
BUENOS AIRES – ATRT 2 Face to Face Meeting
Monday, November 18, 2013 – 10:00 to 17:30
ICANN – Buenos Aires, Argentina

BRIAN CUTE:

Welcome to those in the room and those online. This is the Accountability and Transparency Review Team Two. This is Brian Cute speaking for the transcript record. And we are meeting with the RSSAC in session today in Buenos Aires. So welcome members of RSSAC. Thank you for joining us.

To give you an overview of where we are in the course of our work, and what we hope to accomplish this week and going forward is, we have now issued a draft report and recommendations. That's out for public comment. We will be providing a final report and recommendation to the ICANN Board no later than December 31st.

Between now and that date, we are looking forward to hearing from members of the community, which is why we are meeting with you today and others this week. We are looking forward to comments, formal written comments on the draft report and recommendations, and a number of other inputs.

And effectively, what we are looking for are concrete reactions as to whether or not in the draft report and recommendations, we are on the right track with our recommendations, or whether we have missed the mark. And what we're really looking for is any inputs that can help us understand if we need to make modifications to the draft report and recommendations before we issue the final.

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So that's essentially the framing. We're looking forward to your inputs and observations today, and if there are any comments from the RSSAC, however brief, that might guide us to our final report. Those would be welcome as well. So with that framing, I guess the floor is open to you.

First we have a number of recommendations, but also, which may be of some interest to security and stability and resiliency review team recommendations, we did assess ICANN's implementation of those, as a separate appendix to our report. David Conrad, of the review team, was the chair author and driver of that piece of our work.

Certainly any comments that you have on that, just so you understand, this review team is not going to make new recommendations with respect to SSR review team. If there are new recommendations to be made on that subject matter, those would be made by the next SSR review team. Our job was to assess ICANN's implementation of those recommendations full stop.

But any input you have on that would be welcome and any input on any aspect of the report. So with that, I open the floor and look forward to hearing from you.

ALAN GREENBERG:

It's unclear in the AOC whether we were to assess the purely the implementation, or the implementation and the effectiveness. We decided the effectiveness part is best done by the next SSR review team. Although there are occasional references because we made this decision late in the day, so there are references to effectiveness, but in

theory, we are looking mainly at, was it implemented, not was the idea a good one.

SUSANNE WOLF:

This is Susanne Wolf for the transcripts, with RSAC. I think Alan's comment was a good intro to where I think we're at with regards to the current ATRT effort, because RSAC, and we've discussed this extensively when we last met, I guess in Beijing, that RSAC is in the process of revamping its processes, and procedures, and membership, and pretty much the whole structure of the organization of the group.

That work is still in progress. I'm realizing that having reviewed the material in the draft report, most of what the draft report says is we can't tell yet. And frankly we're in kind of the same position. We're still in that process, and I'm positive, and I hope my chairman who is sitting next to me is not about to elbow me for saying this, I'm hopeful that we will have more of that process completed by the time you have to have your report out, but that's a little bit awkward because there is not going to be a lot of chance to look at what we're doing.

We do think having the guidelines in the report, for instance, the question about getting roles and responsibilities documents and so on, published and finding a comment mechanism for those. We're working on I guess the two process documents in progress are roles and responsibilities and our operating procedures document, patterned something on how RSAC has done things.

But we serve a different role, we have a different remit. So to see our processes, we will be publishing those in short order. I guess we'd

appreciate further guidance because, for instance, we haven't thought about what a comment mechanism for that would look like. Not sure how to do that in a way that's a good use of everybody's time.

But I think, the guidance in the draft report towards finishing our current reorganization work is helpful. I'm not sure how we provide a way for you to review how we're doing just because we're kind of out of sync a little bit.

BRIAN CUTE:

On that point, and this is Brian Cute. On the timing, I think we're going to have our substantive draft wrapped up, God willing, by December 20th. So I don't think we'll be in a position to really take onboard the substance of any further iterations that you made to the operating procedures document.

That being said, the fact that the work is ongoing is important. The fact that RSAC is inclined to put out for comment in some form is of interest to the review team. In the last, in the meeting we just had with SSAC, that issue of putting out this type of document for comment was discussed. There was no, I think I could accurately say, there was no clear view from SSAC as to whether that was something to do or how to do it.

And the question was put back to the review team as to, as you just did, any suggestions on how to do it. We as a review team have not talked specifically about what a comment process, for this type of document, would look like. The first thought I had, well I don't mind opening it up to review teams member's observations here, but it sounds like a

constructive thing to do on the one hand, one element that occurs to me is if you open something up for public comment setting the expectation of commenters as to what happens to their comments, at the end of the day is an important element of that.

And that's just one notion that pops to my mind. Yeah Barbara?

BARBARA ROSEMAN:

This is Barbara Roseman, ICANN staff. I didn't say this in the earlier session because it didn't seem quite appropriate, but one of the considerations that I think we have to have about opening things up for public comment, is the – even if, as Avri was saying, the commentary does not become part of any decision making process, public comment indicates that you're entering a dialogue with people.

And I think that for things like process documents, it's very hard to treat that as an engagement for dialogue. And so I think there might be perhaps a different way of thinking about it then public comment, like, you know, perhaps public review, or just public-ness, you know? You put it out there so that people can see what the processes are.

But I think that unless there is a commitment on the part of whichever group it is that's putting it out there for review, unless there is really a desire to engage with those comments, it's very hard to structure it as a public comment.

BRIAN CUTE:

Yeah, Avri?

AVRI DORIAN:

Yeah. Thank you. This is Avri. Yes, you're right, when you put a comment, a public comment opening, you need to receive the comments, you need to digest them, and it's best if you document why you took or why you didn't. I don't know that you need to have a continuing dialogue, but certainly I do agree, it does require, I ask you a question, you gave me an answer, I give you a response.

It doesn't need to go beyond that, but I think in like many, you know, we see it in working groups, that you get a comment and you say, "We took this one, we didn't take this one because..." And once you've done that, I think you've completed the essential dialogue exchange. Perhaps I'm describing it too protocol like, but it's an adequate handshake there.

BRIAN CUTE:

Thank you Avri. Alan?

ALAN GREENBERG:

It strikes me that what we're doing if we go out for some level of comment on this kind of thing, is really saying, did we miss anything? Did we get anything really wrong? Does another set of eyes help do it properly? I am struck that if you look at the support organizations, the Board has oversight over the rules.

In other words, the Board can say, "All of you can't do that, we don't think it needs," but they don't necessarily explicitly and positively vet things. They're almost looking for, did we blow it in any way? Did we miss something? And that's a healthy thing, but it's not here it is and now we're going to completely rewrite it based on the comments.

It's really just looking for an extra set of eyes and if we can – if one can find words to word it like that, it may be less onerous.

BRIAN CUTE: Susanne.

SUSANNE WOLF: Sure. And I'm looking at this, and maybe I'm a little bit jaded about some of these processes, but I think we spend a lot of time on process work, and it's very clear, particularly with the reorganization, that it's really important to get the process work done well and then move on from doing the process work. Because we do have issues of substance and there is a concern sometimes in the broader community, really, particularly where there is areas where getting the right participation and getting the right content, and getting the right substance of our work done, where there is a focus on process that can get to be perhaps lawyer driven then it needs to be.

One of the things that RSAC is doing, and I think goes directly to that is the executive forum membership committee, when we last met, whose job it is to make sure that we have a broader participation than we've had in the past on our technical work, you know, on our substance. But also to make sure that we have enough people to get all of the process work in the community interaction done because we've actually had a problem in the past where we actually don't have enough people to spread around.

And we are working on that, but just getting the process ahead done as well as the substantive work so that we've actually produce good work

product and fully engage with the community, is really, I think, the balancing that is the focus of where we are at with the reorganization.

ALAN GREENBERG:

I want to ask, is there a problem we're trying to solve? Or is it just something that ended up on the table when we were discussing it? Or is there a perceived problem that not having gone out for comment is resulted in?

LARS LIMAN:

Lars Liman. I don't think it's a problem yet. But it's something that we realize that we want to avoid, so we're discussing in anticipation in order to get some input, whether – if you see an examples of how to do this that work well, then we would like to take advantage of that.

So it's just looking ahead a bit, making sure that we take the right path.

BRIAN CUTE:

Thank you Lars. Avri.

AVRI DORIAN:

Thank you. Yeah, I think it was partly what came out in the earlier discussion where we talked about a reviewing for gaps, and for overlaps, and then so basically generalizing that notion with ACs as a whole, etcetera, it sounds to me like it was sort of, oh yeah, that's a really good idea that came out that yes, there may be gaps and overlaps and we should...

Not that overlaps are a problem, as long as we understand the overlaps, gaps, perhaps, are a problem and we see that only when we sort of look from above. So, not a problem, but a prevention, probable prevention.

BRIAN CUTE: Thank you Avri. David.

DAVID CONRAD: Yes. So, a large part of the driver of this was recommendation six of the SSR review, which basically said that ICANN should publish a document documenting the outlines, the roles and responsibilities of SSAC and RSAC, primarily to ensure that there wasn't an overlap in functionality, or if there was an overlap, there was an understood who did what and when.

I think in discussions with ATRT 2, and during the SSR review, performed by ATRT 2, the question was then sort of generalized to say, well if, there is a desire to ensure that there is not confusion resulting in roles and responsibilities between SSAC and RSAC, by asking those groups, then would it make sense to extend it beyond and to the larger community in view of ICANN's requirements to be accountable and transparent?

So the main genesis of some of this discussion was some push back by some members of SSAC about whether or not the operating procedure should be subject to a pure, into a public comment period. And part of the, sort of a similar line of thought was applied to RSAC's reorganization which could also be seen as their standard operating procedure document.

BRIAN CUTE: Thanks David.

SUSANNE WOLF: This is Susanne. I think, in my capacity as the RSAC liaison to the Board, I think I can put a little bit of comment on that. I don't think the pressure, because I think there was some discussion, you know, within the Board also, exercising that oversight function that Alan pointed out. Not to sort of get into the details of the operating procedures and so on, or the relationship between SSAC and RSAC, but to be pretty clear that the expectation was for the RSAC team recommendation, that there should be some attention to that.

A couple of specifics on that. First of all, the Board has always taken the position that it's pretty relaxed about exactly what the ACs do because the oversight function is seen as slightly differently to the SOs that produce policy advice, that has a different role in the process.

With that said, RSAC has heard that concern from not only this group's efforts, but from the Board and from internally really, and a lot of our work is focused on, again, on making sure the traditional that this was this closed little group that sits in a corner in the dark, we know we need to get passed that.

We know we're pushing past that. One of the things we're doing with RSAC has been to, we've always had a liaison with SSAC, which hasn't had a specific role or hasn't been particularly prominent. We've put some effort into making sure that there is more going on with that relationship, for instance, the drafts of our current – the process

documents we're working on and also two technical documents we're working on, drafts of those have been circulated to SSAC, which is not something we have made a point of doing in the past.

I think more of those efforts need to be made, and I know that both groups are open to spending time on that, and figuring out where the overlaps might be so we can work together, and where gaps might be so we can fill them.

BRIAN CUTE:

Thank you. So just reacting to some of the comments. Certainly I don't think the review team wants to make any recommendations that create a process for process sake result. Nobody wants to do that. Listening to the observations here and thinking back to the engagement we had in Dakar, it seems clear that there is a healthy interaction between RSAC and SSAC now, more so than the past.

There is work being done to clarify roles and responsibilities. There is now more active sharing of information, that seems to be a positive. When it comes to operating procedures and this notion of public review that Barbra floated, as opposed to public comment, is maybe the most important thing we're trying to get at, is the cross-community work and the awareness of ACs SOs beyond RSAC and SSAC of how these two groups work.

And is it more an issue of making sure that the operating procedures are shared in a clearly understandable way so that fuller engagement can follow. Is that maybe where we should be going?

SUSANNE WOLF:

I think the... I think the informal interaction is improving and process exists to support the interaction happening for the substantive reasons, and I think we're still not quite there yet, but we're coming from such a historically deep lack of process, that, you know, I think we do need to be concerned by overshooting the mark but not dramatically, because that's not the situation we're at by any means.

I think, in the end, what we have to do is look at the cross-community work, as you said, in terms of the result of the work product of, are we producing good work that the community is aware of and able to act on?

BRIAN CUTE:

Thank you. Other questions? Okay. David anything in particular? Okay. So I'll just revert back to one of the first questions I framed up which is, with respect to everything else in the draft report and recommendations, is there any place where you think we particularly hit the nail on the head? And should definitely move toward a final recommendation on a particular draft?

Or is there someplace where, you know, we're just missing the point, and it's a wheel spin, it's not substantive, it's something we need to reconsider carefully before we issue a final recommendation to the Board? Lars.

LARS LIMAN:

I must say, for the record, it's probably a more personal remark than a RSAC remark, but I'm very supportive of your initiatives to work for

making the budget more transparent and have that process and the results more public.

I think it's very important that the general community how ICANN uses essentially its money. So, I support that fully. But I must also say when I... Honestly, I haven't read all the 233 pages, but I've worked through the headlines at least, and I see a lot of – how should I phrase it?

A lot of requirements for internal review, and checks and balances, and when I read it I was always worried, is the total amount... Each and every one of them is good, but is the total amount such that it actually puts a hamstring in the work of ICANN? We're doing so much review, that the review is more than the substance that actually comes out of the body as a whole.

Then again, it is a very large body, so even if you divert efforts into doing the review, and checking and balancing everywhere that there may be lots of good outcome. But sometimes putting too much effort to checking could actually put a hamstring on the real work.

But that's actually common... Not necessarily to this team, because you've been tasked by the community to perform a task, and so it's more a general comment to the overall ICANN community that, if we're going to be in the nitty-gritty details in every little screw and bolt of the system, there is not going to be any energy left to produce real results.

BRIAN CUTE:

Thank you for that. That's not the first time we've heard that observation. Death by review I think was one flavor of it. And I think we can say, I think each of us can probably observe that in this second

ATRT, we see the accretion of recommendations and implementation work over time, and it does take on a particular volume.

I guess what I would ask then is, certainly in the public comment to the extent that you can reflect on any of the recommendations, and have more specific guidance on proposed recommendations that written comment to that effect that we can consider in honing what we've presented, or cutting out some of what we presented, or otherwise modifying it would be welcome.

What we're doing this time around, the engagement with the Board and staff that we didn't have the first time around is, having a discussion on implement ability of recommendations, and staff is going to presenting inputs to this review team on a recommendation by recommendation basis.

What does this require in terms of time, resources, money, effort, and provide that to us so that we can consider that we provide thoughtful recommendations to the Board and consider the work level? Any other comment on that. Alan?

ALAN GREENBERG:

Because of other comments, I've heard the coincidence of your two comments intrigues me, and I'm going to follow up on it. You said that you welcome the financial recommendations for transparency, but you're worried about the level of work that some of these things maybe imposing.

And the comment I've heard on the financial recommendation is that there is too much specificity, it is going to be a significant draw, you

know, specifying how often things are done and exactly what level of detail they want it in. That that one is going to be a particularly onerous one to implement.

So I'm just curious about...

LARS LIMAN:

I must admit that I probably didn't realize that consequence when I made my statement. There definitely have to be a balance again, yes, but at least I think the results of the budget work need to be public in a reasonable, at a reasonable level of detail. Not just the big numbers on a slide, but you so that you can actually work through them and have a debate.

If one or a group of people have questions about some specific things, that they can bring this forward and have a discussion, maybe at least as a starting point for the next fiscal year.

BRIAN CUTE:

Thank you. Susanne?

SUSANNE WOLF:

Just going back to your previous request for any closing comments or any summaries. What I hope to be able to tell you before you have to write your final draft is that here are our process documents, we've gotten substantive work done, it's too early to judge the reorganization, but this is what it looks like.

And that's all in public and the world gets to see now, what we're doing and how we're getting it done. The other thing was kind of a practical point. I haven't look in detail, David, at the SSRT review work. Don't look at me like that. I was about to offer to help you.

It sounds like, as a practical matter, it would be good to have maybe a separate conversation about the recommendation six and how to make all of that work out better. At least to the extent that it is within the purview of this group, because that's the kind of thing we need to be engaging in more. And just historically have not had the resources or the process support.

BRIAN CUTE:

And just one thought following up on the operating procedures document, if it is done, at times, the final. We haven't talked as a review team yet, so I can't tell you whether or not we're going to have a recommendation or even a suggestion about this public review part we've been discussing.

But certainly, you know, we can reflect on our report whatever it is you decide to do with those procedures as well, and make that public as part of our report. And if we have specific ideas, we'll endeavor to come back to you beforehand. Any other questions? Comments? Good use of time?

Okay. The comment period is still open, as I've said, even brief targeted comments would be very welcome, so thanks for your time today. Thank you. And we'll go offline for a few minutes before we start our face to face ATRT 2 session. Take 10 minutes, coffee.

Okay. We're going to begin the face to face ATRT 2 session on Monday, November 18th, Buenos Aires, at the ICANN meeting. This is Brian Cote speaking. Welcome again everyone to the room. We have the agenda up on the wall for us. I think the most important thing that we have in front of us as a review team is just to thoughtfully talk about how we structure our work this week in meeting with the community, and our takeaways, and also how we structure our work between now and the issuance of the final report and recommendations.

What's the time right now? So 11:20. We have the 11 to 12:30 session, prepare for Buenos Aires sessions, slides, modus operandi, schedule and identify mechanisms to record feedback. So I had sent out an email to the team, and resent it last night with my thoughts about how we might structure the work between now and the final report.

I had mentioned to me that we have a number of waves of input coming at us, that we need to consider, from a substantive perspective, and be able to factor into the final report and recommendations. The first of which, of course, are these meetings in Buenos Aires. So, starting with that point, we've had two meetings already.

I think it's clear that we're listening very carefully for feedback that might have us modify our recommendations. In going about the business of capturing it, I offered a few suggestions and I would like to hear from the review team how we can best do this efficiently, and well. My feeling is, it's very important for us to capture any input from meetings this week that could modify the report, and to the extent that we can, even come to a rough consensus as a group about a given modification.

The schedule that we have in front of us is very full, we've got lots of meetings. Certainly tomorrow is full, and Wednesday is very full, and I believe we have a Thursday session, is that right Larissa? Wednesday. So, end of day on Wednesday we have, and I think it's only an hour.

Is that correct? So it's an hour. We might need a little more time than that. I don't know when everybody is getting on planes. If folks are leaving on Wednesday night, then we might lose some of you. But my gut feeling is it would be best if we could by that Wednesday meeting at the end of the day, be in a position to discuss the real substantive inputs that we think will create modifications to the recommendations and have a discussion, maybe reach consensus or rough consensus.

If we do that, I believe we'll be in a good position with the editors of the report to be able to start making those modifications in draft, perhaps sharing them with the review team, and then of course we have public comments to come into the process, we have inputs from staff on implement ability to come into the process, and anything else that we think is important.

But that's my suggestion, at a high level, as to how we structure our work this week, and I'd like to hear from the rest of the review team members as to how we can best go about doing that. Avri.

AVRI DORIAN:

I don't know if it's going to prove useful, but what I've tried to do whenever I've gotten a comment from someone walking around, is I've tried to send an email to the list saying, just got comment, such and such. Now I haven't necessarily put the person's name there because

I've never been quite comfortable whether I should quote someone by name when I'm doing an indirect quote of their comment.

But I'm hoping it's useful, and if it is I would kind of like to suggest that other people somehow find a way of making sure that their opinions that they get from people in speaking... And yes, I always say, it would be really good if you sent it in, but for many people, just speaking to us is as far as they're going to get.

So I'd like to recommend that people do something, either write them up and send them as a document, or, as I say, it's really quick and easy to just send an email to the group saying, "I was just told the following." So I'd like to sort of recommend something that people... Because I'm sure that everyone is talking to people who are giving them comments on our report, and I'd like to see those things get captured too.

BRIAN CUTE:

Okay. Alan.

ALAN GREENBERG:

Just a very short comment. We keep on telling people to submit it to the comment period. The comment period officially ends in two days, or something. I think we need to make it clearer that we're not worried if it gets submitted in the reply period.

AVRI DORIAN:

The reply period is the third of December I believe. Third?

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- ALAN GREENBERG: Of the reply... End of the reply...
- AVRI DORIAN: The reply period is three December, the comment period is this Friday, I think, or something like that.
- ALAN GREENBERG: Some people aren't taking this comment and reply period seriously. So I think we need to reinforce that we're willing to accept it.
- BRIAN CUTE: Certainly, that will be explicit that replies are starting, and anything submitted during that period will take into account as well. Paul do you know when the reply – I thought that was later than December third, replies close.
- AVRI DORIAN: Either the third or 13th. I may be off by 10, okay, sorry.
- BRIAN CUTE: It's the 13th. So, yeah, and to underscore the point I made on the email is, reply comments close on the 13th of December. The likely behavior here from the community is that we'll get whatever comments we get close to that deadline. So we're going to get a dump of data.
- We're trying to wrap this report up by December 20th, if we can, who is giggling? Fiona. We're going to get a dump of comments that we need to read through, and think about, and potentially change the report. So

we'll make it explicit that there is a reply comment period starting and it ends on December 13th.

We will ask folks to get their comments in before the end, if they can, to help us in factoring in their inputs. That being said, for this week, so Avri your suggestion about sending emails to the list I think is a fine suggestion. I would add, my intention in these meetings was to do a summary, and send, to the email list at the end of each of these days in Buenos Aires, of the inputs that I think may raise to the level of, we're going to change the report but because of this piece.

And I think if any and all of us could make that a habit so that, you know, coming into Wednesday, we've gotten everything that has been captured and we can talk about it, otherwise we'll be doing ourselves a big favor. I do want to add though, that in modifying the report, inputs are going to be assessed by us with respect to fact based recommendations.

You know, at this point in time, anybody who is saying, "Hey, recommendation six is terrific. You know, that's right on target. Way to go." Truthfully, we don't need to spend a lot of energy on that. It's really where they're saying, "You know, recommendation six is just flawed and here is why it's flawed. You have the wrong facts underneath it. You didn't consider X. You didn't consider Y. Or, it's not going to get the result you intend and here is why."

I believe those are the types of inputs that are critical to capture, and even if we capture them, you know, just a comment from somebody to that effect is not necessarily enough to have as change to the report. We need to make sure that it's fact based. We need to make sure that

is analysis underneath it that supports the input. Alan please then Avri then Larry.

ALAN GREENBERG: Your initial comment saying that people say, "Yeah, that's a good thing." It's not much – we don't have to do much about it, except in the case where someone else is saying it's flawed. And then we have to balance the inputs.

BRIAN CUTE: Thank you. Avri.

AVRI DORIAN: One of the things that we had talked about during something I wasn't in favor of doing, but one of the things that we talked about doing was the prioritization of recommendations. As I say, I remain unconvinced that that is a good thing to do, but if we do it, the people having the evidence of a lot of people saying, "Number six is really important and really good," does have an effect on prioritization.

Maintaining the fact that I think we shouldn't do prioritization.

BRIAN CUTE: Thank you. Larry?

LARRY: Somewhat implicit in your comments it that if we got no comments from anybody, this report would be done. And I guess, I have to say

that, you know, a lot of stuff came in right before it went out and we were on sequester and a lot of other things were going on.

But I went back through this as carefully as I could last night, and I think there is still a number of places where there is some recommendations that were done at the last minute, that I'm not sure really – this group has really come to grips with and agreed to as a consensus matter. It's really a discussion. And I think the PDP is probably the example of that, where, you know, the report came in late, and folks did, I think, a pretty good job of capturing some of the things in that.

But I'm wondering if we need to have some discussion of that. I think there are some recommendations in here that don't have any factual support in the record, we just missed that. I mean, the recommendations in there but you got back and look at the text, and in one case there is a recommendation here that's not even – the issue is not even mentioned in the text.

And then all of a sudden we've got a recommendation on it. So there is some of that sort of discipline that I think we need to spend a little time on this week to understand, if we didn't get a single change from the community, which of course we will, what still would need to be done to this report to get it in final form. And then, well, another one that's out there is the numbering – how people handle recommendations because in some cases, I think like with the GAC stuff, if it wasn't done before we brought it back and have it as a new numbered recommendation, cross-referenced back to the old one.

Some others, I can't tell whether we're actually saying to the Board there is more work to do and here is what you need to do. So I think we

need to make sure we're crisper on that. If we're really asking them to do something, somehow we've got to highlight that either through being clear about what we're asking the Board to do, or how do we set that out as, do we follow the convention of making that a new numbered recommendation even though it's a follow on from what the Board had to do three years ago?

And then coming up with a consistent numbering convention for all of these so people can distinguish ATRT one recommendations from ATRT 2 recommendations. But again, a lot of this is administrative, but we've got to do it this week and fix it because we can't be scrambling at the end in December on these kinds of things.

BRIAN CUTE:

Thanks Larry. Points well taken. And no, my assumption would not be that if we hear virtually, hey, it looks good from the community, that we're done by any stretch. I think what you just highlighted is something we have to do. We're going to get input from the staff on implement ability, we're going to get comments, we're going to have a meeting with the Board.

I think there is a number of ways this thing can be impacted, and what you pointed to, I think is what we have to do. And since we have a relatively full schedule, I think we need to carve out some time so we can have a thoughtful discussion about where we think there may be some weaknesses in the present report, and what to do about it.

So let's put that on the agenda for some of our time. Alan.

ALAN GREENBERG:

I would summarize what Larry said, a part of what Larry said. Is the report needs a vast amount of cleanup. We were scrambling to get it out, and, you know, just that at the very end we decided to put one dash and two dash to try to distinguish between the recommendation numbers, because there was clear confusion, and we used different numbers from the body of the report.

I don't think we need to do any of that this week. We need to commit to do it, but not to try to – well, I don't think we're going to have the time. But some of us have other commitments too. However, I think we need to do the substantive part of which recommendations do we feel need, you know, real content changes? Or do we want to scrap altogether because we can't justify the content changes?

Any substantive change in recommendations, or additional changes in recommendations that we can see already, I think we need to try to come to closure on. And the other thing that we made a semi-commitment in the report to talk about prioritization. That's a rather controversial issue, and I think discussion we must have today.

BRIAN CUTE:

Thank you. Let me say, can we go back to today's agenda? To see what time we have to work with? No, I meant the agenda for today, for our face to face. Okay. So, we meet with the Board from 1:30 to three, and then that's our only commitment between now and 5:30, correct? Essentially?

Okay. So I think we have time to set aside to have this substantive discussion that Larry was pointing to and that Alan was validating, that

we should take a block of time and carve it out through points in this report that we feel maybe are thin, or weak, or require greater foundation, and come to some agreement as to whether we can approve, can improve, or toss, or think about tossing.

We want to have a discussion around prioritization, but that shouldn't take up a huge amount of time. I think we want to have an understanding of how we're going to structure our work, which I've initiated that conversation. Are there any other priority discussions that we have to have besides those three? Structuring the work this week, the issue of prioritization, taking a review from a substantive standpoint of the draft report and find weaknesses and discuss them.

Anything else you would put on the agenda? Okay. I'm not teeing this up this moment, Larry, but are you at the ready in terms of pointing to a few part parts in the report, where you think we can have a discussion on substance once we get to that? Okay.

Okay. And I just want to note to your remarks to, and it's because Mark McFadden is in the room, that the PP input from ICC didn't come in late in terms of ICC meeting their deadline to us, but as I think you meant, came late in the process just before our report was getting out. Didn't have a lot of time for us to factor in those very good inputs, just to clarify on the record.

Okay. Then what I would recommend is we, let's finish talking about structuring the work this week and make sure we're clear on our MO as to how we do that. And once we're done with that, why don't we shift to a discussion of the substance of the report? Larissa, when we get

there, pull up the section of the report on the screen that we're speaking to review.

And then thirdly, we'll have a discussion on the issue of prioritization once we're done with the review of the report. And we'll see where we are. We also have discussion of the terms of reference and I know that Alice has been very good in reminding me that the terms of reference document, we never really competed but came to full agreement on.

There was some loose ends there. I'm going to put that as the fourth item on the agenda today, and endeavor at one of the breaks to see exactly what the issue is. Larissa?

LARISSA SHAPIRO:

I see you have some reports to improve? You might want to do that outside of this time.

BRIAN CUTE:

Yeah. Thank you. Okay. So for how do we capture our work today, I mean this week. My intention – Avri's suggestion is that we actively send inputs that we receive from the face to face to the list. That we, each of us, actively read those emails as they come in so that when we sit down on Wednesday for our closing session, we can have an informed discussion about whether specific input from Buenos Aires is going to change the report, how is it going to change the report, and some agreement on that direction.

And then we can take, the editors can take it and begin the next draft. Any other suggestions about how we do that effectively and efficiently?

Does that sound about right? Okay. So we'll look for active lists at the end of each day. Folks coming into the room having read all of the inputs and ready to have a fulsome discussion.

Okay, with that, Larry, I guess we'll turn to you if you want to initiate this. We want to go over the report, identify any areas that we think might be in some ways weak. What are the weaknesses? And what do we want to do about that?

LARRY: I'm happy to go through my list, but if we're prepared to do this, is this going to be...

BRIAN CUTE: Let's start with your list. I think we need to do the work. Let's start with your list and we can take it from there.

LARRY: Okay. And so this will be a mish-mash of some things. I'll just go through page by page in terms of... I mean, I won't go through line edits or that kind of stuff. Page three, when we list the new recommendations, and you're aware of this, but number six is somebody basically summarized what were almost, I think, 10 or 12 separate recommendations related to the GAC.

So that frontend needs to be done, and here is where I think where you deal with the numbering convention too, because we kind of have numbers listed and then toward the end, it was 9.1, 9.2, and so anyway. That needs to be fixed or dealt with.

BRIAN CUTE:

On that point Larry, staff did issue a correction to the report. That was an oversight. So, the two bullets that summarized the GAC recommendations, one bullet, has now been replaced with the specific recommendations from the body of the text.

So the new iteration of the document has that in the executive summary, and at least that point has been corrected.

LARRY:

Okay. Page 11, recommendation 1B in the box, which reported out that documenting benchmarks used as incomplete. I couldn't find any basis in the text as to what we relied on to reach that conclusion. And that's also true for 2A and 2B on top of page 12. Again, I think it's a drafting question.

I'm not disputing whether it's complete or incomplete, all I know is, there is nothing in the record from which one could conclude how we determined it was incomplete. So page 20, the ATRT assessment of recommendation six. This is an example of what I was mentioning earlier.

So we start out by saying the implementation has not been effective. Okay. And there is some discussion. And then it says, it maybe that additional effort needs to be applied to develop complimentary mechanisms for consultation in appropriate circumstances, and then it goes on. So my question was, is this a recommendation?

Are we saying this needs to be done? If I were a Board member, I wouldn't know what we're doing here, and I think this comes back to this larger question that maybe people want to talk about, which is when we have concluded something is incomplete, and we're suggesting more work needs to be done, I think we need to be crisper both in terms of how we lay it out in the report, as well what precisely we say as to what we're asking the Board to do.

But I think just saying that it maybe that additional effort needs to be applied, what is that – is that telling somebody to do something or not? So.

BRIAN CUTE:

Point taken. And the fact that the report has more than one author, we probably want to develop a specific nomenclature, recommendation, continued work, whatever it is. But I think to your point for being very precise and clear to the Board what we're asking them to do, suggesting they should do, telling them what they really should do, let's come up with some agreement of nomenclature.

LARRY:

Right. So I would propose, in this case, since there is no new recommendation, maybe we have a heading, follow-up recommendation, give it a number, then be very precise what it is we want the Board to do as a result of the fact that they didn't get it done the first time.

Okay. Then you get to... Continuing on, we have assessment of recommendation 7.1 and eight. And when we get to page 22, and we

give our analysis, we only talk about recommendation 7.1 We don't have any analysis of eight. So, that's just, again, a drafting issue.

BRIAN CUTE: Alan had a point. Alan?

ALAN GREENBERG: Yeah. I agree completely. We need complete clarity, but I think the distinction is, if we say something has been done, then if we say it needs more work to be done, that's a new recommendation. If we say this is not yet done, and work is still in progress, then I think the suggestion of how to handle it doesn't need to be a formal recommendation.

LARRY: I agree entirely with that. If it's already underway, and we're not asking them to do something, then we should just be clear that it's incomplete but the Board is continuing to work to complete the recommendations. That's fine.

ALAN GREENBERG: And we're providing a bit of guidance of how to do that.

LARRY: Sure. I think we've got... At some point, when we get to PDP, we'll have to – we have this drafting issue that a lot of the analysis of the GAC issue in terms of its participation in the PDP is in the section on the GAC, yet there is a recommendation on the section of PDP about the GAC.

So we need to figure out either how to cross-reference the discussion, or move the discussion, or whatever. But that I think, again, is an administrative issue. It's not a substantive issue so much.

ALAN GREENBERG: Either way, we need a pointer from one to the other.

LARRY: Right. So that... So when we get to page 36, that the tentative recommendation 10, is the one that now needs to be matched up against what's in the PDP one and decide which formulation to use and how exactly how to document it. A minor thing on 37, I'll just say, top of 37, ATRT one recommendation 17, the convention I guess has been to italicize the original recommendation, so that one we want to catch.

So again, here is another example of, the assessment is of three recommendations, 15, 16, and 17, but when you get to page 17, and the summary of ICANN's assessment, we only talk about recommendation 16. Similarly, when we get to our analysis on page 38, we only talk about recommendation 16. So 15 and 17 just have dropped out entirely.

And again, the assessment, the last paragraph from that, again it's not clear. Are we making a follow up recommendation or not? We say that ATRT's assessment is fulsome, broader, and more frequent public comment can be facilitated through adjustments, and so forth. So there is some advice there, but are we turning it into a recommendation?

We just need to be clear on that. Page 42, the ATRT 2 assessment of recommendation effectiveness. It says, ICANN should review capacity of the language service department versus community need for the service, and make relevant adjustments. That sounds like a recommendation to me, but we've got to be clearer if that's what we're actually asking or not.

BRIAN CUTE: I think I recall that has been a recommendation, but I've got a note.

LARRY: Okay then we've got to deal with that however we deal with this question of follow up recommendations. This is an organizational question, page 42 and 43. For the life of me, I'm not sure I understand why recommendation 20 is grouped with 23, 25, and 26, but maybe there is a good reason.

BRIAN CUTE: I think that's a vestige of ATRT one's report, but we'll double check. It's not, it's our – it's new recommendations?

LARRY: No, no, but 20 was never was really part of the same grouping as 23, 25, and 26. 23, 25, and 26 were review mechanisms, 20 relates to the idea that all inputs have been received and are accounted for. So I'm not...

BRIAN CUTE: Is that the checklist? We used it to refer to that as the checklist, the Board's checklist of all inputs received.

LARRY: Yeah.

BRIAN CUTE: Okay.

LARRY: Just the flow doesn't make a lot of sense to have that grouped. So, bottom of 47, top of 48, we conclude that recommendation 20 implementation is incomplete because there is no defined response mechanism. I mean, that's how I read that paragraph. And then there is a point where there isn't even bylaws obligation on the ICANN Board to respond.

I have no problem with there being a new recommendation to do all of this. It's in the report. But I don't see how you can take recommendation 20 in terms of the scope of what is in the words, and say because there is no bylaws changed or no defined response mechanism compliance was incomplete. It wasn't part of the recommendation three years ago.

So it does seem this is one where we really have a new recommendation, we ought to treat it as such based on the need that we see today.

BRIAN CUTE:

So I'm clear, you're questioning the assessment...?

LARRY:

Yeah, this is the... ATRT 2 analysis of recommendation implementation, so it begins at the bottom of 47 top of 48. And then, I didn't go back to the Birkman report, but at the bottom of 48 and the top of 49, we get to whistleblower. We say that the One World Trust recommended a whistleblower policy, we quote from it. Then we say that the Birkman center reiterated One World's trust recommendation that ICANN carryout a yearly transparency audit.

Okay. But it seems like we're now putting apples and oranges in the same thing. So I'm not aware, and don't recall that Birkman called for a whistleblower policy to be created, so that's – somebody needs to go back and make sure that... It may just be that this Birkman is entered in here extraneously, because I'm not sure...

What's here in the paper does not support whistleblower, and I don't remember that Birkman said anything about whistleblower, but if they did we ought to cite to it. And then that gets carried forward on page 51 where we recommend adopting the One World Trust and/or Birkman set of recommendation to establish a whistleblower program.

So either there is or there isn't a Birkman one, but it's not the text, that's for sure. 52, ATRT 2 analysis of recommendation implementation, we're talking about recommendation 21. And again, we have the issue of a formal study should be undertaken six months after the information has been refreshed.

And then going on to the assessment, we say, ICANN should solicit feedback from the community to determine the effectiveness of forecasting. So again, we need to be clear. Is this a follow up recommendation, and if so, we should set it out as such.

BRIAN CUTE: Translation issue?

LARRY: 21 is annual work plan.

BRIAN CUTE: Annual work plan.

LARRY: Then we get to the PDP working group model, and page 53 we have a summary of ICANN input. And there are two paragraphs there that say ICANN stakeholders have recognized the structural shortcomings of the existing PDP working group model for some time. What I couldn't tell, and maybe just needs to be clear, are these two paragraphs really a summary of what ICANN presented to us in Durban?

Because I thought they had more of a full throated defense of PDP in Durban, and I'm not sure we fairly captured what they told us about PDP. But, I didn't write this, so I just asked the questions.

BRIAN CUTE: Thanks. Alan?

ALAN GREENBERG: I think it's a mangling of things. When I first drafted that, I had misread the title. So some things which were really commuted in the input were listed as ICANN because they came from ICANN meetings. And there was some confusion. In fact, however, since then we've had some staff comments that maybe these kind of things could make sense.

So those are really just staff comments summarizing user input, so that does need to be reorganized. I don't think we have gotten very much from staff, other than the kind of thing Fadi said today, of let's stop dissing the PDP.

LARRY: I thought we had a PowerPoint presentation in Durban. And again, I'm not proposing we put that in, but we may want to summarize the key points there. I don't know, I'm just asking the question, because I read this and said, "That doesn't sound like ICANN to me."

ALAN GREENBERG: No, no. That was read as ICANN meetings.

LARRY: Okay, alright.

ALAN GREENBERG: So that needs some cleanup certainly. There may well be a bit from staff, just not a lot.

BRIAN CUTE: You're recalling the presentation from Markia, Larry. But I think this underscores the point that whatever conclusions we reach, or facts that we cite, we need to have citation of authority. And that's what's important here. We need to site to the sources of data or authority that we're relying on to make that point or draw that conclusion.

LARRY: Right. On the findings page 55 in this section, the third paragraph talks about Board imposed deadlines, potential for Board action nullifying outcomes. I don't have any problem with this being a finding, but again, there is no factual predicate in the facts section from which to draw this as a finding.

ALAN GREENBERG: I believe there is a reference to the discussion that was held, the mailing list discussion on former working group chairs and such. It may not be cited properly, but there was background for it.

LARRY: I'm not saying there was or there – but I didn't see it in the write up in terms of examples where that had happened, or something that would let one draw the larger conclusion.

ALAN GREENBERG: That one is easy to document.

BRIAN CUTE:

While we're on this point, if you don't... Give me a moment Larry. Back to how we're capturing inputs in Buenos Aires, I forgot to mention a very important point which was in my email. As you capture inputs and send them to the list that might modify the report, please cite to the speaker and cite to the [?].

So in my notes that you'll see, I'll quote Lars Liman from the RSAC meeting because that will be extremely – we have to put footnotes in, we have to cite to authority, or quotations. Please include that now, so the editors don't have to go scrambling back to the transcripts of these meetings when they're issued after Buenos Aires. Thanks. Larry.

LARRY:

Also in that same – and this is a substantive issue, I think it would be good for the group to discuss. Already in just a couple of the conversations I have had since I have been here, the thing that comes up on PDP is this issue of the Board nullifying outcomes of the policy process.

We give mention to it here in that same paragraph we were just focused on, the third paragraph of page 55, but we don't really make a strong recommendation on this, nor again do we have a lot of factual support. But it does seem to me that that's kind of the big piece of PDP that we haven't really, fully talked about and possibly addressed in here.

And I just thought that might be something worth having some further conversation on this week. I'm sure we will hear it from some of the groups as they come in based on just what I've been hearing, so I guess this will all be on our plates fully by Wednesday.

ALAN GREENBERG:

Well, my recollection was that there was wording somewhere that that says the Board must clarify what they... I don't think we were trying to dictate under what conditions the Board could change rules, but it must be clear. The community must understand what the ground rules are.

Therefore the Board has to make some declaration, they can't wing it on each topic as they go along. Saying, "We're the Board, we're not going to make policy." And then two weeks later make policy. So I think that's there somewhere, it may not have gotten in.

LARRY:

Yeah. That just struck me as probably the biggest issue that maybe we haven't fully come to grips with as a group yet. On your point about citations, I think when you get to pages 57, 58, and 59, there is an awful lot of stuff mentioned here that there are no citations.

This is a minor one. Page 65 on the recommendations on finance. We say, every three years ICANN should conduct a benchmark study on relevant parameters. This is number three on the list. Here, I guess one question I would have is, are we asking them to start this like next year so they're will be a report ready for the next ATRT to look at?

Or do they get to wait three years to do the report? Again, that's more just a question that we can... So that's high level, what I glean from going back through. Now again, I've skipped over a lot of just questions, what do we mean? And some wording suggestions, but there is no reason to take up everybody's time on that.

BRIAN CUTE: Thanks very much Larry. I've captured, I think, all of your points so we can go back through the report and come back to the team with follow on thoughts. On the Board nullification, the PDP process, are you – do you sense that it's an issue that's unclear on the review team as to what we what to say or what we think the problem is?

Or is that something you think we need to address now? Larry?

LARRY: I think it would, again, I'm fine waiting until after we've heard from some of the groups, because I know it's going to come up in some of the sessions we're going to hold here the next few days. And so maybe, we would probably benefit by talking about it now but we might benefit even more by waiting until we've heard other groups react to what we have here, because maybe they'll have some concrete suggestions for what we ought to do about it.

But I'm open to the group's will on that.

ALAN GREENBERG: My recollection is when we met with the Board last time, the different Board members had different opinions on what the rules should be. So, you know, I don't think it falls on us to make the rules, but it does fall on us, I think, to say that we need clarity. And I think it's a Board decision on which way to go, but they can't change their mind every week.

Unless their decision is they can change their mind every week.

LARRY: Certainly we need clarity on what they think they're doing, but I might go a little further and say, "Look, if we're saying these have to be bottoms up policy development," when they in fact get a consensus based bottoms up policy, I don't know why we can't say they shouldn't tamper with that if that's what we believe.

BRIAN CUTE: Thank you. We'll listen to the community and come back to that on Wednesday. Larissa, just asking, for tomorrow do we have an ATRT 2 face to face tomorrow? Or is it just straight interaction with the community?

LARISSA SHAPIRO: It's just community interaction.

BRIAN CUTE: Okay. So the only other time we get together is the end of Wednesday?

LARISSA SHAPIRO: That's correct.

BRIAN CUTE: Okay. That being said, then I think we should – there is a good list, but I'd like to propose is we have a discussion about prioritization. I also forgot to mention, but I think we should have a discussion around the

observations document that I sent to the list on the process itself, have the review process may be improved.

We do have a couple of concrete recommendations, but I would like to get some reactions to the document that Ray [Paul-ick] submitted. The structural improvements committee is focused on institutional reviews, and there is a document in front of us that might be some approaches or mechanisms to be used in future review teams, ATRTs.

So I would like to add that to the list of things we discuss today. And then we'll have lunch coming into the room. So maybe during lunch, while we're eating, the co-chairs and Paul and I can get together with Larry's list and go through the report and see if we can continue this conversation on identifying any weaknesses in the report.

So at least we've done a complete job of that before we leave the room today after lunch. Make sense? Okay. The issue of prioritization. We put that... Do you have the report? Can you throw that up so we can see what exactly we said on that? I think it was paraphrasing, we were suggesting to the community that the ATRT 2 may prioritize recommendations to the Board in our final report.

And in fact, we were looking at input from the community on that. Avri, you mentioned that input from the community may be important to our prioritization or not, and that's a point well taken. I guess I'd like to start the conversation by saying, ATRT one did prioritize certain recommendations that I felt were more critical than others.

Again, we don't have to follow the script of ATRT one in any way, shape, or form, but there did seem to be an intermediacy to some of the

recommendations from that review team's perspective. I think that's where the idea comes from, and so I guess I'd open up the floor to ask for opinions as to which way we go on this. Avri?

AVRI DORIAN:

Thank you. I guess that if we were prioritizing in terms of time, in terms of saying, all of our recommendations need to be done and in the sense are equally important, but some have an emergency aspect to them and need to be started more immediately, then I guess I'm more comfortable. Because if it's some are less important than others, then what does that say?

Does that say, so if you want to not do something, these are the ones not to do? I don't think we want to say that. So, if we're prioritizing in terms of, this is a critical emergency and the ship is going to sink if you don't patch this hole immediately, then I'm more comfortable.

But as I say, the this is more important than the other, leaves me wondering how that gets taken.

BRIAN CUTE:

Okay. Thank you. Lise than Alan.

LISE FUHR:

Well I agree with Avri on this because I think if we prioritize regarding importance, it's going to be an invitation to skip the recommendation. So I find it very sensible to say, these should be implemented as soon as possible, but not on importance of the recommendation. Thank you.

BRIAN CUTE: Thanks. Alan.

ALAN GREENBERG: Again, another support. I like using the word urgency rather than priority. Although, all of these recommendations may well go through a phase where – Theresa Swinehart’s strategy group has to do some work on it, in many cases the actual implementation is being done in completely different parts of the organization, who may or may not have other competing things to do at any given time.

So, urgency, I feel, very comfortable saying is important. The word prioritizing implies somewhere lower priority, and I don’t like the tone of that.

BRIAN CUTE: Thank you. So, so far hearing agreement that prioritization not an urgency basis, but not this one is more important than the other. People seem comfortable with that. Let me ask then, since we’re talking about it, do you have any views on any of the proposed recommendations that we have as being more urgent, more critical for ICANN to address in the short term with urgency?

ALAN GREENBERG: I certainly haven’t done an analysis, but for instance one that I would put as it should be done without delay, but that may mean a full – we wait for another budget year, because the realities of the budgeting you may not have the flexibility of doing it that year, are the things like

provide funding for face to face meetings, or facilitation for PDPs when it's warranted.

Because that's the kind of decision the Board can make relatively quickly, it doesn't take a lot of work, it does require some guidelines be for under what conditions it could be done. That would be turned over to the GNSO, and the Board saying, "As soon as we have the guidelines, we will approve funding." Perhaps conditional on annual budgeting.

Things like that, I feel comfortable saying they don't require a lot of work, but it sends a message saying that if we're going to do that kind of thing, but I haven't looked at the overall list and tried to tick off which ones I think are urgent.

BRIAN CUTE: Thank you. Lise?

LISE FUHR: Well, one that pops into my mind is language because we have that in the prior recommendations, and we had it in the PDP. You have the quote that there is not a barrier towards participating in the PDP as long as you're fluid in English. And I think language is a big issue to a lot of the community members.

So I find that very important, and of course, I know there is others that are equally important, but just ask for...

ALAN GREENBERG:

Well, Fadi made an announcement today about the center in Korea that is going to focus on getting language and cultural issues to be less of a problem in working on policy issues. And I'm intrigued about what they plan to do to affect that. But the reality may have overtaken our recommendations in this case.

BRIAN CUTE:

Any other views on prioritization? Certain recommendations being more urgent than others? This is just for discussion purposes, we're not making decisions here. Don't see any hands. All right, we can table that until we come back together on Wednesday, and certainly we'll have more time to talk about that in the coming weeks.

Okay. So, an open as to prioritization, we'll have further discussions and hear from the community and factor that in. At this point, I think what I'd like to have us discuss is the improving the review team processes. I sent a document, actually two documents to the list, and this goes to, who can we improve or recommend that these review team processes be improved?

We have, in the recommendations themselves, if I can get to them, actually a couple of recommendations that go to the heart of this. Yes. And one of them is, I don't want to misspeak. Here we go. So, the effectiveness of the review process, here are the points that we hit in the recommendations: institutionalization of the review process, that we want this to feed into ICANN strategic activities.

Well, the words underneath it, say, ICANN should ensure that the ongoing work of the AOC reviews including implementation is fed into

the work of other ICANN strategic activities wherever appropriate. So whatever iteration of that... Good question. One iteration of that was these strategic panels.

We had a discussion and Marina Del Array about the work of the strategic panels being informed by the work of the ATRT. That's just one piece. As for whatever specific pieces might be, did anyone have ideas beyond that? Larry.

LARRY:

I'm only raising concern about the word fed into, because I'm – again, I'm not sure what exactly we're asking. I should have flagged this one when we went through before, but since you came right back to it, again I'm just not sure... If I'm on the Board, it's like, well, what do you mean feed into?

So I do think that this is one that we have to provide a little more sense of what it is we want to have happen here. I mean, the idea that these activities should be informed of what's coming out of the review teams, that's part of it. I don't know to what extent there is a coordination role, because then these are all happening at different times, so again, I'm just not sure exactly what we are proposing the Board do.

BRIAN CUTE:

Yeah, good points and I think it could be either/or. Let's use an example that we've reviewed. The WHOIS review team recommended that ICANN make WHOIS a strategic priority. So this may be instructive. So what then ensued? What actions did ICANN take as an organization? Is that the sort of thing we're looking for here?

Or, are we looking for more of the, hey folks, this is a strategic priority for the organization and your strategic activities should be informed by this work. That is a number of different directions we can set the organization off on. So let's be thoughtful about what exactly we mean here.

I mean, my own bias in the moment, thinking it through, is I tend to be informed by, this is a strategic priority in case that wasn't clear, and that your strategic planning, your strategic processes, should be informed by the review team's work. That's just my view. I'm not speaking as the chair right now. Other thoughts here? Carlos?

CARLOS:

Well, you said that all of the procedural stuff that all the review teams with the report already done at the beginning of the year. I mean, they should really build in their procedures, not the other way around. You don't think they review teams come in and start asking questions like, they should have every end of the year before a review team starts the budget.

The report resources, whatever.

BRIAN CUTE:

Agreed. We have the budget in number four. Yeah, I think there is two ways to look at this. At least two ways. One is, how does this review process get treated and administered as a strategic priority? And how does the work of these review teams relate out to or interact with the strategic planning processes of the organization?

And I think, you know, that's where we need to be clear. And I will also say, my personal bias again, not the chair's hat on, is I guess maybe because this is the second time through for me, a growing sensitivity of the need for clarity and not creating process for processes sake, but really having – directing, if you will, toward impactful outcomes. Any other thoughts? Larry.

LARRY:

I remember an earlier discussion, maybe it's what we're trying to capture in this paragraph, but I'm not sure the words do it yet, which was the idea that there are different groups in effect with the same mission. You have the ATRT teams, you have other teams that are called for, I think, in the bylaws.

And there was some suggestion, and I know that is what Ray was working on, I thought, which was, how do you rationalize all of this? So, if that's what we're intending to get at, I'm not sure these words do it, but certainly something that rationalizes these reviews so that you don't have three different groups looking at the same thing, which seem to make a lot of sense.

But that's, I think, a different point than what the word says here.

BRIAN CUTE:

I agree with that. Let me touch on Ray's document and the structural improvement committee specifically to help broaden the discussion. What you'll see in that document is... This is the one that was also attached in my email, this is from the structural improvements

committee. It really is no more than a couple of pages of description of textbook audit processes.

There are a variety of audit processes that you can deploy whether you're looking at the financials of an organization, or other operational aspects of an organization, or governance aspects, and apply different audit processes to measure how well things are going.

And I think the suggest from, and this is something we should ask Ray in the Board meeting to clarify, for the structural improvements committee, they are looking at the institutional reviews, the constituencies reviews across ICANN, if you will, in trying to find ways to rationalize those reviews. To make them more efficient but still have them be substantive and effective.

The AOC reviews are qualitative different from those reviews. I think we need to be explicit on that point. That we believe the AOC reviews going forward need to maintain their character, if that's the frame the question then becomes, how can we make the AOC reviews a strategic priority? How can they be administered as a priority and more efficiently as well as effectively?

So again, the document that Ray offered for us to look at was, hey, here is some audit tools that the AOC review teams might want to think about recommending for future reviews. And to my eye, they get to not just effectiveness of a review but efficiency. So to take it one step further, we in our draft recommendations are recommending that the staff, ICANN staff, should provide to the next review team, a full report on all implementation efforts.

A report that would be annotated, cited to the review team on day one of their work. I think we've all talked about, we've observed the inefficiencies of this review team spending the first three to four months of our time together, devising questionnaires, and by the way, very few of us are experts on how to do that as an art and a science.

Asking for data from the staff, we burnt a lot of time trying to pull data, and I think we've done in part for very good reason. We recognize the importance of the independence and the objectivity of this review team. We recognize from an external view, the optics view, that this review team can't be viewed as being led by the nose by ICANN staff to conclusions and recommendations that the organization prefers as opposed to what an objective review might deliver.

And that's important but horribly inefficient in terms of our time. So, one recommendation is that the staff provides a fulsome report to this review team on day one, next time around. And one of Ray's suggestions is an auditor in some form might be able to review that staff report before it goes to ATRT 2, to provide a testing of that report in some way.

The auditor's review wouldn't necessarily substitute the review team's assessment of the report, but one other check in the process, if you will, to ensure the independence and objectivity of the overall process. So that's one suggestion, and one direction we can go. Reactions to that. Larry.

LARRY:

The one advantage of ATRT conducting its own assessment is you get the most up to date information. So what we're now proposing here in 14.4 on page 60, is that ahead of time, the staff – or the Board shouldn't gage in a consultation to collect the same information we tried to collect when we got on board. I support that entirely, but if that's going to go through a...

If they're going to first prepare a report and put it out for comment, you're already backing up from the start of the review team, at least three months maybe four months. So now if you're going to add, yet now a separate independent review of that, you're now going to be backing up six months at least.

So I'm not sure... I very much like the idea of having a report go down, but it seems like if you really have that report when you start, if we had it, we probably could have focused better ourselves in determining where we wanted the expert help, because I think we felt pressed at the end that we were making choices in a very rushed way, and if...

I guess I would prefer the choice of somebody else helping us to be left to ATRT, where they could start out on day one. You have this report which presumably is going to be based on largely on public comment anyway, so I don't know how much the... I mean, the staff will have written its assessment, you will then have public comments. You already have some validation from the community to begin with, so I'm not sure it's worthwhile to take the extra two or three months to yet have somebody else independent look at that before we start our work, or before the team starts its work, as opposed to letting the team have those extra three months that were otherwise used for data collection,

to think about what consulting or expert help it might want to have as it works through its agenda.

BRIAN CUTE: Thanks. Other thoughts? Alan, Carlos then Alan.

CARLOS: Just had a hard time jumping between documents, when I go back to this audit framework 13 08 28, which I think what you mentioned. I understand the message and so on. It would be very easy to review this and put the wording of the spirit of the review teams and get away from the word audit, because audit brings us immediately with the standard accountancy and procedures.

So I would be glad to go through the list very short three page document, and try to bring the spirit of the review teams of the AOC, and get just get this audit out there and focus it a little bit. And related to the other document that I also just found, which is the observation concerning the process 001-1. I'm personally interested in this exercise.

BRIAN CUTE: Thank you. Looking forward to that. Alan.

ALAN GREENBERG: I don't really see a lot of merit in this concept of an audit of the staff document before it gets to us. First of all, it almost presumes that, you know, we're trying to find out whether staff is lying to us presenting an honest appraisal. To the extent that that may be happening, I think we

pick up on it pretty quickly ourselves, and the next review team is likely to also.

I'm not as worried about the timeliness of it, because I think staff input comes to us in one of two forms. It is done or it's still ongoing. If it's still ongoing, it's going to need updates throughout our year of work anyway. So, I think it's probably important in the staff review that we get at the beginning of a process, to flag those which are ongoing and will need updates versus the ones that don't.

But I don't really see the merit of putting an audit process in the middle of it. It has bad optics, for my mind, and I don't think there is a lot really to be gained by it, by having people completely outside the community, trying to do this kind of thing. I think that would impose work on staff to provide the details to them so they can audit the report. And I just don't see it.

I am worried however, that I thought one of the issues that we were worrying about in these multiple reviews, is that we have the structural reviews going on, which are reviewing parts of the organization, and then we come along and our – reviewing the whole thing, and maybe making parallel or conflicting recommendations to those from the structural reviews.

And that's the conflict that causes some of the real concern, I think. And I'm not quite sure how to address those.

BRIAN CUTE:

Lise and then Fiona.

LISE FUHR: Well, I don't think an auditor would, finding the mistakes or where the staff is lying. What I think an auditor would find is where staff is thinking the writing itself explanatory, I don't know how to pronounce that. But where it seems clear to them what they're telling, or what they're trying to explain.

It's better to have an auditor saying, "Oh, I need more information on this." So a report could be, you know, the quality of a report could be better. That's what I found a lot of the things I've gotten from staff is not... I don't think they're trying to hide anything from me, it's just that they don't know that I don't know the things behind it.

I need more explanations. So, I think those incidents could be removed and given much more efficient reading for the group. I agree on the second one, that we have those other strategic initiatives from ICANN that are maybe going to conflict with what you've been doing, and I think it's important that we kind of make those as informed as possible on the work.

BRIAN CUTE: Thank you. I'm going to come back to that point, the strategic importance before we wrap this up. Thank you. Fiona.

FIONA ASONGA: Fiona for the record. My understanding of the recommendation on [?] that various reviews – and having someone to do that, other than ICANN staff, was very much to help the team get started quickly.

Because from my experience, we took a lot of time trying to get and clarify information back and forth across. And because the ATRT looks at other review, other areas of review work as well.

So to be able to coordinate that across the different review teams, and other SO, as well the strategic reviews within ICANN, that would be the function, whether we call it an audit, whether we call it a coordinator, but that is the function we want filled so that the team is able to get off the ground faster.

BRIAN CUTE: Thank you. Larissa?

LARISSA SHAPIRO: Hi this is Larissa. So on the point of the auditor, or another party coming through to help us on some of the issues that Lise and Fiona are talking about, certainly speaking from the staff's perspective, having a better understanding of the kind of reporting that would be useful to this team from the get go, and having worked through this process, I think that some of this is just that clarification and better understanding of how the information should be presented, must as was done through some lengthy process but ultimately through the WHOIS implementation using that as a case study.

And formulating a lot of our updates in that fashion, I think that's really a job that staff can take on. It wouldn't be audited, but it would perhaps go a long way to presenting information in the format that would be useful. So I'm not sure that an independent party would really add anything to that process. And also I wanted to clarify, that the work

of the ATRT 2 will, in fact, be considered in the strategic planning process.

And that's something that, I think, Denise had mentioned last time we met, and I just wanted to confirm that all of the work of this team is feeding into the strategic planning process that's underway.

BRIAN CUTE:

Thank you for that. And I think that certainly opens a door for this review team and the staff to have a good discussion before we wrap up our report about specifically the type of information and format that would be very helpful to the next review team. We can add that as a recommendation and provide an appendix that provides some guidance as to the specifics.

And if that's something that's born out of a conversation that we have, then I can't think of a better roadmap to leave behind for the next exercise. I want to pick up on one point. I think Alan, were you referring to the interplay of the institutional reviews as well as the AOC reviews in one of your remarks?

You were. So, picking up on that point, I haven't, and I don't know how much members of this review team have had insights or a review of the institutional reviews and how they might interplay with what AOC review teams do. It's kind of a blind spot. I could certainly see, coming out of this morning's interactions, that for example, RSAC and SSAC are going about the business of revising their operating procedures and changing the way they do business, and that might be subject of institutional review.

And therefore there is a clear interest from our perspectives on those activities, and probably from an institutional review perspective there is an interest. But there is really a lack of visibility from this review team's perspective on institutional reviews. Larissa, can you provide any just backdrop on what may be important here for us to be alive to?

LARISSA SHAPIRO:

Well, you met with Ray, so I think he's outlined for you some of the ideas that are being considered by the Board, and that conversation is still ongoing. But those reviews happen in a five year cycle. And the attempt that Ray is taking the Board through right now, is to standardize that process so that each structure is reviewed based on a set of criteria that are consistent across all of the organizations.

So it's standardizing some of the aspects of the review, as well as creating different methods of review. His document that's up on the screen speaks to some aspects of those reviews being more procedural, making sure that the various structures understand the processes that they're supposed to follow.

Other aspects of those reviews will focus on, well do they actually follow the processes that are prescribed? And then a much more strategic perspective, which really ties with the strategic planning process, is does the structure really have an ongoing purpose? And does it continue to meet the needs of the community?

So there is many dimensions to the work of the structural reviews that are mandated by the Board. And part of the direction now is to create greater efficiency because, as some of you may know, those reviews

take an inordinate amount of time to complete. And the implementation and the verification of how the implementation is going, is similarly challenged to what this group has observed.

So there is similarities to this process in that regard, it's the ability to access what's working, what's not working quicker, and to be able to follow the implementation more easily.

BRIAN CUTE:

Thank you. That's helpful to understand from a process perspective and potentially a new approach. I guess what's still a question mark, and I'm not sure you'd have all of the answers for this at this moment in time, is from a substantive perspective, what's going in those reviews that relate to this review team's work and vice versa?

And I'm just not sure I have that view. Alan?

ALAN GREENBERG:

I don't think there is any single answer. If you look at the last GNSO review, there was very significant changes to the PDP process that resulted out of that, and a number of other things that overlap with what we're doing. On the other hand, there are other outcomes from those reviews that are completely orthogonal to what we're looking at, and the reviews change.

The last ALAC review, the last At Large review focused on the ALAC. This one, we are told, is likely to focus on At Large, and the periphery of the organization, not the center. Whether that will or will not happen, I don't know. But I also heard discussions, and maybe it's dead now, that

there was a view that there was a problem reviewing the component parts of ICANN without reviewing how they fit together, and whether as a whole, they make sense.

Just refining each part when they're not actually working well, as an unit, is an issue that some people are considering. So, I'm not sure we'll be able to fix this in our report, nor do I think we really need to consider it to be honest.

BRIAN CUTE: Thank you. Carlos.

CARLOS: On your previous comment, Alan please, would you explain how do you see this difference between structural reviews as opposed to this type of reviews? And couldn't we just summarize a command, or a definition, for that purpose? That this is not a structural review. Please, I just made a note when you mentioned that.

ALAN GREENBERG: Well, the organizational reviews are looking at parts of the organization. We're looking at the overall functionality of the organization from an accountability and transparency review, and there are bound to be overlaps. I don't see how there could not be overlaps, since anything that is done by the organization is done by one part of the organization.

So I don't see how you can continue both in whatever form without some level of overlap and potential conflict.

BRIAN CUTE: To be clear, I'm not making the suggestion that we need to tie the two together, I'm just speaking from a point of view of awareness of what the interrelationship may be, or may not be, in that there is a blind spot, at least for me in that regard. Larissa?

LARISSA SHAPIRO: I think a good example would be the Nom Com because that's probably where the overlap is the greatest. But the ATRT one recommendations, came, I forget which one happened first, but the Nom Com review, and the ATRT one reviews both issued reports within a very short period of time, and both addressed Nom Com.

So I know certainly from the Nom Com's perspective, perhaps the implementation of one set of recommendations overlapped to a great extent with the other.

BRIAN CUTE: Thank you. Before we tie off on this conversation, let's come back to two points. One, and this is on the effectiveness of the review process recommendations, okay. One, the recommendation about feeding work into strategic activities, I'd like one more go around on that to see if we can get clarity about what we mean. And then I think we have identified, there is a draft recommendation, complete implementation reports, which reads, ICANN should prepare a complete implementation report to be ready by review kickoff.

This report should be submitted for public consultation, and relevant benchmarks and metrics must be incorporated in this report. So that's what the recommendation sounds like. What I gained, starting with this issue and going back to the strategic one, what I heard was an overall sense of comfort that if this report is prepared fully, and subject to public comment which is reflected in the report, which is then handed to the review team, that that would be a sufficient starting basis for the next review team.

That there wasn't a strong sense that an auditor should be reviewing that report as well in addition to public comment. And that we should have a discussion with staff about specifically the type of data, and information, and form of data information that would be very helpful to the next review team to be in that report.

And in having that conversation, we should reflect that in our report and recommendation. That's my summary. Is there something I missed something that you would add? Alan.

ALAN GREENBERG:

Actually there is something I'd take out. I missed completely that we're recommending that the staff report be subject to public comment, which adds several months to it. I could see for putting it up for public comment at the same time it's given to us, and have comments fit in. I would not want to see it done so much in advance that there is a public comment process and analysis of the public comments prior to the review team getting it.

That really starts dating it. I'm sorry if I miss that earlier.

BRIAN CUTE: Thank you Alan. Fiona.

FIONA ASONGA: Alan, I think when we were having this discussion we raised some point, and what we said was that the report that staff gave us, because they're not on the ATRT – it's a process that is in a cycle that is non [?]. In three years, there is going to be another ATRT group doing the same thing we've done.

So prior to that, at the time at which they are looking for volunteers to come forward to the team, at that same time there should be a report that is from staff, that progress to that point in time, that goes out to the public for comments. By the time the team is put together, the report is also ready. It has gone through the public comments, and the team is ready to start working on it.

The beautiful thing is that the report would have come through just at the time that anybody really interested would have spent some time to see the amount of work involved, and to really know where to start off from. So that the team is better prepared.

ALAN GREENBERG: I can easily live with that, if that report is updated just prior to the team kicking off.

FIONA ASONGA: Yes, they'll have to be a more better version for the team as they start their work, but the bulk of it will have gone through a process that has really been [?] ...for the team to get started.

BRIAN CUTE: Okay. Since there is no objection to this report going out to public comment, the only question is when. Let's table that. We will come back to this in a future discussion. Particularly we have to talk to staff about the contents of the report. But let's take that forward to a final discussion on the timing of that report.

The last piece, and then we'll break for lunch, is the strategic, the institutionalization of these reviews, and how the wording was, it feeds into strategic activities. I heard a recognition that that's not clear. I'm not sure I heard a consensus in either direction. I indicated my sense of, that the work of this review team should inform strategic planning in the organization and strategic planning is a clearly defined and repeating process within the organization.

We could be clear there. We do have the strategic panels, and I have discussed how this review team thinks that the work of the ATRT should inform the thinking of those strategic panels in some way, although we've not articulated the mechanism for how. That's what I've heard.

Are people comfortable with that high level concept that we then put into writing and send around? Avri.

AVRI DORIAN: Thanks. I didn't quite have my hand up, but was thinking on it. Certainly... I certainly see the first part of informing the strategic planning as part of all of these reports, not just the ATRT, but all of the AOC reports should indeed do that. In terms of these special strategic, you know, panels, I don't see the purpose.

I mean, they're doing their own thing. They're supposed to be just sort of another input to all of us for everything going forward, and I'm not really sure to what extent what we're saying is applicable to their 10,000 foot what is multi-stakeholder, what is this, what is that, type of how should the DNS improve over the next 20 years?

I'm just not sure that it's relevant to them, so I see these as – I see their stuff as informing also, but to ask them to read this, I think it's – I don't see that as necessary. I don't know that it hurts, but I just don't see it as helpful.

BRIAN CUTE: Thank you. Fiona.

FIONA ASONGA: I think we can personally live with the adjustment, sort of feed into but inform the work of other ICANN strategic activities, because then, in that case, when say, like current scenario as ICANN is opening other offices in other continents and having teams of staff in all of those, there needs to be a way in which the activities are well coordinated and in line with what ICANN is supposed to be doing for the community.

So our recommendations ideally look at the way ICANN engages in them, it's constituents and the multi-stakeholder arrangements that exist, but should not just talk with ICANN at the Board level, but something that trickles down to the staff work, and transparency and the controllability then becomes a way of the [?] within ICANN. And really that is what we're driving at.

BRIAN CUTE:

Thank you for that. Any other thoughts before we break for lunch on this point? Okay. What I'm going to suggest is that we take 30 minutes for lunch that the chair, and vice chairs, and Paul Diaz huddle in a corner. Let's take 30 minutes to go through the report.

We've got Larry's points that he made with an eye toward, are there other parts of the report that we think we can identify a weakness or a need for improvement? And have a final discussion on all of those points before we leave the room today. So let's take the next 30 minutes. We'll go off line and be back shortly.

[End of Audio 1]

[Begin Audio 2]

BRIAN CUTE:

We're going to get started in a minute folks. Yeah, I'm no Mayor Ford but I'm doing my best. [Background conversation]

STEVE CROCKER: This is either the best or worst of times when both the ATRT are the Board, two groups that have spent quite a bit of intense quality time our together in the same room. You guys have the best room of any of the rooms here. This is distracting. [Laughter]

This is the last time... Yeah. It's your meeting.

BRIAN CUTE: Okay. Welcome everyone. This is ATRT's meeting with the Board. Welcome to those in the room. Welcome to those online. We are in Buenos Aries at the ICANN meeting, looking forward to the next hour and a half of discussion. The draft report and recommendations from ATRT 2, thank you very much for your time.

Allow me to give you a brief overview of where we are in our process, and where we are going in our process, and then I'd like to open it up for some fulsome discussion. The draft report and recommendations, as you know, are out for public comment. A reply comment cycle will open in two days and close on December 13th. The ATRT, as you know, is also here to meet with all of the ACs, and SOs, and ICANN, over the course of the next three days, to have face to face interactions, and to get reaction to the draft report and recommendations.

Our goal, from now until December 31st, when we provide the Board with a final report, is to take onboard substantive input that may modify or reshape the draft recommendations that we have out for comment. What we are going to be taking onboard is inputs from the community this week, any comments submitted, again closing on December 13th,

and input from ICANN staff on the specific question of implement ability.

It's clear to this review team that the question of implement ability of the recommendations is important, that was recognized early on in our work. We have worked with the staff, for the staff to provide us in response to the draft recommendations, implement ability issues. We've asked the staff to provide any implement ability inputs they can on an ongoing basis, but drawing a line on December 9th as the last day when we can take that input.

We really need, from an editing this document standpoint, to have enough breathing room to take on substantive inputs, to reshape the report and recommendations, and have a good, clean, solid report delivered to you by the 31st. So face to face input including our meeting today, public comment closing on December 13th, implement ability input from the staff at the latest by December 9th, and then about two weeks of working time to get that all collated into a final report.

So that's our process, and we really look forward to hearing from you in the next hour and a half any specific reactions you have with respect to the draft report. So that being said, this really is an open session. The draft report is out. We want to hear your reaction. I think the two high level questions we've been asking of each group that we meet with is, is there any recommendation where we really got it right? It's resonating strongly with you.

That's something that should really become a final recommendation. And is there any recommendation where we just missed the mark? It's the wrong recommendation, we overlooked some facts and analysis, if

it's a recommendation that's not going to work because of X, Y, and Z. That's really the kind of input we're looking for.

So with that framing, really the floor is open. I'll turn it back to Steve.

STEVE CROCKER:

A couple of things. First of all, thank you very much for the foray into the area of implement ability. That is one of the first questions that has to be asked and answered about each of the recommendations before decisions can get made about how, and when, and whether, and so forth. So it's a step ahead.

And not only a step ahead in terms of saving time, but it's also will save a certain amount of grief for things that might not be implementable or shaping them. So that's very much appreciated. We would take, we are taking, we already in the process, taking the report seriously. One of the things we've learned over time is that time marches very quickly, and so it's important to get the next steps started rather than, oh, the report winds up on our desk and we'll get around to it after a while.

And then all of a sudden, a six month timer goes off and the question is, well what are we doing here? So, it's very helpful to have had the draft report and we have a kind of joint team. You're familiar, of course, with Denise and all of the people around her. Let me, Cherine and Michelle, I don't know whether or not this group is familiar with you. Stand up for just a second.

So this is our Board support team, there is more, but this is... Cherine is in charge and we're in very good shape. We have a really stellar operation now. And so I've already drawn their attention to the fact

that this is coming in, that we need to get organized, and setup a process for doing this. And I fully expect that even that action items will come out of today's interactions, so we're taking all of that seriously.

The Board really has two roles here, I think, with respect to this report. It has a general role with respect to the fact that the report is officially sent to the Board, and then the Board has some responsibility, sort of covering responsibility to make sure that it gets dealt with. And then the pieces of the report, the different areas of recommendation, apply to different sections of the organization and they will be farmed out to those groups.

One of which will be the Board itself, so the Board is both the, is this overall responsibility and then specific responsibility with respect to the Board's... I think you will understand the next thing I will say. I think it would be helpful to do a super brief overview of what the primary areas are, and then a drill down into the Board's areas, just to refresh our memory.

We've all been consumed with a mired of other things, and it would be great if everybody were primed to focus on individual details, and be wordsmithing and things, but I think, one or two slides summary would be very helpful.

BRIAN CUTE:

Okay. So, this review team had effectively two tasks. This review team had to access ICANN's implementation of prior review teams recommendations. And then secondly, identify new areas where improvements, and accountability, and transparency could be made,

and make new recommendations on those. The one little variation in our work was the ATRT 2 in assessing implementation of ATRT one recommendations, had the latitude to make follow on recommendations, from an ATRT one recommendation.

So if things weren't going well, or implementation was choppy and there could be more focused work, a fresh recommendation arising from an ATRT one work could be made. With respect to the WHOIS review team recommendations, and the security, stability, and resiliency review team recommendations, this review team only assessed the implementation of those recommendations.

If there were new recommendations to be made, that is for SSRT 2 or WHOIS review team to make. So those were our ground rules. Basically two buckets, assessing prior implementation, prior recommendations, and new recommendations. Next slide. Who has got the wheel? Do you have the wheel Steve? You do.

Okay. So at the high level, and I'll elaborate a bit on this first part, the objective of the review, two important aspects. We believe that creating a culture of accountability and transparency throughout the organization is really the objective here. And that's something that is more than just checking a box, I got this task done.

This is something that is evidenced by a mindset of staff and Board members, of direct connection of what I do on a daily basis and how that connects to accountability and transparency. How that's measured, that's a different thing and somewhat of a chore, but that's the goal from our perspective, and examining the effect of implementation.

It's all well and good to recommend that certain things be done, but if they don't have positive effect, or the effect can't be identified, then it's, you know, a waste of everyone's time. So we tried to zero in on the effect of implementation as well because that's meaningful. We did, in the outset, speak to the current environment.

Obviously ICANN is going through a period of extremely fast growth. And any organization going through that type of growth is faced with organizational challenges. But having an awareness of that, in implementing accountability and transparency recommendations and how that ties to the growth of ICANN. One note here, launch of TLDs, it's clear to this review team that the community's focus is very much on new TLDs.

And I think to some degree, there was less energy felt from the community on this review team's exercise than on ATRT one, and that's just part of the environment we're doing this work in. I'm sure you observe it in your own day to day. And then providing some future direction in terms of benchmarking and metrics, which is a key factor for this review team, that metrics be implemented where feasible.

Moving on. So metrics is something we'll speak to a little bit more, in a bit. And we also, on bullet three, will provide some observations on how this review team process can be improved. We think there is significant areas where the AOC review team processes are not efficient, and they can be made more efficient, and continue to be more effective hopefully. Next slide.

So, 12 broad draft recommendations. We assess the SSR review team recommendations or the implementation thereof. We assess the

implementation of WHOIS review team recommendations. No new recommendations there. And we had ICC and an independent expert provide a report on the GNSO policy development process.

That is a standalone report to the ATRT 2. Its report does not constitute recommendations, it is a report, and data, and analysis provided to inform the ATRT 2 report. There are some specific PDP focused recommendations coming from ATRT 2. And ICC's report is attached as an appendix. Next slide.

Okay. So category by category. We have recommendations that speak to continued improvement of the Board performance and work practices. Some of those came out of ATRT one. Board training as an example of that, but we have some follow on recommendations in that category. Policy implementation, executive function, the distinction between the two.

Recommendation six from ATRT one, the difference between policy and implementation, there is recommendations from ATRT 2 on that front in the draft report. Continues to be an area of importance to the community, continues to be a challenging area in terms of making a distinction between the two in an effective way from an operational standpoint.

Decision making and transparency and the appeals process. Again, this was an area on reconsideration, for example, the focus on recommendations coming out of ATRT one, implementation efforts having been made there. This review team is still hearing questions from the community about those mechanisms, and whether they are

fully understood, fully effective, providing adequate channels of relief, if you will.

So they are a focus of our recommendations. GAC operations and interactions. Really the recommendation set is primarily targeted on making the GAC's workings more transparent and accountable, and there is a number of them there that I'm sure you'll find very interesting. Multilingualism. Essentially driving deeper on multilingualism, coming off the work of ATRT one, to get it across the organization in a deeper way, looking at policy processes and other areas where there continues to be feedback from many of the regions of the world saying, "We don't have adequate access or understand it."

Cross-community deliberations. We certainly touch on this with respect to the PDP. We certainly touch on this with respect to GAC's interaction with the PDP, but it's more than that. It's truly how can we begin to engender full cross-community deliberations? An interesting element of it is our meetings with the SSAC and the RSAC. RSAC is in the process of revising its operating procedures.

There is clear interaction between those two bodies about what their scope of work is, where there might be overlap in gaps. It's that type of dynamic that we'd like to see engendered across the broader community, so there is some recommendations on that front. And then again, on the review processes themselves, we'll have some specific suggestions.

And I have been in conversation with Ray, who is doing – the structural improvements committee is doing working on the institutional reviews, how to make those more efficient, as well as effective and there is clear

suggestions from this review team of how we can improve this process. So as categories, those are the categories and recommendations that we've made.

On the review team, is there anything that I overlooked in the description? Alan.

ALAN GREENBERG:

Not overlooked, but just to note that in the current version of the recommendations, there is overlap between some of these. So there are... GAC is mentioned both in the PDP one and the section of GAC issue of policy and implementation also shows up again in the PDP one. That's likely to maybe be cleaned up before we finish. But just to note, we're aware of it right now.

BRIAN CUTE:

With that, I think what we would really like to hear first and foremost, is any reactions to specific recommendations. Did we.. Sure. So, in Board performances and practices, we have a recommendation, develop objective measures for determining the quality of ICANN Board members, and the success of Board improvement efforts, and analyze those findings over time.

Also, develop metrics to measure the effectiveness of the Board's functioning, and publish the materials used for training to gauge levels of improvement. The last one in this basket, conduct qualitative slash quantitative studies to determine if the qualifications of Board candidate pools improved once compensation was available, and regularly assessed director's compensation levels.

Those three are draft proposed recommendations in this category. So, reactions?

STEVE CROCKER:

I have a reaction. I think it will be an interesting challenge to assess the quality of the performance of Board members. I mean, we do 360 reviews, but I don't know whether that idea captures... Ah, finally we get some action here. Good. I'll break off.

Erica and then Ray and then we'll come back to Alan.

ERICA:

I think personally you have another recommendation which I think, and I think it was one, two – I think reflects very well how, you know, the metrics shall be developed for the Board functions. And I think indirectly, if you have good matrixes and good outcomes in place, I think you are indirectly judged, but individual Board member's performance to some degree agree as well because this relates to the work, this relates to, you know...

And I mean, the community understands this perfectly well. So I think if this is well done and well implemented, and – so I would focus on this point more, and I think you have it even as very early in your recommendation, I would have to find it. I think this would help us immensely, not just the Board but I think all of us together to get the work really done and to measure the outcome and the result.

STEVE CROCKER:

Ray.

RAY:

Thank you Steve. Yeah, this recommendation just jumped right out at me because of the qualifiers that were in there in terms of... Implementing it is one thing, but trying to figure out what it is you're trying to do, what you're trying to implement is another thing. Because the term effectiveness, it sounds all well and good but in the end, it's a vague term.

Because what are you measuring in terms of Board effectiveness? Does the Board member show up at all of the meetings? Does the Board member work well with the community? Does the Board member work a lot, for example, in consultative role with various members of the community working on different projects and subjects and so forth?

Is it the Board member that always votes one way or the other? Or, in other words, is always contrary is always in front? Or is it a Board member who is present on 15 committees? Any number of things, and so I think that before we can begin to answer that, the question is, what is it we want to measure against?

What is the standards that are there? The second thing is that if I remember correctly, there is a qualifier there, it links back to the compensation. And since compensation, and I like to think more of it as an honorarium or a stipend as opposed to compensation, is that they're not that many Board members that are new since that became effective.

And so, most of the Board members that you would be measuring this against are ones that have been there for a while, one, two, maybe

three years or more. And so is there an expectation that just because now they're receiving some funds, or have elected to receive some funds what it really boils down to because some have decided not to, that they now have changed their behavior?

Which means that you would have to know what they were doing before, so while I think the intent of the recommendation is admirable, I think that there are a number of challenges to it. I don't object to coming up with a recommendation that would do what you want to do, but I think there is a lot more work that has to be done to define exactly what it is that you want to do.

DAVID CUTE:

Okay. Thanks, very useful feedback. And let me suggest that this is not a dodge, this is a reality of this type of exercise, that the review team with good intention wants to make recommendations geared to improvement and to some level, the details of how the Board will go about doing that is something that the review team gives deference to the Board.

That we're not doing to be prescriptive in how that's done, or necessarily the metrics or benchmarks that the Board might choose to start measuring. That being said, what is it that we're trying to measure, which is the focus of your question, is something we should talk about because we don't want to miss the mark there in our recommendation.

And we say Board performance, but your quite right, what does that mean? The first go around in ATRT one, we were looking at a number of

different, you know, external resources, professional boards, director's societies, and standards, and practices. And there were those points of reference that we could use if they provided helpful guidance, but let's have that conversation now, so we're giving you good guidance and not sending you down a rabbit hole.

RAY:

If I could respond briefly. First of all, I don't think that we have the luxury of entertaining that serious, in depth discussion today, at this moment, because there is a lot of other things to do. The first few things you said was kind of struck me as well. Would it be something that Board would figure out how they were going to do this and then come back to the team and say, "Here's how we plan to do this particular item"? Or, "Here's the best parts that we're going to use to do this." Would you be looking for that kind of an input back from the Board?

Would you be looking to take a subset of the team and a subset of the Board and workout what the criteria should be? There are some very practical roll-up the short sleeves type of work that has to be done here to get a very viable thing. And so, I'm open to doing it any way that works best for everyone, but it is an important thing that has to be done, which is making sure that the Board is there, it's doing what it is supposed to do, and it's doing what we think, collectively, we – in the best way possible.

UNIDENTIFIED: One element of this is the role of compensation, and it seemed to me that the place to get some input on that would be at the Nom Com, because that's where the pool would have been effected by the fact that compensation is available. So, that's a little bit more complicated to try and dig into that because it's all confidential.

Perhaps there is a way to at least get anecdotal responses from the Nom Com members perhaps.

UNIDENTIFIED: Well, you get six Board members that don't come from the Nom Com, so you just can't – you've got to go through the SOs.

UNIDENTIFIED: Yeah. And Alan's...

DAVID CUTE: David Conrad, Cherine, Alan.

DAVID CONRAD: Just to clarify, the recommendations are aimed at sort of developing metrics, right? So the recommendation to develop metrics, to measure the effectiveness of the Board's functioning. So the focus there is try to come up with some way of measuring the effectiveness. So I think it actually goes to what you're trying to get outright.

The issue of the compensation, to clarify, the recommendation is to conduct qualitative and quantitative studies to determine if the qualifications of Board candidate pools improved once the

compensation was available, not if the Board performance has improved. It's the context of obtaining additional Board members, whether providing a compensation stipend, or whatever you want to call it, is improving the quality of people who are put into the pool for the selection of the Board members.

DAVID CUTE: Cherine.

CHERINE CHALABY: This is going to be a difficult recommendation to make work well. Let me tell you why. And this is an observation of someone how joined the Board three years ago had no connection at all with ICANN, and now three years on, observing how the Board works. To me, the most important thing is the quality of the decisions, the quality of the decisions that collectively this Board achieves.

That's probably the most important output, and as it happens, this Board is an amalgam of people, some are technical, some are legal, some are business, some have history, some have Board experience, some don't have Board experience. And it's that interaction between this cocktail of people that, my observation, leads to good decisions.

You cannot have, in my view, it's going to be quite difficult to have an uniform set of measures that applies to everyone in that cocktail. Because if you did that, you're going to miss what are called the secret source here, which makes that Board stick together, and that having people, not necessarily efficient from organization and effectiveness,

but that bring other things, other values, to that decision making process.

So, I think it would be – it would not be right to try and impose a metric that changes the behavior, and the freedoms with which members are thinking, and members are comfortable in contributing all without having to worry about those measures. So I would urge you to really think about that point, because people come from different background, and they don't all perform the same way, but the cumulative contribution to the quality decision making is the most essential thing in mind.

BRIAN CUTE:

Thank you. So, I want to pick up on that point and come back to a question from Ray. I think what you just described, the nature of the Board, and what's important in decision making is precisely why the review team is not telling you what metric to use. Going back to ATRT one, we had suggested language in that report saying, ICANN should adopt metrics or benchmarks to help measure the implementation of these recommendations.

That review team also felt we're not experts in metrics, which metrics would work best in which context. We knew that much, but we felt it was important. Metrics tool [?] we're not adopting. Fadi came in very early in this process and made a firm commitment that they would be for purposes of implementing recommendations, but precisely to the point you made, we wouldn't step out and say, "You should use this metric or that metric."

To raise a point, nor are we looking to get into an ongoing dialogue after this report is submitted, to provide you what we think is the right guidance. But to raise a point, let's make sure that we are clear, and clearly targeted on what's important. So if it is determining the quality of ICANN Board members in decision making, as a recommendation, and then leaving the Board with the latitude to use outside resources to identify the best benchmarks, or techniques, or tools, as to how go about identifying that...

And in this instance, now, we have staff engaged with One World Trust, who is going to provide some guidance on metrics for recommendations, that sort of dynamic is what we're looking for here. So if it's precision on the goal, or the target, then that is where we really could use some feedback. But we hear you on what's important, and you're closer to it than we are in some ways. Alan.

ALAN GREENBERG:

Thank you Brian. I've got a couple of points, but thank you for jumping ahead of me because now I have one to disagree with you, or if not disagree with, the at least propose something. I'll do that one first. In implementing gTLD policy, ICANN and the GNSO have now adopted a practice of having implementation review teams, which is a subset of the PDP team, work with ICANN in the implementation.

And it strikes me that such a concept might not be a bad idea for ATRTs or the other review teams also, that is to get some of the original people involved so we can make sure you're not only following the words but the intent. It may have merit. We haven't discussed it at all, certainly in this group. Brian just said we're not going to do that.

In terms of, my original question... My first one was to Steve. Steve, you started off saying the Board does 360 reviews. In discussions in the last few days, I've heard at least three different definitions of what a 360 review is, or hypothesis of who it is that's being reviewed and who is being reviewed by. Could you be a little bit – provide a little clarity on that?

STEVE CROCKER:

So I heard two parts to your question. Who is reviewed and what constitutes... I really wish Bruce was here because I lean very heavily on him for this, but so I'm think I'm about 80% certain of what I'm going to say. Who else here... Ray and Mike, let me just give a brief and then you guys are going...

We review all of the Board members, but we do it only every three years, so it's in synch with when their terms are coming to an end, so that the information is available to the appointing body in time, in case they are going to stand for re-selection. It would be best if I turn the second part of that answer over to Ray and to Mike.

UNIDENTIFIED:

Steve, essentially that's correct. As a point of history, we attempted one time to do a full 360 of the Board, where every Board member looked at every other Board member. So you had 15 people doing 15 reviews, and each one of those reviews consisted of a well-formed survey, which had somewhere in the vicinity of 110 type questions.

So you can imagine the difference between review number one that I did and the review number 15 I might have done, and hoped where you

were in that pile. So, Bruce and I actually sat down and talked about it, that this was totally an inefficient way of doing it, and the information that was really relevant at the point in time was that the point in time where the person would be considered to be a candidate for re-selection to the Board.

And so, looking at that, the determination is that approximately five members, depending upon whether or not there is a SO involved in it, or whether or not the ALAC guys involved in it, or the number of Nom Com people are there, it's going to be about five per year. And what that allowed us to do then was, those are the five people that will be reviewed.

And it also allowed us to be selective in the people that are doing the reviewing. In other words, the people that were closer to them. For example, if the candidate for review was on a particular committee, then you would like to know what the committee chair perhaps would say, what fellow committee members might say, and obviously what general Board members.

But even just dealing with committee members, Board members are on several committees so you would get a broader range as well. So you had, consequently, fewer people to look at when you were handed a review. And so, it then says that you would probably get a better quality of a response. So that's why we chose to go the way we did. And so, the mechanism is the person that is going to be reviewed, is a person that will become a candidate.

One thing that we haven't dealt with directly, and I think it needs to be looked at, and probably causes some of the confusion that you were

asked, became apparent to you, when do we do it? And this is an instance where I think we can't do it on our schedule, we really need to probably workout with the various bodies who are doing the selection is, when do they need it?

So that it's provided at a relevant time. You don't to go through an evaluation and a selection process and at the last minute get handed an assessment. So I think that is one thing that we did not address correctly, and I think that is something that needs to be addressed.

STEVE CROCKER:

Let me just speak to the scheduling issue. It's a detail that I've been very focused on and working with the Board support staff. These reviews need to be done in time for the selection committees to have that as input. And the selection committees are of two types, there is the Nom Com and then there is the SO and ALAC for the voting Board members.

They need to do their work, the SO and ALAC need to do their work on the same schedule that they used to. The seating is delayed until the fall, but the selection has to be done early so that that information is known to the Nom Com so the Nom Com has the information on geographic balance. So there is a three stage dependency there.

And I met with Olivier, who is the chair of ALAC earlier, a few days ago, and we focused on that. Their selection process will start essentially now, or very quickly. And so we wanted to nail down what date they need that. But there is a piece of this question that we have not yet

focused fully on, which is the what is the 360-ness of this? What is meant...

So Mike and then Chérine.

MIKE:

Thanks Steve. I think the notion of a 360 in an ordinary performance evaluation, is that the person themselves evaluates themselves, the personal people in their report to evaluate them, but also the people who report to them evaluate their performance as a manager. So that you're getting a complete picture, you're not just getting a top down or bottom up.

We've tried on the Board in the sense that in particular with the chair and vice-chair have been subject to the 360 by other Board members. In terms of the Board, we're, in my view, could certainly refine our 360 approach, because the one thing that we don't do is we don't get feedback from the staff who interact most directly with the Board.

The second thing is that a traditional 360, and we have had some struggles with people running the surveys, because they're not really defined for our type of Board. These types of reviews are generally structured around managers or senior staff within a commercial organization. And we've actually to beat down at the consultants who've been running this for us and assisting they change some of the questions because they lack relevance to our particular scenario.

I suppose the question then comes, and given that this a bottom up organization, to be truly 360, do we need to get feedback from the community? And does it then eventually turn it into a popularity

contest where Board members are potentially playing to the lowest common denominator in the hope of getting re-selected by their particular SO or IC?

And that is a concern if we take it at that level. At the same time, I think it's useful to have some additional interaction. I think it would be useful to have some better feedback as to how good of a job we were doing. Just from my personal experience, at one stage within the CC community, with a slightly more fractious relationship with ICANN staff and a feeling of frustration that issues were being raised and not addressed, it served me very well to take quite a confrontational role.

And my community loved it. It doesn't mean that I'm going to be effective if I continue once the problem has been resolved. If I persist in negative behavior, when the problem is no longer there, then I'm actually inefficient rather than efficient. I was slightly concerned with the recommendation though because the idea of objective measures are on quality and assessing quality of a person, is something I just struggled with.

I understand that you can set objective measures and test the quality of beef, but tying in what Chorine was saying, I'm not sure quite how you assess the quality of a Board member and their effectiveness, because some have incredible qualities intellectually, experience, knowledge of the DNS, but because they have fractious personalities, they may be disruptive elements rather than positive elements.

How do you measure that? Is the one better than the other? Well, they need to be managed well across the Board, and you need to account their strengths and weaknesses. So I struggled with that one a little bit. I

think I understand what you're trying to suggest, but the wording, to me, left a little bit to be desired.

STEVE CROCKER: I'm delighted that you're planning to subside on the confrontational behavior when the problem is solved. Do you have an estimate as to when that will...?

DAVID CUTE: Okay. I have Carlos, then Cherine, then Erica, and then Alan.

CARLOS: Yes, thank you very much. I hope the question of metrics didn't come through as negative. Personally, one of the most fruitful conversations with one of the Board members was to my question, how much time do you spend with the Board? It was very interesting, I wasn't aware the number of hours, the number of meeting, the number of committees you work with.

And how you can optimize that, particularly if you are a new one. I think this is an experience that new Board members could very well use. So my conversation with Mr. Wu in South Africa was excellent. I will never forget that. So I think we can also look at it in a very positive way, and I hope it comes through positively, and we will work on that.

On the second issue, I couldn't agree more. My full-time job is to produce resolutions. In another world, which is the regulatory world of telecom. And I have to work with engineers, and I have to work with lawyers producing these resolutions. So by change, I had the

opportunity to go through your reconsiderations, individually, because I wrote part of that chapter.

I was shocked to hear that people in the floor would say, “Oh, the Board answered negatively all of the reconsiderations.” So that was an incentive to me to go and read all of your reconsiderations since the last review team, and I was surprised, I don’t think they’re all negative.

But there are some which aren’t that good. I think it’s very good that you started created this rationale, but in some cases the rationale became a defense of staff activities, or staff interpretation of rules and regulations. I think we can go deeper there. I think we should be very careful and separate reconsideration from Board’s decision from reconsideration of staff decisions.

And I think there is room to talk about reconsiderations because I think some reconsiderations were really useful, they showed some problems that are very, very good to say this is not that decision, this is a problem we have in the implementation side, or some reconsiderations really show the applicant that they were off the mark for different reasons.

So I was fascinated. I think the reconsideration process is good, I think there is a lot of room for improvement and because in my case, if we do a wrong decision on reconsideration, we end up in court. And we’re personally liable, so we’re aware of that. You aren’t, I don’t think you need a higher court now to solve your reconsiderations, but I really think that you’re working in the right direction, and this is one more thing to pursue. Thank you very much.

DAVID CUTE: Cherine, Erica, and then Alan. And we are getting close on time unfortunately.

CHERINE CHALABY: I'm going to pass so that we have time for other things.

DAVID CUTE: Thank you Cherine. Erica?

ERICA: Yeah, maybe just a quick suggestion to the point I raised at the beginning. The first two recommendation that you make, so the first is for the individual Board members, and the second then is for the metrics to measure the effectiveness of the Board functioning. Yeah, exactly.

So my idea is, if you have a clear understanding about the metrics of the Board functioning, which should then go much more into details. For example, [?] of board, be it chair boards or if you are a member of boards, there are clearly goals set. And in very different ways. So I think you get much closer on your understanding, the quality of the Board members, besides what we discussed.

If the functioning of the Board is there, it's there – it clears its goals and reach goal, I think you are there where you want to be, and then if you want to add an individual touch for individual members, if you think this is really necessary. That's another topic. But I think the functioning of the Board should be really in the center.

BRIAN CUTE: Thank you for that. I've got Alan and then Kuo-Wei, and then Mike.

ALAN GREENBERG: If I may get back to the question I asked, and at least give my interpretation. I think what Ray said is what was referred to as a 360 review, is in fact a review of the renewable Board members, by a select group that may know them well, or have watched them well, and I'm guessing selected by the Board governance committee, or something like that.

Is that a reasonably accurate interpretation of what you said?

UNIDENTIFIED: I'm trying to think. The 360 term is actually the hangover term from the previous attempts to actually do, you know, what amounts to a vertical 360. And one way to look at it is this is sort of a horizontal type of an operation. The selection mechanism is, to a certain extent, random in that the names that are put in the pool of possible reviewers are – there is a pool put together, and then people are selected from that.

And I'm not involved in the mechanism of selection. So I don't know if that answers your question or not.

ALAN GREENBERG: I guess everyone presumed that it wasn't the industrial version of above and below and everything, but I think the understanding that most

people was when you said 360 review, by the Board, was each person would be reviewed by all Board members.

UNIDENTIFIED: I'm making notes and one of them was maybe we should...

ALAN GREENBERG: Indeed. Thank you.

UNIDENTIFIED: Right. And so the concerns that were raised are very valid concerns, and are things the BGC is going to be taken up over time to work on it, but right now, this is, for lack of a better sentence, it's the best we're doing. And we're doing something.

DAVE CUTE: Yes.

UNIDENTIFIED: Having been subjected to this review myself because I was up for renewal this year, I have to say it was a sobering review. I've been on many boards before, I've never been evaluated so thoroughly. And the questions of the review, I mean they are really, they take you were you don't want to be as a Board member in terms of who is thinking of you in those terms.

So, I think we have something that is worthwhile preserving with, maybe who does the review, up and down and sideways, should be

improved. But the actual review and the questions and the criteria themselves, I thought they were very good.

BRIAN CUTE: Thank you. Kuo.

KUO-WEI WU: After the Board members, you know, just the previous talking, and I'm really thinking about a couple of things. First is when you're talking about developing a metric to [?], the first thought, I think we have to understand you make sure the whole Board, because the major functionality of the Board is going to making the policy decision or the solutions.

And also, overlooking or make sure the ICANN institution functions well. Okay, so we are talking about the major [?]. The first thing we have to talk about, you know, from the whole Board point of view, that's this whole Board do a good job. And that might be it's a better way from our side to decide instead of the function inside, because the inside is much difficult to...

We know what is the rationale, why we come out with a solution. We know inside we have such an auditing of [?], the overlooking what is and [?] running or the financial budget, or something like that. So, I think this can be challenged or can be pressured by the whole community. I think this is the one thing, I'm talking about the whole Board.

So in that case, I understand that you try to make the metrics, talking about the Board performance. You're talking about a whole Board or

you're talking about an individual. If you are going to [?], then as a [?] Board member talking about what is the 360 doing?

The 360 degree reviewing is basically, the other Board member to [?] at least one, and you know, it goes through everyone and to figure out what is the individual Board do a right job or a bad job. So I think when we're talking about this metric, we have to clearly understand which part we're talking about.

If you are suggesting the whole Board, then we might need to think about something different instead of the 360s. But if you are talking about individual, then I think my experience, the 360 is quite sufficient enough, quite sufficient enough because just like several people say, there is a lot of questions to go through.

And so, this is what I'm thinking about. And regarding for that, what is the purpose of doing the Board performance of evaluation? I think we should try to figure out the purpose of these evaluations. Is this evaluation we basically like to see how to improve in the future how the Board organizes?

Okay. If this is the purpose, then at the same time we might need to think about how to select a quality Board member, through the nomination committee, through the SO, you know, or through the ALAC, whatever. So, I think what we have to understand this evaluation, if we are trying to improve the performance of the Board, there would be also link, what is the process to select a right member into the Board.

BRIAN CUTE:

Thank you. I think Mike [we're on the key] right?

MIKE:

Yes. Thanks. I'd like to stop being so deferential if I may, because I think you've got some questions for us. To turn to Carlos's question, I think that the question is a very good question. It's one that has bothered as the BGC quite extensively, it's one that has bothered me personally quite extensively.

The reason why it's been causing me so much bother is that we've been through a review, quite recently, with an expert panel whom I regard very highly. And having been through that, I wonder if we're expecting too much, or if they missed something, or we missed something. But somewhere there is dissatisfaction within the community.

And ultimately, I'm sorry to repeat about it, but it's not just a question of justice being done but being seen to be done. And in this case, whether the reconsideration process is working or not, people have the perception that it's not working. People have the perception that it's not being fair.

So that being said, I do think there is a need for a fix. That being said, I'm not sure that a community working group is a better place to do it than an expert panel. And given the qualification of the experts we had, I wonder if our community are not going to try and turn this into an appeals mechanism, because that's what we don't want.

And so, I would just be a little bit hesitant in terms of your recommendation. Do we need to look at this and see where it's broken? Absolutely. And we just had some experts do this in the space

of the past year, and maybe we go back to them and say, “What did you miss or what did we miss?” But yeah, please just consider my caveat about the community.

I’m all for the community but sometimes if the community are going to design something, they’re going to design it to meet their needs rather than looking at more objective testing standard.

BRIAN CUTE:

Mike, if I may try to answer some of your questions there. Number one, I think this review team was in fairly well-rounded agreement that creating another mechanism wasn’t where we wanted to go. Okay, so that point I think we were clear on.

What we heard from the community, and we talked to staff, and so we’re fact-finding. We’re in that position of we’ve got to gather facts, I can point to two things that we heard from the community. I’ll tell you today, that I still don’t know which are the correct facts or what the actual conclusion is yet.

We hope to have that by December 31st, but two things we heard from the community on the expert working group and reconsideration were, and I’m paraphrasing, that there was very little community input into that process, particularly pointing to some face to face meeting in Toronto. Very lightly attended, not a lot of input, very serious questions. That was one form of complaint.

The other one was...

MIKE: So, some people complaining that they weren't listen to when they didn't talk.

BRIAN CUTE: And the other one was, the result of the actual working group's recommendation narrowed the scope of review. And folks in the community were saying, and the staff saying, actually, it enlarged the scope of the review. I'm a former lawyer, I know you can engage in arguments over whether the sky is blue for quite some time.

But that's what we're hearing. And frankly, I don't think we have looked at the facts closely enough to draw a conclusion ourselves, but that's what we're hearing.

MIKE: Brian, sorry to engage in the dialogue, you're right, I think you can debate that extensively. I think what we really need to say is, what is the intention? What is the ultimate intention? What do we need to put in place? And then, what is the best mechanism to go about doing it.

And what I think we were talking about is a procedural review mechanism, to look at a number of issues, which eliminates the need for appeal, and yes, of course, people are going to try, if there is a quick and easy review mechanism, people are going to try and push an appeal in the disguise of a review, at least as the first phase in their review strategy – or in their appeals strategy.

They're first going to try the review, and if they don't get that, then they're actually going to go for the appeal. But that aside, having an

appropriate mechanism for people to be heard, for their concerns to be raised, to be dealt with, I think is entirely appropriate.

I think we need to do a little bit – go back a few steps as to why we’re doing this, what we want, and then look at the mechanisms to achieve it. All I’m saying is, I think the recommendation is almost spot on. My slight concern is, if we design it on this community exclusively, then we may get an animal that this community wants at this time, rather than something that’s good for the community going forward.

That’s my only concern, and it’s not necessarily a valid one.

UNIDENTIFIED: I want to reply, a short one.

BRIAN CUTE: A short reply then I’ve got Olivier, Larry, and [?].

UNIDENTIFIED: Yes, to – if there is an opportunity to talk to the Board governance committee, to go into deeper discussion. I came in very quickly, I came out very positively. And I can pin down the recommendations to very specific things, like I said, separating if it’s a reconsideration of a Board decision, or a staff proposition or a limitation, that’s one big problem.

And that brings us to the next problem which is not clear in the process, like are we in the policy phase? Is this a policy decision? Or is this an implementation phase? If we just consider this four elements, I think the credibility of the reconsideration process could be greatly increased.

And as I said, the sample is very small. I looked at only 13 reconsiderations since the first review, and four weren't finished, or three weren't finished, and I found only one that I don't like, but for totally different reasons. Thank you very much.

BRIAN CUTE:

Okay. So, we've got half an hour left, and we're primarily here to hear from you, from the Board. I've got Sebastien, Olivier, Larry, and [Burtron] in order.

SEBASTIEN BACHOLLET:

Thank you. One comment and then two questions. The first comment is about the discussion, we've gone on and on about the Board performance. I have a question on that commented, is that we don't have the same perception of what the Board is supposed to do. We have a discussion ongoing on the Board to some, is it Board like that? Or Board like that?

Or Both? Or whatever. And then, to assess performance, it's maybe quite, quite tricky. I have two questions. The first one is you talk about the WHOIS review team number two, are you sure that there will be a review team number two? It should be, but if we don't have any more worries, it will be interesting.

And that we review the data, and the directory services within ICANN could be an interesting review team in the future, but it was just a quick question. And the second one, did you review the reviews of SOs and ACs and the implementation? Or just the review of the AOC?

BRIAN CUTE: I'm not sure the review team reviewed all of the reviews of the ACs and SOs. I've seen them myself, but not as a team, we didn't.

SEBASTIEN BACHOLLET: As a question mark there, some proposal of the reviewers were never implemented, or not totally implemented, or implemented differently. And then it was just a question, if it could be a good idea, maybe not for you but for the future review team, or the future ATRT 3 to discuss and to take that into account.

STEVE CROCKER: Let me pick up on your point because, I see a way to make a connection. We've had discussions in other settings about integrating the AOC reviews with the structural reviews, that's what we call them. You have an opportunity, I think, if you wish, only if you wish, to – when you're talking about the improvement of the review process, to decide whether or not you want to speak to the issue of the integration or the inclusion of the structural reviews as part of your assessment.

BRIAN CUTE: Just briefly. I think this review team has looked at the AOC reviews going forward as continuing to be in their nature, as they are separate from structural reviews, with a unique focus defined by the AOC. The AOC provides us our mandate of what we're supposed to look at, and the nature of those reviews, we think, should remain intact going forward.

However, the improvements that the structural improvement committee are working on, and Ray has been talking to us about in particular on processes for adding efficiencies for a review, is certainly ground – we should talk common ground, we should think about how we can draw those improvements into the review teams under the AOC as well. Olivier?

OLIVIER CREPIN-LEBLOND: It works, okay. Just to try to diffuse the situation with regards to the Board reviews, and with regards to the reconsideration request. I just wanted to remind you all of this actually comes from the AOC 9.1A, which basically says, ICANN commits to maintain through robust mechanisms through public input, accountability, and transparency, so as to ensure the outcomes of its decision making will reflect the public interest and be accountable to all stakeholders by – and A basically says, continually assessing and improving ICANN Board of Directors, Board governance, which shall include an ongoing evaluation of Board performance.

Now if the 360 reviews, internally, are something that satisfies this, then I guess that's already one part which is done. But it does speak about Board performance in total, and that might then – this is one of the reasons why we thought metrics would be a good thing to explore, the use of metrics on Board performance as a whole might be something to explore.

And then it also says in there, the extent to which the Board composition meets ICANN's present and future needs. Obviously, that relates to the Nom Com and the consideration of an appeal mechanism

for Board decisions. So it actually asks the consideration of an appeals mechanism. Whether that's concerted and deemed to be not something possible, that's something for the Board, I guess, that will have to decide on afterwards.

But this is why we had to look at these things. Thank you.

BRIAN CUTE: Thank you Olivier. [Burtron] Larry, then [Burtron].

LARRY: I'm just cognoscente... First of all, excellent discussion, great discussion. But we talked about two recommendations, maybe three, and we've used up over an hour. We won't be well served if we walk out of here and there were people here who wanted to tell us where we're wrong, where we've missed something, or where we've haven't gone far enough at a very high level.

We have at least three categories of very significant places where we're getting very close to electric lines, and we definitely, I think, need to have some sense from you all whether we're approaching those with the appropriate amount of care and caution. And those are the financial transparency recommendations.

The PDP area, where I think we're pretty modest right now, but when I hear Sebastien mention, well the Board still doesn't have an agreement on what its role is, that seems to directly implicate the whole PDP issue. And then third, we're making a lot of intrusive, or hopefully not intrusive, but detailed suggestions about how the GAC might reform,

and I'm very interested in how the Board would see being able to approach that, since our recommendations are to you not necessarily to the GAC and how you want us to play that.

But, just as important, we really need to hear from you, where you think we are off base, and where you think we have just dropped the ball and not have taken up an issue we need to take up, and if there is a way to get the focus there for the last 20 minutes, that would help us the most.

BRIAN CUTE:

We've got 20 minutes, and I would like to hear primarily from directors if you don't mind. [Burtron].

UNIDENTIFIED:

Well actually, my intervention couldn't come in a bad position after Larry's comment because I was feeling the same kind of frustration. I think there are a few points that I would like to raise. One is a methodological point regarding the report itself. It looks minor, but the fact that you've chosen to use titles that with, for instance, the numbers of the recommendations is making it very difficult to navigate.

It's extremely difficult. But, for even the attractiveness of the document. One, I support what Sebastien just said because it actually connects the first two bullet points here. It is very hard to evaluate the Board performance if there is an uneasiness about the extent of the role of the Board, and particularly, how it has evolved.

In a nutshell, we have had an extremely hands on role in the final organization of the new gTLD program for a lot of reasons regarding, in

particular, the situations of the staff at the time. We have now considerably moved because the staff has ramped up capacity tremendously. One of the key criteria for evaluation is, are we moving away from hands on enough or not?

The second thing is, I think one of the very pressing issues in the accountability mechanism, in the [?] framework of this organization is that, transparency of the policy process is one thing. Responsibility of the staff operation and efficiency is another issue, the role of the Board. What is really unsatisfactory, in my perception at this moment, is the whole mechanism of reconsideration and appeals, for three reasons.

The current mechanism is covering three situations. The review of the Board's position or actions or inactions, the review of staff actions or inactions, and a new role and a new environment that is merging strongly in the new gTLD program, which is reconsideration of panel decisions. In each of the three sectors we are faulting.

The first sector is it is fundamentally difficult for the Board to be reviewing its own, and to be accountable mechanism for its own decisions. At the same time, it wouldn't be a solution to present an overarching control above the Board which would create another layer, which a part from the independent review panel, is not the solution.

One of the ideas that I think you could explore is, is there a possibility that reconsiderations that are submitted to the Board regarding the action of the Board, could be not just a written thing? But a process where there has to be contradictory procedures? Contradictory procedures is something that is missing generally speaking.

The second layer is in the implementation of the accountability of staff, or reconsideration of staff actions or inactions, in section 2.2A of article four, the fundamental difficulty is the interpretation of violation or contradiction with ICANN policy. The current interpretation that we have, I don't say it's faulty, but the current interpretation that we have is a very restrictive interpretation of the term policy. It seems to apply through the policy development process outcomes, and it abusively restricts the scope of the reconsideration process.

One typical example is a reconsideration that we had in, reconsideration 13-3 that connects to the distinction between policy and implementation. But the biggest challenge that we have at the moment, and I think it would be great if the ATRT team got feedback on that, is how to treat the panels that we've established for the new gTLD program.

The general objective was to insulate the organization by making them away, the reality is that it didn't work, because now in reconsiderations we're accepting that they're equivalent to staff, and fundamentally we're in violation, I believe, of a certain number of principles which is the right to appeal. And we are in the process where in this regard, as Mike was saying, there is a sense of unfairness.

How it can be solved is another issue, and I know that the Board is discussing this, but it's an important element. Finally, on GAC, one element that I would like to insert, and I don't feel that maybe it is addressed enough, is accountability of governance in the GAC. The role of GAC members in the GAC is to help define a global public interest.

And there are situations where the defense of a national interest, a very little [?] defense of a national interest is actually the defense of a stakeholder interest, which is different. And in a certain respect, even the consensus of governments and the consensus of national public interest, does not necessarily make a global public interest.

So question of accountability of GAC members beyond the participation processes is, I think, something that is worth exploring.

BRIAN CUTE:

Thank you [Burtron]. Mike?

MIKE:

Thanks. Larry, excellent points. In terms of the financials, I don't think you're at all close to the parlance. In fact, most of what's been described over there is what we're busy implementing. We picked it up before it was pointed out, multi-year planning, cost efficiencies, we're very aware. We've given our CEO quite an extensive mandate, he's running with it, but the costs are stacking up.

So we are tightening the belt and making sure we put a better handle on it. We're also aware that strategic planning runs budgeting, which runs the operational plan. Not the other way around. So multi-year planning, getting better understanding of what we hope to do so that we can decide how much money it will take to do it, and then reporting against that is something that we really have not been very good at in the past.

And we are aware that we've really got to improve it. So to me, on the financial side, your comments are right on the money. You know, we may quibble about a word here or there, but on the whole, I think the comments on the financials are spot on. We, you know, start benchmarking, it's rarely done.

When we do compensation, we go through a detailed compensation review process, benchmarking, not California for-profit corporations, but specifically focus on the non-for-profit process. And again, it took a bit of a while to get compensation consultants who were willing to engage on that basis rather than the usual, you know, senior executive, at a for-profit corporation with a similar sized balance sheet.

In terms of the GAC, yeah, I think there is some interesting suggestions over there. Personally, I would prefer not to comment because I don't know the GAC as well. The one concern, and it may actually be a benefit for us as a Board, is that those recommendations, I think, the GAC is going to be spinning so much as to whether it's willing to look into implementing them that it's going to let us off the hook on how long it takes to get some of the others right.

So, in that respect, it might be very useful.

BRIAN CUTE:

Cherine and then Erica. Sorry, Cherine if you will, Bill, Cherine, then Erica.

BILL: Thanks Brian. A few comments. First off, on your suggestion to look at the review panel and the reconsideration process. I really like the fact that you suggest doing that through a special community committee, I think that's the right approach and I really support that. The other comments have to do with the GAC.

As you know, I'm vice-chair of the BGRI that worked to try and implement the recommendations of ATRT one, and I would say largely succeeded in that, I think. I did note that you suggest proposing and adopting bylaw changes. I don't know if you're aware, but the GAC asked us not to do the bylaw changes because they think there is going to be a large package of bylaw changes they want us to make and they didn't want to go about it piecemeal.

So I just wanted to raise that to your attention. The suggestion that the GAC analyze and how it could improve its procedures, I think that's critical to do, and also the suggestion that they develop a code of conduct I think these are excellent suggestions. I've got a bit of a quibble with the way they are phrased in that it's not the ATRT that's making these suggestions, your suggesting to the Board that we suggest to the GAC.

And I think that puts us in a funny relationship with the GAC. I think it would be much cleaner and easier to deal with on the implementation side if the team recommends that to the GAC, and then I'm guessing from some initial conversations with some GAC members, they may want to continue the BGRI. I think it's going to be a lot easier if we work together as a team on that following the ATRT recommendations, rather than us being in a directive position with regard to that.

So I think that's fundamentally the points I wanted to raise. Thank you, but I think in general on the GAC, good work, good luck to us getting these implemented.

BRIAN CUTE:

Thank you Bill. Cherine and Erica.

CHERINE CHALABY:

Comment on three things. One is the reconsideration request. I kind of agree that we, with your recommendation, that something needs to be done, but two cautionary things. Whatever we decide on, it must not be open to abuse, because it's very easy to put a system that everybody sort of finds of a way of asking for an appeal.

Secondly, I'm glad that we're not going to get the Board to step in and become experts, either linguistic or legal experts. The Board should not step into the shoes of those experts. Okay, so that's fine. On the budget, I think we need to embrace the words financial planning, rather than budgeting.

You will see that we are now moving into quarterly reporting of balance sheet, [?], cash flow, and all ICANN has done for the last 15 years is expense budgeting, and we just need to stop that. So please change the wording in your ATRT report to move us into proper financial planning and financial management, that's very important.

In terms of your recommendation on the GAC, I think the more transparency in the agenda, frankly I don't know what's going on in the GAC until I see a communiqué coming out at the end of a meeting. And

I would like a similar level of transparency from the GAC as the one you demand from the Board, so we know what's going on.

And it will help us sort of follow them and follow the agenda, which at the moment, is very hard to do.

BRIAN CUTE: Thank you. Erica.

ERICA: On the recommendation with regard to the financial operation, I think we have, on the Board, very early face discussion and hopefully we'll pick this up again to understand better how risk finance order and compliance should function together.

So I think it's good to look at one side of the, you know, of the operation, but it's certainly good as well to understand the interconnectedness between different facets of the same operation. To have a good functioning operation, and probably that's one of the next steps we have to look at and maybe something...

I mean, as I mentioned, it's a very early phase of discussion. And but I think it's publically something you should look at in the future as well.

BRIAN CUTE: Thank you. Let me ask another question. We are considering, as a review team, perhaps prioritizing some of the recommendations. That is, maybe identifying some that are more pressing, more urgent, not more important but more important to start acting on. We haven't

concluded. Let me offer this. In ATRT one, we learned our lesson about saying, “Get this done by X date,” and creating benchmarks that aren’t tied to implement ability challenges, so we’re going to have an implement ability discussion with staff, hopefully informed by the Board, as to what it will take to implement these recommendations.

That being understood, are there any of these recommendations that from your view, are more important, more urgent – not important, more urgent and pressing than others? Mike and then Cherine.

MIKE:

I think the reality is that those that are more pressing, are also the ones that we’re looking at already. So, in terms of the financials, [?] not making the offer on your part, but I suspect that if you put that as pressing, it will be delivered very shortly because it’s already underway. So it makes you look good and it makes us look good.

So by all means, put it as high priority. In terms of the review process, I think where we are at the moment in the new gTLD program, I think that’s a pressing issue now. I think without the new gTLD program running as it is at the moment, that it wouldn’t be quite as pressing, but I think that’s pressing at the moment.

I think issues around internal improvements, GAC improvements, those sorts of improvements, I think some of those actually maybe reasonably easy to implement, but they’re going to take a long time to socialize through the organization. And that’s where a question of putting time limits becomes really difficult.

BRIAN CUTE: Thank you. Cherine, you're in the queue, and then Ray.

CHERINE CHALABY: Mike stole my thunder really. So we'll go through this. The one that is pressing now, but I don't think we'll resolve it, is the reconsideration request. Because something is not right there. The others, you can improve but there is something missing, and that needs solving. For the long term, not just for the new gTLDs.

BRIAN CUTE: Thank you. Ray.

RAY: A lot of the same... Mike said one of the things that I would have said too, which was the ones that we've actually been discussing here, are the ones that we are most attuned to because those are the things we're really working on. And I would look at more so the ones that are most pressing are not necessarily the ones that are most urgent, but the ones that are most difficult to complete.

And part of the difficulty of completing is going to be things like Mike was talking about in terms of socialization and getting it into the structure. So I realize that's kind of a cop out, but at the same time, it is actually probably realistic way to look at it. Because if you look at the things that are most urgent in this list, those are the things that we've identified that we're telling you, we're working on them now.

So I would hesitate to say that most pressing is most urgent, and most pressing maybe the one that is going to take the longest or is the most

difficult to do, is going to require the most effort in terms of resources, etcetera.

BRIAN CUTE: Fair enough, thank you. [Burtron].

UNIDENTIFIED: Yeah, actually continuing on the vein, I think in the presentation of the overall report, there are high level messages, and I think I heard around the table something that I fully agree with, which is that one of the key accountability challenges at the moment is this mechanism of reconsideration.

And I think it's emerging very, very clearly as being one, the type of topic where the community is sensitive, where it is an implementation challenge for the new gTLD program, which is at a critical moment in that regard. It is a very big issue of concern for the Board, so everybody wants this to be addressed, and so if the messaging becomes very clearly, and relatively early, that this has to be addressed, it would even allow the Board, and I'm not prejudging of the discussions we will have to basically prepare the recommendations that are being made, and almost pre-implement them by triggering this kind of discussion.

The second thing is, that's for accountability in general. And the interesting thing is to potentially introduce the question I was mentioning regarding accountability of GAC under label more of transparency in the procedures that they have, because the way it is being conducted does not allow anybody to say, "Well, wait a minute,

here are you pushing a national position? Are you contributing to the general definition of a global interest?"

This cannot be addressed promptly, but putting it under the connection with cross-community deliberation, how they can input early on, is a very important element. We have initiated, I don't know if it has been mentioned, this new approach for getting input from technical advice, and advice in general.

I think one element in the cross-community deliberation and the decision making workflow, is to have very early informal input by all actors in birds of a feather, or in issue framing sessions, that will allow GAC members to come in and chime in early on without having to produce a written chime in early on.

BRIAN CUTE:

Thank you. And the last word, Fadi.

FADI CHEHADE:

Just three quick comments. First, my deepest and sincere thanks. The report is, and the input in the report, are quite impressive. Thank you for all of the work all of you put in. It's appreciated. Secondly, I want to just commend both the review team, as well as frankly our team, our staff, for a very different environment in terms of the cooperation, because we started this thing, thank you Brian, for helping me on that.

We started with this on the right foot, an open, collaborative effort. And I think frankly it took, even our team, just a little bit of time to get there, but we stayed together, Brian and I, on that and I think the team

finally just got very comfortable in sharing what this, in the spirit of collaboration, with the review team.

So thank you for that Brian for your leadership there. And the third thing is unlike last summer, when I was new to all of this, and I arrived in the ATRT one recommendations were kind of all over the place, and fledgling, and people were screaming that we're not getting things done, and we did push through and check all of the boxes, I don't think we would do this this time.

So, you'll have my commitment that this time, this will be embraced early, and will be embraced seriously, will be embraced deeply, and the... Remember, I had asked if there was a mechanism for you all to prioritize this, when I met you last time, heard you mention that again today.

It's not so much about what will take more time, it's not a timing issue, it's really the most important things. We need to get some sense of what you feel is critical to the organization. And then we will lay it out like a real project plan and attack it, and we will do that, and you will have full visibility to our progress on that, as before.

BRIAN CUTE:

Thank you. And in closing, I do want to compliment ICANN staff. They did, and have done, yeoman's work in supporting this review team, and Larissa in particular as a new addition has been absolutely sterling in her work. So we very much appreciate the work they've provided to us. Thank you for noting that.

And with that, you know where we are in our process, we have a comment period and a reply comment period. We really, I would say by the week of December 9th would be when we have to have all substantive inputs into our process, so the door is still open. If there is follow up from the Board, and we have Steve on our side, so thank you for this afternoon and your inputs, very much.

We're going to take a 15 minute break and resume our session face to face.

[End of Audio 2]

[Begin Audio 3]

BRIAN CUTE:

[Background conversation] Okay, folks, we're just going to take about 10 minutes stock taking, make sure that we have our tasks agreed and understood for the next couple of days. Okay. So, just to be organized and be aligned, everybody any substantive inputs that you think would modify our report that came out of that discussion with the Board, or our two meetings in the morning, please briefly, succinctly but clearly identify them and send them by email to the list, so we can compile our record of inputs, that we can agree on, on Wednesday, in terms of modifying the report and recommendations.

Yes, Olivier.

OLIVIER CREPIN-LEBLOND: Thank you Brian. It's Olivier for the transcript. I wonder whether there was any consideration about not really considering any more input with regards to Board metrics, because I think we've had so much feedback on this one, in this session.

I don't know if any of the other meetings we're having and people decided to start focusing on this, I have concerns that we're just going to end up spending a whole week on this, whilst really a such small subset of all the input that we've put in there.

BRIAN CUTE: I hear you. In terms of hearing from the different constituencies, it is an invitation for them to tell us what's important to them with respect to our report recommendations. We can always listen politely or try to reinforce that we want to hear specific things about what did we get wrong.

But I wouldn't close off the opportunity for anybody in the community to hit that point. I think we have a good sense of it for sure.

OLIVIER CREPIN-LEBLOND: But keep mindful of the time on this.

ALAN GREENBERG: One of the things that I think we have to keep on doing at the beginning, and have through a session, is asking people to be concise and short, because speeches do not help the situation. In terms of the Board metrics, other than one or two specific people on the commercial

stakeholder's group, I don't think we're going to see a lot of other people caring.

BRIAN CUTE:

And I might add to that, and this applies with full effect to me as well, I think we, in participating in the meetings, need to be mindful of the time, and if we are going to intervene, we should be focused on pulling more information from the community we're hearing from as opposed to entering into an interesting dialogue where we're sharing our points of view.

Let's focus on pulling the information in the input, that's what we need, and that applies with equal force to me. Okay. So, let's get our emails to the list tonight, based on today's conversations. The other task, and it's open for everybody on the review team to do this, I am going to try to grab a small group of usual suspects, and continue what Larry has started, which is going through the report and find where there are weaknesses or mistakes, and identify in full.

I've captured all of your points, Larry, when you walked us through them, and I'll send that likewise to the list. So we have it, but we really need to go through the report in full on our own and say, "This is where it's weak and needs to be improved." So you'll see something from me, or somebody else, within 24 to 36 hours that hopefully fleshes out those other areas in the report, for us to focus on Wednesday.

That being said, is there any other needed action item for us that I'm not hitting on? Alan?

ALAN GREENBERG:

I'm just a little bit worried that when we leave here, either all of the work is going to fall on you and Paul, if – well, all of the work is going to fall on you and Paul if we haven't, if we don't end up with assignments. Now, my personal perspective, even though I would love to [get out] of here with no more work to do, is that whoever authored recommendations, has to take the responsibility for cleaning them up.

I'm not talking about the formatting. I'm talking about the content. I don't see any other way of making sure that it gets done. And for the few of you, and I'm looking at Avri and you who have, who did more than your own share, maybe we need to redistribute a little bit of that.

BRIAN CUTE:

I would agree with that, but I would expand on that, and I think I hit it in the email I sent around, which is I think that the work stream chairs, who are basically subject matter experts at this point in time based on the focus work they've done, to the extent that inputs come in that relate to your area, that those chairs should be copied on that, as well as anybody else who drafted a recommendation pertaining to that.

Now we'll need to do some sorting there, but I think that's the right way to go, from a substantive perspective. And those work stream chairs, in my view, if they're willing, can help in the draft in the short term. We will need to have a final edit. This document will need to have a singular voice.

We need a very clean final product. That's understood. But my suggestion would be integrate the work stream chairs on a subject matter basis. There is four. Okay. So be it. No, no. We've got inputs

from the RSAC and the SSAC today that could still effect or edit our report to some degree. Yeah, David.

DAVID CONRAD:

Yeah, so, yeah. I'm anticipating, I don't want to say hoping, there will be some input on the SSR stuff. If that comes in, when and if that comes in, then I'll deal with it, but I would agree with Alan that, you know, that sort of leaves me out of the dealing with the recommendations of the main body.

I'm happy to accept, you know, offload you and Avri, as he said, did more than your fair share, but that's not to say that I'm begging for it, just to be clear.

BRIAN CUTE:

Understood the last part before you said it. But that's how we'll approach it. As the inputs come in, topic, subject matter, work stream chair, author of draft recommendation or that portion of the report, and at least those two notes in comparing notes can help us, make the right modification to the final... Okay.

Also, One World Trust is having a session, correct? When is that? Is that with us?

LARISSA SHAPIRO:

No. It's a public session on Wednesday at 10:30.

BRIAN CUTE:

Do we have free time then or are we tied up?

LARISSA SHAPIRO: Yes, you are, you should have gotten an invitation.

BRIAN CUTE: Okay, thank you. So anybody on the review team who wants to attend the One World Trust session, please do. That's the metrics oriented session, and there be some community members there providing their perspective that I think we would all want to hear, to the extent that you are free.

I'll make it a point to be there. Any other action item that we need to touch on? Yes Olivier.

OLIVIER CREPIN-LEBLOND: Yes thank you Brian. It's listed on my calendar as ATRT 2 One World Trust Accountability and Transparency, so that is an ATRT 2 session, isn't it? Or is it a One World Trust session?

LARISSA SHAPIRO: It's an One World Trust session. So, it was... In the invitation, it may state that way, because all the ATRT 2 members were invited to come to the session, but it's a public session.

BRIAN CUTE: Okay. It's Wednesday. Another piece of the inputs that we're getting, which is going to be input from staff on implement ability and, I think we've talked about this a bit, Larissa, but just to reiterate. To the extent that those inputs are available and can come in on a rolling basis, as

opposed to at a large dump on December 9th, that's obviously going to be the best way to go.

So, as soon as any of those inputs, and some of them we'll receive before the report went out, or just at the close of editing, please keep them coming in. I will, with the vice chairs, go about appointing victims to handle pieces of the inputs. Comment is one piece, inputs from the staff on implement ability is another, and we'll give some thought as to how to properly allocate that, so it gets factored in and factored into the report.

But again, as soon as that's available, please hit us with it, and we'll factor it in. Yes.

LARISSA SHAPIRO:

Duly noted Brian. And so far I know that at least one team, Sally, Traik, and that group would like some time in conference to clarify and discuss some of the recommendations that pertain to their area. So we're working on getting that scheduled.

BRIAN CUTE:

Thank you. And then I think I misspoke in my email when I tried to help us think through organizing the work going forward. I noted that there were two full team conference calls before we finished our work, and Larissa has informed me that actually there is a third scheduled. Or, we tried to schedule it and had difficulty on a Doodle poll, but we are supposed to have three, full team conference calls, correct?

LARISSA SHAPIRO: Yes, that's correct. So I'll probably have Sharla resend the Doodle poll because we got pretty low participation. So how about we'll resend the Doodle poll so you'll have the dates? They're proposed dates, proposed lengths of time for each meeting, and there are three of them.

BRIAN CUTE: Okay. I'm going to suggest that we do calendar three. I'm going to suggest also that if we do this work intelligently, we're focused on making modifications to a report that's fully drafted, so we really shouldn't be talking about a significant volume of work. And I hope we're not having very hot discussions about whether we should make a modification or not.

I'd hope that there is more consensus than last, at this point in the game. So, I think it's manageable work. I'm going to say we calendar the three calls, if we get through two and everyone is content and we can cancel the third, so be it, but do send out that Doodle poll so we have three on the calendar.

Anything else? Alan.

ALAN GREENBERG: Just a reminder of the footnote to the PDP recommendation that I made reference to with the SSAC today. I'm going to work on the assumption that there will be sufficient community interest and start drafting that. If there is anyone in this group that feels that's really the wrong way to go...

This is the one to widen more than the PDP, to make sure that people who are not supported by their companies can adequately participate. If we don't get any more comments coming in, then we'll just scrap it, but I want something to be ready in case we do get support for it.

BRIAN CUTE: Just should we hear from the community first and then tee it up with them before putting pen to paper?

ALAN GREENBERG: I'm not writing anything before I leave here. So, but I'm assuming that there will be... There will also be written comments, I'm not crazy.

BRIAN CUTE: Okay.

ALAN GREENBERG: If you look at the PDP recommendations as a footnote to it, that's... The footnote says we may be considering...

BRIAN CUTE: So it's finding volunteers outside of the PDP process on a broader basis.

ALAN GREENBERG: That's correct. Or ensuring that those who are not privately funded can participate.

BRIAN CUTE: All right. So let's hear from the community this week. Olivier?

OLIVIER CREPIN-LEBLOND: Thank you Brian. Regarding the PDP process, just a wild question, and that might be because I dropped the ball somehow on this. Has anyone seen Mike O'Connor's presentation on the PDP and on the ideal volunteer pool that we should have, and what the actual reality of it and so on?

BRIAN CUTE: I've seen it. I don't know if the review team has seen it.

OLIVIER CREPIN-LEBLOND: Should I share it with the review team?

BRIAN CUTE: Sure.

OLIVIER CREPIN-LEBLOND: Because I actually have a copy, he sent me a copy of it.

BRIAN CUTE: Yeah. Yeah, do.

OLIVIER CREPIN-LEBLOND: His allegation is that you have less people drafting the policy and working in the working groups making the policy than the people voting

on it. Which is basically 20 people in the GNSO do the work, the rest just vote on it.

BRIAN CUTE: Please share that.

OLIVIER CREPIN-LEBLOND: He believes that there is a pool of about 20 people that are actually working in working groups, and the GNSO counsel and the Board and everyone else above it just oversees. So we're dealing with a top heavy organization.

BRIAN CUTE: Okay. So one last reminder, as you capture inputs to send to the email list, please identify the meeting and the source. So operational procedures should be developed and then shared between RSAC and SSAC, footnote RSAC meeting.

Just identify the source if you will, so the editors can pull those into the report without having to go searching through transcripts. That would be very, very helpful. Okay? Anything else? Michael.

MICHAEL: It's Michael [?] speaking. My raise the game question on the possible record of summary, over the final report, because a lot of feedback which I have received from the people whom I asked to read the document, to give their feedback, etcetera. So a lot of feedback is that the document is not reader friendly because of its size.

And it's not easy to understand what exactly is, [?] to how, and what is proposed. So, whether it is possible or reasonable if, in my colleague's consider this, to prepare a relatively short document, which just gives very briefly what ATRT is, what the most important findings all over work, what are their recommendations, and what should be done next.

And it can be done in four, five, six, or seven pages, not more. And of course, it should have a reference or should include the link to the text to the full report with all the appendixes. So thanks.

ALAN GREENBERG:

Although I'm attracted by the elegance of that, that implies we are going to do very short summaries of some relatively complex recommendations, and I'm not sure I really want to get into that.

DAVID CUTE:

David.

DAVID CONRAD:

I think pragmatically speaking, we don't really have a choice. The document as it exists is a bit on the longish side, a bit – and this is not intended as a criticism in any way, but a little dry to read. And I think the, yeah, the statistics that we've had so far relating to download, with the understanding that they're probably not particularly accurate due to the way the statistics were gathered, has not indicated that they've been a rousing success in terms of, it's not hitting anyone's best seller list.

I think an executive summary is – that has links back into the main document is probably the best way to get people to actually read, at least some of the context of what it is that we've been doing, and may actually increase... If somebody reads something, sees the recommendation, they don't want to understand the details, it might actually encourage them to read the full document.

DAVID CUTE:

I think dryness is in the eye of the beholder David, but that being said, what has resonated with me is hearing that people are saying that this is an ICANN-ise, and that putting the executive summary, however we reshape this into plainer language, plainer English, if you will, I think that's something we have to do.

And let's at least take a stab at it from that perspective if we can make it cleaner, more efficient, linked to the body of the documents so people are more inclined to read it, let's take a stab at putting it into plainer language, and streamlining it a bit, and then circulate it to the group and see if it's doing the job.

Larissa than Fiona.

LARISSA SHAPIRO:

So just to clarify David's point, the part of the statistics that I circulated, that probably is overly – that doesn't paint the right picture is, the PDF part of it. The statistics that pertain to the number of visitors to the public comment page, and to the announcement are accurate, it's just that when people, if people copied that link, and let's say one person

from the GAC copied the link and shared it with the entire group, that would get reflected as one.

So I just wanted to clarify that point. And then in terms of that same email, I had some thoughts and ideas of other ways that you may want to consider to make the document a little more user friendly, without necessarily having to go to great lengths from a written perspective. We, for various reasons, the webinar didn't work out prior to this meeting, but there is no reason not to consider at least, either an audio recording, or a video recording, or a PowerPoint presentation of some kind.

Some other method of summarizing thoughts and ideas that lives along with the lengthy document. So just a thought.

BRIAN CUTE: Open to those ideas. Fiona and then Jorgen.

FIONA ASONGA: Actually, Larissa has commented actually on what I was going to suggest. We can have an abridged version that is more or less PowerPoint, it's about 40 or slides that present everything, and with nice background color. That makes it more in the friendly for those who are scared of reading the black and white.

BRIAN CUTE: Less dry? Jorgen.

JORGEN ANDERSEN: Yes, thank you Brian. Jorgen for the transcript. I think this is a very important issue, and I think that we should all remind ourselves that one of the fine things of ATRT has been that we have a challenge with respect to inclusiveness. We have a low participation in GAC, of governments around the world increasing but still low.

We have a ICC report showing that in the PDP process, 80% of all of the participants come from Europe and North America. If we put a report which is written in a language which is only understandable for the 80%, we didn't do our job properly.

So I think that the idea of having sort of an executive summary, which makes it easy and attractive to read for, for example, the Minister from Uganda, Fiona's example from some months ago, I think this an aim in itself. So I would strongly support that we move along in that direction. Thank you.

BRIAN CUTE: Thank you. Fiona?

FIONA ASONGA: I'd like to volunteer to help put together that short version.

BRIAN CUTE: Accepted. Michael, accepted. David. Okay, very good. I think we're in synch on that. Any other specific action items we haven't identified between now and Wednesday, close of business? No? Yes, Michael.

MICHAEL: If you excuse me. A very brief question to the ICANN staff about the famous story with the linguistic [?], so we don't have anything back what was supposed to be prepared by Buenos Aries, and it would be great if we will be able to do anything. Do you agree to do it with me? Thank you.

LARISSA SHAPIRO: So I haven't had a chance to read through it yet, but I know on the ICANN website, there is a lot of information posted by Nora, on the launch of the translations and the terminology. So there is a lot of information that is now available on that topic.

So I will make sure that everybody gets it.

BRIAN CUTE: Okay. I think we are done. We've got a big day tomorrow, please take your notes, make citations of sources, hit the list, and we'll see you all tomorrow. Thank you.

[END OF TRANSCRIPT]