BUENOS AIRES – ATRT 2 - Meeting with NPOC
Tuesday, November 19, 2013 – 08:00 to 08:45
ICANN – Buenos Aires, Argentina

BRIAN CUTE:	…November 19th, Buenos Aries, our first meeting of the day with NPOC. We would like to welcome the members of NPOC here, thank you so much for joining us. Allow me, this is Brian Cute, to give you an overview of where we are in our work, and very much looking forward to our interaction with you today.
	We have issued a draft report recommendations, it is out for public comment. The comment period closes tomorrow, I believe, and a reply comment period will follow for 21 days. Obviously, we will welcome any written comments NPOC might want to offer with respect to draft report and recommendations.
	We will be issuing a final report and recommendations to the ICANN Board on December 31st. Where we are in the stage of our work is, we're meeting with ACs and SOs, and we met with the Board yesterday, in Buenos Aries, to get face to face feedback, and then we have the comments that will come in, and we will have a discussion with ICANN staff about implement ability of our recommendations, and then endeavor to finalize our report.
	So we have important work to do, and your input is part of that. What we're looking for, at a high level, but we're open to hear any observations you have, is the following: can you give us a reaction as to whether or not we've hit the target with any of our recommendations?

Are there recommendations that are resonating well with you, and therefore we should keep them as final recommendations?

Or, are there any recommendations where we have missed the mark? For some reason or another, you think that a recommendation is not well founded, or that it might not be helpful in ICANN's efforts to improve accountability and transparency for some reason. So if you can give us those reactions, and any other observations that you might have, that would be very much appreciated.

So with that framing of it, this really is your meeting, for you to provide feedback on the report recommendations. Rudi, with that, please.

MARIE-LAURE LEMINEUR: Thank you Brian. My name is Marie-Laure Lemineur for the record, I'm the chair of NPOC. I'll start with a couple of comments and questions, and actually I have a long list of questions but I can't really monopolize the whole session. So if there isn't enough time, I'll post to ask all of the questions I'll post the ones I won't be able to ask on the website.

Anyhow, first of all, in the name of NPOC, we would like to congratulate you, not only for the amount of work that you've been doing but also the quality of the work that has been done. Really it's the draft that has been issued, the report is very interesting. It takes a long time to read it, but that's okay.

That's what it's about. And the thing is that, I'm aware that probably has been a challenge for all of you to invest such amount of time working on the report and the content of the report, but you should be proud of what you've been doing. I've been, since we've got here, I've

been hearing a mention of the report all over the place, which I think is a good sign.

Myself, I belong to the policy and implementation working group, and when the evaluation report was issued, about the PDP process, the policy development process of the GNSO, I made sure to make a reference of the report within the working group, because I thought it was a very, very valuable report, the first one.

And yesterday, over the weekend during the GNSO session, many members of the council and the audience also mentioned your report. So I think, if you want to grasp, to have an idea of the impact, of your report, I think it's a good beginning, right? Another comment I would like to make, I don't know whether my memory fails me, but yesterday during the opening remarks of Fadi, I had somehow heard that he said that during his first year, at some point, he took care of the recommendations of implementing, or making sure that the recommendations of the first report were actually implemented.

So I'm not sure whether I misheard him, but I try to listen to the video link, the audio cast, but I wasn't able to activate it. So I don't know whether any of you has heard that comment, and I was a bit surprised because we know that's not entirely true. That's right.

Now, I don't know whether, okay. Very specific question I have about the idea of prioritizing. I have a problem with this word, I'm sorry. Prioritizing? This is the correct way to… Thank you. You understood me. So, at some point in the report, you speak of the idea that you would like to prioritize some of the recommendations.

I thought about it and I'm not really sure it would be a good idea, just in my view, because I would understand that this would be based on the premise that some of the recommendations, all of them are important but some are important or urgent to be implemented. And I'm wondering who is going to decide what's urgent and what's not urgent.

I mean, the question is, if you ask a GAC member, he might tell you that the GAC – I mean the recommendations linked to the GAC are more important than the GNSO recommendations related recommendation. If you ask me, I would tell you that the PDP process recommendations are more important. So depending on which are, I mean, I think that the answer regarding to what is more urgent than, one recommendation is more urgent than the other, will vary.

I'm not sure, I think it's subjective you know, so you should take this into consideration, it seems to me. What I also wanted to say is that at some point in the report, you mentioned that the Board is required to follow only the recommendations of the report when you refer to the evaluation study of the policy development process.

I would hope that right now, since we are in phase two of the new season at ICANN, I would hope that there is some kind of openness to also look at the evaluation study, and have a hard look at it and detailed look at it and incorporate it in the implementation of the recommendations. Finally, I have another comment to make about the metrics, the recommendations linked to the metrics.

Again, I sort of understood from Fadi's comments, opening remarks yesterday that metrics were important to him and his staff. And also remember that, and correct me if I'm wrong, that the – he hasn't paid

attention and his team, they haven't paid a lot of attention to metrics during this first year.

So hopefully this comes at the right time, and will be addressed by Fadi and his team. Now specifically regarding recommendation 10.3, which refers to equitable participation. There is a mention of having, within the GNSO, addressing the representation in terms of geographical scope, and other issues.

I'm having a hard time with the visa, the visa proceeding issues. The fact that to have more people from different countries and different regions, ICANN needs to do something about the visa… I know that ICANN is not UN, I'm aware of that. It's not ITU, but then if ICANN wants to have a more geographical scope of members, you need to address – ICANN needs to address and coordinate somehow with the local hosts, how to improve the way visas are delivered.

I don't know. A better coordination somehow. We have the case of two African NPOC members, they were not able to come here because they've been denied the visa, and the process… I know each country has sovereignty and decides whether they deliver or not the visa, but the coordination between ICANN and the foreign affairs and the immigration authorities will be very important.

I don't know whether that's fits within this recommendation, it could fit, but somehow that would be for the moment. I don't know whether Claus or Ruby or you want to answer.

BRIAN CUTE: Yes, thank you Marie-Laure, and thank you very much for the very thoughtful feedback, and focused feedback. That's very welcome. Let me start with the last point. So there is a recommendation that has to do with broadening participation in the PDP in particular, I think the issue that you're speaking to in terms of visas is an issue that is salient.

I think what would be useful is if there are examples or data around where that has been a problem, or a barrier to participation, that that's helpful. We need to prepare in our report recommendations based on facts, and facts are very welcome. So it sounds like an important issue that's related to this recommendation, and if there are facts or data that could be provided, that's very welcome.

Going back to, and this is just reactions to some of your observations there, you mentioned Fadi's comments about implementation of recommendations from prior review teams, and I'm not going to speak for him and only paraphrase, but he did, I heard say, that he pushed to have all of those recommendations implemented, that was one of the actions he took, which is a welcome action.

This review team's job is to assess how ICANN implemented recommendations of prior review teams, ATRT one; security, stability, and resiliency; and WHOIS. And in assessing that, this review team's orientation has been not just focusing on, have the recommendations been implemented from a mechanistic standpoint, but have they been implemented in an effective way?

So we're taking an assessment of that ourselves. Secondly, Fadi did make a commitment at our first face to face meeting in Los Angeles in March, I believe it was, to have metrics adopted for review team

recommendations and the implementation there of. So that commitment is on the record. There is a meeting, One World Trust has been engaged by ICANN staff to help develop a framework around metrics, and there is a meeting this week… When is that Larissa?

Tomorrow. Tomorrow at 10:30, One World Trust is holding a session to the extent that issue is of interest to you, and you are available. I would encourage you to attend that meeting and provide input back to One World Trust because it is an important issue that will be part of our report.

As to prioritization, I think you actually hit the point as we are reviewing it, that we're not looking at any recommendations more important than another, but there may be some that are more urgent. And it's important that they be acted on soon for a variety of reasons.

As to who decides, thank you for the point on subjectivity. It's a valid point, depending on who we ask in the community, we have to factor in their priorities and their orientation. But we are asking the community, as part of our outreach. Are there recommendations that you think are urgent? And we're going to take that feedback onboard.

Whether we prioritize some recommendations or not is yet to be seen, but we are looking for that input. So I think that's my immediate reaction to your points. Avri.

AVRI DORIA: Yeah. Just to add a quick point to that last one. I definitely agree with you about the subjectivity, and what we are basically looking for when we are asking that is, something is going to happen on a certain date so

therefore the recommendation perhaps needs to be dealt with before that certain date.

So that kind of fact, you know, based – there is a deadline kind of thing, could be a reason to push something forward, but I very much agree with you about the subjectivity. So it really needs some sort of external event sort of creating the urgency.

MARIE-LAURE LEMINEUR: Yes because I was thinking right now we are entering review, process of the review of the GNSO, for example, and also we have the policy and implementation working group. So that looks like it's perfect moment how to articulate, all of these initiatives all together and coordinate and establish some kind of deadlines.

BRIAN CUTE: Please.

CINTRA SOOKNANAN: Thank you. Cintra Sooknanan. I agree with Marie-Laure, this is quite a comprehensive report, and I do think a lot of our recommendations from our prior meetings have been captured. That being said, I do think that there needs to be a greater stress on transparency, especially in terms of familial ties.

And how to deal with us being such a closed and small community, but yet one person wearing many hats, or having close relations to different constituencies based on familial ties, etc. I do think that cross-community rules needs to be maybe fleshed out a bit in terms of, how

do we develop a charter from two communities dealing with one working group?

As well as ongoing working group procedures. Again, as well, in terms of charter development for, in our case, NPOC is trying to update our charter, but we fall under the NCSG. So us updating our charter really makes little sense if NCSG then goes about the same procedure.

So I think those rules need to be defined, and that needs to be planned by the Board. How does a constituency go about doing that function, which is an important function to review? But within the scope of the other organizations that it falls under. There is a mention of geographic region, and Marie-Laure had spoken to that.

I have a bit of a difficulty with us relying on UN, the UN structure of putting countries and putting representatives in terms of strictly geographic regions. I think we need to look at ICANN at a broader level in terms of communities of interest. And I think maybe that is a term that needs to start coming up in this report.

I think… So for instance, I'm a representative from the Caribbean, but my issues may not be the same as Brazil or Argentina, but closer aligned to islands of the Pacific. So I think in terms of internationalization, ICANN needs to start grouping us not necessarily in terms of region, but also in terms of community of interest. Thank you.

BRIAN CUTE: Can I ask you a question? When you are grouped on a regional basis by ICANN, what is the impact? How does that affect your participation in a material way?

CINTRA SOOKNANAN: Our population sizes are a lot smaller than Brazil, or most of the Latin American countries, as well they are predominately Spanish speaking, we are English speaking. So it limits our participation because our calls have to be both in Spanish and English, and there is a bridge in between, so in terms of us working with them to produce a document in English, it's very different.

As well, we have more of a commonwealth background, so our – even our version of democracy is slightly different. So I mean, it's not just our policy, or a technical issue, it's more people issue.

BRIAN CUTE: Thank you. Other inputs? Rudi.

RUDI VASNICK: Yes. I have maybe a nasty question. But based on the meeting and the experience of several meetings, GNSO with GAC, I'm just wondering if you're considering bringing up a recommendation that in the GAC, there would be a kind of time limit for interventions by countries in order not to capture a meeting?

As we have seen during the GNSO GAC meeting, half of the hour has been captured by the representative of Iran, you know he did the same in Durban too. But at the end, it doesn't allow you to have a decent discussion. And I'm just wondering, if there is any recommendation your willing bring to the table to say, is there any possibility to restrict capturing attention of a meeting in a way that, at the end,

implementation of policy becomes really difficult if they are not ending up in a consensus?

That's what I feel in, and I think the new gTLD program is a good example. By talking, and talking, and talking, you don't end up in a result. And it makes the work quite difficult for everybody, and especially those from outside the ICANN world, that are investing in the ICANN world, it makes really working in a decent way very difficult.

And now being involved in – soon as tomorrow, GNSO will pass the motion to start a translation, transliteration of contact data, PDP working group. It's a quite important one. What I am afraid is that we're going to work long time on that PDP, prepare it, and that the GAC will blow it away just by start discussion, and discussing and having all of the arguments.

So I'm just asking if there is any idea about trying to put on the plate this kind of time limit for intervention.

BRIAN CUTE: Thank you for that. We do have specific GAC recommendations that you may have seen. We actually just reissued them. They aren't in the executive summary. We don't have a recommendation that goes to that specific behavior, if you will, but there is some targeted GAC recommendations I'd take a look at. And yeah, we'll take that onboard. Carlos.

CARLOS AGUIRRE: Just a short comment. I think we're carrying over from ATRT one the question of early engagement of GAC in the policy development process, and there have been discussions on some supporting documents. And this is certainly an issue that has not been solved since ATRT one.

And under this perspective, you have to look at the section which is rather comprehensive, and also the Board section that includes some GAC issues, and also at the annex on the GNSO PDP process, which also includes some issues related to GAC. We might have… We heard yesterday that we might have to take the GAC issues and put it under a GAC chapter, maybe, even after the affirmation of commitments doesn't call for a separate chapter.

But certainly, this is one thing that I would put under the hat, early engagement of the GAC since ATRT one. Thank you.

BRIAN CUTE: Thank you. Other observations.

RUDI VANSNICK: Sorry. Rudi speaking. There was another item that I have highlighted as point four in your recommendations list, develop complimentary mechanism for SOSA consultation on administrative and executive issues to be addressed at the Board level. What is the real goal of trying to implement complimentary mechanisms?

The actual ones are already quite complex, so I'm wondering if it's going to be a process that will simplify and not make it more complex? As we

see that, I'm coming from the At Large to be clear. I have been approximately eight years in the At Large, so I have seen how advice works.

I've seen how advice goes to the top levels, the Board, and I have seen also how it comes back, or didn't come back at all. And now I'm trying to see how the results of advice are converted into real policy, and how difficult it is to get a good relationship and a good greeting between advice and policy at early stage.

In order to avoid that, we are losing too much time. So I'm asking myself, with this recommendation, is this the recommendation to really simplify and make things smooth? Or is it adding complexity?

BRIAN CUTE: Just to be clear, the recommendation is the recognition of the AC and SO advice by the Board? I want to make sure we're talking about the same recommendation.

AVRI DORIA: I don't think so. I don't have it in front of me, but it's the one earlier that's talking about the administration details. The AC advice one is actually later in the list. I don't have the numbers in front of me unfortunately. I can go find it, or do you have the number in front of you?

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BRIAN CUTE: I'm scrolling now. If anyone has the exact recommendation, I want to make sure we're speaking to the right one you're referencing. Rudi did you have the number of the...? Number four in the summary, okay.

AVRI DORIA: Yeah. This is Avri. The kind of the thing I think Larry was sort of saying, when I read that one I was one that I flagged but I forgot to flag yesterday of, I wasn't quite sure...

BRIAN CUTE: This is recommendation six. This is follow on from recommendation six of ATRT one. No there is a parenthesis here, which is regarding versus implementation versus executive function distinction out of ATRT one. So this is a follow on recommendation from recommendation six in ATRT one, and ATRT one recommended that the Board draw a distinction between policy and implementation.

And that actually hasn't happened yet, however, there has been engagement with the community, and in fact a couple of sessions with the community, one most recently at the spring ICANN meeting, I believe, in Beijing, where there has been a dynamic discussion across the community of what is the distinction between policy and implementation, can we draw that line? Can't we draw that line?

I think there has been recognition by this review team that, a) that's a difficult line to draw; b) it might a line that, at the end of the day, can't be drawn effectively but; c) the fact that the community has been engaged in a useful discussion about this is, in itself, an important development.

And I think the thrust of this is that to the extent it's possible, that the Board should continue to try to develop mechanisms to facilitate the understanding of the distinction between the two from an operational perspective. And so that, I hope that provides clarity about the thrust of the recommendation.

And we are looking at these recommendations again from a plain English perspective, and may edit them a bit more. But that's the root of that recommendation, that's what it's attempting to accomplish. Does that answer your question or clarify a bit? Does it clarify for you Larry?

That could not possibly clarified what the recommendation… We need to fix this one. Other questions?

MARIE-LAURE LEMINEUR: It looks like we don't have any more other questions or comments. We do?

RUDI VANSNICK: Maybe just one more item. As Marie-Laure has underlined, you have done remarkable work, and reading a report of 233 pages is not something you're doing in a few minutes. Even not on a plane, when you have a 14 hour flight, when you start reading, you fall asleep.

It's not the book you're reading and say, "Okay. This is going to be a movie later." It's not a best seller, however… No I didn't know you before, so. Anyhow, I'm just wondering, such a report, how many

people are reading it? Have you any impression of how many people are trying to read through the report?

And are really studying what's coming out of it? Because, for me, it was a strong digest – 14 hour flight. I fell asleep twice, and I got awake.

BRIAN CUTE: So you're saying this is better than sleeping pills on a plane?

RUDI VANSNICK: But at the end, it's an enormous volume of work you have been putting in it. And I have used the recommendations because that's the easiest one to go through, and when you want to refer back you have to really go, maybe a simple suggestion, having this small list of recommendations, maybe having a reference to where in the report you can find a description of what that recommendation really means.

Instead of, I had to figure out where I can find this, the point four. It's probably hidden in many points of the report. So maybe it makes people life's easier when there is a reference back to look in the report, it's page 110, 240. Just an idea.

BRIAN CUTE: Avri.

AVRI DORIA: Thank you. Yeah, I mean, some of that is what we've been hearing a lot. So, we're working on that. And so we appreciate it, but actually that's been one of my best clues that people are actually reading it from

almost every one of the groups we talk to, there is someone who has got a similar issue.

So at least we know within most groups, at least one person has really struggled, because they tell us. And it's a good clue, but you're right. And one of the things that we have talked about is, first of all – and I think the suggestion of the cross reference is a good one.

We've talked and maybe even a table somewhere that makes it easier. Is making… While we cannot take the ICANN-ese, as we've been calling it, out of the – or at least as I've been calling it – we cannot take it out of the in depth discussions, we can certainly try to take it out of that first section.

So that that first section can be read by anyone without them needing five years of ICANN experience to parse it. And so that's certainly an effort that is on the schedule for somebody in the group. I'm not sure who is going – is stuck doing that one.

BRIAN CUTE: An external consultant.

AVRI DORIA: Someone who understands. But anyhow, so indeed… And yeah, and actually… And this is only half tongue and cheek, recommending that people pick it up for the long plane ride home as a thing to read, and perhaps help them with their sleeping problems is a dual purpose, say, "Please read our report. It may help with your flight."

BRIAN CUTE: Very good input, and we are hearing that consistently. Another point, we're not really sure how many folks are reading it. We actually ask for statistics on visits to the website to the report, and the visits seem to be on the lower side, but we also know that as the comment period comes to an end, more people will pick it up as is the habit, and probably provide reactions to it, which is useful.

So we encourage you to do that if you have written responses or comments, please submit them. And I guess the last question we'd ask, to go back to the beginning, is are there, from your perspective, any recommendations in here that you would deem to be urgent?

RUDI VANSNICK: Rudi speaking. Maybe one that triggers me, and I'm most probably not the only one. As we see ICANN moving in some work that was not initially, is not initially the task of ICANN. I mean, stepping into the real Internet governance. There are some directions that are taken now, for instance I'm taking a sample of the One Net, it all of the sudden happens, and you're shaped into situations where, is this ICANN's work?

Is this ISOC's work? To be clear, I'm a member of the ISOC Board, so makes me really – not easy to understand, is this now something I have to consider in my ISOC Board being very high priority? Or is this more work that I have to accomplish being a member of the ICANN constituency?

So I'm wondering if the review team is thinking about having, eventually, and additional recommendation to the Board saying, "Well, please try to calm down sometimes the energy that the CO has to try to

change the world, quicker than we are able to think about." That's my personal reflection.

BRIAN CUTE: Thank you.

KLAUS STOLL: I would like to follow up on this one because I feel extremely uncomfortable when I'm reading the conversations which are going on, for example, in One Net. The point is that I think there are completely right what Fadi is trying to do is honorable and right, that's not the problem.

The problem is when suddenly turning up emails, we have to nominate five people to go to Brazil, and it has to be done by next Wednesday, and then an email followed by, there is a group of five international leaders which will talk sometime and decide who is going. Nobody knows where the money is, nobody knows how things are decided.

On the other hand, everything seems to be so terribly important. I feel extremely uncomfortable with that situation. And that cannot go on, because it just sent one email, there is a little group of five people deciding what's going on. That is so damaging to ICANN, and it doesn't matter if it comes from ICANN or it is from ICANN participant, it's just ICANN is associated with this kind of methodology, is really harming. Thank you.

MARIE-LAURE LEMINEUR: I'm sorry, I'm being stubborn. But I would use the importance urgent, and the important non urgent, classification. I would use the other type of parameters to decide how to prioritize the recommendations. Let's say, what depart within ICANN would be in charge of developing, implementing the recommendation?

What team? Because I think it could be parallel processes, could be done in a parallel way and without using whether it's urgent or not urgent. I don't know whether it's clear what I'm saying?

BRIAN CUTE: Understanding not using those words is clear. Let me give you an example from yesterday's meeting with the Board, something that a director shared with us, and I think there was a common sense on the Board on the point, was that the issue of reconsideration, which is the focus of one of our recommendations.

There was a recognition from the director that there seems to be a persistent perception in the community that there is a problem with the reconsideration mechanism. And while some on the Board feel as though the issue was properly addressed, there is a persistent perception in the community that there is a problem, and from that perspective, the suggestion to us was, you might want to prioritize that recommendation so that this perception issues in the community can be resolved.

That was one form of prioritization. Are the other forms that we should be thinking of besides the labels urgent or important?

MARIE-LAURE LEMINEUR: Yes. Maybe other criteria, such as… Because I believe that we can, most of the recommendations can be implemented at the same time, in a parallel way. So, but then again, you need to classify them to decide how it's going to be done. I don't know whether it's up to you, but it will be up to ICANN to decide.

But if you want some guidance, it could be the financial… I mean, the financial -- recommendations dealing with financial issues, obviously, have to go through a certain path within ICANN, and it would be different if it was the GNSO related recommendation, I would think so. So what I'm saying is depending on what you address, the type of recommendations and who is going to…

I mean, the type of community, or SO ACs that is going to be targeted, could be a criteria to use, and then you can do most of those things at the same time. Different timing, but parallel processes. Maybe different deadlines, but more or less…

The financial department can be working at the same time, and other group can be working with the GNSO to review the policy development process. And ICANN Board can be doing its job addressing some of the other recommendations at the same time the GAC could be working. I mean, ICANN staff could be working with the GAC. That would be my view.

BRIAN CUTE: That's helpful. Any other thoughts on prioritization? Rudi.

RUDI VANSNICK: Just one question. What about the unforeseen situations? Just like we have this thing happening with the One Net, is there… Consider that you cannot categorize them being in one or the other. It is an important, and urgent, so is there any category, unforeseen situations that should be on the list of definitions to try to, if there is a situation, if there is a case where it is not in one or the two categories, that it can still be handled and considered, in a way that everyone knows there is an urgency?

I'm from origin, always a worst case… And when I can solve the worst case situation, I can handle the others quite easy. So, what if the unforeseen situation happens and how can you tackle that?

BRIAN CUTE: For us, we have to refer back to paragraph 9.1 of the affirmation of commitments, which provides us with our roadmap, if you will, of scope of work, and decisions made by the organization. We do look at those, you know, currently we're looking in a backwards sense, at a track record of implementation of recommendations.

I'm not sure how we would get to the issue you're talking about which is from an operational standpoint, things come up and how do you react to them? I'm not sure that our scope of work would allow us to get precisely to that point. 9.1 is what we have to follow, but certainly take a look at the recommendations and see if there is anything that might be impactful on that point, and bring it forward in your comment, if you would.

Anything else? Thank you very much. Really appreciate the forethought that you gave to the inputs that you brought to us. It's very, very welcome, and again, any comments, even brief, are very welcome, so we can factor them into our final report. Thank you.

MARIE-LAURE LEMINEUR: Thanks to you.

BRIAN CUTE: We're closed now.

[END OF TRANSCRIPT]