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LARS HOFFMANN:

Thank you. Good morning, good afternoon, and good evening to everybody. Thank you for joining this webinar, and welcome to it. The webinar, just to let you know, there will be a second one later on today. The contents presented during these two will obviously be the same. I cannot guarantee that the same questions and answers come up, and so we will post both recordings online after they've been completed.

As I said, thank you very much for joining. This is a webinar by the Multistakeholder Strategy and Strategic Initiatives [inaudible]. Our team led by Larisa is developing the operating standards, and this webinar here is kind of an outreach step to explain to everyone where we are, what we have progressed from since Hyderabad, and to set expectations for community outreach and how we envisage the drafting of the operating standards moving forward.

We see the agenda up here, and we're going to move to the next slide. You also have the agenda in AC room in the Notes section there in the middle of the screen.

Before I kick off, I would like to explain a little bit the purpose of this webinar (I alluded to this right then) and set the expectations. I think I'm going to start off by saying what this is not. This webinar is not supposed to be the outreach or the consultation. We see this as a starting point for continuous community consultation on the drafting of the operating standards and the progress since our presentation in Hyderabad where we presented to the community a skeleton document of the operating standards that really just gave an overview of the

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different topics and sections that we envisaged should feature in these operating standards.

In fact, what we said in Hyderabad and I'd like to remind everybody on the call here, operating standards are very much a two-fold document. On the one hand side, we envisage them to have a centralized view on the existing best practices and existing procedures and centralize them in one place, in one document to increase the transparency and accountability for review so everybody knows what to expect.

On the other hand, they also involve some new aspects [inaudible] to specific reviews – I'll get to those in a second – that don't exist or haven't existed prior to the [inaudible]. For example, the selection of Review Team members springs to mind.

What the outcome was in Hyderabad is that staff was encouraged to put together some strawman language of those best practices and procedures that already exist. Put them together in a document to give the community the chance to look this through and see where adjustments or amendments need to be made, and then take it from there and take the meatier or the new aspects of the operating standards, if you want. Take that, and after that you have a two-step process.

I talked a little bit about this slide already. Just a quick heads up to set expectations also for slides, it's definitely downhill after this one. Our colleagues put this together. In fact, it's so good, it will feature twice in this presentation. Good to hear [inaudible]

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The operating standards here, as you can see, they should be aligned [on the advice given] from the Bylaws and developed through community collaboration. And once in place, don't forget its efficient and effective reviews that lead to continuous improvement, that guidance and tools for reviews. I touched on this earlier. By having everything out there and the processes in a centralized document, it adds transparency and accountability to everybody involved. Hopefully, they will come to be envisioned to be almost like a living document and what best practices [inaudible] can be applied. Hopefully, the document once in place can evolve over time, depending on what the community needs and how reviews themselves develop.

You see here, I alluded to this earlier, under the ICANN 57 flag, the [inaudible] point of the bottom half of the map, we had this community session where we presented the strawman of what the operating standards should contain and what subject areas should feature there. Maybe my colleague can paste a link to the [sessionals] in the AC chat so you might be able to go back if you didn't attend the session and see what was discussed there.

In this webinar on the next step or the next part of it as you can see here under Agenda Items 3 and 4, we're going to talk about or I'm going to explain a little bit the draft language that we came up with for this strawman, specifically on organizational reviews.

You've heard me refer already to talk about [inaudible] organization reviews. There are organizational and specific reviews that are now mandated by the Bylaws post the IANA transition. So the organizational reviews are concerned with, as it says in the name, the review of the

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SOs and ACs as well as the Nominating Committee. Excluded from that is the Bylaws, the GAC and ASO have its own Memorandum of Understanding with ICANN and writes its own reviews. But all the other SOs and ACs are on a [five-yearly] cycle of organizational reviews.

Then we have the specific reviews that they're called now under the new Bylaws. They used to be referred to as the Affirmation of Commitments (AoC) reviews because that's what mandates them. These are the Competition, Consumer Choice, and Consumer Trust reviews (CCT); the Security, Stability and Resiliency review (SSR); obviously the Registration Directory Service review (RDS), formerly known as WHOIS; and finally of course the Accountability and Transparency Review (ATRT). Those four reviews are now mandated by the Bylaws and are a new aspect that will benefit from being clarified in the operating standards.

The slide you have here, the organizational reviews, this is next slide gives you an idea of the kind of language we put in the strawman. We have decided not to put this up for the review before this webinar because we wanted to put it into context and explain where this came from rather than just present you with 8 or 9 pages of prose. So we will put this up after the second webinar today together with some questions, but I will get to that later in the webinar.

The structure of the document, you see this here at the bottom half of the slide, it gives an introduction to organizational and specific reviews. Then the second heading is organizational reviews themselves. It provides an overview. It talks about the independent examiner, scope

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setting, and the review working party. I'm going to go through some of the language that we have in this document through the next slide.

Here you see this text taken from the document that as I said we'll post online later. The values, the purpose of reviews [inaudible] ICANN's fulfillment of its commitment to accountability, transparency, and to be a principal mechanism to deliver on its mission and core values as documented in the Bylaws. I won't talk you through all of the slide, but it's language that is taken from the Bylaws and from other documents that are already in place to give everybody an overview of what reviews are for [inaudible] opening section of what you would expect from this sort of document.

The overview section obviously draws here on the Bylaws text. Wherever possible, we've included the direct text from the Bylaws. It's important that the text there is obviously an important [puzzle] of what I said is the mosaic of the operating standards, best practices, existing and new processes. So here you see what the new Bylaw says. The Board shall [inaudible] periodic review of the performance and operation of each supporting organization council and each advisory committee [inaudible] than the GAC and the NomCom by an entity or entities independent of the organization under review. The Bylaws also prescribe, I said this earlier I think already, that these organizational reviews should be conducted no fewer than every five years.

Then the second section here talks a little bit about the independent examiner, so the entity or the organization that actually conducts these organizational reviews. It starts off notwithstanding the oversight function of the ICANN Board and its Organizational Effectiveness

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Committee (OEC), these organizational reviews are conducted by [inaudible] independent, i.e., the examiner.

Then in this section itself, I won't go into the details here, just to give you an idea what kind of features there [are], are [there] procurement procedures that align with or reflect existing best practices that ICANN organization uses to do procurements? The management of the independent examiner, so the relationship between the MSI department and the organization that conducts the review.

The methodology that is going to be used, again, this brings together existing best practices. It talks about conducting interviews, conducting online surveys that are accessible to all. It talks about the deliverables: draft reports, final reports, [inaudible] for public comment. And obviously the independent examiner consultation with the review working party as well as the wider community while they conduct the review.

I didn't include all the language here because I think it will be much more productive if you read this in your own time when we put the document online. Sorry, it's a little Marco Rubio there. [inaudible]

The second aspect here is some scope checking. [inaudible] again. There's obviously some language already provided in the Bylaws and that [inaudible] in the strawman document. In addition to what is described here in the Bylaws, the ICANN Board will be overseeing [inaudible] the Organizational Effectiveness Committee in consultation with the review working party. The community body involved in these

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organizational reviews may refine the scope and provide additional guidelines or priorities to the independent examiner.

Again, those of you who have been involved in organizational reviews will recall that this is already something that is in place and that reflects existing best practices.

The review working party, each organizational review shall be supported by a review working party composed of members from the [inaudible] review, etc. I won't read through all of this, but basically the strawman talks about formation and size of the review working party and the need to have a chair or co-chairs selected, meeting frequency.

All this text, again, reflects what is [the text] at the moment, but here especially in this section on the formation and the size, the chair, and the meeting frequency, what the text very much points out or the language used makes clear is that a lot of flexibility is given to the organization under review. Some SOs or ACs might want to have more meetings and meet once a week every week. Others might only want to meet once a month, etc. So the language reflects that here.

We don't think it's the role of the operating standards to prescribe how large a working party should be or whether it should have one chair or two co-chairs or so on and so forth, but to just give some examples of what has happened in the past, what has worked well, to give the community an idea of what they could do and then adjust the details exactly to their needs.

Obviously, a mailing list and a wiki page is something that for these [inaudible] – an archived mailing list for that matter – obviously in the

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interest of transparency and accountability should be in place for all of these organizational reviews.

That is a broad overview of what we have put in the strawman document from the beginning. It's about 8 pages, and we will put this online after the second webinar. I'll talk about outreach a little bit more extensively in just a second.

The second section of the strawman is just the specific reviews. They're up there: Accountability and Transparency, CCT, SSR, and the RDS (formerly the WHOIS review). As I said, these are now mandated by the Bylaws. [inaudible] issues have arisen, meaning that there are no existing processes or best practices. So here we as ICANN organization didn't feel it would be for us to make up or present you with even strawman language because we're not entirely sure how the community sees this. So this is the kick off for this part of the drafting process because we believe that community feedback is very much needed before we actually put draft language onto virtual paper.

Specifically we've identified really five areas. We alluded to them already a little bit in Hyderabad. We've refined them or concretized them a little bit more. They are the selection process for review teams. The Bylaws at the moment give some broad guidelines on the size of the review teams for these specific reviews, and they also prescribe a role to the SOs and ACs chairs. But they don't give exact details on how the team should be put together. What happens with independent subject matter experts? What happens if fewer than the maximum of 21 people are chosen? etc. So those kinds of questions, that kind of issue will certainly benefit from community input.



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Similarly, the role of the review team observers, many of you might have been involved in the transition. There obviously observers played an important role. They have been mentioned now here in the Bylaws as well to have observers doing these specific reviews. They can observe the review teams that conduct them, but the exact roles and responsibilities and rights of these observers have not been defined in the Bylaws. That's where the operating standards come in.

Similarly, confidentiality requirements for Review Team members, the scope of the review in addition to what is described in the Bylaws. Obviously and finally, the amendment process although we haven't gotten the document yet, I think it's very important to think ahead. Once we have the document, we really want it to be a living document reflecting best practices. What is then the procedure to amend them? Do we need a long procedure for certain aspects and maybe a quicker amendment procedure for less substantively important subject areas? How do you define that? etc. Those are questions that we probably should start thinking about.

This brings me back to this wonderful slide. I said it's so good, it features twice. At the moment, I'd like to draw your attention now to the second-to-the-bottom half of the roadmap. We are now at the first [inaudible] on the left at the webinar to review process. What we would like to do is to have a continuous feedback loop to gather input from the community on two things: the draft language as well as for the time being those five subject areas that were just up on the previous slide – [inaudible] here again – selection process, role of observers, confidentiality requirements, scope of reviews in addition to the Bylaws, and the amendment process of the operating standards.

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We thought a little bit about what is the best way forward to make this as transparent as possible and to also make sure that not just people who are dialing into this webinar can participate in this. What we've come up with and what we'd very much like to hear your thoughts on is the following.

We intend to do something similar to [inaudible] continuous public comment forum whereby we will create a wiki page where we put up documents and specific questions that need answering and then allow people to e-mail in their comments in a way they do now with public comment forums. So they will appear on the website, and people can click through the threads, see what other people have said, and then submit their own comments to that.

To make sure that it's not just people who are part of this webinar, we plan to send out specific letters to the SOs and ACs and the stakeholder group and constituency leadership teams to make them aware of this outreach effort and to provide them with an e-mail address where they can send their feedback to encourage everybody to think about this and provide their thoughts.

Once that takes place, in Copenhagen during ICANN 58, we will already present a small overview if we have it of any feedback we've received as well as obviously drum up hopefully some more input if and where needed. Then after Copenhagen, this would continue. We might refine the questions, depending on whether we need more feedback on other issues.

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Then eventually, [we'll] put this all together into a full document of the operating standards, whether that is one piece of text or [inaudible] you could imagine also a text with several options where, for example, the selection procedure, different sections of the community might have very different views. So rather than ask staff to pick one, what we have in mind is then present the community where applicable with the various option and language form, and then put out the entire document for a formal public comment period so that everybody can read everything in one place that is based substantially on community feedback that we received and give everyone the opportunity to provide their feedback through the [inaudible] public comment period.

Then hopefully at the end of that, under the Johannesburg flag, ICANN 59 isn't quite on the slide, but basically by the time of Johannesburg we hopefully have concluded or are at the very end of the public comment period. Then we'll be able to present the community either there or shortly after with a full document of the operating standards and then hopefully be adopted soon thereafter.

I believe that concludes my 15-20 minutes' presentation that I set out to do. I think I stuck more or less to the time. I will open the floor to questions that anybody may or may not have. You can also – Katrina, I saw you. I'll call you right away, just one second. If you're just on the phone or you can't for some reason or you don't like to speak, you can type these also into the chat or reach out to us afterward. We'll make sure that on the wiki that I talked about we'll provide the answer to these questions. They might be pertinent to everyone. With that, Katrina, please go ahead.

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KATRINA SATAKI:

Thank you very much for this comprehensive overview and all the work you've done so far. One thing is not entirely clear to me and I'm trying to understand it. Who and at what stage has decided to extend the operating standards to organizational reviews? Because my understanding is that the Bylaws require [inaudible] guide only specific reviews. I agree it would be excellent to have something in place to guide the organizational reviews as well, but in any case it's optional. But these operating standards, actually we needed them in place before we started launching specific reviews. Now we're already [inaudible] specific reviews are now already announced and we still don't have our operating standards.

You put a lot of effort into developing the part guiding organizational reviews. It might take much longer to have the documents finally in place. What worries me is that we still don't have operating standards for specific reviews, which is clearly required by the Bylaws. So wouldn't it be better to now concentrate only on the part related to the specific reviews? Just a question. Thank you.

LARS HOFFMANN:

Thank you, Katrina. That's a very good question. There are a few points here I think I would like to raise in my answer. We've always seen the operating standards to comprise both. Obviously, you're right. They are referred to in the specific reviews section of the Bylaws. But they're referred to as review operating standards, and so we think they should comprise both these sections. That is what we work with and [we presented] in Hyderabad and where the feedback was positive on the way forward.

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Again, the feedback we had in Hyderabad was to first focus on these best practices that are already in place. They are mostly to do with the organizational reviews. Having said that, if you go back and look at the skeleton document that we provided in Hyderabad, it's not that we are nowhere with specifics. [We do so with a section] on specific reviews in the operating standards.

We have thought through all the issues that should be contained in there. There are not just these five issues that are raised. These are the ones that are really the most substantive ones where we as staff or as the ICANN organization [inaudible] asked to present language to the community and thereby [inaudible] the agenda or set the discussions one way or another.

We are aware, as you said, that specific reviews are underway. By the end of the year, all four in fact might be underway or will be underway for that matter most likely. So we were a little bit between a rock and a hard place. On the one hand side, the Bylaws mandate the drafting of the [Bylaws] through community consultation. On the other hand, the Bylaws also mandate the starting of these specific reviews. So while we fully appreciate that it would have made things much easier if the operating standards had been developed through the community event and only then we start the reviews, that was not possible because we had to start the reviews due to the mandate of the Bylaws.

So what our thinking is here is that to have this run as a parallel process whereby some of these specific review teams are obviously put together by the SOs and ACs leadership [inaudible] to see also whether what is happening there by the SOs and ACs leadership can be used for

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example as one of those best practices and see whether we can use that as a starting point for the community to [have discussions] to then refine the process and establish the operating standards that way.

My colleague and boss for the matter Larisa is also on the line. Larisa, I don't know if you want to add anything to what I've just said to provide more context for Katrina. Larisa might just be on mute. That's okay. Larisa, just take the floor if you need to. I know Larisa is in the car right now.

LARISA GURNICK: Can you hear me?

LARS HOFFMANN: Yes, we can, Larisa. Please go ahead.

LARISA GURNICK: Okay, there I go. Thank you. Apparently, I've been on mute. Katrina and everybody, thank you very much for joining the webinar for showing an interest in this topic. As Lars outlined, in regards to specific reviews, we have several areas that are new to the process. I know that many community members are working as we speak very diligently putting in place processes and procedures for things like the selection of Review Team members and many other topics.

We are looking at this process very carefully and we're observing as those processes develop [as the community makes its decisions] as to what the new processes will be, they will certainly be reflected in the

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operating standards. But as Lars indicated, it's important to give an opportunity for that work to coalesce in the community before areas get incorporated into operating standards for additional [comment].

Of course, anything we can do to facilitate the process, [inaudible] Katrina [inaudible], we would very much welcome feedback as to how we might move this forward more expeditiously and how [inaudible] standards that people buy into and agree with apply to reviews that are unfolding as we speak. Thank you.

LARS HOFFMANN:

Thank you, Larisa. We are aware of the problem here, but if you look at it from the other side, if we had just presented a full draft of operating standards without any community consultation and then said to the SOs and ACs leadership use this process to do your selection, I don't think that would have been appropriate and I also don't think that would have been [completely] welcome and [inaudible] by the community.

Does anybody else have any questions? Otherwise, I will obviously go through the next steps one more time and potentially give you some time back. All right, let me just recap very quickly what the next steps are going to be.

We're obviously going to have the second webinar later on today or UTC time it might just be tomorrow. No, it's 23:00 UTC. There are a couple of things we will specifically get feedback on. As I laid out previously, we're going to create a wiki page where we'll centralize community feedback. We will provide outreach to the community, and

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we also will get the summary of this whole community outreach and consultation process as we move forward.

We very much would like to hear, obviously, feedback on draft language that we provide as well as the outline of the specific review section, the skeleton document that you may have not seen already, and especially [inaudible] on the feedback on the process that we laid out here. Do you think the consultation we have in mind and the cooperation between the ICANN organization and the ICANN community or whether any other aspect of that should be amended?

We see this as a collaborative effort. What we have here is something we thought would work well, but obviously we appreciate that the community might have needs that will require some adjustments to this.

Once the wiki page is up, we'll send a [note] at the very least to these people who have signed up to the webinar and as well the outreach letters to the SOs and ACs to explain in detail what we expect from them, what kind of information we would like to receive from them, and how to move forward from [now].

Then obviously there will be an update session on this subject in Copenhagen. I believe that [Sharla] has – not yet. But maybe somebody can also – I don't know if it's up already – link to the session in Copenhagen with the time and the date.

With that, I think we can conclude the webinar early unless there is anybody else who has any questions. As I said, it has been recorded. It will be posted afterwards, and we'll send the information out to the



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various [inaudible]. With that, thank you very much. Have a lovely rest of your day, afternoon, or evening. I'll see you hopefully in Copenhagen, many of you. Safe travels. And if not, I'll see you soon online, I hope. Bye-bye for now.

**[END OF TRANSCRIPTION]**