

ICANN Brussels Meeting  
Open ATRT meeting with the Council  
TRANSCRIPTION  
Sunday 20 June at 0900 local

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Coordinator: All recordings are now in.

Chuck Gomes: Thank you very much. Good morning to everyone. If you haven't met me my name is Chuck Gomes and I am the (unintelligible) GNSO Council. We want to especially welcome the Accountability and Transparency Review Team. (Unintelligible) an hour here as the (unintelligible)...have a good discussion.

Before we actually start I think it might be helpful if we just want to run (unintelligible) for those of us (unintelligible). (Brian), I'm going to start with you.

Warren Adelman: I'm Warren Adelman, the President and COO of godaddy.com.

Larry Strickland: I'm Larry Strickland, US Department of Commerce.

Man: (Unintelligible).

(Louie Lee): Hi, I'm (Louie Lee). I am the (unintelligible).

Man: Good morning, I'm (unintelligible), I'm the (unintelligible).

Man: Good morning, I'm (unintelligible) and I (unintelligible).

Cheryl Langdon-Orr: Good morning. Cheryl Langdon-Orr. I'm with the (ATRT) and I'm the current chair of (DS).

Chuck Gomes: (Brian) and I talked about this (unintelligible) speaking mainly (unintelligible) having (unintelligible). So (Brian), with that said I'll turn it over to you.

(Brian): Thank you Chuck and thank you to the Council on behalf (unintelligible) recognize we don't have a lot of time for (unintelligible) make some suggestions as to how we can (unintelligible).

A list of questions was provided to the Council from the review team recognition that there wasn't enough time for any written responses to be (unintelligible). They are here as a guide to the discussion and certainly the review team would welcome if the Council would provide written responses; those written responses would be welcome as well.

We're in our informational gathering phase as a review team. (Unintelligible) bodies within ICANN. And with regard to our discussion this morning if I could suggest that - two things, a response to any of the questions that were provided in our letter to the Council would be (unintelligible).

What the review team is looking for specifically (unintelligible) focus Questions 3 and 4 they give you some sense that in doing our work and reviewing (unintelligible) there are case studies that (unintelligible) decision and ICANN process that might serve as a good example for the Accountability (unintelligible) to undertake to analyze, to review and then to make recommendations at the end of the year which is our charge.

Case studies - specific case studies are welcome. Other than that it's an open discussion. Hopefully open, candid, comfortable and with that I would turn it back to Chuck and we look forward to hearing from you.

Chuck Gomes: Okay thank you (Brian). (Unintelligible) by the way review team members have follow up questions or even initiate a question if you look as well, that would be very much welcome. So let me open it up to Councilors to see if (unintelligible) would like to start the discussion.

Well then let me start off with something (unintelligible) the first question that's listed there in terms of ICANN's commitment to the interests of global (unintelligible) personal commitment (unintelligible) strong.

Are we there yet? Not all the way; we're making improvements. (Unintelligible) providing some case studies there so I won't (unintelligible). But I personally believe the commitment is there in that (unintelligible) in the (unintelligible).

Someone else. (Bill)?

(Bill): I can't (unintelligible) - I can't actually read this question so I can't respond to those. I'm just going to say something entirely different. As a general matter it seems to me that the way the GNSO Council operates it's clearly transparent and accountable.

Our meetings - we have a listserv that anybody can read. The meeting are minuted and recorded and (unintelligible) with audiocasts in real time (unintelligible). If you look across the different component parts of ICANN though I don't know that I would say that there's a comparable level of transparency of all of the relevant processes that (unintelligible).

It's difficult, for example, for me anyway when I read about the board decisions or GAC communiqués all the thinking and the processes that went into the decisions that were made or how they got to the point that they did on any given issue.

I sort of thought it would, for the general points - I don't know how broad you are looking across the institutions or the parts of ICANN, but it seems to me that it would be nice in principle to try to have some broadly applicable set of standards as to how - excuse me, my voice is dead this morning - how all the different pieces should be operating so that everybody has clear information about what's happening.

I mean, (unintelligible) with these long processes and then at the backend if something happens then sometimes you don't really know exactly why or how. So that would certainly be a point of interest to me.

Chuck Gomes: (Brian)?

(Brian): Thank you (Bill). And I - for the benefit of the group and if you'd just indulge me for a minute or two I'll actually read the five elements of Paragraph 9.1 that we are reviewing and that might give you some guidance as well.

But I think to your point, (Bill), the interaction of the respective organs within ICANN, the processes and the Council's view of its interactions with different organs of ICANN is absolutely within the purview of our study.

But to be specific and hopefully this can provoke some discussions, we have to, under Paragraph 9.1, look at the following: "A, continually assessing and improving ICANN board of directors governance which shall include an ongoing evaluation of board performance, the board selection process, the extent to which board composition meets ICANN's present and future needs, the consideration of an appeal mechanism for board decisions." That's A.

"B, assessing the role and effectiveness of the GAC and its interaction with the board and making recommendations for improvements to ensure effective consideration by ICANN of GAC input on the public policy aspects of the technical coordination of the GNS."

"C, continually assessing and improving the processes by which ICANN receives public input including adequate explanation of decisions taken and the rationale thereof."

"D, continually assessing the extent to which ICANN's decisions are embraced, supported and accepted by the public and the Internet communities."

And "E, assessing the policy development process to facilitate and enhance cross community deliberations and effective in timely policy development."  
Now obviously E with regard to the Council and the role that the Council plays and the PDP processes of direct interest I would assume but any of those five elements are areas that we need to review and areas where we'd be very interested in your thoughts.

Chuck Gomes: Kristina.

Kristina Rosette: One thing that I hear from a number of (unintelligible) end of the policy development process when the Council (unintelligible) final report of that (unintelligible) generally understood that there are certain documents and briefings (unintelligible) on those (unintelligible) my knowledge those papers had never (unintelligible).

(Unintelligible) has created (unintelligible) as to what happens (unintelligible) the output that the GNSO generates to what the board gets. (Unintelligible) those documents (unintelligible) but I think it would also go a long way toward the (unintelligible) knowledge that there may be in fact be circumstances (unintelligible) portions of those papers might need to be redacted.

But I think the wholesale withholding of them in the long run is not a productive (unintelligible).

Chuck Gomes: Thank you Kristina. Other thoughts? Olga.

Olga Cavalli: Thank you, good morning. This is Olga Cavalli. I have a comment about (unintelligible). We are working specifically in (unintelligible) in one of our working teams and we are preparing a document now. And about the fellowship program I have - I made several comments in several open comment periods.

I think for transparency purposes it would be good to know who are the persons, the individuals, participating in the selection comment teams that it's not available in the Website as it is for the non-com (unintelligible) where you have all the names and all their statement of interests. It would be important to know that.

And also there is I think in my modest opinion an imbalanced selection process in relation with geography because you privilege when they select the privilege of those countries which are closed to the venue, to the city where the meeting is being held.

And in the case of some countries which are very north or very south of the word which is the case of Argentina for example or Chile or Uruguay or (unintelligible) we are always in the difficult situation because we are usually far away from everywhere.

So - and so when you see the selection you can clearly the see the difference. So I would like to make this comment because if we know are in the comment maybe we can have the chance to talk to them and (unintelligible) the geographic gap that we find. Thank you.

(Brian): Olga, if I could ask you a couple follow ups? One, you just at the end said, know who's on the committee, so is part of the problem access or interactions with the committee that makes the decisions? That's Question Number 1.

And then also could you in your own words explain to the review team what the fellowship program is and what you think the objective of the fellowship program is?

Olga Cavalli: Thank you for asking. The fellowship program for several years I wanted to participate in ICANN meetings and I have no funding. And I got - I brought this idea - I don't know - I'm not saying that it was mine but I would promote it; to have - to give the opportunity for developing countries to participate in the meetings.

And this - I think this is great for (unintelligible) and really ICANN needs more diversity especially in GNSO. So it's difficult to explain what GNSO does. So if people have the chance to participate in meetings at least as an observer this is a great advantage.

(Unintelligible) I've been following the fellowship program as I was invited as a fellow in the first group in Taiwan. And as a main difference with other selection committees I haven't found the names of the people doing the selection. So I think this is - this could be good for transparency.

And as we do in GNSO we have the statement of interest that is published and probably available in the Website. I think it should be available also for this selection committee and fellowship. I don't want to take all the time (unintelligible) but I think if you want we can talk about this later.

(Brian): Thank you Olga. And let me reiterate too again, this is not a one-shot deal in terms of our interaction. (Unintelligible) work to do and recommendations to make at the end of the year. We are open to hear any input from the Council members in addition to written responses to the questions should the Council decide to do so, so thank you.

Chuck Gomes: And we all know that this meeting is recorded and I'm sure all of the review team meetings this week will be recorded. If you (unintelligible) so I

encourage everyone as (Brian) already said to (unintelligible) so that it's documented that way. A lot of people won't listen to the (unintelligible) comments that are submitted in the (unintelligible).

Man: Thanks Chuck. It's just a (unintelligible) question if I may. When you say ICANN did that extend through to the function of (IANA) as well? And to the same questions apply?

(Brian): What I read to you out of Paragraph 9.1 are the areas that the review team needs to review. There's nothing explicit in 9.1 about (IANA). (Russ) said this is about ICANN board decision making, interactions with the GAC, public input, development process. There's nothing explicit in there.

But we're here to listen and if you have specific thoughts about that issue we'll certainly take them on board.

Man: I think that a couple of those points there's some overlap particularly (unintelligible).

(Brian): You have specific thoughts they're welcome. Cheryl Langdon-Orr had a question.

Cheryl Langdon-Orr: Not so much a question but a follow up from what Chuck was asking the GNSO Councilors and of course the (unintelligible) the GNSO to do. Take a look at us and approach us. You can also approach any one of us and whatever you say to any one of us will be (unintelligible) information not just to meet with each other and meet in formal (unintelligible).

We actually are at your beck and call, so that if someone feels they want something brought forward confidentially we can handle that confidentially in a team (unintelligible) session. Or we can make sure if you're feeling perhaps language-limited or a (unintelligible) to bring certain things forward look at who's on the team and make the best use of us possible.



Chuck Gomes: Thank you Cheryl. Stéphane.

Stéphane van Gelder: Thank you. Just want to make a point that if we're talking about improving mechanism for public input and being more transparent one clearly aspect that we need to look at is the language barrier that most people face. And that takes up from Cheryl's point.

I know certainly from coming from France for example ICANN is actually not very well understood because most of the documents although they are translated eventually come out a lot later than what is available for the English-speaking world.

So if you say the (DAG-4), sorry, you're not supposed to say (DAG). So what's the word that we're supposed to use now?

Chuck Gomes: Application Guide Book Version 4 in Draft Form.

((Crosstalk))

Stéphane van Gelder: If you take that most of us here at this meeting or, you know, regular ICANN followers understand, know, have read it and know what's in it. That's not the case for most non-English speaking people because they still don't have their translation. So if we're going to look at those aspects and I know there's a French person on your team so I'm hoping he's going to champion that cause. But that seems to me to be very important. Thank you.

Chuck Gomes: Thank you Stéphane. (Willy). Good question (Willy). (Unintelligible) probably aware we're actually in the middle of finalizing implementation (unintelligible) to the board recommendations for (unintelligible) almost all of the things are coming to a (unintelligible).

Part of that that some action items are (unintelligible) already approved (unintelligible) are procedures for (unintelligible) use the term public interest. But as I think you probably know (unintelligible) into (unintelligible) stakeholders (unintelligible) contracted party's house side (unintelligible) commercial stakeholder group (unintelligible).

(Unintelligible) well that the public interest is (unintelligible). At the same time we also have (unintelligible) obviously one that's one that's a natural for (unintelligible) ultimate direct customers are (unintelligible).

That said let me (unintelligible) talking on this (unintelligible). (Bill).

(Bill): Undoubtedly the various stakeholder groups represented on the Council generally (unintelligible) could and therefore in the public interest. But (unintelligible) there is not in ICANN of course any (unintelligible) of what the public interest means without any kind of requirements (unintelligible) ongoing matter of procedure whenever we undertake a particular activity that that criteria is then used to evaluate whatever (unintelligible) not like a standard against which (unintelligible) measure their reaction.

(Unintelligible) public interest (unintelligible) both of our competing understandings of it in what we articulate and I guess (unintelligible) to mainstream (unintelligible) of the public interest (unintelligible).

Chuck Gomes: Some of the working groups that are ongoing even right now are actually follow-up steps (unintelligible) policies that were established in (unintelligible) that aspect. And most of the recommendations (unintelligible) policy or best practices (unintelligible) longer than that.

(Unintelligible) that aspect of follow up. Our working group model which we've been following to for quite a while and is part of (unintelligible) totally open (unintelligible) government involves someone from (unintelligible) welcome to

be involved (unintelligible) operating that way for quite a while and that was our (unintelligible) normalized in the next few (unintelligible).

(Brian): (Alan).

(Alan): As the ALAC Liaison I wasn't going to talk very much at this meeting. But I have to follow that up. What Chuck says is correct but it's often very hard to get people who are unaffiliated with the interested parties (unintelligible) put a lot of effort and work into (unintelligible) just because those whose business interests depend on it have a lot more latitude and funds and resources to (unintelligible) getting a lot of - or reasonable participation in many of these working groups from people who are looking purely at it from a public interest point of view.

(Unintelligible) time commitment as I think probably all of you are (unintelligible) it takes a lot of time just to come up to speed (unintelligible) part of the board recommendations (unintelligible) helpful (unintelligible).

(Brian): Kristina?

Kristina Rosette: One area that I struggle in (unintelligible) and I think there are really (unintelligible) but I think in many respects it's gotten to the point (unintelligible) actually undermining. Let me just say first off I think ICANN is doing a much better job of (unintelligible) why certain public comments are not (unintelligible).

But on the other hand there are so many public comments that it is virtually impossible (unintelligible) particularly where parties - entities or persons that we want to comment don't have a direct financial stake.

Among my constituents the problem in picking and choosing (unintelligible) that conveys a message that this it not an issue we care about. And I think there has got to be a better way to make (unintelligible) apologize for

(unintelligible) analogy but it's equivalent to one person being responsible for reading and commenting on everything that goes in the (unintelligible) regulations. It's not viable.

Having said all that what I'm about to say is probably a little bit controversial but (unintelligible) that is I don't know that there is a mechanism either at the Council level or the board level to really delineate what the obligations are of the Council members and the board members.

It's not physically possible given that we're all volunteers to ask us to read the (unintelligible). But I also know that very frequently it's not the change that (unintelligible) comment that you're given any kind of (unintelligible).

That might be an avenue - again, a high level summary that (unintelligible) if you want to read more about this particular (unintelligible) but that gives us a broad enough, deep enough view of what the comments were that at least I would feel that we're taking those in (unintelligible).

(Brian): Thank you Kristina. I'm going to ask a follow up and (Willy), I've got you. This is something we've heard about the volume of public comment periods. So I would go back and ask you and anyone on the Council do you think there is a mechanism or mechanisms could be developed to address this? And if so what do you think they might be?

Again at the end of the year we need to make recommendations so if we're finding what people consider to be a problem area your thoughts about fixes are very important.

The second question I'd ask all the Councils is within your job on the Council when and why do you think you should be reading those public comments within the purview of the work you do at what times in your process, when and why would you be reading public comments? Thank you.

Chuck Gomes: (Brian), let me follow up with that as well. First of all a good example has been (unintelligible) our working groups ready to put their report out for public comment actually elected to delay it until July just because of the volume of (unintelligible).

I thought that was really a wise and insightful decision. (Unintelligible) optimal to delay without causing (unintelligible) I think (unintelligible) one example of maybe something (unintelligible) of them.

Another thing I want to follow up from what Kristina said (unintelligible) try to make sure that we're representing our full (unintelligible) process in itself. So on top of review (unintelligible) what is being said is supported by a strong (unintelligible) that complements.

Now with regard to - Kristina is absolutely right that there've been great improvements in the area (unintelligible) offsite as one example (unintelligible) that's done that I've seen so (unintelligible) go through and say (unintelligible) but we concluded and we (unintelligible) very good example on the (unintelligible) Stéphane (unintelligible).

Man: I'd like to ask the Council members (unintelligible). Now behind it there could be two or (unintelligible) one is ICANN is a structure (unintelligible) what (unintelligible). Another way of looking at it (unintelligible).

Chuck Gomes: Yeah.

Man: I think it's (unintelligible) work that's being done is done primarily (unintelligible) number of volunteers but there's a limited (unintelligible) limited amount of time that people (unintelligible). So I think that, yeah, that there has to be some realization that (unintelligible) if the Council is (unintelligible) otherwise if you don't realize that, if you don't make that (unintelligible) that way what happens is then we rush to some judgment (unintelligible) ultimately not (unintelligible).

Chuck Gomes: Right now we're looking for responses to that question so Zahid.

Zahid Jamil: Representing the business (unintelligible) as far as our constituencies, our core business is not (unintelligible) to that extent we are different and we find that therefore is a diversity when you look at (unintelligible).

Now to get those people who basically don't see this as their core business (unintelligible) resource, cost and a question of the depth of information that they're going to have to very, very quickly assimilate and then comment upon.

And that's why having too many comment periods - I completely agree with Kristina and (Tim) when they've mentioned this, this is going to be a problem because it inherently tries to - well it doesn't try, it has the impact of keeping people out from making comments who would be interested in these aspects.

And so that has an impact inherently on accountability and transparency. So, you know, I think that that is an important point. In addition let me also say you may have noticed that there was last year the IRT process. It was an ad hoc process; maybe something needs to be looked at in terms of why was it necessary to have an ad hoc process.

Obviously the necessity was there but maybe the systems weren't in place to allow for it to happen from a process perspective. And there's something there we need to look at as well. Thank you.

Chuck Gomes: Any other responses to that question? Stéphane.

Stéphane van Gelder: (Unintelligible) to the question but I'd like to address the point about the shared volume of work that's - I'd like to take this further than the GNSO Council because I think that reducing (unintelligible) we'll need to look at this in wider - look at the wider picture.

And I think if you look at any group within ICANN that is a volunteer-driven group you will find that people are suffering from burnout. There's the comment periods but there's just the sheer volume of work. And there's the pressure that we're all under and that we all put ourselves under including through these processes to excel, to perform better, to be accountable, to make sure that everybody is able to participate.

So on the one hand we're trying to deal with all this, I mean, the sheer volume of stuff that comes at us before an ICANN meeting, to be frank, it just ridiculous. Just reading the - sorry, that word again - the before things, I mean, that's the challenge.

And you've got about 10 million other documents. So what happens is that for people like me or for other people that actually do have a day job people at my firm now consider me as an ICANN employee.

So I find myself in that difficult position of having to both justify within my own organization what I'm doing here and trying to justify here the fact that I actually get sent here by, you know, because I'm - I work for a registrar so how transparent is that and everything. We run into those issues.

And we're just faced with basically the feeling that we get is that we're just torn apart between these two opposite needs and interests. And what we're trying to do just to get to grips with the volume of stuff. So I think the point I'm making and I'm sorry for laboring it so much is that perhaps to some extent there's too much of an expectation.

And we need to be realistic at some point; realistic in the way we print our documents, realistic in the way that we schedule the release of public comments, realistic in the volume of work that we ask volunteers to do and indeed that we ask staff to do. Because in our everyday interactions between

the GNSO and the support staff we find that they are having, you know, a hard time following the work as well.

(Brian): Thank you Stéphane. And to be clear what I heard you talking about was not just public comments but a broader range of volume of work specifically documents that come in just prior to an ICANN meeting.

This is clearly an area that - and we've heard and we're hearing from you so any follow up from the Council on this particular issue to the review team in writing or individually that provides the specificity you were getting into would be very, very welcome. (Peter).

(Peter): It's entirely under the Council's control I've seen following the - you're masters of your own fate. So what are the barriers that stop you from prioritizing the work in the way that you (unintelligible).

Chuck Gomes: Probably going to be able to answer that - maybe we'll be able to answer that a little bit better in a couple months. (Unintelligible) get a two-hour prioritization exercise that we've been preparing for yesterday. And we're going to evaluate that (unintelligible) for public comment (unintelligible) and so forth. And we haven't seen the final results (unintelligible).

But let me share an example of the reality of what we're working at. Prioritization sounds - and I'm speaking personally (unintelligible). Prioritization it sounds really good but the reality is that when it comes down a specific issue it almost has to be looked at on an individual case.

And the perfect example in this case is the vertical integration issue. By all rights (unintelligible) looked at our workload and everything else that was going (unintelligible) good reasons not to delay it. And if it's a resource issue (unintelligible) 70 volunteers for it.



So prioritization sounds really good. We do need to focus on that. It is not the sole magic formula in that regard.

Man: I wanted to respond, you know, and I'm guilty of this so I think that it's interesting that we talk about prioritization. I think the step before that is the expectations of the Council itself; often it's the Council saying that they're working to hard yet each individual member has an axe to grind and, you know, in representing their stakeholder group and to push something forward.

So they're the ones that are creating the volume of work. So when (Peter) says, you know, how do we, you know, it's up to the Council to govern, I think the Councilors themselves need to look at what they're asking the rest of the Council to do and that they all have their own (unintelligible) they would like to see finished first.

So that's, you know, where the expectation comes along. I don't think we can blame ICANN or the staff or even the public at large, it's largely our stakeholder groups that are, you know, pushing us to say for example in our case, go and get vertical integration (unintelligible) registrar case, go get vertical integration solved now please.

(Unintelligible) many of the other stakeholder groups have different points. So I think that (unintelligible).

(Brian): (Willy) and thank you for patiently waiting.

(Willy): ...be helpful for (unintelligible).

Kristina Rosette: I'm sure others have (unintelligible) my tenure on the Council I would (unintelligible) but the effects frankly have (unintelligible) better than the (unintelligible). That may have been the case in (unintelligible). And for ones that were not successful I would say WHOIS.

(Brian): (Peter).

(Peter): I was just going to say I think 11 years is probably - puts it into the category of not so successful, yeah.

(Brian): Regrettably we're coming up to the hour so we'll have to take a last few comments, but, please.

Stéphane van Gelder: Thank you. I just want to answer (Peter)'s question with a question because (Peter) was asking why, I mean, it's under the Council's control to determine the amount of work that we have to do.

And I'd like to ask (unintelligible) by that he feels that we are able to control the work that we do and the work that we choose to do because I'm not sure that everybody on the Council feels their task is to do anything other than manage the work that is being put in front of us.

I'm not sure that everybody agrees that the Council's task would be to choose what tasks to undertake, what projects to undertake and what projects not to undertake.

Certainly in the prioritization work that we've been doing some of us would feel that the projects that we're being asked to tackle possibly we shouldn't be even working on those right now. So that would be a managerial decision not to do this but to do that.

Say if I use a company management analogy with a set number of resources in front of you you have five ideas, you can only do three then you choose which three you're going to do but you choose; you make a managerial decision.

I'm not sure the Council's working like that. The Council is saying we have been pushed - five ideas have been pushed towards us; we have to handle

those five. And the question is how do we handle them; the question isn't which three are we going to do best.

(Alan): Yeah, I think that's - I feel the same way. In fact I think the way the PDP process, the Policy Development Process is kind of established right now and (unintelligible) looking at making some changes (unintelligible). It seems like it really gives the Council a lot of choice. (Unintelligible) the board, you know, comes to the Council with (unintelligible) process that (unintelligible) timeline very often but the process that then ensues (unintelligible).

Maybe that's an issue that we need to look at (unintelligible). And then just one other quick comment about success of PDP. I think, you know, it's hard to say because if you say well if there was no recommendations that came out of the PDP, no consensus that could be found in the PDP does that necessarily mean it was unsuccessful?

If there's no consensus there's no consensus. I don't know if that means it's unsuccessful. (Unintelligible) gauging success of the PDP (unintelligible).

Chuck Gomes: ...wrap this up, it's been a great discussion. I hope it's (unintelligible) certainly just like (unintelligible) talk to us and it (unintelligible). One comment with regards to (unintelligible) a lot better job of (unintelligible) have a problem (unintelligible) that's our own problem (unintelligible) but we'll (unintelligible).

(Brian): Thank you, Chuck, thank you to all the members of the Council here today. Again the lines of communication are open. We on the review team are on a work schedule to produce recommendations at the end of December. I think we will certainly take comments any time between now and then in order to maximize our ability to process your inputs in the next three months or so.

If you have any specific thoughts or follow ups or written responses please by all means provide them to us. Thank you all.

Chuck Gomes: Thank you. The Council will be continuing in its next meeting let's take five minutes just to - as a very brief break. We need to get (unintelligible). Our next session has to do with two working group reports, so please come right back.

END