BUENOS AIRES – ATRT2 Meeting with the SSAC
Monday, November 18, 2013 – 07:30 to 08:30
ICANN – Buenos Aires, Argentina

CHAIR: Greetings everyone in the room. We're going to get started. Welcome
                                everyone in the room. Welcome to everyone online. Our first meeting
                                of the week is with the SSAC. Welcome members of the SSAC. We look
                                forward to hearing from you in the next hour I believe we have. Let me
                                provide some opening thoughts in terms of our engagement at this point
                                of the process.

                                The ATRT 2 has published a draft report and draft recommendations that
                                is out for public comment. Over the course of this week in Buenos Aires
                                we'll be meeting face-to-face with the different constituency parts of the
                                ICANN community to hear from you about that draft report and
                                recommendations. We'll be publishing our final report on December
                                31st of this year.

                                That means we have roughly four to five weeks time to take on board
                                any additional feedback or reactions to the draft report and
                                recommendations, and to modify that before we issue our final report
                                and recommendations to the ICANN Board. Really what we'd like to
                                hear from you are any specific reactions you have to our proposed
                                recommendations.

                                To put a finer point on it, what did we miss? What might we change?
                                Are there other facts or materials we should be considering before we

move to a final recommendation on any of those recommendations? We're really looking forward to hearing your thoughts in that regard. With respect to the structure of the report and the recommendations, to be clear, this is the SSAC, and part of our work was to assess ICANN's implementation of the Security, Stability and Resiliency Review Team's recommendations.

A quirk in our work – I like that – is that we are not offering new recommendations on that piece of our work. The SSR Review Team's recommendations have been assessed by ATRT 2. How did ICANN do in implementing those recommendations? That work was done primarily by David Conrad, our colleague here, thank you David, and is part of our report. But we are only making new recommendations with respect to ATRT 1 work. That's a slight quirk in our work.

Specifically, SSAC feedback on the assessment of SSR Review Team's recommendations would be, obviously, important, but any other aspect of our draft report and recommendations – you are full member of the community; whatever the nature of the recommendation is, if there's something we should think hard about before we move to final report, please let us know.

Before I open up the floor for input from SSAC Members, is there any comment from the Review Team that would like to weigh in and add to that? All set? Okay. With that, the time is yours. We look forward to hearing from you. Patrick?

PATRICK FÄLTSTRÖM: Thank you very much. Patrick Fältström, Chair of SSAC. I must say that when you sent out the report and we passed it around in SSAC, it was quite silent also on the SSAC side. I looked through it myself and drew the conclusion that in general I think it's an indication that people think that you've done a good job.

Maybe that is because of David, I don't know. It's in spite of David. A little bit more seriously, as you know we've been working quite actively during the last couple of years on all of the various recommendations, including SSR 1's, and we've been quite happy with what has been done. Regarding what you're saying about SSR, I take on as an action to really make sure that we're reading those kinds of things. I've not heard any input on that.

Let me ask if there is any SSAC member around the room at the moment, that on the fly have something to say about that? Okay, I'll take that on as an action – to review it in specifically the context that you were just describing.

One thing that I'd like to bring up though, on a different issue, if that's okay with you? In your repot on page 65 regarding finance, accountability and transparency, that starts on page 61. If you go down, you have findings there. if you go down to finding #3, you talk about prioritization of the work of ICANN.

One thing that we in SSAC have been working on quite a lot, together with Javier, and also I've been talking and trying to coordinate with other SOs and ACs, is that we believe it's a little bit difficult for the community itself to review what additional expenditures are to be

accepted or not, when the actual list of extra expenditures is so extremely long as it is.

People don't really read through the whole list and you don't really know what you're saying yes or no to. To some degree, in the approval process, we see some kind of fatigue and randomness in the selection of what is to be accepted or not. So I have requested that the list becomes much shorter, and that should be based on specifically one criteria.

That has to do with something that we have described from SSAC side, to separate between recurring extra expenditures, and new ones. There are certain expenditures that have been repeated and repeated, year after year, and we believe that those should be reviewed in a different context than new requests.

I also think that if it's the case that something is a recurrent, approved expenditure for, let's say, three years in a row, I think there should be a question asked of why it's not been moved into ICANN's budget. That doesn't say that it should be done for ever and ever, but there's a different view of stopping funding in recurrent activity, from starting a new one.

We for example, in SSAC, what happened is that… One example, which we've been working on quite hard is we have a meeting that we have had for eight or nine years. It's an intra-meeting between ICANN meetings that have been funded by and approved by ICANN year after year. Then one year it wasn't accepted and we didn't really understand why.

The reason, when looking, of why it wasn't accepted, was simply that, "We don't approve funding of meetings between ICANN meetings." But wait a second, you have approved it seven years in a row! Okay, if it's the case that you want to stop funding it, let's have that discussion. That's fine.

Unfortunately, that ended up being such turmoil that it ended up being a Board issue and it ended up being quite messy. That was also discussed here and there, and at the end of the day, the cost for that is now moved to the ICANN budget. That's the kind of mess, just because it's a recurring cost and an approval of recurrent costs.

You're nodding, so it seems to be the case that you understand what I mean by continued approval of recurrent costs that are not part of ICANN's budget, moving extraordinary expenses into ICANN's budget, stopping recurring cost and approval on new things.

If it's possible to categorize those kinds of things, we believe that the review will be easier, because what is specifically important to review are the new items that ICANN will pay for.

CHAIR: Thank you Patrick. I'm trying to take good notes here too, but the comment window is still open. If you have even a short comment that gives us specific examples of what you're mentioning here, so that we get it right in our final report, will be more than welcome.

PATRICK FÄLTSTRÖM: I'm happy. Specifically as we have this as an example of something that went through this very thorough review, and after that review it ended up being part of ICANN's budget. So that would be easier to describe. That was actually the only thing I had myself. I'd like to open up the floor if someone else has something to talk about?

CHAIR: Avri?

AVRI DORIA: Sorry, I know you were nodding that you understood, but I didn't quite understand. When something moves into the permanent budget, does it then no longer get reviewed? I guess I'm showing my ignorance on… Is that the kind of thing that one has to worry about leading to the budget getting ever larger, because things get moved into permanent? As I say, I'm showing my ignorance of budget, but how is being recurring different than budget?

PATRICK FÄLTSTRÖM: Okay, that's actually a very, very good question. The reason why I'm talking about moving things into the ICANN budget, or maybe it should just be a different category, has to do with the fact that today the whole operation of ICANN is extremely difficult when you're changing fiscal years, because when you're planning your activities in your group, it's really hard to do something in the first quarter, even though it's something that you've done seven years in a row.

So you sort of take for granted that it will be approved, if you see what I mean. That said, absolutely should recurrent costs that are moved into budget not be done for ever and ever, but the decision of taking something out of the budget should be a higher barrier than saying no to something that is a new cost.

If you have something that is recurring, in that case the SO or AC or whatever activity you do, when you're coming close to one fiscal year and you plan the next one, you are sort of planning your activities – first of all that you have your normal operation, that is based on what you have done, and then you have the modifications. You stop doing something and you start doing something. I'd just like to separate those kinds of things.

The normal operation, the starting doing things, and the stopping doing things. Of course there should be a review, otherwise you get budget-bloat and you just add things and add things, and I completely agree with the concerns that you have, that the budget just grows and grows. There should absolutely be a mechanism against that, yes.

AVRI DORIA: Okay, so just to clarify, what you're recommending is that there not be a recurring… The category of everything that is a recurring thing should be considered as a budget item and…

BARBARA ROSEMAN: This is Barbara Roseman, ICANN staff. The way that the budget is built each year in each department is that we actually start with a zero

budget, so even items that are considered to be recurring items, recurring events, have to be added in and approved each year. There's no potential for something being added in and never reviewed again – that just doesn't happen.

What Patrick is referring to is that we treat requests from the SOs and ACs as extraordinary budget requests, and when you have an extraordinary budget request that is in fact the same from year to year, and has been approved from year to year, then it seems appropriate to move that into the standard budget model. I t will get reviewed every year, but it just gets reviewed under a different set of considerations. That's the concern that Patrick's expressing.

PATRICK FÄLTSTRÖM: Let me try to write this out and send this in writing. Once again, I think this is important to do this, because the goal is… There are two goals. One, to make it easier for an organization to move into the new fiscal year. The last two budget years we've had two rounds of extraordinary budget requests; one which is fast-track for the first quarter.

Then you do the real extraordinary budget requests, just because you don't want to have operations of ICANN to stop just because the budget is not approved for operational reasons.

The other thing is that I would like to decrease and minimize the list of extraordinary budget requests which are new, because I think when the extraordinary budget requests go to public comment, which they are, I think its' really important that the community is really noticing what the

new ones are, and make the decision, because that's where the real bloat is – when you add and add and add new things.

CHAIR: Thank you. Alan?

ALAN GREENBERG: It sounds like what you're focusing on now are issues related to budget expenses that will occur early in the fiscal year. There's certainly some feeling in other groups that yes, the two rounds of extraordinary requests, to separate the two, may address that issue, but adds an extra significant level of bloat to the work you have to do.

It's almost as if we need a tick-box saying, "This is early in the budget year. If you're not going to approve a recurring early in the budget year one, you'd better give us real fast notice and understand what you're doing."

PATRICK FÄLTSTRÖM: Once again, there are two reasons. One is the operational issue, and that only hits these things that are in the first quarter, because the new way they are managing the extraordinary budget requests is starting the whole budget work much earlier. Nowadays it's literally only the first quarter. When I started [co-rest Chair? 00:17:42] was actually things that were also in the second quarter, and that was a little bit problematic.

But also, the other reason is also very important for me, and that is this categorization acclaim, and the theory is that the review by the community will be easier.

CHAIR: Any other questions? Review Team members? David?

DAVID CONRAD :   There was some discussion internally within the ATRT 2, regarding one of the observations that was made in the SSR review, specifically on page c11. The recommendation in the SSR was: "ICANN should publish a document clearly outlining the roles and responsibilities for both SSAC and RSAC.

"In order to clearly delineate the activities of the two groups, ICANN should seek consensus for this across both groups, recognizing the history and circumstances of the formation of each. ICANN should consider appropriate resourcing for both groups, consistent with the demands placed upon them."

In the internal discussion that we had, Dr. Crocker had indicated that he thought the wording inappropriately implies that there should be a public comment perio. In the response to the comments that I had written, that on page c11, the last paragraph, it says:

 "Documenting SSAC roles and responsibilities. Within its operating procedures, SSAC has self-defined its roles and responsibilities. No efforts have yet been made to gain input or consensus from RSAC or the

larger community, as for whether those roles and responsibilities are appropriate."

As I mentioned, Dr. Crocker indicated that he thought the wording inappropriately implies that there should be a public comment period on the operating procedures, and he felt that it is an internal document that captures the processes and in effect is not a policy document. I was wondering if SSAC members could comment on their view related to the operating procedures, and whether a public comment would be appropriate?

PATRICK FÄLTSTRÖM: Thank you very much. Yes, we have been talking about this in SSAC, as you said, and so what is said here, the way I read it, is that SSAC has self-defined its roles and responsibilities. That is correct. Regarding the input and consensus for RSAC, the main reason why we've not reached out to RSAC is because of the restructuring of RSAC that is currently going on.

The input that we've got from the restructuring, and both the [alias? 00:20:53] between me and the current Vice Chair of RSAC, but also from the liaison that we in SSAC have from RSAC, and vice versa, is that we in SSAC do believe that the restructuring of RSAC is following a good path. At the moment we've not felt that we wanted to make that more complicated by starting a discussion with them.

It's important that they can reform and self-define themselves first. Then when they're done, we've said that we will look at overlap or gap

between the organizations. Personally I don't mind – and not only personally but also as the Chair of SSAC – having a public comment on what finally ends up being recommended. But I think that at the moment, as I said, we in SSAC have self-defined what we're doing.

I think it would be good if the steps could be that RSAC can finish their work. We together are trying to identify where there is gap or overlap, and we come to a proposal on how to handle that. That output is something that could at least be made available and sent to public comment. So to some degree I disagree with Dr. Crocker saying that it should not go on public comment, but I'd like to separate a little bit whether… I think the work items should come from inside. Does that make sense? Jim, maybe?

CHAIR: Question: when do you expect that RSAC's work is going to be completed?

BARBARA ROSEMAN: I support the RSAC. They're in the midst of concluding their process documentation and reorganization. They anticipate to have most of the work done by the end of this year, with formation of what they're calling the [CAUCUS? 00:23:00], which is the larger group of participants, besides the Executive Committee of RSAC.

They anticipate that that's going to start formation within the next month or so and continue on through the first quarter of the year, with an ongoing option to invite additional participants, as they identify

needs that would be appropriate for their group. Work in this area has actually been progressing fairly within the group – it's just that they're not meeting very frequently at the moment, and we're addressing that by setting up regular meetings that should progress things further.

CHAIR: I'm not trying to nail this down too much, but when that work is done on the [CAUCUS? 00:23:44], and that's up and running, is that the point in time where there will be clarity, so that SSAC can take a look and begin to define gaps and overlap?

JIM GALVIN: I want to make one important distinction in this set of characterizations here. There are three things that I think we're talking about. SSAC has a Charter, and to the extent that it's a Committee of the Board, if the community or the ATRT has issues, then the issue would be with the Charter, and with the Board, and how that is characterized. I certainly would welcome and comments or input that ATRT wants to make on that and its content, and how that works.

I don't have any issue myself with the distinction between operating procedures and roles and responsibilities. I would think with the operating procedures that that would be an internal document to SSAC, and SSAC makes that available to the community so that they're aware of how SSAC works. But it would be interesting if the ATRT wants to examine whether or not that should be something that's subject to public comment.

It's not something that I would suggest, but there is that. Our roles and responsibilities, yes, SSAC has drafted them, and we've drafted them and included them in the operating procedures, and they're drawn from the Charter and the way in which we expect to work with the Board. I go back to my first comment.

I think if there are issues or concerns there, it should be drawn from the Charter and its content, and our relationship with the Board. That would be where I would focus comments. If the ATRT wants to do something different, that's fine, and I'd be interested in just understanding where that's coming from.

CHAIR: Thank you Jim. Avri?

AVRI DORIA: Thank you. I wanted to ask– and I understand the self-determination part of operating procedures – but I guess I'm wondering in what way is that seen as incompatible with commentary from a wider community, that then is taken in by whether it's SSAC or any other AC, to basically…

It went out and public comment either comes in or doesn't – it so often doesn't, and then you all, as an internal matter, would take that into account and deal with it. Not that that means you need further approvals, but it just means that the community does get a comment that you then consider. The same procedure we're asking everywhere that ACs give comment and it gets considered.

I'm not sure I understand why that would be incompatible with an AC with SSAC being self-determining in terms of its operating procedures. In other words, you get the comment, you consider it, but you still do what you think is right for your AC.

JIM GALVIN: I guess the question I would ask in putting this back, do the other groups in ICANN have their operating procedures reviewed by the community and subject to public comment?

AVRI DORIA: I guess my question is more, *should* all ACs and SOs have them reviewed by the community, and then still be self-determinative. I'm trying to understand why the review is incompatible with self-determination.

JIM GALVIN: Fair enough. I don't have a strong opinion on that. I think that to the extent that… I think being equitable is more important than anything else. If the ATRT thinks it's important that all groups should have their operating procedures examined and compared and reviewed by the community at large, then I think that's fine.

AVRI DORIA: So you don't see it as being essentially incompatible with self-determination?

JIM GALVIN: Yes, true. Thank you.

CHAIR: David, then Alan.

DAVID CONRAD: For clarification, the role of ATRT 2 in the context of SSR stuff was to review the implementation of the recommendations from the original SSR Review Team. ATRT itself doesn't have a particular view as far as creating new recommendations regarding what SSAC or any of the ACs should actually do. I was just actually referencing in the context of Recommendation #6 of the original SSR Review Team.

I guess one of the issues may be that within the standard operating procedures of SSAC, the roles and responsibilities are included, and it may be that in order to address the specifics of Recommendation #6 that those should be split out into a separate…

Not a Charter, because that's already been defined, but a separate document that defines the roles and responsibilities. That should be coordinated with SSAC and potentially the wider community.

ALAN GREENBERG: I'll just answer the question of, are others subject to review? SOs, since they create policy and bylaws, generally put them subject to Board oversight, which often includes a public comment process. ACs less so, although some on occasion have subjected themselves to that when they felt it was warranted. But it's not a standard practice.

CHAIR: Other issues? Larry?

LAWRENCE STRICKLING: I'd like to go back to the base report and not the specific analysis that David quarterbacked on the specific Review Team. If you look at the base report, I guess I'm interested in a couple of things. One is, are there recommendations that we've made that strongly resonate with any of you, that you want to make sure we preserve in the final document?

I guess the opposite question is, did we get it wrong somewhere? Is there something we're recommending that people have an issue with or feel like we've missed the boat on in some fashion? I'll just put those two questions out there.

CHAIR: Don?

DON BLUMENTHAL: Okay. The one that resonated with all of us, right off the top, was the one concerning the accountability for responding to what ACs recommend and making sure we know what action is taken and why. That jumped out at everybody as good.

CHAIR: Thank you Don. Patrick?

PATRICK FÄLTSTRÖM: What has happened with the various recommendations that we've given from SSAC is something that we've been working on specifically with the Board for the last couple of years. That has resulted, so far, in two different things. The first thing is that we have understood, and I claim that we have been better on writing the recommendations much clearer; so what we are writing is more actionable. Let me phrase it that way.

We are spending much more time on the actual wording of the recommendations. The second thing that's happened is that ICANN staff has created a tracker for recommendations that are given, that should be possible to be used for everyone. Currently it's an early release where it's tested with SSAC and ALAC.

We used it from SSAC for this meeting, when we prepared for this meeting, and our feedback that we gave to the Board yesterday is that that tool has made it much easier for us. I haven't got full feedback from SSAC members because we're using it for the first time during this meeting, but the work at least for us, in what we call the Admin Committee, the Leadership of SSAC, for us that has really helped. We think that is absolutely on the right track.

The things that might be weak so far is that the tool so far is designed – and also that is the easiest thing to track – to do with recommendations that we state. The tool at the moment is best at tracking that, until it's completion. Where there might be weaknesses is, for example, what happens if there's a recommendation that the Board decided not to do. How do you make that visible? How do you track that?

We don't have any clear… It's good for us that so far all of the recommendations actually were implemented. We have given such recommendations that they haven't said no to anything, which is extraordinary, of course. But that's something that needs to be tracked.

Another thing that's a little bit unclear so far is, if it's the case that you have recommendations for sort of the same thing, from two different ACs, that partially overlap, and then the actual action by the Board might be for the overlap, or a sub-set of the recommendation, that is also something that you'd like to detect a little bit more easily. So at the moment the tool is only for one thing at a time, from the beginning to the end.

But in general we think that it's a good start, and this is the tool we've been asking for, which we also brought up the last time we met.

CHAIR: Alan, before i get there, I'd just ask you to elaborate a bit, Patrick? Thank you for the feedback. We do want to reflect in the report things that are going well and improvements. If this is a specific example this is useful for the report. Can you elaborate a little bit more about what you saw as the challenge around recommendations from two different ACs that overlap? What is the substantive challenge there?

PATRICK FÄLTSTRÖM: For example, let's take variant TLDs. It might be the case that we from SSAC comment on variant TLDs, together with the Trademark Clearinghouse, which is a recommendation that we have at the moment.

We look at the instability and issues with variants and Trademark Clearinghouse from a technology, stability issue or implementability issue – so it's from the technical angle.

Then it might be the case that ALAC has come in with recommendations on variants and IDNs from a cultural, usability perspective. It might be the case that those two recommendations are not aligned, one-to-one, so that is what I call two recommendations overlapping. They're targeting the same kind of issue, and what staff and Board then might do is compile those two into one action, which they're then acting on.

The question is then, should that action be recorded twice in this tool; one for each of the recommendations, or should it be visible that the two recommendations got merged somewhere and then acted upon? The question is whether that kind of detail is actually needed. At the moment it will be recorded twice. Okay?

So the question is, what we don't know, we just have to use the tool to see whether it's needed to be able to see those merges that, if I was on the receiving end of those recommendations, I would absolutely do that sort of thing and try to merge recommendations that have to do with the same kind of… That can turn into as minimal a set of actions as possible.

What I'm talking about is, when you don't have a one-to-one map in-between a recommendation and an action.

CHAIR: Thank you, that clarifies it. If I may offer one thought and then go to
                          Alan? With respect to your prior question about, in the tool it tracks
                          things to the end state, but what if the Board decides not to follow a
                          recommendation – just coming out of ATRT 1 work, with respect to
                          Board resolutions and also with respect to how the Board disposes of
                          recommendations from the Review Team.

                          There is a baseline expectation that if the Board doesn't follow an input
                          from the ATRT or from the community, that it reflects the rationale; they
                          clearly state the rationale as to why they haven't followed the
                          recommendation. That's deemed to be a baseline expectation.

PATRICK FÄLTSTRÖM: Yes, absolutely, and that is known for us and we like that. I was explicitly
                          talking about the tool. We just need to make sure that that is within the
                          tool itself, so it's an implementation issue of course, or user interface
                          design or whatever. But I just wanted to point out that this is one piece
                          of the tool that's not really tested yet.

CHAIR: Understood. Clear. Thank you.

                          Alan?

ALAN GREENBERG: Thank you. I've got two questions on recommendations that aren't
                          there. One of them alluded to and the other one we discussed a lot but
                          didn't make it. The first one is in the recommendation on improvements

to the gNSO PDP. One of the recommendations is make sure that participants who are not funded by their companies to do the work, can equitably participate in PDPs.

There's a footnote saying, "We're considering widening that recommendation to the community in general, so that we're not restricting all of the activities to those who happen to have private funding to do it." I'd have thought that may well be applicable to SSAC, in that do you end up being restricted because you have limited funding and the people have no other means or getting here, or other participation. That's number one. I'll go to number two once we finish any discussion on this.

PATRICK FÄLTSTRÖM: The general answer to your question is yes. One of the first reviews I did as Chair of SSAC was see… if I express it as where SSAC is meeting geographically. We discovered that SSAC members do meet at IETF meetings and other conferences than SSAC meetings, and I thought that was not a good thing. Of course, it's good that SSAC is meeting, but that results in individuals being members of SSAC not interacting with the ICANN community, which is a the bad thing.

Then I checked, why are people not coming to ICANN meetings? Funding was one of the issues. What I did was, and what we've done since then, is we've requested travel funding for SSAC members that have not been able to get funding themselves for these meetings, just like you pointed out, and similar to what has been done in other SOs and ACs.

The funding for SSAC members has increased and we are currently up to about ten SSAC members. There are a little bit more than 20 SSAC members coming, so we're looking at a little less than 50% of the SSAC members getting funded. We're carefully tracking this. It happened in the Beijing meeting that we had funding for one person less than the requests and that of course created the issue that we had to say no to one SSAC member.

At the moment our budget in SSAC is a little bit better because we didn't use all the travel funding we had, so after Beijing we've been able to say yes to everyone that requested travel funding. I think for this meeting there might be nine or something, in the order of ten people.

We had understood and got a clear message from the Board and from the CEO of ICANN that if it's the case that we're only looking at one person that we have to say no to, then we should not just say no, we should actually come in and ask whether we cannot get some extra money for that specific person. To answer your question, yes, funding does help with making sure that SSAC members come here. We think it's good.

Our explanation has been received well by the ICANN Board and the CEO, who also believes it's important to bring SSAC members here. For the last two fiscal years we've been able to get the funding that we've requested for this specific issue. It is part of the extraordinary budget request that we were talking about before, so this is one of those sorts of things that I would call under the category of recurring requests, the order of 10-15 people.

If that significantly increases or decreases, that's a different issue. But our planning and members' planning of SSAC is that we're able to get approximately ten people on travel funding. I just mentioned earlier, Barbara pointed out to me that we have this inter-sessional meeting once a year. Everyone gets funding for that one. That's part of the budget for that specific meeting, because we find it's very important that everyone comes.

Of course, there are several cases of SSAC members who choose themselves not to receive funding, depending on their employer – they work for the government or another kind of thing. For the ICANN meetings, people have to explicitly request, and it's people that need funding. For the inter-sessional meeting it's the other way around. That's an opt-out.

ALAN GREENBERG: As Brian suggested, to the extent that you feel that this would be an important thing to be explicitly said, which to a large extent would bind ICANN to do it, as opposed to out of the goodwill they're doing it this year. Comments are welcome.

PATRICK FÄLTSTRÖM: Yes. Jim wanted to say a few words. I would say yes, because the theory that I had, as an incoming Chair, that providing travel funding would increase the quality and the number of work items that we can produce in SSAC, and also increase the communication between SSAC member, other participants and the ICANN community.

That theory that we had proved to be true. When I took on SSAC produced about four reports a year. This year we'll probably produce nine. It will be nine reports this year instead of four, and this is sort of part of the result of this.

JIM GALVIN: Alan, you said something else in your question that I just wanted to see if this was part of it. You talked about providing funding in the PDP process. We've been talking a bit about the process SSAC's gone through to get its support to come to the meeting. The observation context I want to put there is that many SSAC members, though not all of course, really are in a position that they are just technical experts in the field that they're in, and they're generally not directly related to the ICANN set of things.

We went through this process and so SSAC has significant support to bring that expertise to ICANN. But you made reference to being part of the PDP and the PDP process. Were you just looking for a worked example of how SSAC does things, or is there a SSAC contribution to the PDP, more directly, that was part of your question?

ALAN GREENBERG: The current recommendation is specifically in regard to making sure that people who are not already funded by their companies can participate in PDPs. The footnote says, "We're considering widening that particular recommendation to other aspects of ICANN's activities," which is why I brought the question to you. Okay. That's where it was born, and only

exists today as a firm recommendation. But we felt it was relevant because there's a lot of funding of volunteers going on in ICANN.

In many cases there are people who, if ICANN didn't fund them, they would come anyway. But people who are not doing something that their employer's paying for, have a harder time justifying using corporate money, or their private money for that matter, to come here. That's why I asked that particular question.

BARBARA ROSEMAN: I would recommend that you actually ask this question of the RSAC as well, but I can give you a little bit of information about that ahead of time. As part of the reorganization of the RSAC, we did want to have the RSAC have a meeting with ICANN at least once a year, preferably twice a year. In that case we actually, for the first year, provided funding for all members to attend one ICANN meeting.

That's most likely going to be Singapore – we haven't done an official decision yet, but that's everyone's intention. So most of the members of RSAC will probably not choose to use the funding, however there are a number of people who are within institutions like universities and stuff, where this kind of funding would be extraordinary for them. So to have it available is very important.

ALAN GREENBERG: Question two is a recommendation we don't have at all; we talked about it a lot but it never got the level of effort put into it. It's one that does not apply at all to SSAC today, but one can imagine tomorrow it

suddenly becomes relevant – that's the whole concept of Board reconsideration. Currently, if you follow the whole issues going on with confusingly similar stuff, there's a huge number of Board reconsideration requests, all of which are being denied.

They've never been accepted. The process is if the process was followed, no matter how bad the mistake was, that process cannot fix it. One can imagine something related to security and stability, which ends up following that path. There has been some feeling in this Committee, and certainly in the community, that we need another process. If that one wasn't designed to fix stupid mistakes, as it were, then there needs to be another one.

I can certainly imagine situations where a registry requests something, or whatever, that would increase security and stability and it gets denied. But we followed the process, and therefore there's no real way of reopening it. I'm just wondering, does this resonate at all?

PATRICK FÄLTSTRÖM: That's a good question. First of all, we in SSAC do technical advise and we don't really do any value judgment. If you look for example our latest recommendation regarding name collision, we are talking about how to design this scale you're going to use, when you do the calculated risk for what is acceptable, but we don't do the calculation.

We're trying to stay away from that. What we are talking about is what are the important issues to look at when you do the actual calculation. Because of that we don't do any value judgment, whether there might

be reasons for that not to be implemented. You said it will lead to increased security and stability – how do you know? We're not going into that from an SSAC perspective.

The other part of this is that it sounded like you alluded to a change of a contract from a contracted party, and ICANN do have the RSEP process for that, where that kind of evaluation is done, which doesn't really directly touch SSAC – although of course we take for granted and we've seen that our recommendations are things that RSEP panel members do refer to when they evaluate requests to changes to the contracts for contracted parties.

So without consulting with others in SSAC, from my personal perspective, I think the valued judgment of change of contractual terms for contracted parties, that's happening as part of the RSEP process, and SSAC is not involved.

ALAN GREENBERG: Let me clarify – I wasn't suggesting that the reconsideration request, or any other similar process, be used by SSAC. I don't think it applies to internal organizations and Board decisions, but I can imagine a scenario where a decision, such as an RSEP decision, is made, and your review of it afterwards says they made the wrong decision.

Right now, the only remediation process that that registry or other external organization would have is the process that currently yields "no" virtually every time. That's the context in which I was raising it –

not to reconsider your own recommendations, where I don't think it applies.

JIM GALVIN: Thank you. One of the other SSAC members came up, Mark Seiden, and reminded me of an example of something that happened in the past, and this really was an issue. We had another SSAC member during the Conficker situation, if you remember? The remediation that went on for Conficker was that the tens of thousands of names that would have come into existence would be set for reservation instead.

There was a particular person who was going out to reserve all of these names, and he had to buy the names in order to reserve them. It took years for him to get money back for having done that. Eventually ICANN had come around and said that they would not charge registries that were reserving those names, but he had started that process before that decision was made and it was still a very long time – it was actually many years before he got his money back for having started that process and creating that.

That's just a worked example of a situation when, yes, there are times when decisions and choices are made. One would think that common sense would apply here – you would have given the man his money back, but…

ALAN GREENBERG: That's a classic example, because they followed the rules that were on the book today.

BARBARA ROSEMAN: I would just caution in this area that there's a difference between reconsideration of Board decisions and reconsiderations of corporate decisions. This particular example is a corporate decision, and I happen to agree with how it eventually got resolved, but I think that it's actually very important to keep a distinction between decisions that are made at the Board level and decisions that are made within the corporation, using other rationale, like the rules that are on the books right now.

If it were something to require a change at the Board level, for instance all contracts have to be approved by the Board, then that's one thing, but to… I just would caution that it's something that it's very clear to keep a distinction about, not to conflate the two. There is a process for going through the Ombudsman to have corporate decisions reviewed as well, whereas the reconsideration is actually reserved for Board decisions.

So if you want to recommend that there's something that deals with these other decisions, you have to be very cleat that that's what you're talking about.

CHAIR: Just before we close we have a few minutes. Patrick, you said at the outset that… Something about there wasn't a lot of noise around our draft report and that might mean that we did a good job. We can't afford to operate on that assumption, and I don't. We observed this

time around, in the Review Team process, that the community was very focused on new TLDs.

I think we've felt the effect of that in terms of attention to the work of the Review Team. I just say that objectively, compared to the first time around, and not to mention some recent debates on Internet governance that draw the energy of the community. That's not an assumption we take. We really need to see feedback and input from the community, to gauge whether we need to adjust this report.

One final question I'd ask, from me – a central thrust of our work was to gauge this time around not only how well did ICANN implement the recommendations of ATRT 1 and the other Review Teams, but do we see a culture of transparency and accountability taking hold within ICANN, as a result of these Review Team processes?

Two areas we looked at specifically were in assessing implementation efforts, are we seeing the effect of implementation on the staff, at the Board level, throughout the community? Do you see that culture of transparency and accountability growing, or are you seeing a "check the box" type of implementation effort of, "See how we get that done and one we go"? I assume you appreciate the difference between the two.

On those points, do any of you have any thoughts about the effect or effectiveness of the Review Team exercises themselves on the organization; good, bad or indifferent?

PATRICK FÄLTSTRÖM: Okay, for example, the tracking tool that's now tested is one of the effects, so I think from an SSAC perspective we have seen effects that are absolutely not only "ticking the box". Regarding the silence, of course as the Chair of SSAC it's my fault that I didn't whip SSAC members enough to actually read the report and explicitly say whether they liked it or not.

But I do have a couple of action points on myself to go back to SSAC and make sure that we are coming back and writing, both regarding these issues that we've brought up, but also explicitly it was pointed out for example the SSR issues in the context that you just described. So we will come back in writing within a relatively short time to you on these issues.

Thank you.

CHAIR: Thank you. Much appreciated. Any other thoughts, Review Team members? Questions? We're getting close to close. Okay. I think we're at the close. Thank you very much for the feedback. Again, the public comment period is open. Even if it's brief, whatever you can offer would be very well received and helpful in making our final report.

With that, I think everyone's going to move onto the opening session.

Thank you again.

PATRICK FÄLTSTRÖM: Thank you very much.

EN

[END OF TRANSCRIPT]