

STEVE CROCKER:

I want to start with a congratulations and statement of commitment and apology in that order.

The ATRT, the Accountability and Transparency Review Team, did yeomen work, produced a set of 27 recommendations, a first-class piece of effort and excellent results. We in the ICANN corporate structure, the board and the staff have taken on all of those recommendations wholeheartedly, and we are unreserved implementing each and every one of them. You will hear from Denise the details of all of this. We have been working closely to make that a completely realistic and not just pro forma or lip-service operation.

And to that point, you've heard statements, for example, assistant secretary Larry Strickling, one of the co-chairs of the ATRT process, has suggested that a test question is: If they were to come around a year later, would people be able to identify what they are doing differently in response to these recommendations? I actually think that that is, although a perfectly reasonable test and ought to be one that can be answered, I actually want a much stronger test, which is: Have we embedded all of the changes necessary deeply enough into our processes, into our procedure, or into, as we say, sort of -- by our lingo, into our DNA so that there is no distinction between what we do regularly and what was going forward versus what's in the ATRT recommendations, that there may be a historical document that traces what those changes were, but that all the people working in the system, whether or not they've been around for a year or whether they've just recently arrived or going on several years from now have any sense of how these things come about, they're just part of the way we do business.

And so you will see, not to take away the punch lines here, but you will see that that is now included as a part of the implementation process. And let me just emphasize even more strongly, on a personal level, speaking as both an individual and as chair of the board, I am watching these implementations very strongly, and so they remain on my agenda.

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

Not that I can make any of them happen directly but they have absolute premier visibility.

We are favored with the -- an address in a little while from President Wade from Senegal. His appearance requires substantial set of arrangements. You've already probably aware that we've had to shuffle the schedule.

One of the side effects is that in a few of us, Rod and Heather Dryden and I, will have to disappear somewhat earlier than I would have hoped from this session. So I apologize. It does not represent any sense of lack of support here. It's the exigencies of having to be in two places at one basically.

So with that, let me turn things over to Denise Michel.

DENISE MICHEL:

Thank you, Steve. So the agenda is on the screen, just to let you know how we're going to run it this morning. I will give you a brief overview of all of the 27 ATRT recommendations. The project managers on staff responsible for implementation are also here and can answer more detailed questions if you have them. And then we will go into the board leading discussions on the three categories of recommendations: Board, GAC, public input and then we'll close.

As Steve said, we're hard up against the President's opening ceremony so we will try to move quickly and all the information I'm about to give you is online.

Could we have the next slide, please?

So manufacture you have your laptops open. On the ICANN home page on the left-hand side, you'll see a big green square that says "accountability and transparency." Click that, it will take you to the accountability and transparency page. It is there that we park all of the information related to all of our key accountability and transparency activities. And up at the top right, you'll see the highlights for a one-page summary that's actually been passed out and hard copied today as

well as a more extensive detailed summary and all of the implementation plans are also posted and linked there as well as highlights of other recent activities.

So just to make sure you understand the one-pager that you've been handed this morning, it provides you just a quick view of where we stand on milestones or the big deliverables for each of these 27 recommendations. It includes -- Of course, the list on the left is the accountability and transparency recommendations organized by the key areas. And then the next column is the proposed end date. The status shows you the number of key milestones in each project. If they're green, they're completed.

And the end date -- or end goal, rather, include -- gives you a sense of what it's going to look like when we're done and what our end objective is for their particular project.

So the board accepted and called for implementation of the recommendations in the ATRT report with the exception of asking staff to do further research on Recommendation 5, which was board compensation. The board assigned various committees, assigned the recommendations to various committees, for oversight and guidance of implementation. And new group will be formed soon to liaise with the GAC on the GAC-related ATRT recommendations. The board also called for regular public reporting on the implementation plans and also asked for benchmarks and metrics as the plans progressed.

So in the area of board operations, composition and review of board decisions, the Board Governance Committee some of whose members are up here today, are assigned oversight of these recommendations. Five of which -- this is -- they have about half of the recommendations -- a little more than half of the recommendations in the ATRT report. Five of the recommendations have been fully implemented and are incorporated in our standard operating procedure. For the remaining ten, work is underway and progressing.

The completed ATRT recommendations are listed on this slide. Of course, posting of extensive board meeting information has been

incorporated into our standard operating procedures and has been occurring for quite some time and includes all of the agendas, the board briefing meetings, expanded board minutes, rational statements for board resolutions, resolution themselves and the preliminary reports are all being posted. And also the resolutions and minutes are posted in the six U.N. languages.

The redaction guidelines were one of the first ATRT recommendations to be completed. The guidelines were posted early this year and are now being followed. All of the board material is posted within 21 days of board action. And the reconsideration requests Web page has been modified. It includes rationales and a template. It's easier to use and easy to understand and track the actions of the review of the reconsideration requests.

So the additional ongoing work that the BGC is overseeing includes all of these recommendations, mechanisms for identifying collective board skill sets. Extensive work has been ongoing there. Work that had been ongoing before the ATRT report, reinforcing and reviewing, training and skill-building programs, increasing transparency of the NomCom deliberations and decision-making. Of course, the NomCom has -- took the initiative and made several changes in their operating procedures and have been coordinating with the BGC on developing and implementing permanent guidelines for the NomCom. And, of course, the NomCom has also done a lot more last year and will continue to do so on outreach. And I think Adam Peake is in the audience and can share more information with us on that.

We also continue to enhance board performance and work practices. There's more detailed information online if you'd like more information in that area.

Again, half the ATRT recommendations are board-related, so I will try to move through these quickly. And I urge you to look at all of the information we've posted online for more details. Progress continues to be made on implementing compensation scheme for voting board directors. A public comment period just closed. We appreciated all the comments that were posted and work will continue on that.

Clarifying the distinction between a policy development process and executive function issues, staff is also working with the BGC to advance that issue. And there will be opportunities in the future for public consultations on that.

Certifying the policy-making process inputs are considered by the board. That work is also advancing and will be incorporated in other board information posted online.

Getting and acting on independent experts on restructuring review mechanisms, work is advancing on that. And ultimately the outcome of that expert's report will be posted for public comment and discussion.

And the last two under the BGC are assessing and bringing into compliance the ombudsman operations and board relationship. Of course, we have a new ombudsman that is with us here in Dakar. And he has started to work on the ombudsman framework and will be coordinating with the BGC on that.

Finally, clarifying standards for reconsideration requests, that work is also progressing.

The group of recommendations that deal with the GAC operations, engagement and interaction with board recommendations is progressing. The board accepted the joint working group report and is going to appoint a working group to lead the liaison with the GAC on implementation of both the joint working group report recommendations and the GAC-related ATRT recommendations.

Staff has also in parallel developed an initial proposed method of tracking GAC advice online, and the working group will consider that when they convene. Also, at the beginning of this fiscal year, ICANN provided additional funds, staff resources and also interpretation services to assist the GAC in its work.

So these are the GAC-related recommendations that the GAC will be working on in coordination with the board. On public comment and multilingual access, two of these ATRT recommendations have been fully implemented and incorporated into our standard operating

procedure. Work is nearing completion on three additional recommendations in this area. So the two that are completed are creating an annual public comment forecast and ensuring senior staffing is appropriately multilingual.

The supporting organizations and advisory committees provided input to our public participation manager, and the list was developed and posted. And this will be an annual process to give you advanced notice of upcoming public comment forums.

The ongoing work in public input and multilingual access are listed here. The stratification, prioritized public notice and comment process, and the comment reply and comment cycles all have been done with a great deal of supporting organization and advisory committee input and public comment which has been really useful. That work will continue to advance, and multilingual access on PDPs also is progressing along with senior staffing. I think 21 and 22 actually are done. Let me see which is on that slide. Oops.

So 21 and 22 are complete. The annual forecast is done as part of our operating procedures, and the activities to ensure appropriately multilingual senior staff is also completed. So the recommendations on measuring success, the final recommendation of the ATRT was to evaluate and report annually on the ATRT recommendations as well as accountability and transparency. In March and June of this year, the board and staff provided a status report on ATRT implementation. Everything, as I mentioned, is posted online. And we encourage you to take a look at that. We've also conducted additional outreach and solicitation of public feedback on a range of issues, including an international Webinar that we held a few months ago. And we're planning on issuing an annual report of our progress and success status of the ATRT recommendations towards the end of our fiscal year.

So I just wanted to highlight for you the upcoming opportunities for public input. There may be more added to this but you can definitely expect to have public comment periods open in the future on the skill set identification and NomCom work, experts review mechanisms report. This is the expert's report on review mechanisms. Board

compensation and conflicts of interest policy, a public comment period has already been run on that with useful comments. And language services policy will be issued soon for public input.

So now I'd like to -- that concludes my quick overview of the work in this area. And I'd like to turn it over to the chair of the Board Governance Committee, Bruce Tonkin, and members of the BGC to start a discussion and hear your thoughts on the board-related ATRT recommendations.

Bruce?

BRUCE TONKIN:

Thank you, Denise. Just a few comments, I guess, on things that we've been working on most recently. One is on the board training. Traditionally we've done sort of traditional board training in the sense of the roles of Audit Committees and Finance Committees and the role of the board versus the role of management. So we've had generic corporate board training.

More recently, we've been enhancing that training to things that are specific to ICANN. So we've had some technical training on how the DNS system works. We've had some training on conflicts. We've had some training on how the ecosystem works in terms of what are the roles of organizations like the ITU and Internet governance and other things.

Most recently here in Senegal, we've had some presentations from people from the local African community on issues they have around I.P. addressing, issues they have around registrations of domain names and things. So we are certainly enhancing the board training.

Other things that we've been looking at is working with a Nominating Committee process, appointing both the chair and a chair-elect for the Nominating Committee this year. That allows us to work particularly with the chair-elect and the previous chair on process improvements, making various parts of the process public. One aspect of that is, as you'll see with the CEO search criteria during this week, the search

committee is talking about what are the criteria they're going to be using and seeking public input on that.

Similar things we are talking about with the Nominating Committee is for any given year, what are the criteria they are using for searching for people to fill the roles of the GNSO or to fill the roles of the board. Certainly, we are working on enhancing the transparency of the Nominating Committee. Those are just some highlights from my perspective.

The members here that we have today, we have Ray Plzak and Cherine. I will ask if Ray or Cherine want to make any comments. Other than that, we'll open it for questions from the audience. No? Okay.

So we'll throw it open to the floor then, if people would like to make comments or suggestions for how we can improve in any of these areas that relate to board operations or composition of the board of directors.

DENISE MICHEL:

I would just like to note, unfortunately Bill Graham is under the weather and isn't able to join us. Chris Disspain is sitting in and is able to answer questions particularly relating to the review of board decisions recommendations.

ADAM PEAKE:

Good morning. Just a quick bit of information about the Nominating Committee and what we're trying to do this week.

I'm obviously the outgoing Nominating Committee chair. Vanda Scartezini will come in as the new chair with Rob Hall as the chair-elect. What we are trying to do is hold meetings with certainly all of the organizations that send members, send delegates to the Nominating Committee and to discuss with them what are the skill sets required or what do they think the best skill sets are required of directors of this organization.

So what are the characteristics of a good director? What are the gaps that may exist as people see them? And so if you -- you may already have a meeting scheduled with the Nominating Committee, and that's the type of information that we're looking for so that we can build a sort of dossier of the type of information. What do we need in ICANN's board of directors? What are the challenges that the organization is going to be facing over the next two to three years, placing people through the Nominating Committee is a forward-looking exercise. You start a selection process now but the person won't take their seat for a year's time and then they may not be fully up to speed for another period of time after that. So we're looking to a very forward-looking process.

And we have a roundtable meeting on Wednesday morning which is open to the community, and again, looking for comment on all of these issues. What are the skill sets not just for directors, but for the GNSO, for the ALAC, for the ccNSO, because the nominating committee does select for all those positions.

So it's really what do we need for the leadership in ICANN, and looking for the community's advice on that.

So please, Wednesday morning is certainly an important meeting that we want to hear from the community at. Thank you.

BRUCE TONKIN:

Thanks, Adam.

RENNIE FRITCHIE:

Rennie Fritchie, chair of Nominet, and my question relates, though it's not about individual board members, it's about the board as a whole.

Are you clear about what it is you need to do differently or better as a board, so that the training has measurable outcomes? How will you know the training has had an impact?

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BRUCE TONKIN: Go ahead, Ray.

RAY PLZAK: Thank you. It's a very, very good question.

What we've been doing, actually the BGC started an initiative on board training several years ago, and we are actually applying the established methodology of training development which involves more or less an engineering type of approach to training, and that begins with the identification of skills that are required. Either that the person brings with them into the board, skills that they may need to know specifically about the board, skills they may need -- or knowledge they may need to know about ICANN, its organization and functions, a number of things.

Some other what might seem minor but how to use the applications and so forth that -- tools that we need to do our job.

But every one of these skills has then attached to it two other things, which is the level of ability to which we expect the person that's being trained to acquire that knowledge, and then also at the end will be a measure or an evaluation of how well they can do it.

And so some of these -- also fold into the idea of annual refreshers in some specific areas, important areas.

So to answer your question, there are measures that are going to be taken, that have been taken to look at the ability of the board members to perform their jobs, but to do that in a -- in terms of individual tasks and so forth.

The ability of the board to function together as an entire board is a different effort, and that is something that is a purview of processes and procedures, and that is something that we're working on as well.

STEVE CROCKER: Let me chime in.

Very, very good question.

One of the things that I've been concerned about for a long time, and took strong effort in stepping into the role of chair, was to broaden our training and education. It's really more than just training, per se. To include not only the skill sets that are generic to being on a board -- how to audit, how to do finance, and what our legal responsibilities are and so forth -- to include a degree of knowledge about the business that we're in. Both about how ICANN operates and about the environment, technical environment, the business environment, and so forth.

Your question about how do we measure and how do we tell the effectiveness, Ray has responded with respect to some of the standardized methods for doing that.

I also have in mind that we can measure not so much changes in performance, per se, but we can measure levels of knowledge.

So to take a trivial example, on the board -- and I'm sure equally represented in this room -- only a small fraction of the people come in with a knowledge of how the domain name system actually works, even at a rudimentary level.

Nothing terribly wrong with that, except that if we were all on the board of General Motors and had no idea how automobiles worked, it would be a little bit awkward, I think.

So I've been concerned about how to raise that level of knowledge.

We can test for that in pretty straightforward ways, and I think we will do that, but I think it will also be quite evident in that process.

There will also be all of the feedback that one gets in these training and education processes, and the -- and one can tell sort of the comfort level during discussions of whether or not people understand what we're talking about at any given point, and if they don't, then that's a signal, at least to me, that some background help would be good.

We are making a very strong effort to take those training materials -- this is an evolutionary process, it's not going to happen all at once, but to gradually build up syllabuses and materials so that this process feeds

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on itself, and ideally I'd like to see a curator or some -- some senior intellectual person manage the corpus of that material and serve as the -- sort of the headmaster, if you will, for training for the board.

JANICE DOUMA LANGE:

And if I could ask a question on behalf of a remote participant.

Steve, Janice Lange, for the record, on behalf of Kieren McCarthy.

How will the board certify policymaking policy inputs are considered by the board? What will we see that is different?

STEVE CROCKER:

So I'm having a little trouble parsing that.

We have a very well-defined policy process, and the policies are initiated by the policy organs, the supporting organizations, and I'm not certain what isn't well-defined about all that.

Somebody want to jump in and -- you know, Cherine, and --

CHERINE CHALABY:

Yeah. I think probably Kieren is talking about Recommendation 20. Yeah? And I think this is about how do you ensure that input into policymaking is recorded, tracked, taken into consideration by the board, while the board is making decisions, and how -- how do you prove that this has happened.

And I think we -- we already have started this, and one of the biggest proofs that this has happened is in publishing your rationale for any decision, that it shows that you've taken all the various inputs in place.

So we are already now tracking, we're already -- the board is considering things, and we are already publishing, and you've seen, a lot of you, that we have -- since various board meetings now, we are publishing the rationale. So I think we've made an improvement and it's different now.

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I'm sure there will be more work to do to tighten the processes, but I think we are on track to making this happen.

STEVE CROCKER:

I saw multiple hands up before. Was that Heather? I can't quite see -- whose hand was -- yeah.

And then Bruce.

HEATHER DRYDEN:

Thank you, Steve. I thought I might comment from a GAC perspective.

Some of you may know that we undertook some work with the board on reviewing the role of the GAC and looking at ways to improve and better convey the way we work and what kinds of issues we see in being part of this organization, and one of the main recommendations that we made as part of that effort was the creation of a register of GAC advice, and the idea is that if you can track inputs received and track how things are responded to or what action was taken as a result of the various pieces of advice that are provided to the board and to the community, that this will contribute to strengthening the policy development process and strengthening communications and so on.

So that, I think, is a part answer to the question that's been asked, and I think the GAC places quite a high priority on those kinds of tools to make a significant difference for us in our role as part of the process at ICANN. So...

STEVE CROCKER:

And let me add that I feel very strongly about this effort of creating a register, so that we can, indeed, track all of the advice that comes from the GAC.

We are in the process of working out the mechanics and we want it to meet the test that when something is put into that register, the people who have initiated that advice recognize what's in there and have an expectation and the people who have to act on it equally have an

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understanding of what's involved and know what the next steps are, so that we're trying to, if you will, reduce this to a successful business process and make it ordinary and repeatable, so that we don't have confusion and so that we have effective and efficient execution.

BRUCE TONKIN:

I think another aspect of the question is that it's got to happen in the bottom-up process, as well as coming to the board. In fact, it's a failure of the process if something comes to the board that hasn't been considered by the relevant policymaking body, whether it's the address organization or the GNSO.

So I think one of the things that we as a board do, quite often the board or staff receive a letter, is making sure that that's forwarded to the relevant policy body and that we also track that that policy body has responded or taken that into account first. Before the board itself would sort of weigh in and try to respond.

So I think it's important that we understand the policy process has got layers to it, and the inputs need to be considered at the right layer first, and addressed at that layer, and then when it comes to the board, you know, we shouldn't be hearing something new. It should be something that's already been considered in the relevant policy body.

STEVE CROCKER:

So with apology, again, I must depart and -- but I commend you all on the questions. Keep -- keep pressing on it.

BRUCE TONKIN:

Okay. Any other questions on the board topic?

Okay. I think then we'll move to the next topic, which is -- if we can go to the next slide. This is another important aspect is the interaction between the Governmental Advisory Committee and the board, and certainly there's been fairly close interaction the last six months or so around new gTLDs, and that in itself is leading to further improvements.

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So I'll hand across to the GAC chair, Heather Dryden, and also the GAC member, Manal Ismail, to either make some comments or take any questions on this topic.

MANAL ISMAIL:

Thank you, Bruce. As Heather had to leave, I'll replace her on this.

I'm a member of the GAC, and I also happen to participate to the ATRT, the accountability and transparency review team.

As mentioned earlier, this is a crucial part of the ATRT recommendations. I believe it is very important to have an agreement on what is considered an advice from the GAC. It should be as simple as what is expected from the board side and what to expect from the GAC.

Also, the online registry that was mentioned earlier is of special importance, because GAC representatives change and board members change and it is very important to have such a platform in place that would serve not only to track current advices but also to serve as a reference to all advices and to ensure continuity and consistency and be more of a GAC memory, if I may say.

Also, the timely advice of the GAC is another important recommendation that we'll be looking at, and it would be particularly helpful if we hear from the community how they can see the GAC participating early within the process.

So far, the GAC provides its advice to the board and the PDP, when it reaches the board, it is in a pretty mature stage and it becomes more of a disappointment and a delay at the same time when the GAC starts raising concerns and raising issues late -- very late within the process. And it tends to be very helpful when the GAC participated early enough in a couple of circumstances.

It's also the -- we try to also look into how to help GAC members have more support from their governments in terms of having more -- if governments know what's going on, they will provide more authority, more resources, more time to GAC representatives, which would allow

them to take a timely decision that really represents their national positions on issues that are being discussed.

As mentioned earlier, there's going to be a joint working group between the GAC and the board that will be looking into implementation of those recommendations, and it would be very helpful to hear questions, ideas, or suggestions in that respect.

We -- we have tomorrow an internal GAC discussion on this topic, and later in the afternoon there's going to be a joint meeting with the board on multiple topics, one of which is the ATRT recommendations on implementation, so thank you.

BRUCE TONKIN:

Okay. And on behalf of the board, I think Chris Disspain wanted to make a comment.

CHRIS DISSPAIN:

Thanks, Bruce. Thanks, Manal.

Just a couple of things.

I just wanted to make -- Recommendations 12 and 13, which Manal referred to, is the process to inform and engage the GAC earlier in the policy process. I just wanted to make the point that actually that does happen. It's just it tends to happen in an ad hoc way. What's lacking is a process. It happened in the -- in the IDN fast track, and it's happened in other circumstances.

So it's not having to create a whole new thing. It does already exist. It's just that there is no process.

The other thing I just wanted to say is that the board has now agreed to set up the committee, and Bill Graham is chairing that. He's unfortunately not with us but he will be soon. And so I think really after the -- the joint Board/GAC meeting tomorrow, once the GAC has told us who their leads are for their side of the committee, we can start working immediately, and I would expect to see these GAC

recommendation -- the recommendations in respect to the board and GAC catching up with the implementation of the other ones relatively quickly.

BRUCE TONKIN: Thank you, Chris.

Ray Plzak.

RAY PLZAK: Thank you, Bruce. I was a co-chair of the Board/GAC joint working group that has been referred to earlier, and I would also like to point out that a number of these recommendations from the ATRT were actually looked at by that working group, and there has been some substantial discussion as far as formulating and understanding what these areas mean, and an idea of the work involved.

And so it's not like this group that's being performed right now is starting fresh, new, from scratch. There's been -- there's work that's been done already that will help move this along in a more forceful manner than you might think from just the fact that now we're forming this new working group to get the work done.

BRUCE TONKIN: Yes. Go ahead, Manal.

MANAL ISMAIL: Yes. I'm sorry for not mentioning the JWG recommendations. The joint working group is going to be working on implementation of the recommendations of the JWG report that has been recently adopted by the board, as well as the GAC-related part of the ATRT recommendations.

So...

BRUCE TONKIN:

Thank you. Yeah, and I notice one recent development is that -- picking up on Chris' comment -- that they often are now -- in the GNSO, there have often been verbal meetings early in the policy process, but that hasn't resulted in a direct communication.

But recently the GAC did actually directly communicate in writing on a particular policy topic in the GNSO, so, you know, that's an example of where, you know, they're trying to engage earlier in the policy process.

So I'll open it up to the floor. Then if any questions or comments on the work the GAC and the board are doing together on improving processes.

Yes. Go ahead, Steve.

STEVE DeBIANCO:

Steve DeBianco with Netchoice and I'm also a member of the BC.

One of the tests of our improvements is to apply an example, a present example, and see whether the improvements actually address it, and it has to do with the communications between the GAC and the board, GNSO, ALAC, and ccNSO.

Bruce, one of the resolutions you adopted in Cartagena that you moved and the board adopted was the notion on defining consumer trust, competition, and choice in the context of the new gTLD program.

And you're aware that the board resolution asked for advice from four different groups -- the GAC, ALAC, GNSO, and ccNSO -- so does this program assure us that everything is being communicated correctly? Because the GNSO, ALAC, and ccNSO are already meeting on that to try to address what's in the resolution.

We have a meeting this Thursday.

But we have been unable to have any communications with the GAC about whether they intend to fulfill that advice directly to the board, and when, and the resolution called for San Francisco. We're way past that. And we've invited the GAC to participate with us in sort of a cross-

community working group, but did the board formally send a request to the GAC asking for advice, or does the board believe that a resolution asking for advice is sufficient? And if not, we ought to modify our communications between the GAC and the board for that reason.

So Bruce, you know, I know you were whispering, but I asked --

BRUCE TONKIN: Yeah.

STEVE DeIBIANCO: -- after your resolution passed, did the board also send a formal request to the GAC asking for advice, or do you assume that the resolution is a form of asking?

BRUCE TONKIN: Yeah. That's a very good point, Steve, because I've come across that in a couple of discussions I've had this week.

I think often in the past, the board has thought that passing a resolution with a request would enact that, but I think you're right. From a process perspective, there hasn't been a formal letter or a separate formal communication, so that that may be one of the things that we can improve from a process and tracking perspective, because not everybody reads every word of our resolutions, I suspect.

STEVE DeIBIANCO: That's right, and --

BRUCE TONKIN: If you're asking the question specifically, what's the GAC going to do, you know, I would hand across to Manal, and if she can't respond today, then maybe the GAC, you know, later this week -- I know Heather has a presentation later in the week -- could respond on what the GAC's doing

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on that, but I'll give Heather -- Manal the option of responding or you can simply say that you'll get an answer back later.

MANAL ISMAIL:

Actually, I'm not in a position to have a ready answer on what the GAC intends to do in this specific case, but again, the question you raised is a typical thing why we have to put this accurately in the system that documents the way of communication between the GAC and the board, because it happened so many times that the board expects that the GAC already knows this thing and the GAC also expects that what has been said is -- should be considered as the GAC advice.

So -- and as I said before, it should be as simple as what we expect from the board and what is expected from the GAC side. Just we have to put it in writing and have a system ongoing whether the GAC members -- GAC representatives change or board members change, so that things are crystal clear.

STEVE DeBIANCO:

And I appreciate that. But that does make it feel as if it's a bilateral communication between the board and the GAC. And I just want to remind you that in many cases, it's multilateral. The ALAC, GNSO, and ccNSO are part of the same resolution, and we need an ability to communicate more directly with GAC, so we can invite you to the working group, keep you informed, and learn very early if you have advice on this topic. Because after all, consumer trust in the new gTLDs is vital to law enforcement and governments.

MANAL ISMAIL:

And I think that this touches on two things. How to involve the GAC early within the process, and at the same time how to formalize the GAC advice, because I mean, it's -- so far, again, the GAC expects a formal written --

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STEVE DeIBIANCO: Invitation?

MANAL ISMAIL: -- invitation from the board and communicates back to the board, so...

STEVE DeIBIANCO: Okay. Thank you.

BRUCE TONKIN: Thank you. And Ray, I think you wanted to respond as well.

RAY PLZAK: Yes. This matter was also discussed extensively inside the working group, and not only the matter itself to occur but the instrumentality by which it will occur.

There were extensive discussions on the feasibility of liaisons, for example. A whole host of things in terms of opening up communications channels to get things rolling.

The idea -- and when we were discussing what constitutes GAC advice and when does GAC give advice, how does the board request GAC advice, all those things have been discussed and there are a -- I will say that we probably spent most of our time in that working group discussing this particular matter, because it's a complicated thing when you put it all together, and so there have been things that have been done quickly to get things rolling, but as Manal has said, there's still more work to be done here, and there are certain things that have to be done in regards to what expectations are and what, in the end, is going to be the most efficient way of making sure that the communications paths work in both directions and that they remain open and clear.

BRUCE TONKIN: Okay. Any other questions on -- yeah. Looks like we have one from the public forum.

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JANICE DOUMA LANGE: I was trying to clarify. Janice Lange for the record. I'm speaking on behalf of Kieren McCarthy.

His question is: What has happened to the process for the GAC and the board to formally disagree that was provided by ICANN staff to the GAC in January? And he provides the link to the GAC/board bylaws mandated process.

And Kieren, I know you're listening so if I did that incorrectly --

Again, the question: What has happened to the process for the GAC and board to formally disagree that was provided by ICANN staff to the GAC in January?

CHRIS DISSPAIN: Janice? Is -- I have no idea whether that's a general question or a specific? Is that -- I don't know if Kieren's -- actually can type fast enough, but is he talking about a specific -- just the process generally or a specific disagreement process for new gTLDs?

JANICE DOUMA LANGE: He's providing me the answer right now.

BRUCE TONKIN: What we'll do is we'll just ask the -- Amy Stathos from the general counsel's office to respond on the status of that document.

But the recollections that came out of -- when we were looking at new gTLDs at the time and we specified a process, so the question is, you know, is that an agreed process or is it under further development.

AMY STATHOS: I was going to say the same thing, Bruce, not to ever imply that I can think and understand what Kieren's thinking, but with respect to what I -- what I believe he means is the process is there was a written process that was provided to the GAC for review at the time when we were

talking about these various issues. And I don't believe that it has ever been completed and agreed.

BRUCE TONKIN: So I guess the answer to Kieren is that that -- that process is -- yeah, it's not completed and agreed, but it would be one of the topics that the board and the GAC implementation group would look at to get an agreement on that. So in future cases, we can use that -- that process.

(Speaker is off microphone.)

BRUCE TONKIN: Yeah.

(Speaker is off microphone.)

BRUCE TONKIN: Yes. Yeah.

(Speaker is off microphone.)

BRUCE TONKIN: Yes. Yeah. Ray Plzak has just noted that that is actually work underway under 9 and 10 of these recommendations.

Okay. So it's work underway, not finished yet.

Okay. I think we can probably move on to the last topic then, and this is the topic of improvements that are being made in the public comment process and improvements being made in providing, you know, various forms of language translation.

This -- this work is being led by Mike Silber as a board member and he's also chair of the public participation committee. So hand across to you, Mike, if you have any opening remarks, and then we'll open up to the floor.

MICHAEL SILBER:

Thanks, Bruce. No, I think it's very clear this work is being led by Denise, with the public participation team, Filiz, Janice, various other people. It's certainly not being led by me.

Board members are here to observe and test. They're not here to lead work. So let me clarify that from the start.

In no sense absolving myself from responsibility, but rather, not trying to take credit for what I view as being really excellent work.

Most of you will know that the question of the public comment process has been discussed for a number of years. A lot of it is centered around improvements around the specific forum tools that we use for the submission of public comments.

The ATRT has some very specific requirements. In particular, the introduction of a comment/reply/comment cycle. The question of trying to stratify and prioritize various notices so that people can more easily identify what is relevant to them. The question of the time lines. There are also issues around multilingual access, creating an annual plan so that people have a better idea and can plan accordingly, and ensuring that staffing is appropriately multilingual.

In that regard, the comment process is being revised at the same time as ICANN is undergoing and absolutely massive Web site adjustment or revival. And there was a suggestion that a lot of this be put on hold until such time the new Web site would be done, new tools would be put in place. We felt that would be giving inadequate recognition of the importance of the ATRT. So in accordance, we recognized there may be some additional stratification, and there may be additional improvements that come in with new tools. But the team has done their best to meet the requirements of the ATRT as well as to introduce a process that's workable going forward under the new tools as well as under the existing tools.

So you may have seen we've gone through a testing phase with a small user group who've been able to interact with the new tools. It has gone out for public comment. If I'm not mistaken, it is still -- in or the reply

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comment cycle has just closed and we'll be going through that, evaluating and pulling the results together as regards issues like stratification, prioritization. The staff has also put out the annual forecast, and there is also a fair amount of work that's been done with regard to multilingual access and the translation policy as well as actually getting down to the translations themselves.

BRUCE TONKIN: Thank you, Mike. Any questions on that public process? Jonathon?

JONATHON ZUCK: Jonathon Zuck from the Association of Competitive Technology. I participated in the working group on improving the public comment process and drafted comments for the IPC. So I have been pretty involved in it.

One of the things that keeps surfacing in these discussions is that none of these recommendations about stratification, reply cycles, et cetera will have any impact at all until the issue of how comments are addressed once they are received is really formalized. I know that was a part of a previous topic. But unless there is some interaction with that process in this one, you know, stratification isn't going to lead to better public participation. Confidence of those comments are, in fact, taken into consideration, and how they are taken into consideration is what's really going to lead to greater public participation. We need to find some way to have those two processes interact, or this one is going to be totally irrelevant.

MIKE SILBER: Jonathon, I agree with you completely and it is one of the internal functions not specifically mandated by the ATRT that has been looking at, is looking at revising and documenting some of the standard staff operating procedures to give clarity as to how comments are handled, when a request for comment is put out, how it's dealt with, how the comments are synthesized and presented through. And I think the point is a good one because unfortunately on the board the ability to

drill down on every topic and go through every comment period and read every comment posted is unfortunately limited.

So accordingly, we often rely on staff summaries. There is a question now in terms of the publication of summaries. As you said, that's dealt with elsewhere. But it certainly does give the community a better idea of the basis on which the board has made decisions.

The one thing I find rather interesting, I have heard a lot of criticism over the years about staff having not necessarily correctly or appropriately reflected the public comment, it interestingly enough since we started publishing the documents, nobody has come to me with a documented situation where staff have ignored a comment or have in any way not reflected the appropriateness or the tenor of a comment.

That being said, maybe staff suddenly has an overnight change of heart recognizing that these summaries were being published and suddenly decided to get honest with us or maybe they have been honest all along and the community has an issue with it.

JONATHON ZUCK:

Those are both interesting points. I think part of the issue with how comments are summarized has to do with errors of omission as much as it is misrepresentation of facts, that sometimes the comments -- the report on comments has been sort of cleansed to a point where it seems as though there is a greater consensus around something than there might otherwise be.

But a very specific example, one of the discussions that was taking place within this process has to do with threaded discussions. That might be the biggest issue of contention in the public comment process surrounding the public comments. I think that's a very real issue. We need the feedback and/or from the board to understand whether the threaded discussion list will make it more or less likely that those comments are more easily summarized and addressed in some form or

way by the board and the staff because that could have a very real and material impact on the effectiveness of these public comments.

And I think that's why the combination of these processes is critical.

BRUCE TONKIN: Go ahead, Ron.

RON ANDRUFF: Thank you, Chair.

Mike, I have to take issue with what you just said about the fact that public comments are -- no one has come to you with any comments about this. Yesterday in the GNSO meeting with the -- Which particular meeting was it? In any case, it was with Kurt Pritz when he was giving a briefing to the GNSO on an update on the process. And as I understand it, Chuck said to Kurt on the seventh iteration of the book, which is this one, there were more comments made than any other had been made before. Yet, the book had changed hardly at all.

So at that point, Kurt said, "All the comments we've heard before." That says to me that the community is screaming that you never heard us, you never heard us, you never heard us seven times. And staff is ignoring what we're asking for.

I spoke to another member of the community who's a very well-known member of the community. And he said to me, it is not just as bad as that. He said, I was watching the iterations of the book and a particular topic, watching to see how that would evolve and then I was waiting to make my comment. When I made my comment, it was agreed that it was a good comment. But I was told by Kurt, I'm sorry, it's too far along now, it is baked into the system.

So this is a little bit like the carnival game where you have the two circles going past. If I shoot the arrow and I get it through the first one and the second one, I get a prize. But if I hit the first one or the second one, I'm sorry. It is a little bit tough from us from the community to ask

again and again and again for specific things and be told, "I'm sorry, it is just not on because we've heard it before." So this is the issue for us.

It is not about the fact that staff is not responding to our story. I think just now as we heard, it's -- a lot of times it's sanitized. We've listed all the questions. Here's our comment. We don't have a chance to come back and say, Well, that's not what was said unless we post again in the next iteration of the book our comments.

So unfortunately, this issue is a big issue. We're feeling very badly about the fact that we don't have a chance to make -- or get a message across because staff is not taking those issues and putting them in the book.

MIKE SILBER:

Ron, I think valid point and maybe I was being a little bit glib in my earlier comments. But recognizing that the applicant guidebook is not the only policy issue and it is actually an implementation issue, and it is not the only policy issue that ICANN deals with, but it is one of the very few that goes through as many iterations as it has been.

So that being said, I think we can recognize it as a special case. It certainly -- I'll take your point, that as a special case, it hasn't been treated with the level of care that you're expecting, especially going through this question of iterations and whether -- when something actually gets baked in versus when is it still fluid enough to get edited and amended.

I'm hoping that the majority of comment cycles that we go through, don't have to go through six or seven iterations before we get to finality. But it is a single iteration.

But I think it is a very valid point, and especially when we're dealing with a complex issue which is going through multiple rounds of iteration. I think that's something that we certainly can look at, is how to treat those special cases.

RON ANDRUFF:

I very much appreciate what you've just said. But the real issue here is nothing should be hard baked until the final book says "final book." And if the community keeps coming back asking for specific things, I don't think staff have any alternative but to make the change or tell us exactly why they haven't made the change. And I'm telling you, I've been at the microphone too many times to ask the same question or remind the board of the same issue and staff do not respond to why they're not doing it. We just get hung out to dry.

There are so many issues in the book: Consensus building within our community on all the issues is impossible because one group's worried about this, another group is worried about that, another group is worried about that. You go and try to talk to others about your issue and they will go, yeah, it is a good issue but our issue is bigger. We have to focus on that. It is a divide and conquer mentality that we are feeling and it is not right.

I think when it comes down to the fact when the community makes it very clear, things that they are looking for in the book, I think staff have no alternative but to put it in the book or make it very clear to us. Thank you.

BRUCE TONKIN:

Thank you, Ron. That's helpful. And I do think we need to look at how we improve those processes. Any other comments on the public comment process?

BRET FAUSETT:

Bret Fausett. When you revise the public comment process, think about a commenter authentication process. I know right now you have got feedback loops so you put in a comment of comments and you got to click the link that comes back to you. But actually having to fill out a form and say, you know, my name is Bret Fausett, this is my address, these are my interests, these are people who are paying my bills, so that you get a feeling for who is actually commenting, why they're commenting, what their financial interests are. And I say this in

advance of next summer when, I think, with the new TLD applications published, you're going to get a flood of comments and try to distinguish between the ones that are maybe the Astroturf comments, the ones where people have a financial interest in outcomes. Let's figure out exactly who's commenting. And I think the better comments have always authenticated themselves. People say who they are and who they represent.

But I think next year we're going to have a bunch of new people coming to the process, and it would be nice to have a mechanism where they can say "this is who I am and these are my interests."

MIKE SILBER:

Bret, thank you. I think that is a very useful comment on the comment process. What I would not like to do, though, is exclude the unauthenticated commenter but, rather, to provide the recognition due to authenticated commenters that they have indicated who they are, they've kept their details up to date. We know who we're dealing with. Unauthenticated commenters go in the list of potential Astroturf, as you said. I like the term. I think it is useful.

ICANN – NL:

Excuse me. Sorry.

BRUCE TONKIN:

Go ahead. Yes, please.

ICANN – NL:

Sorry to disturb you. We must start the opening ceremony. So we have a protocol issue to close this session.

BRUCE TONKIN:

Okay, thank you. We've pretty much come to the end. There was only one final topic on how we're going to measure it, and we will make that up later in the week. So thank you all for attending.

And we will now close this session.

END OF AUDIO