GUTIÉRREZ: I just think we have done enough Board bashing and if the Chairs get some kind of support, whatever, moral or financial, this should be the basis for cross-community analysis: how often do they meet? What do they discuss? What's in their Agenda during the Board meetings? And so on, and take it from there. We would then have data for an analysis of these issues. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Carlos. To my knowledge the monthly AC and SO Chairs – oh, there's another Chair... I'll let the other Chair speak. Heather Dryden?

HEATHER DRYDEN:

Thank you. The meetings that Olivier is describing are not formal in the sense that you're describing. As far as the monthly calls it's not ICANN Staff as such and they don't participate in those calls, it's for the Chairs to have what I would consider to be more frank, less formal kind of discussions. Olivier described to you some of the processes that each of the ACs and SOs may have in place, that they've decided they want to approach.

These discussions between the Chairs... When we meet, before the meetings begin there is actually Chatham House Rules that we apply in those discussions and we are also meeting with the CEO of the organization as well, as part of that. Just so you can understand the format. But it does allow us to then address things in a more frank way and identify what are maybe some of the thornier issues that are going to arise in the meetings and get a sense of where everyone is with their Work Agenda.

That's not to say that what you're suggesting couldn't also happen and be more formal but I think it's partly driven by the ways, the different working methods of the SOs and ACs and how they approach those meetings as well. In my view they work very well. [inaudible 01:21:29] works very well, so anything additional should be additional, I think. I don't think you want to over-examine what we have currently in place.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much Heather. I see many hands. There was Alan, who was in the queue and then there's also Brian, there's Avri and there's possibly Carlos. I'm not sure who was first. Alan?

ALAN GREENBERG:

Well, my comment was to Avri's and this sounds like a more interesting thread, but I'll make it very quickly and then go back to the main stream. I don't think

our positions are very different. We've thought of different examples and yes, there are examples that have worked – especially one-on-one examples of bilateral cooperation have been a lot more successful than some of the others. It really is a value judgment though. You have to be motivated for one reason or another to do it and the examples on the timescale of ICANN don't come up all that often.

So the question is, are we really missing opportunities, be it by not having more, or is life working well as it is? I identified one the other day of I believe that the issue of policy and implementation was a community discussion and should not have been limited as a gNSO discussion. And that's a current example I can give; I suspect there are others. But now back to the interesting game.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Alan. We have those discussions that are going on in parallel. One regarding cross-community Working Groups and the other regarding transparency of Chairs. I think it was Avri first and then Brian.

AVRI DORIA: I think mine was more of a clarifying question. I was having trouble dealing with “formal meetings are transparent, frank meetings aren't”. And I was wondering whether we were applying a notion of formality to ICANN that wasn't really an ICANN appropriate notion of formality, and especially given the notion that we've said here; that everything is transparent except for things where there's a really good reason not to be.

And somehow, accepting the notion that the “need to be frank” is a reason for non-transparency is something that sounds troubling to me, but perhaps I just misunderstood.

HEATHER DRYDEN:

I would say you did. I think you're making quite a leap by associating my comment with saying that there isn't transparency. I thought I was quite clear that Chairs go back and report to their communities, as it appropriate for that particular community. Chatham House Rule means you don't attribute. It doesn't mean that you can't report on the content of the discussion. I report back to the GAC about the meetings and I remind them that the meetings take place.

And in instances where I'm not able to attend, one of the Vice Chairs goes, so there's always some sort of understanding on an ongoing basis in the GAC about those discussions. But let's be absolutely clear on this point as it's important.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much Heather. Brian?

BRIAN CUTE:

Without violating Chatham House Rules, out of curiosity, how long have the meetings been going on and has the topic of cross-constituency work come up? Avri described some instances where it organically happened between different organizations, and that's great. But is this a point of discussion? Can these interactions be a form or a vehicle that can advance this topic that the ATRT 2 is focused on?

OLIVIER CRÉPIN-LEBLOND:

Thank you Brian. The meetings started under Rod's tenure. I cannot remember the exact date but maybe Heather has an idea?

HEATHER DRYDEN:

I think that's right as far as the pre meeting before face-to-face; before the week began, but the Chairs have been having discussions for years, before I was Chair in the GAC. And different approaches have been tried, and how do you constitute them and how do you invite and those sorts of questions are always in play. But, yeah, for some time. Yes, we do talk about those things, yeah.

OLIVIER CRÉPIN-LEBLOND:

Thank you Heather. Yeah, the calls have been going on for a long time. There is also much emailing going on between the different Chairs, on various issues. Often to just be able to coordinate and see what the topics are that should be pushed forward. As an example – I can be very open on it because I carbon copied the Ex-Com and ALAC, wearing the other hat – the topic of dotless domains and the domain clashing and so on was an issue of discussion between Patrick Falstrom and myself.

So we do have a good coordination going on across all of ICANN. Some of it is just direct email, some of it is carbon copied to our discussion lists. It's really depending on what... And of course we also meet at other locations around the world when we're all invited to take part in various activities, so there is a lot of discussion going on in addition to everything going on in the meetings. Heather did say about being very frank in the face-to-face meetings.

I think that this doesn't come as a way to do things behind the scenes, but I think by frank she basically meant that we absolutely discuss everything that comes across the table, and I certainly report back, as ALAC Chair, to my community, either by the Ex-Com calls, sometimes on the ALAC calls and sometimes in the face-to-face meetings that the ALAC has on the Sunday.

So there is that. Now, the issue of cross-community Working Groups is one that has come up as a discussion. There seems to be opposition from some parts of the community to cross-community Working Groups and much support from other parts of the community. Certainly there is still this element of distrust between the different communities, and as being one of the Co-Chairs of one of the cross-community Working Groups that has been running there was some element of distrust not between the Co-Chairs but between the participants in the Working Group. And that introduces problems then when it comes down to reporting.

Some believe that there should be a consensus on what should be reported back to the different component parts of the cross-community Working Groups. On the joint applicant support side of things there was different processes for the advice to be sent over to the Board, and because there was the ALAC on one side and the gNSO on the other, the ALAC had a meeting that took place before the gNSO. The advice went to the Board via the ALAC and not via the gNSO, when really it should have gone with the two groups.

But because we were under very tight time constraints, again, we're dealing with the "have things ready by yesterday", so we ended up having a little bit of friction because of that. But the discussions between the then-Chair of the gNSO and myself, made sure that we were entirely aligned on the subject and knew that we had to drive this forward. Brian?

BRIAN CUTE:

It's just occurring to me that as a Review Team here we're focused on this issue and we're thinking about can we come up with a recommendation that's useful, and there's discussion about, should the Board initiate it in a little bit of a top-down push?

But to my mind, the Chairs of all the organizations are collectively discussing is properly the best-informed people to tee up this issue. And I'm not suggesting that it should go outside of its Chatham House Rule candor, but, boy, there's the right people in the right room who are better positioned to address this issue than we as a Review Team are, in some ways. I'm not advocating the responsibility we have but it just seems like a natural place where that could happen effectively.

OLIVIER CRÉPIN-LEBLOND: Thank you Brian. Carlos?

CARLOS RAÚL GUTIÉRREZ: Just a short comment to what you explained – I think there are two levels there. One is these very positive, strategizing meeting to agree what's on the Agenda and what's not, and a different one, which is more complicated; to create cross-community Working Groups . But in terms for governments or people outside of the ecosystem to have some transparency – and I fully agree to keep the Chatham House Rules and then make it formal and so on...

But if there is more news on what is happening there on this strategic coordination, it would be great news. Even if you agree not to agree. As you said, it's not a question of formality, it's a question of formality. That would be very, very positive.

OLIVIER CRÉPIN-LEBLOND: Thank you Carlos. Just as a closing statement, there is undeniably a will from the Chairs to work with each other, especially on cross-community Working Groups. But sometimes there is reticence in some of their communities for such cross-community Working Groups. And this is how things become

complex because when you do charter a cross-community Working Group you really are looking at trying to find consensus in each one of the communities that are co-chartering the Working Group.

And if one of the communities does not find consensus, does that mean that the whole Working Group gets delayed into starting its action? That's a real concern. I don't know what this Committee here can say or do about this. Only I would hope that there would be support from this Committee for cross-community Working Groups, and it looks as if there was some support in ATRT 1.

Due to the position I'm in at this very moment, I wouldn't want to push one way or another. Avri?

AVRI DORIA:

Thanks. I think this is another one that falls into the category we created yesterday of good things are happening, more good things need to happen, keep it up, and so on and so forth; with perhaps some recommendations again of things that can be measured. I could say that it has improved, just from the sound of it, from when I was a Chair. And while we occasionally met for a dinner and we occasionally had the bilateral discussions – thought that's too big a term for two Chairs talking...

It has taken on, in terms of comparing what was the case, when I was gNSO Chair, to what is happening now, it's been a lot more formalized. Even though I probably don't have the correct definition of the word "formal" but "formalized" within an ICANN notion of the word. So I think that that would be a good thing for us to actually say; that good things are happening and that we think there should be more.

OLIVIER CRÉPIN-LEBLOND: Thank you Avri. Alan?

ALAN GREENBERG: Again, I agree completely. I think in addition to that there are opportunities where, when it's decided that a group needs to do something, look for opportunities and make it an effort that crosses the silos in ICANN. Instead of creating a brand new construct. And I'm not saying they're an equivalent of these new strategic groups or assigning it to one particular group. I think we need to look for constructs, look for opportunities for this.

That doesn't mean we have to do one a month and meet a metric of it, it means we should be looking for opportunities and not missing them when they come by.

OLIVIER CRÉPIN-LEBLOND: Thank you Alan. I'm closing on this subject because I realize the time is ticking. Draft recommendation including the rationale is to look for opportunities where there are real benefits for joint efforts. And I gather that would be for the different ACs and SOs to look at.

And then I would imagine the second part of this paragraph would be separated in a different case, where the Board in particular should – instead of must – charter cross-constituency groups when there are synergies between and among ICANN units. Or would you prefer to keep "must"? Alan and then Avri.

ALAN GREENBERG: I'm not tied to the wording of it. It was written quickly enough that I'm sure it can be refined. It dawns on me that one of the other silos we don't talk about is Staff. And there are probably opportunities... And it's done a little more now

than it was a few years ago. If you look at some of the gNSO implementation groups, the first implementation group that happened, it was Staff went off, spent nine months and tossed a document over the wall saying, "Is this what you meant?"

I understand with the current ones they are actually talking to each other before the document is finished. But again, I think opportunities for Staff to involve a select group of people from an applicable group(s) when designing things and coming up with brainstorming, there are probably opportunities there too.

OLIVIER CRÉPIN-LEBLOND: Avri?

AVRI DORIA: Though we said we couldn't combine the two things during the break, I've actually taken while we were talking and done a very slapdash combination of the two. I'll do another edit of it and then pass it off to Alan. I've started to capture these recommendations, so since you've got so many things on your plate and I only have two... But I will pass it by you before I send it further.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Avri. So that's one thing and the other thing is the metrics. Since there is evaluate and report progress, maybe the metrics part of this Committee would like to introduce some metrics into constant and ongoing evaluation of progress. But this is not a conversation that we should hold right now. With this that closes up 9.1(d) and I hand the floor back to Brian for a time check and at the same time I guess Brian can hand the floor

back to Larry, if we decide to continue on or if we take a break. But that's up to Brian. Thank you.

BRIAN CUTE: Thanks Olivier. I think we're scheduled to take a break at 10:30. Is Larry's piece the last piece of Work Stream 1?

OLIVIER CRÉPIN-LEBLOND: That's correct Brian.

BRIAN CUTE: Larry, if you can knock it out in 20 minutes that would be great. If not, we'll continue after Fadi's session.

LAWRENCE STRICKLING: Good. Alice, are you controlling documents? Could we have the draft new recommendations?

OLIVIER CRÉPIN-LEBLOND: I'm sorry to butt in again. One last thing – I did make a mistake; there is also Work Stream 1(e) but that is the PDP process and I believe that's probably not very constructive at this very moment, as long as we don't have the input from the PDP, from the contractors. So we probably would have to defer this until later otherwise we're losing time on that.

BRIAN CUTE: It might be worth a brief discussion just to check where the mindset of the group is in total. And you're right. The independent expert work is an

important input before we reach any preliminary conclusions. So let's take Larry's first and we'll come back to that issue.

OLIVIER CRÉPIN-LEBLOND: Great. Thank you.

LAWRENCE STRICKLING: Related to that, is Emily monitoring everything again today?

BRIAN CUTE: Great question. I don't think so. I specifically said when ICC is here she should listen in. She may not.

LAWRENCE STRICKLING: Really that was leading to the question of whether there's even any benefit to hearing from them for 15 minutes, just in terms of how they're getting underway.

BRIAN CUTE: You're right, and I have an update call with them tomorrow so let's table that for the time being.

LAWRENCE STRICKLING: Okay. We've put up on the screen the second document that we prepared with some suggested recommendations we can consider, related to the GAC. The way this document is structured is it first provides a summary of the comments and the discussions we've had. I would just want to highlight two or three points from that and folks can read through this again.

It's still fairly rough but we'll go back and refine it and edit it down and we certainly welcome input from anybody in terms of things that are in here that are extraneous things that we've missed or any word edits people want to suggest. We welcome any and all comments on that, particularly from our government partners who have been working with us on this.

But I think what we take away from the public comment process are, I think, three key points. One is that... Well, ATRT 1 spend a lot of productive time in making recommendations for improving the process by which the GAC and the Board exchange views on that advice and how that advice is handled. I think now we're faced with a situation where the rest of the community hasn't really caught up with all of these changes and doesn't really understand exactly how the GAC process works.

As a result, I think we had a lot of comments on things that might be done to improve the clarity and the understanding of the rest of the community with respect to how the GAC is operating, and you'll see those reflected in some of the proposed recommendations. I think secondly there is a continued concern raised in the comments about the extent to which the GAC is able to – and ICANN – attract more participation from governments, both in terms of the number of governments participating and secondly in terms of the quality of participation.

I think this feeds directly into a thread that we've been hearing from the beginning of our efforts; doing things to improve the legitimacy of ICANN in the eyes of the international community, particularly other governments. So we have some suggestions for how to deal with that. Then I think the third area, that we spent a lot of time talking about yesterday and I don't want to repeat today is this question of incorporating the GAC into the policy discussions earlier in the process.

So we had a pretty fulsome discussion of that yesterday and I see no particular need to repeat that now unless folks just can't restrain themselves. But if you could slide down to page six, Alice? It has seven possible recommendations. Again, we put these out there but it's really just to get the discussion started. I'll group these into four categories. Numbers one, two and three address the question of transparency and clarity. In this regard we took an approach that we have two fairly prescriptive suggestions – they're at numbers two and three.

Then we have some ideas coming out of the comments that the GAC and ICANN considered in terms of improving transparency. But I think as part of an overall view that I have, that perhaps we don't want to be too prescriptive with this set of recommendations. We've couched these more in terms of "suggestions" rather than saying, "You must do this."

But I think the two that are important to talk about are numbers two and three. If you could just scroll a little further down there Alice. And that is the idea that when the GAC is meeting there have been occasions when they have gone into closed session and I don't think it's been entirely clear to people why they've done that. I think the most striking example of that was the discussion in Beijing on the question of the development of consensus objections to particular applications for gTLDs.

So we are suggesting here that perhaps the GAC should consider formally adopting a policy of open meetings and to have very clear criteria for closed sessions. It was interesting, when we raised this issue with the GAC in Durban, you get the thing of: "Well, we can't be frank if people are listening to us," and I think this is a barrier that every group has to get over as they move from a typical, more traditional way of having discussions, into truly embracing the fully stakeholder model.

We hear this from other groups from time-to-time but certainly it's my personal experience that once you get past that threshold it really doesn't impede frank conversations, but it's certainly a barrier people see at the front end, before they're willing to stick their toe in the water and agree to something like this. And then I think the other one is a recommendation that the GAC should have some rationales for their advice.

I don't think anybody's proposing the level of detail that the Board engages in in providing rationales for what they do, but the idea of providing a little more context around the GAC communication, in terms of explaining their reasons for things is something that we think would help the rest of the community in understanding how the GAC approaches these public policy issues and how they reach the advice they give.

Scrolling back up to number one, these are some suggestions for things that could be done to keep the community better informed as to what's happening with the GAC. The idea of providing some orientation sessions for other people who aren't part of the GAC to understand how the GAC operates, the particular challenges GAC Members have in terms of participating in meetings.

Why it sometimes seems that the GAC can't arrive at answers or responses to things – because of the nature of the fact that people are representing their government and aren't always empowered in a given meeting to make judgments on behalf of their government but have to go back for consultation. Things like providing more information on agendas, updating websites, those kinds of things.

So these three, I think, fit into this category of more transparency and more clarity. Maybe I'll just pause here to see if any other folks either want to have comments on this, additions, objections that they want to raise? And maybe

just out of some spirit of comedy I'll always let Heather talk first if she wants, before I call on anybody else.

HEATHER DRYDEN: Thank you. I think this is a great basis of discussion so I don't have anything to add at this point, but if I can help throughout the discussion that follows I'd be happy to do so.

LAWRENCE STRICKLING: Do you see anything on here that you think is non-starter in terms of taking it back to the GAC or to ICANN?

HEATHER DRYDEN: No, I don't.

LAWRENCE STRICKLING: Other comments? Avri?

AVRI DORIA: Just a quick clarifying question – and it's ignorance on my part –; I don't know how a reverse liaison is different from a liaison. And I keep hearing the notion and I keep looking for what that means. And as a liaison from the gNSO, a liaison from ALAC, etc., and I really don't understand what additional content there is, but I assume there is something in the reverse liaison, and that's what I'm trying to understand.

SPEAKER: I believe the notion – and I do stand to be corrected on this – is that you can assist the GAC by identifying someone that's coming to GAC meetings or ones

that are convened by the GAC, rather than having someone identified in the GAC that's trying to track work happening somewhere else, that's convened by another part of the organization. So I think it's that kind of concept. It doesn't look like I'm answering your question.

AVRI DORIA: Yeah, that sounds like a liaison from... I mean, liaisons are always unidirectional. But that's okay. Now I understand what you mean by it.

SPEAKER: I think... Maybe just to help a little bit. The GAC has experimented with liaisons, the gNSO and things before and it hadn't worked. So this was their way of signifying who'd liaise in the other direction. So that was why...

AVRI DORIA: So that you could accept a gNSO liaison? Right.

CARLOS RAÚL GUTIÉRREZ: Just comments on sharpening the messages, which I think are all very good and fine. We're in a trade jacket, Board/GAC, and this has to be loosened up somehow, otherwise we can get into a discussion... That the relationship of GAC with the whole of ICANN is only through the Board's advice. I think we have to open the possibility for GAC to be involved with gNSO and etc. More involvement at different levels – not Board only. I don't know if that can be solved with some...

LAWRENCE STRICKLING: In number seven we addressed that.

CARLOS RAÚL GUTIÉRREZ: Yes, but what I'm trying to say is we have to send a clear message that the GAC is not a governance body over the Board, it's only advice. That's what I have learnt. [laughs] It's only advice, so we have to develop these chances for advice earlier, etc. So this is a big difference. Following... Yes, GAC is not the same as government and advice is not the same as governance of the Board.

LAWRENCE STRICKLING: Before you leave that Carlos, is there... In terms of clarity and transparency, is there a specific recommendation you'd like to add?

CARLOS RAÚL GUTIÉRREZ: Yes, I would add it to...

LAWRENCE STRICKLING: How would you phrase it, or how would you articulate it?

CARLOS RAÚL GUTIÉRREZ: That the GAC has more chances to interrelate the community than just through advice to the Board. I don't know how but we have to open up this possibility through liaisons in the gNSO, whatever. We have to get them out of this meeting room. [laughs] They should run around and go to the meetings of the other groups; as GAC or as individuals. I get a feeling we lose time going to the public meetings and being locked into GAC meetings. The GAC meetings should take place at a different time.

The public meetings should be the opportunity for governments to interact with the community, not just have GAC meetings. That brings me immediately to the next one: GAC work is permanent. It was a perfect loss of time to

discuss over three months if we should have an inter-seasonal meeting. We could not agree on a date. Although it was financed by the European Commission, etc.

It should be permanent. It should be the whole year. There should be no question about inter-seasonal meetings. They should happen anytime any government wants to call an inter-seasonal – that should happen. I could not understand that we could not agree on an inter-seasonal meeting at the GAC level. But I would put it in the words of “permanent”. The work is permanent – not only during the public meetings.

And then there is another thing I don’t understand. Steven started developing it yesterday. There should be a reality check at the domestic level. There should be a relationship of the GAC representative with the Country Code Organization. There should be a relationship with GAC with the local ALAC representatives, etc. The government representatives don’t exist independently of their domestic interest groups. And this is, for me, the reality check of the GAC representatives.

We have had discussions about whether a country has a good representative or not and we have checked credentials in some cases. But what we need to ask governments is: “Does your GAC representative know who your country code registry is? Does he have contacts with the ALAC people? With other people?” So we keep hearing that you have, in the US Government, these meetings of 20 agencies and whatever. Well, we should be promoting that for every single country and trying to explain to them how to do it. Thank you.

SPEAKER:

Not everything is a rebuttal, I hope, for me. You’ve reminded me of something I’ve heard and it might be worth noting it in relation to this because it relates to

the GAC and representatives in the GAC engaging with others in the community – using different means. And in terms of their visibility as being part of the community, the public forum is quite important to the community, or parts of the community.

What I've been hearing is that there is concern about representatives from the GAC not being in attendance; not being visible there, not being able to hear and respond in some way or have discussions in the break with those who have stood up in the public forum to contribute. Because that's an opportunity for that kind of broad exchange, at the end of a busy week of meetings that that's an example of whether there may be an issue and certainly a perception of a problem in some quarters.

So I think some may leave the meetings as soon as the GAC's deliberations are finished – in other words the negotiation of the communiqué. And so they depart home. So it might be worth investigating why that is – how they view the public forum and how that's a value to others in the community.

CARLOS RAÚL GUTIÉRREZ:

Yes, it's very important and I think the GAC is not a Working Group. You cannot have a Working Group with 60 people. So there should be a plenary limited in time and there should be drafting sessions and so on, but there should be space to act as Working Groups and go to the Working Groups and go to the community. Right now it's just the GAC meeting parallel to the public meetings, basically. But there is little interaction.

LAWRENCE STRICKLING:

Although more and more the public is coming to the GAC meetings, so... What about Carlos's suggestion of scheduling in the calendar inter-sessional discussions so that at the... What I took from Carlos is that it's virtually

impossible to schedule these things on an ad hoc basis, but is there some benefit to the idea that once you see the schedule of the ICANN meetings over the course of a year, actually picking some days out that are in between the meetings where everybody gets together for inter-sessional calls? Is that a good idea? A bad idea? Not an idea?

SPEAKER: I'm not sure that I understand the proposal exactly. Do you mean during the ICANN week, finding time in that schedule, or are you talking about exchanges outside of the usual ICANN meeting?

LAWRENCE STRICKLING: Right now the GAC has scheduled face-to-face meetings at the three ICANN meetings, but in the months between it's very difficult to schedule anything inter-sessionally for the GAC to conduct any business. What if, as part of the schedule-making for a year, you'd look ahead and think: "Okay... April, June, October we're going to be in these three cities, but we ought to schedule a day in May, a day in July, a day in September, that would be for inter-sessional conference calls or something like that.

So then everybody would have an understanding at the frontend that there is going to be these other times where people would be expected to conduct GAC business.

SPEAKER: Sure. You can do that. It's hard sometimes to know in terms of the Agenda, because you tend to have big or pressing issues and then need to be responsive to that. It may be that those timelines don't entirely match up with what you thought would happen at the beginning of the year. But personally I feel quite

strongly about things like the Agenda-setting calls, as soon as the meeting concludes, because I think we need as much advance notice about that and enough time to talk about the Agendas.

Something we tried at the last meeting was to have a short meeting – we ran out of time as we often do – to start talking about what the key issues were for the next meeting. So anything that we can accomplish with further strategic planning ahead, in the traditional meaning of that, is going to be beneficial. But I would always emphasize along with that that at ICANN, because the GAC is not initiating the policy issues for discussion, we're held captive, I feel, in a lot of ways.

So without the cooperation of other parts of the community in understanding about finding ways to prioritize, it's going to be a continual problem for the GAC. And don't ask me about scheduling for the ICANN week. It is a nightmare. I dread it. Don't go there. Yeah. [laughs]

OLIVIER CRÉPIN-LEBLOND:

Thank you Larry. I have two questions. One to Heather with regards to the GAC. Does the GAC hold regular monthly calls? I think you might have alluded to the answer here but... Do you have regularly scheduled monthly calls?

HEATHER DRYDEN:

We don't have them on a monthly basis. The Agenda-setting calls that we do, there is a rough timeline, like so many weeks before the meeting and that kind of thing that we follow closely. And then it's setting up additional calls based on identifying a need and a level of interest. The participation has been quite low and it's not everyone's preferred way of engaging.

In some cases I think even though we've got interpretation available now on our calls, it's not used. So it may be that there is an awareness that that's available and perhaps that would convince a few more to join the call. But it can be very challenging to participate. We haven't been using Adobe Connect. We could be using tools like this and there are ways to help us.

OLIVIER CRÉPIN-LEBLOND: So how does the GAC conduct its business between ICANN meetings?

HEATHER DRYDEN: We use email and the website. It's written communication. But if you consider that governments accomplish things by talking about text, it's not that unusual. That's part of the discussion of being on a phone call.

OLIVIER CRÉPIN-LEBLOND: We are in 2013. There are other ways to work than just written text. [laughter] Just a small... That's just a personal thought.

HEATHER DRYDEN: What do you mean? What do you mean? Be specific please.

OLIVIER CRÉPIN-LEBLOND: Being able to make use of all sorts of systems these days to work remotely, including voice communication, including voice over IP, including virtual desktops, conferencing facilities, etc., might be something that this Committee might wish to suggest with regards to being able to get the GAC to not spend 90% of its time with the GAC at ICANN meetings and having therefore more free time during ICANN meetings to engage with the rest of the community.

One of the big concerns – and this is something we’ve been faced with, with regards to the Meeting Strategy Working Group – is that we do tend to meet a lot between ourselves. The ALAC tends to meet a lot between themselves during an ICANN meeting and the question was, does the ALAC do any work outside the ICANN meetings? And yes, it does, and in fact the more work is done outside the ICANN meetings the more time it can take during ICANN meetings to meet with the rest of the community and to integrate with the community.

The concern I have personally is that the GAC, not having many monthly calls or much follow-up between those ICANN meetings, then has a huge amount of work to plough through during an ICANN meeting, which prevents them from being able to spend more time with the rest of the community. I might be totally wrong but I’d like to hear your thoughts on that.

HEATHER DRYDEN:

What I’m hearing you say is that you’re coming back to calls again and I think that for some in the GAC that’s just not a preference; to have a conference call. And this is why other tools such as online exchanges in writing – if English isn’t your first language I can understand... Also, the way that governments consult internally, they can take something written and they can go back to their colleagues and ask them to look at it.

That’s probably more important for the GAC to get its work done than a verbal conversation, which is also useful as well. But if we put this under the header of “preparing in advance so you can make good use of face-to-face time” – absolutely. That’s always the goal in planning for the GAC.

OLIVIER CRÉPIN-LEBLOND: Thank you. Just a tiny little question. I don't understand your answer to the reverse liaison thing. Are these Members of the GAC that would be sent into other ACs or SOs, or are they Members of ACs and SOs that would be sent into the GAC? Would they be presented as full Members or just observer status or something? Or is this yet to be worked out?

HEATHER DRYDEN: There has been a bit of discussion about it and I think the idea is that you find a way for them to come to the GAC meetings or be in attendance at those GAC discussions. Beyond that I don't really think there's been any decision.

LAWRENCE STRICKLING: I have five people in the queue but I understand you want to do a break? Do you want to take a break now? Let me ask this: does anybody want to engage on the exact topic we've just been talking about, so that we don't lose that thread? If not, I'll send it back to Brian and he can officially call a break. Yeah. Okay. We'll save the list of names. Brian, back to you.

BRIAN CUTE: We'll take a ten-minute coffee break and reconvene with Fadi and Denise Michel. And after that session we'll come back and pick up this thread of discussion. We'll take ten. Thank you.

DENISE MICHEL: I'll get started as requested. I know Fadi will be coming in as well to talk to you. I was asked to give the ATRT an update on our strategic planning schedule as well as the new ICANN Strategy Panels. The ICANN home page has a button there to encourage people to provide their input and help ICANN create a new vision and five-year strategic plan. Click on that? It takes people to a portal for

strategic planning and it discusses the process that we have launched and includes a timeline of how the plan will be developed.

The community discussion about creating new vision and long-term strategy for ICANN started online, in an informal fashion, at the Beijing meeting in April. Out of that discussion – which included a lot of really substantive online comments as well as brainstorming sessions that we encouraged and held with various community groups between March and June – came a number of important ideas and concepts. And eight key areas for community discussion and consideration emerged from this early discussion and brainstorming efforts.

In June, in Durban, we launched a formal period for seeking community input on a new strategic plan. We've asked people to comment specifically on these eight areas. They include role clarity, community, users, internationalization and regional development, Internet governance, security and stability, operational excellence and the last one which is the domain name industry engagement.

To see the discussion and encourage comments, as you click through this portal you'll see that leading questions and ideas have been provided in each of these areas to help people think further about what ICANN's future might be in these critical areas. To touch on the timeline briefly, so you're all aware of how the development of the strategic plan will go forward – as I mentioned, we started back in April with conversations online and with various community groups. Then at the Durban meeting in June we launched a formal public comment period.

Our Global Engagement Team is helping to conduct brainstorming sessions and input sessions in various regions. We've asked the ACs and SOs and various constituency groups to also conduct discussions and provide input; either in

person or on the phone or through this community portal we've established. So from June 24th through September 2nd we'll be accepting comments – really any comments that people want to share on our new vision and strategic plan, but we've specifically asked people to think about the key areas that I mentioned.

And the initial proposed plan and vision will be drafted and shared with the public for another round of comments and discussion in early October. So you'll actually have a proposed plan to comment on, starting at the beginning of October, running through the Buenos Aires meeting so we can also discuss it in person.

Then those comments will be – as is our normal process – synthesized, considered and ultimately a final plan will be presented to the Board for final deliberation and action. So we anticipate having a strategic plan finalized by early next year. That will feed into the development of an operating plan and budget.

To augment this process, Fadi also announced in Durban the creation of five Strategy Panels. And these Strategy Panels will help augment the issues that have been raised in the course of the strategic planning discussion and they're intended to be small Panels drawing from within and outside the ICANN community, to bring a focused level of expertise and knowledge to bear on some critical challenges that the community has identified in the course of this strategic planning process that I just outlined.

The Panels that have been created and are in the process of being populated are: the Strategy Panel on Identifier Technology Innovation, Chaired by Paul Mockapetris; the Strategy Panel on ICANN's Role in the Internet Organization's Ecosystem, Chaired by Vint Cerf; the Strategy Panel on ICANN's Multi Stakeholder Innovation, Chaired by Beth Novak; the Strategy Panel on Public

Responsibility Framework, Chaired by [inaudible 02:26:18]; and finally the Strategy Panel on the Role of ICANN in the Future of Internet Governance, and a Chair has yet to be named for that one.

We've encouraged ICANN community members and really any interested member of the public to let us know if they're interested in participating in some way on one of these Panels, and membership is in the process of being identified. The web page you see here identifies key deliverables for each Panel. Again, the idea here is to focus on some of the key challenges identified by the community.

Anything that comes out of these Panels – of course the Panels are reporting to the CEO – will be fed, if appropriate, into the community processes; be it as input to the strategic plan or input to other activities that are currently within ICANN. These Panels are advisory only; they have no decision-making authority. I think I'll stop there and make sure that all your questions have been addressed.

BRIAN CUTE:

Thank you Denise. Open floor. Questions from the Review Team Members? Lise?

LISE FUHR:

Well, those Strategy Panels... I was going to ask Fadi this but I don't know if... The idea of the co-relation with the ATRT 2 Team, because a lot of the stuff that some of the groups are looking at is related to the things we're looking at too.

DENISE MICHEL:

Did you have something specific in mind?

LISE FUHR: Well, yes, I do have. You have the Panel on multi stakeholder innovation and you have the Panel on public responsibility framework, and I see these two are looking at the subjects that we're also going to address some recommendations regarding.

DENISE MICHEL: Right. The ATRT is looking at some very specific issues, while these Panels are much more high-level and strategic in nature. They are advice and guidance anticipated to be strategic, very high-level and long term. So where there may be some connections I think there is two different approaches. You're looking at more specific details and more short term, while this is intended to be more visionary and long term and provide some additional ideas for the community's consideration.

Having said that, the Panels will have communication and outreach activities and they will be setting up a whole variety of ways for the ATRT and gNSO and other interested groups to discuss issues with the appropriate Panels and understand what they're doing and provide any input on their work. That type of thing.

LISE FUHR: Well, I don't view our work as short term, I'm sorry. I also hope that it's long term. That's my opinion; that our recommendations are made so that they can last for a long time. Some will end but a lot of the recommendations that we've seen done by the ATRT 1 are continuing things. Well, I just feel that the timing of this is a bit awkward according to our work.

DENISE MICHEL:

Thanks. I should clarify – by short term I meant that you are addressing activities that are occurring right now and I'm sure your work and your guidance will have a lasting impact on ICANN. When I say short term I meant you're addressing activities and events and processes and procedures occurring right now, whereas these Panels – for example the Multi Stakeholder Innovation Panel has been asked to think outside the box and offer some ideas about whole new ways of engaging the international community at policy activities within ICANN.

Whereas you're looking specifically at how the gNSO PDP is working, what improvements might be made, they're looking... They're intending to think quite broadly of that an innovatively about potentially whole new approaches to doing this type of engagement. Does that make sense?

BRIAN CUTE:

Jorgen then Avri.

JORGEN ABILD ANDERSEN:

I'm a little bit surprised Denise, with your responses to Lise's remarks, which I can echo completely and I think that she is completely right in asking the question. First of all I want to maybe emphasize that the activities you're carrying out should be highly commended. But I'm afraid that I do not share your view that we are on the short-term basis and dealing with what is occurring now. Let me give you an example.

From the very beginning of our work I have personally put a lot of emphasis on the necessity of dealing with the legitimacy of ICANN, [inaudible 02:32:33] the outside world; be it governments, be it the rest of the Internet community. It's very important. This is long term. This is strategic.

And that is why I think that Lise is completely right in pointing out the fact that with the Strategy Panels that you have established – and there might be a lot of merit in doing so and I wish you the best of luck in carrying out good recommendations –, you should be aware that there is a lot of common ground for cooperation between ATRT 2 and the Strategy Panels. Personally I would – and I think this would also be the message coming from Lise – urge you as much as possible to do this in common with ATRT 2. Thank you.

DENISE MICHEL:

Yes, thank you. That is certainly the intent. The expectation is that these efforts are complementary; that wherever needed they will be well coordinated and while the Affirmation of Commitments asked the ATRT to look at things that have already occurred – understanding [the broad? 02:33:44] mandates –, the intention of these Strategy Panels are very much for the Panels to look forward and bring any additional ideas that the community and Board may want to consider.

But we see these as complementary and we want to make sure that there is as much coordination and communication as needed between these two efforts.

BRIAN CUTE:

Thank you. I'd like to welcome Fadi Chehadé to the room. Thank you Fadi for joining us. I know you have somewhat limited time and that's respected. We're at the point in time where Denise has given us an overview of the strategic planning process and the Strategy Panels. We had Avri in the queue. I'm going to let Avri go and then we're going to direct Q & A to Fadi directly.

AVRI DORIA:

Thank you. I think the question I was going to ask could just as easily be directed to Fadi – I was going to direct it indirectly. I think I'm a little less generous than Jorgen about my feelings about these high-level Strategic Committees that are somehow more important than anything else anyone in the community is doing. What I'm having trouble understanding is how it was possible to create these without first consulting the community.

The springing of the surprise when we got to Durban was almost, for me, breathtaking, in that here a new set of strategies is going to be created – and hopefully you'll forgive me; for Presidential Committee, by another name – and I don't know how that is appropriate given the community-driven organization. So I'm still having trouble understanding how they produce anything that is actually part of this community, since they are obviously beyond the community in some ways.

FADI CHEHADÉ:

Thank you for your continued, incredible commitment to ICANN and its mission. I appreciate it. Let me just set the stage a little bit on the Strategy Panels. First of all, we are following a precedent that has occurred at ICANN before – this was not an invention we came up with. And I studied that precedent and I understood from it what went well and what didn't go well.

So we adjusted our approach to the Panels in order to make them more successful. We did not invent the Panels. The Panels came through the comments that people were sending us on the strategic plan online. As you know, in Beijing we set up a place for the community to come and converse with us, share their ideas with us, and we received many comments from Beijing, until the time when we said we have four or five nutty nuts that we need to crack and therefore let's find a way for the community to solve them.

We specifically didn't call these President's Committees for a reason – because we sensed and understood from the community that the community didn't want some kind of President's Committee. It's not about me, it's not about the President's Office, it's about the community. We also didn't call them High-Level Committees or Experts' Committees – we avoided all these names because that's not what they are.

But substantively, aside from the window dressing to these Strategy Panels, the Panels will be stuffed with Panelists from the community. We are not planning to build these Panels with people who are not completely immersed and part of the community. This is the way to ensure that the outcome is a community outcome.

Secondly we stripped these Panels completely of any power. They have no power to decide anything, they have no power to implement... Unlike for example, to be frank, your Team here – these Panels have no power. They have absolutely no say, other than to provide the community – as Bertrand always says when he describes how we can improve our work – with a framework to have their own discussion. And the framework is provided by the community, not by people from outside.

Having said this, we also understood that it's good to have some people from outside of the community; that it also provides good perspective. So when you bring people like, for example, Beth Novak, into the process, Beth will bring a perspective that could aid the community in understanding what it needs to.

So I want to assure you that these Strategy Panels, which are time-limited by the way – that was an issue the prior Committee had –, they have a very clear scope, they have a very clear timeframe, they are small with a maximum of seven individuals, they have to have a mix of people from inside and outside the community. We have invited everybody to submit their name, we have an

excellent – I don't know how many people are on that spreadsheet –, amazing number of people who've submitted their names.

All these names are being studied, they're sitting down with each Chair of every Panel and making sure that the right people represent us in this work that has no finality; it's a work that gives us a framework to continue to have this discussion. I do think that some of the issues these Panels are addressing are difficult ones and are ones where our record to-date on coalescing to solve them is not always great.

But some others are pretty straightforward, for example the Committee of [Nee Kwaynar? 02:40:13] on Public Responsibility. I think all of us are at the point where we need to have that dialogue. We cannot have that dialogue once we have all the monies, once we decide, okay, we do have a surplus, we don't have a surplus and what are we going to do with it? I think we need to set the framework now for what we would do as we grow up.

ICANN's revenues are expected to grow. They're not expected to shrink over the next few years. What do we do then? What is our plan with this? So this is a good dialogue and it's one that I think will lead us, hopefully, to the right frameworks. But no decision making, absolutely no decision making on these Panels. They are just there as a result of the public comments received and the areas that we felt need to be addressed.

BRIAN CUTE:

Thank you. Carlos?

CARLOS RAÚL GUTIÉRREZ:

Yes, thank you very much. Good morning Fadi. When we were preparing for this meeting we were thinking that this is a time where we have to start

producing our own recommendations and so on, and I conveyed to the group that I see a lot of efforts from your side, from the organization, to introduce lots of changes and issues. And it would be the right time to hear from you your progress.

I don't want to talk about these initiatives particularly. I want to bring it down to very down to earth issues that I've been putting in these rounds. When we started I asked, "Show me an organizational chart," because when you open the web page you get this chart with all these SOs and ACs and now you have done a beautiful one with the SOs on one side and ACs on the other one; so I see some progress. I think it's very important for the transparency. And then a functional organizational chart came up that showed some difficulties with the outreach and international efforts and so on.

Then in Durban you already mentioned what I liked very much; to start focusing some areas on operative issues like creating this division for the gTLDs, separate from the compliance function. So in my view I start seeing a new organizational chart and for me that's very important. We had a very deep discussion on the policy development process and this is a very strong prejudice that I have. I tend to look at ICANN more like in divisions; corporate divisions.

I tend to see the policy area and then I love the compliance area of course because I'm being paid to be a revelator right now. And then you have the operative areas and so on. And this was my request, to have a meeting with you. But what is your progress and what is your view? Where are you heading in this organization because I think this is very important so that we don't make recommendations that are late because you are already implementing some changes there, or very superficial because you are much deeper into that.

So I wanted an update on how you see the present. Where are you looking internally in your reorganization of the corporation in the short term? Thank you.

FADI CHEHADÉ:

Thank you Carlos. I would say, in simplistic terms first that if I were to assess how far I am in the, what I would call, the first phase in reorganizing and reforming ICANN's functions, I would say I'm about 65%. We still have about one-third of the way to go. My guesstimate is that by the end of this year a large portion of the effort to organizationally get ICANN to scale and perform its functions in a more efficient way will be done.

But we're not there yet. One of the major decisions that were made in the last few months, which you alluded to a moment ago, is that we found that the scope of things under what we call operations, under our COO, were just too broad. There were just too many things going on under what we call operations. So we split his area into three areas. The first is what I would call administrative and corporate-type operations; finance, HR, program management, risk management – which again were areas we were not paying a lot of attention to.

Procurement, not paying a lot of attention to. Insurance, not paying a lot of attention to. So all these administrative areas, which were all seconded to our focus on the gTLD program, needed their own attention. So we're propping up procurement, insurance management, risk management, HR – which is no longer managing people here in LA, 120 people, we have now doubled the organization and are potentially adding another 100 people by the end of June, globally.

So HR is a different organization, finance is a different organization. So all of that has now moved under a new person called Susanna Bennett. And Susanna, who is originally from China and moved, like me, to the US and built her life here, is someone who understands the world. And in her last job she managed all these functions for a multi-billion dollar company that is operating in Japan, the US and Israel. So she has the experience to do that from day one and comes with an enormous amount of administrative and corporate experience.

So all this was part one. Part two is what I would call all of our – excuse the word – “business” operations; all of our operations in the gTLD space. The contractual relationships we have, the strengthening so we can manage the growing number of registries and registrars in a very professional, global way. Once again I must... I’ll be candid in saying that a lot of these functions at ICANN were handled in what I would call an artisanal way. We did not have what I would call true, structured ways.

Until not too long ago we didn’t have a true CRM system in place that is deployed so that I don’t need to hunt to find out how to call at a registrar in Mali. I can go to my CRM system and I can find out who they are, who talked to them in the last year, what was the outcome, what were the documents exchanged with them. All of this was just deployed in the last few weeks.

So a major change, a fundamental change to how our business operations run. It’s critical, and this is the area where we will grow the most, in my opinion, because of the gTLD program. All of that is under Akram Atallah. And that’s his new role as President of this new division. And then the third part, which we have yet to address – and you may have seen that we put on our website an appeal to get a new leader for that area – is what I would call the technical and security operations of ICANN.

So this is all of our IT but also all of our security, all of our DNS operations, all of the pieces in ICANN that need very, very senior attention to technical and security operations. And I think this is an area where our role will grow, it will not shrink. Therefore we need senior leadership in this area. We engaged Egon Zehnder yesterday to actually help us with the search, because our search through our own channels has not, in my opinion, produced the right level of candidates. So Egon Zehnder was engaged yesterday to help us with that.

So that's a fundamental change to how we're operating ICANN. All right? It's right there. From the beginning we are building these infrastructures to get these areas addressed. The other more soft pieces that are harder to discuss... I shared with you last time that when I arrived there was a pretty broken spirit at ICANN. And one of the things that the folks that hired me, that interviewed me on the Board, emphasized a lot was that you really need to bring the ICANN Team and ICANN community and ICANN Staff, bring back a positive spirit and energy. And we spent quite a bit of time on that.

Frankly, it was worse than I thought. It was a spirit of defeatism, of fear, that I think was very detrimental and very defensive. We should really be, as a community, so proud of what we are and what we have done and finally stand up and say: "We have something great to show the world." All of us. I'm not speaking about Staff. All of us.

So I think we've put quite a bit of time into that and we are way ahead in that department through internal feedback that we're getting from employees as well as from the community in general, who are seeing a change in the energy level and the positiveness of ICANN. That's also a very important area of reform that we had to do on the inside of ICANN. Simple things that you mentioned: "When I arrived I asked for an organizational chart." This is day

one. “Where’s my organization chart?” “Who’s here?” “Who works here?” “What do they do?” “Who does what?” “Go to the Wiki.”

I said: “I can’t go read one million pages. I need clarity on...” So basic things like... This is now done. We have an organizational chart, we didn’t have one before. We have a task or system that tracks who’s doing what. I go every morning, I can look at my dashboard, I figure out who’s on time, who’s not on time. We have cadences of meetings. Basic things. But we’re not done, we still have quite a bit to do. But we at least, I think, have gotten to the point operationally where we are functioning more efficiently.

We still have another big notch to go to and we have a plan towards that. And I’m confident that as Susanna and others start implementing the things we are working on, we will be a much, much more solid and sane organization by the end of this year or next year. I hope this is what you were seeking in terms of high-level input. There’s a ton of detail but I don’t think I can go through it today.

BRIAN CUTE:

Carlos then Alan.

CARLOS RAÚL GUTIÉRREZ:

Sorry. Yes, in terms of what we’re discussing here and in terms of what you’ve said, I would be interested to focus on what you think is happening in terms of giving better support to the policy area, better support to the Board, better support to the PDP, better support to the GAC, etc. Because this is one issue that we have to address very directly and where we have had a lot of complaints and everything. And you also thought you would have more resources. Of course, you will have to be wise in assigning these resources.

This is a particular area where I think in the next... Not today but for the next few weeks, it would be good to have a sense of where you are going, because I'm afraid we might come with a Christmas list. Give a Secretariat to the Board, give a professional independent Secretariat to the GAC, put a lot of money into multilingualism, and so on. That is an area that I think is more relevant to our immediate work. Thank you.

FADI CHEHADÉ:

Very quickly, just to tell you, in my opinion when I came, when I arrived here and started understanding the depth of the issues you just brought up, I think we were doing a very mediocre job in supporting our Board, in supporting the GAC. I can't speculate why, in the sense that I cannot go into: "Was this intentional? Was this just part of the way things happened?" I don't know. What I know is what I'm doing.

Number one, let me talk about the Board. We have a very meager team supporting a huge Agenda and it just doesn't work. So we have tripled, possibly quadrupled, the resources that will support the Board in this year's budget. We just hired a Director of Board Support, who's... You met her? And she comes highly recommended from the OECD and she'll be building a very nice team. We are giving her a ton of resource and leeway to get this done right. If the Board is not supported properly then frankly we all lose in the process.

Secondly, on the policy making process, here we have some more issues that I think are deep and fundamental and need to be addressed. And this is an area where I hope, if anything, you would spur us to continue to move in the right direction. I don't want however, as I said when I met with you briefly in Durban, to continue to make a strong statement that the gNSO's broken. Because I don't think that the gNSO is broken.

The gNSO works. Could it function better? Could there be better ways for them to achieve their goals? Yes. But frankly, what the gNSO does is remarkable and it's very important. There are many things that could be done better in the gNSO. We need to review them and do them. I'll give you one example of an area that Beth Novak, in her Strategy Panel, will be looking at. We do not have a very inclusive process to make policy that includes everybody in an open and more transparent way and less silo'd way.

I think the IEFT does a better job than us in that department. So one of the things that Beth's researchers are doing is studying in depth and mapping how the IETF does its policy; comparing it to ours and seeing if there is anything we can learn from how they form Working Groups in a more ready way to engage with things that the community wants to do in the IETF.

So some of that work needs to start happening in a constructive way, in a positive way. We need to increase support for that area. I have increased it this year. I have added more people in our policy area. David is, I think, doing a very fine job in [inaudible 02:56:50]. And then you had the third one, that the Board, the policy-making process... GAC? GAC, if I could be very direct with you again, I think our GAC support – if you exclude an individual, [Genie? 02:57:07], was really a stepchild of this organization. We hoped it would happen and if it happened fine, but we didn't have proper resolve, we didn't have proper depth of support, we didn't have tools.

And I think if you ask Heather, we have come a long way. Even just in coordination. I meet with Heather monthly. She is the only regular AC leader that I meet with. She gets briefed monthly by my Team as to what we're doing. She gets a report from us. We increased her support; we now have a fulltime [inaudible, Olaf? 02:57:48], who is supporting her. So we're putting more effort into doing that and I think our Board, if I could give them some credit,

the work that they're putting in to be responsive to the GAC is quite remarkable.

In my 30-year career I have never seen a Board work this hard to make sure that GAC advice is addressed in a very professional way. They met this summer once a week, almost. Once a week! This is people all over the planet; people waking up in the middle of the night to make sure that nothing fell through. This is incredible. This is why we need to support the Board more and give them more resources so that they're responsive to the advice and now we're getting formal advice from ALAC, responding to the it with the same voracity and that's good.

So I think there is improvement. We still have a long way to go but I think there is substantive improvement and if I can give one final comment here on this – look, there are two ways for this to improve. One way is by being dragged to improve it, because some people may not believe we need to do more of these things. Or by believing that we need to improve it. I came with a strong belief to this job that these are the right things to do.

I listened and I understood that if we don't support the GAC properly, we lose. The GAC is a treasure of ICANN. It's an absolute treasure of ICANN. As is the gNSO. If we do not look at it this way, if we do not understand that these communities coming together in these supporting organizations and these are treasures for us, and they're our legitimacy then I think we're the losers. It's not about us, it's about these SOs and ACs. So I believe that and that's why we're supporting this.

BRIAN CUTE:

Thank you Fadi. I've got Alan, Olivier and I'd like to put myself in the queue. But I want to check how much time we have available before we go much further. We want to be fair to your time. Okay, Alan, Olivier, myself and...

ALAN GREENBERG:

Thank you Fadi. Two comments, both relatively brief. The first is a word of caution and it goes back to something that was said earlier. As these Strategy Panels, Expert Working Groups and such are announced, they are hailed as what are going to save ICANN.

That implicitly ends up denigrating the rest of us who are working our "somethings" off, whether it's in the ATRT or the operational ACs and SOs. Because it almost says we're down the tubes if we don't put this new Expert Working Group or Strategy Panels in place and they're going to come up with the brilliant ideas.

And having them is not a bad thing but it's got to be done in the context of the rest of the organization. We have an awful lot of volunteers at ICANN. In general, at some level we talk about them all the time. At a more specific level we ignore them. With all due respect to Olivier, the Chairs of the various organizations are heralded regularly as the things that allow us to do great work. Many other volunteers, the only recognition they get is when they leave and people say thank you.

And somehow we have to have a balance between the great things that we're going to do in the future and the operational things that keep churning along and have huge amounts of investment. It's a difficult problem but I think that somehow we need to make the two balance.

The last thing is a very operational issue. You said that when you came you didn't find an organizational chart and now you have one. Can you tell us where it is? Because I can't find it.

FADI CHEHADÉ:

We are right now... We finally got to the agreement that we should share it. [laughter] You'd be amazed how difficult this was, but I agreed that I would do it after I split the operations area, so right now they are splitting the operational areas and creating this new Head of Technical and Security Services. Frankly, this is the last area where we have some sensitivities. I'm finishing it right now because of IANA, DNS ops... So I'm finishing it as I speak and as soon as it's done I'm publishing it and I'll Tweet it in the next... You'll see it very soon. I'm almost there.

They wouldn't first share it with the Board. They were arguing with me that we shouldn't share it with the Board, and I said: "Why can't I show my organizational chart to the Board?" And Steve was equally puzzled. Again, I don't want you to think that I'm fighting to do the right thing, but I'm also trying to bring people along to understand that this is part of our transparency... It is on our internal Wiki. The employees see it but now we're taking it to the next level and you'll see it soon.

On your first point, I agree with you and I'm trying extremely hard and I'm going to secure help to make sure that these Panels do not appear to be above what's already... I mean, I did everything possible [laughs] to make them smaller, to give them remits that are clear, to make their names smaller, to not make them appear like their usurping anything else that's going. They're part of the process but I could use your help as people start participating in these and the outcomes start happening.

Each of them by the way will start their operation with a community town hall. So there will be virtual community town halls. They will invite everybody in the community to come and guide them and tell them what should be their focus and then they will do that again in the middle of the Strategy Panel and then before the end as they're coming close to some conclusions that they will share with the community.

So we will try to mesh them in the community as best as we can and I could use your help with that.

BRIAN CUTE:

Thank you Fadi. I've got Olivier and Fiona Asonga.

OLIVIER CRÉPIN-LEBLOND:

Thanks very much Brian. On the subject of the organizational chart I think it's the general view from this Panel of being called the Accountability and Transparency Review Team that anything that doesn't need to be kept away and confidential should be transparent. So even if an organizational chart might have specific individuals that might be lobbied if they were identified as being in a particular position, you could blank those people out and just have a silhouette rather than have the whole organizational chart taken away.

But anyway. So that's one thing. But now comes the hard question. Some outside and inside this community believe that since ICANN was created it has suffered from mission creep and from bloating budgets. Bloating travel budgets and the whole lot. Do have any concerns about this or any comments about this concern that has been emitted both inside and outside of ICANN?

FADI CHEHADÉ:

I'm not concerned about mission creep. We have zero mission creep. Everything we're doing is within our mission. Of that I'm convinced. Bloated budget is a different thing in the sense that, do we need to manage our budgets in a tighter way? Yes. Are we putting now controls into doing that? Yes. I've just reviewed a whole bunch of new controls that would make the controls I ran at IBM, which had 36 levels, actually... Ours would look much smarter than these.

So we have put in place all these things and as we speak we're changing quite a lot how expenses happen, how travel happens, how third parties are brought on board, how third party vendors are engaged. All of these controls were there but it's one thing to happen and another to enforce them. So first we reviewed them and we have now, internally, gotten all the leaders behind them. We're talking to the executive about them and then we're moving to the next level of putting an implementation regime around them.

But I'll give you an example. 100 ICANN Staff went to Durban. 100 ICANN Staff. In addition to that you have about 40 or 50 people that go to Durban to run these things and do translation and to set up the meeting and make sure the meeting... That's very expensive. [laughs] Very expensive. So after Durban I sat down with the Team and I said: "Look guys, I've done my three ICANN meetings. I accepted that this was how we needed to do them, but maybe we should start talking to the community about a different model."

So we're meeting with Sebastian, when he gets here shortly, and we're going to go through the Working Group he set up to start really asking some tough questions. Should our meetings go around the world? It's very expensive to go and learn locations every three months. You have no idea what goes on to make sure that our meetings run. When I look at the operational complexity of

that it's mindboggling. Why not hold the meetings at our new hubs – LA, Singapore and Turkey?

I wish everybody had their eyebrows go above their head when I said that. But is it a possibility that we reduce costs by having Teams in these locations to start managing these meetings? So there are big questions that we are asking. Do we need 100 ICANN Staff to go? So I asked my Leadership Team to come back to me with a plan to make it 50. How do we make it 50 without reducing the value that we provide at the meetings? What can we do? Are there different things we can change?

Let's pay for more community members to come to our meetings rather than send so many Staff. So I immediately asked Janice to double her Fellowship budget. I doubled her budget on the spot. I said, "Go and get me more Fellows." Let's bring more people into the community rather than fly more ICANN Staff to the meetings. So these are the things we're dabbling. We're pushing the envelope on these things to keep the budget from a control standpoint down but also ask the tough questions of some practices we've done when we were 400/500 people.

But when you become thousands of people become questionable as to whether it's the right practice. We should ask these questions as a community, not as a Staff. And we are asking.

BRIAN CUTE:

Thank you. Olivier, quick follow-up?

OLIVIER CRÉPIN-LEBLOND:

Thank you Brian. So that's all about accountability. What about transparency?

FADI CHEHADÉ:

Look, I think that ICANN... My problem in answering this question is I need a measure, I need a benchmark. I want to be the benchmark. Let's be clear on that. There's no one today that I know of that operates a community this size with this complexity, that can give me hints of how I can be even more transparent. I want ICANN to remain a benchmark of transparency. I'm committed to that. I'm committed to that.

But I need to start doing this within a framework, within a context that says: "This is the framework of transparency and I understand you're helping us with that by bringing... This is fantastic. I'm extremely supportive of this." And if the benchmark that a third party tells us is 'X', I will plan for 'XX'. Because this is a huge part of our legitimacy. I'm clear on that and I'm changing culture internally to increase that.

But the resistance is really not to "hide things", the resistance is to avoid situations like you mention, because the moment we publish a full organizational chart, there are some very enterprising people in our community who will be calling every person on that organizational chart to change our mind on something or influence them on something. Now, we have to live with some of that. That's part of our job, right? To learn how to deal with that. But I want our organization to be strong enough before I open these windows.

So they understand when you are somebody three levels below Maggie and you get a call from somebody telling you: "You sent us this letter from Compliance and this is my view..." and they're pressuring you. What do you do? Do you know what to do and do you know how you actually handle this? So we've been doing that training internally so that people are ready for that. That's the kind of transparency... The operational things we have to do to be prepared for even more transparency.

But you have my commitment on that and I think we do quite well there compared to most organizations on the planet. But we have to keep that stance.

BRIAN CUTE:

Thank you. I've got Jorgen, Fiona and Michael and then I'm closing off the list. Lise, you're in.

JORGEN ABILD ANDERSEN:

Good morning Fadi, good to see you again. Thank you very much for giving us a report about the progress you've made since you took office one year ago. Almost a year ago. But a lot has happened and congratulations for the 65%. You said a lot of interesting things. One of the interesting things was your very flattering remark about GAC being your treasure. And I suppose as a Chair of GAC I really listened very carefully and the government representatives also listened very carefully to your description of GAC being a treasure.

I would like to ask you whether you can confirm that you also regard governments, which are not currently a member of GAC, as part of the treasure? And by asking you this question I want to refer to what you said last time we met in this room about your outreach activities, which I personally think are very positive. If I remember correctly you mentioned one example of one particular visit you paid to a country in the Middle East where you actually convinced... Was it Bahrain? Lebanon, to take part in the next upcoming GAC meeting, which is good. And Bahrain, yes, that's as I remember it.

What I want to mention is that during the meetings of this particular Review Team, the outreach towards governments and the engagement of governments in the work of ICANN has been one of the topics that we've been dealing with a number of times. As you also know, we decided to draft a letter

to be sent to those ministers responsible for Internet issues in the countries being members of the United Nations.

What struck me with surprise on that occasion was that it was very difficult to get that letter out. Not because of the drafting of the letter – the draft was completed in May of this year – but the complexity of finding the right persons to send the letter to was enormous. And I was surprised personally that ICANN was not able to define who to send the letter to.

And when you talked about in your intervention that you are in the process of finding out who are the registrars and so on in order to... I would be very happy if you could confirm that as a basis for your future outreach activities with governments, to convince them to take part in the work of GAC, you will also very shortly have a complete list of those ministers responsible for Internet issues.

FADI CHEHADÉ:

This is so well said and it makes me smile because it's spot on. Yeah, frankly, when I arrived here I asked where the contacts are. If something goes terribly wrong, where do I go? Who do I call in a country? We did not have the disciplined infrastructure. I'll give you an example that will startle you further. I said: "I'm the new President here, I have an Assistant. Can someone give me a contacts list that I can put on my phone so I know how to reach Larry Strickling if I need to, or you if I need to?" And they said: "We don't have that. Everyone builds it on their own."

There wasn't a contact list that I could start with. It's remarkable. So we're starting from a tough point but the capabilities and the focus and the discipline to do that is being deployed. So, yes, indeed – the CRM system, which happens to be salesforce.com that we acquired, which is the top CRM system in the

world, has been deployed in the new gTLD division. And the same system, as we speak, will be extended to all of our other divisions, including the [TARIX? 03:17:02] Governmental Engagement Division, Sally's other engagement divisions.

So all the contacts and the correspondence with all these stakeholders will be captured in one place. So that is happening as we speak, from an operational standpoint. Of course, all the new contacts that I've made since I've come here are being loaded into that right now. We're putting all of that into this.

We did not have that discipline – it just wasn't there. So we're doing this now. Also, because of our new social media focus, I would like to know that if I needed to send a letter now to 40 governments or 40 ministers about a particular issue, that I can go into a system and select them, write the letter and it's out in ten minutes.

You shouldn't wait from May until July to get a letter out. I was very embarrassed by that but that's the reality. We do not yet have these things in place. But that's why I say 65% because I think most of these things will be operational and working by the end of this year. I'm very pleased with that. I also want to say something about the government piece.

I meant what I said. There was also an air of governments are something we just have to content and deal with. And it wasn't common. Some people, including my Chairman, believed this was a very important set of relationships that we should maintain, but not everyone felt this way in the ICANN community. I believe that the existence of the GAC, which is unique across the Internet organizations is indeed a treasure.

And frankly, I would further say that it's not just a treasure for ICANN, it's a treasure for the multi stakeholder Internet organizations. And if we do not

support it seriously and earnestly and with respect, understanding that it doesn't mean that we rubber stamp what they do – and they know that now; they understand it's a dialogue – I think we are the losers. We are the losers. I meant that and I continue to mean that and I will show it throughout actions, not just our words, with how we are working with the GAC.

The final thing you noted is... I want to share with you a strategy that's very important. Most of our focus on governments has been on the telecommunications ministers. We've now made a decision within ICANN to extend that beyond just telecom ministers. That we should also reach out and speak to, for example, there are now many countries that have ministers for digital economy.

These guys could actually be very interesting contacts as well because they have a business perspective that could be important for our agenda and they may be less inclined to see the ITU as the only solution, because they have a different perspective. So we are also, when we're going to these governments, extending... Just asking if they have a digital economy.

I also want to tell you that last time I shared with you that we are investing in pushing countries to develop models similar to Brazil's, similar to New Zealand, to create multi stakeholder bodies at the country level – I'm happy to inform you that Mexico has just agreed to follow our advice and do just that. And one of my Vice Presidents is there today to inaugurate the creation of a multi stakeholder body that involves government, business and civil society in Mexico, to actually manage the Internet policies of that country.

These are really positive things that we're starting to see in our government engagement. Is that...? Thank you. Thank you, I appreciate it.

BRIAN CUTE: Thank you Fadi. Fiona?

FIONA ASONGA: Morning Fadi. Nice to see you again. Now, I think you and your Team are doing a lot of good work with the strategy planning and everything that you are running with and the briefings we've gotten from Denise, and you are very helpful in enabling us to know exactly what is going on. However, I personally get a feeling like there's a bit of stuff being swept off under our feet. In the sense that there are issues that a charity too is looking into and Staff tell us: "Oh, we're also looking into it and we have a party we're engaging on 1, 2, 3."

And I'm just wondering, with the [inaudible 03:22:02] which everything is happening, I would like to put you and our Chairman to task so that between the two of you we agree on a timeframe. If by a certain date ICANN Staff will not have – or whoever you engage will not have – delivered on certain issues, ATRT 2 should be able to go ahead and still capture those in our recommendations. Otherwise, you are getting to a level where we're beginning to draft and I'm felling like: "Okay, so, how do we move on the things that we had identified as needing attention? And we probably need to put in some recommendations."

Yes, we know that there is Staff doing it, Staff is looking into it but there isn't anything concrete that has come through to us yet. Could we possibly get a cut-off date that if by that time we can actually capture those and be able to proceed and still allow you to do what you're working on.

BRIAN CUTE: For the record, I did not put Fiona up to that. She does this on her own. I just want to be clear – I think, Fiona, are you referring to the independent consultant on metrics or additional things? Just for clarification.

FIONA ASONGA: One of them is the issue of the metrics, then there is the issue on the multilingual issues we are looking into, there are quite a few tasks coming through. Okay. Because at one point we need to close the collection of data in order to finalize our recommendations.

BRIAN CUTE: Thank you. Our timeframe is to have our draft report and draft proposed recommendations up in mid-October. Really, in terms of inputs, we're going to need all the grist for that output by mid-September, really by the latest the third week of September. We've been talking with Staff about the fact there's going to be an engagement of an independent consultant to address the metrics issue, which is as you reckon, a key issue.

So we've said we really want to and need to engage directly with that consultant to share perspectives and help shape our output. And on the multilingualism front as well, the same. So I concur with Fiona's ask. I think that these could be made priorities. Thank you very much. Thank you. Michael?

MICHAEL YAKUSHEV: Good morning Fadi. Thank you very much for your presentation. I would say that a lot of things you've provided on and you propose to do, they are very long awaited. So thank you. I would like to make a very brief comment on the recent proposals of the Expert Working Group for the new WHOIS and on the criticism that we all saw, for example during the Durban meeting. Thank you.

FADI CHEHADÉ: I think that we are going to... We're continuing to collect input on the Expert Group's output and the input is mixed right now. In other words, we're getting

people who recognize some of the work that came out of the Expert Working Group being seminal and groundbreaking in terms of changing the dialogue about the directory services. And frankly, in the areas where the Expert Group started with some solutions on some things, we're getting some pushback. I think that all that input has to be taken in and analyzed and shared with the community. But we need to keep moving on that subject, that this is not a subject we need to let fall behind.

So I will put some energy... I haven't to date, frankly, besides working with the community and our Chair to form this group, I have been kind of letting that happen. And now that we have community input of all kinds – good and bad – I need to step in a little bit to help shape that input and take this to the next stage. I will also invite Steve, who had his hand up earlier, because he was part of the Expert Working Group, to give his view on where we go from here.

But we're still in the process of listening, rather than doing, at this stage. But we need to move to the doing phase rather quickly as well.

STEVE CROCKER:

Thank you. Let me just add – the comment that Fadi made before about the Strategy Panels also applies to this Expert Working Group: it has no authority. It is an idea generation process. As we're seeing, despite the really strenuous and well-intentioned efforts within the group – and I'm still in that group – not all of the ideas are being accepted easily and there's quite a bit of pushback. Have no fear. There's no way for the ideas coming out of that group to have a faster path anywhere without going through a full cycle of public comment, full consideration and so forth.

I could say more but I don't want to take up the time here. But it is an idea generation process. Full stop.

FADI CHEHADÉ: If there were [cleads? 03:2745] eventually to the need for policies then it should go through the policy process. We will not bypass policy making through any of these Panels or the Expert Working Group. This is very clear. So I hope this gives you a little comfort that none of these efforts are designed to bypass the normal processes of ICANN. They're designed to inform, help, coalesce around some ideas.

BRIAN CUTE: Thank you. Lise? And then we'll close.

LISE FUHR: Well, hello Fadi. Well, you're talking about transparency and benchmarking and I find it very difficult to find an organization that is political in the way that ICANN is and at the same time business-like, as ICANN is, because we're now having new gTLDs that are going to be business-like. I know it's non-profit but it's still a growing thing. And I would like... Because we're talking about transparency and I think these Strategy Panels are the best way of showing things not being completely transparent,

Because talking to you now you say these are initiated by community input. But it doesn't say that anywhere. It would be nice to say: "Okay, we've had this consultations and the comments were giving us this advice on making Strategy Panels." And when we're doing our recommendations we're urging to have the direct link to why we do the recommendation.

And I think that's a very important part of ICANN too – whatever you do it's very nice to have the rationale and trace back. We've had a lot of comments on, "This will be a good idea." Let's do it. Because that will give you the legitimacy that... Avri is saying that this kind of feels like you're shortcutting the multi stakeholder process. And I don't know if it is. I'm a bit mixed about it.

But if you can show these comments then you prove that it's not just something you came up with.

And in order to make it even more transparent they could have their meetings open. I don't know if that's the current idea for their meetings.

FADI CHEHADÉ:

Thank you Lise, this is helpful. Yes, what we will do is first of all clarify that in how we present them. We will go back and tie them to the comments we received on the website that was set up in Beijing for the conversation, because that's where many of these comments came from. So then people, like you said, can see the lineage of how these things have happened. I will do that. And yes, these Panels will be completely transparent, just like you operate here, they will be. There's no question about this.

If I could Brian, I just want to say a couple of things before I leave. First of all, thank you again for your service and commitment to ICANN that I share with you. I'm looking forward, because that's my first ATRT, to see what you will give us and to embrace that as a way for us – as I Tweeted yesterday – to make ICANN a better place. That what you're doing helps all of us make ICANN bigger and better.

By "bigger" I mean bigger in purpose as an organization that serves its mission. So I assure you that I'm waiting anxiously and with a very open and welcoming mind to what you will give me. Because that will help me and give me the ability to perform my duties even better. As you come together towards that point I would like to suggest a few things that I say only because I watched the tail end of ATRT 1 implementations. As they were closing late last year, I was learning what ATRT was and I was watching these tens of recommendations and how we were rushing around to make them work.

I have these three takeaways that I'd like to leave with you for your consideration. The first one is as much as you can to group these recommendations and do what I would call "groupings". Say: "Well, these are several recommendations in this area." And then to sequence these groupings. We have a lot on our plate and I want my Team to take these very seriously. It would be helpful to get some guidance from you on sequencing. "This group is critical, Fadi, if you have resource constraints and time constraints, that should be the first on the list."

It doesn't necessarily mean that this is the most important. It could be that number three is more important, but you're giving me a sense of vigilance about these in a certain sequencing way. I would appreciate that very much. Again, when I was looking at the recommendations last year it seemed like everything was equal. I would dig into some of them and see some that were far more important. I'd like that guidance from you because you're thinking through these and I need to make sure I capture that priority and that grouping from you.

The second thing is that as much as possible tell us the outcomes you would like from us. Let us figure out how best to get there but tell us the outcomes. Say: "This is the outcome we want from you." This way we focus on outcomes and frankly this is how I'm managing my Team. I'm changing all of our HR goals from: "I'll work with Gino and I'll make sure Gino and I are cooperating..." – that's not a goal. I want people's goals to be outcomes. What is the outcome that will come out? And I'm asking if you could help me this way as well.

The third and last thing I was going to suggest is actually very much what Fiona said. I was going to suggest that some time you could set – maybe a month before you publish your recommendations... Let's have a sit down at some level – maybe not all of us; maybe Brian and I, maybe a group of us and my Team –

to just say where are the promises of things that you said you are working on? We want evidence that these are moving, let's go through these.

And at the same time in that same meeting we could also give you some feedback on some of the outcomes, because we might tell you that: "Actually, this doesn't work because it conflicts with this," or: "We're already subsuming this as something else." We'll give you some input, that's all, and you can take it or you can leave it. But this way the outcome becomes what I would say is aligned with "the status of things that are either happening or" – as Fiona said – "not happening". This way your outcomes [inaudible 03:35:31].

So these would be the three thoughts that I would leave on the table for your consideration.

BRIAN CUTE: Thank you Fadi. Larry?

LAWRENCE STRICKLING: On the last point Fadi, we do issue the report in draft form. It will still be in draft form, I think, when we're in Argentina. Are you suggesting that you'd like to see it and have this conversation before even the draft is released, or can it be something that takes place upon release of the draft report?

FADI CHEHADÉ: Either way. I'm flexible. I'm just saying if it's helpful to you, let's have checkpoints where you do the checking on us – which Fiona asked for, which I think is fair – and for us to give you some feedback, to say: "Erm, this is going to be very difficult to do because...". And you may accept or not accept what we tell you. Or we may give you some insight that we failed to give you properly at

this level, that could be helpful so that the report is more usable. I'm happy to do that. I'm committed to do that.

BRIAN CUTE:

Thank you. The shorthand we've been using for that is implementability. We're committed to that as well. One brief conversation you missed before you came in, and it's important to note – a question was raised about the inter-relationship or interplay between what's happening in the Review Team and the Strategy Panels.

Not a suggestion that we are structurally or functionally tied, but a recognition by the Review Team that some of the work that we produce, looking at the charter of some of these Strategy Panels could play directly or indirectly into their work. And that's recognized by the Review Team. That's just a conversation I wanted you to understand took place before you came in.

FADI CHEHADÉ:

I think this is extremely relevant, and if there will be draft reports ready as early as Buenos Aires – Denise, we need to make sure that these draft reports are fed in a structured way into our Panels. Potentially having our Panels have an actual meeting with maybe Brian, where he would brief them on the report and tell them: "These are the things that came out of the report that we think you should be looking at." I'm happy to do it. If you have the time, I'd welcome you to do it.

But I want to make sure they hear these things; that these become other reference points for them from very experienced people who care equally about the success of ICANN. So we'll do that.

BRIAN CUTE: Thank you. Whatever your allotted time was we know you went well past it. Thank you very much, it's been good speaking with you. Steve?

STEVE CROCKER: The point that Fiona raised, which echoed some prior discussion about what's the relationship between – and I apologise if I get this wrong, it's worth bringing this up – recommendations that are being formulated here versus work that is already underway? Let me play back how that what I'm hearing just to try to untangle. As noted, there are indeed initiatives underway that are related to things that this group might...

From my point of view, all of that is very positive. There is no reason in principle why ICANN should wait to hear from ATRT before doing what it can already see needs to be done. But I completely understand and appreciate that there then becomes this little bit of confusion as to who's taking what initiatives, who's speaking, a certain amount of deference and perhaps even a certain amount of stealing initiative from each other.

And my feeling about all this is ICANN should move along and do what it wants to do and things that it needs to do. This group should say what it thinks needs doing. The worst that can happen is that what we say here in this is already happening. Maybe that's an error but it's an error on a good side. We can live with that kind of error, right? If the right thing's happening and we said they should do it, but it's already done.

So if that's what I'm hearing, my counsel would be that we should say exactly what we think, based on whatever information we have. If by the time we get our stuff said it's already happened and so it's [inaudible 03:40:16] by events, that's fine, we can live with that. I wouldn't view that as a problem. But

maybe I'm not hearing properly or maybe there's a nuance that I'm missing. So that's what I wanted to bring to the surface.

BRIAN CUTE: Thanks Steve. Let me just make sure I'm hearing you clearly. You're speaking to the work of the Review Team as we develop recommendations, interacting with Staff and maybe in some instances learning that what we're about to propose is underway or initiated. Is this the example? I think that, for me, is an accepted possibility that when we get to the stage of we've got these draft recommendations in view in some form, the interaction to discuss implementability is a perfect opportunity to...

STEVE CROCKER: I wouldn't pull our punches if we're told, "This is underway." We should say it anyway. If it happens on schedule, fine. If it doesn't happen on schedule I don't want to be in the position of: "Well, we were told it was going to happen so we didn't say it but we should have."

BRIAN CUTE: A lot of nodding heads in agreement. Yes, Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you Brian. I totally agree and I think that even for some things that are already underway, just this Committee supporting it would give it more weight for it to move forward.

BRIAN CUTE: I think we're in violent agreement. Right? Okay, [laughs]... Non-violent agreement.

STEVE CROCKER: Does that speak to the issue you were raising, Fiona?

FIONA ASONGA: Yes it does. I was thinking of it in terms of should we...? And it's something we had not discussed. Should we do the recommendations or not? But I think the direction you're giving makes a lot of sense. Either way it would make sense for us to go ahead and make our recommendations. And if they're already done, then good, we lose nothing.

STEVE CROCKER: I had the sense that you were concerned a little bit about deference and about being impolite to say things that were already underway. Perhaps? Forget that. [laughter]

BRIAN CUTE: Thank you. I think with that we should probably break for lunch. It's about 12:15. Let's take the hour and reconvene. I want to underscore again – we need to get through all of the rest of our work this afternoon. We have to do this one way or another, then have a stock taking of the gaps and who owns them and talk about what we'll accomplish tomorrow. But let's have a bite. We'll break for an hour.

[Tape change to ATRT 2 Day 2 Part 2 08.15.2013]

JORGEN ABILD ANDERSEN: You think that I remember what I was about to say?

BRIAN CUTE:

Well, you can always present your paper if you want?

JORGEN ABILD ANDERSEN:

Firstly I would like to commend you for an excellent paper. I think this is very, very good. It's right to the point, as I see on almost every issue. I think that the challenge we are dealing with and which this paper aims to address is that there is much too limited government participation in GAC. And another thing is that ICANN's legitimacy – this would be government – should be considered as crucial. So these two things together makes it... [audio cuts out until 00:01:30]

...Very important that you look at how you can improve things. And you made a number of very good proposals for recommendations that I think ICANN supports in general. The functioning of GAC is essential and I think that we all know that a paper was launched with some GAC initiatives to improve working methods. I did not check whether you included all the content of this paper in this but I've got the impression that much of it is reflected in the paper. But I think that maybe we should have a look through the paper and make sure that all the good proposals there are addressed appropriately.

LAWRENCE STRICKLING:

We would definitely invite that. In particular I know you've written a couple of papers on this topic. While we certainly refer to those I don't think you should assume that we've necessarily captured everything. So again we welcome you taking a look at our previous papers with an eye toward making sure those points are included in here.

JORGEN ABILD ANDERSEN: I'll double-check that. Talking then in particular about the new Recommendation #3 – the GAC should develop and publish rationales for GAC advice. I think that in this context it is also important that you, in general but in particular on this, have a look at how the relationship with ICANN is handled. The recommendations are mainly, if not only, dealing with what GAC should do. But there is a particular point here where I think it's important that we also look at how the interrelation between GAC and ICANN is taking place.

So it's not sufficient that you develop and publish rationales for GAC advice. You should also be sure that the extent to which ICANN follows the advice be made transparent. I don't have the exact phrasing but I think there is a duality there. My last point would be that... And I don't know whether it's... Are we dealing only with the first three recommendations at this stage? Maybe I'll come back to my last remark. Thank you.

LAWRENCE STRICKLING: Steve? You were next on the list. But again I'll move you down to the bottom. To speak to the proposed Recommendations #1, #2, or #3 from this morning? Okay. This works really well. We should do this more often. Okay, Brian, you're up.

BRIAN CUTE: I just wanted to highlight that the first bullet point, convening GAC one-on-one sessions, has in my view tremendous potential benefit and upside if it's done correctly. And without getting into the minutiae of how it should happen I do think it's important that if it happens that it not be a session that ICANN schedule on Wednesday at 9:00 am and invite the community, this should be a structured interaction with a representative from the GAC, whoever that is,

meeting with each of the other ACs and SOs while they are in full session, to walk them through.

I don't think you can overstate the importance of other parts of the community understanding the working methodology of the GAC and whether it's different and whether you think it can be improved or not. That baseline understanding. I think the education piece here is absolutely critical.

LAWRENCE STRICKLING: [Danny? 00:05:27]

DANNY: My point was covered. I'm okay, thank you.

LAWRENCE STRICKLING: Okay. Back to Alan.

ALAN GREENBERG: I still don't remember what I was going to say but I'll make some general comments anyway. No-no, I'm not likely to remember anyway at this point. [laughter] I find this exceedingly encouraging that we are off of the almost standard line of: "Sorry, the GAC has certain working methods and such and they're not going to change so let's not even talk about it." I find this very encouraging. And I agree with Brian. The education part is important. And trying to expose the workings and expose the rationales, either by watching or documenting after the fact or both, I think is absolutely critical.

The GAC has a large part to play in ICANN and recently, certainly from the perception of other parts of ICANN, a too-large part to play in ICANN with too much control. And I think this will go a long way to try to at least put some

rationale behind it and explain why things are coming out of the GAC as they are. It may also change what comes out of the GAC because of the exposure, and that wouldn't be a bad thing in its own right.

One very quick comment on the reverse liaisons. It suddenly dawned on me that from a GAC-centric point of view, if they previously had liaisons going out, then one coming in are I guess a reverse. But Heather is a liaison to the Board and not a reverse liaison to the Board, so... [laughs]

STEVE CROCKER:

On this very last point, a terminology that's very common is inward vs. outward liaisons. And it's a little odd because somebody who's an inward liaison from one perspective is outwardly from the opposite side of that. They're all one-way relationships. You're calling on me because I was in the queue before, is that...? I don't recall that I had a thought about any of this, except that I agree with this – it's good stuff.

I do recall wanting to say something that was on a slightly different aspect, which is the rising of the formality, the increase in the formality of handling GAC advice, has had almost predictably an impact on other parts. They say: "What about us? Why are they getting treated specially?" My reaction, sitting in the position on the Board, is we ought to listen to advice from everybody. And that we ought to treat that advice with the same procedural formality of acknowledging it, recording it and responding to it and so forth.

In one particular instance, with interactions with the ALAC Executive Committee, where they asked the question: "How come you don't listen to our advice?" We said: "You don't give us advice in a form we're used to seeing advice in, why don't you do that?" And they did it, and we're doing it. So some of the procedures that have been developed in response to handling GAC

advice, I register we're going to mirror in some form. It won't be identical but it will be comparable across the other things.

So it's not directly related to this but it's all part of this broader equation. Oh, and I remember the other thing that was on my mind; this business of the GAC getting involved with the other groups. The organizational chart bylaws say that all the SOs and ACs report up to or communicate with the Board, as opposed to Staff. That puts the Board in a very peculiar position of being a traffic cop.

We don't insist that they talk only to us, and in fact we'd be delighted for all the parts of the Organization to talk to each other. And I think it is a purely local manner, that is within the purview of each of the groups to choose who they talk to or not. They're not restricted to talking to each other. They can adopt any kind of useful procedures they want. And certainly the Board will never be in a position of saying: "You shouldn't talk to them, you should only talk to us." I can assure you that won't happen.

AVRI DORIA:

Thanks. I wanted to ask about the idea of the consideration that the GAC gets, being spread to the other ACs. Is that something that you would look at making a bylaws issue of, or is it that it would be an informal...? And is that something that perhaps, in the spirit of: "Yes, you're working on it but we think it's a good idea to recommend it anyway," that perhaps it should be one of the recommendations perhaps falling in for or some other space. I just wanted to ask for some clarifications.

LAWRENCE STRICKLING:

Those are good questions. My view is that the existence of ACs and SOs intrinsically means that when they give advice we have to pay attention to it.

We don't have to add anything, we don't have to make any new bylaws. It's built in to the fabric. Otherwise it doesn't mean anything. You want to strengthen it with some other things, that's fine. But the idea that we've created an AC and then we ignore it makes no sense.

So I view that as a fundamental obligation. In terms of implementation, I think we've been a little on the indistinct side and it's a work item that I've taken on to do that. In the spirit of what we've said before, there's no reason why you shouldn't strengthen that and say that should exist and so forth, and I wouldn't take any umbrage about that. I can tell you for what it's worth that it's one of the top-level bullet points of things to do, as soon as [Corinne? 00:11:53] and Team are in place. I've already started doing it but it doesn't work as well as I want.

It's to make sure that things that come in from ALAC, things that come in from SSAC, things that come in... Get tracked and disposed of and that there's a record of that so that things don't get lost. It's just simple mechanics but it takes a certain amount of order too. The subtler question is, suppose you get conflicting advice from the GAC versus SSAC, or something? And there's no pad answer to that. We'll look at the substance of things and try to get additional input.

The only absolute that I can tell you is that there are no absolutes. That is very important, that no single group be treated as if they speak and that's the end of the story. Because that leads to a "power corrupts" kind of thing, that any group starts to go off on a tangent and there has to be some checks of the answers. Other than that, the commitment is that we pay attention to it.

AVRI DORIA: Not a rebuttal but just a follow-up clarification still. I think it's good to make it formal. Maybe I've been around long enough to remember when an ALAC person stood at a microphone and said, "We never got an answer." And the response they got from the Chair of the Board at the time was: "Did you include a note saying you wanted an answer?" So that's why it makes a lot of sense to trust you now. In terms of history and future, I'm not sure.

And in terms of the conflicting advice I thought essentially sending it back to the people that were giving conflicting advice to discuss was probably one of your best alternatives.

LAWRENCE STRICKLING: Don't trust – verify.

OLIVIER CRÉPIN-LEBLOND: Thank you Larry. Just as a follow-up to this – and I do realize that we are digressing away from the GAC part of this discussion. I have noticed, yes. What part of ATRT 2 should be working on this? Would it be Work Stream 4, perhaps? I'm not asking you, no, I'm asking Brian.

BRIAN CUTE: I don't know. 4 is certainly possible.

OLIVIER CRÉPIN-LEBLOND: New issues can be brought forward and I think we can...

BRIAN CUTE: Yes, there's a home for it.

OLIVIER CRÉPIN-LEBLOND: It is particularly important, because although Steve has mentioned that he does take utmost importance and the Board does take advice from ACs and SOs, of utmost importance, we have seen recently a breakdown into this, which has happened in the past with the SSAC advice, which was unfortunately only picked up only a year later. That then created all sorts of problems with things that had to be scrambled at the very last moment.

Coming back to this recommendation. I do realize that it's great to have agendas for GAC meetings and a GAC website updated all the time and so on, but I don't see in there any clause which mentions that the GAC should be afforded the capabilities to do that; the actual manpower and Secretariat, and the ability to be supported to do all of this. I just don't see Heather dealing with updating the website every day and building all the agendas and everything. I don't know whether it would be worth having a mention in that to say that of course the support should work with that.

HEATHER DRYDEN: Yeah, so yesterday we talked a bit about this, and in terms of finding ways to support the GAC and identifying resources and agreeing on arrangements to come to that, that's something that the GAC does within the GAC. We have an agreement to bring in additional resources to provide Secretariat support and of course we have support of various kinds coming from ICANN, and that needs to continue as well in order to address these.

But you're right, that's an important dimension and you can make the best plans possible, but if you don't have the resources to do any of it, which has been the case for the past few years – from my direct experience – [laughs], it shouldn't be overlooked. But I think the way to look at this is that this is something that the GAC discusses and comes to agreement about with that Committee, in order to find a way to get the resources needed.

LAWRENCE STRICKLING: The issue of support had been in ATRT 1 recommendations and we went through these yesterday. I think what we were proposing is the response was to say that the GAC is now settled on a contractor to provide Secretariat support. And I think as of yesterday we were viewing the matter as resolved. But if you want to bring it back you'll have plenty of opportunity to do so.

OLIVIER CRÉPIN-LEBLOND: It's actually just to see whether there is a need from the GAC for this Committee here to drive the issue further to make sure that it actually gets done. Too many times we have seen this Organization take one step forward and then two steps back afterwards in an unfortunate turn of events. So this is the concern that I had.

JORGEN ABILD ANDERSEN: I think Olivier is pointing out a very important issue. I would maybe propose that we consider adding an additional bullet point – and I don't know if that was what you were aiming at, Olivier – saying something about “activities the GAC could consider to achieve to include, further enhancing the efforts in providing Secretariat assistance to the work to be carried out by GAC”. Something like that. Would that cover your proposal Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you Jorgen. I'm not sure if “Secretariat” is the word or whether it's “logistical support” or... There must be something to describe this so that whatever Secretariat is currently in place does not get burdened with additional tasks and is then in a position where they're overworked. I entirely support all of this recommendation, I just want to make sure that it's implementable as policy implementation execution. If we can get it done that would be great.

HEATHER DRYDEN: Thank you Olivier for persisting in this, and I wonder whether it's a manner of acknowledging somewhere here that that's an important aspect. There has to be adequate resources available in order to execute on these things, and we don't need to get into discussions about exactly how that looks, for the reasons we've just discussed. But maybe that's the way to deal with it quickly. Yeah?

LAWRENCE STRICKLING: Mr. Zhang?

XINSHENG ZHANG: Thank you Mr. Larry. I agree with what Mr. Olivier was saying. [inaudible 00:19:52] will enhance the GAC also. [inaudible 00:20:00] some secretary proposals or recommendations better. Thank you.

LAWRENCE STRICKLING: Okay. We've run through the queue. Alice, why don't we bring up Recommendations #4, #5 and #6? Yeah, that's good. So let me introduce these. Recommendation #4 is intended to respond to the issue raised by several commenters with respect to whether or not governments are applying adequate resources and providing enough support to their GAC members, as well as a variety of other issues.

The idea of the Code of Conduct was actually directly suggested by one of our commenters – I don't remember which one today. We did talk about it at the GAC exchange in Durban and at least those Members of the GAC who spoke to it seemed to have a fairly positive reaction to it. So we thought we'd carry it forward at least for discussion today with the idea of urging the GAC to develop

a Code of Conduct for the representatives to address these issues: conflict of interest; transparency; accountability.

Also I think just a commitment that they will come with adequate preparation, with adequate empowerment, that sort of thing. We'll leave it to the Members to identify the specifics of this but the idea is that this might increase the level of support, the level of commitment, that the individual governments and GAC representatives are making in terms of participating in meetings.

#5 and #6 deal with these larger questions of gaining more participation from other countries; both in terms of countries that aren't participating at all, but it also addresses in some respect the issue of sub-optimal participation by some governments that do participate at some level. And the two things we focused on in these proposals were 1) building on the notion of the high-level meeting, which as we discussed yesterday, I think was a very successful meeting when Canada organized it last year.

But the idea is that bringing it forward and regularizing the schedule for these, so there is an expectation that it would be held at least once every two years. Although we'd want to suggest it be held at least every year. One of the ideas that occurred to me in terms of how this might be done at the front end is to make sure that in the selection of cities – to the extent that ICANN doesn't go to the type of thing Fadi talked about this morning – they might keep them in the same set of cities year after year. It is going to move around.

Finding some way to gain commitments from host countries in the selection process to make sure that there will be a commitment to hold these meetings at least once every two years or once every year.

The second one I think is a high-level reflection of some of the issues that Jorgen in particular raised with Fadi this morning, which is how well the GAC

and ICANN are working together in terms of outreach, and the fact that when at least this Committee tried to engage in outreach to ministers around the world we didn't even have a mailing list with which to do that. So this is at a high-level urging that there be cooperation between ICANN Staff and the GAC in terms of coordination on the outreach efforts to engage governments.

And I think we might add a particular textual point to deal with the experience that we had with the letter that the ATRT attempted to send earlier this year. So I think there is perhaps more that could be recommended in this area, but these were two ideas that came to us, based on the discussions and comments we reviewed. But I'd like to open it up on both of these topics.

One, in terms of how we get governments to engage more fully in the actual GAC through the participation of the representatives. And then more that the GAC and ICANN can do to get more governments to participate in the process. So I'll open that up for comments. I've got Steve first. Anyone else? Jorgen.

STEVE CROCKER:

So, I'd pick out two specific points with respect to recommendations #5 and #6. Standing at a distance and watching the process we're putting together at the high-level meeting, it seemed to me that it was a lot of work and it took a lot of time, and I worry about setting an expectation that it can happen as frequently as every two years. It would seem to me that that is... You and Heather and others will have a much stronger sense of this, but my guess is that that would be a real stretch to make it happen as frequently as that. Push back if you think I'm wrong. I'll just raise that for discussion.

LAWRENCE STRICKLING:

I'll push back on it only in this regard: the work to do it really fell on the government in the host country. In that sense it only fell on Canada once. And

the fact that someone else may have this responsibility next year or two years from now shouldn't be a drain on resources, in the sense that it's going to be a different entity that has to do it. I think what's harder is that I understand in the way you organize your meetings, you generally go through the ccTLD provider, is that right? In terms of hosting meetings? And not eh host country government?

STEVE CROCKER:

Yeah, so that's a more complicated and evolving thing. But let me just focus your attention on a slightly different aspect. Yes, the burden fell in this case onto Canada, and they did a great job, but I watched the prior periods where there was an attempt to get first one country, and then the next country and so forth. So there was a period of trying to find... And that took a while. And it isn't clear to me that there will be volunteers lined up to do it on the schedule that's envisioned, which is what my concern is.

And while I'm at it, as I read #6 – develop standards for engaging governments, I don't know what that means exactly. What is it that we are developing a standard for? I can't understand that exactly. What would it mean to meet the standard or to fail to meet the standard?

DENISE MICHEL:

Since we wrote the text I'll offer an explanation of the intent and maybe Heather can add. I think there is a certain amount of frustration around the GAC table that when the Global Stakeholder Working Group comes to brief the GAC they have no idea what's happening. So you have Staff that go out into the world and go to visit a country and don't even contact our local GAC Member and they don't know. And I think that they would like a much better,

formalized way of engaging and working together so that people understand what the different roles and responsibilities are.

HEATHER DRYDEN:

Yeah, I wonder whether if we've talked about guidelines, that that would make it more clear? An understanding about how you're going to engage and who's doing what and how you coordinate those work efforts is something that I very strongly support myself, based on experience so far. So I'm actually really pleased to see a recommendation here.

STEVE CROCKER:

Yeah. The idea that we ought to be halfway alert and clue-full that when we go into a country we don't do a runaround the GAC representative is a basic lesson that if we haven't yet learnt we should learn really fast. So if that's what you mean then I'm not pushing back at all, I just thought the wording wasn't clear enough to even guess at what was being intended. So either explication or some different wording or something?

JORGEN ABILD ANDERSEN:

Yes. I share Steve's view on this. I found it a little hard to understand what was meant by that particular point, #6. Well, one of the things we are talking about here in this excellent paper is that we have a challenge that there is limited support and commitment of governments to GAC and we try to establish a set of recommendation which can address this challenge. One of the ways we're addressing it – and I completely agree to this – is in the first three recommendations that we are proposing to improve the way GAC is functioning in order to make it more attractive for governments to participate. I think this is straightforward.

But I don't think that GAC is the only one responsible for enhancing the commitment of governments. I think ICANN has a role to play and I think that Fadi has already done a wonderful job in starting outreach activities. We've heard him say... He talked about Bahrain and Lebanon as two examples of his success with reaching out to governments. So I would prefer that Recommendation #6 is split into two parts.

One part should reflect the recommendation that ICANN continues to reach out to governments that are not already members of GAC, including GAC governance. And the second part of #6 would be that we recommend that you use a set of guidelines for these activities that are established, in order to ensure the necessary, sufficient coordination between ICANN and GAC in that respect. That would be my proposal. Two recommendations addressing this. Thank you.

LAWRENCE STRICKLING:

I think that's an excellent improvement and we'll endeavor to capture that in the next draft. Fiona?

FIONA ASONGA:

I was just going to comment on #5. Having been involved in organizing an ICANN meeting I think it's actually possible for the host country to incorporate into their meeting the Senior Officials Meeting. Because it's not asking for so much. The only thing that probably comes in is that based on the level of invitees that you'd want invited, that there would be a few protocol issues that the host country would look into. But other than that, it's not... From experience in hosting an ICANN meeting, it's not been that much of a challenge.

STEVE CROCKER:

Well, that's what I was going to address actually, quite strongly. One of the things that I recall – and again, I invite Heather and others who have firsthand knowledge – is that one of the delicate aspects was that ICANN wasn't the invitee and not the organizer that was done by the host country. So that as part of the meeting planning process, while ICANN has a very professional and robust Staff that can do all of this in terms of logistics and limitations and so forth, it wasn't appropriate for them to take that role.

So when you mention that the host country can do all of this and so forth, again, I have no problem if it happens, but I was watching the process and it wasn't trivial to get it going. Your cue to jump in and say you were there.

HEATHER DRYDEN:

Okay, on cue. Well, with setting out a target of every two years, I think it's quite achievable. And it's obviously not something you can prescribe but I think there would be enough interest from a host government around that time frame that you could expect to achieve this target. Some governments will be interested than others in convening such a meeting and there is benefit, I think, in taking advantage of... Assuming that the approach to meetings continues, that we have now. And we can't entirely assume that.

But assuming that it did, you know that meetings are rotating, so you can take advantage of being in a particular region and regions where participation is perhaps lower in the GAC... I don't see Carlos here but he's very mindful of the quite low participation that we've had ongoing from Latin America. So you might want to try and look at: "Well, when are we in Latin America next and who is the host?" and try to solicit and identify well in advance meeting where there would be a particular advantage.

Most of the work in terms of invitations and that sort of thing falls to the host working closely with the GAC, because it's really a joint thing. And as far as resourcing goes, there is a significant component in terms of logistics and such coming from ICANN. So ICANN is helping supping the meeting facilities and the interpretation and perhaps the meals and that kind of thing. So there is a budget component for ICANN as well to factor in.

But it's quite achievable, I think, based on our experience from doing this in October last year. So... Yeah.

LAWRENCE STRICLING:

I guess I'd like to make two points and then I've got Olivier and Fiona in the queue. Point number one is to Jorgen's point: we have to do this, in the sense that we have to keep raising the profile of ICANN in front of senior government officials. We know it pays off and we all know the experience of Turkey coming to the high-level meeting in Canada – a country that previously had been strongly committed to the ITU as the right way for governments to deal with these issues.

But their representatives came away from Toronto, a particular high-level meeting, quite open to acknowledging the important role that ICANN can play and the multi stakeholder model can play. And while we'd like to be able to convince more than one country at each of these meetings, there is a very well documented outcome from that meeting. And I think we have to do it in order to keep engaging governments at a senior level and push back against this notion that ICANN isn't an appropriate organization to be dealing with these issues.

That's number one. Number two is that I think one way to get out this is that I think it needs to be part of an expectation. It needs to be baked into how you

go about selecting cities. And you're right, you only have to find one every two years but the point is that if people understand that in order to become a host country this issue has to be dealt with, that might help get past this barrier that...

Because once you've picked the country... Like I know this occurred with the Czech Republic. Prague was selected and then after the fact the approaches were made to the government there to see if they were willing to host, but it was too late in the process at that point. Whereas if it had perhaps been dealt with as more of the selection of Prague and the setting of expectations, maybe there could have been a different outcome there. I don't know.

But it seems that you have to bring it forward. Do you want to respond to that, or can I go to Fiona and Olivier?

FIONA ASONGA:

I just want to mention, normally when the Meeting Team comes to check a host country for whether or not it can host, there is a set of requirements that they give. And on the years that this meeting needs to take place, that actually becomes a requirement for the host country. And you'll find that countries will do it.

When we hosted the ICANN meeting in Nairobi that wasn't a requirement, but because we were hosting it in a region that normally doesn't engage in ICANN, we went out of our way to get ministerial participation in the ICANN meeting, and so we ended up having a ministerial discussion taking place at KCC and the ICANN CEO went and addressed them. And that helped a lot in creating a level of visibility for ICANN. And at that time that was the goal.

So it's actually possible to have that as a meeting requirement every two years. Then I would look at it in terms of another meeting I have been involved in;

organizing the IGF. The IGF never had the ministerial discussions taking place, but after the Nairobi meeting they've encouraged the ministerial discussions taking place at the IGF, and this year we are again hosting the African IGF. And we've got it as a requirement: please make sure you have a top-level ministerial discussion taking place with your government.

So what basically happens is that when it comes to us as a requirement it fits into the normal operations and it's very easy for it to be picked by the government and the local community and get actualized.

LAWRENCE STRICKLING:

So that's very well said and I agree with all of that. In terms of casting recommendations here, there are things that will be within ICANN's ability to execute and things that are... Expectations that Fiona has described; need to engage the government is part of it. So I would say the wording here should speak to those issues. What is a formal obligation to inform on ICANN and then an attempt to achieve with respect to the host governments. And I think all of that is fine.

I wasn't directly involved with any of the meeting arrangements but I heard anecdotally that we were in a situation where we gave up on trying to find a sponsor, of which the dominant aspect is financial support. We could find a sponsor but we covered the costs anyway. But it turned out to have a secondary and very substantial effect, which was the sponsors in addition to providing financial support, also understand all the local politics and relationships and paved the way.

And we found ourselves without that level of support and needing it awkwardly. We were like: "Uh-oh, there's more going on here than we..." So anyway. We're climbing up that learning curve even at this late date.

OLIVIER CRÉPIN-LEBLOND: Thank you Larry. I'm going to pull back a little bit. I'm thoroughly enjoying the discussion here. I was just going to suggest an editorial issue with #5: the GAC should regularize senior officials meeting and convene a high-level meeting at a minimum of every two years. Here it can be seen as the GAC and not... So if you can fix that?

LAWRENCE STRICKLING: The recommendations need to go to ICANN not to the GAC so we'll fix that in the next round too.

OLIVIER CRÉPIN-LEBLOND: That's it. Thanks.

LAWRENCE STRICKLING: We have some language up here for #7. I would propose that since we gave that such a lengthy discussion yesterday, and I think we finished that discussion with Jorgen making the comment and proposal that maybe this ought to be tabled and brought back with PDP expert report, that we not spend any more time on it today. And then I think in wrapping up this discussion, I'd like to open it up first to Jorgen and Mr. Zhang, because they both submitted papers on these issues.

But to anybody else in the room, is there something we're missing here? Is there some other recommendation that folks would like to propose that we didn't capture in this draft? Mr. Zhang, anything you'd like to propose?

XINSHENG ZHANG: No, it's okay. No.

JORGEN ABILD ANDERSEN: Thank you Larry. Well, I think that you covered in an excellent manner what was my intention with Recommendation #1 in the template I submitted. I don't know whether it's the right time to discuss the content of Recommendation #2 or the considerations for Recommendation #2 in my... Yeah, well, I think there are two issues. The legitimate issue is about outreach to governments but also outreach to the Internet community as a whole.

And in my paper I proposed that ATRT 2 considers activities aiming at making ICANN and its work not only relevant for stakeholders in some parts of the world, and I refer to the example on the number of gTLD applications received from different parts of the world. I haven't proposed a precise text for a recommendation, I just wanted to put this on the table for discussion for whether you would agree that there seems to be married in proposing an initiative on this to improve the involvement of the Internet community, in particular in the developing countries? Thank you.

BRIAN CUTE: Just a point of order. The paper, Jorgen, in terms of structuring our meeting, I was intending to walk through each of the templates at the end of the day in conjunction with Work Stream 4. If there is an element of this that is specific to the GAC-oriented recommendations we should put it on the table now and discuss it so we can finish up that work. If it's... I'm just not familiar enough with the content. If it's in a slightly different direction and more an appropriate standalone new recommendation, we will definitely go through this in full later in the afternoon. So as you see fit. Thank you.

JORGEN ABILD ANDERSEN: Thank you Brian for this clarification. The paper I drafted, the template I drafted, I think it covered very well – as was said by the proposal made by Larry

– and I have nothing to add to this. I've made some proposals for editorials but apart from that I'm very happy with the proposal. Thank you.

LAWRENCE STRICKLING: In that case then I think we can wrap this up until we turn around another draft.

BRIAN CUTE: Wonderful. Larry, thank you. Olivier, I think... Does this wrap up WS 1?

OLIVIER CRÉPIN-LEBLOND: Yes, it does wrap up WS 1, apart from the last part, the (e) part, which we did say we would touch on at a later time because of the PDP involvement with it.

BRIAN CUTE: Perfect. So thank you for all the work that you've done and Larry to the work that you've led us through. At this point, in terms of thinking about tomorrow Olivier, having clean stocktaking of the inputs, pulling together a clear view of what additions you have to your preliminary conclusions, pulling that together and being ready for tomorrow's taking of the next step. That's a task I'll leave you with. I'm happy to help.

OLIVIER CRÉPIN-LEBLOND: Yes, thank you Brian. I will need the assistance of Staff of course, who have taken notes. And we'll work together on this. I don't know when but we will.

BRIAN CUTE: Perfect. Thank you. Okay, it is 2:06 pm. The next is going to be hearing from Work Stream 3. Michael?

MICHAEL YAKUSHEV:

Good afternoon. Alan, should we put your table, I guess, to show here? Thank you. This is what Alan distributed this morning. Yes, thank you. Colleagues, we are in a fairly difficult situation with the recommendations and the overall work on Work Stream 3. And the issues that will be raised now by myself and by Alan require discussion and the expression of the opinions of all the concerned Members of our Group.

Fortunately, the issue by itself... The WHOIS review is not important or complicated as it was for Work Stream 1, and given your feedback and having achieved a common understanding, it won't be a very big deal for us, for myself and for Alan to finalize the recommendation part of the work very soon. However, when I was a Member of the WHOIS Review Team it was our expectation that we should work on the basis of consensus. And of course I would like to achieve such kind of consensus also here and in ATRT 2.

But I can admit that there will maybe be some different opinions and I would be happy if such different opinions are explicitly pronounced. Second, when we analyzed the overall situation with the implementation of the WHOIS Review Team recommendations, we should have understood and also analyzed four types of understandings. So first of all, what was recommended? What was the wording of the recommendation? Second, what was the decision of the Board? So how the decision of the Board reflects the recommendation.

Third, how it is understood or implemented by the Staff. Four, how it is perceived by the community and part of this perception of the community is how the Review Team itself evaluates the implementation of the recommendations. And why is this a difficult task? Mainly because if we see from what the Staff responded to us and wrote to us about their current state of implementation, it can be considered that it's okay, it's partly or fully

implemented and some parts of the recommendations cannot be implemented at all.

However, it's in progress and it's okay. But I would like to draw your attention to the first two, I think, important parts of the recommendations of the WHOIS Review Team and to check how it was implemented in reality by both the Board and the Staff. The Recommendation #1 was that WHOIS should be a strategic priority for ICANN and meanwhile the Board should create a Committee, including the CEO, to be responsible for the priority and key actions.

So the decision of the Board was, well, slightly different. It agreed that the WHOIS should be a strategic priority for ICANN, but instead of creating a permanent Committee, which should include the CEO of the Organization, the proposal was to create an Expert Working Group. There was also mention of the WHOIS issues and that they should be part of a [CR? 00:51:24] incentive program. It's all under Recommendation #1, yeah? It's not [inaudible 00:51:28], yeah.

And it is reflected also in the table which is here on the screen. So the question is whether we should consider that the decision of the Board exactly reflects what was recommended by the WHOIS Review Team and there are certain concerns about that, which are also reflected on the table.

Second, an example of what should be considered. The recommendation of the WHOIS Review Team, and this was maybe the first thing that we all agreed upon, was to create a single WHOIS policy document and reference it in agreement with the contracted parties. So it was discovered and everyone understands this; that the WHOIS policy is like the UK Constitution.

So everyone understands that written is a Constitution of the Monarchy. However, there is no single text for the British Constitution and it consists mainly of documents that can be found in different sources. So the recommendation was to consolidate this in a single text and the decision of the Board was again slightly different, to direct the CEO to create and maintain a single public source that complies current gTLD WHOIS requirements.

We also mentioned in what you can see on the table on the screen, it doesn't seem to be exactly the same as what the recommendation of the WHOIS Review Team was. Why I'm telling you this separately is because it also raises the question of how the recommendation of the Review Teams should be treated by the ICANN Board and by ICANN Staff, and what if the same story happens with the recommendations of the ATRT 2, our own recommendations now?

And the person, the entity, the Board responsible for making decisions, justifying whether some recommendations are implementable or not. Briefly about the discussions on this theme. The community didn't give detailed feedback of what happens with their recommendations of the WHOIS Review Team, because mostly such recommendations, such criticism or feedback was related to the preliminary results of the Expert Working Group, which we heard in Durban.

As Fadi mentioned today, there was both criticism and some favorable discussions. However, as for the majority of the experts not from the United States and from the majority of the WHOIS Review Team itself, the overall attitude was negative. And the concern was that such recommendations don't have much in common with what was recommended by the WHOIS Review Team. And as Fadi also mentioned, it should require further discussions and

further analysis according to the procedures that should be applicable in ICANN.

So I give the floor now to Alan, either to make some additions or just to make some new comments on the table, please.

ALAN GREENBERG:

I would like to... Before we... My intent is to go through the ones we've done already, and only half of the recommendations have been analyzed at this point in using this forum. But I would like to talk a little bit about the Board resolution, and I know Steve wants to get in but perhaps you can wait until I've said what I'm going to, because perhaps it will explain the difficulty some of us had.

When I first read or heard the implementation, my initial take, without looking at the words carefully were, "Oh, good, they're accepting it." Because I had had discussions with SSAC for instance about whether they really meant that the new Expert Working Group should be done first or in parallel. There was some confusion. Some of the SSAC people said: "We meant in parallel but we didn't say it clearly, but we're not going to rewrite it anyway."

When we came to Beijing and met with the Review Team, the visceral reaction was strong, that we wasted a year and a half of our life, we put our recommendations through, we thought they were good, the Board did not accept them. I and a number of other people went out of that meeting and looked back at the Board recommendation... The substantive parties on the screen right now and I had to agree.

We had some other discussions and Fiona pulled me over and said: "Oh, no-no, they really did say it should be implemented but you have to read it really carefully." And I've since read it really carefully. The first half of the resolution

basically says: “Do what you’re supposed to do and enforce contracts.” You can’t argue with that. The second half says: “Increase efforts to communicate, conduct outreach and ensure compliance with the existing policy conditions related to WHOIS as detailed in the 1st November 2012 Summary of Board Action, entitled...” And it gives the name.

In the rationale there’s actually a pointer to that document. But in my understanding the rationale helps explain something, not something part of the resolution itself. Perhaps that isn’t the way the Board is viewing it these days. If you then look into the document, it’s a 13-page document, I think, or 17-page document, of which there are some large tables labeled “Staff recommendation to the Board” and although other things in that particular document were changed after the resolution was issued – for instance there were draft resolutions in it, which were taken out – that wasn’t changed.

So from the perspective of the Review Team Members, the Board recommendation did not say implement all of it. It said “implement parts that relate to communication, outreach and compliance”. It’s a judgment call whether that related to all 16 recommendations or zero of them. So we’re asking... A judgment call to say how they were summarized. We may have recommended all of them, we may not have. And it was a very indirect reference through a long Staff recommendation to the Board, which was still called that, which was only referenced in the rationale.

And I think from that you get the story that different people have read this and come up with completely different interpretations of what the Board did. So I was just trying to explain... I went back and forth six times and that’s how we got here. Steve, if you want to make any comments, please...

STEVE CROCKER:

Denise, I want to draw you into this in just a minute. I want to give you a fair warning here that I'll call on you. I'm paying close attention to Michael, what you've said and Alan, what you've said. I can see where there's room to feel that the Board wasn't as supportive as I've always felt the Board was. Let me try to untangle, at least from where we were sitting, what our thoughts were. And I apologize in advance if what I'm saying doesn't match what is perceived. Equally, I'll be saying I have a sense that there was more feeling aggrieved than was appropriate; that we tried to say yes and that wasn't received well.

So that's... Yeah.

ALAN GREENBERG:

I will point out that apparently the Board, or a selected sub-set of the Board, did meet via conference call with the Review Team and told them what the resolution said, but at that point the rationale had not yet been published, which makes it more interesting.

STEVE CROCKER:

I apologise if the documentation and wording is not as clear as it should have been. Nevertheless there are some non-trivial, substantive issues in here that I'll try and untangle. I have to reference back to the words in the AOC, with respect to the WHOIS review. When the Board saw those in September 2009 there were specific points in there that several of us reacted to and said: "This doesn't give us the room to review WHOIS down to its roots. It basically says 'review it in its current framework and make it work better'." I'm summarizing.

And when we took issue with that – and it was a closed session with the Board in workshop format – the response was "this is already fully negotiated and things will come unglued if we try and modify that and we're advised that we needed to go forward with that". So that's what happened and we all agreed

with that. But at the same time we took note that the longstanding, deep problems that we viewed existed in WHOIS did need to be addressed at some point. So that's a precursor to where we are.

So the WHOIS Review Team was duly chartered and they worked, and even though it's clear they don't think they were appreciated or their recommendations were fully accepted, we think that they did a great job. We think that they were quite earnest and we're very appreciated of the work that they did. With two more things that need to be said as well. One is that they worked within the framework that existed and we continued to hold the view that that framework needed to be reexamined.

So the top-level of what the Board did in November of last year, was we said we have this conundrum. We want to be completely supportive and accept the recommendations of the WHOIS Review Team. We also want to deal with what we believe is a fundamental flaw in the whole structure and we need to deal with that. So we adopted, very purposefully, a two-track approach and we said: "We will try and do two things at once. One of them is to accept and implement the WHOIS Review Team's recommendations with the same vigor that we have accepted the recommendations from the other Review Teams.

"And at the same time we will start up an independent, parallel, strategic examination of the WHOIS." Now, a part of that probably didn't get understood equally across the entire community, that I can tell you quite clearly from my point of view. And starting that up there was no timeframe imagined. If one asked: "How long before you completely up-end the WHOIS system, change it and replace it?" I would have said: "This will take a long time.

"We have to go and examine the principles, we have to go and examine community buy-in on this, and then we have to do a design process. And the implementation is going to take a long time... This is not going to be speedy."

And on that account it should not have any interference with the direct and forceful implementation of the WHOIS Review Team's recommendations. So I don't think that message came across exactly.

I hear from Michael's description of the sequence of events what I view as a potential confusion between the Expert Working Group, which was chartered to start down that second track, and the WHOIS Review Team. And my view is that these are completely separate; they are on separate schedules, almost order-magnitude in terms of... Maybe not quite that badly, but quite different timeframes and that the implementation of the WHOIS Review Team's recommendations ought to be proceeding in an orderly, business-like way.

And that the Expert Working Group is an idea-generation process that has to go through the full cycle of all of that. So that's one of the two big things that I wanted to say under this accepting the WHOIS Review Team's recommendations. The other is a little more delicate. Some of the WHOIS Team's recommendations raised issues of implementability in the sense we've been talking about. And I don't remember all the specifics.

One of them I remember is "reduce the number of bad entries by 50%" and it didn't have a reference to what the current numbers were or what the metric or measurement of all that was. I thought I understood the motivation for that but it was a little on the vague side and it's not motivated. What is that number, why is it 50%? Why shouldn't it be 90%?

So the number of second-level questions that come into that process. But that does not take away from the basic posture that the Board took: "Yes, we accept the recommendation. Thank you. Good work and we'll proceed very vigorously." The Review Team apparently did not feel that we were strong enough in saying yes, and I apologise if we didn't convey the level of

appreciation that they deserved. But the simple fact is that we said yes and I don't know how to say that any more straightforwardly and forcefully.

So Denise, the question naturally arises: where are we with respect to the implementation of the WHOIS Review Team's recommendations and to what extent is the work that we agreed to do different from what was recommended?

DENISE MICHEL:

We have Margie Milam on the phone, who's coordinating implementation across a number of different departments and these recommendations affect a number of different areas of ICANN. So if you'd like to go into specifics we can open up the line and allow Margie to talk as well. At a broad level, the Board embraced the WHOIS Review Team report and recommendations and gave very specific guidance on the implementation of each of the recommendations. In part that was because for some recommendations, while the Board agreed with the high-level objective of the recommendation, it was not feasible to implement it as articulated by the Review Team.

I think the example Steve gave of reducing inaccurate WHOIS by 50% in 12 months and 50% again in 12 months was a goal but not within the ability of ICANN Staff to achieve.

BRIAN CUTE:

I have a question on that. Do you remember when in the process the issue of implementability or "this might not be implementable" came up? Second question, when was that communicated to the Review Team?

DENISE MICHEL: We had several meetings and conversations during the course of the process of the Review Team developing their recommendations about this and the other issues that they articulated – and there was quite a bit of discussion and back-and-forth on whether this was achievable and feasible. Ultimately, the Review Team did not completely agree with Staff’s assessment and the recommendation that... Steve?

STEVE CROCKER: Let me jump in because your question is worth attention, not only with respect to the WHOIS but as a broader piece of process and I want to highlight this. The basic cycle of a Review Team’s recommendations – and this also applies more broadly to inputs that we get from various other sources – is that the recommendations come in from an Expert Working Group of one sort or another; Review Team or otherwise.

And there is a not-uncommon situation I’ve spoken of many times, that the perspective of the group has built into certain assumptions that may or may not actually be correct or match up with the way the rest of the system thinks about things. So there is a propose/dispose cycle that is necessary, in my view. That is taking the recommendations and then subjecting them to a close examination. One key thing is, is it implementable? Two, how much would it cost? What are the resources required? And where would that implementation take place?

And Denise has heard me pose those exact questions repeatedly well before the WHOIS Review Team process, way back in ATRT 1 for example. There is a spectrum of ways that this has developed with time. The purest case, in one extreme, is that a Review Team or Expert Group works all by itself, produces its recommendations and then they get looked at for the first time and get subjected to this feasibility and related questions.

At the other end of the spectrum it's the possibility that the Team that's putting it together asks for feedback on feasibility along the way. It turns out that the SSR Review Team did a very good job of that along the way, and so they found that their recommendations had smooth sailing when they came in. In the case of the WHOIS Review Team I think the result was intermediate. And whatever coordination took place in advance, it still required a close look afterwards and that caused two effects that I think they viewed as negative.

One was that it took a while, so there was a delay before they got a response or a Board action, and the second was that it didn't get adopted 100% without modification. And my view is that that's all the necessary part of the acceptance and implementation process. I fully understand that from their point of view they felt that they weren't treated with the same level of respect that we treated others with. But I don't view that as a difference in kind, even if they might have. That is just fitting the results to the process.

But the key thing is that subjecting all recommendations, including what comes out of ATRT 2 to the test of what will it cost? How will we do this? Can we make a go? Is essential before the Board says, "Yes, make it so." And we have to be guided by... And that's separate on a part from any possible judgment of whether we agree or disagree. But even if we want to say yes we need to know what it is we're saying yes to. And if we don't have that input from the people who are then going to be charged with making it so, we're not doing our job properly from a management point of view.

MICHAEL YAKUSHEV:

Thank you Steve. Brian, before I give the microphone to yourself, Steve and Denise, what I'm saying is not a criticism or blaming someone for something, it's the process of self-education so we can learn to do our work better. Am I right that given the fact that you are a Member of our Working Group, such

types of misunderstanding will be avoided when the Board will analyze the recommendations of the ATRT 2?

STEVE CROCKER:

I'll do the best that I can. I've got the same problem with the Expert Working Group, of whom I'm also a Member. I cannot guarantee that simply because I'm here that I can catch every issue, plummet to its depths, get it run down to the details necessary and provide feedback. I'll do what I can. I'm happy to raise whatever flags I get. But the best thing to do is to ask the question as the recommendations are being put together: Is this implementable? What are the impacts on resources? And to seek guidance on that.

Today, I've been in the mode of looking at a few things that I think I have some insight to, so I asked the questions about whether it's possible to have a high-level meeting every two years or is that an overreach? So that's an example of me trying to play that role. But I simply can't guarantee that I can cover all the bases of the full range of things we're doing. But I'm not trying to sandbag. I'm not saying: "I know this won't work but I just won't say anything."

BRIAN CUTE:

I'll give you some personal observations. Personally I think this is an issue that can be solved at a high level fairly easily, and this Team in committing to interact in a structured way, the implementability question, making that part of the structural process can go a long way to eliminating these outcomes.

But I think some important lessons learnt here with respect to the WHOIS Review Team and to the extent that there was some significant back and forth on the issue of implementability on that particular recommendation of a 50% reduction, it might be worth looking back at those back and forths and trying to

sort out why the Team ended up moving forward and maybe that was a sufficient exchange to come to a decision on whether it was implementable.

Lesson learned type of thing. When we started this first meeting in Los Angeles here and the issue of implementability was put on the table I a) recognized it as valid, b) we have to address it. But my immediate reaction was Peter was at the table and was frankly active as a participant. There were points in that process where some of the Review Team Members were thinking: "God, can we even agree to the word 'the'?" So if Staff is at the table, if a Member of the Board is at the table, we're all here, so there's opportunity to address these things.

I think the solution is to make it part of the process in a structural way. I think it would be important to learn some specific lessons here from the WHOIS Review Team and pull them into the report, and that's the extent to my thinking.

MICHAEL YAKUSHEV:

Thank you. Is there an immediate response?

STEVE CROCKER:

Very quickly. Peter was on the ATRT 1 but I wasn't, so I was in the audience when the recommendations were put forth. And I remember now one very strong reaction I had which was the timeframes that were associated with those recommendations struck me as unfeasibly short. And that turned out to be true without us pushing on it. So that's a typical issue that comes up.

MICHAEL YAKUSHEV:

Thank you. Denise, Olivier, Alan.

DENISE MICHEL:

This conversation's gone in a few different directions but like I said, two point. One, I think many of these are very complex issues and we have Staff experts on each of them and they're not in the room. The same goes for a variety of issues that the ATRT 2 is addressing. There are questions that have arisen yesterday and today about the facts, assumptions and ideas and potential recommendations that have been raised in a lot of different areas.

So this would be a good time to have those conversations and get more information from Staff before you start drafting recommendations, to make sure you have the full and correct information at hand upon which to base your recommendations going forward. And with respect to the WHOIS review, I think continuing with this specific example, although the Review Team was advised that ICANN Staff could not control a 50% in inaccurate WHOIS entries, ultimately the Review Team decided to go forward with this recommendation.

They are an independent Review Team and that of course is their right, and while I noted that the Board agreed with the underlying objective of the importance of reducing inaccurate WHOIS, in part because of this recommendation and a few others they decided to take the step of being much more explicit in how they wanted Staff to implement, how they were expecting Staff to implement the recommendations. And that's why you have very specific steps laid out with respect to decreasing inaccuracy in WHOIS.

So the Board said: "We expect Staff to come up with some innovative ways to proactively, test, monitor and reduce inaccuracies in WHOIS. We expect Staff to move forward with our negotiations and use them to provide some additional mechanisms for Staff to help reduce inaccuracies." So the reason you don't have an ATRT 1 style "we agree with this report – go implement it" was in part because some of the recommendations had some implementability issues and some had more complex approaches to implementation.

MICHAEL YAKUSHEV: Thank you. Olivier, what's your opinion, based on your less-conflicted situation? But please don't mention 50% reduction anymore.

OLIVIER CRÉPIN-LEBLOND: Thanks very much Michael, it's Olivier for the transcript. The first thing, I see a 'W' that's jumping on my screen. That's been going with WHOIS, it certainly is the 'W' that's boiling my blood at the moment. [laughter] Sorry. Yeah, several points. The first question is whether Staff has managed to provide a rationale for the un-implementability part in that. Just being told it's a matter of cost is not something that is a viable rationale because ultimately the budget of ICANN is pretty large. If this becomes a priority, what usually happens is, "We'll find the money for it."

So that was the first thing. I also understand there were issues with regards to the compliance function in ICANN and things have been somehow resolved, so there has been some movement in that direction. But it is still a real concern whether there is the actual drive in ICANN to put this issue to rest. And I'm not talking about numbers; 50%, 60%, 80% – every single inaccurate WHOIS is a potential for the use of a domain name for fraud or whatever, and we certainly have some data that proves this. So this has to be a total strategic priority for this Organization. And that has a very high incidence on ICANN's own accountability. That's all I can bring to the debate at the moment. And the "W" is fixed. Thank you.

ALAN GREENBERG: A number of people said to me yesterday that they were really pleased that it was a productive day because we were talking about substance and not process and not theory. We've gone back. This is supposed to be a session

looking at [inaudible 01:24:33] deliberations and somehow we've gone back into general theory and stuff and I'm somewhat disappointed. If and when we can get back to the actual work that this session is supposed to be talking about, I'll be pleased.

MICHAEL YAKUSHEV: Thank you. Steve?

STEVE CROCKER: I would welcome – speaking in my role as Board Chair now – if a recommendation comes forth from this Review Team that says “in receiving recommendations from Review Teams from the AOC process and indeed from others, if the Board would provide a detailed response as to what it chooses to do with those recommendations and why”. And I think that would be consistent with what's being said here about a rationale. And recognize that that will include analysis of the feasibility, resources, venue or motive, implementation, etc., as part of what's included in that response.

I think that's totally consistent with my view of what our responsibility to the community is and what our responsibility from a management perspective is. And as I say, if we want to say that to the Board, I would find that to be a perfectly reasonable thing to accept.

MICHAEL YAKUSHEV: May I ask to return the initial table to Alan? No-no, it was a table...

ALAN GREENBERG: While we're waiting I'll comment: Steve, there is already such a recommendation on Work Stream 4's plate.

MICHAEL YAKUSHEV: [laughter] Thank you. Thank you for the substantial assistance. As for the recommendations, yes, we need to go to the substance of the issues. However – and this was also raised by Steve – frankly, for myself, being a Member of the WHOIS Review Team I wonder whether it’s acceptable to my colleagues on the ATRT 2 Review Team that the recommendation given by the Review Team according to certain procedures and obligations in the charter documents of the Organization, in fact replaced by another recommendation, which is being implemented? And the question is, what exactly should we discuss now?

Either what should be done in the course of discussions and decisions being made by the Expert Working Group, or we should go to the past and check what should be done or why it cannot be done from the text and recommendations given by the Review Team? Because it’s two different stories, and my question is where should we go; to the past? Or should we think about the future?

STEVE CROCKER: The past, if those are the choices. Without being facetious, you’re asking in effect what happened to the recommendations from the WHOIS Review Team...?

MICHAEL YAKUSHEV: My question is, what should we do now? If we are talking about the substance of the issues, not about what happened and why didn’t it happen? What should be the focus of our interest as the ATRT 2?

STEVE CROCKER: With respect, ATRT 2 is looking at what happened with the WHOIS Review Team, if that’s okay? The expectation should be that those recommendations

were accepted with the caveat that they were subjected to implementation analysis and so forth, and to ask where we stand on our implementation process. The Expert Working Group is a separate track that is not yet in a timeframe that matters to what we're doing here.

MICHAEL YAKUSHEV: Brian and then Olivier.

BRIAN CUTE: I just want a point of clarification. Under the AOC the Board is not expected, nor should there be an expectation that the Board accepts recommendations. The Board, under the AOC, is required to take action. So I think it's an important point and I don't think there should be an expectation of acceptance; if we put something in front of the Board that was completely unworkable I think the AOC would give the Board the flexibility to come back and say, "That's completely unworkable."

I don't think that that fact takes away what transpired with the WHOIS Review Team and clearly what I see as largely a communications issue, because I sat in the room in Beijing and I was not close to the WHOIS Review Team work until we got into this process, but we put the resolution up on the board – the WHOIS Review Team on one side of the table saying, "It says 'A'," and Staff looking at that very same language and saying, "No-no, it says 'B', we've accepted it."

And my assessment of reading the language is it's not really clear, you can kind of read it both ways. So I see a communications issue there. I see a disconnect of what the Review Team's expectations were of acceptance and then implementation, but the AOC, to be clear, does not require the Board to accept recommendations.

OLIVIER CRÉPIN-LEBLOND: Thank you. Looking at the table and looking at the 25% completion of implementation, I think that one of the things I would like to see is a roadmap to see when we're going to reach 100%, and this time next year do we forecast being at 25%, 50%, 75%? Where are we going from here? If we're at 25% at the moment, I'd like to see where we want to go and I guess that once we have that roadmap then it will probably be easier for ICANN to start forecasting what resources it needs to achieve that roadmap.

If we don't have targets or goals we're not going to progress very far.

MICHAEL YAKUSHEV: Thank you. I would just say that from the response document we received from ICANN Staff on the implementation of the Review Team's recommendations, it was mentioned that further developments are expected by August this year. So by now we don't have any additional information for what we should expect now, but yeah.

OLIVIER CRÉPIN-LEBLOND: I'm sorry for insisting but further developments are due any time. ICANN is a developing organization. But we do need targets and I don't see any targets.

MICHAEL YAKUSHEV: Avri and then Alan.

AVRI DORIA: I guess I just have a question. Doesn't that cross a border into the substance of the WHOIS recommendations and such as opposed to just looking at the process? And it's for us to say we want to see a certain kind of rate. We're getting into the, "They said 50%, it wasn't possible," and all of a sudden we get

into saying, "We want 50% next year." I think at that point we've jumped beyond, into the substance of the WHOIS issue as opposed to looking at the review and the response it got.

So I worry that getting into that is something I was hoping we'd avoid.

ALAN GREENBERG:

Look, there was clearly some bad communication. There is some bad personnel management. I learnt a long time ago as a manager that if your staff is unhappy you have a problem, even if they are unhappy for the wrong reasons. And we're not going to fix that history here. Every one of the 16 recommendations is being worked on to some extent. Some of them well, some of them very poorly, in my personal opinion.

And I guess I'd like to get back to what our job was supposed to be today and look at what we believe the implementation was of the first eight that we've worked on, and decide how we go forward instead of talking again about the overall theoretical process; let's look at the specifics.

MICHAEL YAKUSHEV:

Okay. What about our schedule for right now?

BRIAN CUTE:

[laughs] No, I think you've done the work on the eight and come to some preliminary conclusions, and just as we've done prior I think it's in the interest of the Team to hear what the preliminary conclusions are, have us react to them, add our own thoughts, see if that further strengthens the conclusion or changes the conclusion. Let's understand clearly the remaining recommendations that have not been assessed yet, so we know about the work to be done. But I think you have to leave us at 3:00, right?

MICHAEL YAKUSHEV: I can make it later, no problem.

BRIAN CUTE: I think we should go through the same exercises as quickly as we can. Tell us what your conclusions are on the eight, let us react and push forward from there.

MICHAEL YAKUSHEV: Okay. Again, may I ask you to look at this screen? Our preliminary response to the implementation of the first recommendation is that we do criticize the monthly contractual compliance reports, which was the response of the initial recommendation of the WHOIS Review Team and still the overall situation requires some clarification about the first and most important recommendations of the WHOIS Review Team.

So I guess we need to sit together with Alan just to make this recommendation more clear and taking into consideration everything that's been said by Steve and by other participants of today's discussion.

ALAN GREENBERG: The world is changing. WHOIS is changing. I've spent a lot of time in the last several days with compliance. They recognize that the reports they've been putting out have had some significant problems and they now understand what the problems are or at least some of them. July's report should be better and if they can go back and retroactively do the first part of this year again, their reports may actually show some consistency and perhaps some improvement.

So I don't know. I've seen the draft July one. I don't know what the others are like. They did have some significant problems and from my perspective the reports if not were useless then were difficult to understand. And I include

things like numbers not adding up properly. So that may well be fixed. And because what we're trying to do here is measure progress, the reports are one of the key parts of that. So maybe some of the problems we've seen over the last couple of months will be fixed. I'm optimistic about it.

MICHAEL YAKUSHEV:

Thank you. Any other comments? Thank you. Recommendation #2 was about the single WHOIS policy document. The decision was not to create such a document but rather to make available the consolidated source of such policy references. So our recommendation is expressed here and still we don't have the WHOIS portal where all such kinds of information would be consolidated as maybe not one document but one site, one page.

And the recommendation is to accelerate this process as written on the screen. Any comments?

ALAN GREENBERG:

An explanation. There is discussion in other parts of the WHOIS comments from Staff that they're talking about educational portals and various things, and there's an implication – although not quite a clear statement – that the existing WHOIS policy, that is the amalgam of all the bits and pieces, will be put in language that a common man can look at. We haven't seen any of this, but on the assumption that this indeed going to come closer to what was asked for by the Review Team, we would suggest that it happens sooner rather than later.

The current document may well make it easier for a legal assistant to find where the bits and pieces are about WHOIS, they do not answer the need that the Review Team might have identified.

MICHAEL YAKUSHEV: Thank you. Recommendation #3 was about the outreach and the recommendation [inaudible 01:40:37] reflects that the communication plan was not publicly available. Anyhow, we should consider and mention that what ICANN's implementation was in the right direction. Any comments? Yes please.

BRIAN CUTE: I just note that for all of these, any updates from Staff would be welcome too. If you have them.

DENISE MICHEL: For this work it's all the work that's been reviewed by the ATRT. Staff has additional information and perspective and comments on implementability. So I think Review Team Members should expect interactions with Staff across the Board and we'll need to discuss the timing and how best to go forward with that.

ALAN GREENBERG: Speaking on behalf of Work Stream 3, it would be useful if the answer is: "Don't worry, it's all contained in a communications plan," if we'd seen the communications plan or at least a subset of that. Otherwise at least a lot of this is, "Trust me, it's coming," and it's hard to put a real valuation on that.

MICHAEL YAKUSHEV: Next, #4 – it's about resources and the location of the necessary resources. We think... Brian?

BRIAN CUTE:

I apologise. I think this is an important juncture. This is clear because we're talking about implementability, I believe, updating from a Staff... Okay. At this meeting we are trying our best to reach preliminary conclusions that are preliminary but as sound as we can make them on potential recommendations. We're not making recommendations here but we're assessing implementation. So I think Denise, it's really important that if you have updates and other views that are going to shape the conclusions here that maybe not bringing them all into this meeting if fine, and you can organize them, but we need them soon.

And I think if you can pull that together in an organized fashion and deliver it to us so we can then factor that into our ultimate conclusions on any or all of these assessments, that would be good, but we're going to need it soon. And I think one week, two weeks... How much do you have to pull together? How long is it going to take? Because we're really got to get to some conclusions shortly.

DENISE MICHEL:

Right. Many of this has just arrived in the form of templates that have been shared Friday, Monday, very recently. Larisa has shared all of that with the Staff and she can provide the information in any form that it's most useful for various Work Stream Members. So we can do oral briefings, they can provide updated information... There's variety of ways we can do it. We can work on a Work Stream by Work Stream basis or we can share this information for the whole Board.

So Larisa has all the various Staff, and there is a lot of Staff involved as you can imagine, across all of these topic areas. She has a Staff teed up so they understand the additional information and discussions that need to occur. And if you'd like to talk now about how the various Review Team Members and

Work Stream Groups would like to go forward with Staff we'd be happy to talk about that now.

MICHAEL YAKUSHEV: Fiona?

FIONA ALEXANDER: Maybe if you could go back to #3 for a second? What Michael and the Team are proposing is that they can't tell what's happening because they haven't seen the communications plan. That's the recommendation of the group at this point. So I think within the next two weeks, if you guys can't provide a communications plan that we can evaluate, that's the assessment of the group.

At this point, there can't be any more rolling data; it's either we can see the plan or we can't see the plan. Because this group has to finalize all of this in the September timeframe and they need time to review it. So I would suggest by the end of August [inaudible 01:45:10] everyone... And each one is going to be case-by-case I would think. And this one is really simple – you either show them the plan or you can't for whatever reason. And then that's the assessment.

MICHAEL YAKUSHEV: Brian?

BRIAN CUTE: I hear you on Work Stream-by-Work Stream. I think at this juncture of our work the entire Team, seeing these inputs from Staff, is important.

ALAN GREENBERG: I'll point out – the communications plan is one of the items. There's another reference somewhere saying: "Don't worry about education because the Regional Vice Presidents have an excellent card deck they can display to people to explain what's going on." Well, let's see it. Let us judge because that's what we're supposed to be here for.

MICHAEL YAKUSHEV: Thank you. Recommendation #4 on resources. We see that the Head of Compliance became a Vice President. However, some data is still insufficient and some developments seem to be not... Well, adequate, to what we are calling full transparency on resource [and constructure? 01:46:33]. And it is reflected in the last column on the screen. So if anyone has any additions or questions or concerns...?

SPEAKER: I'll try to elaborate a bit. The recommendation was quite explicit and said "want reports among other things on staffing". We want to know what's going on. The community needs to know what's going on. When I was doing this work I found out in the May record, I think, we were told that Compliance's Staff did 15 and now I look at the count of people and find it's 12. The organizational charts we find are out of date and include people who aren't there anymore.

It's just a very fuzzy picture and we need a little bit of clarity and a little bit of... Maybe candid is the right word. When I went to something on MyICANN there is a June '12 - June '13 report. Rather unusual, 13-month report. There is a beautiful chart there entitled "Complaint Prevention". July 2012 was marvelous – they prevented 9,000 complaints. I'm pushing it a little bit. It

works just as well if you change the word “prevention” to “count”. This was actually a count of complaints received, not complaints prevented.

I will gladly attribute it to somebody coming up with this word and no one thinking about it, but it looks awfully close to deception to me. If you’re looking for conspiracy theories... And we need more clarity. Maybe they just need a good editor outside of compliance to look at this and say what they’re presenting makes sense or not. But what we’re getting right now is not sufficient.

MICHAEL YAKUSHEV: Thank you. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you Michael. I see 15 fulltime employees and the recommendation is saying: “Function managed in accordance with best practice principles.” How did we reach the number 15? I might just be focusing specifically on that but it came from a Staff report that we got.

MICHAEL YAKUSHEV: It wasn’t the document that they provided us with.

OLIVIER CRÉPIN-LEBLOND: No-no, but how did the number 15 get reached? Who decided on 15? How did we get to this? Is 15 enough? Is 15 not enough? I don’t know.

ALAN GREENBERG: We weren’t even trying to judge that. I was just commenting on the fact that at one point it said 15 and then it said 12...

OLIVIER CRÉPIN-LEBLOND: I'm questioning the number 15.

MICHAEL YAKUSHEV: Does anyone have an answer to this question?

ALAN GREENBERG: I don't even know if 15 was the headcount that they had at that point. That was the Staff they had at that point.

MICHAEL YAKUSHEV: Not yet, Olivier. Not yet. Excuse me.

LARISA GURNICK: I don't have the answer but I'm wondering if in making sure that Staff provides useful information, if perhaps we could reframe the question, because it's quite possible that at one point it was 15 and then staffing levels change. At any given point it could move to 12 and then 16. So I think would it be fair to say that the issue is, what is the appropriate staffing level? How is that being judged or evaluated? Is that what the Team would like to know?

MICHAEL YAKUSHEV: We would like to know that there should at least be some explanation of this fact. If the number of the people responsible for a certain function reduce this, it's because of what? You have some information system that's introduced to make life easier, etc., etc. But by now, yes, it's very hard to understand why 15 becomes 12 and why it's good, for example. Avri?

AVRI DORIA: Thank you. I just have a quick question on FTEs. I'm less concerned about the number than about FTE. Because the fulltime equivalent... I know when I've tried to count how many actual people were available and involved in any particular enterprise at ICANN I would also find that one person showed up in many places with a little bit of their FTE here and a little bit of their FTE there.

MICHAEL YAKUSHEV: Am I right that FTE stands for fulltime employee?

AVRI DORIA: Fulltime equivalent. So in other words, one question that I think would be interesting is how many people is the FTE spread out over and how many other functions do these people have? Because one of the things that's an experience at ICANN is that people are split up against many things.

MICHAEL YAKUSHEV: Fair point. Thank you. Alan?

ALAN GREENBERG: In relation to what Larisa said before, I'm not questioning that in any organization numbers can go from 12 to 15, or 15 to 12. It's the opacity that you have to almost look at lists of employees... If you take the merger of the compliance list of employees and those who show up in the ICANN overall list and those who show up on a chart and then try to figure out what the current one is, it's almost... You're not going to guess right. There's a certain level of opacity in this whole process that doesn't go along with words like "including full transparency on resourcing and structure".

MICHAEL YAKUSHEV: Thank you. Any more additions? Thank you. So the next four recommendations are related to data accuracy. And I don't want to mention once again this 50% issue because it has already been discussed. So #5 is about proactive communication and making available the requirements for an accurate WHOIS. So here we mention an important question that there is a reference to the work of the Expert Working Group, which is not yet completed.

So that is why... And to the story with our Registrant Rights and Responsibilities document. The recommendation is not to consider this task and this recommendation completed in the same manner as was proposed by Staff. It's up to 80% completion, or 100% completion for what was done by the Expert Working Group, because it's really premature to judge by now when their work is not yet finished. Alan?

ALAN GREENBERG: I'll make a couple of comments. Yeah, certainly the classing Expert Working Group was complete. I didn't understand that. There has clearly been a lot of work done in this whole area. [audio cuts out until 01:55:33] And I'm getting a little confused as to which recommendation is which, but again, everything is in the planning stage or we're developing a tool or something like that. Very little real understanding of how we're getting to an end point.

And again, I'm certainly not accusing Staff of lying, but just being given random percentages or perceived random percentages doesn't give a very warm feeling, especially when a couple of them that we can actually track don't seem to match. So the last paragraph by the way, the "XX", the Registrant Rights and Responsibilities at the very last moment got changed to "Benefits and Responsibilities" and that's created a significant perturbation in the community.

STEVE CROCKER: I have not seen this. The mention of the Expert Working Group seems out of place here in that I don't view the Expert Working Group as related to the WHOIS Review Team's recommendations. As I was saying before, we have two tracks and this track is the WHOIS Review Team's recommendations. And it's focused on what the status of those recommendations are, where we are with all that. And the creation of the Expert Working Group is a different world initiated outside of the scope of the AOC entirely.

MICHAEL YAKUSHEV: So you go agree with the proposed recommendation not to make this link? Or maybe just to minimize its importance? Alan?

ALAN GREENBERG: Steve, I don't disagree with you. We were commenting on what the Staff input was to us on implementing this recommendation, and some of it is they included the Expert Working Group as complete. We had to comment on it.

STEVE CROCKER: I'm puzzled as to why it's in there.

MICHAEL YAKUSHEV: Okay. Any more comments? Thank you. #6 is the reduction of the number of improper WHOIS registrations; 50%, and I think the recommendation should be rewritten. Olivier?

OLIVIER CRÉPIN-LEBLOND: I just noticed something in your previous recommendation mentioning the Registrant Rights and Responsibilities, and it's on...

MICHAEL YAKUSHEV: It's #5.

OLIVIER CRÉPIN-LEBLOND: Yes, sorry, going back to #5. It mentioned the Registrant Rights and Responsibilities document referred to as being complete is the one that is now called Registrant Benefits and Responsibilities; a terminology that has caused some user representatives to significantly downgrade its importance. I'm not sure whether this should be welcomed right now until we do get clarification. The document itself has actually got a top-level name being "Registrant Benefits" and right under that a submenu called "Registrant Rights".

That might be a typo, that might be a clerical error in that document. I would like to obtain further clarification before this is in there.

MICHAEL YAKUSHEV: We will check.

ALAN GREENBERG: This is not published yet. This is today's version.

OLIVIER CRÉPIN-LEBLOND: Correct, yes, but I'm pointing it out.

MICHAEL YAKUSHEV: Thank you Olivier, we will check, yes. So as for Recommendation #6, it should be rewritten, and let's no discuss it any more. As for the accuracy of reports... Well, the overall recommendation is just not to start again discussions about any other reports, and if anyone has anything to add or ask in this respect that would be great, but by now I think it's really premature. Yes please?

ALAN GREENBERG:

On #6 and #7 I think they illustrate the problem that we had in looking in detail... In trying to analyze the Staff input and understand it. In terms of the [Norg? 02:00:27] Study, we accepted the fact – as Steve indicated – that there may be aspects of that that are not implementable, not scalable, and that’s quite reasonable. The natural next step that I would have wanted to see from Staff was: “Okay, what are you doing instead to meet a similar target?”

When we asked that question and got more information we were told a number of things, including they are trying to implement the [Norg?]-type Study with call centers – something which I personally think is misdirected for a number of reasons. But nevertheless, we’re having a real difficulty understanding exactly where we are and what’s going on. From a Board resolution we found out that there is an automated tool being developed to look at WHOIS accuracy, which wasn’t mentioned in these documents at all.

So we’re just in a difficult position to understand exactly what’s going on.

SPEAKER:

Chris Gift actually briefed you on his future plans to do that. [background speaking] And the terminology is just different. I think they’re mentioning it in here as a proposal for a statistical analysis and record verification, it’s the same thing as was referred to in the Board resolution.

MICHAEL YAKUSHEV:

Thank you. Okay. And if that’s all with Recommendation #7 then we’ll go onto Recommendation #8 about enforceable, clear chain of contractual agreements, which is also very important from the legal standpoint, etc. So the feedback we received is that ICANN tried to make this implemented, however after having received resistance from the contracted parties the final language is different from the original proposals.

So in our recommendations we state certain disappointment about this fact, because we can just make a lot of discussions on how this was really implemented in terms of those proposals, and from the position of the contractual parties they had different opinions on how it was done on behalf of ICANN. I don't want to go into further details right now, however it's not sufficient.

Then another statement we'd like to make here is about penalties on [inaudible 02:03:19] infractions, which is still missing, but it will be done. So if anyone has any questions or additions you are welcome. Yes please Alan.

ALAN GREENBERG:

I have a question. I've asked a number of people who didn't have the answer at hand, and maybe someone here will be able to get the answer to us quickly – I recall in the new RAA, 2013 RAA – some provision for taking action against registrars who have repeated WHOIS problems. Clearing a particular problem is not necessarily a good thing because in many cases bad WHOIS has been associated with domain names that only live for one month anyway.

So by the time compliance takes a look at it it's gone and therefore there is no problem. And yet the question is if the same registrar has continual reports against them, is there any provision in the RAA to take any action? I thought I had seen that somewhere but then I couldn't find it. So the answer to that is indeed if there is any ability in the new RAA to do that or not would be a useful answer for us.

MICHAEL YAKUSHEV:

Thank you. This concludes the work we have managed to do for now. The other eight recommendations are much more specific and less complicated in

terms of how they can or cannot be implemented, and I think we will finalize the job very shortly.

BRIAN CUTE:

Thank you. Would you mind just quickly scrolling through the eight so we can see them? Then we'll move on. Thank you.

MICHAEL YAKUSHEV:

#9 is about the reminder policy and it's the last recommendations led to a data inaccuracy. The next two or three recommendations are about the privacy and proxy services; an important issue that was discovered and analyzed during our review process. #11 is the common interface and data access. We got just some responses of how it is being implemented. Then three recommendations on IDNs, internationalized domain names.

Unfortunately, there we will see that the reality is fairly far from what was recommended by the Review Team. However, ICANN assumed that maybe some of those recommendations are really less implementable or less understandable than others, so we will put it down. And #15 is a deterrent comprehensive plan on what should be done with the recommendations and it's quite easy. And finally #16 is the annual status report. Again, it's either they are or they are not. Olivier?

OLIVIER CRÉPIN-LEBLOND:

Thank you Michael. Are these boxes blank because you haven't started working on them or...?

MICHAEL YAKUSHEV: We have started but frankly I hesitated to do anything before the discussion of today. Just understand the overall approach of what should be done with the... How it was treated by the Board, by the Staff, and then it's more or less clear in what modality we should put down the recommendations.

OLIVIER CRÉPIN-LEBLOND: Thank you Michael. So you have all the information pertaining to these...?

MICHAEL YAKUSHEV: Mostly, yes. Alan?

ALAN GREENBERG: #15 is an interesting one. It's a lot more than three months now, but assuming timelines are always wrong, the single comprehensive plan that is understandable is still not something that I believe I've seen. And the status of that... To what extent can the community look at a single unified plan and understand where we're going and how we're getting there would be a really useful document.

MICHAEL YAKUSHEV: Yeah, but Alan, you see, Brian told you that the Board could or could not accept the recommendations, so...

ALAN GREENBERG: I understand, but I believe this was not one that Staff told us was rejected. The only one that I believe was outright rejected was the first part of the WHOIS reminder one, where the Staff response quite rightly was: "The information is not available, it's not likely to be achievable and it's just not possible to do what the WHOIS Review Team wanted." But the WHOIS Review Team in their

wisdom said, at the second half of the recommendation: "...And if this is not possible, tell us how you're going to do something better." [laughs]

MICHAEL YAKUSHEV: Thank you. Olivier then Brian.

OLIVIER CRÉPIN-LEBLOND: Thank you Michael. I apologise publicly for having not read the recommendations of ATRT 1 before intervening earlier regarding a roadmap. That's exactly what I was looking for. To me that translates to a roadmap that is required. I see ATRT 1 needed it. It's not there. Thank you.

BRIAN CUTE: Two points. To the point of the Board not being required to accept, yes again, but if the Board, in consistent with prior AOC elements, doesn't accept your recommendation, I think there is a fair expectation that the Board will articulate their reasons why it didn't accept and that should be clear on the record somewhere. With respect to #16, it's interesting the WHOIS Review Team as recommendation established reporting frequency on implementation.

Getting back to the discussion we had earlier about the reports that Staff puts out on implementation progress, let's make sure we fold this into that discussion when we have it with Staff as well. Just a note.

MICHAEL YAKUSHEV: Thank you.

BRIAN CUTE: And thank you Michael, very much. We are going to plough forward with Work Stream 2 now. That's right. It's you, David.

DAVID CONRAD: What? [laughter]

ALAN GREENBERG: David sees that I'm waving my hand at you.

BRIAN CUTE: Oh, okay. 15-minute break? Okay. We'll be back in...

ALAN GREENBERG: But first I was going to read what the recommendation to the Board was on #15 – that is a plan that presumably is going to be implemented because it was there. And it is verbatim: "The Board agrees that the gTLD WHOIS should be a strategic priority. The Board directs the CEO to incorporate a work plan for improvement of WHOIS into the operating plan." I don't think we have seen that detail.

BRIAN CUTE: Thank you. And with that we'll take a 15-minute break and reconvene. [break] We are going to recommence. David Conrad, are you ready? When you're ready, David, the floor is yours.

DAVID CONRAD: Hello everyone. Are we recording? Everything's good? The world's a wonderful place? Good. This is a quick update of the SSR Review recommendations. What I've done in a flurry of activity this morning is I've

taken all the recommendations, documented what the Staff status is and then provided a preliminary evaluation. And with the preliminary evaluations you'll see four different colors; green means it's complete, yellow means it's incomplete, typically on going – in fact I can't recall any that aren't ongoing. Red indicates a discrepancy between what Staff believes the status is and what my personal interpretation of the status is. After discussion with Staff there's one red status.

Then there's blue, and that means I'm waiting on input from Staff to complete my interpretation of evaluations. So with that is a proviso. Moving into the recommendations. Actually, should there be any questions feel free to jump in, throw things preferably at Brian. #1 – ICANN should publish a single, clear, consistent statement of its SSR remit and limited technical mission. ICANN should illicit and gain public feedback in order to reach a [inaudible 02:29:25] statement.

The Staff status – and this is an update from the spreadsheet they've provided – is that it's done. For some variable of the "done" it is done. It's not fully done, because the public comments have not yet been posted. Staff indicated there are no modifications to the statement based on public comments, and the Board hasn't formally accepted the comments yet but Staff believes it will be on the September Board Agenda and doesn't foresee any difficulties with that being approved. So I marked it as complete because by the time this gets written into the final report it definitely will be. Any questions? Comments?

Okay. #2 – ICANN's definition of its SSR remit and limited technical mission should be reviewed in order to maintain consensus and illicit feedback from the community. That should be done on a regular basis. Staff's assertion was that this was done through the FY 14 framework and the next opportunity to review would be as part of the Review Team 2 kick off in 2015.

I evaluated that as complete. The FY 14 framework has been published. If there is a review done prior to the SSR Review Team 2 review, I recommended that it should be done prior to the review, so that the Review Team 2 would have the most up-to-date information prior to starting that review. That is not a recommendation, just on observation. #3 – once ICANN issues a consensus-based statement based on its SSR remit and limited technical mission, ICANN should utilize consistent terminology in descriptions of this statement or materials.

So this one is waiting because it was dependent on Recommendation #1. #1 has just been completed so it's likely that #2 will be completed before publication, but I don't have sufficient information to make a formal evaluation at this point. Yes, Brian?

BRIAN CUTE:

Question. Looking at #1 and how that will play out through #2 and #3, a metrics-oriented question – what's the effect of the implementation here? Is the past environment such that there was a lack of clarity across the community as to what the role was, and that's what we're trying to address here?

DAVID CONRAD:

Right, thank you for that because it reminds me of something I wanted to put as a caveat to all of this. My impression on going through the recommendations is that a lot of them are driven by a reaction to earlier actions on the part of ICANN, that were perhaps not well-communicated to the community, and as a result a lot of the recommendations were, it felt, driven out of an attempt to remedy that lack of communication.

In the intervening time since the SSR review occurred and the recommendations were published, my impression has been that a lot of stuff has been clarified, beyond what's been within the recommendations – the SSR Team engaged the community; they have been much more involved. So in response to your specific question, the implication of actually publishing the document doesn't appear to be that significant because people are now aware of what the SSR are doing through the outreach efforts they've undertaken. If that answers your question.

So I'm now on #4 – [audio cuts out until 02:34:00] SSR relationships it has with the ICANN community in order to provide a single focal point for understanding interdependencies between organizations. This one is incomplete. Staff has been working on this. They made the determination of relationships and are putting those in categories and documenting the relationships. One of the challenges here is you'll see a large number of these are incomplete.

It's been difficult to establish any estimate on completion times because the SSR Staff is actually quite resource-constrained and have – in the space that I've been working with the SSR Staff in trying to deal with it – been pulled off on three different things that were higher priority; the most recent being the name collision stuff that is going within the gTLD. And I can't fault them for that. It does suggest that the SSR Team is under-resourced and that is a recommendation that's further on.

So at this point, where you see “incomplete” without anything following it, that's because I've not been able to drive any estimate from Staff on when this will be complete. Avri?

AVRI DORIA: I just wanted to point out that from various conversations that we had with them, that under-resourced theme came out frequently.

DAVID CONRAD: Right.

BRIAN CUTE: Jumping ahead to #6 I'm going to make the same point. I thought one of the more interesting meetings for me in Durban was with the RSSAC and that was another theme that came out in terms of them being under-resourced and tried to just get simple administrative changes done in their charter was a challenge, so that they could interact more effectively with other SOs and ACs. So I'm just underscoring that. And do we know why there's an under-resourcing, if in fact there is?

DAVID CONRAD: My personal interpretation has been that the scope of work that has been relayed to them keeps expanding without additional resources being provided to them. They also had an issue just prior to Durban where one of their Staff took ill and was not able to participate in a lot of these things. So just from personal observations, the impression has been that they've tended to do a good job and since they do a good job they tend to get more work but they're not getting additional resources to handle the additional work.

Carlos and then Steve.

CARLOS RAÚL GUTIÉRREZ: Do you think it will change if they create this division [inaudible 02:37:14] issues? As we heard this morning from Fadi? When you say they're being given more work, who is giving them more work?

DAVID CONRAD: Oh, everybody. [laughter] The new gTLD folks... A lot of the issues that have been coming up with regards to new gTLDs recently have involve security and stability in some way. And those have been parachuted into the Security Team. They keep getting additional requests for trainings, for essentially outreach types of efforts... I could go on and on with the list. They should actually go on and on with the list, not me.

CARLOS RAÚL GUTIÉRREZ: By having a clear division of gTLD business and then a clear division for security and stability...

DAVID CONRAD: I have no idea. I can't comment. Steve?

STEVE CROCKER: No disagreement with anything to do with the resources and so forth, with one little exception. I think the RSSAC situation is completely separate and distinct and I'd like to carve it off. My observation was that for a very, very long time they didn't accept, didn't want any support and didn't have their heads in... And now they now have accepted the idea of having some support and they do have some support and they've gone through a rebirth and a whole new regeneration. It's a qualitatively different situation.

But I don't think they were starved for resources in the sense that we would ordinarily understand that. They didn't ask then when they were offered they said no.

DAVID CONRAD: Any other...? Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you David, it's Olivier for the transcript. Is it worth mentioning at this point, with regards to the SSAC, that it has asked for budgets to travel to ICANN meetings and the request was denied? Because it has to ask for specific SO/AC additional support requests in order to be able to travel to ICANN meetings.

DAVID CONRAD: I can tell you in pretty fine detail what that was all about. The bottom line is they got the support. There was a very brief period where they asked for some support and it got turned down, and there was then some subsequent attention and discussion. George Sadowsky beat me to the punch and took up the [inaudible 02:40:04]. We had to untangle the idea that all ACs be treated the same, and suggest that it really should be looked at on the individual merits.

And that budget was restored and I don't think it will be a problem in the future. You can choose to make a recommendation if you want but I think it's already been handled and dealt with.

DAVID CONRAD: Okay. On #5 – ICANN should use the definition of its SSR relationships to do stuff, since the SSR relationships haven't been completed yet. This one is also

marked as incomplete. In this one, Staff actually provided [inaudible 02:41:00] around 40%. It's difficult for me to evaluate the accuracy of that, I have to take them at their word. They are deeply involved with the Global Stakeholder Engagement Team, particularly in the developing countries; Africa and Asia and the Pacific countries.

So I tend to agree with the 40% but I have no way of benchmarking it so I will simply accept that and mark it as incomplete. #6 – ICANN should publish a document clearly outlining the roles and responsibilities for both SSAC and RSSAC in order to clearly delineate the activities of the two groups. ICANN should seek consensus for this across both groups, recognizing staff, and consider appropriate resourcing of both groups, consistent with the demands placed upon them.

So Staff estimated this as 50% complete. I expanded that a little down here at the bottom. 6(a) is publishing the documents currently outlined in the responsibilities of SSAC. That's incomplete; it depends on input from SSAC. I believe a document has been provided to SSAC. I think it's "Publication Responsibilities for SSAC and Confirmation of SSAC that the text is appropriate."

So I believe, although I couldn't find it in my SSAC archives, that there has been some communication between SSAC and the Security Group on this topic, but it has sort of progressed. Yes?

BRIAN CUTE:

Just a question. The role of the RSSAC is in the bylaws, spelled out. So publishing of a separate document; is there going to be a substantive difference there? Is there a reason why the bylaws aren't sufficient? Is it a communications issue?

DAVID CONRAD: My interpretation of this recommendation was if the intent is to lay out the roles and responsibilities and basically draw the lines of whose job it is to do what, between the groups. Steve might have some thoughts there.

STEVE CROCKER: I wasn't sure when I read the wording there that there was a requirement for a separate document for each group independent of each other, or whether there was a requirement for a coordinated document, or a requirement for two documents but that they'd be coordinated. You might want to interpret that... Let me raise a different issue.

I'm getting very twitchy about these percentage completes. I can tell you already don't need the speech. [laughter] These numbers don't mean a thing. [laughter] Let's not use these numbers, let's not accept numbers like this, let's just put a stake through this. There are other ways to measure progress that are actually related to measurable things – translating these into feel-good numbers that hopefully increase over time but don't have any direct relationship to what you measure... I don't think does anybody any good.

And it's a form of obscuration, it's a form of... When you can't read... I'm having a senior moment. What's the word you use when people can't read? It's... It's a form of mathematical illiteracy. It's a mathematical illiteracy and is really just below the level of serious dialogue that we should be engaged in. I'm being quite serious.

DAVID CONRAD: I understand completely. The interpretation of whether it's one document or two documents... The wording suggests a single document. I partitioned it

simply because I saw it as two separate tasks – a), b) and c) delineation is purely mine; it's not within the recommendation itself.

BRIAN CUTE:

Well, a key thing is... Which I didn't really understand when I was up there is, is this a requirement that RSSAC and SSAC agree on something together, or is this that each of them has to agree to their portion, irrespective of what the other... Because it's a qualitatively different exercise to get the two of them to agree on something than to agree on what they're...

DAVID CONRAD:

I'm aware of those challenges. My interpretation of Staff's work on this is that they're pursuing two separate tracks to try to define the roles and responsibilities in conjunction with those groups, in a way that avoids having to do a three-way coordination. That's something that I will take as an action to clarify.

STEVE CROCKER:

The extreme, which is actually worth considering is, why are those two ACs being dealt with together as opposed to any other collection of... Why not ALAC and SSAC? That's an entirely facetious question.

DAVID CONRAD:

Right. So the response would probably be because SSAC and RSSAC are the ones most associated with security and stability related functions. Alan?

ALAN GREENBERG: Presumably the challenge is you don't want to overlap unless they agree to overlap, and you don't want things to fall between the crack between them. So they either have to agree or it's dictated top-down. Or it's random.

DAVID CONRAD: The summation of this is that the document that defines the roles and responsibilities between the Security Group; between SSAC and RSSAC, is incomplete. I think that's a statement we can all agree on. The third recommendation out of six was that ICANN should consider appropriate resourcing for both groups, consistent with the demands placed upon them. I marked this as complete because both SSAC and RSSAC have budgetary and Staff support allocations.

On can get into arguments about whether the allocations are sufficient or overly generous. It's a matter of opinion. I was stuck here because Work Stream 2 is not supposed to be making recommendations, so I am not making a recommendation but a proposal of recommendations for the Review Team 2 when they actually come along, that there should be an effort to seek community input and AC input as to whether the resource allocations are sufficient to meet the needs. Yes?

ALAN GREENBERG: Then why don't you mark it incomplete because you're not sure if the resources are in fact adequate?

DAVID CONRAD: The recommendation is ICANN should consider appropriate resourcing for both groups. ICANN considered appropriate resourcing for both groups. [laughter] My view is that that aspect of the recommendation is complete and you will

get people who say they have sufficient resources; whether or not it is, I'm not in a position to judge, so... Any other comments, questions, suggestions? Olivier?

OLIVIER CRÉPIN-LEBLOND: I'm still unsure about this because of the original AC and SO request, which was refused and then required the intervention of several Board Members in order to overturn it. That to me doesn't seem to be as something in ICANN's DNA to provide adequate resources.

DAVID CONRAD: But it was overturned.

OLIVIER CRÉPIN-LEBLOND: It was overturned but the DNA default was to say no, then it had to be overturned. It's just a strange thing.

BRIAN CUTE: Is the future, non-recommendation for SSR Team 2 saying: "Ask other ACs whether they think there is sufficient funding of these two," or: "Ask these two if there is sufficient funding"?

DAVID CONRAD: Those two and the community.

BRIAN CUTE: And the community? Just a question – if ACs in all different parts of the community are jockeying for funding at all times, in natural self-interest. Are

we going to get valuable input from other ACs on whether those two are getting adequate funding or not? Just a question.

DAVID CONRAD:

I can't speak for RSSAC and I can't officially speak for SSAC, but in my experience with SSAC they have not been aggressive in pursuing resources; they've focused on trying to make do with what they have. The last instantiation where there was an issue, I think it was mainly due to additional travel request, because people kept asking for SSAC to do more stuff at ICANN meetings.

So that is an issue. That's why I threw "and the community" in there, to try and provide some level of balance.

BRIAN CUTE:

So because other parts of the community haven't been asking them to do things, they should be able to give a disinterested input? Thank you.

DAVID CONRAD:

Any...? Okay. Let's see.

SPEAKER:

I'm a little perplexed as to how this is going to work formatting wise, but I don't think this Group can actually propose new recommendations for the next Group.

DAVID CONRAD:

That's why it's a proposal. I'm not making a recommendation – I'm proposing that they consider accepting a suggestion for a recommendation.

SPEAKER: I think that's actually beyond the scope of this too, and maybe what you should do is not be so leading and just include it in the evaluation. So you could say: "Both SSAC and RSSAC have budgetary and Staff allocations. Whether those allocations are sufficient is hard to determine without consulting with the community," and then the next Review Team can take a look at this and make their own determination. Because you're telling them what they need to do and I don't think that's...

DAVID CONRAD: To be clear, this document is internal notes. This is basically something I threw together for presentation today, both in terms of I threw it together today and I'm presenting it today. [laughs] So don't take anything you see here as literal. Basically I felt that there's... I wanted to provide input into SSR Team 2 and I wasn't sure how best... Actually, what I really want to do is make recommendations but I can't do that.

So I was trying to figure out how to provide input into Review Team 2 and this was just an internal note thing that I wanted to provide.

SPEAKER: So you can sign it for that Review Team or [laughter] you can provide comments to that Review Team.

DAVID CONRAD: I may have learnt my lesson on this one. [laughs]

BRIAN CUTE: There will be massaging. Continue.

DAVID CONRAD: Moving on. #7 – ICANN should build on its current SSR Framework by establishing a clear set of objective and prioritizing its initiatives and activities in occurrence with these objectives. This process should be informed by a pragmatic cost benefit and risk analysis. So this is pending completion of the FY 14 Operating Plan and Budget Process.

I broke it into two sub-recommendations: ICANN should establish a clear set of objectives, which as I was unable to identify a clear set of – and that may simply be because I couldn't find them – but that might be something that needs to be focused on by the SSR Group. And then you then prioritize those in occurrence with those objectives. That depends on establishing the set of objectives. Brian?

BRIAN CUTE: So you answered by question. I would think in the normal course that the Organization would set and prioritize its objectives for this area. You're saying you were unable to find that?

DAVID CONRAD: I didn't find anything explicit. I found some implicit indications but Staff also didn't provide any specific pointers to any set of objectives so I just left it as incomplete.

BRIAN CUTE: So, Denise, there's a question – if there are objectives and prioritized objective for this area of activity, somewhere out there and we just can't put our hands on them... Because I think that would be standard operating procedure for the Organization. If it's done somewhere we may not need these recommendations.

DAVID CONRAD: Olivier?

OLIVIER CRÉPIN-LEBLOND: Did you examine the Board DNS Risk Management Framework?

DAVID CONRAD: I reviewed it but not in excruciating detail. It's one of those things that I read when it came out and kept meaning to go back to it but have not had a chance to. Moving onto #8. Only have 20 more of these to go. ICANN should continue to refine its Strategic Plan objectives, particularly the goal of maintaining and driving DNS availability. The Strategic Plan and SSR Framework should reflect consistent priorities and objectives to ensure clear alignment.

This one depends on the next Strategic Plan. We had some discussion about it today and as such its incomplete. Questions? Okay. #9 – ICANN should assess certification options with commonly accepted international standards and for its operational responsibilities, ICANN should publish a clear roadmap towards certification. The Staff status mentioned the assessment that's currently underway with IANA. I have some knowledge of that; it started when I was here at ICANN.

The Security Group is providing a supporting role in that process. So I broke this into two sub-recommendations. ICANN should assess certification options. Patrick said that they had done some assessment but he didn't have a chance to provide me with any of the documentation or any pointers to the public documentation of that. I pinged him on it but he just hasn't had a chance to provide that.

And ICANN should publish a clear roadmap towards certification – obviously that will depend on the assessment and the certification chosen, or they may

choose not to pursue a certification as well so obviously that remains incomplete. Questions? Yes, Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you. How much of this is publicly available information? Just on the process with regards to the transparency of what's going on?

DAVID CONRAD: Most of it is derived out of the Staff assessments, the FY 14 SSR Framework document and various presentations that have been done. I would say that most of it is public. It can be challenging to find, you have to read a lot and I've been reading a lot.

OLIVIER CRÉPIN-LEBLOND: It just sounds like you've had your bloodhounds looking for information. It's detective work.

DAVID CONRAD: As I said, I have been reading a lot, so. Moving right along. #10 – ICANN should continue its efforts to step up contractual compliance enforcement and provide adequate resources for this function. ICANN should also develop and implement a more structured process for monitoring compliance issues. Staff's view was this recommendation is largely complete due to the work of the Compliance Team and FY 13. I'm just waiting for people to throw things.

I broke this into two sub-recommendations: ICANN should continue its efforts to step up contract compliance enforcement. I mark this as complete because it is clear that they are continuing their efforts to step up contractual

compliance. Whether or not that's sufficient is a value judgment that I'm not going to make.

ICANN should provide adequate resources for this function is also marked as complete because clearly with the ramp of the Compliance Department, additional resources have been provided. Whether that is sufficient or adequate is again another matter of opinion. Comments? Suggestions? Flames? Rude noises? Move right along.

Oh, and sorry, there was a third sub-recommendation. ICANN should also develop and implement a more structured process for monitoring compliance issues and investigations. I have heard, I have seen reference to additional work in the area of monitoring compliance issues and investigations. I asked for additional information on that. It has not yet been provided. My understanding is that there is a dashboard thingy and all sorts of additional stuff that's being developed, but I don't have any concrete information, project plans or anything like that. So I left that as a "waiting". Olivier?

OLIVIER CRÉPIN-LEBLOND: Just for the record, I think the lack of comments from people around this table is due to the fact that we did speak of contractual compliance and about this issue earlier on today. So we're not going to repeat ourselves, but it's noted.

DAVID CONRAD: Either that or people are sleeping. Moving right along. [laughs] #11 – ICANN should finalize and implement measures of success for new gTLDs and IDN fast-track that expressly relate to its SSR-related program objectives, including measurements for the effectiveness of mechanisms to mitigate domain name abuse. This one Staff says is not yet implemented. I agree. It is not yet implemented.

It is actually... A personal evaluation is that it's actually surprising given the state of the new gTLD and IDN fast-track, that the mitigation of domain name abuse hasn't taken high priority, but that's a personal evaluation. With regards to this recommendation I can simply say that it's incomplete. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you David. This is work which I believe is partly in the remit also of the Consumer Metrics Working Group and there has been some movement of that. Part of the Consumer Metrics do all look also at user confusion and also to some extent some SSR-related...

DAVID CONRAD: Good to know. Brian?

BRIAN CUTE: Just for clarity, what Olivier just mentioned would be activities in parallel to what should be happening here. Is that a fair assessment? Or a substitute for work that should be done here?

DAVID CONRAD: I guess I would say in conjunction. There are efforts that need to be done here and efforts that need to be done in the Group that Olivier mentioned. Yes?

OLIVIER CRÉPIN-LEBLOND: May I perhaps ask Steve, since it is the Board that has passed resolution to move forward with the Consumer Metrics, whether this would also include the "implement measures of success of new gTLDs and IDN fast-track", would that relate to the SSR-related program objectives? Or are these two separate tracks?

STEVE CROCKER: I don't have perfect memory of exactly what was said in the resolution we just passed. The basic essence of it was a recommendation from Staff that they were ready to go and move with the next step. I don't recall that there was any relationship to the fast-track. Denise, would you have more details? The resolution that we just passed, Olivier is asking, did it include any reference to success of the fast-track or IDNs?

It seemed to me it was focused exactly on the language that was in the Affirmation of Commitments language for the fourth review.

DENISE MICHEL: It just relates to the final AOC required review, not to the fast-track. Was that your question?

STEVE CROCKER: Partly.

DENISE MICHEL: Yeah, or IDNs.

DAVID CONRAD: Okay. Moving on. #12 – ICANN should work with the community to identify SSR-related best practices and support the implementation of such practices through contract, agreements and other mechanisms. Staff's response was they believe it's partially complete with the incorporation of SSR language into the new gTLD agreements and the 2013 RAA. Yes, Steve?

STEVE CROCKER: What are you really trying to say? What is it that isn't done or what is this obliquely referring to?

DAVID CONRAD: The idea is to incorporate best practices in the contractual language, so that if you are a new gTLD applicant, that when you sign the contract you're agreeing to implement certain best practices with regards to DNS. And the same for registrars through the RAA. There's another recommendation farther on that is attempting to encourage SOs to recommend the implementation of best practices within their SOs.

STEVE CROCKER: Two comments. First of all, there is an awful lot of prescription in the contract already, much of which is motivated by the same idea. So this in some sense is revisiting that area and I'm a little bit worried about conflicting or creating uncertainty in all of this. It sounds good, it feels good, but in terms of specifics I don't know whether or not it's going to muddy the waters as opposed to helping.

While you're thinking about that, the other thing is here is a subtlety that I think is very important: ICANN's mandate with respect to registrars stops with registration. Registrars as a whole, in general, offer multiple other services; most particularly they offer DNS services and hosting services for the DNS servers for the registrants. So it's very typical to register a name, you get the name and you also get the DNS servers for that name. And that is outside the scope of ICANN's purview over accredited registrars.

So there is effectively two separate businesses there and it's not usually immediately understood by people how different those two businesses are from a contractual point of view. The language here feels like it's treading into

best practices for DNS services, which feel very natural. And it's okay if we want to recommend something but I think we need to make a very careful distinction between the ability to have contractual control, versus good stuff that we can recommend that everybody in the world do, including registrars who happen to be in the DNS business.

DAVID CONRAD:

With response to your first point, I've actually marked this as complete. My interpretation of the work to get best practices into new gTLDs and other documents led me to believe that that could be marked as complete. With regards to the best practices, I have two responses. One is according to the specific recommendation it doesn't actually reference any specific activity – it could be best practices with regard to registration and there are some that I know from painful experience are not being implemented.

For example things like two-factor authentication. The other answer is that perhaps the recommendation is a bit vague and could be clarified, but I'm just taking the recommendation as it exists and relaying the evaluation.

STEVE CROCKER:

The current RAA that's in the process of being signed, requires that every registrar support DNSSEC in the form of moving DNSSEC-related records up into the... This is a good thing from my point of view. A current topic is what about DANE-related TLSA records? Well, it probably isn't necessary to boot those up into the registry but I'm not sure about that. But my point is there is a moving target here and marking it complete or incomplete, it needs to be tied to more specific kinds of things, I would say.

DAVID CONRAD: Okay, I'll need to think about that one. Yes?

SPEAKER: I have a different question. Is the evaluation based on the Staff status report or is it from other material?

DAVID CONRAD: It's based primarily on the Staff input but it's also based on research that I've done since I got sucked into the WS 2 thing.

SPEAKER: Because obviously the RAA is done and things have happened, maybe this is where we could get an update from the Staff, because I think a lot of things have been done on this. Whether it's the RAA or whether it's following the GAC advice that's specifically addresses some of these issues.

DAVID CONRAD: That sounds like a good idea. If I hadn't already mentioned it, I am working with the Security Team in trying to get an update. We would have been further ahead except Patrick got pulled off to do some higher priority work. This one also has something which shouldn't be here. One of the challenges I had as I was trying to go through this was figuring out what was meant by contracts, agreements, [inaudible 03:12:30] and other mechanisms and which SSR best practices can be incorporated.

And my suggestion to some vague, future Group that I probably will not have any relationship with was that they should identify and catalogue all of those and then try to figure out which parties to work with to incorporate the best

practices that are appropriate for that particular agreement. Any questions? Comments? No?

#13 – ICANN should encourage all SOs to develop and publish SSR-related best practices for their Members. This was the other one that I'd mentioned. Staff says that they're at early stages of implementing this recommendation and it's underway, so I marked it as incomplete. Not much more to be said there as far as I'm aware. Questions?

#14 – ICANN should ensure that its SSR-related outreach activities continuously evolve to remain relevant, timely and appropriate. Feedback from the community should provide a mechanism to review and increase this relevance. Staff believes that this recommendation has been met with the SSR Frameworks and approaching the various communities. Staff states that it's an ongoing thing.

I marked this as complete as in discussions particularly at Durban with various community folks, I mentioned I was doing SSR stuff and a bunch of individuals said they were pleased with the outreach that the Security Team was doing. CcTLD folks liked the classes that were being provided in conjunction with NSRC. The LEA folks that I spoke to really appreciated the input that ICANN, [Crane and Puscattello? 03:14:52] have been providing in terms of support for LEAs.

So I think this one might be a little hard to document from the context of anecdotal information, but within the SSR FY 14 Framework, they actually list a whole long list of medians and organizations that they are participating in as outreach activities. So I would argue this is complete. I did have another non-recommendation. "Should ensure the Security Team undertakes SSR-related outreach activities that address other aspects of ICANN's limited SSR remit, for example IP-related SSR concerns."

The focus to date has been almost exclusively on DNS and WHOIS and I personally believe that a recommendation should be made that they should get involved in some of the addressing related stuff. Olivier?

OLIVIER CRÉPIN-LEBLOND: Shouldn't this be a remit of the RIRs to do?

DAVID CONRAD: It's not an either/or. Just as the Security Group is providing support for DNS registries and registrars, it would make sense that they would provide the same sort of facility for the addressing community. #15 – ICANN should act as facilitator in the responsible disclosure and dissemination of DNS security threats and mitigation techniques. Staff believes this is complete. It's an ongoing activity. Steve?

STEVE CROCKER: I strongly disagree. I don't think it's complete. I've had occasion to get involved strongly in this in the past couple of weeks. I've read the document, commented on it. I think it's a good effort but there's what I view as a serious missing piece, which is what do you do if the potential vulnerability is of substantial magnitude that would move you into crisis mode. There is a complete lack of recognition that there might be any relationship between security incidents and anything that might be major enough to trigger big-time concern.

So I would mark that as incomplete. There's also a lack of any connectivity between evaluating what the potential is for a crisis level...

DAVID CONRAD: Have you provided those comments...?

STEVE CROCKER: Forcefully.

DAVID CONRAD: In a public venue that I could reference?

STEVE CROCKER: No.

DAVID CONRAD: Oh yeah, it's done. [laughter] Okay, I will take that input and I suppose Staff will take that input and write it back to the Security Team. Yes?

STEVE CROCKER: There's always the question of how much more detail to provide in trying to work this out.

DAVID CONRAD: Okay. #16 – ICANN should continue its outreach efforts to expand community participation input into the SSR Framework development process. ICANN should also establish a process for obtaining more systematic input from other ecosystem participants. I broke this into two pieces. Staff believes it's been implemented but it's not a thing that you complete, it's an ongoing thing. In terms of my evaluation, ICANN should continue its outreach efforts.

Clearly it is. I mark that as complete. As I mentioned, a number of individuals representing groups, at the Durban meeting, indicated that they were quite

pleased with the outreach efforts. I would note that the Security Team with regards to the SSR Framework development process actually went out and contacted individuals and asked them to comment on the SSR Framework to try to get additional input.

I have two minds about that. One, I think the initiative is wonderful; going out and doing the work is great. On the other hand, it presents a theoretical risk of stuffing the ballot box of generating comments that are favorable to a particular interpretation and you then get into questions of transparency and how were those individuals chosen. I actually spoke to folks about that and it was basically those they dealt with primarily in the registry and LEA communities.

There's no ill intent, there's no malicious efforts in any way, it's just something that probably should be looked at with some level of care in the future.
Olivier?

OLIVIER CRÉPIN-LEBLOND: Is the Board DNS Risk Management Framework falling under the SSR Framework?

DAVID CONRAD: It is referenced in some of the subsequent recommendations, so I guess I would say yes. Happy to be corrected though.

OLIVIER CRÉPIN-LEBLOND: I genuinely asked the question because I didn't know. I'll wait until the end of the recommendations and then I might comment.

DAVID CONRAD:

I will wait with bated breath. Where am I? #16 (b) – ICANN should establish a process for obtaining more systematic input from other ecosystem participants. I pose this as a question. I have not heard any response, I just left this as “waiting”. I actually have no clue whether this has been initiated. I assume that it has and it’s incomplete but I don’t have any information.

Number #17 – ICANN should establish a more structured internal process for showing how activities and initiatives relate to specific strategic goals, objectives and priorities in the SSR Framework. It also should establish metrics and milestones for implementation. So this has been addressed in the context of the next strategic plan – according to Staff – and with the implementation of the App/Task system, I guess this and next year, FY 14.

As such I marked it as incomplete. I’m not sure if there’s anything more to say on that particular topic, unless anyone has any questions? #18 – ICANN should conduct an annual operational review of its progress in implementing the SSR Framework and include this assessment as a component of the following year’s SSR Framework. Staff said 100% complete with apologies to Steve. And it seemed to be the case that they actually did what they said they did.

#19 – ICANN should establish a process that allows the community to track the implementation of the SSR Framework. Information should be provided with enough clarity that the community can track ICANN’s execution of its SSR responsibilities while not harming ICANN’s ability to operate effectively. The dashboard process used to track implementation of ATRT serves as a good model. Random number but needs to be updated to current with the FY 14 activities. Marked this as incomplete.

My impression in talking with Staff is this is also tied into the App/Task development and implementation. So there might be a dependency in that as well. #20 – ICANN should increase the transparency of information about

organization and budget related to implementing the SSR Framework and performing SSR-related functions. Information should be provided with enough clarity that the community can track while not impeding on ICANN's ability to operate effectively.

This is similarly underway with the development of the FY 14 budget and Operational Plan. Also involved with the implementation of App/Task. Marked as incomplete. #21 – ICANN should establish a more structured internal process for showing how organization and budget decisions relate to the SSR Framework, including the underlying cross-benefit analysis. This is also similar to the previous one. It's an FY 14 budget and Operating Plan issue. It will be thrown into App/Task along with small children. Everything seems to be going into App/Task.

#22... Sorry, Brian, yes?

BRIAN CUTE: Who on the Senior Staff does this go up to? Who owns this?

DAVID CONRAD: Jeff Moss is the über Security Officer.

BRIAN CUTE: Is he reporting to the new COO? Do we know?

DAVID CONRAD: I thought he still reported to Fadi but I actually don't know. Steve might know for certain.

STEVE CROCKER: Today I believe he reports directly to Fadi. Tomorrow he will report to this new position that Fadi described as not yet being filled.

DAVID CONRAD: #23 – ICANN must provide appropriate resources for SSR-related Working Group and ACs consistent with the demands placed upon them. ICANN also must ensure decisions reached by the Working Group and ACs are reached in an objective manner that is free from external or internal pressure. So Staff’s response on this was implementation of this recommendation is still in progress.

I broke this into two pieces: ICANN must provide appropriate resources – and I mark that as complete because resources have been applied. Whether or not it’s appropriate you can get into arguments about. We’ve had this discussion before. The second one I find a little more interesting. ICANN must also ensure decisions reached by Working Groups and ACs are reached in an objective manner that’s free from external or internal pressure.

I marked this as incomplete and speaking personally I really don’t know how something like that would be implementable or even verifiable, even if it was implemented. So I’ve left it as incomplete. I leave it to this Committee... If there’s anyone that wants to comment?

BRIAN CUTE: No, I think you’re clearly calling out to Staff and Board saying “red flag”.

DAVID CONRAD: And this is also one that I thought there should be some... The question of appropriate resources is a general thing. I think there probably needs to be

additional input as to whether the resources allocated are appropriate. So I threw that in. Not as a recommendation, just a thought. Yes?

SPEAKER: Not having been familiar with this before, when these recommendations were presented to the community, Staff and Board, did anyone actually say, "This can't be implemented,"?

SPEAKER: I was there. As I recall, Bill Manning offered this proposed recommendation and it was discussed by Staff and other Team Members in the drafting session. And some Team Members raised the question about what it actually meant and how it would be implemented and then I think no additional details were agreed to and at the end of the day Bill was still insistent that it was needed, so it was included in the report.

SPEAKER: And then the Board adopted the recommendation, or was there any Board discussion?

SPEAKER: No, and I think the intention here was that Staff would have further discussions with the community groups, to see if they could come up with some ideas to help inform implementation or progress towards the overarching objective.

STEVE CROCKER: What Bill didn't realize was we were going to make him Umpire. [laughter]

DAVID CONRAD:

I think reaching in an objective manner is a [inaudible 03:30:35] goal and something we should all... It's good for SSR-related stuff to target. The "free from external or internal pressure" I don't... How? But moving on. This is perhaps a controversial one. ICANN must clearly define the charter roles and responsibilities of the Chief Security Officer Team. The Staff believes that this is complete. They believe that the charter roles and responsibilities of the Team have been documented through the publication of the annual framework; specifically page 17 of the FY 14 SSR Framework.

My evaluation is... I broke this into three parts: define the charter, the roles and responsibilities. In discussions with Patrick he believes that the recommendation was not intended to formally define a charter as you would see with ACs or SOs or anything like that. There wasn't a need to produce a specific, approved document that lists the principles, the functions and the organization of the Security Office.

My understanding of this recommendation derives out of what I believe triggered the actual review, the SSR-related review, which was in some way related to things that eventually turned into the DNS cert discussions. And my impression was that the intent here was to actually provide a very explicit framework of what this Security Office was allowed and not allowed to do to prevent it from increasing its scope.

As such, there is a discrepancy between my view, which I would say this is incomplete because there is no clearly defined charter for this Security Group, and Patrick's view, which is that sufficient information for the charter is found within pages 16 and 17 of FY 14 SSR Framework. It is arguable a trivial point that should not require a lot of cycles of anyone's brain to actually resolve, but I did want to highlight that there is an interpretation discrepancy between myself and the Security Office on this particular issue.

AVRI DORIA: So that being the case, what happens next?

DAVID CONRAD: That's a good question. Patrick and I will continue to discuss this and see if we can come up with some mutually agreeable definition. My assumption is that within the context of the Security Office of today, this isn't as much of an issue. In fact, people keep trying to get the Security Office to do more and a charter might be useful so that they can defend themselves from people trying to get them to do more. I think when it was originally written it was an attempt to keep ICANN from going off and doing way too many things in the security field.

So things have flipped 180°. It may be that this is completely meaningless and what's in the SSR and ongoing SSR is sufficient to document the charter of the organization. That might be a topic for the SSR Team 2. The other two of these, #24 (b) and #24 (c) are both reasonably well defined within the context of the SSR FY 14 Framework.

I did provide another non-recommendation. Basically I found it hard to find this information and I thought since there is a webpage that lists the Security Office and Members of the Office and their bios, that it would be useful to put this information there. But that's probably way down into the implementation detail.

#25 – ICANN should put in place mechanisms for identifying both near and longer term risks and strategic factors in its Risk Management Framework. Cue Olivier. [laughs] This process should be informed by insights from research business partnerships, ICANN SOs and other sources. ICANN should publish information about risks, recognizing the sensitive natures of some of these factors. A draft framework was presented. I believe it was up for comment at Durban.

It is my evaluation that both of these are incomplete. I broke it down into: should put in place mechanisms for identifying both near and long term risks, and strategic factors and the risk management framework. Those efforts are underway but I do not believe they are complete. And ICANN should publish information about these risks and that would seem to depend on identifying the risks first. So that's also incomplete. Any comments? Olivier? Later? Good.

#26 – ICANN should prioritize the timely completion of a risks management framework. This work should follow a high standard of participation and transparency. I mark this as complete. It has been prioritized. [laughter] Did I mention I did all of these today? Whether or not there was a high standard of participation and transparency is a matter of opinion.

My impression is that it was reasonably transparent. The work was done by an external contractor, it was published in the normal way that ICANN does these sorts of things. There were no screams of outrage that I'm aware of. Olivier, you might know better. I admit that I didn't follow the risk framework stuff all that closely.

OLIVIER CRÉPIN-LEBLOND:

I didn't quite know when to jump in but there certainly is a lack of transparency in the way that the risk management framework work has been undertaken. The DSSA, which we have spoken about earlier today, is a model of cross-community Working Groups, was actually a group that was chartered by all of the SOs and ACs and with several Chairs. There were a lot of people on the Working Group.

It's dying a painful death at the moment for the very reason that much of the work that was done by the DSSA – therefore by the community – was then

done again by the Risk Management Framework and basically the findings of the DSSA one year earlier are the findings of the actual consultants that have performed the work, with very little interaction between the consultants and the Co-Chairs of the DSSA.

Unfortunately, the findings of the consultants are even more difficult to implement than the findings of the DSSA because the DSSA followed a NIST-800 methodology, which is a public domain methodology, whilst the DNS Risk Management Framework Consultants decided to go for an ISO methodology, which greatly requires licensing every time you use it, so you can't use it across the whole set of... Well, you can't apply it to more than what you're applying it to.

So with regards to the participation and transparency of the community in the Board DNS Risk Management Framework, I don't think there has been any. This might be a personal opinion. You might wish to ask my Co-Chairs on the DSSA, but the DSSA was inclusive but the Risk Management Framework was just pottered off over to a consultant and then the consultant went away, met with the community at each ICANN meeting – where there was a tense relationship with the community, due to the fact that the DSSA had already done some of the work – and came back with a report.

And now we have that report. So ultimately the handling of this is probably not optimal.

DAVID CONRAD:

Okay. Alan?

ALAN GREENBERG: Slightly off-topic for this particular discussion, but that does not bode well for bottom-up cross-constituency Working Groups that see a need and go and do a lot of work.

OLIVIER CRÉPIN-LEBLOND: One of the concerns of several Members of the DSSA is that work that was cross-community, bottom-up, has effectively been replaced by work that was top-down, ex-community; in other words done by a consultant outside.

BRIAN CUTE: Sounds like a worthy topic. Help me understand the work that you're reviewing David. Is it an appropriate assumption that ICANN, as a not-for-profit organization in California that has certain roles here, has itself as an organization a responsibility to appropriately identify and manage these risks on the one hand, and the community, as a multi stakeholder, bottom-up community also has an interest in addressing the same issues from their perspective? Is that a fair statement of am I missing something?

DAVID CONRAD: Yeah, I think that would be a fair statement. I guess the way that I was interpreting the risk management framework that was done was in isolation from the DSSA stuff and in that context, if you separate out the DSSA effort, if you look at the approach of how it was pursued, it is similar to approaches that have been done with regards to other activities. Right?

Finance consultants, open-bid, blah-de-blah – they do the work, they put the work out for public comment... That was consistent with the standards of transparency that appear to be in force in ICANN today. With that said, if you then look at the DSSA side of things, I would agree with Olivier that there are

definite questions about the openness and accountability and transparency aspect of it, looking at it from the community perspective.

From a corporate perspective, the separation that you're suggesting probably makes a lot of sense. I actually don't recall seeing the justification of the rationale for the spin-off of the risk management framework stuff as it was done. That came out of the Board Risk Committee, so perhaps we can ask the Chair of the Board for input as to rationales for...

STEVE CROCKER: I'm sitting here and I don't recall. Mike Silver is Chair of the Risk Committee.

DAVID CONRAD: Are there any minutes... I assume there are.

STEVE CROCKER: It's probably pretty thin. I'm a Member of the Risk Committee actually but I don't remember the bidding on that frankly.

BRIAN CUTE: Was this a necessary effort that was clumsy in coordination with something that was happening across the community? Was it not? I'm an organization, I have to get my finances audited, I'm going to an audit firm and will have that done once a year. ICANN community, having clarity as to ICANN's finances and budget is important but it's not the same thing. As an organization I've got to get an auditor to do that task. What are we talking about here?

OLIVIER CRÉPIN-LEBLOND: I was going to ask... I'm not going to answer that question so I defer to David.

DAVID CONRAD: With the proviso that I don't have full information at this point, my impression when I was reviewing the Risk Management Framework stuff was that the Board Risk Committee saw a deadline and saw a need to meet the deadline and did not see the DSSA as necessarily meeting their requirements, in terms of both content and timing. But I need to stress that this is a very loose impression based on the random comments.

OLIVIER CRÉPIN-LEBLOND: I think Alan had something to say so I'll defer to Alan and then I'll throw something.

ALAN GREENBERG: In listening to this and having no prior knowledge, I think the first question is, did the Risk Management do this oblivious of what DSSA was doing, or a conscious decision not to use DSSA and involve it.

DAVID CONRAD: I will actually defer to Dr. Crocker or Dr. Crépin-Leblond.

STEVE CROCKER: Again, I will say I don't recall. A fair question but I don't know.

DAVID CONRAD: I would be quite surprised if there was ignorance about the DSSA effort in the Board Risk Committee and/or that there would be no mention of it within the minutes.

STEVE CROCKER:

I'm not going to provide complete satisfaction but I can tell you that much of the action within the Risk Committee has been receiving Staff reports which are coming from outside consultants, through Staff, to identify generic risks across the organization, buildings falling down, that sort of thing, and trying to sort those into likelihood versus severity and other generic manipulations to the multiplication of ordinals. It drives me crazy.

And then we try and respond back to that. I don't recall, but I could be misremembering or just missed it completely, any [inaudible 03:50:08] or any coordination issue between that exercise, that [inaudible 03:50:14] with the DSSA. I apologize.

OLIVIER CRÉPIN-LEBLOND:

Thank you. So the DNS Risk Management Framework as it was designed was in full knowledge of the DSSA's work. There had been some joint meetings between the DSSA and the people driving the DNS Risk Management Framework prior to the work of the DNS Risk Management Framework starting to take place. In fact, Patrick Jones did act as a liaison on several occasions to pass the information over to Mikey O'Connor, who was one of the Chairs of the DSSA's work.

One of the things which has been noticed is that yes, some of the DSSA's work was used by the consultant, and I guess the Members of the DSSA are very happy about that; that this has taken place. However, the mandate of the DSSA as it started was to examine and put together a methodology for examining and evaluating the risks to the DNS and to the end user experience. So an actual risk to the Internet DNS itself.

The mandate that appears to have come out of the DNS Board Risk Management Framework is actually the risks to ICANN, not the risk to the DNS

and not the risks to the users of the DNS and the user experience. There is a slight change in mandate here. So we start at the... The top-down process looked at the risks to ICANN, the bottom-up multi stakeholder process looked at the risk to the DNS.

DAVID CONRAD: Which would actually correspond with the impression that I got, that there was a different set of requirements that were driving the two efforts.

BRIAN CUTE: So other than what appeared to be not fulsome coordination from DSSA's point of view, what's the problem?

OLIVIER CRÉPIN-LEBLOND: The problem is that the effort on the risk to the DNS and the risk to the user experience have fallen by the wayside by being superseded by the risk to ICANN. That's how it appears to be. So the Chairs of the DSSA are now going to go back to their respective SOs and ACs and ask whether the mandate of the DSSA is still valid or whether it should just dissolve.

BRIAN CUTE: So if the risk management consultant delivered to ICANN an assessment of risk to the Organization, that eliminated or superseded any ongoing work of DSSA?

OLIVIER CRÉPIN-LEBLOND: It's arguable, and it's also arguable whether the work of the consultant was of the required level to deliver on its promises over to ICANN's DNS Risk Management Framework. It is the review of some of the people in the DSSA that there might be more work required but at the moment the whole process

is pretty much in disarray due to lack of information and lack of transparency on the matter. Thanks.

ALAN GREENBERG:

At first glance, risk to ICANN and risk to the DNS and user experience sound like two different things, however certainly if there is risk to the DNS, ICANN as its custodian has a problem. The connection to the user experience is a little bit more nebulous. So it sounds like one is a superset of the other, or perhaps two overlapping sets, depending on whether the risk to user experience impacts ICANN or... Not my problem.

It would almost sound like the Board Risk Committee did a reasonable thing, but in parallel there should have been some coordination and discussion about what the future is of DSSA because there was clearly significant overlap. So I'm... Clearly it needs to be resolved. I'm not sure why we're talking about it now instead of [inaudible 03:55:00].

OLIVIER CRÉPIN-LEBLOND:

Thank you David. I think that the question comes down to whether the Risk Management Framework satisfies the SSR Team remit. Ultimately it's stability and security and whether that's to ICANN or to the DNS. That's the question I'm asking.

ALAN GREENBERG:

I guess the quick question is, are there things that you discovered which are not in what the consultant discovered, that in retrospect should have been? If there are things, in terms of the user experience or aspects of DNS risk that you have uncovered but were not identified there, then clearly there is a problem.

OLIVIER CRÉPIN-LEBLOND: We covered different parts of the spectrum. We covered the DNS risk while the Risk Management Framework covered the risk to ICANN, so these are two parallel things. Whether the Risk Management Framework fulfills the SSR remit or not is the question that I'm asking.

SPEAKER: I have a slightly different question. The remit of this particular group was to review ICANN's own plans; ICANN's developed a plan to enhance the operational stability, reliability, resiliency, security and global operability of the DNS as it's updated, so that was the remit of the group. But without looking at the report I'm just seeing the phrase "Risk Management Framework". Did the actual description of what they were talking about say what they meant by "Risk Management"? Did the SSRT talk about the risk to ICANN versus the risk to the end user? Was there ever a distinction made?

DAVID CONRAD: In the recommendations? Not to my knowledge.

SPEAKER: So with that lack of precision and lack of clarity, how do you know which was the right approach to take? Maybe that's the question. Since we're looking at the process, not the substance.

DAVID CONRAD: In the evaluation that I did I was focused on the Risk Management Framework, just because I essentially forgot about the DSSA. I don't mean that as an insult in any way, Olivier.

OLIVIER CRÉPIN-LEBLOND: David, do you believe the Risk Management Framework fulfills the SSR mandate? Since I would say stability and resiliency of the DNS, wouldn't it?

DAVID CONRAD: I believe that the DNS Risk Management Framework addresses the recommendations of the SSRRT effort. I don't know if it actually meets the SSR requirement. Those I see as different. I actually think that it's a worthy topic of exploration, although I'm not entirely sure that it's appropriate for ATRT. Avri?

AVRI DORIA: I must admit I'm getting very confused on the notion that we had something that was probably complete and we did something else that somehow makes the thing that's complete look less complete. And we'll find ourselves in a situation where you'll think the only thing you could do was say: "There was a study that appears complete. There was another study that needs to be evaluated, and there's questions as to whether this covers the topic."

But I don't see anything that ATRT can or should try to resolve, other than to describe the two situations, two reports, as an impression that perhaps they are complementary and yet perhaps still don't cover everything and let's move on from there. Because I don't see what we could do about it and I don't even see us being in a position to evaluate that either of the reports or both meet everything that was required.

That's a job for SSRT 2 or SSRRT 2 to do. Of course, we can't recommend it, we can just say: "This is the state of affairs at this time."

OLIVIER CRÉPIN-LEBLOND: The whole discussion around this just stemmed from #26, which I evaluated as being incomplete, since this work did not follow high standards of participation in transparency, in my view. That was all. Thanks.

DAVID CONRAD: Based on this discussion I would agree with Olivier that the implementation of the DNS Risk Management Framework was at least not as transparent as it should have been, given the context of the DSSA. Is that a suggestion to move right on? Okay.

#27 – ICANN’s Risk Management Framework should be comprehensive within the scope of its SSR remit and limited mission. Staff believes this was well underway. My evaluation was that I’m not qualified to judge its comprehensiveness – others might be more than I. So I was relying on the Staff’s interpretation along with the comments that were provided. I didn’t see any screams of outrage but I might not have been looking in the right place, apparently. [laughter]

Last but not least – ICANN should continue to actively engage in threat detection and mitigation and participate in efforts to distribute threats and incident information. Staff says they believe this is essentially complete. My view is that ICANN is continuing to actively engage in threat detection and mitigation and participate in efforts to distribute threat [inaudible 04:02:17] and information. So as such I marked it as complete. But... Olivier?

OLIVIER CRÉPIN-LEBLOND: Thanks very much. The question is, threat, to what, to whom? Threat to the DNS? Threat to ICANN? Because that’s so open.

DAVID CONRAD: Avri?

AVRI DORIA: Just wondering on a couple of these do we really have a status called “ongoing”? And it’s neither complete or incomplete it’s just something that is ongoing? And without getting into too serious a judgment about... Because the last two or three really seem to me like ongoing issues that completeness or incompleteness of this one and #27 seem sort of...

DAVID CONRAD: Well, my impression is that Steve felt it wasn’t complete. Not because it’s an ongoing task but because it was not finished – there are aspects to it that were incomplete. Is that a correct reiteration of your view?

STEVE CROCKER: Yeah, there’s a... I don’t think the people that are pursuing this... They and I have a difference of opinion about what the scope is and I think the scope is somewhat larger than what they’ve included. And if you take my definition of the scope, not only is the scope missing but all of the implementation pieces, so you’ve got to connect all that up and the processes that go with that.

DAVID CONRAD: Okay. Olivier?

OLIVIER CRÉPIN-LEBLOND: I promise this is my last comment on this document. Please define “threat detection and mitigation”. I don’t know the scope of it. It could be the threat to ICANN, to the DNS, to Internet users, to... It’s very confusing.

DAVID CONRAD: My interpretation – and I freely admit it was a naïve interpretation and I didn’t actually think about it – was that it was threats to the DNS; detection of threats to the DNS and mitigation of those threats. But I agree that it should be clarified.

OLIVIER CRÉPIN-LEBLOND: So if that’s the case then I would mark this as incomplete since the work that was done was the threat to ICANN.

DAVID CONRAD: Are you saying that this is in the context of the DNS Risk Framework? I did not interpret it that way. I thought it was... No, I thought this was with regards to the Security Team actively engaging in threat detection and mitigation. So clearly we need some clarification of this recommendation; that would be helpful. So I’m done.

BRIAN CUTE: Larry?

LAWRENCE STRICKLING: No-no, this guy hopefully can be brief. Our task – according to the AOC – is that we are supposed to make an assessment of the extent to which the Board and Staff have implemented the recommendations arising out of this particular review. And I guess having listened to all of this and heard the debate about whether it’s complete or incomplete, given all the time you spent looking at this, what would be your topline conclusion and assessment of the extent of which the Board and Staff have implemented these recommendations?

And what dimensions would you suggest we make that assessment along? You could do it in terms of how complete a response it was, you could do it in terms of timeliness, you could do it in terms of impact – but you’ve been the one who’s immersed yourself in all of this. Now, bring it up a level and provide what you can in terms of an overall assessment of this.

DAVID CONRAD:

My overall assessment would be... And my focus is on the operationalization of recommendations; of actually doing stuff that impacts the security, stability and resiliency of the Internet. And from that perspective I believe that the Security Team and that ICANN Staff and Board have done a fairly extensive effort. There are areas in which additional work is necessary, obviously.

There are areas where there is ongoing work that will always be necessary. But from a general perspective, my view is that they’ve done a good job of implementing the recommendations as provided, as they interpreted them in the context of the environment that ICANN now finds itself in, which I believe is different to what it was when the recommendations were written. That’s a long way of saying I think they did a good job.

OLIVIER CRÉPIN-LEBLOND:

I just wanted to make sure that’s it’s know that I made my comments earlier prejudice to the work of the DNS Team in ICANN. As David said, there has been some progress, but it is my belief that there is still a lot more to be done for this progress to be satisfactory on the level of which ICANN is plying today and with the introduction of the new gTLDs coming out there.

ALAN GREENBERG: Let me ask you directly though – we’re supposed to assess the extent to which the Board and Staff have implemented the recommendations. What grade do you give them? You may say that while the Review Team didn’t look at all of this stuff or the landscape’s changed and there are now a whole bunch of new things that have to be looked at, but within the universe of “this was the package you were handed”, what’s your assessment?

OLIVIER CRÉPIN-LEBLOND: Would you like a percentage?

ALAN GREENBERG: I want your assessment on whatever dimension you want to make it.

OLIVIER CRÉPIN-LEBLOND: I would say there is still some work to do. As we’ve seen, there are still some that are incomplete. I believe that there’s ongoing work, but this has to be monitored because it’s not easy to find out exactly where we are.

BRIAN CUTE: David, thank you very much for taking us through that and the good work that you’ve done. Before we leave the room, just a couple of points of business. Alice, could you pull up the list of templates? I want to do a quick stocktaking of the work that remains to be done so we’re aware of what we’re in for. We have to, tomorrow, work through Work Stream 4. Fiona Asonga, in the work that that Work Stream has done and in listening to our discussion about improving the review process, has 28 potential recommendations that we need to walk through and discuss.

And we also need to discuss the templates on issues we identified. How many templates have we worked through already? Can you help me here? Did we go through all of them? Reconsideration? Communications with the Board? GAC interaction? We did assessment of ATRT 1 GAC-related recommendations? Public comment? Cross-community and cross-constituency? PDP we haven't. Review process, we haven't done that yet?

Okay, so how many are in Work Stream 4? Just scroll. Jorgen, did we cover legitimacy in full or is there more to do in there?

JORGEN ABILD ANDERSEN: There's more to do actually. We covered the first two of the recommendations I proposed, but I've just drafted a more concrete proposal for a recommendation on Recommendation #2, but there will be two recommendations that will be distributed tonight.

BRIAN CUTE: So you'll be ready by tomorrow? Okay, and finances... Lise? You haven't done that yet, right? Alan?

ALAN GREENBERG: There were two issues that I didn't do a template for but I did identify the names and they should be there also.

BRIAN CUTE: Thank you for that. Jorgen, you also pulled together a document that summarized some of the Work Stream 4? Okay. We've got that document as well. We've got to make sure we go through that, whether it's duplicative of what Fiona has...

JORGEN ABILD ANDERSEN: Yes, that was an attempt to recap on our discussions. I think that covers what you said.

BRIAN CUTE: Okay. So... Fiona?

FIONA ASONGA: I've actually made an attempt at looking at the document and the new issues and I've put them into a table so that we could either go through the actual templates or go through the table and still capture everything. So that either way we still have a look at what the templates propose.

BRIAN CUTE: Very good. So that's what we have in front of us for tomorrow. Staff has arranged for two interactions with Staff Members to follow up on specific items that came up. One on multilingual and the other on Board reconsideration. So we'll be meeting with ICANN Staff on the multilingual issue at 9:00 for half an hour, and then at 10:00 for an hour we have ICANN Staff, Legal Staff to talk about the reconsideration process.

So that's an hour and half right there and we've got all this work to do tomorrow and we need to have a discussion as well about the shape of the report. And a clear assignment of owners of gap work that needs to be done. So we [audio cuts out for last few seconds].

[END OF TRANSCRIPT]
