

ICANN Brussels

Affirmation Reviews - Interaction with Community

Monday, 21 June 2010

>>BRIAN CUTE: We're going to begin the program.

Good afternoon. Welcome to the Accountability and Transparency Review Team's meeting with the public.

My name is Brian Cute. I am the chairman of the Accountability and Transparency Review Team. I'd like to make a few opening comments, and then we'll get to hearing your comments, which is why we're here.

While we would have liked to focus solely on our work and interaction with you, the ICANN community, in today's public session, the members of the Accountability and Transparency Review Team note Rod Beckstrom's disparaging comments this morning about the objectivity of our work.

It is disappointing that ICANN -- Mr. Beckstrom feels compelled to lay a foundation for discounting our work even as it is only beginning.

Like ICANN, we are organized as a multistakeholder body, and like the ICANN board, our membership includes stakeholders for the user

community, governments, noncommercial parties, ccTLD community, and contracting parties, indeed, the chair of the ICANN board, along with the chair of the GAC, selected the members of the review team.

I can assure from you my early interactions with the members of the review team that the ATRT is composed of professional, serious, and hard-working individuals from diverse parts of the community and elsewhere who share a strong commitment to ICANN's success. We are working in the open, listening to the community and to each other, and we look forward to having our work judged on its merits.

We welcome this opportunity to hear from the ICANN community.

The ATRT has begun its interactions with the various constituent bodies within ICANN this week in Brussels. We first met as a team in early May and are now beginning the data-gathering aspect of our work. We are conducting our work in an open and transparent manner, holding open meetings, and making the transcripts of our team meetings and calls available to the public. Now I would like the members of the review team to introduce themselves.

>>WARREN ADELMAN: Warren Adelman president of GoDaddy.com.

>>LOUIE LEE: Louie Lee senior network architect at Equinix, serving as a chair of the ASL Address Council.

>>BECKY BURR: Becky Burr, Wilmer Hale, ccNSO Council.

>>FABIO COLASANTI: Fabio Colasanti, until a couple of months ago with the European Commission, and now president of the International Institute of Communications.

>>MANAL ISMAIL: Manal Ismail, Egypt's GAC representative and serving as the vice chair for the team.

>>OLIVIER MURON: Olivier Muron, I work for France telecom in Paris.

>>ERICK IRIARTE: Erick Iriarte general manager of LACTLD, association (Speaking Spanish).

>>CHERYL LANGDON-ORR: Cheryl Langdon-Orr chair of the at large advisory committee. At-Large Supporting Organization.

>>LARRY STRICKLING: Larry Strickling, United States Department of Commerce.

>>WILLIE CURRIE: Willie Currie with the Association for Progressive Communications.

>>BRIAN CUTE: Thank you.

The review team developed and posted questions to the community for public comment using paragraph 9.1 of the Affirmation of Commitments as a guide.

The deadline for responses has been extended to July 14th, and we encourage all of you to file comments in response to those questions. Today's session is going to be run similar to a public forum, with an open microphone. The questions for the public are posted up on the screens and can be used as a guide to your responses, but you're not bound to respond to the questions.

The review team would be particularly interested in specific examples where a member of the community felt that ICANN's decision-making or processes did not live up to the standards of accountability and transparency expected of ICANN.

And with that, I'd like to open the microphones to anyone who has a comment.

>>MARILYN CADE: I'm sorry, Mr. Chair, may I ask a point of order first?

>>BRIAN CUTE: Certainly.

>>MARILYN CADE: My name is Marilyn Cade. I'm asking where the real-time transcription is, since I have members participating remotely.

>>BRIAN CUTE: Thank you for that. Alice.

>>MARILYN CADE: Then I'll be back to the microphone with questions.

>>BRIAN CUTE: Thank you for that. Alice. It's working, Marilyn.

>> Click on the schedule item and it's available on the Internet.

Steve, it's working?

>>BRIAN CUTE: On the Internet it's working. If you click on the Internet.

>> Alice, could you put that on the screen, please. That's being done right now. Thank you for the point of order.

>>BRIAN CUTE: Steve, would you like to wait for it to be on the screen.

>>STEVE DELBIANCO: Steve Delbianco with NetChoice. A lot of us are reading with interest the list of questions. We found that, boy, when we dive into our memory banks and look at the comments and

things we've said in the past, we do, indeed, have lots of specific examples. But I have to tell you, I'm struggling with the level of specificity and the degree of research I need to do to give you something you can really work with.

I'll recall incidents in past meetings or public comment periods when I think what we said was sort of disregarded, but how -- how much detail do I have to provide in terms of the comments that were submitted, the degree of response that we got from management and staff, and one of the concerns I have is that if I prepare something that I'm firmly in belief of but I don't have all the specifics down, if it's then published, I -- I risk having -- having myself look like I really -- I really didn't know what I was talking about, because there is a lot of detail about how staff did reply, and they might come back and say, "Well, we did, in fact, come back and consider the comments and here's where they are."

The things we submit to you, are you going to compile them? Will you accept anonymous examples? And will you accept incomplete examples where I wasn't able to do all the research necessary to back it up?

>>BRIAN CUTE: Thank you for the question. A very important question.

The review team has discussed the fact that we need to engage in a fact-based analysis of any of these issues that are presented to us. That may entail researching ICANN documents going back perhaps many, many years, or communications. That's a task that the team is going to take on with the resources that we have at our disposal.

We would encourage every member of the community who thinks that there is a viable issue that requires review or merits review to put forward the information that you have. We are operating in a very open and transparent manner.

We have a public e-mail list. We will have a link to which you can submit these documents and statements. And those will be public. This is in keeping with the -- the philosophy and the -- the objectivity of the team. We'll take that question on board and make a posting to the Web site.

>>MARILYN CADE: Thank you. My name is Marilyn Cade. I'm speaking in my individual capacity. I am the chair of the business constituency. We do not have a formal position at this time.

Many members of the BC will be talking with you tomorrow when you come and meet with them, and others may make individual statements.

I will be encouraging the business constituency, both individually

and we'll examine whether we'll make a completely written statement, but I will be encouraging individual members to respond to the questions. And I will be making some comments in writing that I'll summarize very quickly here.

I was a member of the President's Strategy Committee for three years, and I shared a part of the task that you now have, which is to find an effective way to communicate with the members of the community, but to do it in a very fast fashion. So I'll share some ideas in writing with a couple of things we did. Not always traveling to remote locations, which might be very exhausting for the team in order to spend days in travel and then also dedicate days to work, but very effectively using conference calls where people could schedule a slot in which they could speak to the team and make an organized presentation.

So I'll talk more about that at another time.

I wanted to comment on the issue of anonymous contributions. In spite of your response, we did consider that extensively within the President's Strategy Committee, and rejected it. And I think that there may be a situation where someone needs to make a confidential contribution, but I really think that anonymous contributions do not serve the needs of the stakeholders or the needs of the review team.

My final comment is going to be about the integrity and respect that I have for the members of the review team. I'm a member of a stakeholder group, and the stakeholder group worked very hard on deciding how they would put forward a name and that they were very committed to endorsing someone from the stakeholder group to take on this very important task. We were very fortunate that we were able to have one representative per stakeholder group within the GNSO. And I look forward to having the same balance in future review teams, and I will probably be back at the mike.

>>BRIAN CUTE: Thank you very much for those helpful comments, Marilyn.

The question of anonymous postings, I welcome your input. The -- we have not discussed that as a team. And this is the first time the question's been posed. So we will take that question on board. And we recognize that we need to create a link to which on the Web site within ICANN where our work can be located. We need to provide a link for you to put your postings.

So we'll address that question as a team, put a notice up on the site, and, you know, commence the exchange of information.

Other comments? Steve.

>>STEVE DELBIANCO: Thank you, Brian. It's a question. I was watching as your team met with the joint working group with the board and the GAC yesterday. It occurred to me that some questions raised by some governments had to do with how frequently they're asked for their opinion. And the importance of having that be a formal request for their opinion early enough in the process so that they can provide one. And I think we put ourselves at risk with a private sector-led model if we don't adequately request and respect, at least, the advice that comes from the GAC, particularly when they're under the option of going other places to make their voices heard where they know they have a vote. The U.N. will be debating the future of what they think Internet governance is all about later this summer.

So it asked the team, do you need to prepare. I know you have a GAC member sitting right here -- but do you need to prepare a formal request of the GAC to provide the kind of information you're looking for? I know there's a posting for public comment. But I don't think the GAC always considers that to be a formal request for comment.

>>BRIAN CUTE: Thank you for the question.

We had a very good interaction with the GAC, not just the joint working group of the GAC and the board yesterday, but the GAC directly, and had a direct exchange of information that we found to

be quite constructive.

The review team itself -- The GAC, I should say, under the bylaws has a structured form of interaction with the board. And this was one of the questions that was explored.

With regard to the review team, we are operating in a manner where we are able to interact with any and all constituent bodies of ICANN. We've had a very fruitful exchange with the GAC yesterday. We intend to keep the channels of communication open. And I would say that for everyone in the room today, too, that this is not a one-shot opportunity to interact with this review team. Please make comments today. But after the fact, if you want to provide us information or thoughts, please do so.

We have to deliver recommendations by December. We are in the data-gathering phase of our work. I think fairly -- the next two to three months, we'll be vigorously gathering data. And then in the September/October time frame, turn our work towards analysis and developing recommendations.

So please, anytime in the next two to three months, provide us any thoughts you have? Sir.

>>CHRIS CHAPLOW: My name is Chris Chaplow, from the business

constituency.

One comment or -- I'm not sure if it's a question or comment. I have heard it a number of times in the public forum -- is respect to board minutes and transcripts. It's so obvious that maybe it's been said many times before, and if that, I apologize. But as I understand it, in the board meetings that don't take place in the public meetings, then there's just a summary after the event, isn't there, there's not an actual minutes sort of published. And then the board meetings that do take place at the -- at the public meeting, then there's a sort of other board meeting on the Thursday evening in preparation for a more staged board meeting on the Friday morning. So I just wanted to add that into the mix.

Thanks.

>>BRIAN CUTE: Thank you very much. And that's an item that we've heard from other people as well. That's something we're noting.

>>MANAL ISMAIL: I'm sorry. Back to Steve's question about the GAC.

Yesterday, we had, as Brian mentioned, a very fruitful brainstorming and information exchange with the GAC. And we really, at the end, it promises from individual contributions to the public comments. So some countries will contribute, but on individual basis, country by

country, which is going to be also useful.

Thank you.

>>BRIAN CUTE: And if I can add one moment, Marilyn, we did send a letter to the GAC as well asking specific questions of the GAC.

Marilyn.

>>MARILYN CADE: I have a question related to that, and then I have a question for you.

I wanted to be sure I understood what Mr. Delbianco's question was.

And that was not just related to how they might be giving you input, but how their communiqués are treated and whether the communiqués have automatic standing as formal advice to the board.

And I raise this question because an exchange that is a matter of public record between myself and chairman of the board and the chairman of the GAC on this very topic that took place, I believe, at the Seoul meeting where a statement was made that the communiqués are -- do not have -- are not advice. And I asked the question of whether they were.

And I'm asking that question of you all in terms of are you asking those kinds of questions? And I'm taking from the nod you are.

Thank you.

My point --

>>BRIAN CUTE: It was the first question we asked at the joint working group meeting yesterday.

>>MARILYN CADE: Thank you. Thank you.

My question relates to your question number two. And I am -- I have spoken and written on the topic of accountability mechanisms before. In the interest of disclosure, I will note that I have availed myself of the ombudsman on at least two occasions, and of the review, the board reconsideration procedure.

There's a very short list of people who have used the so-called accountability or appeal mechanisms. And I applaud you for asking this question and for asking what kinds of improvements or other examples might be made.

There has, however, been in the past, in a couple of instances, particularly related to the President's Strategy Committee, some suggestions put forward, concrete suggestions, about improvements in the accountability mechanisms and added to the accountability mechanisms.

Do you -- are you data-mining that or do you need that resubmitted?

>>BRIAN CUTE: We are using that document, among others, as a basis for our work.

We -- Our charge is under the Affirmation of Commitments. And as I said, we're mapping our work to paragraph 9.1. We had a discussion as a team as to how far back in history should we go. We certainly, from September 30th last year, when the affirmation came into effect, to today is a period of unique concern.

Before that, we have identified specific undertakings relating to accountability and transparency, including the President's Strategic Committee, as relevant communication that we need to review as we do our analysis and move toward recommendations.

We have not ruled going all the way back in time, but there is -- there becomes a marginal benefit the farther back you go in terms of things that can make a difference today.

>>MARILYN CADE: Right. Thank you.

>>BRIAN CUTE: Sure. Becky.

>>BECKY BURR: I just want to commend to people the questions that we submitted to the GAC and to the board and to the GAC/board working group. The questions that you are raising, Marilyn are questions that we are very much interested in. So we have, for example, asked, what is encompassed within the phrase "public policy matters" in the formulation and adoption of ICANN policy. Can you give us some examples that constitute advice on public-policy matters and some examples of what falls outside of this.

So we're very much exploring those issues.

>>BRIAN CUTE: And if I may, I welcome all these questions. What it's demonstrating to me is that the community is just becoming acquainted with our work. Because many of these questions are procedural, about how we're doing our work. And we're perfectly comfortable to discuss those at length. We do have a site on the ICANN Web site. If you look on the home page, to the left, down the bottom, there's a box that says "AOC reviews." If you click on that, you can get to your interior page. We've posted the transcripts of our meetings, our calls, the documents that we've worked up. Becky just referred to one in terms of how we define certain terms. All those things are present there. They can be improved and we will continue to improve them. We recognize that.

But we do want to use this time, if we can, as an opportunity face

to face to hear from members in the room if there are specific areas that we should be focusing on as we go forward.

Wolfgang.

>>WOLFGANG KLEINWÄCHTER: Thank you very much. My name is Wolfgang Kleinwächter. I'm from the University of Aarhus and asking the questions in an individual capacity.

When you talk about history, I think some of you on the podium have been involved in the early days of ICANN when the at-large issue covered, you know, nearly 50% of the debate. At this time, there was the plan to have nine voting at-large representatives on the ICANN board. Then we had the election. Then we had the reform, we ended up with the At-Large Advisory Committee. Last year there was in Mexico the first At-Large Summit, sponsored by ICANN. I myself was the chair of the transparency and accountability working group. And we made some recommendations.

And my question to you is, you know, how do you review the interaction between at large and the board? Because my understanding or my observation is, while there is a lot of discussion, you know, what advice of the Governmental Advisory Committee means to the board, there is nearly no procedure in place what advice of the At-Large Advisory Committee means for the board. And, you know, what

would be a formal advice is the need to have formal advice from the At-Large Advisory Committee to the board and what would be the interaction.

So I think this is an interesting space where we need a little bit more clarification.

Thank you.

>>BRIAN CUTE: Thank you, Wolfgang. We did have a meeting with the ALAC yesterday where this particular issue was raised. It's one that's on our radar screen that we will take a look at. Thank you for that.

>>CHERYL LANGDON-ORR: If I may, Brian, to assure Wolfgang, as leader of that team in the At-Large Summit, as you well know, Wolfgang, that then went on to become an endorsed statement of the ALAC. And that has been passed on as a piece of substantial material for the team to look at.

>>BRIAN CUTE: Just a moment before we start on the next speaker.

We have 21 people participating in the Adobe Connect room right now, and we welcome their questions as well.

So, Alice, are you coordinating with Rob? Okay. As they come up, please bring them to our attention. Thank you.

Sir.

>>KIEREN McCARTHY: Hello. My name's Kieren McCarthy, and I've been an advocate for accountability and transparency within ICANN, outside of ICANN, and then recently within ICANN.

And I was also a major contributor to the three big efforts that have been made with regard to this, the One World Trust, I was the staff support for the One World Trust, along with Paul Levins and Patrick Sharry. The accountability and transparency frameworks and principles, the aspects that were to do with my job, I wrote large portions of that and I helped with the editing of that.

And the -- I was the staff -- one of the staff support for the improving institutional confidence consultation, which flew around the world and approached many of the same issues that you're looking at now. So I say all of that because this isn't the first time this process has been through. And so I'd like to give you some pointers, if I could. And I'm afraid it will mostly come in the form of criticism of you as a group. But that's one of these situations where I have to stand up and torture you on the panel. So I apologize for that.

I'm a little concerned that you are not setting a good example yourselves of what accountability and transparency means in the ICANN context. I think you're too quick to accept the risks of being fully open and too slow to look at other ways in which you can get around being entirely transparent and accountable. I've heard a lot of your discussions. And I think you're too quick to accept those. I think you should take a little bit more of a risk with the risks, to be honest.

You're ignoring, to that extent, the tremendous sensitivity that there is in the community about these words "transparency" and "accountability," which have been a major problem for the organization. And there's a lot of sensitivity about it. So anything that doesn't look transparent or accountable will set people off. I know this from having tried to do it.

ICANN typically confuses having a lot of conversation and feedback with being transparent and accountable. But that's not what it is.

What transparency means is that you can follow what a group's thinking is, what its arguments are, and then what its decisions are. You can see the thread of logic, how you got from A to B.

And accountability means that if you are unhappy with that thinking,

you can -- you will be obliged to explain to other people how you approach that.

That's how I view transparency and accountability.

So I have some examples. So that's all vague. But examples. As soon as you made the mailing list, your mailing list, public, the discussion virtually stopped. You are sort of using it in a way to post draft documents and final documents in a way that you're saying, "We are transparent." But it's a sort of pretext, because you can see that your discussion has stopped. And the problem with that is, is that we know that you're having conversations, but you're also having sort of a pretext of being open. So that breeds suspicion. You say, well, I know they're having conversations and they're saying they're being open. But I can't see most of them. And that in itself breeds suspicion. And that's not helpful.

I know that you -- that you're not doing that, because I know many of you. And I know what many of you are trying to do. But that's how it is -- that's how it feels.

Regarding the presentations, independent experts, you've made a decision to release these after you've made the decision. And I know the arguments that you have for that, but I think it's a major mistake. These are the people who will do the crucial work of this

review team. And we have no idea who is bidding or what they're saying or how much they're going to charge. And you're going to tell us after you've made the decision. And that's not accountability. And it's not transparent to just say, "By the way, here's what happened."

Having that closed session I don't think was necessary. It's exactly -- To my mind, it's the faulty logic that permeates ICANN more broadly, which is that if we provide you with everything, even though we've made the decision, then we are being open. But that's not what people want. People want to be able to say, "I think your logic is a little bit faulty here," and have you interact with it.

You're not being open about your budget. And it's not your money. You're spending the community's money, and you're not being open about how much money you've set aside.

So you can just tell us you've set aside two figures depending on two different scenarios. One is \$189,000. One is \$323,000. Fine. You know, people understand what the costs of these things are. But by not telling anyone, it looks suspicious.

Now, the reason I did that was so that the world hasn't ended. I've told the people what the figures you have put away are and the world is continuing.

If you're more open, you'll find that amongst a lot of the angry comments you'll get or useful comments you'll get, you'll also get useful feedback. So I'm hoping that this will be useful feedback to you.

The bidders you have got for this crucial bit of work are management consultants. And they're academics, and they come with a very high price tag. And I'm not sure, reading what you say you want to do, these are the people that you want doing the evaluation. What you want are evaluators. And you're in Brussels. And it's one of the big hubs of evaluators in the world, because the two leading organizations for evaluation are the U.N. and the E.U. They have to explain why they're spending the money, this is a good use of money, so on and so forth.

So you have three hubs. You have Brussels, you have Geneva, and you have New York.

There's a hugely competitive market in evaluators out there which you have not tapped into, and I think you will find you will get a better job from them rather than management consultants, and at a significantly lower price.

So there is a whole market out there, and they don't know who you

are. They don't know who ICANN S.

So you have got to go and find them.

I think those are the people you should be looking for, not very expensive management consultants.

So I want to say, because it's all very critical, you are doing a couple of things that I think are great. You have turned around a lot of work in a very short period of time. I really like the questions you have produced and they are precise. They are saying give us examples, not some of the broader, vaguer questions which really don't get us anywhere. And you really genuinely appear to be determined to find problems and then improve them.

So these are all good things, my criticism notwithstanding.

Please, if you can, defer to openness rather than accept arguments for not being open too quickly. And remember that you're representatives of the community in this area. You are not independent experts. You are our representatives, and I know that the community would expect you to be as open and accountable and as transparent as possible.

So please keep that in mind as you make those decisions on our

behalf. Thank you.

>>BRIAN CUTE: Thank you very much, Kieren. I take all of those suggestions on board with an open mind.

I note at the beginning of your remarks I think you alleged that we were too quick to be open and we expose some things, and at the end of the remarks you allege that we might be too quick to be closed.

No, allow me to make my point.

With regard to the bidding situation, when you have competitors making a presentation to an evaluation team, if you make that session open and their competitor is sitting out in the hallway online following along, it creates problems.

So with regard to that specific example, we think we made the right call.

With regard to the e-mail list, we are learning as we go, and you bring up some very valid points. We are learning as we go.

We have had an instance, in my view, where we were too quick to be open and put some things on the list that, frankly, in hindsight, I don't think should have been there.

But we are having active discussions as a team to address finding that proper balance. We have a philosophy of being more open, even when it's awkward.

So we're trying to set an example. We are talking about these issues. I welcome all of your criticisms fully. And I am happy to keep talking about this as we move forward.

This team is going to be a model of some of the review teams to follow, and we are painfully aware of that as well, so we are doing our best. Thank you.

Steve.

>>STEVE DELBIANCO: Thank you, Brian. Steve DelBianco with NetChoice, and, again, speaking in my individual capacity.

At Nairobi and in written comments that I have filed as this team was coming together, you are probably aware that I tried to make an argument that the word "public interest," which is prominent in the AoC and in your review, that the word "public interest" is undefined, and that invited a possibility that we might define it. To be brief, my proposed definition of "public interest" in this context was to maintain the availability, integrity of the DNS. Availability 24/7/365, in every script, and for all TLDs, CCs, and Gs.

Integrity meant that when I resolve a domain name, that actually is the right domain name. In other words, getting rid of problems we heard about in the DNS vulnerabilities this morning.

So availability and integrity were very DNS ICANN mission-specific definitions that we could have hung on public interest. But with all respect, you probably considered our views and disregarded them because your definition of public interest in the terms of reference says the public interest is served by creating an environment in which all stakeholders can be assured that the rules will be debated, refined to reflect relevant input from the community, including governments participating in ICANN, and that those views are honored, the rules are honored.

And I appreciate that. That's a nice definition of public interest when it comes to a sort of abstract discussion of how does a group manage itself.

So your definition of "public interest" would work just as well for the World Food Organization, World Health Organization, a global organization trying to solve global warming. In other words, it's context free.

You only looked at the notion of public interest from the standpoint

of the process by which things are said and rules are followed.

With all due respect, I would appeal to you to think a little harder about making the public interest definition more relevant to what it is ICANN does. Because if you really look at whether ICANN is accountable for the availability and integrity of the DNS, I believe you will get somewhat different answers to the questions you have posed about show us ways in which ICANN hasn't been accountable. Because I may say that there are times that ICANN's processes were somewhat accountable, the processes were followed, the rules were followed, but that the result was we didn't actually do what was best for the availability and the integrity of the DNS.

>>BRIAN CUTE: Thank you, Steve. Becky, please.

>>BECKY BURR: I am going to answer that if I can. You are absolutely right. That's not a definition of public interest. It says the public interest will be served by, and then it describes a process.

In fact, the group has spent a lot of time talking about this issue in particular. Not just public interest, but accountability.

Obviously, accountability and what kind of accountability is owed in any situation depends on the situation, depends on what the relationship with the parties is, and those kinds of things.

So one of the pieces of work that we are undertaking, and I have to say I was somewhat skeptical to begin with, but I have come to the opinion that this is, in fact, one of the most important things that we will be doing, is looking very precisely at questions of what is accountability in any of the contexts we see in ICANN.

Because I think it's different. ICANN may owe a different kind of accountability to the CCs, whatever.

We will be looking at the public interest in those varieties of ways.

But I agree with you, that's not a definition of public interest.

That's a definition of how we are going to serve it.

>>BRIAN CUTE: Peter.

>>PETER DENGATE THRUSH: I'd be interested in your views on this, Steve, because it seems to me it's incredibly challenging. The ICANN bylaws, of course, don't refer to the public interest. The mission statement sets ICANN out for a slightly different purpose.

So I would be interested in hearing from someone like yourself who has analyzed these questions, what the difference between the obligations under the mission statement to the Internet community is

and how that's different from the obligations to the public interest.

My own view is it's actually very difficult. And as Becky has hinted by referring to one portion of the community, the ccTLDs, that we actually serve multiple publics and their interests are often in conflict. It would be an enormously different exercise to try to get a community view of the meaning of the "public interest."

So I would be interested in your views.

>>STEVE DELBIANCO: Thank you, Peter. And as you probably know, I have submitted a very brief and pointed suggestion for how "public interest" could be defined on two dimensions, availability and integrity. I won't go into the details there.

But I think I have laid that on the table, and I hope someone has a better definition. But the key to this is it ties the notion of public interest to what ICANN's mission is, not whether ICANN is being properly respectful of the views.

Because ICANN does have a baked in mission. They have a baked in mission.

Now, as you said the Articles of Incorporation and bylaws, they do mention public interest at some point, but the articles, the

Affirmation of Commitments frankly is very clear about global public interest, the public interest of global Internet users. Even if it wasn't in the bylaws and articles anyplace, isn't it sufficient that since it appears prominently in the Affirmation of Commitments that it has to be considered by this review team. And if it has to be considered, the definition of "public interest" can be more specific as to what the mission of ICANN is. Because regardless of what's in our articles and bylaws, we signed a piece of paper at ICANN committing to serve the interest of global Internet users, and that's what the affirmation represents.

>>BRIAN CUTE: Thank you, Steve. Do you want to follow on? Thank you.

Yes, please.

>>ALEX KAKURU: My name is Alex Kakuru. I want to comment on the issue of public interest broadly in the consumer interest group in the noncommercial stakeholder group.

I differ with the view that public interest is ICANN's technical role of making sure the Internet is functioning, because it must function for a purpose. And what is it a function, a nice working global interest is? It should be to serve the global interest and the needs of the world at large.

So once the Internet is functioning as it has been free of threats, then is it serving the global publics? And I do believe it's the various people that are all over the world, that their interests must be served by this Internet.

So if by administrative, by procedure, by whatever processes that ICANN may be involved with, if the public interest of the global community of Internet users is not being served, then the public interest is not being served despite the Internet functioning 24/7/365.

Thank you.

>>BRIAN CUTE: Thank you. Bruce.

>>BRUCE TONKIN: Thanks, Brian.

I just wanted to perhaps remind the review committee that there is actually mention of public interest in the bylaws under one of the core values. One of the core values refers to introducing competition in the registration of domain names, and then the key words after that are such that it's in the public interest.

So certainly with respect to the GNSO, in respect to the competitive

domain name industry we have created, it's very explicit in the bylaws that that is done in the public interest.

So I just want to dispel the myth that somehow the Affirmation of Commitments has invented something new. It is actually in our bylaws.

And I also believe and maybe the General Counsel could advise on this, but I think ICANN's structure as a nonprofit corporation in California also has some requirements around public interest as well.

So I do think they are there. So I don't think the Affirmation of Commitments' document invents that in any way. We do have a public interest. And I think by and large that could perhaps be reinforced a little bit more in some of the policy development processes and so on that that's addressed.

And in the recent economic study that was being published, they are actually trying to value social benefit. And the social benefit, in net terms, is described as the net of the private benefit that's achieved by, say, a registry and a registrar operator plus the net effect on, I guess, Internet users and whether there is a social benefit.

So it's something that we're more and more seeing in the communication in ICANN, and I think there is some benefit in trying

to define that a little bit more clearly with examples to help guide our policy development processes going forward.

>>BRIAN CUTE: Thank you, Bruce.

Erick.

>>ERICK IRIARTE AHON: Gracias.

(Scribes waiting for translation).

One of the main problems when we are talking about transparency is that the others must understand us. If these others don't understand us because they don't know what we are talking about because they don't have the capacity or because they don't understand what we are talking about because our language is not easy to understand, then we have a transparency problem.

ICANN talked about the big job done by ALAC. The importance of simultaneous sessions with interpreting, the translation of the commentation, and all of this is what ICANN must continue doing. Some of the questions is, is this enough? Is it enough to have translation? Is it enough to have these meetings translated so that community feels this transparency, at least in terms of access to the information?

But when you see the section of reception of documents in ICANN Web site, for different matters, not only for the matters which interest us now but in any subject, one realizes that there are two, three, four, five comments.

This morning, the vice president -- sorry. Yes, I think she was vice president of the European Parliament said in the future will be 3 thousand -- billion users. And we only get three or four comments?

And when you read these comments, they are always the same. So for some reason, and probably you could help us to understand, the community gets the documentation in their languages. They have the room and the time to get information, but they don't provide. Probably because they don't have the capacity, or because they are not interested.

Before we could say they didn't have the information in their languages.

Today we were talking with registrars and they said it's not that it is not a priority, but in the end, we have to value the tools we have. And this is related to cultural diversity.

And just one last comment, in order to motivate you to present your

comments. Transparency asks not only to be from one side. It must be down-up. I mean, our grass-roots organizations.

The question is what are we doing to generate this transparency within ICANN sector? Our job here is not always giving our opinions but also getting your opinion in order to have a better perception for our job.

Thank you very much.

>>BRIAN CUTE: Thank you, Erick.

Kieren.

>>KIEREN McCARTHY: So my head is full of things that you could do, so Erick's talked so my Michele Neylon brain has gone off on some of them.

Executive summaries, and I thought we had had many, many conversations about this and I know the board Public Participation Committee produced a document -- what was it called? Document publication operational policy? I think that was right. Oh, Jean-Jacques is at the front. And in that it said it would expect people to produce executive summaries of documents for each meeting. And this has been something that's been rolling around for ages.

And the point was we said if you would get an executive summary, number one, people could grasp it fast. Number two, it's very fast and cheap to translate. So not only are you allowing people to grasp it fast, but it also means it goes to people in different languages very fast as well. And then if they request, by the way, can I have the full document in this language, then that opens it up.

That's a policy that has passed. It went through. I wrote it, then it went through iterations, it went through senior management, it went to the board twice or three times. It was approved. But I don't think it's followed.

So that's an aspect of accountability. Now, it's not because anyone is cackling and doing evil stuff. It's in amongst all the huge amounts of other work, this policy isn't followed. All the work and effort's gone into it, everyone has bought into it, but there's no accountability, if you want to values that word, when people don't then follow it.

So you're sort of losing work that's already being done. And I think that happens time and time again.

There's huge numbers of policies and documents, and a big chunk of them are actually distilled, intelligence and knowledge and

agreement, and then they are not followed for whatever reason. And I think that's a big issue.

There's a queue so I'll be faster.

Constructive criticism I have written here.

I think that if you do -- if I get back to my point about being open and transparent, even to the point where assays it's slightly uncomfortable for you or you think you make an occasional slipup, and I know the e-mail that you are talking about and wish hadn't been up there and kind of turn a blind eye to it because it's not going to be helpful.

If you find this and you find there are problems attached to this, those are the same problems that ICANN, in a multitude of different ways, will hit.

So you could actually be a very useful team to say what are the limits of transparency and accountability. How far can we go before actually it starts damaging the work we are trying to do?

You could be a very good test bed for that because there's a lot of good will towards what you are trying to do. There's very, very few vested interests in the work that you are trying to do. So people

have got good will towards you, and it may be useful.

And I am give you a quick example which occurred to me while I sat down about trying to get to a specific point where was it failing in transparency, was it failing in accountability. And I think it's interesting because it's broadly viewed as success. And that was the first changes in the RAA following the whole RegisterFly incident. That started out extremely well, and actually the end result we got was extremely well as well. But there was a period in which we had all this feedback, all the suggested changes, and then there was a period in which it sort of disappeared, at least to my eyes. And then obviously it was the registrars.

I don't recall seeing all the changes being made in open session.

And when it came back, there were a lot of people that were sort of annoyed that this hadn't been vested in the stuff, very, very hard to balance it up. And we came back with something everyone is pretty happy with and there is a second iteration.

But I do recall there being a point in the middle in which it became a little bit opaque.

So the reason why I don't think that's a dangerous issue to work on is that everyone agrees that the end result was actually pretty good.

So I think you can look at it without, you know, sticking a thorn and opening up old wounds and so on and so forth.

So I think that might be worth looking at.

>>BRIAN CUTE: Thank you for offering that, Kieren.

Again, we are to make recommendations in December for forward-looking, positive changes to ICANN's processes and decision-making with an eye toward creating future improvements.

So nothing we're doing is looking to open up old wounds or change old outcomes. And I appreciate you pointing to that specific example.

I do want to touch on quickly, we don't have a budget yet. So thank you for raising that point. There was a straw man -- two straw man budgets. We do not have one yet. We are in the early stages still.

The evaluation of the RFP respondents is going to impact whatever our budget will and can be. But that is the status of our budget, and we thank you for raising that to people's attention.

>>KIEREN McCARTHY: So I don't know whether that's an example of where transparency is useful or not useful. So five made your life

harder, I apologize.

>>BRIAN CUTE: Thank you, thank you.

No, no. They are all fair points and they are taken on board.

Thank you.

Bertrand.

>>BERTRAND DE LA CHAPELLE: Good afternoon. My name is Bertrand De La Chapelle. I am the special envoy for the Information Society in the French Foreign Affairs Ministry.

Thanks for the opportunity to interact. We already had the opportunity to interact on specific questions regarding the GAC, but I would like here to address a few other elements in a more general term.

The first element is to repeat a comment that I made earlier in other circumstances regarding transparency and a distinction between availability of information, accessibility of information, and -- I don't know if the word exists in English, and ability of the information which points actually to the comment that Kieren was making. We've had a lot of discussions regarding executive summaries, and I'm not sure that executive summaries are the right

tool. They are useful always, but what we usually need is progress reports. Something that shows regularly how much issues have progressed so that people can track the evolution.

I give you an example. Recently, in another organization, we received a document for a working group, and this document was actually a modified document from a version that was issued last year. There were no tracked changes. It is impossible to really assess what has changed, what has been removed, what has been added.

Just the sample fact is a very important element to allow people to follow a process.

The second thing is regarding accountability, there has been a lot of discussion regarding what's called the nuclear option, like the ultimate accountability regarding the board and so on.

The real impact of accountability comes when all stages of processes have sufficient appeal mechanisms. They do not necessarily need to be heavy, because if you bring accountability and appeal mechanisms at early stages and it requires stopping the process and going through a whole new process, it doesn't work.

But if something is going wrong, like, for instance, a working group at one stage is making a report or a staff summary or something is

not covering a topic that should have been covered and so on, there need to be feedback loops. And feedback loops are an interesting element for accountability, and it usually requires just having the contact points, like formalizing a little bit. I don't have concrete suggestions at that time, but it's just to highlight that the whole work flow chain is the place where accountability takes place.

The earlier the loops are, the less you need the nuclear options in the end.

Third, regarding the public interest, I would almost look forward to having a replay of the discussion I had with Becky on this notion in Mexico or wherever.

I think it's a very important element, and the Affirmation of Commitment of course didn't bring it in. It just reaffirmed the importance of this notion and this mission.

I would like to share with you an analogy that is the task that every government official or parliament or minister has when dealing with this at the national level. And using the word that Peter mentioned, yes, of course, there are conflicting interests. This is why there is a challenge of defining a public interest.

At the national level, there are processes. There are parliaments,

there are governments, there are procedures for consulting, there are appeal mechanisms. And the purpose of a parliament is to define the national publics that transcend the individual interests of the actors.

At the European Union level there is a similar mechanism that tries to find the European public interests. That may sometimes be in contradiction with the immediate individual national interests.

Transcending the interests and arbitrating between the long-term interests and the short-term interests is a huge component of defining the public interest.

And in this case, here in ICANN, the challenge is to define a global public interest that transcends and unite the different interests so that the development is done in a way that accommodates, as much as possible, the individual interests but also forces things on actors when their behavior is likely to be contradictory.

So the challenge is that it requires from participants in the ICANN processes to have two hats. On the one hand, they are here to defend and present their interest, but as a collective, almost collegial structure and process, they also have a responsibility to participate in the definition of a more global common interest.

Just like when you are at a party and you are asked to divide the pie, but you know that somebody else is going to say which part of the pie you are going to get.

The typical mechanism is to ask people to design something that they would accept if they were not the one designing it.

Because it's sometimes a big difference.

And finally, a quick comment. This is about the past and the evaluation of how well it works. Your work is about a lot in the future and preparing the next ten years.

One of the major challenges for ICANN is going to be scalability.

How does this organization grow?

If we look at the IGF, we see scalability by replication.

Scalability in a fractal manner where people actually create national and regional IGFs and so on.

I'm just wondering and worrying that ICANN sees its evolution sometimes too much as just growth of one single structure and not enough taking into account one element of the bylaws that recommends delegation of some functions, delegation of responsibility, a more decentralized model.

We don't have time to get into the details right now, but scalability is important.

And finally, as Marilyn has mentioned, you're working also taking into account some of the work that has been done before, in particular by the President's Strategy Committee, on improving institutional confidence.

Some of the recommendations of the things that have been studied in there include internationalization of the organization. And in that dimension, it includes elements regarding the legal structure, the local implementation, the structure of the staff, how internationalized the staff itself is. And I would encourage the team not to shy away from addressing those issues, even if the recommendations require further work afterwards.

Thank you.

>>BRIAN CUTE: Thank you. We do have limited time. There is -- part of this session is going to be dedicated.

Thank you. We do have limited time. Part of the session is going to be dedicated to a discussion of the upcoming review teams. So I'd ask the next speakers to be as precise and brief as you possibly can.

Thank you.

Avri. And we do have one online.

>>AVRI DORIA: My name is Avri Doria. And I'll try to be brief. I normally am. I don't have notes, so....

My main problem when looking at the problem of accountability and transparency in ICANN is that I see an organization with multiple personalities. I think when you look at the supporting organizations and the advisory committees, you do find what was reported in the report, one of the most transparent organizations possible. And I think forever making strides to become more transparent.

I think when you look at the staff operations, you find a culture of secrecy. And the way I sort of see the thing is, in one part of it, everything starts out secret, and maybe if somebody comes with the right wedge, you can open it up and get some light of day on what's going on. Whereas, in the other side of the world, everything is open unless someone comes up with a good reason for keeping it secret, for keeping it quiet.

And I find the board somewhere waivers between those two cultures, sometimes. The main example that I bring up is the proliferation of secret staff memos to the board and such that no one ever sees, no

one can ever vet their truth. They may be true and valuable. They may be false. They just may be accidentally wrong. No one knows.

So in terms of holding staff accountable, the part of ICANN that is staff, as opposed to the part of ICANN that is volunteers, there's no way for the body politic to hold staff accountable, because it is all in the dark. So that was one statement.

While I was standing up here, I saw the bullet under 5 about evaluation of the board.

One of the things that I've always appreciated is when the board did the review of the rest of us, the board reviewed SOs, the board reviewed the AC and there was a committee of the board that reviewed us. That made a lot of sense. When it came time for the board to have a review, once again, it was the board reviewing itself. It was not the SOs and the ACs contributing people to sort of say, okay, let's review the board. We deal with the board. We see the board. We interact with the board, not judging whether that's good or bad, but just it's for the rest of us to review the board.

So I almost forget about it. And I was really glad that I see it, because that would be my second point, is people shouldn't be reviewing themselves.

Thank you.

>>BRIAN CUTE: Thank you, Avri. And I can say at least with regard to the first point you raise, that is an active item of discussion. We had a discussion with the board about the staff papers. That is something that we're looking at and considering in terms of our review. That's something we've heard from the community. Thank you.

>>AVRI DORIA: Thank you again.

>>BRIAN CUTE: Chris first.

>>PETER DENGATE THRUSH: Sorry, Brian.

Can I just add to that, the message from the board was there is in (inaudible) a process for publishing the staff report. I'm not sure why I think there's been a proliferation of these secret reports, Avri, as opposed to just the usual, steady stream. But you and I can talk about the volume of them.

But the program that's in place is to publish the staff recommendations to the board at the time of the board decision-making.

>>CHRIS DISSPAIN: Thanks, Brian. Chris Disspain, chair of the ccNSO, but I'm speaking at the moment in my personal capacity.

I wanted to say two very quick points. First of all, thank you, great work. I think those five questions are good and should be responded to by as many people as possible.

And I commend you for asking about specific -- for asking for specific examples. And I know that sometimes it's very hard to come up with specific examples, because we have this theory that stuff's going on but can't point to a specific example. So I think that's really important.

And you might be surprised to hear I have one.

And that's in respect to bullet point 3, I think, which talks about an example where there is -- the board is -- or ICANN is acting with a lack of transparency.

Just before I give the example, I want to say, I think ICANN is an extraordinarily transparent organization. But, of course, if you ask for examples of nontransparency, there will always be them. But I'm not suggesting it's not transparent. I think it is. But there are issues.

My specific example is this: I don't have the dates in front of me right now, about the I will provide them to you. Traditionally, and,

in fact, forever, where there is a redelegation of a ccTLD, there's a process that is gone through in the -- in IANA, which is perfectly fine. And then a recommendation report goes to the board and the board makes a decision.

Those decisions have always -- those -- the discussion on those decisions have always been published. And at a date in 2009 -- and I'm not sure of the date, I think it was September or October -- there was a redelegation for which the discussion was not published. And it appears that the board has now resolved that they will no longer publish their discussions in respects to redelegations. Because in subsequent redelegations, those discussions have not been published.

Now, that is a specific example of nontransparency.

Thank you.

>>BRIAN CUTE: Thank you, Chris. And as with anyone who has a specific example, please provide documentation to the team or follow-up or summaries. And, again, on our Web site, we'll make sure there's a link where you can post these matters.

We have two folks in the line here. I think we have an online question. We're going to have to cut it there, because we are

already borrowing time from our last bit.

Please.

>>STUART LAWLEY: Stuart Lawley from ICM registry, the dot XXX applicant. We probably have the dubious distinction of probably being in a very small club of people that have used each and every one of ICANN's accountability mechanisms, the ombudsman, reconsideration mechanism, and independent review.

And I will submit some comments in documentation.

But, obviously, responding to Mr. Strickland yesterday, who was asking firmly for examples, I have a couple of very brief examples that you may wish to take note of. And then I can back those up with more information if you want and some general observations about the accountability and transparency.

So with reference to the ombudsman, I think the ombudsman does a fine job. Unfortunately, I don't think he has enough teeth, and I don't think that the -- the board listened to the ombudsman properly. We filed a complaint with the ombudsman in November 2005 concerning the early release of the evaluation reports for the sTLD applicants. And we were assured by the -- this was on the eve of the Vancouver meeting. And we were assured by the ombudsman that he'd spoken to

staff and board and that the reports were not going to be published until we'd landed in Vancouver and had a meeting with the staff. But lo and behold, when we landed in Vancouver in November 2005, he'd been overruled unilaterally and the reports were even already posted, in our opinion, causing us damage.

The -- So that's on the ombudsman.

Reconsideration Committee. I note these days there aren't many of them. And that may be -- once again, this is a general observation -- in my view, could be a factor of two different things, one, either the -- or a combination of both -- either the ombudsman's doing a fine job and therefore there are very few matters to go for reconsideration, or that the community in general has probably lost a little bit of faith in the Reconsideration Committee decision, given the history of the results that came out in the early days. So that would be a general observation on reconsideration.

Moving to the independent review, ICANN's final method of accountability, and, you know, we're hoping on Friday of this week we will find out whether it really is truly ICANN's final method of accountability. So I won't say much more on that, apart from the fact that I personally found it -- and I've talked to a lot of people in the community who have found it personally disappointing that in the hearings themselves and the papers behind the hearings, that

ICANN's main arguments weren't on the facts of the compute; they were focused on three issues, which are probably now settled and therefore, unfortunately, at great cost to both ICANN and ICM, we probably had to set the precedent, and that was, A, whether the decision of the panel was binding, which it was deemed to be nonbinding. The second matter was whether ICANN was subject to international law, which the panel ruled that ICANN was subject to international law. And, thirdly, ICANN argued that the -- the job of the independent review was at a deferential standard of review rather than a full de novo review. And ICM prevailed in that argument, too.

So notwithstanding the whole process was very expensive for both parties, I think the combined legal bills of both parties were nearly \$8 million, or at least over \$7 million, and took a long time, I think the review team can take -- should look very closely at that and make sure the rules of any replacement or change of rules for the independent review make, you know, clear, is it binding? Is it a full review? A de novo review? And which law applies?

So those are my comments on accountability.

Very briefly, on transparency, I do find it in our own experience -- and I'd like the review team to look at what the policy is for document postings, correspondence, et cetera. You know, in our view, once again, the independent review itself was a very major event for

ICANN, but there was no announcement when it was originally filed, and it was tucked away on some very difficult-to-find page on ICANN's Web site. To ICANN's credit, when the result came out, they posted immediately and fully, which was very good. And the communications between both parties in the immediate aftermath of the decision in February of this year were posted.

And, in fact, ICANN, in an attempt for greater transparency, asked for our permission to post a letter that we'd sent them, a confidential settlement letter, which that was in Nairobi. And we gave them permission to post that, in the interest of full transparency. However, since then, several letters of, in my view, serious import have passed between the parties, and none of those letters, despite specific requests on our part for them to be posted on correspondence, have seen the light of day on the ICANN Web site.

So perhaps the review team may wish to decide -- look at who makes the decision on what to post, what's the threshold of what's important or not important.

Okay? Thank you.

>>BRIAN CUTE: Thank you very much.

And this will be our final speaker. If you could keep your comments

as brief as possible. Thank you.

>> Eric Loeb. I'm with AT&T and also representing the International Chamber of Commerce Internet and telecommunications infrastructure and services task force, which I co-chair.

And just a brief set of comments on transparency to share a sense of the ICC membership, which does represent over 120 countries, so both geographically as well as service-sector, very diverse representation from the business community. And we very much appreciate the efforts that you are making here.

A high-level theme on transparency that we would call attention to is that with transparency, there can be a quantitative and a qualitative aspect. And by quantitative, it can be assumed that the mere posting of a large volume of material achieves transparency. And sometimes that would be an error to assume that that itself is meaningful.

And it's quite important to ensure the qualitative aspect, and that is a well-informed and adequate dialogue on the substantive issues to get to a good result.

Some specific areas where we can see an opportunity for improvement is on ensuring the qualitative side, that there is adequate time

between significant issues being brought for consultation, so there's not a crunch of several items raised at one time, as well ensuring a standardized and adequate amount of time to formulate comments. And these first two issues are extremely important to a body like the ICC, where to get to a consensus position, a position that can be very valuable, given the diversity of our membership, quite a bit of coordination and effort must be done. And if many things are out at one time or the period of time is insufficient, you will not get as high a quality of response as you otherwise could have.

The final point on transparency that we'd like to raise is also to ensure that when you come to a conclusion after digesting the body of quality input that's received, that there is an adequate analysis in there not only of the decision, but how you dispensed with different views that were brought in, which were viewed to have merit, which were not, and why.

And if you take those steps on the qualitative side of spreading your consultations, ensuring an adequate amount of time, and ensuring that the decisions and how you reached them are made in a clear manner, that will improve substantially not only the outcome, but also the confidence that the stakeholders have in how you reached it and that they had adequate time to make their decisions and input.

Thank you.

>>BRIAN CUTE: Thank you very much for that. And I will note that on both of those points, that the review team has heard both of these issues loud and clear, even in these early stages. So those are both issues that are clearly in our view.

At this point, I think we need to segue and apologize to Janis Karklins and Rod Beckstrom that we've stolen a bit of your time.

But if you'd like to come up now and discuss the upcoming review teams, if there are any other statements or questions from this review team before we move over?

If you would, Rod and Janis, please.

>>JANIS KARKLINS: Good afternoon, ladies and gentlemen.

My name is Janis Karklins. I am chairman of the GAC and happen to be one of the two coselectors of the review teams, according to provisions of the accountability -- Affirmation of Commitments agreement.

On the stage, we have another coselector, Rod Beckstrom, CEO of ICANN, and Olof Nordling, who is supporting the review process from the staff.

We wanted to use this time to introduce our thinking, and we would like to make a proposal on the size and the composition of the review teams which we are supposed to set up by beginning of October.

I am still waiting the pictures here.

So let me remind that according to Affirmation of Commitments agreement, there are four areas where review should be conducted, and namely, ensuring accountability, transparency, and interests of global Internet users; preserving security, stability, and resiliency of the DNS; promoting competition, consumer trust, and consumer choice; and WHOIS policy.

The time for -- so the time for -- Sorry. Something is wrong.

What is the current status on these reviews?

The first review team on accountability/transparency was launched in April and is active. You had a chance to participate in discussion with them before this part of the session.

The -- we are talking about the next two review teams, which should be set up until October, namely, preserving security, stability, and resiliency of DNS; and the WHOIS policy. The fourth review team,

promoting competition, consumer trust, will be launched one year after the launch of new gTLD round.

ICANN issued the call for applicants -- call for volunteers. This launch was issued on June 1. The -- myself, as a coselector of the first team, earned some experience during the process of selection. And I took into account all the lessons I learned as a coselector during that period. And therefore one of the things I did before making any formal announcements, I entered into consultations with the chairs of supporting organizations and advisory committees. The aim of those consultations was to establish a very clear communication link and gather information on expectations what different SOs and ACs have in relation to these review teams, and then try to match these expectations with the reality.

From other side, the straw poll, which was published, I think, the beginning of this year, and the public comments on the straw poll on methodology did not provide sufficient guidance for the selectors when it comes to second, third, and fourth review team. And, therefore, I felt that it was very important to gather this preliminary information, enter into consultations with the chairs of supporting organizations, advisory committees to make the best-informed proposal.

Equally, we faced difficulties during the selection period of the

first review team with the notion of endorsement by community, the volunteers. And also we -- now we have very clearly defined the -- very clearly defined process of endorsement by each supporting organization, advisory committee. These methods have been developed by them, also based on experience with the first review team.

So as I said, the call was launched June 1, and it is expected that by July 15, we would have a sufficient number of volunteers who would like to serve on Review Team 2 and Review Team 4. These volunteers then will be vetted by supporting organizations and advisory committees according to their internal procedures.

The candidature to serve as independent experts will not be considered by selectors. And this is not about the independent experts for the review teams, but only if volunteer will not approve affiliation to any supporting organization or advisory committee, that application will not be examined or will state in case of nonendorsement by supporting organization/advisory committee, it will state that he is running an independent expert. That would apply the same.

And certainly we would discourage volunteers to apply for participation in number of review teams. I think that broad participation of community representatives in all four review teams is very important aspect.

So based on consultations, based on lessons we had learned during the first review process, selectors -- and here I am speaking on behalf of both selectors -- we are proposing that the review team on security, stability, and resiliency would be composed from two members from the governments, including the GAC chair or GAC chair's representative, two representatives from GNSO, two representatives from ccNSO, two representatives from ALAC, one from SSAC, one from RSSAC, one from ASO, and ICANN CEO is ex officio member according to AOC. This security team would be -- would also contain two independent experts selected by selectors, and they would be experts on security issues.

When it comes to WHOIS review team, selectors are proposing that in that team, GNSO would be represented by -- with the four representatives ccNSO, ALAC, SSAC, ASO, with one each. The governments would be represented with the GAC chair or chair's representative, ICANN CEO would work in this review panel, and there would be two -- one or two independent experts from law enforcement agencies or experts on privacy protection issues.

We understand that this composition is not the one all SOs, ACs requested. But we tried to, in our considerations, reconcile the issue of representativity and efficiency. And equally, the budgetary aspects were taken into account, since review process is not budgeted

in ICANN's budget, at least until now.

All these considerations were taken into account when we made our determination on the size -- or the composition of these review teams.

I think that Rod will be talking more maybe on the reasoning behind that. But let me conclude by giving you some timetable.

Two review processes should be launched by October 1 this year and concluded by third quarter of 2011. And as we see the launch dates and deadlines, so the process of applications would conclude on July 15th, and July 15th would be day that the list of all volunteers who applied would be published. Then the process of vetting or endorsing by supporting organizations and advisory committees would start. And that would take about 45 days and would lead us to the end of August.

In the first week of September, selectors will make a determination on the nominations for the work on both review teams, with the understanding that the supporting organizations and advisory committees would provide more names, endorsed names, of volunteers than the agreed number of representation of each of them in the review team. That would allow selectors to take into account all necessary expertise, all balances, geographic, gender, and so on. And then they would provide the list of review teams. And month of September would be used by these review teams to set up all necessary

procedures to launch at the beginning of October.

So that brings me to the end of my part of the presentation.

And I will happily turn the microphone to Rod Beckstrom.

>>ROD BECKSTROM: Thank you very much, Janis.

I really think you've covered the primary points. I mean, I think that it share some of the insights in terms of the group selection and size, Janis did a great job of reaching out to the communities. And what we were trying to balance was team size and effectiveness versus relevance to the specific issues and interest in the specific issues. And I'm pleased that, you know, we've come to what seems to be a constructive consensus position.

I would also just throw out there, in the spirit of brainstorming and preparing for these next review teams that in addition to looking for really good and motivated candidates that have the skills and the time, also looking for frameworks, benchmarks, other organizational models that parties would view successful. I don't know exactly what the best analogies are for WHOIS, for example, but there's a lot of different information-sharing platforms that have sensitive legal repercussions, privacy issues as well as security issues. And the question would be what analogies are out there and what other bodies

might govern or be involved in those that could be benchmarked against. So I think it's both good for people to start thinking about concepts for benchmarking, and, again, this objective exercise, as well as trying to recruit the best people you know, you know, yourself or others that might have an interest. And that's really all I have to contribute.

And let me just also see if -- Olof Nordling is helping us to coordinate this from the Brussels office.

Olof, do you have any remarks?

>>OLOF NORDLING: Just a very, very practical aspect.

Please, do check out the announcement. And have a close look at both announcements. And also, just a little piece of advice: There is a center point for lodging your application. But depending on the supporting organization or the advisory committee that you are seeking support from, there are also specific requirements per SO and AC. And there are links to those.

So in order to file at the very outset the complete application, just check out those and follow the separate instructions in addition to the general instructions that are on the Web site.

I think that's all from the practical man from Sweden.

>>JANIS KARKLINS: So now it's time for questions, comments. And I hope acceptance statements.

Please.

>>MARY: My name is Mary. I am from Nigeria, and I am the GAC rep from Nigeria.

I think the AoC clearly stated that the CEO and the chair of GAC are default members of the review team. So from the presentation we have here is either one person from the GAC or -- I mean, the chair of the GAC or it's the representative of the chair. Probably the GAC should have been given, apart from the chair, that is a different member of the review team. The GAC should also be represented by two as an AC in the review fora. That is, the WHOIS should be given a representative apart from the chair of the GAC.

>>JANIS KARKLINS: Thank you, Mary, for the question. And let me explain the reasoning. And I understand you are speaking about the WHOIS review team where GAC formally has only one representative.

The thinking or the selective was the following. There will be two independent experts in the review team coming from law enforcement

agencies or data protection agencies.

As a rule, these agencies belong to -- these are government agencies. And as such, you should count that governments would be represented by three -- or two or three in WHOIS, because law enforcement is a government agency and data protection also is a government agency. That's the logic.

And again, please think in terms of representativity versus efficiency and budget implications. We try to balance all these three aspects in one, and sometimes it is not a very easy task.

Please, Marilyn.

>>MARILYN CADE: My name is Marilyn Cade, and I am the chair of the business constituency. In the GNSO at ICANN. And my comments are going to be made in that capacity.

I appreciate the fact that the selectors are presenting to the community a proposal, and that they are asking for feedback and that because they are asking for feedback, inherent in that is that they will be receptive to the feedback of the community.

So I want to preface my comment by saying that the preference -- the strong preference of the business community is to follow the model of

the initial review team in the allocation of numbers of seats, in particular in relation to one seat at a minimum per SG in the GNSO.

And I can talk at length about the diversity of the GNSO, but I am dealing with experts on the panel.

It is not feasible in security and stability and reliability to expect someone selected by the registries and registrar communities to represent the interest of the large business users and party who build and run the Internet. We respect that, we understand that, and, therefore, we believe we should follow the initial model.

This year we have three RTs. We need to learn from that but we don't need to experiment.

My second point is I don't actually think the budget is a good answer to something as important as this.

We all know as business people and as leaders we find the budget to do the things that are important.

One way we can think about this is to find a central working spot whenever the group meets in person instead of flying people perhaps to diverse places, and look to accommodate the budget -- maximize the travel budget in that way so I think that you will be hearing more

as you meet with the various groups. And I -- I know that you appreciate how hard the community is going to work to find experienced, qualified and dedicated candidates. And I think we will be asking the selectors to listen to the voice of the community to enhance the numbers.

>>JANIS KARKLINS: Thank you, Marilyn. Indeed, that is proposal, and that's why I was saying that hopefully this proposal would be endorsed by the comments.

I hear you have some difficulties.

I understand them. And I read some comments coming -- or they were sent to me to illustrate the sentiments in GNSO. And honestly, when I read them, I felt that there is a very clear misinterpretation of the role of the review teams, because majority of the arguments, what I had the chance to read, were more geared towards understanding that the group would try to fix the problem, if there is one; try to propose solution rather than identify whether there is problem or not and provide recommendations to the board who would do ultimate decision on the ways how to fix the problem which has been identified by the review team.

Again, this is my understanding of the task of the review team. And from the very beginning, after adoption of agreement, I emphasized

that in AoC the most important part is not the review process, but, rather ICANN's work in all areas, and particularly in those four which are identified.

And therefore, we should not so much concentrate on reviews but, rather, to make sure that ICANN performs on all those -- in all those identified spheres, and let -- and devote all resources ICANN can to work on those issues rather than spend them on reviewing or review teams.

>>MARILYN CADE: I'll just make a quick follow-up. I concur with your comment that this is a review team, and I concur with your comment that we have loads of work to do besides reviews. But I still note the significant concern expressed by the business constituency, with a full understanding we are talking about review, that the numbers need to be raised in particular in the GNSO.

>>JANIS KARKLINS: I can disclose -- I am not contesting. I can just disclose for your information that GNSO initially requested four representatives to both teams. ccNSO requested equal number of representatives to security team with the GNSO, and one to -- if I recall correctly, one to WHOIS. ALAC requested three people to security review team. And GAC would be along the same lines.

If we would -- If we would accommodate all those requests without

any limitation, we would run a team of about 25 people. And team of 25 people is neither efficient nor, say, ICANN, at this point, can support financially. And that was advice and position of the second cost selector on this issue.

So cost selectors try to find the proper balance. This is our proposal. We are listening to you, but equally, we would like to ask your indulgence and understanding of the reasons why we are suggesting what we are suggesting.

>>ROD BECKSTROM: Well, we thank all of you very much. Thank you for taking your time. Thank you for your support of this process, and we look forward to hearing back on this issue, and we will consult and come to a decision after that and look forward to a strong pool of candidates. Thank you very much.

And if I may make one other remark before I go, because I may not have an opportunity this week, and I just want to personally express my gratitude to this amazing man to my left, Janis Karklins, who is one of the true greats in terms of what has been done and accomplished for the multistakeholder Internet. He helped to usher forth and carry forward the WSIS process, which was extremely important and help transform that into the IGF. He has helped to build and lead the GAC. He has been an exceptional member of the board as a liaison, and Janis, I just want to express how much I

respect you. You are an incredible human being and what you accomplish with such grace and such exceptional effort, I want to have at least a personal chance to say this week.

And so thank you so much. And we are really sad to leave you but we are happy to see you going to another good destination.

Thank you. Let's give him a hand.