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BUENOS AIRES – ATRT2 Meeting with NomCom  
Wednesday, November 20, 2013 – 16:00 to 17:00  
ICANN – Buenos Aires, Argentina

CHERYL LANGDON-ORR: If you think I have to be sitting at the head of the table to lead something, you are sadly misled.

UNIDENTIFIED: Just for everyone's clarification Brian and most of the other ATRT people are still stuck in the GNSO council meeting, they talk a lot, I don't know.

ALAN GREENBERG: The rest of the review team is trying to get out of the GNSO meeting, which is having a hard time closing but they'll be here in a few minutes.

CHERYL LANGDON-ORR: We'll be here to quarter past the hour, that's not a problem.

CHERYL LANGDON-ORR: Yrjo is still the NomCom chair, so...

YRJO LANSIPURO: Okay. Thank you very much for inviting us here. I'm happy to report to you that you have noted in your assessment on the recommendation, implementation the NomCom endeavors to open itself up, increase

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transparency, and so on and so forth. I think perhaps I can add a few things. Now 2013 Nominating Committee decided at its kick-off meeting in Toronto, in last year, October, that we tried to strike a balance between two things that are, in a way, opposite to each other.

That is to say, we have the requirement for confidentiality, and that's something to compromise on. But at the same time, to increase transparency and openness as much as possible. And I think that the principle that we adopted, was a simple [?] one.

That is to say, process is open but data is secret. Data meaning the names and all sort of privacy details, candidates. And we implemented that by opening up our meetings, that is to say, at each ICANN – at each ICANN public meeting, there has been at least one open NomCom working meeting. That is to say not just a showcase, but, okay, I'm sorry.

Showcase, but actually a working meeting where people can come and come in and observe what we do process wise. The other thing is, and I think it's mentioned in here, that we publish the monthly report cards. They are sent by the representatives of each community or stakeholder group to air respective groups, on whatever comments they want to make.

But this is the way to keep those groups that send people to be members of the NomCom, keeping them informed. And I think that there might be some improvements to that process during this new committee. Also, the report, which – the final report of the 2013 Nominating Committee, it's written as a sort of quite straightforward narrative of our work.

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And if somebody wants to know in some detail how we actually come to the selection to this decisions we make at the final selection meeting, the path is described there. But again, of course, without names, not compromising any confidentiality details.

I should stop here, but the chair who was the chair elect during the 2013 committee would like to continue.

CHERYL LANGDON-ORR:

Thank you Yrjo, and I would be very keen to get some interaction with the ATRT 2, particularly with a view to how we have done with the recommendations that were given to us for ATRT 1. But we might fit that in separate conversation. With the public viewing of what we do now, we are still finding, I believe, a reasonable amount of the community simply making that the assumption that it is a black box and it is not worth coming to see what we do.

So one of the things that we will need to do in this coming year is be even more proactive than running a business meeting, and it is a genuine business meeting, not just a show and tell at each of the meetings. And this is something that I know Stephane is particularly keen on and he will be building on in his capacity with us this coming year as chair elect.

I would think in the two year plan, it will be developed when he is chair, and that's the effectiveness of our outreach, and that I would like to think we start talking about outreach beyond the ICANN community, which is a necessary and important part of our role. But also the outreach which is inside the ICANN community. We might need to coin

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the phrase there, the outreach and the in reach for whatever bizarre reason.

I think we have to start working on those two plans. So I've given him enough of a heads up now to, for him to work out that I'm about to throw the microphone over to him, because I think what we need to is assure you and see whether that is going to meet some of your desirable needs. If these types of things are what is going to help make us a better and more transparent if not accountable model. Stephane, do you want to have a word or two on that?

STEPHANE VAN GELDER:

Thanks Cheryl. Stephane Van Gelder speaking. I don't really have that much to add. I feel like we, you know, you said everything that needed to be said. As you mentioned, both of you, Yrjo and Cheryl, the focus that we had in 2013 on greater transparency and the focus we're looking to have in 2014 on possibly greater community engagement to help us do our work.

I think it really is up to us to open it up to the ATRT 2 team and listen to your impressions or your recommendations, or feedback on that. I think that what we're seeing today is a NomCom that is less of a black box, but not yet something that the community is really adopted.

And by that we mean, there are a hell of a lot of good contacts and contact networks in this community, and we are hopeful that we will be able to get those – the community to engage better in NomCom, so that those networks can be leveraged to the benefit of the community as a

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whole because bear in mind that the NomCom is there so the community by supplying it with the best possible candidates.

So I think that's the approach that the new leadership team is looking to have, and I think that is a direct continuation of the approach the leadership team in 2013 had.

CHERYL LANGDON-ORR:

Cheryl again for the record. I might just jump in there and raise another point which I think follows on. The desirable characteristics that ATRT 1 asked specifically the Board to give to a Nominating Committee in any given year, so that for them to do their GAC analysis and to tell us the types of skill sets experience and desirable characteristics that they would like to see has been tested in this year.

This has happened. The BGC met with us this time last year in Toronto, the 2013 NomCom was fully appraised, and I believe had a good working knowledge and understanding of exactly what type of things would be useful to have in an incoming Board member. I think that's important for you to recognize that was actively picked up and done.

However, there is often an however, and this is one that really has a nexus with our engagement and our outreach. It appeared to me looking and analyzing at the puddle of people who put in SOIs, was that not only for the Board skillsets, but also for the skillsets that we got from all of the other receiving bodies. Because what we do with the Board, we also did with all of the other parts that we appoint to.

So we knew what the ccNSO wanted. We knew what the ALAC wanted. We knew what the GNSO wanted. And they were all published on our

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website, and I would like to have been able to say to you it was clear from the SOIs that many people had read them. I'm unable to say to you that many people had read them.

Those who clearly were the talented who do their homework had done their homework, but we've got a little bit of outreach, I think, that still needs to be done there. That may indeed be something that we will need to have something as simple as appropriate funding and access to professionals who can sell this story properly.

BRIAN CUTE:

Okay. Alan?

ALAN GREENBERG:

What we're hearing here is that the NomCom has been given specifications, and perhaps the applicants are not reading them carefully. But I'll give another aspect of it. I participate in two of the groups to whom the NomCom names people, and I have talked to various people on the other groups.

And a few years ago, I recall active discussions in both the ALAC and GNSO about what are we looking for next time around. I haven't heard those recently. So, I'm not quite sure where the specifications are coming from, but they're not necessarily something that the community itself is generating. And the feeling I get from the other groups that I don't participate in, is again, the requirements that are being fed to the NomCom are being generated by a small subset of the organizations.

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So I don't know whether that's true or not, but that's the message that I'm getting.

CHERYL LANGDON-ORR:

Let me give you the truth, as I always do Alan. It's Cheryl for the transcript record. It is very much a subset of the Board that gives us the advice because it's the Board governance committee. So it's clear. It is a subset, it is a known subset, and we will be meeting with the new NomCom for 2014 and the Board governance committee on Frida and this conversation will happen.

If the rest of the Board hasn't been engaged in briefing them, it's not kind of our fault and you should deal with that. In terms of the other parts of the community, I will be very happy to share with you, and Yrjo, and Adam would like to perhaps come in behind this comment, that we had some great variability when we meet with the leadership.

And what we do is ask the leadership to provide us with this material. In one particular case, there is the receiving body did indicate that they were taking very seriously, they did do it very seriously, and they even had a member based vote. So thank you ccNSO, what they had given us is absolute bottom up requirements.

So big tick. What we've asked them to do is review that this time and see whether or not anything needs to change. We were told, however, by other receiving organizations that that would be far too difficult, and in some cases, would take far too long in the time we had. So we were given a filtered view from, in this case, what would be the leadership of the GNSO council.

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So it certainly did not go through any form of consensus building, and with the ALAC, you may have been otherwise engaged at the time, but I can assure you, it did go through both an ALAC and an ALAC leadership team discussion, but it do not go beyond that to At Large. I would argue that it probably doesn't need to.

BRIAN CUTE: Okay. Yrjo and then Ron.

YRJO LANSIPURO: Yeah. Just a [chronological] note. I wouldn't called that advice, I wouldn't call it specifications. Specifications is something you give, you know, forgive me, 50 centimeters and 20 centimeters, something. We're not manufacturing these people, and we completely depend on the candidate pool, and then we have to do our best to actually apply that advice we get. But they are not specific cases. Thank you.

BRIAN CUTE: Ron.

RON: This is Ron [Ander] for the record. This morning we had our closed 2013 NomCom, and kind of opened up the 2014 NomCom, and we went through the report that our leadership team generated for this past year. I'm not sure if we provided you with a copy of that, but that might not be a bad idea to provide the ATRT with a copy of that document, so you can see what our accomplishments were for the year.



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But I wanted to bring out in this short intervention is just to say that this idea of providing, actually, a list of qualifications that are being thought by the community for the various councils and Board and so forth, is something that we did discuss briefly this morning, and I'm sure will come on our agenda over this coming weekend – Friday and Saturday when we start our work for the 2014 year.

And it's something that I think, not just to be where we've received it, put it on a Wiki, but rather we as a NomCom, and I would look to our leadership team to give direction on this, perhaps on the weekend. But we as the NomCom would actually go out to the various parts of the body of ICANN, ask for what they would like to have, and publish that in a very formal format, that it actually goes out to the community far and wide, as opposed to just being something on the Wiki.

And that way, it would awaken many people within the various constituencies and SOs as to what we are looking for, that they might tap their friends and colleagues on the shoulder and say, "You might want to consider this." Because as we all know, the qualifications we're looking for, on the NomCom, change every year. The dynamics of the Board change, the council changes, and sometimes we need someone who writes well, sometimes we need someone who is very briefed on governance.

So there is different elements we're always looking for, so I think that's a way forward for us, and I think that's something we can certainly pick up and develop. And again, I look to our leadership team to drive that. Thank you.

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BRIAN CUTE: I'm going to try to respond to – oh, I'm sorry. Who is up? Oh please, Adam.

ADAM PETE: Adam Pete for the transcript record. I'll speak back into the sort of history of this. Nominating Committees that I've been on throughout time, have always gone to the community and asked for information about the skills needed for those positions. Going back on to the history of the annual Nominating Committee websites, there is usually a document, I think it's called leadership positions, or something like that.

And what would typically happen coming up to the annual general meeting is that would be sent around to the particular group, the GNSO, the ALAC, the ccNSO, and they would be asked to sort of update it on the previous year because it was just – it wasn't formalized, but it just happened each year.

So this is something that's been going on. What we're doing it is formalizing it within the ATRT responses and that's very helpful, and particularly formalizing the Board responses, which has become much more detailed than it was ever before.

But for the other positions, this is just historical. This is just operating practice. It's not been brilliant, but it's been something that's happened since the first NomCom. So I'm not sure Alan, I know really why you're, I think you began by saying, "What's happening?" Well, it's always happened, whether this year or not, I don't really know.

One thing that did get confusing was that the ATRT 1, because it focused on the directive positions, we did somewhat lose the other

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positions that the Nominating Committee appoints. So that might have got lost somewhere in the mix as a result of that, but the standard sort of operating practice for NomComs, not perfect, but it has always been there.

BRIAN CUTE: Thank you. Alan?

ALAN GREENBERG: Just for clarity, what I said was I recall in years gone past, there was very active discussion and I haven't sensed it in more recent years, and I may well have missed an ALAC one, I know I didn't miss the GNSO one. So I wasn't saying it didn't have in the past, I agreed.

BRIAN CUTE: Thank you. Vanda?

VANDA SCARTEZINI: Yeah. Just to confirm that those were really – that it was not Alan had said, but it was really this process to talk with the community. Normally it's a long time we have done that. But normally, there is no real interest. You make the meetings and nobody shows up. You pay this... You just read your report, you inform because [?], but looks like, you know, like the [pan-toe-me]. But it's something like that.

But I don't believe that it is necessary or people are not interested after the process. They are normally interested during the process. So, the more I talk with the community, the more I listen to them, that they

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want to be informed, you know, more during the process. So I do believe that this new could try to have this well informed, in Singapore, for instance.

When they are really interested, now the process didn't start. So people don't want to lose time for that now. So it's something, or we start early, or we just move the idea to make this showcase for then how do they participate and make it more interesting for the community, to attract the community, and make them really understand that if they don't join to us, there is no chance for [?]. So that's something that the people are still not understanding in the process.

Even a lot of people have done this and talk about this during many, many years; it was continued to be the same questions around. So everybody, come to you, and, you know, come to me, come to others, and make the same questions. How it works. It's all done, it's all explained, but in some way we are not doing correctly this.

We need to think how to improve, just that. Thank you.

BRIAN CUTE:

Thank you. I want to come back to Cheryl's question early on about the assessment of implementation of ATRT 1 recommendations. And I'm speaking in short hand, but at a high level, the ATRT 1 recommendations were about making sure that the right candidates with the right skills were put on the Board of Directors, and that the NomCom would work with the Board to address that issue.

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And in doing so, maintain its independence appropriately and respect the privacy of candidates personal information and be more transparent in its processes. And I think if you look at the assessment, there is a lot of good that's been done on the whole, in all of those directions. The fact that meetings are transparent and open now, and people aren't showing up, we're hearing you, but that doesn't mean that the transparency implementation hasn't taken place.

It sounds like outreach needs to be continued or need to be done in different ways to get engagement. Also importantly though, benchmarking along the way. Part of the ATRT 1 recommendations that to benchmark your improvements, your implementations of these recommendations so that we can measure improvement over time, is a key element.

We are asking ICANN staff, again, itself, to adopt metrics for implementation of recommendations from ATRT 2. So I would underline that as an important part of process to measure improvement along the way. That being said, we are also here to hear from you about our broader report too. And so with the time that we have, you're all active members in the community, if you have any feedback on other recommendations that are in the draft report, we are very interested to hear that.

Particularly which ones you think are hitting the mark, which ones you think might be missing the mark. So this is a very good engagement on the NomCom issues, but I don't want to lose the opportunity to get that feedback from you as well. Robert?

ROBERT:

So if you're looking for, my name is Robert [?] from the SSAC for the record. In regards to the ATRT, it's just been kind of being briefed on the report on Saturday during the leadership training. I'll maybe give you some comments now. I'm not sure if the deadline is today or tomorrow, but there is kind of two high level comments that I'd like to make in regards to the report.

There is... At least one of the recommendations focus on transparency in the organization, and one thing that ICANN may want to adopt is what some governments do in different parts of the world, is taking it a step further and trying to develop the position around either a chief privacy officer, or an access officer, that would serve to, in a way, make documents from a Board level and elsewhere available after a period of time.

That, I think, is done now by the ombudsman's office, but that's not how it is done in other structures. And if ICANN is in a position of serving how it does, that's kind of the model that's done elsewhere. So whether it's a chief privacy officer, and it how it deals with freedom of information requests, the ombudsman's office may not be the best specific entry.

So documents perhaps would become public after five, ten years or a period that's defined. And so I think that's something I just wanted to think that I have here, that I think... That maybe one thing that's kind of a best industry practice, or best government practice, that might be worthwhile exploring.

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BRIAN CUTE: Thank you. Other reactions to the report? Recommendations?

UNIDENTIFIED: All the apologies, with all the works going on, I just haven't had a chance to read it. I know you guys have put in a yeoman's effort. We recognize the amount of work and the drilling down, and meeting after meeting, and condensing it down to a succinct document, and I just apologize that I haven't had a chance, and I think many of my colleagues are in the same boat.

It's not that we're – we don't have any feelings towards, I think we just haven't gotten there yet.

BRIAN CUTE: Not surprising and understood. The community is engaged in a lot of different things. Oh yes, Sarah.

SARAH: Hi. Sarah [?], Verizon. I really like the idea of the chief privacy officer. And I used to run our privacy group when it was a really small issue, now it's so big that it has been given a whole staff, and I'm frankly surprised that ICANN doesn't have a chief privacy officer.

So I can volunteer to provide any guidance on kind of things that the person should be doing, or with the issues that they look at, let me know. We have like a whole series of knowledge we'd be happy to share with the community.

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BRIAN CUTE: Thank you. So in terms of our process, we have comments open until tomorrow, reply comment period follows, it closes on December 13<sup>th</sup>. We'll welcome comments in a reply cycle even if you haven't filed comments in the first round. We are going to give the report to the Board on December 31<sup>st</sup>. So we have a fairly narrow window to take inputs and make modifications to the draft report and then get it done in time.

So to the extent you want to offer comments, please do. To the extent that you can offer them before December 13<sup>th</sup>, that would be wonderful. Yes, Adam.

ADAM PETE: Like Ron, I haven't read 200 odd pages because it looks like a scary complex document, and well done. If it's as good as the ATRT 1, it will be wonderful. But I have read the Nominating Committee related stuff, and if you want very specific comments, I'd be happy to make them but I don't know how picky you need it to be.

Picky doesn't always get helpful, does it, really?

BRIAN CUTE: We have to make fact based assessments, and there needs to be sufficient facts underneath our conclusions and assessments, so if you look at it through that lens, and there is an insufficiency there, or an important fact that we missed, that certainly would be helpful.

And again, if any of these recommendations strike you as not being on the mark, we really want to hear that as well before we issue a final...



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Any other thoughts? Well, always open to capturing some free time, yes? Okay. Thank you very much. We appreciate it.

UNIDENTIFIED: Okay. Thank you very much for having us here.

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