
ATRT-2 SEPT Mtg in DC - DAY 2
Friday, 20 September 2013

BRIAN CUTE:

Okay, can I start the recording? Thanks. Greetings! This is ATRT-2 September 20th In Washington D.C. face-to-face meeting. Welcome to everyone in the room. Good morning here. We need to continue our work reviewing templates as drafted and today we're going to focus on finishing up Work Stream 1 what we have and address Work Stream 4 templates or proposed recommendations or both.

Coming out of yesterday, I think it's really important that we agree first on two things, our calendar and the shape of the report. So before we launch into Work Stream 1 or Work Stream 4, I want us to have a discussion and agree to that. I am looking. Are there ATRT-2 members who are online with us? We have Fiona Asonga. Is that it for now?

Let's start with the calendar. We're targeting a mid-October timeframe for our draft report and recommendations. My recommendation is that we stick to that calendar. It was built for a reason. It was built to allow the public an opportunity to comment and for us to deliver by December 31st for a report to the ICANN Board. It cannot slide.

So how do we structure our work between now and then to ensure that we get a full report out. Coming out of yesterday, clearly we have – the good news is we've reached consensus on the Work Stream 2 and Work Stream 3 assessments and those are in good hands in terms of forward drafting and the inputs that were heard yesterday, so we're in good shape there.

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We've also reached consensus on a number of assessments coming out of Work Stream 1. We have more to do there. So that's good. That's what we have accomplished. With what remains, we have two things. We have the items for Work Stream 1 and Work Stream 4 today we will hopefully come to consensus on. And then there will be remaining issues or templates that are not yet complete and we have not yet discussed.

So going forward, this is what I would suggest, and I'd like to hear reactions. In ordering the templates that are to be developed and discussed, that we walk out of this room with crystal clear assignments of who owns which template, that whoever owns a template has until next Sunday – a week from this Sunday – to send to the team a draft template and we will discuss what the shape of that means, and that the following Tuesday we have a full team call so that like yesterday, we can walk through templates and discuss “Do you have any significant concerns with this assessment?” and come to a consensus on those templates.

So the dates would be that whoever owns a template to draft would send that back to the team by Sunday, September 29th and that on Tuesday, October 1st we would have a full team call to walk through those templates, have a discussion, come to consensus and that a small team of drafters (maybe two or three) will take the report from there and polish it and complete it and hand it to ICANN staff on Friday October 4th.

If we do that, that allows effectively two weeks for translation so that the report could go out for public comment on October 18th. The other thing we can take advantage of is after handing it to the staff for translation on October 4th – Friday – if we needed to continue to correct or polish the final version we could take the next 3 working days and get any corrections into the translation team. My understanding is that the translation team, assuming that the volume is not too large, does red line translations and still have our draft report out by October 18th and translated into the UN languages.

So that keeps our original schedule for publication and I'm just ordering the work between now and that October 18th publication date. Does that make sense? Does that work? Does anyone see any risk in being able to deliver if that's how we go forward on the schedule? Avri?

AVRI DORIA:

At the moment I've had my fingerprints on nine out of the 42. There are several that I am supposed to have my fingerprints on that I don't. I cannot add anything more than I've touched already.

BRIAN CUTE:

So the other thing we have to discuss here before we walk out the door, who's got what assignments. And so if anybody has been assigned a template and you don't have ample time to take it to completion by a week from Sunday, signal that today and we'll make sure that someone has that assignment so all the templates that need to be developed will be developed. That's something we have to agree to – assignments, deadlines, okay. So thank you for that Avri. Fiona?

FIONA ALEXANDER: I just have a couple of questions on how you envision this unfolding. So if you're going to do a call on October 1st how long is this call going to be?

BRIAN CUTE: As long as it needs to be, depending on the number of templates

FIONA ALEXANDER: Okay. So we should sort through that now because the scheduling and putting things on people's calendars can be challenging. And given the time zone differences we need to understand and accept that you're talking about an all-day phone call at least 4 to 5 hours, depending on how things go. Maybe it's less than that, but I would suggest blocking more time [inaudible] and figuring out today what that time is going to be that works for everybody. The other question I have is that assuming you have this phone call on the 1st and you come to consensus on recommendations, what's going to happen to recommendations that we don't come to consensus on? We should probably figure that out now.

And then if you're going to assign two or three people to draft everything on the Wednesday, are they circulating that for the team to review on the Thursday before it goes to the staff or are we just entrusting them to draft it and then it goes straight to the staff?

BRIAN CUTE: There was a nuance there. So on that last point, I think what we should do – and this is picking up on your point, Alan – I think what we should do is have the call on Tuesday, October 1st. The editors take what comes out of that call and finish drafting the report. Let me nuance that. Friday the 4th that final version of the report gets sent to the Review

Team. Since the translation staff isn't going to be working on Friday evening, correct or over the weekend?

UNIDENTIFIED FEMALE: I think Alice has been talking to them.

BRIAN CUTE: They could. Why don't we send it to the ATRT-2 on Friday, October 4th? And I apologize, but the team has the weekend.

ALAN GREENBERG: I thought when we were talking earlier we said the team has a week until the eleventh?

BRIAN CUTE: This is corrections. This is corrections to hand to the translators by the 11th. This is corrections to hand to the translators. We hand it to the translators here, but you said why don't we have review and then hand it to the translators there, then we do corrections and get it to the translators there so we have a week to get it [inaudible]. Okay?

ALAN GREENBERG: I thought there was an extra week.

FIONA ALEXANDER: I suggest you actually write this down so that everyone has a shared agreement and understanding of what the steps are going to be so we don't have the challenges we have now of people hear words, which happens all the time in groups, and walk away with different intentions or meanings or whatever. But if the intention is to send it to the staff for translation and this group to do a simultaneous review, you should just say that.

BRIAN CUTE: No. So to your point, it is appropriate for this team to have an opportunity to look at the final full draft before it goes to the

translators. So that's what I am trying to accommodate on the schedule, so that we can give it – Alan?

ALAN GREENBURG: Just a question. What date is the date where it must be released for the deadline prior to Buenos Aires?

DENISE MICHEL: 28th.

ALAN GREENBURG: I thought we were giving translation two weeks?

BRIAN CUTE: No. We were targeting the week of October 14th for publication. That was the week we were targeting.

LARISA GURNICK: Yes, but Alan's question is what is the deadline for posting materials for Buenos Aires? And that's the 28th

ALAN GERENBURG: I'm saying that is our drop dead target, not the 14th.

BRIAN CUTE: No, it's not because if we have a comment period and a reply period, the way I count the calendar, the reply period closes the beginning of December and we cannot, having done this once before, get comments two weeks – we can't get reply comments in the middle of December for the people who are finishing up the report. That's just too much of a squeeze. Not possible. So we can't slide it up to the 28th.

ALAN GERENBURG: Can we slide it a few days?

BRIAN CUTE: Let's not. Let's hold that in reserve. Let's schedule to stay on our schedule. Let's work to stay on our schedule, Alan.

ALAN GERENBURG: I appreciate that. I'm just trying to understand what the constraints are.

BRIAN CUTE: It's for the folks who have to do the final report and incorporate public comment and perhaps reshape parts of the report as the holidays are coming on and getting it out. That's the constraint. Fiona?

FIONA ALEXANDER: Just one other element. So when is the independent expert or consultant – whatever the correct term is – when is that report arriving and when will that factor into this as well?

UNIDENTIFIED MALE: [inaudible]

FIONA ALEXANDER: Correct. I just want to make sure that – I mean, this is a good exercise I think we really all want to get on the same page and putting all the pieces out is really important right now.

BRIAN CUTE: So yeah, I will put this in writing before we're out of this room. I've asked ICC – I've said, "Look, we need from you for when we put out our report for public comment. We need your report in as full a form as you can provide so that we can put that out as an appendix to our report or a companion document. We want the public to be able to see what you've developed as the independent expert and have the ability to react to it." We've talked about that and Mark says that he believes he can deliver that in advance of the 18th, that we'll have an opportunity as a team to see the report and attach it to our draft report. Was that your question?

FIONA ALEXANDER: No. My question is when are we actually getting the report so we can factor it in to our recommendations? The point of hiring someone to do

an independent review is to do some of the data analysis that we couldn't, and several of these recommendations could be impacted or will be impacted by that data that comes in. So when does that exercise happen? Which is why I thought the report from them was due relatively soon. The final report was due.

BRIAN CUTE:

End of September. I don't think it's going to be full because as he has reported to us, they haven't been able to have all of the interviews that they're seeking. So they'll have partial results on the surveys in the interviews. He said all of the data analysis will be done. So some of the pie charts and data with respect to PDPs and analysis of that data will be done and their conclusions will be drafted and we should have that by the end of the month.

FIONA ALEXANDER:

So in the time line you are laying out, the discussion on the 1st needs to include a discussion of that report then because if their report is providing input into recommendations, then the first is your drop dead for consensus which is how I understand [inaudible] putting forward, that that's got to come to us in time to read before the call on the first or whenever it is.

BRIAN CUTE:

So, I'll go back to Mark and see if they can hit the 27th which gives us the weekend. It's tight. It's imperfect but that's what I can ask for/ He said end of the month. I'll ask for the 27th.

So to summarize, assignments for remaining templates to be delivered to the team by Sunday the 29th. Call the ATRT-2 on Tuesday the 21st to come to consensus on our remaining templates. Draft report circulated

to the Review Team on October 4th, handed to the translators on Monday October 7th, corrections provided to the translators by Friday October 11th. Report goes out for publication October 18th and I'll come back with confirmation about when ICC can provide their draft report to us. Alan?

ALAN GREENBURG: One minor comment. If we should get from translation if that weekend will help them, otherwise we keep it for our own work. That last weekend for revisions.

BRIAN CUTE: Which last weekend?

ALAN GERENBURG: You said we get the Delta, the red line, to them on a Friday. I'm saying check with them if that Friday will really help them. If it won't then we should keep it for ourselves and give it to them first thing on Monday.

BRIAN CUTE: Understood. Any questions on that? Are we in agreement? Everyone fine with the schedule? Okay. So we'll stick to that schedule and we have to walk into another room for assignments on remaining templates today. Now, I think it's really important before we move further that we agree to what I'm calling the shape of the report. We had some discussion around it yesterday. We need to agree because this affects the drafting in the next two weeks. I want to first note that, in fairness, it is true that for the templates that I asked for, the template version that was more concise, not fully drafted in report form, is what was expected with full enough data so that we could have discussions and come to a consensus on a given issue whether we wanted an assessment or recommendation. That's what was asked for.

Larry and his team have developed their piece of the report fully and could literally be dropped into a report as is. So the question we have to ask about the report – and I want to come to an agreement – is one version is a shorter report, narrative, that summarizes – and it could have an executive summary of course up front – but that summarizes our findings and recommendations. And underneath that in appendices templates and other documents that provide the deep research that anyone may want to do to really look underneath our assessments and recommendations.

The report itself could take the shape that Larry's contribution has – take that form. And that is to say that everyone who owns a template here, pretty much use that as a model in terms of fleshing out your analysis and all the elements that the template requires, and that we stitch together all those pieces and that becomes the final report, and then what goes in the appendices is an outstanding question in terms of backup documentation other than the ICC report of the independent expert.

I've told you what my personal bias is. And it's personal; I'm not speaking as the Chair. I think there is some value in having a shorter report. I think there's some value in having it not be structured as an academic and research type of paper, but also as a communications paper that the Review Team is making observations in a different style. I think there may be some value there. But those are my views and my views only.

So with that being said, we really need to decide what the shape of the report be. So I'm opening it up to the table, what direction do we want to go? And whatever we agree on the people who are drafting the rest of the way, we agree to form, we agree to approach and we move forward. Open table for discussion. I don't think my offer was very helpful. Well, we have Larry's contribution. Can you throw that up on the screen.

AVRI DORIA: Is Larry's contribution the model we should follow?

BRIAN CUTE: That's the open question. The question is: how do we want to shape this report? Fiona?

FIONA ALEXANDER: I don't think it matters how you present the information, quite honestly. I mean, if you want to have more of a messaging piece, that's fine. The point and the focus needs to be, we need to actually get to an agreement of what the information is. So if you have a short report, which last time would normally would be an executive summary but that's your report and you put the stuff that backs up the report in an annex.

I'm not sure form is what's at issue here. It's making sure we are clear with substance to put it in. And if this is something that whoever is editing wants to pull together once they have and present options to the group, maybe you could do that. But we really need to focus on getting agreement and consensus on where we are and figuring out what we still need to do. We did it this way because there was a handful [inaudible] of GAC recommendations. I'm not sure if this format would

be applicable for everything. You could do all the multilingual ones together, but some of them are discreet one-off. so just depends on how you want to do it.

BRIAN CUTE:

So one thing about this is there was the ability to group together a number of recommendations and assess them in a template. This is about 11 pages?

FIONA ALEXANDER:

Yeah. And that included the 9 new recommendations as well. This is actually two documents. It's the assessment of ATRT-1 and then it's the proposed new recommendations for ATRT-2 in one document.

BRIAN CUTE:

So just scroll down to the new recommendations part of it. Let's take a look at that. Recommendations follow the same structure that we had in the template. All the piece parts are in there. Just scroll through. There's summary of public comments, there's sites to the public comments, ICANN stuff input. Keep going. Top of 9.

So how does this strike people if this becomes the body of the report? All of the other template developers follow this approach and then we stitch it all together and that becomes the final report. Is there an alternative approach we should be considering or is this the way to go? Fiona?

FIONA ALEXANDER:

This is basically your approach, what you put up yesterday. It's just the three paragraphs that would do the findings ,which is the text you were talking about to frame it. And then the new recommendations. And

again, this is easier for this group of recommendations because they're a group. I'm not sure if it would make sense for all of them.

BRIAN CUTE: Avri?

AVRI DORIA: It makes sense to me to acquiesce to this but what I think we need to do is go through and find out what the other groupings are, because otherwise we end up stitching together something that is sort of like the ATRT-2 monster where we have some things that should be grouped that are sitting separate and repeating stuff. That's one of the things that I noticed in a couple of the ones that I was writing that I had to repeat the same information over and over again and such. So this works as long as we can figure out what our chunking is.

BRIAN CUTE: You're touching on some of the concerns that I have about the ATRT-1 report. Two things. Repetitive, not well grouped and just longer than it needed to be, I think length is also something we want to keep an eye on here. Fiona?

FIONA ALEXANDER: That's actually why we ended up grouping them because when we started drafting them they were repeating a lot of the same text.

BRIAN CUTE: Alan?

ALAN GERENBURG: That also means we need a true executive summary, which is the very short preamble in the recommendations.

BRIAN CUTE: Okay. So we need to group recommendations. Sorry. We need to group recommendations. Let's do that today during one of our sessions. Any

other points here? An executive summary on top of this. The rest of the templates are developed in this manner. We group recommendations together for efficiencies. Any other thoughts? Yes, please.

AVRI DORIA:

It's not so much for efficiency as for commonality in terms of the grouping. I don't think we're doing it to try and make it more efficient. I think we are doing it because these things have something in common that make them a group.

BRIAN CUTE:

Right. Wrong word. I was thinking related things appearing in two different parts of a report, which is not effective. Okay. So we're in agreement then. So whoever walks out of this room today with an assignment to further develop a template, this is the model, and then we will have draft volunteers to draft the executive summary portion to put on top of the pieces that we stitched together. Okay, is that clear? Okay, great. Yes?

AVRI DORIA:

What are the chunks?

BRIAN CUTE:

Can we put that issue off to a little later today? Because we have Fiona Asonga on for two hours. We were going to start with Work Stream 1 finishing that up but I think having Fiona here, we should take advantage of that. Let's start into the Work Stream 4 part of the report. Same dynamic as yesterday. Let's look at what's been developed in terms of potential recommendations. Let's have discussion – significant concerns only. If there are parts of this that are not fully developed, let's identify them and then have assignments as to who has to develop that piece of the template to the end state.

Let's start with the Work Stream 4 discussion. Fiona, can you hear us? Are you online? Fiona, can you hear us? She is online. We've got her for two hours.

AVRI DORIA: I don't think any of us could [inaudible] all, but I also think there's a bunch of parts that only Fiona has her fingertips on that none of us can help with.

BRIAN CUTE: She's online.

LARISA GURNICK: She's trying to get called in.

BRIAN CUTE: Are we calling in to her or?

AVRI DORIA: For example, 30 to 34 have only Fiona's name on them.

BRIAN CUTE: Fiona, we're going to wait for you, give you a couple of minutes to get online here so you can walk us through the pieces that you offered, yourself. Let's just give her a couple of minutes. Larisa and Alice, do you know which ones are Fiona authored, and can we throw those up on the screen? Which pieces are that? 30 through 34 you said?

AVRI DORIA: Yes.

BRIAN CUTE: Could we get 30 to 34 up on the screen? Fiona, are you there? Fiona Asonga? Are there other parts of WS-4 that we could start? Fiona?

FIONA ASONGA: Can you hear me now?

BRIAN CUTE: Yes, we can. Loud and clear.

FIONA ASONGA: Finally.

BRIAN CUTE: Fiona, can you modulate the volume down a little bit on your end? You're clear, but you're loud.

FIONA ASONGA: Good morning, everybody.

BRIAN CUTE: Good morning. Can you hear us? Can you hear us, Fiona?

FIONA ASONGA: Yes, can you hear me?

BRIAN CUTE: We can hear you very well. Can you modulate your volume down just a little bit on your end? Fiona?

FIONA ASONGA: Beyond that I can't hear you.

BRIAN CUTE: Can you hear me now? Can you step away from your mic a little bit? You're very loud here.

FIONA ASONGA: How about now?

BRIAN CUTE: That's pretty good. Can you hear us well?

FIONA ASONGA: I have to get close to my machine to hear you.

BRIAN CUTE: Why don't you get close when you're listening and step away when you're talking?

FIONA ASONGA: I am trying to do that.

BRIAN CUTE: Excellent. I think that will work. Fiona?

FIONA ASONGA: Yes.

BRIAN CUTE: The way we're structuring this discussion is that we want you to walk the team through the high points of your proposed new recommendations. We need you to be concise. Just spend a few minutes only hitting the high points of your proposed recommendation.

The team is asked to discuss significant concerns that they have – significant concerns only. We have to be very disciplined in managing our time to get through as many recommendations as we can. So that's the structure. Are you comfortable with that?

FIONA ASONGA: Yes, I am.

BRIAN CUTE: Terrific. What's your first recommendation by number?

FIONA ASONGA: What I've done in the document is I've taken all the recommendations on the review processes and put them into one document. The document on the screen – a review, recommendation, and implementation of the review process.

I've [referenced] recommendations number 30, 31, 32, 33 and I've managed to incorporate the input from ICANN's [task] that I found relevant [inaudible] material that staff [inaudible] in the e-mail. Then looked at it, found it did not fit into what I thought I had to cover.

BRIAN CUTE: Fiona?

FIONA ASONGA: The document I couldn't work with. Yes, please.

BRIAN CUTE: We need you to walk the team through recommendations 30, 31, 32 and 33. And can you tell us where in this document we should be looking – we have it up on the screen – so that we can have discussion once you’ve walked us through each of those recommendations.

FIONA ASONGA: [inaudible] open the document in the [inaudible] so that it's easy for me to scroll down. I will not be able to see hands up because I am on a different window.

So basically, in as far as the review processes are concerned, that the Affirmation of Commitment review processes provide significant review and adequate recommendation that facilitate the improvement of ICANN’s accountability and transparency.

The level to which the periodic [inaudible] of reviews are required, we [inaudible] bylaws creates an aspect of reviewing fatigue. That tends to undermine the structure of our organization on effectiveness. This is based on as we have seen in the public comment that we’ve received. And it’s also a question of the availability of an internal team to approach the review that should be considered by ICANN.

However, our focus on what the current review process is because that is within that commission of commitment. It is the ATRT process. It is the WHOIS [inaudible] competition [inaudible]. So in view of those reviews having taken place periodically and every ATRT review will go back and look at what the other review processes have done [inaudible]] for ATRT-2.

I have taken into consideration all of that from a realistic point of view and therefore looking at what we'll be able to collect in terms of input from ICANN, input from the community, and also the discussion at least initially from the ATRT-2 team members.

I have not significantly gone through the lots of the exercise team review but I've looked at the full list and some of those are captured in the ATRT-2 inputs. The draft recommendations, number 30 under appointment of Review Teams, I have left it as initially proposed that the Review Teams should be appointed in good time, allowing them to run their work within a one year process, that the review is supposed to take place regardless of the time when the team is established. It's important for staff to understand the facts well and the selection processes to begin early.

So for review number 30, [inaudible] review number 31, getting the Review Teams started with the complete implementation report. This has already been done. However, the report should be submitted for public consultation in good time and benchmarks and [matrices] must be incorporated into this report and that is what we are adding, because already ICANN has a system through which they go through the implementation processes of the different recommendations from the Review Team.

However, what has been missing is the benchmark, the [matrices] and the public consultation as they go along and possibly before the ATRT-2 comes in and starts their processes.

Recommendation number 32, that is on basically involving the different SOs and involving the Review Team in the budgeting process and the budget being benchmarked against the previous Review Team.

It is [inaudible] at least the Review Team comes in having an idea of how much has been captured roughly, then the team has to be consulted on what the budget involves and that of the recommendation around that is that ICANN [inaudible] budget [inaudible] budgeting the sufficient is also allocated for the review.

The Review Team is to [fill] their role including, but not limited to, accommodation of reports from the Review Team to [inaudible] experts or consultants if deemed necessary by the teams. ICANN should at the initial stage review, initiate, account for and publish the budget of the review process together with the rationale for the amount allocated.

The budget should be established based on the experience achieved from work of the previous teams including ensuring a continuous assessment and adjustment of the budget according to the needs of the Review Team.

Recommendation number 33 is where we need to put in a bit more discussion and this has to do with incorporation of the Review Team's input into ICANN strategic plans and in [inaudible] process.

On this, we recommend that ICANN should ensure that the ongoing work of the Affirmation of Commitment reviews including implementation is spreading to the work of other ICANN strategic

activities. Two, ICANN should ensure strict coordination of the various review processes so as to have all reviews done before the next [inaudible] with proper linkages of issues within the Affirmation of Commitments and consider the function of a technical facilitator whose mandate is to coordinate the reviews.

Now here is where we need a bit more discussion on this particular recommendation that we had proposed during our last face-to-face meeting because the input from [inaudible] but during our discussion what came up was that, we needed the function of the technical facilitator to be around collecting [inaudible] from the Review Team from ICANN staff, the data that we need after the requirement of the training.

Therefore being able to put it [inaudible] format that we are able to – [inaudible] Olivier has been handling for Work Stream 1. The other was we [inaudible] party that is not so much accountable to ICANN, but independent secretariat of such or technical facilitator who will be able to assist the part of the team and assist the team members in following up on the various issues within ICANN with the Review Team staff that is already assigned to us by ICANN.

However, I would appreciate additional input and discussion around the function of this technical facilitator – or we say that technical facilitator or an independent secretariat. We've given different names to it. [inaudible] general consensus that appears to be made. Probably we need to make someone else, a professional, to come in and try and get things put [inaudible] in a way that is easy for us to be able to trace the

other materials out and to get information that is sort of organized in a way that should not [inaudible] cannot ask the staff to do it for us, because we need to do it ourselves and that was recognized.

However, there is some of the work that we agreed we'd need to have an extra hand that wasn't dependent on ICANN to assist. So this is an area that we really need to work through and [study] on whether we really need a technical facilitator or we need to have that recommendation because ICANN staff proposed that if we're [inaudible] that, then we need to detail the job description of the person we want to give that position to.

With that, I will open the floor to discussions on those four recommendations because these four are one document together.

BRIAN CUTE: Thanks very much, Fiona.

FIONA ASONGA: [inaudible] back to Brian.

BRIAN CUTE: Thank you very much. Let's open it up for discussion. The question is are they any significant concerns with what these proposed new recommendations? So let's start there. Alan?

ALAN GREENBERG: Thank you. A number of different issues. I believe one we talked about but is not there, I don't know whether it was technically assigned to Fiona, but I know it wasn't assigned to me is one saying that the Board has to take clear and decisive action on Review Team recommendations? That one was a result of the situation with the

WHOIS Review Team. I don't think it is particularly hard to write, but I don't think it's there.

The other one which didn't make the cut at our last time but I would like to suggest again based on the experience we are having, is that we have a recommendation saying that the reviews of each AOC Review Team be done by their successive review.

That is, ATRT be done by the next ATRT, WHOIS be done by the next WHOIS and so forth. They are the ones who have the expertise. They're doing it at the end of the implementation cycle, and moreover it's something that that Review Team is going to have to do anyway. They may as well document it.

As it is right now, we have lack of sufficient skill to do it with a large enough body of people. If you look at who did Work Stream 2 and 3, there is a small number of people because of that lack of expertise in the subject matter. And we're doing it the time when the implementation is only partly done, so I will strongly suggest that.

In terms of what Fiona has, I do have two comments. I question whether we should be mandating that things go into the strategic plan. At the very least it should be as appropriate. And moreover, I think that is a management decision based on the issue.

Many of the recommendations that come out of Review Teams are not things that go into the strategic plan and shouldn't. they're far too

specific. I will prefer not to see that at all, but if it's there, it has to be qualified, that there is some judgment call involved.

Lastly on the technical facilitator, I would not want to see a recommendation that is done operational and that's specific. If we need support unconnected with ICANN staff, I'm not quite sure how that person is going to have access to all the ICANN information. So I find the implementation problematic, but I certainly don't think our recommendation should be as operational or specific as that one is. Thank you.

BRIAN CUTE:

Thanks, Alan. Avri?

AVRI DORIA:

Just to respond to the last one, I think that type of role is easily described as similar to the ombudsman relationship, that they are within and without ICANN at the same time. So they've got a relationship but they are not in any direct line of authority other than such. And it could perhaps even be attached to an ombudsman. But you're right about not being specific about it. But if it is defined as a similar relationship to that of an ombudsman, it may just leave the space open.

BRIAN CUTE:

Yes, Denise.

DENISE MICHEL:

Just taking these in order. Noting that there is an implied requirement for each review process to be completed within the year it begins, that was not an implication that was shared by the last two Review Teams.

I think you may want to consider further the actual language of the AOC and what you think a practical schedule may be and what would be required to actually implement that schedule. Of course the last two reviews took a longer than a year.

There's also no real gating factor when it comes to the recommendations proposed and the length of time required to implement it. So you may want to discuss and consider further how to structure the review cycle so that you're reviewing work that's completed rather than ongoing which is what I'm hearing, some of the concerns here.

And of course staff, these are independent Review Teams – of course all of them are – so staff doesn't actually control the scope or pace of their work. So you consider what the controls are in terms of that.

Regarding appointment of Review Teams under Number 1, something you may want to consider is an annulment that adds a considerable amount of additional time to the process of appointing the Review Team, and that is that we currently have a process. Not an AOC mandated process, per se, but process that was used when AOC started.

That is allowing or encouraging the SOs and ACs to go through an endorsement process. We regularly get requests from SOs or ACs to provide additional time for them to consider the number of candidates and go through their internal processes for formally endorsing candidates for consideration by the appointees. So that also may be an

element that you want to consider. I was just going to run through the list for you. Do you want to stop at one?

BRIAN CUTE: No, go.

DENISE MICHEL: Maybe we should take it one at a time.

[LARRY STRICKLING]: Denise, since the reviews are known well in advance that they're going to happen, is there anything that would prevent getting that selection process started earlier so that those inputs are available? I'm speaking with memory of the position that Heather and I were in of having to make selections. We took input from the recommendation which you shepherded. I mean, you managed that process.

Given that the dates are known – we already know the date for the next ATRT for example. So notices could go out to the SOs and ACs saying get your inputs here so that we can make these selections on time.

DENISE MICHEL: That's certainly something that we can look at. I think part of the question with the ATRT-2 was the desire and feedback we got from the community to close out the ATRT-1 implementation which ended up being concluded in the last calendar year I think before starting the new cycle of the ATRT-2. But yeah, that certainly could—

BRIAN CUTE: Just for my understanding, clarify that last point. What feedback did you get that affected the calendar of appointments?

DENISE MICHEL: The feedback about making sure that we had closed out the implementation projects and the last one was completed in December I think of last year.

BRIAN CUTE: So the process of making appointments was pushed out because of that feedback? Just to be clear. I need understanding.

DENISE MICHEL: There was a discussion about when the three-year-cycle should commence. I think there was different viewpoints on the Board and in the community.

BRIAN CUTE: I didn't see that. Where was that? Was that a public comment cycle? I didn't see that feedback in the community.

DENISE MICHEL: Part of it was in the discussion with some of the constituencies and also I think in a public forum element. But I think as Steve mentioned what would be useful is to – I think there is no reason why we couldn't have a long-term timeline, like ICANN meetings that shows start points for each of the future reviews, and just make it clear to the community the trigger for the three-year point and submission of the report, rather than board action on the report or other implementation issues.

BRIAN CUTE: Alan?

ALAN GREENBERG: I'm afraid we're delving into the implementation. The substance here I thought was to make sure we allow the Review Team a year to do its work. How that happens whether the dates get pushed out or the Review Team is selected six months ahead of time is an implementation issue, which is important but I don't think we need to dictate it.

DENISE MICHEL: I think part of the issue is, it's your desire certainly and your assumption that the Review Team will work in a calendar year cycle, and that has not been the case with the last two Review Teams.

ALAN GREENBERG: Sorry, at least one year.

BRIAN CUTE: Fiona?

FIONA ALEXANDER: Yes, thanks. Just to react to some of the things that have been said and to thank Fiona for the draft. I think the recommendations go a long way to maybe further institutionalizing this process. There's been a lot learned in the last three years.

To Denise's point, maybe one of the recommendations can be to request ICANN establish a clear calendar and timeframe for these things. I mean, it can be that broad in general. Then to Alan's point, the implementation of it can be that way.

There are a couple of things I wanted to also react to. I think Alan's suggestion, that ATRT not review the other teams recommendations is a bit troubling, since that's what the affirmation calls for, but maybe there's a way to make clear that what the ATRT is reviewing is the process and not the substance of the implementation and try to figure out how best to do that. Maybe staff can help that.

One of Fiona's recommendations is that the staff prepare these reports that go off public consultation that each Review Team starts with. ATRT-3 would have the benefit of those for WHOIS and FSRT going forward so

that people like David or Alan didn't have to do all that next time. That may help with that.

The other thing I think that we should just tackle and deal with straight on is that, these Review Teams are a lot of work. I think the people sign up for these Review Teams – everything in ICANN is a lot of work. You guys all do a lot of work. But I think we need to make clear to people that by being on these Review Teams, it's going to take a lot of time and people need to know that coming in. Any extent to which we can, through this process and through this write up, explain that to people I think would be helpful going forward for expectation setting. And again, a lot of these recommendations get to getting people the right resources and help to do the work. Even with that, it's still a lot of work. I think people – my guess is, hardly anyone fully appreciated that when they signed up for this.

BRIAN CUTE:

Some of us did. I want to comment, too, on the recommendation for a specific staffer to support it. I have a little hesitance about suggesting that there be a particular employee at ICANN. What's not clearer to me, clarity around the specific function or type of support. You could read this and Denise and her staff are here doing all the things that are written on that piece of paper effectively. I know there's been some discussion about a historian or researcher, but I think it's better to speak in terms of the Review Team process needs this specific type of support. If we go there, that's a better shaped recommendation. Avri?

AVRI DORIA:

Yeah. When I first mentioned it in the past, it was basically had two purposes. It was more a researcher and then the continuity. Because

the staff won't always be putting the same staff members on it. There's going to be rotation through that. If there was that sort of historical continuity role and basically the research, and just even for staff members who are only on this for the first time, knowing where to find information is something that takes many months training. Because, there's so much of it and it's so hard to find. It was really providing that continuity and research knowledge function, in an independent sort of way that is the person that's constantly looking at what information is there and bringing it forward, Helping to do the synthesis of it.

One of the issues we also have when we're doing all this, is we say, there's sort of this separation, this wall that we're putting between ICANN the volunteer and ICANN the corporate in terms of who can synthesis what information, who can write what. By this person being independent, in the sense of an ombudsman can be independent, this person can actually help with the synthesizing of information writing, because they're in an independent role. That was really the notion that I had in mind. It was a researcher, a synthesizer, a historical continuity for the process. Thanks.

BRIAN CUTE:

Thank you. Any other significant points? Larisa?

LARISA GURNICK:

Just a question, as a follow up to Avri's comment. How would that be different than the independent consultant role that's available?

AVRI DORIA:

The independent consultant role is a one-shot deal that there is a specific task that the group decides it needs to be done. In this case, it was the PDP. It could have been other topics and it's higher there. This

role is a continuous role that goes through all the review processes. It's one semi-independent. It's sort of, as I say in that ombudsman independent but attached role that is there for all the reviews and keeps track of the information and the research and the information used.

So that, for example, when people that are staffing this and helping us and being able to point to history move on to another task, which, which, it's that historical continuity. It's different in that it's a continuous role for each of the review cycles and not just "we need to do research on X" or "we need to do independent consultant on Y." It's that and therefore becomes also, it is a straight forward budget item that is just always there. That person builds this base of information. Then if they're replaced, there's retraining and continuity, but it's that kind of role.

BRIAN CUTE:

Denise?

DENISE MICHEL:

Can you scroll down, Alice? That makes sense. I understand it more clearly. I don't think it's quite articulated here, in that form. What I'm hearing is that your idea, Avri, is to have someone independent from staff who can, say, hold the pen, do initial drafts for the team to look at. Someone who's not on staff or also potentially do some independent research separate from staff.

Of course the ombudsman reports to the Board, so you're suggesting someone who reports to the Board and helps do the work for the Review Team. I think what's articulated here under 4.2 A&B are

activities that staff already does for the Review Team. I think what you're articulating is more of an ongoing independent consultant that does initial work and drafting for the Review Team. Is that...?

AVRI DORIA:

That would certainly be part of it, although it does include some of those because, just those sort of the historical base of the information is fairly large. There's a lot of, sort of, connection point and continuities between the various reviews. I think it includes those and it includes the ability to help with the others, but that's not its primary function.

FIONA ALEXANDER:

I think this where we might have a difference of opinion because I don't think you can have someone external that's not a member of the team do the work. You can have the staff or you can have some personality that's tasked with helping pull information together and provide analysis of what happened with the other stuff, but this group in and of itself has to still do the work.

AVRI DORIA:

Okay, I guess I have a question about that. Perhaps I'm just going on my previous experiences where as part of the UN staff, I wrote synthesis but I wasn't doing the work. It was controlled by other people, whatever I wrote down on paper. So the work was being done by the MAG, the work was being done by others; I just happened to be the pen that was putting the draft down and changing it as they told me, etc. It's almost like a scribe. It's not doing the work of deciding what's written, it's not doing the work of deciding what it looks like at the end, but it is somebody helping with the amazing amount of scribing stuff that's done by this. It's independent from the staff, so it's not ICANN staff doing it.

FIONA ALEXANDER: I think we have discussed this before with the [organ]. This is the idea of an OACD secretary type model as well. That's not how this construct is supposed to work because even if you hired someone to do that, they would still be on ICANN's payroll and you would still have a lack of question and clarity about the independence of it. If it's ICANN staff is ICANN staff, they would always be the subject of arrows in terms of trying to lead things a certain way and be accused of doing that. And even if you hired someone externally, ICANN would still be paying them, so it would still call into question the credibility of the process. This is why it's important going forward that people appreciate how much work this group actually is. The idea of having someone staff it and do the work for the group is not how this review process is supposed to be. It's not like the UN system, it's not like the MAG, it's not like the OACD.

AVRI DORIA: And yet we find it okay for ICANN to pay an independent consultant to write a report that we will incorporate parts of.

FIONA ALEXANDER: No, the independent expert is giving input to this group. This group will evaluate that report and decide whether or not you want to incorporate parts of it into it or not.

AVRI DORIA: I don't see how that's different.

BRIAN CUTE: Alan?

ALAN GREENBERG: I understand at some level how the optics of it could be different, but when I look at how the process works within the GNSO, with the GNSO policy staff, it works very well. Yes, they do the drafting. If someone on

the working group – or in this case, the Review Team – doesn't like it, they are completely free to redraft it from scratch. It just takes a lot of the dog work out, a lot of the mechanical and record keeping work out of it and gives the opportunity to spend, the working group, the Review Team, to spend their time on the real substance. Nothing that is written in the case of policy staff is cast in concrete and the working group could completely override.

BRIAN CUTE:

I think an important consideration from my perspective is that that's developing policy and this is an exercise of reviewing the performance of ICANN the organization in terms of accountability and transparency and there is a qualitative difference between that exercise and developing policy. It's, in my mind it's more akin to your financial auditors coming in and you have somebody who's not from the auditing firm who's drafting that audit. It's just the nature of this exercise of reviewing the performance of the organization that makes it qualitatively different. I'm not saying we shouldn't explore that, but we have to recognize that that's what's happening here. To the extent that staff is viewed as having some influence over the output, then that's going to raise concerns in the community and we have to recognize that. Alan?

ALAN GREENBERG:

I would suggest is we're far from having a consensus view on this one. I don't think we're going to come to closure in the time that we have to discuss it. I would think this one goes off the table.

BRIAN CUTE:

Good thought. Let me try to summarize what I've heard and see if we can have consensus on some of the points here. Up on the screen,

appointment of the Review Team, I think what sounded like a constructive addition to this is that ICANN establish a clear calendar for all of the AOC reviews so that we have clarity as to when the appointment process is going to begin, when, that we have a calendar that allows for at least a year, full year time for each Review Team to complete their work. Is everyone okay with that as an addition to the first recommendation? Fiona?

FIONA ALEXANDER:

Maybe just to offer a slight amendment that, in addition to doing that it would be helpful to understand how these reviews cycle with the other reviews that happen at ICANN. The one's mandated under the by-laws of the different groups and also the strategic planning, so you get a full picture of how all these things fit together.

BRIAN CUTE:

Okay. Add that calendar and analysis of the review processes. Okay. We'll make that amendment, Fiona, to number one. The other issue that came up was perhaps a clarification and a recommendation that ATRT does not engage in the substantive review of other prior Review Teams, just process review, so that we get some clarity as to the scope of work of this particular Review Team and that the WHOIS Review Team, SSR, and competition and consumer trust are doing the substantive review of their prior Review Teams as seems appropriate. Alan?

ALAN GREENBERG:

I just want clarity on what do we mean by process? Does that mean we still go over recommendations one by one and see whether action was taken on them, but we don't evaluate the quality of the action? Or we're just looking at the overall interactions with the Review Team and

not dive in at the level of recommendations? I would support the latter, I would not support the former, because I think it's the same work under a different set of names.

BRIAN CUTE: So we go with that formulation. That it's not getting into the substance.

ALAN GREENBERG: It's not getting to the substance and not reviewing at a recommendation-by-recommendation level.

BRIAN CUTE: It's reviewing the process of that review.

FIONA ALEXANDER: Yeah. I think you may have to look at some individual exercises, but yes, recommendation but maybe you don't do it that way, maybe you look at in totality how they were resolved, yeah.

BRIAN CUTE: Okay. So Fiona, that will be an amendment to number one as well. Clarification of the scope of ATRT. Review, with respect to other Review Teams. That it be from a process perspective only, not a substantive perspective. We'll figure the drafting—

ALAN GREENBERG: Maybe a different number, but yes.

BRIAN CUTE: Okay. Number two, getting a Review Team started with a complete implementation report. I don't think I heard anything, no amendments here. Budget transparency and accountability, I didn't hear any amendments to that and that's with respect to the Review Team, right? This is so that a clear budget be communicated to the Review Team at the outset. Olivier?

OLIVIER CREPIN-LEBLOND: Thank you, Brian. When it mentions here ICANN should do this, ICANN should do that, is it ICANN staff? Is it ICANN the community? Should one actually note what it is?

BRIAN CUTE: One interpretation would be that the board has ultimate responsibility to make sure that there's adequate budget for this particular exercise, that it's adequately resourced. Another view would be that staff should be providing mechanically to the Review Teams at the outset, here's your budget. I think, it could be both. Do we leave it as ICANN or should we modify it for clarity?

OLIVIER CREPIN-LEBLOND: For the sake of flexibility maybe we can just leave it as ICANN.

BRIAN CUTE: Okay, thank you. The next one. Okay, I think we captured most of the comments. I'm just going to wait for that to come back up on the screen. The other discussion point, potential amendment, was this support function. I'm using the word historian. That might not be accurate, Avri, but are we going to make a specific recommendation that the review process needs a particular support function. Whether that takes the shape of a staff person or an independent consultant is still not entirely clear, I think, from the discussion.

AVRI DORIA: I thought it was already dropped because there wasn't support for it.

BRIAN CUTE: Larry?

LARRY STRICKLING: My reading was there is disagreement and we don't have something approaching consensus at this point. So, perhaps regretfully drop it right now.

BRIAN CUTE: Okay, thank you.

BRIAN CUTE: Yes, Oliver.

OLIVIER CREPIN-LEBLOND: I mean, I'm not swinging either way, whether we should drop it or not drop it, but I think that we were focusing specifically on the function of the support function. In other words, what that person would be doing. On the other hand, I would be quite positive to have someone who would be shepherding the process. Having someone who basically has shepherded previous – been like the sort of not organizational memory, but someone who's already supported prior reviews and therefore knows, as far as timetabling is concerned, etc., etc.

UNIDENTIFIED MALE: [inaudible]

OLIVIER CREPIN-LEBLOND: We do, yeah, but this at the moment is – I mean, it's serendipitous that we've got so many people who have been doing this, but if there such a change then maybe we would need someone like that. I don't know. Just open thought.

UNIDENTIFIED FEMALE: Yes, you could recommend that we could never leave.

BRIAN CUTE: Larisa?

LARISA GURNICK: Might it be helpful to add a step in the Review Team's process to document specifics of experiences that worked well during the review process? Much as this group as already done, but make it a formal part of the final outcome of the work. Then that becomes the historical part that moves into the next review cycle, so that certain things are already

established. Perhaps it could be replicated by the next Review Team should they wish to do that.

BRIAN CUTE: We certainly could put that into the report in some form as guidance. Alan?

ALAN GREENBERG: Yeah. Recognize we have the ability to write a recommendation like this affecting the other Review Teams, it's not clear they have the ability to write a recommendation about their successor other than on the substance of what they are reviewing. Could the next WHOIS Review Team say the third WHOIS Review Team should do something different or be given different resources or something else? I'm not clear it's within their scope. It is within ours.

BRIAN CUTE: I'm not interpreting it as giving that type of direction. I'm interpreting it as is providing observations about our process, resourcing, timing, level of work expected that would provide clear guidance for future Review Teams that would be helpful. I'm not going in that direction. I think we've walked through any potential amendments. Did I miss any? Yeah, Larry, then Alan.

LARRY STRICKLING: I apologize that I had to deal with a fire drill. You maybe have already discussed this, but when you get to the issue of the appointment of Review Teams – and this I think fits in to Larisa's comment about being able to share our experience. I think the potential new team members for the next one, but it does seem like something that might help here is to have an expectations document. I don't know if this group is able to prepare something like that, but... That's melodious. I've been really

trying, in my own mind, understand the difference in how this group is played compared to the one three years ago.

BRIAN CUTE: Beam me up Scotty!

LARRY STRICKLING: One expectation ought to be we turn off our phones before we walk in here and obviously I'm as guilty as anyone. I do think there's possibly a mismatch between what people expected coming onto this team and the reality of what's faced them. I think we want to make, take whatever steps we can to avoid that three years from now. I think there needs to be something or we might all be benefited by something that really kind of lays out what is expected of Accountability and Review Team members so people don't sign up for these things without a clear statement of what they're going to run into when they get here.

BRIAN CUTE: Two points and then I'll turn it over, sorry. I think we're addressing some of that, Larry. you may have not heard the amendment to the appointment of Review Teams is that we recommend ICANN develop a clear calendar and an explanation of the interrelation and sequencing of Review Team processes. We recommend that they establish that clear calendar which will add clarity to when does these appointment process get initiated as one helpful aspect, not all your points, but ...

LARRY STRICKLING: No, I think that's helpful, but I think as you think of the CORE syllabus, you also need to know you've got a 50 page paper that's going to be due mid-term and a final exam that counts, you know what I mean. I've said enough.

BRIAN CUTE: One other point before I get to that one is that this second recommendation, which we've talked about, is that an expectation that staff will provide the Review Team on day one with a very full report would add an efficiency to the work that we didn't benefit from necessarily, we insisted on asking questions and pulling information to, in fairness. Yes, I think expectations of Review Team members in terms of the level of work they're going to face. Thank you, Avri?

ALAN GREENBERG: I was on the list, but let Avri go first.

AVRI DORIA: Thank you. I think that having expectations of the work is a good thing, but if you look at it, what we've got is are you saying that everybody needs to be a writer and we need to spread the writing around evenly as opposed to finding in a situation where maybe a third of the people or a quarter of the people are doing the writing and that?

When you say there's heavy work expectations, yes there's heavy work expectations for people that say, "Yeah I'll do it," but for anyone that comes on the team and is not a writer or doesn't speak up and say, "Yeah I'll do it," then it's a very, then it's a much lighter working thing.

I think it's good to say that as a team member, yes you're expected to be a writer, you're expected to lead a working group, you're expected to be something else. I think, we have to be very careful in sort of understanding that we're not going to be able to project that everybody that joins the team is going to have to take responsibility for some of the writing. Everybody that joins the team is going to have to take a responsibility for chairing some sub-team. Or is that what we want to

say? Because, part of the problem that we've got here is that the work is not necessarily evenly divided. It's divided among those that either wanted to volunteer for things or didn't know how to say no or whatever.

I think if we look at the amount of work that goes into doing this, there's a very big gradient between some and others. We have to think about that if we're going to say you have to be willing to come in here and know that it's going to take you 20-40 hours of writing a week for several of the weeks.

BRIAN CUTE:

Alan, then Larry.

ALAN GREENBERG:

Yeah, a couple of things, then I'll go back to the question you asked, which triggered this stream of volunteers. First, we've got to be careful we don't fall into the same problem that Mark was describing yesterday in GNSO PDPs. That the only people who can qualify for AOC reviews are North Americans and Europeans that speak English very well because otherwise you don't have the skills to do the job. We want to be really careful about that.

We do have a gradient and that has resulted in certain people doing a lot of the work. That does often map to the sub-group I was talking about. Yes, we need to set expectations, but we also need to set realistic goals as to what you're going to ask for. If you're going to restrict this to people who have the ability to put full-time into it or staff into it, you're also going to significantly alter the pool of candidates.

In respond to that, in response to your original question of is anything missed that we talked about, yes. I suggested a recommendation on clear board action on Review Teams and I suggested that if we include the strategic plan one, it be qualified with an as appropriate or something like that because many recommendations just do not fall under the [inaudible]

BRIAN CUTE:

Larry?

LARRY STRICKLING:

I think the, some of these comments maybe confuse expectations with requirements. At the end of the day, it's up to Steve and Heather, in their roles as chair and head of the GAC, to select the members of the committee.

Clearly, geographic diversity is important here. This committee is stronger with the participation of, for example, Mr. Zhang from China and Carlos from Costa Rica and all the other nations that we have represented here. That's absolutely key. It's diversity in terms of different stakeholder groups is key and is important and has to be reflected.

But somehow still there needs to be communicated to people that this isn't ceremonial, that there isn't somebody who's going to, at the end of the day, do all the work and make this thing come together. I just think that people need to have come into this with open eyes based on our experience in terms of what this involves. Then we leave it to Steve and Heather or their successors to take those as one element of factors to go into the criteria that they use to put the full team together.

BRIAN CUTE:

I would just add my own view too, Avri, in response to some of your observations. That everyone on this Review Team is a full participant. We've all been a part of the conversations, discussions, and dialogue. Everyone's involved here.

In the normal course – and you've done this a lot – when it comes down to the drafting, the drafting always reduces to a smaller number of the group, a smaller sub set. That's just the natural course. There's some reason for that too, in terms of efficiency of drafting a document. I don't think we need to [inaudible] in that it gets down to the specifics of who has what role, but I also think signaling in some clear way the level of work that is required to do this is worth signaling, so long as we don't state it in a way that scares off all volunteers at the same time. Just striking that balance. Steve?

STEVE CROCKER:

I concur. I'm just reflecting back again to the decision processes. When it came time for us to select, we had – I'm trying to remember. I think about three dozen total, some who were endorsed and others who came on their own through the other path. We did not go back to anybody and say, “Do you have the time? Are you committed?” and so forth. We took that as a given. It would be very good to have that information be part of advertisement and self-selection and whatever.

What we did focus on – and maybe I'll just speak for myself. What I did focus on was as I went through a list of people, I looked at, from what I could tell from the paperwork available, knowledge of ICANN, knowledge of governance, knowledge of business operations in general, organizations, and maturity levels.

I don't want to focus on any one person in particular, but if somebody's resume said, "I really care about the Internet and I've been using it for two years and I have an account on the following machine," that was not very compelling in terms of how you're going to engage in Internet governance issues. It's an extreme case. There wasn't anybody quite like that, but I just wanted to draw the point. I think without any question, you look around the table here and everybody here has real depth in one or more major dimensions that are relevant to us. That was where we focused and it never occurred to me to ask can they do it.

It did occur to me to say, let's go get confirmation after we have made selection that they really are still signed up because there was some time between the time they first applied and we made a decision. We insisted on a confirmation cycle, but we could have at that point said, "Do you realize that this is going to cost you?" I think putting in some visibility that will be worthwhile.

BRIAN CUTE:

Thank you very much. Denise?

DENISE MICHEL:

At the beginning of December, Alice put out a call for applicants which included information in there that noted that commitment to devote sufficient personal time to the review process was required.

As you say, there's quite a range in type of participation among these Review Teams and they also vary quite a bit from review to review. It will be useful to get your guides on how Alice should describe the next Review Team in terms of the time of the type of work, the type of time

required, given that there is quite a range in Review Team members and the time and how they conduct their work.

For example, a significant amount of work was done by the WHOIS Review Team. Most of their work was done through conference calls and e-mail. Conference calls and emails have not been the driver for this team's work.

The SSR Review Team used most of the team as broad sort of general reviewers and just a very small number of Review Team members wrote the report. There has not been one consistent methodology of work for these Review Teams. But for the ATRT Review I think it will be useful to get Alice more guidance on how she should describe the work of the ATRT now based on these two.

BRIAN CUTE:

Thanks very much. I want to tie this up so we can get on to other stuff too, but Olivier and Larissa and David.

OLIVIER CREPIN-LEBLOND:

Thanks very much Brian. I was just going to try and help with regards to having something that's already ready-built. The nominating committee always faces the same questions. They appoint people to various positions including the board positions, and in the past some of the appointments were rather shocked at the amount of work that this involved.

Since that time and based on their understanding, they've actually got a full page which shows what the time commitment is and maybe rather than having to discuss this so we can just do – look at that page, maybe

use the same format and then we will know where we are. That's it, thank you.

BRIAN CUTE:

Thank you. The good news is that we have time. We're putting out a draft report in October but we can develop that as part of the final report to provide some specifics, so that's a great suggestion. Larissa?

LARISSA GURNICK:

Relative to the implementation report. Thanks Brian. It would be helpful to get this team's guidance as well on the format that's most useful. I think you've seen a variety of different materials presented in a variety of different ways and I understand how difficult it is to reach consensus on what's the best.

But as an example, the WHOIS implementation report that was shared with the group most recently seemed to be useful. From staffs' perspective it certainly would be very welcome to get ideas of what works really well so that that can be incorporated in the development of templates, that we would consider putting in place to make it consistent across all the reviews.

BRIAN CUTE:

An excellent idea. And again I think we've experienced back and forth what has worked and what hasn't worked. This a piece of our final report that we have time to really put some thought to, doesn't necessarily have to be what goes out for public comment, it's the minutia of how we work together. David?

DAVID CONRAD:

I just wanted to reiterate I think there is tremendous value in having a post mortem report or something that documents the experiences and

the resources consumed by the ATRT. I don't know if it raises to the level of recommendation for future reviews that they do this but or whether it could be done via just convention, but I think it would be extremely valuable.

BRIAN CUTE: The translation of that is "after death" right?

DAVID CONRAD: Yes, exactly.

BRIAN CUTE: Thank you. We're almost there, thanks. Alan?

ALAN GREENBERG: Just to follow on what Larisa was saying, I'll I point out that this group with all of its wisdom in past and experience in Review Teams mandated the matrix format that we then said it was far too complex. So, yes, advice to following the Review Teams may be useful.

BRIAN CUTE: Mandate such as strong word. I like consensus. Let's tie this off. There were two points, Alan, that you raised as potential amendments. One was with respect to the strategic plan, Recommendation Number 4 Roman I. ICANN should ensure that the ongoing work of the OC reviews including implementation is fed into the work of other ICANN strategic activities. That was the one. And your observation was you weren't comfortable with recommending that the work that's detailed in this process get fed into the strategic activities. Clarify please.

ALAN GREENBERG: I don't think it is necessary. I think those are management decisions depending on the particular issue, but if there is a consensus to include this, it should have some conditional words that allow that management discretion.

BRIAN CUTE: Where appropriate?

ALAN GREENBERG: As appropriate, where appropriate. If there's a strong feeling that we need this at all. I personally don't think we do.

BRIAN CUTE: Can I get a quick check on the group? Do we drop this? Do we keep it and modify it? Four, Roman I. Where appropriate? Fiona, we're going to modify that to add "where appropriate". Avri?

AVRI DORIA: "Where appropriate" is just a funny set of words that is a way of dropping it.

BRIAN CUTE: Fiona?

FIONA ALEXANDER: I actually have a different topic if you're done with this one.

BRIAN CUTE: I think we are tied off.

FIONA ALEXANDER: I think when we first got together in L.A., we went through this exercise of getting all the inputs from the staff and asking them what they have done with each of the recommendations and in some cases there was a recognition that there was a lack of clarity with what the recommendation meant.

I think we should expect that with regardless of how wonderful we collectively come to the agreement on terms, implementing those terms. People can read words differently. Three years from now, they can read words differently. We had talked about it at one point about putting together or recognizing that this Review Team disbands effectively after it gives its report.

Is there a way to sort of set up some kind of process that should staff have questions about the implementation, they can contact this group or a subset of this group or something like that or the next Review Team could contact people in some way? We just haven't addressed that yet and thought this might be the right venue to do that.

BRIAN CUTE:

I think that's certainly something we can consider. We can add some clarity and continuity, which is very important. Does anyone have violent disagreement to that suggestion? Are you saying we tuck that into one of these recommendations?

FIONA ALEXANDER:

I think maybe it's just to explore ways and methods or mechanisms to do this, it could just be maintaining a list serve of this group and if staff have a questions, they can just go to the list and ask questions. It can be as simple as that. But the reality is that not matter words this group agrees to, when people go to implement the words there's always going to be questions and need to follow up. That's just how the whole world works. What we saw when we got the input early in LA was that there were some questions and people never went and asked because they did know who to ask or there was no process to do so.

[DENISE MICHEL]:

I think that's a useful suggestion and we can certainly do that. I think what we also found on staff – and you can probably relate to this – is once the long and arduous review process is done, we often find that the Review Team members don't have time to provide additional or the inclination to spend a lot more time on these subject matters.

I think there's a limit to how much follow-up we can expect at times depending on Review Team members. In the cases of some controversy or carefully-worded recommendation, follow up for example on WHOIS Review Team, we find different, we have the consensus that's written then we have the different Review Team members in follow-up conversations have different ideas of what recommendation entails.

I think that staff can definitely encourage much stronger linkage and make sure we have maintained the list serve so team members can offer additional guidance and input as their schedule allows, to give you a sense of some the dynamics we've run into.

BRIAN:

Thanks. Alan?

ALAN GREENBERG:

I support the concept and it goes along again with what on PDP is being called implementation teams, which is a subset of people who are willing to continue. I think it's like the postmortem. It's got to be a little less formal. Going along with the definition of postmortem, Lise, we're going to provide input from the grave. I think it should be something that isn't forbidden but I don't think we can mandate it and say when you're accepting this role, you're promising to work for the next four years.

BRIAN CUTE:

Are we making that formally part of this recommendation? Are we are making this part of our observations about the process itself and the final report? Observations as part of the final report. Sufficient? No objection? Then I think we've wrapped this up. Fiona Asonga, are you still there?

FIONA ASONGA: Yes, I am.

BRIAN CUTE: Thank you. Did you have any other parts of Work Stream 4 to walk us through?

FIONA ASONGA: I think the rest – I don't think if you've discussed the multilingual issue because part of it touched on previous ATRT-1 work. Have you gone through that? Because we worked on that with Lise.

BRIAN CUTE: Thank you. The multilingual, we discussed that.

UNIDENTIFIED FEMALE: No, we didn't.

BRIAN CUTE: We haven't discussed that yet.

UNIDENTIFIED FEMALE: No, we didn't.

BRIAN CUTE: Is that for Lise to lead or for Fiona to lead?

FIONA ASONGA: Lise can lead.

BRIAN CUTE: You're pointing at Lise and she's pointing at you, so somebody's going to do. Lise is going to take it, but just before we get there Alan reminded me that there's one more point he made a potential amendment to the last group which was that we recommend that the board provide clear statements, communicate clear actions with respect to—

ALAN GREENBERG: Clear actions in response to AOC Review Team recommendations and I am willing to draft something for Fiona if the group wants.

BRIAN CUTE: Any discussion or strong objection to that as being a recommendation that the Board communicate clear action with respect to recommendations from Review Teams? I see no strong objection. We'll add that. Alan can help with the drafting? Lise, if you'll take us into the multilingual.

LISE FUHR: Are we going to have the template on the screen for multilingual? Well, on recommendation 19, that's the part with the 21 days and translations of documents after 21 days. We've been talking to staff that said they had difficulties in meeting the deadline and we have other issues, the translations were not of good enough quality. So those were the two issues that we looked into.

And we have asked staffs some further questions regarding 19 because I've been talking with Larisa that there might be ideas of having different approaches to different documents in a way of meeting the 21 days, so you might use a very thorough translation for very important documents like bylaws or documents for hearing and maybe having a more automatized tools for other documents.

We haven't seen any principles of that, so that's why asked if that's a plan. We have also asked – because we are told they are hiring more staff and they are trying to enhance the quality of and we also asked for the plans for this. You want to scroll down to the recommendations?

BRIAN CUTE: Assessment of recommendation.

LISE FUHR: It's further down the recommendation. It's all the way in the – we are recommending that ICANN should review capacity of the Language Service department. Capacity is a very broad word but we have tried to argue that this is of course to meet the 21 days, but it's also to make the quality of the translation better. I don't know if we should put this more explicit in the recommendation.

BRIAN CUTE: Just for discussions purposes, what I heard in the process – and it was coming from Michael in particular and Carlos – that there were some flaws in translation, and that's important that right translation and meaning be done. That is an important learning. Clearly, ICANN is in the process of scaling globally and the demand itself may put new stresses on adequate translation.

But let me just play the devil's advocate. Aren't the things that we're asking for here things that staff should be doing in the normal course of managing the translation process and service? Just devil's advocate.

ALAN GREENBERG: [inaudible] happening already?

BRIAN CUTE: Is it happening already? Larisa.

LARISA GURNICK: Just to provide an update, and Nora and Christina will be adding some additional information to this because events are happening as the work of this team has been progressing. In September, four interpreters were hired, as they had reported that this was going to happen.

It did, in fact, happen so there are four individuals that are now part of the ICANN team to do this work and they're working on a plan to deal

with translations, interpretations and various other language services support. So that work is evolving. The discussions that they had in Durban with Carlos and Michael to address the quality issues, now that the staff is in place to start working on the terminology and some of the recommendations that they had talked about. This will now start happening that the team is being assembled.

BRIAN CUTE:

Lise?

LISE FUHR:

But we're making an assessment of was the implementation successful? We assess that it wasn't, because we saw that the deadlines were not being met and the translation was not good enough. We've shown some examples that showed that it was quite serious, some of the flaws. It changed the meaning of the wording.

I know they're planning to have more staff, but I think a recommendation is still needed in order to ensure. We don't know if this is going to improve the quality. I think we should say you have to meet the standards. Whatever.

BRIAN CUTE:

So that a follow-up Review Team can then measure, "Have these things being accomplished?" That's fine. I just played the devil's advocate because I want us to think very carefully for all of these potential new recommendations. We have to make recommendations that are clearly targeted at improving accountability and transparency in ICANN. That's our responsibility. At the same time, if in interacting with staff as we do and assessing implementation of prior recommendation as we do, we

have a clear sense that the problem as we see it is in the process of being fixed.

We have to stop and ask ourselves, do we really need a recommendation here or not? I just want us to keep that top on mind as we work through all of these. Alice and Alan. Fiona and then Alan. Fiona?

FIONA ASONGA:

I think I'll put my hand down because I think Lise has explained appropriately. However, I think we had agreed that [inaudible] recommendations ICANN has not yet implemented what it is planning in the recommendation [stage]. If by the time we go for public comments and we're handing in the final report it is done, well [inaudible] good.

BRIAN CUTE:

That's a good observation. We could drop this from the final report if things that need to happen. Alan?

ALAN GREENBERG:

My normal inclination would have been to say to drop this one in the interest of the fact that we believe it's ongoing work and we have a large number of recommendations, probably far larger than I think I feel comfortable with. However, we got advanced notice yesterday from Mark that they are likely to be talking about language issues with regards to the PDP.

The ALAC has experience using multi-language conference calls which is the main vehicle the PDPs use and it doesn't work right now. I think as outcome of the report that we are going to get, we're going to add a clause to this section and I would leave it in if only for that reason. I

would however add the word vernacular or something in reference to using appropriate technical terms in other languages.

BRIAN CUTE: Thank you. Olivier, and then we move on.

OLIVIER CREPIN-LEBLOND: Thanks very much, Brian. Could you repeat that again please Alan? Multi-language conference calls don't work?

ALAN GREENBERG: I could say those words again, I can give examples. When we have multiple languages on, the participations from those on the other language channels is so small it's to often be infinitesimal. If we ever explicitly ask a question of someone on the other channel, they almost invariably say, "Can you repeat? Tell us what you're talking about" or "Repeat the question." It is not very effective. I think we have significant evidence. We know one can conduct multiple language conference calls effectively in other venues. That has not happened in ours.

BRIAN CUTE: Olivier?

OLIVIER CREPIN-LEBLOND: Thanks very much, Brian. Multi-language conference calls does require some practice. One region, the Latin-American and Caribbean region, which has I would say an equal number of participants from both language channels has actually, thanks to much practice, managed to actually make it work. So I beg to differ on the fact that it doesn't work. It might not work with people who are not used to it, but certainly with good interpreters – and I do recognize the interpretation needs to be top-notch and it has been recently – we do not face the same problem as there used to be in the past. Now if you have a bad interpreter, yes

it's totally unworkable, and I have been on such calls, but this is a thing of the past.

ALAN GREENBERG:

I will qualify. It is a very difficult thing to do properly, especially when you have a minority in another language, when there other cultures involved. There are all sort of things which make it a minefield. Therefore, I believe it warrants a recommendation. That's all I was saying.

BRIAN CUTE:

Olivier, then we close out.

OLIVIERCREPIN-LEBLOND:

Thanks very much, Brian. Let's us actually close this one down. I'm concerned that we are now mixing two things, we are mixing translation on one side and we are mixing interpretation on the other. These are two completely different things. The recommendations that we have we have on the Board at the moment, I think – and I might have voiced this in the past – I do feel fall short of what I would like to see in the recommendation.

The translation and interpretation department. Let's put the interpretation aside. Let's deal specifically with translation. If you recall, the discussion that we had at that time with Nora, there was a question as to how much time it would take to translate a document that was 50 pages long today? How much time it will take a month from now? How much time it will take a week before the ICANN meeting.

The answers that were given were very rough and [inaudible] today probably five days before an ICANN meeting, it will take a lot more but

we don't know how much time. What I do deplore about something that is going to be a key part of ICANN in the future, it is already a key part of ICANN but if this organization wishes to become international and be fully international, then it need to have a language department that actually operates on an industrial basis and not on the current basis that we have which is a very sort of on and off, I would say craft basis for the time being.

If you're going to go for something that is going to be industrial, you need to have forecast of how much volume of translation you're going to have before an ICANN meeting, and by examining your path and actually putting this to a CRM system etc., you will be able to predict to the nearest day how long it will take for a translation to take place at any one time around the year.

Ideally that's what I like to see us recommend. I don't know what the felling is around the table. Maybe we're a little premature. We might have to leave until the next ATRT but I do feel that this is something that I feel quite strongly about. Thank you.

BRIAN CUTE:

The second element of making a plan for the future is – there's an element over there, right Lise?

LISE FUHR:

I agree and think it would be a good recommendation to make, because it makes sense that you to try forecast and try to work it in your yearly cycle, we know when the ICANN meetings are. So it makes sense.

BRIAN CUTE: How would we modify what's there? Olivier, the words on the wall. Is there disagreement with modifying it this way. Alan?

ALAN GREENBERG: I don't disagree with the modifying, I don't think we should be as prescriptive as Olivier was talking about. I think that we need to note that translation is increasing in volume and increase in criticality to ICANN's success and the translation services we use, be either hired or contract, have to be geared up for.

BRIAN CUTE: There's no disagreement. Olivier, work with Lise and Fiona. Add the edit and then we can send it to the group to see that everyone is comfortable. Closed out on this? Thank you.

LISE FUHR: What we have there recommendation 22, we just we to close on and that's the multilingual staff, the level of multilingual staff. The numbers are very, very good. It's 75% or something that is multilingual. But there is half part of the sentence from the recommendation that I think we should look into, and that was they should be multilingual in order to ensure accountability and transparency. If they have to do that, they have to use the language and that is what I've asked for. Is it a standard?

First of all it, is it something that's incorporated in the policy of hiring staff or somewhere else within ICANN? Second, do you have a procedure that you should – if you're asked in Spanish do you have to reply in Spanish etc.? if this is not incorporated we should say it's very nice that you are doing it now but you should have it as a policy within ICANN.

BRIAN CUTE: Denise and then Larisa.

DENISE MICHEL: So we have a stated – first, of course ICANN has offices in Turkey, Singapore, Hudson, China, Belgium and Uruguay. We have a stated policy now of adding staff in those offices rather than L.A. which will continue to increase the numbers.

Personally, I don't know that any prescriptive recommendations are needed with regard to multilingual staff, I think as you've noticed we've made very good progress and have a stated policy and practice of doing even more.

I think when it comes to responding in the language, I think that's a useful point that may be better addressed to our translation practices as well as our multilingual aspects of public comment forum responses. Something to consider.

BRIAN CUTE: Larisa?

LARISA GURNICK: I've requested for information from staff to confirm whether some of the policies include the things that Lise is looking for, so that information would be forthcoming next week. Also, similar to Denise's point that in terms of demonstrating the ability to respond in a given language, this group has had one such instance at least where there was input provided and the individual said "And I will speak in Spanish," and they did in fact. And the process, as this group saw. was that this information was sent to translation services and it was translated into

English. That probably isn't written into a specific policy or procedure but that is in fact the practice.

Then in terms of the other point that we talked about in terms of staff using their multi-lingual skills, that's also something that's rather difficult to measure and that quantify but it's a practice and an observation and hopefully all of you can attest to in various environments where people do start speaking the language that they know how to speak in order to communicate with a community member that speaks that language.

BRIAN CUTE: Any significant concerns with the recommendation? Alan.

ALAN GREENBERG: I don't see a recommendation. I see two questions. So I'm not quite sure what the recommendation is.

BRIAN CUTE: Thank you. Lise?

LISE FUHR: Well, the recommendation is that there should be a written policy of as far as possible hiring or keeping a level of multi-lingual staff. And the other one is they should as far as possible try to respond in the language they're approached.

BRIAN CUTE: Any significant concerns? Alan?

ALAN GREENBERG: I guess I want to see the wording of it. I would not want to see a policy saying you can only hire senior staff if they have at least three languages. I think you need to hire the right people and sometimes that's going to give language skills and sometimes not. And any one

person is only likely to speak two to five languages, so guaranteeing that everyone can respond in a language that they are asked a question in I think is problematic. So I'd like to see the wording that we're going to suggest to make sure that we're asking something that's implementable.

[DENISE MICHEL]: I think it would be helpful to understand what problem we're trying to solve I think in this area, so we can pass that on to the HR office.

LARISA GURNICK: Well, I don't see a problem at the moment, but for me it's very good that we now have a CEO that's very focused on the international part and outreach and wants to ensure that staff is multi-national. So that really gives the multi-lingual touch to it. But you don't know then what a new CEO is going to do.

So what I find is important and I think a lot of the reports we've seen on the PDP process too is that language is a barrier and we have to ensure that language is not becoming a barrier to ICANN. And by having a policy on not that you should be speaking five languages, but you should as far as possible to more than one language so you can speak to others in other languages is important because if it's not stated in the DNA, you kind of lose it when there's a new team.

[DENISE MICHEL]: Right. What I hear you saying is that you want to acknowledge the progress and success as far that you'd like to see language from ICANN that ensures that this is in its standard operating procedure. So there's continuity regardless of leadership that the trend continues. I think the multi-lingualism and the policy development process though has more

of a linkage to the previous subject matter we were discussing when you look at the ICC work on PDP processes and the process and the level of support for translations.

BRIAN CUTE: So, where have we landed?

[LISE FUHR]: Well, I think we landed – we need to add some answers to the questions and if they're sufficient that this is incorporated in some kind of policy I don't think we need to make a recommendation. But if it's not, I think we should recommend that it is incorporated.

BRIAN CUTE: So draft the language, circulate to the team. I didn't hear any strong objection from the Review Team. Take a look at the draft language and we'll wait to hear more from staff to see if we actually need a recommendation or not. Okay, Fiona Asonga, I just want to make sure we respect your time and you're still here and how much more time do you have?

FIONA ASONGA: I actually should be leaving in the next 14 minutes.

BRIAN CUTE: So you have 40 more minutes?

FIONA ASONGA: Fourteen.

BRIAN CUTE: Fourteen, okay. Do you have any other recommendations you need to lead us through?

FIONA ASONGA: From Work Stream 4, no. That is it.

BRIAN CUTE: Okay, thank you. So you're done. And then for other Work Stream 4 recommendations there's a number of folks here who can lead us through those. Okay. That being said it's maybe time for a break, do you think? Why don't we take 15 minutes for a coffee break and reconvene? Fiona, thank you very much.

FIONA ASONGA: Thank you so much, everyone. Sorry I couldn't join you there.

BRIAN CUTE: No worries. Take care.

FIONA ASONGA: Thanks.

BRIAN CUTE: Okay. We'll take 15.

Okay, folks. We're going to get going. Are we recording? Okay. ATRT-2 recommencing. We're now going to finish our discussion on the proposed recommendations coming out of Work Stream 4. We have three to go through starting with number 34. Number 34 – who owns that? Who can walk us through that? Lise, if you would.

LISE FUHR: Well, that's the one on finance is that I did with Jorgen. Yes? And well, I don't know if you want to look at all the input or you just want to go to the recommendations right ahead?

BRIAN CUTE: I'd like you to walk us through the high points and walk us through your analysis and recommendation.

LISE FUHR: Okay. Well, what we did was the – since we've been looking at of course how the finances as ICANN is, well, growing and in this growing part we looked at that the staff is growing, the income and the revenue. So we

have talked regarding – we have the meeting with the [Savoye] where we asked him about did they have any mechanisms regarding the growth and regarding are we going to – how ICANN is going to use an extra revenue. And he, well, asked and we’ve been asked not to put that in the – I don’t know if I’m sure your e-mail, Larisa, regarding the part we put in [Savoye’s] answer regarding extra of lowering the fees. You want us to take that out of this template, right? Because it’s...

LARISA GURNICK:

If [Savoye] in reviewing this information, this analysis had one specific correction, which I shared and that he will likely still have some other comments if he will have a chance. So actually something you may wish to consider is setting up a time to speak with him if that would be helpful.

LISE FUHR:

But I don’t think he’s – the remark we put in is essential for the template. So that was just an exemplification of some of the answers, so I’m easy with that and I think it’s perfectly okay to have a conference call with [Savoye] if Jorgen and I can have that.

We put in the links to where GAC wants to have more clarifications on the finances. There was this comments on the budget – operating plan and budget – and we put that in. We try to highlight where we thought that this was in line with the recommendations we’re proposing and it’s actually on purpose that we didn’t link to the actual posted comment from the different organizations.

We put in links for where you see ICANN answering the different comments, because I think that’s very important to see what’s the

answer that ICANN put to the raised issues. I think it's a very, very good document made by ICANN. I don't know if we have highlighted this good enough because I think it's a great improvement that ICANN are responding as thorough as they do to the remarks regarding finances, and we need to acknowledge that.

And we also tried to acknowledge in this template that we know that ICANN has moved a great way, but we think there is still some steps to be taken in order to ensure that this is going to be a continuous road. I think it's kind of with the multi-lingual staff. We see some very, very good moves from ICANN, but we would like to have it incorporated in that this is in the DNA. This should be done.

And if you go down to the recommendations – we call them Principles, Methods, and Procedures and that might not be in line with the other templates. But, yeah. Well, what we tried to highlight is that we need to ensure that the supporting organizations and the advisory committees are able to participate in giving ICANN advice on the budget, and how to do that is highlighted under the methods.

We also think that it's very important that if you're a non-profit organization, you should be aware that increases of income should not be – that you increase your expenses. You should maybe look at, “Should we decrease our prices?” or whatever. And how to ensure this is by – tyou could do a benchmark seeing “Are we growing too much compared to other organizations?” We ask [Savoye] “Has there ever been benchmark done?” and he said, “Well, there have been some occasional benchmarks, but it's not planned and it's not a thing that's

incorporated in the plans of finances.” But what he also said was that benchmarking is very – what do you call it? It gives a lot of work to the organization, so we put in every three years instead of every year.

Well, we put in that in order to improve the accountability and transparency, they should be a longer budget period, because what you see is a one year time and you might not have the full picture if you only have one year, so we are thinking that if you extended that to a two-year period, like it’s a better you and it would give a better basis for people to see what are the budget really supporting, also projects. And we asked if there was a specified budget from the ACs and SOs. He said there weren’t any and we would like that to be in a financial or in the budget. We would like to have budgets for the ACs and SOs in order to give them the flexibility. Like this group, we didn’t have a budget from the beginning and we also see that the SSR group is having a recommendation on having a budget for the SSR work. So I think this is in line with that.

BRIAN CUTE: Larisa, can you scroll by chance? Thanks.

LISE FUHR: The C is also mentioned in the B but this is a yearly budget and a multi-annual financial framework. And we would like to have the AC/SO not only as a budget but also as how much was the expense used on these – the cost for these groups.

BRIAN CUTE: Just two questions. Wouldn’t the expense be included in the budget or shouldn’t it be? Do we need to ask it separately?

LISE FUHR: This is like you have the budget and you have the financial reporting. So this is – I don't know – I'm not an expert in financial reporting. So I don't know if you have a budget with – you would also have it separated in the financial reporting. But I just want to see you have a budget and what were the expenses at the end of the year.

STEPHEN CONROY: Sorry. Can I just say to clarify? When you're asking for a discussion between the Board and the organizations about the budget, are you talking about the budget for those organizations or are you talking about the overarching budget?

LISE FUHR: Oh, that was meant as the overarching budget.

BRIAN CUTE: [inaudible], right?

LISE FUHR: Yeah. That was the first one. And this is – well, that recommendation is based on that. You need to have time. We saw it this year. They actually did the – they gave time for the inputs to be incorporated in the Board decision. So they prolonged the period for the comments and they didn't – a lot of meetings you have the comments before the ICANN meeting and you have the Board and the comments almost deciding as the comment period closes.

So what we want to ensure is that you have the period for comments and you'll have the Board having time to review the comments and then see, do we want to change anything on the budget on basis of the comments? It's not a negotiation. It's just that you should give time for

the comments to be incorporated on the overall basis. So if that's not clear, we should put it more clear.

BRIAN CUTE: Larry?

LARRY STRICKLING: And this is both under 1A and 3D. Why wouldn't we have these obligations run to the community at large? Why are we talking about it in terms of the SOs and ACs? Certainly they're part of the community but I'm just worried what message it sends when we're saying – because ICANN's accountable to the global Internet community and it seems like if we're going to state principles, we ought to reinforce that point, which obviously includes the SOs and ACs.

LISE FUHR: Well, point well taken. That's of law and we should put it in.

BRIAN CUTE: Can you scroll back down? I want to come back to the last few. C – can you clarify what multi-annual financial framework means?

LISE FUHR: Well, that would be like a two-year period or three-year period that you would work it. So you don't have like the one in your budget. You would have a budget that runs for – and you would see the projects through these years. A lot of time when you make strategies, you don't make it just for one year. You make it for multiple years. And you can't see that in the present framework.

BRIAN CUTE: Yeah. What I'm seeing is I think there might be some redundancy there is what I'm asking. Can that be consolidated and call it multi-year without specifying two-year? Because you might want a three-year look.

You might even want a five-year look. That's a little crazy but maybe just multi-year and combine the two. Is that a friendly amendment?

LISE FUHR: I think that makes sense.

BRIAN CUTE: Yeah. Alan?

ALAN GREENBERG: I think instead of saying a multi-year budget, you want to allow for multi-year financing. The ATRT – this work group – should have had a budget and we shouldn't have been told if you spend it by June 31st that part disappears.

BRIAN CUTE: If I misspoke it, I mean multi-year budget. I meant multi-year financial modeling. I mean a budget is typically an annual exercise.

ALAN GREENBERG: Yeah. That doesn't mean everything needs it, but it should be that capability is what I'm saying.

BRIAN CUTE: What specific capability?

ALAN GREENBERG: To span budget years.

BRIAN CUTE: You're talking about carrying over dollars from one budget cycle to another.

ALAN GREENBERG: Whether to carry over or you can implement it in a number of different ways.

BRIAN CUTE: I don't know that we can dictate that. There are some prohibitions against carrying budgetary dollars from one cycle to another.

ALAN GREENBERG: That's why I'm not using those words. I'm saying "allow for multi-year budgetings." How it's handled on the books is a different issue.

BRIAN CUTE: Yes, Stephen.

STEPHEN CONROY: I was just wondering if I can get a discussion on – I think it's 1B. I'd just be concerned about signing up to something where we advocate – and to me it reads like an avocation. [inaudible] what's on the screen where it says being a non-profit operating and servicing in a non-competitive environment ICANN shall when preparing its budget for the coming year explicitly consider where the expected increases the income of ICANN should be counted by decreasing the prices paid by ICANN's customers or by an extension of activities of ICANN. And these considerations should be subject of a separate consultation.

That's an [inaudible] when you see the chart further up which looks like we're going north in revenue forever. I think we're in a fortunate point in time from going to a lot of different people over the last few months. There's a lot of concern and worries that both the revenue side is going to taper off, and I think some of the points you made about the growth in staff and what's the mature organization size for ICANN.

So I think there's going to be some natural roadblocks that are going to come along. But I'm uncomfortable at saying how you're going to go and talk to your customers about the fees you charge them, and I'm not sure it's our role to intervene in that particular aspect. So I absolutely support more transparency, more understanding for the community at large to know what the money is being spent on. All of those metrics,

absolutely. I'm just a little uncomfortable with trying to specify that one of the targets should be reducing fees.

UNIDENTIFIED MALE: Spoken like a [inaudible].

ALAN GREENBERG: Could we scroll to see what we're talking about?

LISE FUHR: Yeah. It's number one. Larisa, could you? I don't mind not being too specific about the fees, but this is more of the principle of having a possible increase of revenue and not just uses automatically on spending more. So this is a mechanism we want to ensure. I'm not saying that they should lower their fees, or we're not trying to imply that this should be. It's just that being accountable is also thinking in being cost-effective. I don't know how we can modify the wording but we can give it a try. If you agree on the principle that we should try and say that a lot of income in revenue shouldn't automatically just having expenses grow.

STEPHEN CONROY: As I said, I totally agree to transparency needs. I totally agree that we need to make sure the organization doesn't end up with thousands and thousands and thousands of employees just because it happens to have had increase in revenue. So if we're ever to tweak those words a little bit, that'll be great.

BRIAN CUTE: Alan, then Larisa.

ALAN GREENBERG: Aren't we really saying that the board and the Board Finance Committee should be transparent in their decisions on these things? I mean, if indeed there's a need to grow ICANN and suddenly we have

revenue going up to allow it, that's different than saying, "We have extra money, let's use it for more staff." So it really comes down to the rationale, and how the Board Finance Committee in its recommendations to the Board is making prudent decisions.

LISE FUHR:

Well, I think it is to the Board to decide of course, but I think also that we should bring in a mechanism that really ensures that the Board looks at this once in a while. So you just don't – you have to stop and think, "What are we going to do with this? How can we juggle this around so we're still accountable in an organization that fulfills its goals?"

I think having it as a part of – the benchmark is to me a way of bringing this in. You do a benchmark and you see, are we in line with what other people do here? And if the benchmark shows that we're in line and not overusing, that might take out that part.

But I think, for me – and Jorgen we were concerned that we have a board now that's reasonable but you don't know what – this is an organization that is changing all the time, so in order to make a mechanism, we think there should be something.

BRIAN CUTE:

Larisa, Avri, and Stephen, were you coming back? Okay.

LARISA GURNICK:

So relative to multi-year perspective, I think that to a certain extent the strategic planning efforts would touch on some of the things that you're concerned about because it's looking out at what the organization would be doing in the next five years and then a natural outgrowth of that conversation is how the revenues and the expenses and the

operations of the organization would support where the organization is going in five years.

And then relative to benchmarking, I can imagine, I think that's – I can certainly speak to this in terms of benchmarking levels of salaries and things like that to ensure that ICANN is in line. But in terms of revenues and pricing, by definition I don't know that there's any benchmarking available to conduct that kind of a study.

BRIAN CUTE:

Avri?

AVRI DORIA:

Yeah, thanks. I think in terms of this I think what I'm getting is that it would be really good for this to be a consideration that was looked at whenever they were doing the budget, and I almost see the phrase sort of explicitly consider whether expected increases are in the public interest, or are distributed in the public interest and just to make that a particular thing that needs to be looked at explicitly.

And I think perhaps going into the next level are digging down on it is, should it be spent on this or this or that or that? Really it will vary per – what's going on in that period of ICANN's development. But the whole motion of – because often we see in ICANN it's a non-profit, it's an NGO and yet it thinks of itself as a corporation in the normal corporate – okay, it's not profit making but it acts like that in many ways.

And so to make sure that there isn't explicit calling out for the make sure that any increases in budget are explicitly considered the public

interest aspects of that. And I think if we could just put it that way without getting explicit about what's the issue then it might work.

BRIAN CUTE: Stephen?

STEPHEN CONROY: Thanks, Avri. That's a good suggestion, Avri. If I could just check with the other Stephen, in terms of the process that the budget goes through which is being specified [and say] 3B, is that longer or shorter period then happens at the moment. Does the full budget get circulated to all the organizations and committees in a shorter or longer period of the time at the moment, Steve?

So, I was just saying in 3B where it's saying "The Finance Committee submits the budget to the supporting organizations and Advisory Committee for a two-month period consultation or applied period of 21 additional days." Is that a longer or shorter that happens at the moment or is that a formalization of a process that takes place at the moment? And how will that impact on the actual preparation of the...?

STEVE CROCKER: I have not been tracking the specific details although I've been listening generally. If you would read the key part of the process . "The budget is prepared and submitted to..."

STEPHEN CONROY: Sorry. It says "The president of ICANN and staff prepared the draft budget and submitted to the Finance Committee of the Board of Directors."

STEVE CROCKER: Yes.

STEPHEN CONROY: “The Finance Committee, board of directors submits the budget to the supporting organization and Advisory Committees for a two-month period of consultation and a reply period of an additional 21 days. After the close of the consultation period the board of directors prepares a report stating to what extent it will accommodate the community input and give reasons if and why it decides not to accommodate proposals.”

STEVE CROCKER: Yeah.

STEPHEN CONROY: The Board of Directors held an open meeting.

STEVE CROCKER: I actually don't know in detail if that's the exact process that's followed. Several years ago I was chair of one of the ACs and we were not part of the process and I was also on the Finance Committee and I used to argue vehemently from both sides that we ought to fix that. That's been improved tremendously. So I think that's right to the extent that I don't have firsthand knowledge of the exact sequence of events and the exact amount of time. There was a different point pushed earlier about whether the SOs and ACs ought to have a budget that were their budgets and that's a different issue, which I think is also very important frankly.

STEPHEN CONROY: So I was just really looking at it. If you follow a timeline through these proposals there's a fairly substantive time period involved. So it's two months and 21 days and then the revised budget 21 days, 21 day reply period, [inaudible].

I was worried that's just in a simple organization or stream, there's going to be an awful lot of extra process and time which might just blow out how soon you have to start preparing a budget. So I was just concerned that sort of – well that could lead to a fairly unwieldy process.

STEVE CROCKER:

It is an unwieldy process and there are two things that have evolved that I can tell you from where I've been sitting to share with you. One is that we understand that it would be far better to have a multi-year budget rather than a budget one year at a time. And we are – the Board is eager to see a multi-year budget as opposed to just an annual budget and we're getting there. It takes a little while to actually put all that machinery in place.

So that's kind of at the macro level and here's something at the micro level. We discovered that there are expenses that come up in the early part of the fiscal year that need to be allocated quickly – I'm trying to reconstruct that exact sequence. But what it amounts to is a need for doing some special actions to make it possible to fund some additional expenses that weren't envisioned as part of the original budget but need to be dealt with quickly in order to be paid within the first 60 days of the next fiscal year, and so there are some tactical issues there.

All of that is kind of practicality of just getting the job done. I don't know that it rises to the level of needing to be dealt with here, although I don't have any problem if you want to speak to it.

STEPHEN CONROY: I mean in an overall sense one of the concerns I have is the Board is put there by these very organizations and so if you're electing them to manage this process or you're not, and then suddenly we're putting in or while you're unable to come back. So I'm just trying to understand, is that what we're trying to do or not and is that our remit?

STEVE CROCKER: Yeah. So the board is not put there to manage the process. The Board is put there to manage the management and the management manages the process. That's a very important distinction here, and so if one wants to get into the mechanics of all of that.

BRIAN CUTE: Lise?

LISE FUHR: Well, I think the actual number of dates or two-month is not essential. What is essential is that the ICANN finds a way to ensure that there is time to work with the comments. And I think I saw it this year, that was a good process, but we've seen other years that the process were not good. So in order to ensure this, I think we should have it in some way more formalized [inaudible] defined.

BRIAN CUTE: Larisa?

LARISA GURNICK: I would suggest that a clarification from [Savoye] and his team would be really helpful because I know over the course of the past year they've been working with different groups to come up with a process that is mindful of the things that you're raising but also allows for the budget process to happen on schedule. So he can probably articulate much

more specifically how the process has changed as I believe it has changed to address a lot of these items.

BRIAN CUTE: I think it would be important for [Savoye] to see this language before he joins us and to provide clarification. Maybe they're already doing three-year forecasts. I don't know. But some of these pieces might be in place. Lisa?

LISE FUHR: Yeah. I know their plan on doing things, but I still would like to have some recommendation regarding it and even though – because when we're speaking to [Savoye], it's all in the plans but I think this would support his plans and I don't find that counterproductive for his work and I think – what we try to do with this template is also recognizing the huge amount of work that ICANN has done regarding finances because I think they have improved very much.

BRIAN CUTE: Yeah. Not to be interpreted, not as pushing back on a recommendation but clarification as to the elements of this and maybe we can refine some of these. Lise?

LISE FUHR: But I think it'll be very good for Jorgen and I have a meeting with [Savoye] and whoever wants to join that meeting can do that but I think we should plan it outside of the ATRT-2 group meeting and then we will write some of the language in another way and we can send it for the group again.

BRIAN CUTE: Sounds good. Any other thoughts? Larisa?

LARISA GURNICK: No. Just to closed up on that point. So an action on staff's part is to schedule a conference call to [inaudible] our reference as soon as possible next week and [Savoye] has already seen these templates so I'm sure that he'll be prepared to discuss it in detail.

BRIAN CUTE: Okay. Any other significant issues with this has drafted? That'll be the next step. Lise and Jorgen will re-circulate any edited template from there after that call. Okay, let's move on. 35 are we on in Work Stream 4?

AVRI DORIA: Okay, I've got 35. Wait until it's up. That's the updated draft. I think that's the one I keep updating. Okay, hypothesis of the problem. It's basically 9.1 requires an ongoing assessment of the various aspects of ICANN transparency. At the current time no mechanism exists for such an ongoing assessment beyond the periodic ATRT reviews.

And it's one of the things we did talk about earlier is how do we start putting some ongoing work. So in the background research undertaken basically looks – acknowledges the fact that ATRT-1 did not make any specific recommendations in this area that we did reference earlier comments from the Consultant Reports such as the One World Trust 2007 which was referenced in the Berkman Report. The Berkman Report specifically referred to a transparency audit and such.

So at the moment the summary of the ICANN input is a quote of the e-mail that was sent out asking for clarification of what was being talked about and was this just the anonymous hotline use to which I covered enough. And what I had before was I had one 35 and 36 had been in a

combined thing and therefore it had been confusing and that's why they're now separated into two different. So I have not gone through the summary of community input via process on this one and I'm not actually sure – summary of other research – relevant research I just put in a note saying that once we get the One World Report on metrics for transparency, we need to put something here about that.

Reference to relevant by-laws and such. So the analysis going down is that – and I believe this was the case, but I've been wrong before – has determined that in order to meet the requirements ongoing and continuous focus of transparency that is independent of ICANN senior staff authority in regards to information collected in public. So talking about the function and needing to be similar to role of ombudsman and can be and should be folded into the function of the ombudsman. That's I don't think we've actually come to consensus on that but that's been talked about.

So then the draft recommendation includes A, that there's a yearly transparency report as part of the yearly report. This goes beyond any specific implementation notes of previous ATRT recommendations. Because one of the question from staff was – but we do do a checklist each year of how we're doing on the previous ATRT's recommendations and this is beyond that. This is sort of covering a larger range of transparency efforts and metrics.

So some of the inter alia issues to be covered would be reports on usage of the documentary information disclosure policy, the DIDP – just questions on how many request are they? How they've been treated?

How many resulted in actually disclosing any additional information. Statistical reporting on Board information book and board and report disclosure could include measures like percentage of Board book and other information is released to the general public, percentage of released information that is redacted, number and nature of issues the board determine should be treated as either under Chatham House Rule or completely confidential.

It needs to include a section on the employee whistleblowing activity including metrics on reports submitted, reports verified as containing issues requiring action, and reports that resulted in change in ICANN practices.

Include a yearly report of metrics that are derived from the transparency recommendations made in AOC recommendations. These metrics should include analysis of continued relevance and usefulness of existing metrics including considerations on whether activities are being geared towards the metrics – AKA, teaching to the test, we talked about yesterday – without contributing towards the goal of genuine transparency, recommendations for new metrics.

Reports should be created under supervision of ICANN ombudsman. This would require a change to by-laws and the ombudsman's scope. We have a different recommendation that hasn't really been scoped out yet on the review of ombudsman's scope since it's been ten years since it's been looked at. And the transparency of function requires an additional hire within the ombudsman's office to work with the various AOCs. So this is where I also had tied in that other one but since we

killed that elsewhere we probably want to kill it here too. And that's as far as I got.

BRIAN CUTE: Discussion issues, significant issues? Alan?

ALAN GREENBERG: I'm not going to formulate this very well but my gut feeling is that as a recommendation, it is far more prescriptive that it should be, but the information probably needs to be conveyed somehow but I'm not quite sure how to format it. I think we need to summarize what it is and provide some guidance in the form of those bullets as to what [inaudible] think should contain but not necessarily in the recommendation as such just for conciseness because otherwise it reads as a laundry list and distracts you from the core need.

AVRI DORIA: As I say, [inaudible] is pretty much doing the – and this is the criticism on everything I've put together is basically doing bullet lists and cut and pastes on these. But, yes, obviously if this one has a consensus to go forward, would write something far more descriptive. You're right, make the recommendation sort of a sentence or two and then talk about things that might be included, that could be considered, that should be considered type of issue.

ALAN GREENBERG: In that context, I would support her.

BRIAN CUTE: Other points? We move on? Support for that – what? Oh, Alan.

ALAN GREENBERG: The lack of comments around the table are somewhat troublesome. How can we be doing an AOC, an ATRT review or AT review in an

organization that claims to be transparent and accountable and not want a report annually showing how it's doing.

BRIAN CUTE: Lack of comments can reflect consensus.

ALAN GREENBERG: In that case I'll keep quiet.

BRIAN CUTE: It's a beautiful sound when it happens.

[DENISE MICHEL]: I think these are good ideas.

BRIAN CUTE: Yeah. I think the only thought I have is that if you took away the umbrella of a transparency report, all you're really asking here is that certain units within ICANN report metrics on their activities. I mean, you boil it down, that's no more AND than less than that, right?

AVRI DORIA: But on a specific annual period, right.

BRIAN CUTE: And the only other issue I'd have is this is – so this is a recommendation by ATRT-2. So ATRT-3 would review whether or not implementation here on this item was successful down the road and establishing a transparency report. We would very clear as so as not to create confusion between the AOC reviews and this particular activity within ICANN.

AVRI DORIA: Although, I mean it would certainly be my assumption that one of the things ATRT-3 would look at would be those transparency reports.

BRIAN CUTE: Okay. Steve?

STEVE CROCKER: So just to be clear, when we talk about annual reports we were not talking about the reports that will come naturally budget and progress on various initiatives and completion of strategic funds and it's an additional separate dimension of which then leads to – I don't have any deep objection to it, but the practicalities are – okay, exactly what are measuring and is how costly is it and to what extent are the measurements? What's their fidelity? I mean, how variable? Just the usual sorts of things. It's a worthy experiment.

BRIAN CUTE: Thanks. And I think if you look at it, the practicalities – so DIDP, legal has already got all that data. They run that process, they've got the data. We're saying create a report. The Whistleblower – the data's there, create a report and there's not a lot of volume there as far as we know but there may be create a report. I think the interesting part for me is recommending that this fall under the ombudsman which requires a change in the bylaws which is where things get potentially a little bit more process intensive.

STEVE CROCKER: It does not belong under the ombudsman.

BRIAN CUTE: Let's have that discussion.

STEVE CROCKER: Can I have it now? I mean, that's my view.

BRIAN CUTE: That discussion.

AVRI DORIA: Can I comment on that? Yeah. It was one of the things that I think when we had our discussion with the ombudsman it was indeed something that was discussed as one of the possible extensions and I think it was

asked if I remembered correctly “What do you think of this idea?” and it was something he said, “It is in general keeping with the kind of thing that an ombudsman does.” He was very careful in his phrasing to sort of say not “I want to do it” or “I’m ready to do it” but that it was in keeping with the normal duties of an ombudsman. And we do have – as I say, one of the other items that we have that I don’t think we’ve got in a write up on is indeed the review of what the ombudsman’s list of activities are, and it was just – in my last statement on it, it was sort of one of these things where the ombudsman is in a good position to view that and to pull that together. And so, that was the point on it. Thanks.

BRIAN CUTE:

Sure.

STEVE CROCKER:

The ombudsman – so this is my view, which I’ll characterize as my individual view, although I think I’m speaking relatively accurately for the board. The ombudsman is empowered to probe almost anything and anywhere that he chooses to, and so if the ombudsman wanted to look at an issue, transparency or otherwise, that would be fine.

The reason for my previous reaction is having gone through the cycle of recruiting and interviewing and overseeing and evaluating the ombudsman over a period of years, the ombudsman is not fundamentally chosen or it comes with the skillset for this sort of oversight. The ombudsman is fundamentally oriented toward taking complaints from individuals and trying to get to the bottom of whether they were treated fairly and whether the processes were followed.

So just from a categorization and a fit, this does not feel to me the kind of thing that ought to be assigned to an ombudsman – at least in their current setup with the way we hire in staff at ombudsman. This comes closer to the kind of thing that an audit function of some sort, whether it's the financial auditor or some comparable, but if it's more like that, if one wants to have an external – I'm not pushing back on the need for doing that. It's just that it doesn't fit with my experience with the ombudsman.

BRIAN CUTE: I think we're at one of those points where a potential recommendation going to the Board, the board is going to look at it and say, "It sounds like a good idea but I don't agree with the suggested implementation. Let's go in a different direction." So that if there are principles about implementation – not specifics – that are important, it's incumbent on us to articulate them.

AVRI DORIA: And certainly an external auditor is consistent with the recommendation. It's just a different implementation, methodology.

BRIAN CUTE: Olivier? No? Okay. Alan, and then let's close.

ALAN GREENBERG: Yeah. I would suggest changing "should" to "could" and we're there.

BRIAN CUTE: Okay. Let's move on – 36.

AVRI DORIA: Okay, got it. Open. Let me put it in edit mode so I can jot down any notes that people have. Sorry for being such a geeky person about this. Again, the hypothesis to the problem, basically full transparency requires the ability for employees to safely report irregularities in a safe

and reliable manner. While ICANN has a hotline that is meant to serve the whistleblowing activities and evidence does not indicate that this program has been used effectively.

Now, one of the things that – and then I quote the One World Trust thing again here. This is one of those that’s been duplicative. One of the things here with the evidence of this is this evidence has been seen by various members of the group in a confidential manner and therefore is difficult to describe. They’re certainly going to be difficult to quote things. But anyhow, so there’s a previous ICANN’s response to the One World Trust Report and Board decisions in 2007 was un-categorical whistle blower policy should be developed. And indeed one was. When requested ICANN did provide a redacted documentation of the employee hotline and those documents are referred to in here by reference. There hasn’t been any community input on this particular proposal.

So then the summary other relevant research. It appears that since the beginning of the program, there’s been only one report to the hotline. This needs confirmation but I believe I’ve confirmed that that’s the case.

There’s also evidence that there have been employee parts or problems that have not been reported to the hotline. There’s been public statements by X employees made at public forums. There’s been private statements made to ATRT-2 confidentially that indicate that the climate of fear may still persist and that reports of problems to senior management can result in disciplinary action that may include dismissal. It was not ATRT’s role to investigate these confidential issues in detail,

but they offer evidence that there are problems that are not being dealt with in a transparent manner. There has been no public reporting on such issues as recommended by Berkman or One World Trust.

And so I get into while the ombudsman charter does not currently include employee issues discussions with ombudsman indicated that the current ombudsman sees a role for the office in dealing with such issues. Not only are the ICANN employees members of the ICANN community, but their issues, especially when related to functioning of ICANN in relation to ICANN processes and procedures are relevant to ombudsman's yearly report of stakeholder issues with ICANN. If this was done, this could affect ICANN by-laws in terms of Article 5 Section 2.3 of the ombudsman charter. There's relevant published policies referred to earlier.

In terms of the analysis, it's apparent the current process and procedures are not effective. Perhaps that needs to be softened. Several confidential conversations by several members of ATRT confirmed, etc.

Draft recommendation. Must arrange for professional review of whistle blower activity to ensure that the ICANN program meets the highest standards as established by – and I needed to fill that in – the results of this report, to be made public. Then improvements to be made to employee whistle processing process to meet best world standards for transparency. Special attention to be paid to employee protection. Elimination of the cultural fear. Processes for ICANN employee transparency and whistleblowers to be made public. ICANN

transparency report needs to include a section on employee whistleblowing – this refers back to 35 – and the metrics that would be done. The report should be created. Again, this could be created under the supervision of ICANN ombudsman, though we've discussed that perhaps it's a formal audit that's required. I've edited the document. And that this would require a change to bylaws if it was added to the ombudsman scope. That's the recommendation.

The main part of the recommendation is basically the process that's been in effect for three years needs to have an outside audit at this point of some sort to see if it really is providing the whistleblowing service that needs to be provided according to best practices in the world at this point. Then any recommendations, that needs to be made public. And any recommendations that come out of it need to be acted on. It's not prescribing anything.

What it's definitely avoiding is taking any position on the various issues that we've heard of. We're only seeing one side of those issues. We have not been empowered to go digging deeper into those issues. All we've been able to tell is that there are indeed issues that people are holding onto, that they don't feel right about, that they don't feel have been dealt with. There are reports of the fear. There are reports of dismissals. Again, we can't judge them, but. And that's where it goes.

BRIAN CUTE:

Steve and then Alan.

STEVE CROCKER:

I appreciate the good intentions that you have, but I think that if you read the words carefully that we just saw there, they actually fall into

the area of asserting that there is a climate of fear and of asserting that there have been complaints that have been not taken care of and so forth. I think that goes beyond – I think that shades things in a way that I'm not comfortable that it's appropriate for this body to take that. Now I understand that you don't want to back away and say, “Well, we can't do anything with these statements that we've heard or inputs that we've had privately from individuals or public statements made at the public forum and so forth.”

It's a real challenge as to what weight to give to a small number of people who have made a lot of noise and have not engaged in any kind of process. I mean, the whistleblower system inside of ICANN is very, very strongly oriented toward protecting the individuals that use outside people. It's structured along all the appropriate best practices. Perfectly happy to have that audited and documented and brought up. It is not for outside people. It's deliberately for employees.

There are other mechanisms, particularly the ombudsman, which is the main front door and other avenues are available. What these words put us in the position in this committee of providing another channel for amplifying and pursuing those not very well documented and kind of vague statements and putting them up in a very visible public way saying ICANN is a fearful place to work and there's reprisals, etc., etc. We should look into it and make sure that it's really not true. That is uncomfortable.

Now what I don't know is – I'm giving you my reaction as I listen to this. I don't know if these words stand as written and then we receive them,

what kind of response we're likely to fire back. One could be a fairly tough response which is we think that the ATRT-2 was out of line in making those statements. Could be a much softer response. I have to give it some thought, but I wanted to share with you the response that I have here. I was in the audience in San Francisco when – who was it?

AVRI DORIA: Maria Farrell?

STEVE CROCKER: Yeah, Maria Farrell and followed by Lesley Cowley talked about the environment that you're talking about. I don't know about the other inputs that you're talking about. I have listened very closely and watched internally when we brought up the whistle. When you brought up the whistle blower stuff originally. I went and looked carefully at the facts and then I held back. I didn't think that it would be best practice for me to be the conduit to come and tell you what the answer is, but I did push very hard internally to alert people that they better be ready to provide all that information. I hope you got what that was.

AVRI DORIA: Yes, we do.

STEVE CROCKER: Anyway, so that's enough.

BRIAN CUTE: Avri, then Alan.

AVRI DORIA: One comment I want to make is that the ombudsman at the moment is not a vehicle. The ombudsman is specifically barred from dealing with any internal ICANN issue. And we talked about this in our public session with the ombudsman that if I as a volunteer bring an employee issue to

the ombudsman, that perhaps he can look at it. Employees – he's not able, restricted by his charter, from taking an issue from an employee. As for the "have we actually heard these claims or not?" I'm an omni religious person, I'd swear on top of anybody's Bibles that indeed these things were told to me. Obviously, that's as far as I can go with it. Other people within this group did have things told to them.

You're right. There's very little we can do with confidential information other than to say that members of this group can attest that they have heard issues. They have not investigated issues, and therefore, those issues are only demi issues. They're only half issues because it's not in our power to check them out further.

I think it could be written in such a way that just sort of says members of the committee have attest to having been heard. They were not investigated, so that does not mean that they are in any way confirmed, but it is also a fact that they did not. Other issues were not sent to the hot line. Those two, I'd call them as facts as anything we have, do mean that there is something to be investigated. That's as far as it goes.

I think it could be written with all the legal type caveats that says there is no presumption in any of this, of any harm actually having been done, however, there's an attestation that reports were heard. The ombudsman route is not open to them. If we want it to be open, then that requires a change.

STEVE CROCKER:

That may be right, I'm not – yeah, I think that's right.

BRIAN CUTE:

Alan?

ALAN GREENBERG:

Thank you. I think the substance of the recommendation is that the current program be reviewed externally and changes be made as necessary based on the report. I'm quite happy with having the reference the ombudsman eliminated. I'm quite happy with expunging the earlier parts of the document from the references to the confidential reports. In my mind, the fact that there is a program, it has been there for three years, it has only been used once – at most once, - including the time under the previous regime, and we'll use different words than that, when the current CEO says there was a culture of fear. That's fact. Although the recording got lost, he did say it in public.

That combination alone coupled with the policy as released and therefore now a public document which says, for instance, yes, there is an external agency that the person lodges the original statement with, but it immediately goes to four senior officers of the corporation for any further discussion indicates, based on our knowledge of such programs, that this needs review.

I don't think we need to talk about the confidential parts, I don't think they need to be mentioned, I don't think we need to claim that there is a culture of fear now. Although, I think we could readily claim that selected employees have said they would not use this program even if they had something, a problem to lodge. That was said by enough people that I feel comfortable in saying that. I think that alone is enough to justify the recommendation.

BRIAN CUTE: Thanks. Stephen?

STEPHEN CONROY: Thanks. I accept some of Steve's points about the way it's perhaps worded. I think both Avri and Alan have indicated they'd happily change some of those words. I would support the thrust. Without being critical of the current system, in my experience, the way it works inside ICANN is in best practice. This goes to maybe what I would consider best practice, just from my own experiences. I think it's a worthwhile recommendation. The general direction is good, but I'm happy for the words to be modified, tweaked, to get us to that point. I think it moves us to a better practice model than is currently employed. That's not trying to pass judgment on any of past activities or any past complaints that have or haven't been. It's just that I think there are better models around the world now and it should pick that up.

BRIAN CUTE: Thanks, Stephen. Olivier?

OLIVIER CREPIN-LEBLOND: Thank you, Brian. Without prejudice to the remnant of this Review Team to deal with this issue or not, because there is a question as to whether it is in the realm of this working group or this Review Team to work on it, I do believe though that from what we've read about the way that the process works, etc. there are some structural issues and some procedural issues, which would lead to the identification of those people making the complaint.

ICANN is a small organization and when you make such a complaint, if that complaint is transmitted in part or in whole to significant people of importance in the organization, they know their employees, they know

who that would come from. I can certainly echo what Alan has said in that speaking to several staff members about the system, the answer was, "Are you kidding? I want to keep my job the next day." That's one of the things.

Now, that being said, from what Avri has drafted here, it basically says that the ICANN program needs to meet the highest standards as established, etc. or the best world standards for transparency. I'd argue that we would look at best practice. I don't think there's a standard as such. Certainly, I would favor that perhaps an independent audit for best practice would be the way forward.

BRIAN CUTE: Thank you. Any other comments here? Alan, and then we'll close.

ALAN GREENBERG: I would even refine a little bit better. A best practice for an organization of ICANN's size and formation or organization or something like that.

BRIAN CUTE: Thank you. I very much support redrafting this a bit, being very thoughtful about the issues we discussed. In their draft recommendations, second full bullet point I think is crafted in a way that says "and elimination of the culture of fear" which is a conclusion or a statement of fact. I think we need to be careful there.

BRIAN CUTE: On a Bible or whatever. Oliver?

ALAN GREENBERG: Throttle it.

OLIVER CREPIN-LEBLOND: Thank you, Brian. May I suggest that we perhaps keep the cultural fear out of it? This is a past thing and it might have been a fact in the past,

but we're not quite sure the moment whether it is or not. I'd say, speculation, your honor.

BRIAN CUTE:

Avri, you'll take a crack at redrafting? Yes, David.

DAVID CONRAD:

Alan said most of what I was going to say initially. I think, really, I'd much prefer to have something that was less – how to say it? Accusatory, in the sense that the focus should be on reviewing the existing system, trying to find its flaws and address those flaws. The only other question is whether or not, having the part of the ombudsman charter be modified to allow the ombudsman to accept input from staff. I guess that's the only other thing that's sort of outstanding. I didn't hear any resolution on that.

AVRI DORIA:

I'm certainly suggesting that we recommend that. It's certainly something that the ombudsman spoke of when he spoke to us about – in fact that being an uncomfortable limitation in his charter at the moment because they are a part of ICANN. They are an integral part of ICANN. Sometimes I even go so far as to call them yet another stakeholder in ICANN, but that gets me in trouble, so I'm not saying that. Basically as such, it was something that certainly he was comfortable with. This one also fits into that whole notion of how do we further the charter of the ombudsman.

BRIAN CUTE:

I think we see a parallel here with our last recommendation, which is not get prescriptive with the Board, but speak in principles. You can speak in principles and say, "For example, the ombudsman or an

independent entity that provides the adequate level of safety, objectivity, blah, blah.” Yeah?

UNIDENTIFIED FEMALE: Yeah.

BRIAN CUTE: Alan?

ALAN GREENBERG: I was just going to suggest that the ombudsman receiving employee complaints is one of the alternatives that this external review can suggest as a conclusion. We're playing a dual role here of saying there's external review, and by the way, this is one of our solutions to it and they can be incorporated.

BRIAN CUTE: Olivier, and then we close.

OLIVIER CREPIN-LEBLOND: Thank you, Brian. I'm confused now because that there's a recommendation – possible recommendation – that the ombudsman takes this under their wing, but at the same time there's a recommendation that there's an external review. I would have thought it would have been the external reviewers that would have suggested solutions.

AVRI DORIA: I think that's there's basically two tracks on this. One is that a whistleblower function needs to be reviewed for best practice. Two, which is parallel in a sense, is that employees should be able to consult with the ombudsman without the need to actually resort to whistleblowing. That if there's issues or whatever, they don't even need to be allowed to escalate to the level of whistleblower. There's an

ombudsman path that's available to them too. I think that was the thinking that I had.

BRIAN CUTE: Then we need clarity in the next redraft. People need to take a close look to see if they're in agreement. Let's draw a line under this.

OLIVIER CREPIN-LEBLOND: Just one last thing. I'm asking this because I wonder whether there are any legal barriers to our ombudsman being able to do something like this.

AVRI DORIA: Not according to the ombudsman.

BRIAN CUTE: Yes, not according to the ombudsman and that would be an implementability question as well, to hear back from staff. Thank you. Done.

AVRI DORIA: I wanted ask. We have the one other one that nobody's really worked on yet, which was the review of the ombudsman function. I forget which number it was.

UNIDENTIFIED MALE: Work Stream 4?

AVRI DORIA: I believe so. Perhaps, what can be done here is that between this one and 35 the – where was I? I think Carlos and I may have had it or somebody. If, assuming that exists – and I'm not hallucinating, and I think it does exist – that perhaps these two ombudsman functions could be listed in that one as issues to be looked at.

BRIAN CUTE: I want to move on. Can we – is it?

AVRI DORIA: It was 15 that ...

BRIAN CUTE: No, this is not drafted. Avri's just making reference up. When that's drafted, we can include those as items.

AVRI DORIA: Take them out of 35 and 36 and put them in ...

ALAN GREENBERG: That last one is saying the ombudsman could take employee complaints, I don't think was in the previous one. We were talking about it, but I don't think it was actually in the recommendation.

BRIAN CUTE: Avri's going to redraft, include that. We're going to review and react. Done. Next, are we on to 37? Is there one more to look at? WS4? Or are we done with WS4?

ALAN GREENBERG: There's at least the PDP one.

BRIAN CUTE: Is there a full enough template from Work Stream 4 to look at and discuss?

ALAN GREENBERG: I wrote one. I don't know where it is, but I wrote one. It may not be full enough, but it's the outline that may be augmented based on the consultant's report, but there's already some things in it.

BRIAN CUTE: All right. Can we help find that? Let's finish up what we can on Work Stream 4 and then break for lunch.

AVRI DORIA: There's 28, which was effectiveness of GNSO PDP. That was Work Stream 1. Then 37 is Review Actions of Board and Staff and Ensuring Public Interest, which is Carlos, Avri, and Alan.

LARISA GURNICK: This is the one from L.A.

UNIDENTIFIED MALE: Then it's not the right one.

BRIAN CUTE: David?

DAVID CONRAD: I noticed on the spreadsheet that there are a couple of things that are tagged to me and I just wanted some clarification on them.

BRIAN CUTE: They're tagged to you.

DAVID CONRAD: Yes, they are tagged. They are tagged to me, yes. Thank you for clarifying that, Brian.

BRIAN CUTE: I think it's time to break for lunch. We're going to break for lunch. We'll need to get back to this if there's any substantive work to be done, Alan, or push it to the independent experts report. I would like the vice-chairs and Olivier and Larisa and Alice, that we have a working lunch now. That we do a stock taking of all the outstanding to be completed templates which includes the ones tagged to you, David, so that we can come back this afternoon and understand who owns what and who's delivering what and when. If we need to redistribute some of the work, then we will and have a discussion. Then when we come back from lunch we will pick up again on Work Stream 1; walk through, Oliver, the remaining templates that are full enough for consensus discussion; and when we're done with that task we will turn to the organizing our work discussion. Okay? We're going to take a break now, let's take a full hour, 45 minutes. Let's take 45 minutes. Reconvene in 45 minutes. Quarter past one, let's all be back.

Okay. ATRT-2 picking up work again on Friday, September 20th, afternoon session. We can't start going through the remainder of Work Stream 1 templates because Olivier is still not with us yet, but that's our next order of business. When Olivier comes back momentarily. Yes, David Conrad.

DAVID CONRAD: While we're waiting, can we, can I ask my question?

BRIAN CUTE: Absolutely.

DAVID CONRAD: You just did, no wait. I've already sort of clarified this with Larisa, but 38 and 39 has me listed as a, as the assigned to complete analysis and documentation. I just wanted to clarify on 38, which says Board Handling of SSRRT Recommendation. The observation that I would make is the board handled it. What more do I need to put there?

BRIAN CUTE: Just for clarity, because we just went through a stock taking of the outstanding templates that need to be completed. Are we talking about one that's not complete? Are we talking about one that was completed?

DAVID CONRAD: We're talking about, yeah, it's not completed, I wasn't aware it existed. I missed it.

BRIAN CUTE: All right, good catch, okay. Neither was I.

DAVID CONRAD: It was, I think it was actually created in response to comments that Alan had made earlier today maybe about, within the context, or yesterday, in context of WHOIS separating the board's actions versus the implementation.

BRIAN CUTE: Just listening to the title of that, isn't that captured in your assessment?

DAVID CONRAD: No, because I'm not looking at the Board's reaction. In the case of SSR, it's very easy. The Board had a resolution and accepted the WHOIS RT recommendations and directed staff to implement. Done.

BRIAN CUTE: Larisa, can you put up on the screen what David's referencing so I have a clear understanding of what we're talking about? Because I'm confused. Not by David, just by not seeing what we're talking about.

LARISA GURNICK: To clarify, there really isn't much to put on the screen other than the item that David referenced. The genesis of it was during the ATRT-2 conference call in August when we were looking at the inventory, Alan brought up the issue that there should be a separation between evaluating WHOIS implementation and separately evaluating the Board's response to the implementation. We added that as a separate line item for WHOIS and SSR. That's where it came from.

BRIAN CUTE: Okay. Alan?

ALAN GREENBERG: How the board handled it is being addressed in the new part we added in to Fiona's dealings with Review Teams today, in the general sense.

BRIAN CUTE: It's become a Work Stream 4 recommendation?

ALAN GREENBERG: It has become a Work Stream 4 recommendation. There will be some dialogue talking about it for the WHOIS case, which is unique. [inaudible] now.

BRIAN CUTE: Okay. I really need to see things on the screen to follow this bouncing ball. I'm sorry. I'm having a dense moment. I'm just not able to follow the conversation here. Is this a new recommendation? No you can't make a new recommendation out of your assessment. What is this again?

ALAN GREENBERG: Just reading there. The column shifted on me. Basically it's...

BRIAN CUTE: Do we go to the left one?

ALAN GREENBERG: Go to the left one. Board handling of SOs are RT recommendation, [tag them "E"] And assessment of implementation of SSR RT recommendations. The first one, the Board handling, yes the Board handled it. They accepted it and done. The second one, I assume is all the stuff that I've been doing with regards to the 28 SSR recommendations.

BRIAN CUTE: I think so too. So nothing to do there.

ALAN GREENBERG: Right. On 38 I presume all I need to do is say, reference the board – no.

BRIAN CUTE: Can we eliminate this? Okay. Goodbye. Thank you.

ALAN GREENBERG: I like that resolution.

BRIAN CUTE: Now I can see why you're so upset about not been tagged. Olivier? Will you lead? Alan?

ALAN GREENBERG: You can eliminate the WHOIS one also. There will be some text. There's no formal section on it. Trust me, Michael and I will not forget the text.

BRIAN CUTE: Row 42.

ALAN GREENBERG: Row 42, correct.

BRIAN CUTE: Row 42 can go away as well.

ALAN GREENBERG: As far as I'm concerned, it can.

BRIAN CUTE: Let's eliminate that as well please. Thank you. Olivier, would you please lead us through the remaining Work Stream 1 templates that are in good enough shape for us to have a consensus discussion. By the way, how many are left in total that are in shape for us to discuss?

OLIVIER CREPIN-LEBOND: Thank you, Brian. I'm not quite sure actually now. We did conduct a count, but with regards to the one we still need to discuss right now, I can think of one specifically which we didn't have any consensus on yesterday. Let's have a look. I'm looking at the red ones that we still need some serious input on.

BRIAN CUTE: Red means there're not in shape for us to have an informed discussion

OLIVIER CREPIN-LEBOND: In shape to have a formal discussion, but they are not drafted yet, so if there are not drafted it's because we've had a discussion, but we didn't reach consensus on what to write.

BRIAN CUTE: Put one up on the wall. Let's take a look at it.

OLIVIER CREPIN-LEBOND: I'm dramatically looking at this because there are not tagged on my work sheet on this. Maybe Larisa will be able to know which ones because she has notes on the side. On the ones that we said we will

come back to today. For example number 12, ensure and certify that input in policy making processes are considered by the Board. This one is recommendation which Avri has...

BRIAN CUTE: Do you have a template?

AVRI DORIA: We had a template. We discussed it yesterday. I need to rewrite the proposal to have language that looks absolutely nothing like GAC language, and I have not done that yet.

BRIAN CUTE: So this is the discussion—

AVRI DORIA: This is the discussion we had.

BRIAN CUTE: The discussion we were having about it looked like—

AVRI DORIA: Right. It looked too much like GAC and we didn't want it to look like GAC.

BRIAN CUTE: So aAre we in the position to discuss that that now or not?

AVRI DORIA: I haven't rewritten the text yet.

OLIVIER CREPIN-LEBOND: I have proposed text.

BRIAN CUTE: Olivier has proposed text.

AVRI DORIA: But people didn't like your proposed text.

OLIVIER CREPIN-LEBOND: There has been a discussion on the main list with the reply from Steve, an amendment from Steve, and it looks as though we might have

agreement although it would really depend on the discussion we have now.

BRIAN CUTE: Can we put that language up on the screen for purposes of discussion? Do you have that, Alice, Larisa? Olivier's proposed language around board consideration of advice from ACs and SOs – I'm sorry from...

LARISA: If this was circulated today, I don't think we were copied.

OLIVIER CRÉPIN-LEBLOND: It was circulated yesterday and there were discussions and answers to it. Where are we?

ALAN GREENBERG: Alice sent something out at 6:38 yesterday evening and then Steve responded to it at 7:35pm.

BRIAN CUTE: There it is. Is that it?

LARRY STRICKLING: I haven't seen language that then reflects Steve's comment.

ALAN GREENBERG: Steve added language I think.

LARRY STRICKLING: No, he just said he didn't like us accepting or refusing advice.

ALAN GREENBERG: He did provide additional language and said he will be happy if we wanted to refine it.

AVRI DORIA: Which gets us back to RRSAC [inaudible].

[LARRY STRICKLING]: Oh. It says explaining what action [inaudible] for doing so.

BRIAN CUTE: It would be good if Steve were here.

OLIVIER CRÉPIN-LEBLOND: His e-mail.

BRIAN CUTE: We have his e-mail? There it is.

OLIVIER CRÉPIN-LEBLOND: His e-mail was such. "I'm okay with the intent of this. I'd rather not cast the choices as accepting or refusing. They are plenty of situations where the results could be more nuanced. Let me suggest explaining what action it took and the rationale for doing so. So we'd have the advice of the ICANN advisory committee shall be duly taken into account. The ICANN Board would respond to advice from all the advisory committees explaining what action it took and the rationale for doing so."

There was a question from Stephen this morning with regards to the use of the word "duly" and shall be duly taken into account, whether this had a legal implication of some sort or what duly effectively meant. Alice?

UNIDENTIFIED FEMALE: [inaudible]

OLIVIER CRÉPIN-LEBLOND: Why is there?

UNIDENTIFIED MALE: Capital on advice.

OLIVIER CRÉPIN-LEBLOND: Because its advice as in it's not just an e-mail that is sent to correspondents, but its advice. So SSAC "Advice" with a capital A would have an SSAC number. ALAC advice would have also would be "Statement" with a capital s. It's formal advice provided to the board.

ALAN GREENBERG: I'm not sure the "Advice" is something in the bylaws but Advisory committee should be capitalized. Those are defined terms.

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- BRIAN CUTE: Larry? Avri?
- AVRI DORIA: If you want to get rid of "Advice" so it does not look too much like GAC Advice, we could call it the formal advice of ICANN Advisory Committee shall be taken into account. The other thing I'd like to and duly – I don't know what duly means either. It sounds like one of those legal words you want to put it there to make sure it's done proper. But I don't think it matters that much. What I would like to say that the ICANN Board will respond to advice in a timely manner explaining its rationale. I would like to see if it's okay that other Advisory Committees could ask for it be done in a timely manner. Thanks.
- OLIVIER CREPIN-LEBOND: "Advisory Committees" would be capital "A" and capital "C".
- ALAN GREENBERG: And replace "[its rationale]" with everything except the first word of the last sentence.
- OLIVIER CRÉPIN-LEBLOND: Here we are. For the record, the formal advice of ICANN advisory committee should be taken into account. I think we can get rid of "duly".
- BRIAN CUTE: It's a big give.
- OLIVIER CRÉPIN-LEBLOND: Stepping forward.
- [LARRY STRICKLING]: It still wasn't clear to me what "duly taken into account" meant and I guess I'm still not sure what taken into account means. But it does seem like we have a very crisp standard in the second sentence, and if we simply just said the ICANN board will respond in the timely manner to
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formal advice from all advisory committees explaining what action it took and the rationale for doing so, I'm there. Which means just cut out the first sentence and then put formal into the second sentence and I have no problem with that as the final language.

OLIVIER CREPIN-LEBLOND: Any objections?

AVRI DORIA: It's a start.

ALAN GREENBERG: Removing a sentence is always good

OLIVIER CREPIN-LEBLOND: Deal. So the answer is...?

BRIAN CUTE: From the jaws of victory, you sure? Avri.

AVRI DORIA: The question I have is this is what we are trying to get stuck in the bylaws for the Advisory Committees. I just wanted to make sure that that context was still there.

STEPHEN CONROY: One of the last questions I asked yesterday when we were finishing this was is it still formulated that this will be going into a bylaw or is it standing alone from the sentence that was the beginning of what you'd written? I thought it wasn't in the context, but it's my recollection that it wasn't an amendment to the bylaws. What we are describing here does not require an amendment to a bylaw.

BRIAN CUTE: Avri?

AVRI DORIA: I think it's important that it be put in the bylaws. As I say, we have a benevolent Board that will do this now voluntarily, but I think that's

important. I think also you will achieve one extra thing that you guys sort of seem to want the other day is it that advice be in the context of the Advisory Committee's role. By putting this in the b-laws you basically contain it within the Advisory Committee's role. It is something that basically institutionalizes it and puts it in a context. I would suggest that this comment go under the Advisory Committee's descriptions.

BRIAN CUTE: Steve Crocker?

STEVE CROCKER: I wanted to refresh my memory as to what the bylaws currently say about the advisory committees.

AVRI DORIA: Nothing.

STEVE CROCKER: That's not quite true.

AVRI DORIA: Nothing about [advice being listened to].

STEVE CROCKER: So it says, section one, the board may create one or more advisory committees in addition to those set forth in the article. Advisory Committee membership may consist of directors, only directors and non-directors or non-directors only and may also include non-voting members. Advisory committee should have no legal authority to act before ICANN but shall report their findings and recommendations to the board. That's the entirety of section one.

Section two is specific advisory committees and it goes in to the details of the GAC, the SSAC, the Root Server Advisory committee, At-Large Advisory Committee and I think that's it. What I take from what we have

up on the board is in essence a suggestion to extend that first section to require a response to what it is.

Personally, I don't have any problem with that. I don't know what views council or others might take and further my reading of "shall report their findings and recommendations to the Board" creates a common sense implicit obligation and I don't have any problem to make it exclusive. If that's what you want to do that, that's fine with me. Really trying to make two points, I see a place to put it, it fits very naturally. And secondly of all, while I don't see any problem, and wouldn't have any objection to it, I don't know if an objection might be raised from general council for some of the kinds of things that people like him to do with that, I don't always think about it.

BRIAN CUTE:

One thing he may say – I'm just speculating here – is that since the bylaws are explicit about something in recommendations, that advice as a word as something new. [inaudible] something and recommendations? Findings and recommendations. You may get some feedback on that. The bylaws are explicit. That's what structurally you are supposed to get from advisory councils and now we are introducing this new advice.

[STEVE CROCER]:

So, that's a good point, even if these were the exact words that were put in there. My expectation is that the implementation would be inconsistent with the language that is in there as opposed to taking those words. And then we would report back that we fully implemented the intent of this and that nobody should complain that we smoothed that language out.

BRIAN CUTE: Olivier?

OLIVIER CREPIN-LEBLOND: Thank you Brian. Steve, would the Board need this Advisory Committee – sorry not this advisory committee – this committee or Review Team to make a suggestion as to where to put in the bylaws or just leave it to you?

STEVE CROCKER: No, that's a drafting issue. You are welcome to do whatever you like, but it's not necessary.

OLIVIER CREPIN-LEBLOND: I'm just telling you that on my quick-read this is where I would expect it to go, but no.

BRIAN CUTE: Steve, can you identify where that section was? The first one.

STEVE CROCKER: Yes. Article 11, XI Advisory Committees. And there is a single paragraph under Section 1 General. Does that help you? At the very beginning of article 11.

BRIAN CUTE: Thank you. David?

DAVID CONRAD: With Steve's mentioning of the particular language within the bylaws, do we want to change formal advice to finding the recommendation?

BRIAN CUTE: Olivier?

OLIVIER CREPIN-LEBLOND: Thank you, Brian. I'm not sure whether we need to change it. I thought we'd leave it down to the Board and to legal to see how that would integrate with the rest of the text. The reason being that some Advisory

Committees are specifically defined and the use of the term advice has actually been used in the section that relates to Advisory Committees.

STEVE CROCKER:

Yesterday, while some of us was to about to get out, I went to look at what advice is coming from SSAC [inaudible] navigate through that. I pulled up a couple. One of them said "We suggest the following." I thought that's interesting, they chose to use the word suggestions as opposed to advices as opposed to recommendation. The last thing in the world I want to do is to start disciplining the Advisory Committees on exactly how they write their things. I want to be sensible about interpreting. And if we get into a food fight about "You didn't say recommend, so we don't have to do it," we are in a bad way no matter what it says that's just a -

BRIAN CUTE:

It can be very grey. When my wife suggests something, it's much more than a suggestion. I'm just noting that. You don't want to fall into that mouse trap. That's quite true. Anyway, are we done here? To track back to the list of to-dos and templates, Olivier, that was inputs and policy making considered by the Board. We've reached consensus on that. Avri, do you have the pen on this or...?

AVRI DORIA:

Yes, I do.

BRIAN CUTE:

Okay. So just for our stock taking of drafting. Great. Carry on. Olivier?

OLIVIER CREPIN-LEBLOND:

Larisa will send you the language. On the other parts which we moved until today, I'm not quite sure. I'll have to turn to Larisa to that. Things that we have moved from yesterday to today

LARISA GURNICK: Olivier, can you clarify what language I'm I sending to whom?

OLIVIER CREPIN-LEBLOND: What's on the screen? That's the finalized one. Please send to Avri since she's in charge of – and copying the list I guess, so we are all aware. Now the next question to you, Larisa is any of the other points that we have moved from yesterday and we punted over to today?

LARISA GURNICK: I think it was items one – it was the templates that Avri had started drafting, but they weren't fully complete.

OLIVIER CREPIN-LEBLOND: Thank you, Larisa. I'm not sure there is a need for further discussions on those though. We just said we'll leave them and they will be filled then.

BRIAN CUTE: The point here is do we any templates that are sufficient enough shaped to have a discussion about whether we're in consensus on the assessment of the recommendation? That's the point.

OLIVIER CREPIN-LEBLOND: Thank you Brian. What we can do is to look at the green ones – the ones which are complete – and look for them before we give them a final polish, so that will be fine. Let's start with Number 4, continue to enhance board performance and work practices. If you look at the templates.

BRIAN CUTE: We did this yesterday.

OLIVIER CREPIN-LEBLOND: Yeah, but did we gave it a final take?

BRIAN CUTE: We reached consensus on the assessment.

OLIVIER CREPIN-LEBLOND: Then we can just go through the next one. The next one is Number 7, promptly publish all appropriate board materials related to decision making processes. There is just one little thing missing on there which was other relevant information. That's for completing the template, yes. That's all.

BRIAN CUTE: What I'm looking for is, discussion on templates that are full enough that we didn't discuss yesterday so that we can reach consensus or not.

OLIVIER CREPIN-LEBLOND: We went through all of them yesterday.

BRIAN CUTE: So we have gone through all of them, so we have no...

OLIVIER CREPIN-LEBLOND: In my belief, it is the case that we have gone through all of them. We had punted a couple to today because we didn't reach consensus. We've just dealt with one of them. I cannot remember unfortunately any of the others. If you want I can try and churn through, but to me it looks as though it is all done. I was just trying to suggest going through the green ones and make sure these are really green because we have agreed on them and the template is ready and ready to go.

BRIAN CUTE: To that point, and that very important point, all of the templates need to be drafted and delivered by a week from Sunday by their respective owners. And they need to be fully drafted. Any of these that are in green if there is a missing piece, if the field for summary of public comments is empty and there were a public comments given, then it's expected that the author will fill in that field.

In terms of structure we are asking people to look at the templates completed by Larry as a guide. Whether it is green, amber or red, we need complete templates that can be part of the overall report a week from Sunday. So there is no work we can advance now on Work Stream 1 in terms of – Larry?

LARRY STRICKLING:

I'm reminded that we had the issue of a high level meeting yesterday. I don't think we came to a final agreement on reformulation of that. I think I got it here. Let me just read it. There were two sentences. The first one had talked about the Board regularizing senior officials meetings and convening a high level meeting at least once every two years. The feedback we got yesterday was that it shouldn't be the Board' it should be the GAC. I will come back and read new language for you.

Then the second sentence talked about having meeting locations for ICANN meetings including this willingness to host a high level meeting as a criteria. We heard I think from Larisa that that's an issue for ICANN staff. Here is what I will propose. I will propose we'll just delete that second sentence that raised the idea of hosting a high level meeting as a selection criteria for choosing meeting locations, so that issue just goes away. We'll take that sentence out.

Then I think the first sentence, we would propose changing that to the Board – the recommendation is that the Board should regularize senior officials meetings by asking the GAC to convene a high level meeting.

We still have in here at least once every two years, although I remember that there were some concerns raised about whether even that amount of obligation was too much. That was in the context of the Board doing. I don't know if people still feel strongly about it in the context of the Board asking the GAC to do it every two years. But I think that would solve all of the issues that we heard yesterday on what had been proposed Recommendations 7 in our text on the GAC recommendations.

BRIAN CUTE: Thanks, Larry. We've got Heather online and others. Any reaction to Larry's captured edits to those points? Avri?

AVRI DORIA: Thank you. I appreciate the second sentence being dropped. I'm just still curious about the whole notion of why is – and first I think instead of every two years you can just say periodically and that means that it's something that happens every once in a while. I'm not quite sure I understand why the Board is asking the GAC to do it when it's something that the GAC would want to do? I guess a still confused about that. Why is this initiated by the board?

[STEVE CROCKER]: We are still waiting to hear from Heather on the fact that all these other recommendations are still styled in the form of us asking the Board to do something which might include requesting the GAC. So could I suggest that we take it in the context of that? Because it seems to me your question is in effect asking the same question that was asked about all these recommendations and I would just propose we come up with a standard way to do that which hopefully would then address

your specific questions on this one. I don't know if Heather is on and can give us a sense of when we'll see some language from her.

HEATHER DRYDEN:

I am online, and yesterday I considered myself to have been tasked with taking a look at the paper and I can turn this around really quickly. I don't have a document with those kinds of adjustments to it now but I can certainly get them onto the list and to Larry early next week even, because it works out better for me if I do it sooner. I hope that's okay and I have taken note of the points raised in the discussion, so I'll try to smooth out the edges maybe a little bit.

BRIAN CUTE:

Thank you, Heather. Alan?

ALAN GREENBERG:

Now I'll just point out we're likely, if I can predict the future, we're likely to have a similar issue with regarding the GNSO when we finalize the PDP recommendation or recommendations there are likely to be things that we're going to ask the Board to do and other things that really fall upon the GNSO. I'm not sure how we're going to handle it or how the GNSO would react to being instructed to do something by a review committee but it's going to come. It's something we're going to have to address.

BRIAN CUTE:

Okay. [inaudible] on those pieces Larry? Olivier, you said we should take a look at reconsideration?

OLIVIER CREPIN-LEBLOND:

Yes, Brian. We have two recommendations which are looking at the reconsideration request. We have Number 14 and Number 16. Both of them allude to Carlos's write-up which was a document presented in

Los Angeles. There's a link on the page completely on the right of the page that will show us the write-up. I'm not sure, I don't think we've reached consensus on the discussion of reconsideration request. There is clarify standard for reconsideration request, and 16 is adopt standard timeline and format for reconsideration request.

The discussion that we had in Los Angeles if you remember involved a question as to whether if this could be abused, whether it could actually re-open the whole policy process. We've had plenty of input about this with much conflicting input as well with some people supporting the strength of the reconsideration request, some people not supporting it. And there's quite a lot of documentation that's actually based on this document. Yet, that document is far from being finalized and certainly I'm not sure whether we actually have consensus here.

Unfortunately, Carlos is not online, but you are as a co-author, Avri, yes, and I wondered whether you – I don't know whether you've taken any notes or remember any of the discussions based on this, but we're far from having reached a decision.

AVRI DORIA:

Yeah. Carlos and I have been talking about that, and I think this is one of the ones where we have to walk away and come back by the deadline with the recast and the recommendations and then deal with it on our phone call because we haven't had a chance to work on it on the last two days.

[ALAN GREENBERG]: Just a quick thought. One of the, what you could recommend is not that we change reconsideration to do X, Y and Z, but that a process be set up to investigate it.

BRIAN CUTE: Can I ask for clarification? What's the focus of this? Is this the revision to the standard? Is this the timeline? Is this the organic question of do we need to have some form of an appeal question? What are we talking about here?

AVRI DORIA: I think the answer is yes.

OLIVIER CRÉPIN-LEBLOND: Yes, Brian, if I could explain a little bit on this. I'm just doing this from memory, but the reconsideration request is something which has been used by people at ICANN for the wrong purpose because they haven't quite understood what the reconsideration request is and haven't quite understood what other basis on which the Board would reconsider a decision.

So it's led to quite a number of reconsideration requests that have been filed with I speculate – I think it was nearly all of them, zero being granted, all of them being rejected. That, of course, bringing a lot of bad blood into the whole discussion.

So there might be a request in any of our recommendations to clarify the language by which reconsideration request is described. Or this team could go as far as changing the reconsideration request itself or sort of making recommendations as to what ICANN should do to have a reconsideration request, if it wishes to go down that path.

From discussions we had, some on this table were absolutely opposed to this. Some were absolutely in favor of it. And we didn't reach any consensus on it.

OLIVIER CRÉPIN-LEBLOND: Larry?

LARRY STRICKLING: So I don't have an opinion today on whether or not we need a new recommendation, but it does seem that there needs to be some response on the question from this committee on the issue of how long it took for the Board to actually take the recommendation from the last ATRT. There was a gap of, I think, a couple of years before that committee was put together, although I think we've heard from staff in terms of the reasons for that. But I think, still, this ought to be talked about.

Similarly, we did hear, although – and I'll ask Alice if she remembers if this was ever put into the record – but at one of our meetings (I think it was the Durbin meeting) we did hear concerns raised by at least some group of stakeholders about the way in which the board had taken up the reconsideration issue after they got the report from their experts. Again, I think we then subsequently heard from staff their response to all of that.

And sitting here today, I'm not saying on which side we should come out, but it does seem like both of those are issues that need to be addressed in our report as we assess the Board's implementation of these recommendations. Beyond that, I can't say as to whether there's a

need for a further recommendation or not today, but I do feel that at least those two points ought to be addressed.

BRIAN CUTE:

Thanks Larry, and to echo that, there's a clear dichotomy of view – a strong difference of view – between some stakeholders and staff as to how that review of the standard was handled, and I think we really owe it to the community to try to sort that out and advise as to what we think occurred.

Paul, can you remind me, did Becky ever get in her – I know the registry stakeholder group provided some comments on this. Did Becky ever get in a specific input into this process?

PAUL DIAZ:

What came from the Registry Stakeholder Group was Becky's final draft.

UNIDENTIFIED MALE:

But has it been filed now?

PAUL DIAZ:

That was sent to the e-mail list...

[DENISE MICHEL]:

[inaudible] the e-mail that she sent to you and you that never got put into the record still because it never went put into the system. We had this conversation last time and she still hasn't sent it in, unless Alice has it.

BRIAN CUTE:

There's a Stakeholder Group statement from June 6, and that's the one that you're referencing or thereabouts on this?

PAUL DIAZ:

No. I'll pull it up. There was a final version that was submitted, admittedly, very, very late that was probably posted at the beginning of August.

LARISSA GURNICK: We didn't have it for our last meeting.

BRIAN CUTE: Okay. In any event, this is what we need to zero in on. I don't think we are anywhere near a consensus or understanding. Now, I do know – I think Lise was the assigned person to that on our list.

AVRI DORIA: I think it was Carlos.

BRIAN CUTE: Was it Carlos?

AVRI DORIA: It was Carlos and I was working with Carlos.

BRIAN CUTE: Okay, so we have owners.

OLIVIER CRÉPIN-LEBLOND: It was Carlos for one, and Avri and Brian for the other.

AVRI DORIA: Okay, that's it.

BRIAN CUTE: Okay, so we have owners. Okay.

OLIVIER CRÉPIN-LEBLOND: Carry on. I'll try and jog my memory on each one of these, but I think we're that close to being done.

BRIAN CUTE: Okay. So what I'd like to do while Oliver is contemplating is start walking through the list of remaining templates that need to be drafted and delivered by a week from Sunday, and identifying the proper owners so they know who's responsible.

This is very rough, but I'm going to send this to you, Alice, for you to throw up on the screen. Just bear with me for a second. Okay here we

go. Coming at you. When you get this, you can throw this up on the screen. I apologize. It's rough.

We just made up this list, but I want to walk through the list of outstanding templates so we know it's being developed, we know who owns them and is going to deliver them by a week from Sunday.

And then just so we are absolutely on the same page, I want one more time to put Larry's draft up on the screen, have us all understand the model we're working toward, and we need to revisit the appendices, because if we're not going to put templates, per se, in as an appendix, which we may not now, let's all be exactly on the same page of what we're drafting and how we're drafting it.

UNIDENTIFIED FEMALE: Will you also go over the schedule?

BRIAN CUTE: Yes, we'll go over the schedule. And if you find anything, Oliver, that we can constructively work on?

OLIVIER CRÉPIN-LEBLOND: It's done.

BRIAN CUTE: No, okay.

OLIVIER CRÉPIN-LEBLOND: Yeah, for the record, I think we're done. Well, not done, but there's nothing else in there that needs serious attention or discussion in a group.

BRIAN CUTE: Thank you. When I go through my rough list here, if you would have the corresponding number and actual title, just for clarity's sake, at the ready. Thank you.

Okay, so here we are. All right. We went through and found that there were eight reds and eleven ambers, for those of you that weren't in the discussion in terms of the state of the template. Meaning they weren't ready for prime time. We need to develop them further so we can have a discussion on a call, reach a consensus or not.

Of the 19, there's two of them in particular, one, number 28, it looks like we need input from ICC, the independent expert, to be in a position to complete that. Now, who owns number 28?

OLIVIER CRÉPIN-LEBLOND: Avri Doria and Alan Greenburg.

BRIAN CUTE: And what's the name of that one?

OLIVIER CRÉPIN-LEBLOND: Effectiveness of GNSO PDP.

BRIAN CUTE: Ah, okay.

ALAN GREENBERG: That's Alan and Avri, isn't it?

OLIVIER CRÉPIN-LEBLOND: Avri Doria and Alan Greenburg.

AVRI DORIA: No, he said it backwards.

ALAN GREENBERG: Alan and Avri. Whichever.

[LARRY STRICKLING]: Well, whichever. The order matters.

AVRI DORIA: Main pen is first name.

OLIVIER CRÉPIN-LEBLOND: Greenberg, Doria.

BRIAN CUTE: Is that on the list here?

ALAN GREENBERG: I thought it was on my list. I wanted to make sure.

BRIAN CUTE: Alice, can you scroll down a bit? Did we capture that on the list? There it is. No. No.

ALAN GREENBERG: I didn't think you need to be a primal.

BRIAN CUTE: Did we capture this here, did I? Where? Back up, please. Effectiveness of the PDP, where is that? It's not there. Okay. Would you type in Effectiveness of the PDP? Thank you. And that's Alan, Avri.

Okay. So that was the one that required input from ICC, so Alan and Avri, I'll be talking to Mark after this meeting to catch Mark up and ICC up on exactly our expectations. Part of it will be that they have a call with Avri and Alan to provide them with whatever inputs they need to fully develop this template for delivery by a week from Sunday, at the latest, to the team.

The other one was Recommendation Number 27, which looks like it requires some input from One World Trust because this is the recommendation, new recommendation focused on metrics.

OLIVIER CRÉPIN-LEBLOND: Evaluate and report on progress and recommendation, accountability and transparency commitment in the AOC.

BRIAN CUTE: Thank you.

And based on staff's input about where One World Trust is in their work, One World Trust will not have any substantive input or develop their work to a point where we can get input from them in advance of our mid-October publication. So a suggested approach to that one was the following. I want to make sure everyone's comfortable.

We're going to make a recommendation, or likely to make a recommendation, saying that ICANN should implement metrics. In our report, we can make that explicit that that is our intention. We can note for the community that a consultant has been engaged by ICANN for the purposes of advising how to develop metrics. We can note that the ATRT-2 is going to interact with that consultant and take what it can to provide a final recommendation on metrics, and ask the community for any input that they may have.

It's kind of a placeholder. It doesn't have a lot of meat on it. But that's the least we can do. Is there any disagreement with taking that approach? Okay. In that case, that template is essentially the outline of what I just said and that goes into the report.

Those were the two special cases so now let's walk through the list just so we're all on the same page. The redaction conditions, that's Avri and me.

OLIVIER CRÉPIN-LEBLOND: That's number nine.

BRIAN CUTE: Number nine. Thank you.

Recommendation number 23 out of ATRT-1, which is restructuring review mechanisms, Lise was the author and has asked that that be reassigned. Can you read the full title on that, Oliver, please?

OLIVIER CRÉPIN-LEBLOND: Is it Number 23 did you say? It's recommendation 23, okay. Let me just scroll back. Here we go, number 13. Get input of a committee of independent experts on restructuring review mechanisms. Is that correct? Because on my sheet it says Avri Doria and Carlos Gutierrez.

BRIAN CUTE: Ah, okay. So that's already got owners. And standards for reconsideration requests, that's Carlos.

OLIVIER CRÉPIN-LEBLOND: That's correct, yes, Number 14.

BRIAN CUTE: A separate but related template. Yeah, these are related. Is that a stand-alone? Is the standard for reconsideration request a stand-alone, or is there a single recommendation?

OLIVIER CRÉPIN-LEBLOND: No, there's two of them. There's 14 and 16. Sixteen is adopt standard timeline and format for reconsideration requests, Carlos has got the template that links to both, and that's the one we just spoke about five minutes ago.

BRIAN CUTE: Jumping ahead to timeline for reconsiderations, that's Avri and Brian or is that wrong?

AVRI DORIA: Which one?

BRIAN CUTE: Standard timeline for reconsideration requests.

AVRI DORIA: That's Brian and Avri, yeah.

BRIAN CUTE: Okay. But restructure review mechanism, standard for reconsideration request and timeline for reconsideration are related. Those are grouped. Okay.

The ombudsman recommendation, Avri and Carlos. Is that correct?

OLIVIER CRÉPIN-LEBLOND: Correct, Number 15.

BRIAN CUTE: Forecasting for public comments, Lise's the owner and she's keeping that, correct?

OLIVIER CRÉPIN-LEBLOND: That's correct, yes.

BRIAN CUTE: Again, this is shorthand. Mechanisms for board skill sets. Avri and me.

Training and skills building for the board, that's Avri and me.

Transparency of the NomCom, that's Lise.

Implementing the comp scheme, that's me. We've come to consensus on that. It's just filling in a few fields on that template, filling it out. Recommendation six, that's me. That's policy versus implementation. Correct?

OLIVIER CRÉPIN-LEBLOND: Correct. Yeah, clarify the distinction between PDP and executive function issues.

BRIAN CUTE: Yep. Translating board material within 21 days is Lise. Quality and – yes, Oliver?

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian, it's Oliver speaking. Just to say that anything that deals with translation, etc., we've all grouped all of that into multi-lingualism, which is the reason why Lise is running it.

BRIAN CUTE: Right, so translating board materials within 21 days, quality and timeliness of translations. Skipping one, multi-lingual access to the PDP is feasible, senior staffing arrangements for multilingualism, those are all going to be grouped, and Lise's got them all.

And then moving in the list, inputs in policy making that is being considered by the board. I think we just came to consensus on that one, and Avri owns the drafting of it.

Moving on, effectiveness of cross-community deliberations, Avri and Alan. Volunteer engagement is Carlos, Avri and Alan. And effectiveness of the PDP is Alan and Avri. We discussed that already as requiring some input from ICC.

Okay, that's the assignment list. Yes, Oliver?

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian, just to say also for the record for those who weren't in our discussion, they're not all red. We only have seven reds. The majority of the others are amber, which means the templates are ready, but there are segments of the templates which are not filled. So they just need to be completed.

BRIAN CUTE: Alice, can you pull up the calendar, or the timeline for deliverables?

So, this is what we agreed to this morning, 29 of September, which is a Sunday. All of these fully drafted templates are due. Blank screen. My blank screen. Okay, sorry. Okay, so Tuesday, is October first Tuesday?

UNIDENTIFIED FEMALE: Yes.

BRIAN CUTE: Okay, October first, Tuesday, is when we will have our team call to go through those templates and have a discussion around whether we can reach consensus on the recommendations. And, why am I still looking at this? Sorry. Please connect. And, thank you. There we go.

And then that Friday, October 4th, a small group of drafters – and I'm going to put myself into that group and Paul Diaz is going to help and I'm going to grab one or two at the most other editors, if you will – will take the material from our call and put together the final report. Circulate it to the team on October 4, that's the Friday, for review.

And we're giving you the weekend. Sorry about that, but you've seen most of it. It shouldn't take too long, but please go through it over the weekend and if you have any corrections or edits, send them along.

It will go to the translators on Monday. Wait a minute, did I get that wrong? Yes, if you have comments, send them in by Sunday. That's the sixth Sunday, please. And then Monday, we'll incorporate those edits and send it off to the translation team to staff for the beginning of the translation process. And the small group of editors will go through the report the next couple of days just to make sure there's no glaring errors or mistakes that need to be corrected so that we can have final

any additional corrections to the translators by Friday, October 11th.
Alan?

ALAN GREENBERG: So that chart is wrong. The sixth is comments submitted by. The seventh is edits resolved, compiled and submitted for translation. So after the [comma], the sixth goes to the seventh. You're saying by end of Sunday, we have to submit.

BRIAN CUTE: On Sunday, October the 6th, submit edits to ATRT-2 list.

ALAN GREENBERG: Right.

BRIAN CUTE: And then the 7th, the draft is going to go to staff for translation.

ALAN GREENBERG: But, you're going to put it together and send it on the 7th. Right now it says that's the 6th.

BRIAN CUTE: Yeah.

[LARRY STRICKLING]: Sorry, this may be a question more directed toward Larissa, but as I mentioned yesterday, I found the staff comments on our draft extremely helpful and provided a lot of good information to incorporate. Those have obviously only been done for templates that are completed. So there's first the issue of making sure that the owners of those documents take that input and incorporate it as they see fit.

But then the second part of it is, for these things that aren't done yet, are we just going to have to abandon that step of getting feedback from staff? Because it's really useful, it's really helpful. But, on the other hand, dropping you 25 or 30 pages of new text on staff and expecting a

turnaround in compliance with that schedule is probably hard to image happening.

BRIAN CUTE:

Excellent question. Number one, no. Staff input needs to be factored in, so any author to the extent that staff has sent an e-mail with background information, new information, please read it. Please factor it into your drafts. You should do that.

You're right about the timing dropping the full templates, so staff needs to tell us if that's an issue. At a minimum, staff knows what the focus of the recommendation is, and maybe that's enough for you to provide information to us. Is it or not, or do you need more time?

LARISA GURNICK:

So, a couple of points. To the extent we already got some preview of the concerns and the direction of the drafts, even based on very preliminary writings from L.A., we've shared that with staff and we have been providing responses. So if you want to see what those all have been, on the Wiki, on the summary that we've been using for this meeting, there's a column in which all the staff responses to date have been linked.

And Alice also circulated another separate document that summarizes all the staff feedback. And we'll continue to update staff as the recommendations are being refined because, based on the very preliminary recommendations, much of the staff response had to do with, "Can you please clarify what you mean?" So now that the clarifications are available, there will be another set of follow-ups. One

week is definitely very, very tight timeline for staff to be able to respond to.

[DENISE MICHEL]: So we'll definitely, obviously put staff on alert. Schedules are very challenging. Obviously staff has a lot of things going on already, but we'll make sure they have a heads up about your drafting section, and even if they don't have time to put pen to paper, if the penholders can have some flexibility, we can at least get the subject matter expert on staff on the phone with people who are drafting. We'll use that as a backup, too.

BRIAN CUTE: Thanks very much. And, Oliver?

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. On the Work Stream 1 we've got ten greens of which five are the GAC, which have already been reviewed by staff. So there's five more greens that could be reviewed by staff right away.

BRIAN CUTE: Excellent. Just on that point, it's very good that you're organizing all the staff inputs in one place, and I'm just going to speak now in terms of drafting. Generally, I found it very useful – I found the Wiki very useful. What I had to do, and I'm sure others, is I had to open a lot of documents all at the same time and jump from one to the other. But having all the staff inputs or updates in one place is important.

There's presentations that the staff has given. The transcripts are all there. Transcripts are really important. You have lots of important inputs there. They're searchable documents. It's not the easiest thing to navigate. We have other documents provided by the staff. We have the

comments from the public. And really there's a large body of resource there to draft a very full template.

That being said, why don't we put Larry's draft up on the screen again just for purposes of absolute clarity about where we're going here? So this was recommendations from a prior Review Team, right? So you combined recommendations from a prior Review Team in one section. Just walk us through this structure here.

LARRY STRICKLING:

Right. So the first part was basically to take what had been about five paragraphs of findings out of the original report and reduce them to one paragraph. File it just as a way to introduce the section. Then we simply reproduced all of the recommendations from the first report. So that's the next section. Those recommendations 9 through 14 are just reproduced as they were recommended three years ago.

So then scrolling down beyond that, the next section was a summary of what ICANN has stated was, "Here's what we did with those recommendations." That largely comes from the input we got from ICANN and ICANN staff on what they did. Although I don't think we took it word for word. I think there was some editing and smoothing of that. Continue to scroll.

BRIAN CUTE:

Just to note the importance of footnotes there, too, Larry, and the links – the hyperlinks – to the underlying documents.

[DENISE MICHEL]:

We usually wrote the [inaudible] stuff, as well.

LARRY STRICKLING: So if you continue to scroll, then we did a summary of what the community input had been on the implementation. Again, this was our synthesis of the comments that had come in. And then that followed with that section that says "ATRT-2 analysis." That was new text that we wrote to summarize or to propose to this group our summary of how we think we ought to assess the implementation of these recommendations by ICANN. And as you can see it starts with "Overall, ATRT-2 finds that ICANN has made a good-faith effort to implement those recommendations" and goes on with additional information. So continue to scroll. So that was new text that we wrote. And then we summarized it all in the box, which I kind of like that, but we can keep it or not. But I would think that's a format that we either ought to adopt for all of these or not. Whatever.

BRIAN CUTE: Can we pause there?

LARRY STRICKLING: Sure.

BRIAN CUTE: I think we had a discussion, the team that stayed behind in Los Angeles. We had a fairly lengthy discussion about the terminology we would use. And I think complete/incomplete is something we agreed to. But we also talked about, because this comes out of the AOC, using the word successful. You've seen that sprinkled in some of these templates.

I don't think we need to spend a lot of time wrapped around the axel on this, but I do think we want some consistency here. Are there any strong feelings about complete, incomplete, ongoing, successful?

LARRY STRICKLING: The idea of having a standard terminology appeals to me, and I would guess – but we should only have one word to cover each description. So, is complete and successful the same thing?

BRIAN CUTE: Not necessarily.

LARRY STRICKLING: Okay. As long as we have a lexicon as to what the terms are intended to communicate, I like that idea, myself. I don't know what others think.

BRIAN CUTE: Can we pull – we must have a transcript from our Saturday session in L.A., right? I think we came to some form of agreement on a lexicon. Why don't we pull that together and ship it around to the team. Alan?

ALAN GREENBERG: Just to note there are times when they're orthogonal. It can be complete and unsuccessful.

BRIAN CUTE: That was a fun session you missed. Anyway, go ahead.

LARRY STRICKLING: I've had so much fun the last two days. I can't imagine having more fun staying the extra day in Los Angeles. Can we go back to our report? Okay, there you've got. Okay. So scroll back down to where we were.

So that is kind of the break point between assessment of last time's recommendations. Now we transition to what's needed going forward. So if we continue to scroll down, I think the first one was just a statement. And I'm not a huge fan of the word hypotheses, but it's kind of the statement of a summary of what it is that is going to now follow, which is what is it that has emerged from the consultations we've done and in our own evaluations and whatever. That's summarized in the first

paragraph. That's an important paragraph for people to read and make sure they're okay with.

Then we go through and we talk about what have been the inputs into this process. So the first one is the summary of relevant public comments responses. Again, that's our synthesis of what we got from the commenters. Then if you can continue on, I think the next one will be the meetings that we held. Input from face-to-face sessions comes next. Again a synthesis of what we heard in the meetings about the GAC.

Continuing on, ICANN staff input because they provided information to us, as well. Then we get to the thing on bylaws, published policies, published procedures. We'll fill those in. I'm not sure. There may not even be anything that goes in there.

Then you get to – and this section then ties back to that introductory paragraph that was called the hypotheses, which is an effort to take all of this input and our own analysis and come up with a two or three paragraph set of findings in terms of here are the problems that still need to be resolved. So yes, you have three paragraphs.

Those are three very important paragraphs for people to read and make sure they're on board with, because they then lead into the draft new recommendations, which we had organized I think into three categories. One was increasing transparency. One was improving the outreach. And I can't remember what the third one was. If you keep scrolling...

And here, I'll depend on somebody else to tell us what numbering scheme to use. You guys can figure that out. I'm sure that will be a lively discussion.

So now the rest of this is just the recommendations that we're presenting. But the basis for why these recommendations are needed or justified needs to come from that findings section. One of the things that we'll do – and this was certainly I think where we get help from the staff responses that they've provided us some additional information, some additional facts, that we need to go back and use to beef up the discussion in terms of demonstrating the justification for these recommendations.

And I think, if you scroll through, that's all that's left in that section is just recommendations. And then we leave with a placeholder for what we get in the comment cycle in October and November and then what our final recommendation would be.

BRIAN CUTE:

Thanks, Larry. So that's a very good guide. Alan?

ALAN GREENBERG:

I know this was in a template originally, but does that imply that in the final report, we're going to have a draft recommendation of the final or is that going to replace the other?

LARRY STRICKLING:

I'm sorry, I think in ATRT-1, we did carry forward the original recommendations, but I've got it here so we can take a quick look just to verify.

[DENISE MICHEL]: So this you'd fill it out afterward because you may need to summarize the public comments that you get in the next month and then revise recommendations accordingly. I think that's when you get to the final report and the report drafting.

ALAN GREENBERG: That implies –, assuming we didn't get too many things wrong, that implies a lot of repetition.

[DENISE MICHEL]: Or it means that you don't include them. It just depends on how you want to put the final report together.

UNIDENTIFIED MALE: We can decide that later.

LARRY STRICKLING: I'm just quickly looking at some of these. the same discussion went through, but it looks like the section of the actual recommendation language was only as the final recommendation. So you would basically pull out those and show them in their modified form at the end of the section. That looks to be the protocol followed the last time.

BRIAN CUTE: So if everyone who owns a draft would use this as a guide. I think what's critical is citations, comments. Not just a summary of comments, but you see that specific comments in quotations are added into the record. Really important to reflect back to the community the sources of information we used to reach our analysis and recommendations. Oliver?

OLIVIER CRÉPIN-LEBLOND: Thanks, Brian. Are you basically saying that the people drafting recommendations or drafting templates should be using this new format as a full template with all of the subheadings, etc.?

BRIAN CUTE: If I'm not mistaken, this is the template, right? All the headings are from the template.

LARRY STRICKLING: Pretty much, yeah.

BRIAN CUTE: This is just with fully fleshed out text, as opposed to a much shorter version for a discussion piece, which is what some of us developed for this. This is fully fleshing out the assessment using the outline.

OLIVIER CRÉPIN-LEBLOND: It's just because the table, for example, did not appear in the other templates and there are a few additional fields. So what I've done was to take Larry's text and strip all the text out, actually, and just keep the headers in case we need to have – which I've just done this now – in case we need to resend the template to everyone else so they can just cut and paste to the right. So we have an exactly even format that is exactly the same across all of the templates.

LARRY STRICKLING: I think that Oliver's point, there were some subheads, like I think we took public comments and divided it into written comments and face-to-face meetings. That's a protocol that people can use or not use, depending I guess on the quantity of what they had to deal with. We had enough in both categories that it made sense for us to distinguish them in separate categories, but I don't know that those subheads have to track for everybody else.

OLIVIER CRÉPIN-LEBLOND: Indeed, under background research undertaken, you've got three subcategories. Summary of relevant public input, comment, responses,

input from face-to-face sessions, ICANN staff input. a few little things like that, which are very clean.

BRIAN CUTE: Alan?

ALAN GREENBERG: So if I understand correctly, at least for ATRT, we are not going to have an appendix of templates, but we will have this text in the body of the report. Is that the intent?

BRIAN CUTE: Well, if we go in this direction, is there any utility in putting templates in appendix A? That would be duplication.

LARRY STRICKLING: If this just becomes the report, you don't have to write that 20 pages of summary either. It's all just in one place at that point.

ALAN GREENBERG: So the question then is, what do we do for Work Stream 3 and 4 – 2 and 3?

BRIAN CUTE: Exactly.

ALAN GREENBERG: My personal preference is, I think from the point of view of someone reading this, they are not going to want to read the gory details of each recommendation and that we, as planned, keep the appendix of the templates and put a summary written effectively in English or whatever the language is summarizing the overall implementation and identifying specific problem areas. That's certainly my preference.

BRIAN CUTE: So what would that look like, just so I have an idea?

ALAN GREENBERG: Well, the appendix would look a lot like this, and the section of the report summarizing WHOIS would be perhaps some tables, but probably mostly text. Grouping together the requirements or summarizing. In the case of David's, I would say, to a large extent, things are either are being implemented or have been implemented. You can see the details in the appendix "Here are the five problem areas." It's a little bit gorier for WHOIS.

BRIAN CUTE: The appendix would look like this? Fleshed out like this?

ALAN GREENBERG: I would think so. Part A of this, because there is no part B.

BRIAN CUTE: Okay. David?

DAVID CONRAD: Yeah, I mean, that sounds reasonable to me.

BRIAN CUTE: Okay.

[FIONA ALEXANDER]: So you would just group them all together and just done one big assessment, so you're not repeating things and that kind of thing?

ALAN GREENBERG: Yeah. Essentially the part in the body of the text would be summarizing the overall impression of the implementation and identifying specific areas that you think need highlighting.

BRIAN CUTE: Okay.

ALAN GREENBERG: Once I start writing it, I may find that that doesn't work. But that's what I think makes sense now.

BRIAN CUTE: We're going to head down that road. Okay. Let's go back to the timeline for the work to be done. Just a couple of other points I think are important. Thanks.

Okay. For ICC, the independent expert, I am going to call Mark and ask that his team deliver to us by Friday, September 27th their draft report. What he's told me in our conversations is that the data collection and analysis part of their work is basically complete. So the data on PDPs, how many, the pie charts that show participation, that piece of their work will be done. That their conclusions will be effectively done and that the piece of their report that has to do with responses to surveys from participants in PDPs may be partially done.

When we talked a week ago, they had talked to 20 out of 104 participants, but that whatever they've got, they will provide to us. So I'm going to ask for that from ICC by Friday, the 27th which is what day of the week? That is Friday. Right.

And Avri and Alan who have a template that is specific to the PDP, we'll endeavor to get you on the phone with Mark and his team prior to that, so in developing that template you have what you need. Is that agreeable? Any problems with getting the ICC draft report on the 27th for the full team?

ALAN GREENBERG: I certainly agree.

BRIAN CUTE: They have a delivery date of the 30th.

ALAN GREENBERG: That weekend is important.

BRIAN CUTE: I know, but he's agreed to end of December. We'll be fine. I'm not worried based on the conversations that we've had. Okay, just to let everybody know that's coming and if there's any impacts there or there's a problem, let me know. I think that's it. Fiona?

FIONA ALEXANDER: You guys currently have a conference call scheduled for next Thursday, the 26th. Cancelled? Okay.

BRIAN CUTE: That will become the October first conference call. That will get cancelled.

FIONA ALEXANDER: Okay, and then, when are you going to figure out the timing of the October first call and how long that call's going to be?

BRIAN CUTE: We have 19 templates. Ten minutes each? [laughter]

But some of them actually are going to be very quick. The redaction policy, I can tell you the redaction policy one is going to take about two minutes. So all kidding aside, why don't we book a three-hour call? And hopefully we can work to stay in that framework.

ALAN GREENBERG: Anybody else going to brief us on ICC?

[STEVE CROCKER]: We have not yet come to terms on PDP and can't until we have ICC conclusions. That, by itself I think, will be a lengthy conversation.

BRIAN CUTE: We will have a template developed by Alan and Avri which will have the benefit of having a conversation between them and ICC, so that will be the basis of that conversation I think, and then we will have a draft report.

You're right. Three and a half hours? You're right. That could be a half-hour discussion. It's going to be a meaty one. More? Well, if Avri and Alan are delivering a fully fleshed-out template with draft recommendation, we'll have a pretty solid basis. Alan?

ALAN GREENBERG: Looking at that agenda, I just realized something. You might have noted over the last two days there have been some critiques of what some people drafted or suggested changes. There is no place allowed in that agenda for the drafters of the templates to make changes based on the three-and-a-half-hour call.

BRIAN CUTE: We'll have to have the editors on the final draft report capture that in real-time.

ALAN GREENBERG: Okay, that makes it easier.

AVRI DORIA: I figure I'll just catch mine in real time on the Wiki while we're talking.

BRIAN CUTE: Four hours?

LARRY STRICKLING: It's easier to end a call early than to make it go later.

AVRI DORIA: I have a question.

BRIAN CUTE: Yeah, Avri?

AVRI DORIA: In terms of the ICC stuff, are we going to want the ICC there talking to us about their stuff for some period of time since what we're doing...

Okay, you and I are allegedly going to have talked to them, but in terms of the rest of the group, is there any chance that you're going to want to have had a bit of a call where they are there with us? And that can even be a separate call. Make it a two-call day, as opposed to a one-call day.

BRIAN CUTE: You have a point. Fiona?

FIONA ALEXANDER: I was just going to suggest, if you schedule the call to ICC for Avri and Alan, just let everybody know and anyone who's interested can join. So we can do it that way.

BRIAN CUTE: Good way to go. We'll do it that way. Oliver?

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. Are we going to set a time already now, for the call?

BRIAN CUTE: For the ICC call?

OLIVIER CRÉPIN-LEBLOND: The four-hour call.

BRIAN CUTE: It depends on their availability, too, so I need to check in with Mark.

OLIVIER CRÉPIN-LEBLOND: Many of us are around the table.

BRIAN CUTE: Oh, the four-hour call.

OLIVIER CRÉPIN-LEBLOND: Yeah, the four-hour call is a significant chunk of time and I need to know now, basically, because otherwise, it's going to be a mess.

BRIAN CUTE: Sure. Alice, what typically works that straddles the globe? Alice?

ALAN GREENBERG: There is a PDP going on that is in its very last throes and has a substantive discussion going on with great dissension, and Avri is the lead on one half of that, and she could not miss that.

UNIDENTIFIED MALE: It's 14 to 15 UTC.

ALAN GREENBERG: Europe changes time at a different time?

BRIAN CUTE: Okay, if you'd send out to schedule that. I know there's folks who aren't in the room and that might not sound fair, but this is what we have to work with. Anything else we need to hit on before we close and go up to the roof? 13 UTC. Some of us are. Some of us already have, 13 UTC. Paul, am I forgetting anything?

PAUL DIAZ: We have our internal thing.

BRIAN CUTE: What internal thing? Our what? The PIR? We'll move that. Anything else? We're about ready to break. Let's make sure while we're here we've hit everything we need to.

AVRI DORIA: Have we gotten the latest [inaudible].

BRIAN CUTE: Oh, no. Yeah, we did receive through the private e-mail –that's one way to make Larry scram. Actually, it's not an HR issue. Issue wise, it's maybe one you'd be interested in. It's absolutely not an ICANN employee type of thing. It's someone from the community who's talking about ICANN processes and new TLDs. Let's stop the recording. So thank you to everyone who's online. We're going to terminate the meeting.

[END OF TRANSCRIPTION]