

---

DURBAN – ATRT 2 – Face to Face Meeting Day 2  
Saturday, July 13, 2013 – 08:30 to 17:30  
ICANN – Durban, South Africa

BRIAN CUTE:

Greetings. This is Brian Cute with the Accountability and Transparency Review team, meeting on July 13<sup>th</sup> in Durban, South Africa. Welcome to everyone in the room and online. We have the agenda up for today, for day two. A little bit of reorganizing after shifting some things around yesterday.

So just a quick run through for today. What we're going to do is first prepare for our sessions with the SOs and ACs and the Board, review the meeting schedule, and just review the questions that we've got and discussion our approach to those interactions. Then we're going to hear from Sally Costerton, David Oliver, Nora [? 0:10:39], and Chris Gift.

Sally is going to be joining us remotely. And then we'll just have a little more work to make sure that we're ready for all the interactions over the course of the week. After a break, we're going to dive into the roadmap for our work that leads up to our face to face meeting in Los Angeles, and get organized around the development of recommendations as we began to discuss yesterday.

Discuss the data we've collected so far and what our next steps need to be for each work stream and for the review team as a whole. We'll have a brief discussion of responses to our RFP for an independent expert in closed session. And then we'll have a working lunch, hearing

---

*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.*

---

from Marika Konings, senior director of policy support on the GNSO and PDPs, as that issue will tie into the work of the independent expert.

Have an opportunity to again, discuss with respect to the independent expert, what we've heard and what our next steps are in that process. And then lastly, we'll have some additional time at the end of the day if needed to make sure that we're prepared for this week's activities and discuss any final action items we need to take to prepare.

So welcome all to today. Good to see you again. Why don't we kick it off in item one, preparing for our sessions. I think the first thing we need to do is – can you put up just the meeting schedule for the week [Sh-ar-la 0:12:12] so we can walk through that? And two things, let's just walk through the schedule together and also we want to make sure that we have ample attendance of ATRT 2 members.

So if they're going to be folks missing just indicate that, that's not a problem. We understand that you have conflicts. Just want to make sure that we have a full enough team at each of these sessions. The calendar of meetings over the course of the week, yeah, that's the one I have in mind. Do you have that? It might be in Alice's email. If you can't find it, I'll send it to you in a moment.

Where are we?

AVRI DORIA:

While we are doing that, can I ask a question about the schedule of events we have?

---

BRIAN CUTE: Certainly.

AVRI DORIA: And that's the one meeting for 15 minutes with the ccNSO. Can somebody explain to me what we intend to do with a 15 minute meeting?

BRIAN CUTE: Great question. Sort answer, listen. That was dictated by their schedule. That was a time, I understand, they had available for us. We didn't restrict it to 15 minutes. That's why that happened. I see your question about the utility of a 15 minute meeting, and maybe we can revisit that and suggest that we have a separate, longer call with them after Durban.

AVRI DORIA: I mean, unless what they want to tell us is they think it's all nonsense and thank you very much for wanting to talk to us but we have nothing to say to you. And really, I have trouble understanding it.

BRIAN CUTE: I'd be happy to talk to the chair and discuss it with her. My default position is, if they think it is worthwhile, we'll listen. But if we can get more value out of another meeting, we'll work toward that end. Did you get... Okay. I think it might be in Alice's email from the 11<sup>th</sup>. I think so.

---

Right. Does everyone have a printed copy? I mean I like to get it on the screen to the extent that anybody is online watching.

BRIAN CUTE:

Does anyone have a soft copy of the one pager that shows all of our meetings? It has Durban dash July, 12 July dash 18 July 2013 across the top. A soft copy. Oh [laughs]. No. Just bear with us, give us just a few more minutes to try to get this up on the screen. Yeah. Please.

If you can even mark that on the paper, Steve. If you want to do that, just so we know who is attending where and when. In fact, that's a good idea. Does everyone have a paper copy of that? if you have a paper copy of the schedule for the week, if you can just indicate where you're going to absent on the paper and hand it in so we know who is going to be with us when and where.

If you're not sure just, let it be. Don't have it? Okay. [Shar-la 0:16:39] has got it, great. Thank you. [OPEN MIC 0:16:42 – 0:16:59] Okay, it's up on the board now? Thank you. It's on the screen. So just to walk through, starting tomorrow our meeting tomorrow at noon to one is with the GNSO in a hall 2C. We then at 2:45 to 4:15, I'll get that right, meet with the Board in hall 3C.

And then from 4:30 until six we meet with the GAC in 4AB. Monday is one single meeting with the s – yes. Oh. I'm looking at the wrong hard copy. Sorry. Tomorrow we have a 10:00 meeting, 10 to 10:30 with RSAC, Lars Liman in hall 3C. Can I borrow this? Thanks. And then on Monday we have two sessions, 7:30 to 8:30 session with SSAC here in

---

hall 4D. 4:30 to 5:30 session with the NomCom in hall 2H. Tuesday is a very busy day.

Starting at 8:30 in the morning for half an hour with NPOC. From 9:30 to 10:30 with ALAC. 10:30 to 11:30 with the registry stakeholder group. 11:30 to 12 with NCUC. 1:00 to 1:30 with the registrar stakeholder group. And then 5:20 to 5:35 with the ccNSO. And I'll speak with the chair of the ccNSO about that meeting to check the utility of it, if we can move it, find more time, expand the time to meet with them.

That doesn't seem to be well structured. That's Tuesday, that's our biggest day. And then Wednesday we have 1:30 to 3:00 our interaction with the community in open session. And then Wednesday from five to six we have a wrap-up session of the review team of the whole, so that we as a whole group can take in what we encounter this week and just revisit our working plan toward Los Angeles.

And then on Thursday morning from 7:30 until nine, the chair, vice chairs, and work stream chairs will meet again, for purposes of coordinating our work before Los Angeles and into Los Angeles. Any questions other than the ccNSO on the schedule? Okay. Pretty clear. Again, if you have a hard copy of this, just please indicate the sessions that you won't be available and hand them in just so we know who is going to be in attendance from the ATRT 2 side.

[Laughs] There is a soft copy. Oh, there isn't is there? We need to get soft... Can you ask Alice to recirculate those soft copies to the entire team? Thank you. All right. Now if we can go back to the agenda for the day. [OPEN MIC 0:20:30 – 0:20:48] Okay. We've gone over the questions, that's done. We got those locked down yesterday and Alice

---

forwarded the questions that we developed yesterday back out to the ACs and SOs and the Board.

She combined them in one document with the six questions we had sent prior, so that's all in the hands of the chairs of those respective organizations. We don't need to revisit that. Just take the next time that we have to discuss the approach that we have to these interactions. At a high level, these interactions are about listening to the maximum extent possible. Charlotte.

CHARLOTTE: Charlotte for the record. I just got a message from Alice that the RSAC session needs to be rescheduled. That Lars is stuck in London.

BRIAN CUTE: And that was tomorrow morning, correct? Was that tomorrow morning? Okay. Ten. We're not that lucky [laughs]. Okay. So our 10:00 meeting tomorrow is going to be rescheduled. So our first meeting tomorrow will be noon with the GNSO? Can you confirm that. Sorry. So the first session tomorrow is noon with the GNSO in hall 2C, and we'll reschedule with Lars.

Okay. Thank you. So in terms of the interactions with these groups, it's primarily about listening. We're still in the data collection phase. All of those sessions will be recorded. Correct Charlotte?

CHARLOTTE: Yes.

---

BRIAN CUTE: And we'll get written summaries, written reports of those meetings as well after the fact.

CHARLOTTE: Correct.

BRIAN CUTE: So we'll get... We'll have recordings, we'll have written summaries, so really it's about active listening and particularly for those of you who are on work streams and focused on particular issues when you're meeting with NSO or AC that is delivering data specific to your issue, very active listening please. We've got the questions that will be on the board as prompts. I intend to do little more than make an introduction, open the session, point to the questions, and open the microphone.

There are times where audience members ask questions of the ATRT 2. My view is it's open for anybody in ATRT 2 to answer questions as they come up. And in terms of protocol, just if a question comes, look up on the table, if there is an ATRT 2 member who is eager to engage or answer or have dialogue, the floor is for that to take place for you.

Any questions or discussions about the protocol or the interactions themselves? Alan?

ALAN GREENBERG: Did we receive a consolidated list of the questions for each group?

UNIDENTIFIED: The questions were sent out last night.

---

ALAN GREENBERG: They were? Okay.

UNIDENTIFIED: They were.

ALAN GREENBERG: Okay. Thank you.

UNIDENTIFIED: Yes. The questions were sent out to the chairs last night.

ALAN GREENBERG: Did we receive it? ATRT 2?

UNIDENTIFIED: No. I don't think so.

ALAN GREENBERG: Yeah. If you can have Alice circulate those...

UNIDENTIFIED: I will.

ALAN GREENBERG: ...questions that will be great.



---

BRIAN CUTE: Okay. Any other questions about the protocol for the meetings, for the meetings themselves? You missed the opening Olivier. Introduction, here is the questions we gave you, open the floor, step back and listen. When questions are posed on the floor, I'll look up and down the table if any ATRT 2 member wants to engage the microphone will be available, and then that's basically it. Okay.

Any other questions or discussion on this? Okay. That's pretty straightforward. Why don't we use the time that we have... I think we'll take advantage of our time Charlotte to jump into another discussion. Yeah. If you would. Okay. So we have about half an hour before our next session starts, that we just gained. Is that right? When is Sally joining us?

Sorry. I know. I'm making you multitask. 9:30, yeah.

ALAN GREENBERG: Could we review... For those of us who can't read that screen, can we review what the changes are in today's schedule please?

BRIAN CUTE: The changes in today's schedule?

ALAN GREENBERG: Yes.

BRIAN CUTE: Okay. I went through it at the opening.

---

ALAN GREENBERG: I didn't hear you.

BRIAN CUTE: I went through...

ALAN GREENBERG: When is the meeting with Chris?

BRIAN CUTE: Okay. Sorry. Could you put up today's agenda again? [CROSSTALK 0:26:07] Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you Brian. It's Olivier for the transcript. I believe that Sally Costerton was not actually joining us in person.

BRIAN CUTE: She is joining us remotely.

OLIVIER CRÉPIN-LEBLOND: Remotely. Yeah. That's right.

BRIAN CUTE: Okay. Just again, to run through the agenda for today at request. We've got, we've dispatched with item one. We now have some extra time. I'd like to jump into the recommendation topics that we identified yesterday and focus on getting that work advanced. At 9:30 we've got Sally Costerton, David Olive, Nora [? 0:26:48], Chris Gift joining us until

---

10:15. We have scheduled, review our meeting scheduled from 10:15 to 10:30, that would be time we've gained.

After the coffee break, we are going to talk about our roadmap of work to Los Angeles, we have to do between now and Los Angeles to prepare for a constructive meeting there. Opportunity to discuss the data we've collected to date and next steps for the work streams. We're going to discuss the RP responses in closed session at 12:15 to 12:30. Then have a working lunch with Marika Konings from 12:30 to 1:30.

Again, we have an opportunity to discuss data collected, working methodologies, analysis assessment, any of those items from 1:30 to 3:30. Coffee break followed by preparation for sessions with ICANN community, that would be time we just gained actually drafting slides, although that's really going to be the list of questions in slide format. I don't think there will be much to do there.

And then a final session for review and making sure we're in synch for action items going forward.

ALAN GREENBERG:

I thought we were meeting with the ombudsman today. Did that disappear?

BRIAN CUTE:

Yeah. Good question. Is Chris joining us today? Alice was... Good question. Flipping Chris...

---

UNIDENTIFIED: Let me check with her, I'll get back to you.

BRIAN CUTE: Thank you. Frankly I already see a number of holes in time here, or additional time that we've gained so it should be easy to slip it in at his convenience. Thank you Alan. Okay. Let's go for the next half hour just with those eight, I think, items or nine items. Okay. So yesterday in session, I asked the review team to identify what they thought would be likely issues for recommendations at this stage.

This is the list we came up with, just to walk through that again, and have some discussion around how we get the work commenced on this. But first I've got on the board, there is no particular order here. GAC's participation in the policy processes. Second was publication of yearly statistical reports which would be an umbrella to include the whistleblower topic that we've been discussing. The third is cross constituency work.

Fourth is reconsideration. Fifth was the public comment process. Sixth is the PDP. Seventh was communications from the board. There was discussion that actually there be a communications head or person for the Board of Directors, and a communications person for the GAC. Those are the eight that we came up with. What I haven't done yet, I'll be with you in a second Avri, I haven't done yet is organize these by work stream or topic. Avri?

AVRI DORIA: On the publication of yearly statistical reports, I was thinking more in terms of general transparency statistics of which whistleblower was

---

one, reconsideration is one, public comment. It's a whole transparency issues statistical report. And the whistleblower is just one prime example, not just the only thing I was thinking of.

BRIAN CUTE:

So would it be better written as publication transparency reports?

AVRI DORIA:

Statistical reports on transparency in other words. Basically some of the hard numbers because that is something that, whether we call it metrics or not, metrics have a comparative notion to them, whereas here what I think I'm looking for is just of various countable things in transparency.

There is lots being done for transparency purposes. To what extent it achieves its goals is another question, but a lot of is done and a lot of it is countable. And as you start counting it, as you start doing statistics on it, see variances from year to year, see stuff like that, you start to get a picture. And so I'm harkening back to the one world trust notion of transparency statistics should be included as part of the yearly report.

BRIAN CUTE:

Thank you. So can we edit that Charlotte, do publication of yearly statistical reports on transparency? And leave the whistleblower in parentheses.

AVRI DORIA:

Including whistleblower for example...

---

BRIAN CUTE: Including but not limited to?

AVRI DORIA: Oh yeah. I dot A. Thank you.

BRIAN CUTE: Got you. Now if... We'll keep walking through after Charlotte's made the edit. I think there is additional one that we didn't identify yesterday which is the review process or the review processes. It's the subject of work stream for, I think we're... There you go. Right after reports, publication of yearly statistical reports. No, no. On the other side of the whistleblower. There you go. On transparency. Outside of the parentheses. There you go.

Perfect. Thank you. So I would add a ninth bullet which is review process. We're clearly going to be making a recommendation on the review process or processes themselves. Good morning. Welcoming [? 0:33:20] to the meeting. Good morning. Okay. Any other discussion... Well, let me put the caveat on this. It's important that we identify these issues so that we can start to formulate the work at an early stage.

Obviously these are issues that we see at this point in the process. We can't prejudge them without having looked at the inputs from the community, read the documentation that we need to read to come to a hard conclusion that a recommendation is in fact required for each of these. We still have some homework to do. So I just want to make clear that these are preliminary issues, but we will go about the business of doing the assessment and analysis necessary to reach those hard conclusions.

---

It's possible to reach a conclusion that, a recommendation for one or some of these is not in fact needed. But I think it's important that we start the work now. Any other discussion on this list of topics? Okay. The next thing we can do, can you keep that up? Yeah. Thanks. Lise.

LISE FUHR:

Yeah. Lise for the record. Well, we've had an issue with the financial reports from ICANN and financial accountability. But I understood that you have been discussing this briefly yesterday. So I'm a bit unaware if that's going to be put into some of the other issues, or that should be a separate subject for recommendation.

BRIAN CUTE:

Lise, just to give Lise a recap. We did have a pretty fulsome discussion about financials from the point of view of the windfall of new TLDs for ICANN and how ICANN should or might manage those funds. And there was a fairly rough consensus, or maybe a clear consensus, that we didn't think a recommendation of that particular point was necessary. But you weren't here, and I want to give you the opportunity to put your thoughts on the table. Alan.

ALAN GREENBERG:

I think we're mixing different discussions. We decided that it wasn't something we should ask as a question when we're reviewing the comments in terms of putting together the issues to raise with the community. And as far as I understand, this list is a list that we came up with yesterday, it's not necessarily – in my mind, it's not an exclusive list

---

because we may, in our work streams, come up with other recommendations.

So I'm not commenting on whether we think we need a financial one or not, but if a work stream really comes up with a strong rationale for appointed recommendations so be it. But at this point, we didn't think it was worth being raised with the community. And indeed when we look at external experts it wasn't highly rated, but that doesn't say it will turn out as things move, in my mind anyway.

BRIAN CUTE: That's a fair comment.

LISE FUHR: Lise Fuhr for the record again. Well I think maybe we should then just let it be until... I understood that work stream one is going to look a little bit at financial reporting from ICANN or not. It was put in work stream one looking at EURALO. And if that's the case, we can see, we can wait.

BRAIN CUTE: Avri.

AVRI DORIA: Yeah. I think on the financial thing also, one of the things that I have not been clear on when we talked about it was, whether we were talking about financial from a sort of auditing perspective of sort of how it is done, and is it sufficiently reported, or whether we were talking



---

about how monies were allocated, and how those decisions were made. And sometimes the conversation has seemed sort of mixed to me in we start talking about wanting financial verification, but then we quickly move to and how are they going to spend the money that they get from this.

And so I'm not quite sure even when we talk about it what we mean by it.

BRIAN CUTE:

Thank you Avri. Lise?

LISE FUHR:

Being the one raising the issue, my original thought – I don't know how to say that... My first thought was to have the reporting. Is the reporting done in an accountable and transparent way? And has the company been run in an accountable way? And that has been turned into when all the money from the new TLDs comes, will that be used in an accountable and transparent way?

Well, for me, if the reporting is done as it should be you would discover if the money is being used in a transparent and an accountable way anyway. So the reporting for me is important. And I don't know. I don't have the skills to really go into analyzing this, but maybe we could make a recommendation on that this should be done before the three years. Because one of the things that I also understood was concern from this group was that ICANN was working very hard on getting the finances straight and doing the reporting in another way.

---

And so maybe instead of waiting three years we can say in a year we could have this analyzed from an independent expert.

BRIAN CUTE:

Thank you Lise. Again, Alan's statement is correct. We could, as we evolve the work streams, identify potential recommendations, so this is not a closed list. That being said for the moment, with what we've identified, the other thing that we can do fairly easily I believe is organize these nine mapping them to the respective work streams.

And what I would like to get at here is that we do have a template that we reviewed yesterday. I think it would be an useful exercise if folks had the time this week to take one of these issues, one of these potential recommendations, use that template, and un-tucking at a very high level, just begin to fill out the respective boxes that we went over, which is the data that we're going to look at from the community from staff, begin to identify the data that we've got that maps to those potential recommendation.

Do a little bit of homework so that we walk out of here with a roughly filled in template for each of the recommendations is my suggestion. That being said, I think we can do some quick mapping of this with respect of work streams and then put it in the hands of the chairs to get the homework going if you will. And let's just do a quick run through on that. Have we got the four chairs in the room? Yes we do.

Looking at this list quickly, Olivier, what maps to you directly by topic? I think cross-constituency, yes. This would... Looking back at ATRT 1, which is part of your work, cross-constituency, reconsideration, public

---

comment process. ATRT 1 did not touch on PDP, that's more new work, but hold that thought. Communications person for the Board, communications person for the GAC. Communications person for the Board might arguably fall within work stream one.

It maps to ATRT 1 in some ways I believe. So I would say Olivier, cross-constituency, reconsideration, public comment process, communications for the Board. Yes?

OLIVIER CRÉPIN-LEBLOND: Thank you Brian. Is there anything left for the other work streams?  
[Laughter]

BRIAN CUTE: There is nine, that's less than half [laughter].

UNIDENTIFIED: Well, there can't be for two and three, their review of other recommendations – other one. So the only question is, what comes under four and what we put under one.

BRIAN CUTE: Right. That's right. It's four to one. So Fiona has actually got more than you do right now. So we've got the review process which is clearly in work stream four. Fiona, I think we can make an argument, PDP which is going to be part of the independent expert and the new recommendation. Is that one for sure? One E? Okay.

---

And just to Alan's point that we're not issuing recommendations on WHOIS or SSR, we have... The GAC was part of one as well, so the first one and the eighth one, hm. Publication of yearly statistical reports on transparency. Where would we hone that? Is that a four Alan?

ALAN GREENBERG: I've never quite understood what four is so I'm not sure.

BRIAN CUTE: It's looking at a high level and we need to do further analysis of this offline. Fiona?

FIONA ASONGA: And that's [a glyph 0:43:43], there is an [ocean 0:43:44], we can look at it on four, and on work stream four, because it's a high – it's a top level, high level approach. And in work stream four it's [already falling 0:43:52] and part one of work stream four.

BRIAN CUTE: So publication of yearly statistical reports on transparency, you would be as being in four?

FIONA ASONGA: Yes.

BRIAN CUTE: And the review process itself?

---

FIONA ASONGA: Yes.

BRIAN CUTE: Okay. Yes Alan.

ALAN GREENBERG: Remember we had multiple sections in work stream one. So hopefully we're going to have leaders for each of those sections, and these will be spread somewhat, if not evenly, certainly spread over the various sub-sections. And just to comment, we're looking at these not if as they are exclusive, but we are going into a week of consultation. I'm expecting at least a few things will come out of these discussion that we will think worthy of, that will be worthy of recommendations once we work them through.

So I think we have to keep an open mind for – to it at that point. Coming out of this week, we may well have a super set of...

BRIAN CUTE: Thank you. David.

DAVID CONRAD: I'm curious, would it be considered in scope for two and three to look at the review process and make recommendations for... Sort of a meta recommendation about the process associated with that? It's part of four?

---

BRIAN CUTE: Fiona. Al [Larry 0:45:21].

AL: Yeah, my recollection was work stream four was to look at the whole process by which the Board handle, and the staff handles these review teams. So I think that review process, by definition, that is the work of work stream four.

BRIAN CUTE: Fiona.

FIONA ASONGA: Let me just help David out. The reason why we reassigned or [? 0:45:45] in work stream four, and you fall under sub stream one, that is looking at the review processes because they expect you to bring input from SSR, and whoever is there from WHOIS will bring in input from WHOIS. So yes, everyone is looking at it. I'm trained very much to make sure [laughs] that work stream four, they are tied to the other activities, they are bringing in from the other work streams, or [what you need 0:46:10] for work stream four.

BRIAN CUTE: To try to put a fine point on it, I have a feeling I'm going to miss the mark. You're doing the substantive review of implementation by ICANN of the recommendations of the review team for SSR. That's clear, substantive, assessment work. There is a question about how did that review process go. Did it go well? Did it not go well?

---

Was it resourced? Wasn't it resourced? Was it timely? How could it be improved? That's work stream four. I think that's the dividing line. Correct? Okay. Avri.

AVRI DORIA:

Avri speaking. While I do support this whole dividing things up into our work stream so that nothing is dropped, I guess I'd like to make two points. One, I don't necessarily see the name for great, definitive, strictness about the work falling only here, the work falling only there. It's sort of... We're almost getting departmental in our, what a work stream does something within its view or another.

And I think that at times we may find that if two groups are working on something, well then we find a way to bring it together. The other way I would like... The other thing I would like to sort of point out is that this is not necessarily, we may find at some point that we have an issue that we're working on that actually doesn't strictly fall in any of the work streams.

And I don't think we should see them as the exclusive be all and end all. And if we have an issue that doesn't seem to naturally fall in one of them, we can carry a couple of work items that aren't necessarily in a work stream, but are just work items that are being tracked, that we can't place.

I don't think we have to be like an university department where this is mine, this is yours, and we have no inter-disciplinary departments. So I worry about spending too much time saying, is it one, is it four, is it three.

BRIAN CUTE:

Thank you. Points very well taken. I agree with that. All of these issues are going to have to be, recommendations are going to be issued with the consensus of the whole review team at the end of the process. There will be collaboration. The other small point is that the work stream is there to organize the work, and if there isn't an owner for something it doesn't get done.

So all I'm looking at right now is organizing these issues for the task of drafting that first template, that first high level draft, wide open to collaboration where it makes sense and don't want to be an academic department for sure. Olivier.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much Brian. It's Olivier speaking. I'd like to offer the counterargument to what Avri has said there in saying that I agree with you and I think it's important that we spread the workload among all of us. And that we all know, we all start feeling concerned and certainly responsible for parts of the work.

Also I've just now cutout the parts which were assigned to work stream one, just for the record. I think that the GAC participation and policy processes can fall in one part B, which is assessing the role and effectiveness of the GAC. The cross-constituency call fall in one dot E, which is assessing the policy development process to facilitate enhanced cross-community deliberations.

The reconsideration, one dot A, subpart A, which is ensuring – assessing and improving the ICANN Board of Directors. The public comment process I believe will fit in C, continually accessing and improving the



---

processes by which ICANN receives public input. Communication with the Board will fall again with the Board, one part A, and communication with the GAC one part B.

Are my assessments correct?

BRIAN CUTE: I believe so, which means of these nine that we've identified so far, you've got seven. Right? Five? Five total?

OLIVIER CRÉPIN-LEBLOND: Six.

BRIAN CUTE: Six. Okay. So six follow in your can, three fall in Fiona's, and then what we will want to do and we can probably do it offline is talk about making assignments of drafting that first template. You have folks on your review team that you need to work out, who is going to take on that task of drafting. I think the goal would be by the time we leave here on Thursday, that draft is at a very high level.

It may be simply identification of the documentation that we've gotten today, and identifying documentation we need that we haven't gotten yet. But I would like to fill those templates up so we walk away with a sense of what the shape of the work is going to be. We have to talk about the work leading into Los Angeles in concrete terms as well, and how we're going to build that work to a very constructive meeting in Los Angeles that ends with pen going to paper in earnest.

---

So any other questions on this discussion? Alan.

ALAN GREENBERG: Just we spend three minutes and ask if there is any volunteers.

BRIAN CUTE: I was hoping that Fiona and Olivier could kind of coordinate that, the tasking. Is that... Do you mind taking that on?

ALAN GREENBERG: No, no, no. I was just trying to skip a step and see if we had any already allocated.

BRIAN CUTE: Fiona.

FIONA ASONGA: Wasn't there already a list of people who volunteered from the different teams in email? So it's just, I think, confirming with them or what drafters are we talking about maybe lost.

ALAN GREENBERG: I was talking about putting a name on these lines. I'm happy to wait for the [CROSSTALK 0:52:27]...

---

BRIAN CUTE: ...that's a fine suggestion. We can do that. Olivier you want to take – just walk through the six and Charlotte if you put names next to the... Good suggestion. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Brian. I'm Olivier. So the first one, GAC participation in policy processes. And we have in that team Carlos Guterrez, David Conrad, Larry Strickland, [? 0:52:58], Steven Conroy and [? Anderson 0:53:01], who wishes to take the lead on this? [Laughter] Hello? [Laughter] Not inclined.

We have a volunteer and that's the person who sits between the two US nationals. [Laughter] Let me just check, Larry did you say you wanted to take this? The GAC. Okay. Okay so Larry will be leading on this. The next one is the cross-constituency, and that's in E. That has a team with Alan Greenberg, Fiona Asonga, Larry Strickland, Brian Cute, and David Conrad. Alan?

ALAN GREENBERG: I'll take that if Avri will work with me on it.

OLIVIER CRÉPIN-LEBLOND: I'm afraid being territorial, Avri is not part of that group.

ALAN GREENBERG: I'm kidding. Don't worry. That's fine. Avri can refuse.

---

AVRI DORIA: I'm always willing to help fill a void.

OLIVIER CRÉPIN-LEBLOND: Thank you. Next is reconsideration that's A. And that has Carlos, David, and Lise. Sorry Carlos is sitting opposite me and [laughs]. Carlos? Reconsideration. Okay thank you. Next public comment, C. And that team has Lise, [Yurgan 0:54:56], Michael Yakushev, Brian and Alan. Brian? Okay thank you. Next communication with the Board. That team has Carlos, David, and Lise.

David? Okay thank you. And finally communication with the GAC. Again, Larry do you want to take this or should we... Communication with the GAC.

DAVID CONRAD: Maybe I don't agree with that [laughter]. I just don't know. All right. We'll take it, but I don't that we necessarily like the idea on the table. Mister Conroy has stepped up to.

OLIVIER CRÉPIN-LEBLOND: Okay. So we'll get Steven to... Steven Conroy on this one? Okay. Perfect. That's it. Thank you.

BRIAN CUTE: Do you have PDP Olivier as well? Be careful you skipped that one.

---

OLIVIER CRÉPIN-LEBLOND: I don't have it on my... Is there a PDP? No I don't have PDP. If you want me to have PDP then yeah, sure.

BRIAN CUTE: PDP is one of yours. It falls in A three doesn't it? Nine point one.

OLIVIER CRÉPIN-LEBLOND: It wasn't in my list, so that makes it seven. That's fine. That would work in – at nine point one D, will it be?

BRIAN CUTE: D or E, I can't remember the number. [CROSSTALK 0:57:10] ...policy development process, yes, sorry.

OLIVIER CRÉPIN-LEBLOND: Nine point one E. So that would be Alan, Fiona, Larry, Brian, and David.

ALAN GREENBERG: I would suggest there is not much to write on this one. This one... That one that was put on this list, contingent on having an external report.

BRIAN CUTE: If you're talking about the fact that we're going to engage an independent expert, yes we are and scope work for them. But as with Burkman last time around, there was kind of thinking and work in parallel, so I don't see any harm of someone taking on the task of doing a template on this issue at this point in time.

---

It could feed into the scoping of work for the independent expert, or at least help elaborate on that thinking if you have no objection. Avri.

AVRI DORIA: Avri speaking. I would think also that that group would sort of end up being the point group in contact with the consultant that was doing that. So yes, it's putting up the template, but it's also following through and being the people that are focused on it with the consultant.

BRIAN CUTE: You have a volunteer. Alan. Olivier you have a volunteer.

OLIVIER CRÉPIN-LEBLOND: Okay thank you very much Brian. So Alan for this one. Thank you. PDP nine point one E.

BRIAN CUTE: Yes, Larry.

LARRY STRICKLING: So I appreciate the fact that we generated this list yesterday. The fact is, only about a third of the people in the room contributed any ideas to that list yesterday. So it's at best a very tentative, informal list. So I'm a little nervous that we are now jumping ahead to assign people to draft things where we don't have a clue yet what the actual recommendation would be.

---

There has been no discussion in this group as to what a particular recommendation would be. Now if the idea is that somebody is going to put that out for discussion, that's great. Because that's been the big barrier here in this group has been getting a critical mass of work done where you can even have those discussions. But I do want to emphasize that these can't be done in isolation from the assessments of the previous recommendations and so the work plan here has got to be assess – what was put up on the template yesterday, it was two parts.

The first part was, what were the recommendations last time? How have they been implemented? What still left to be done? And out of that emerges potential recommendations, some of which I think we've captured here. So I'm really worried that we are now making this the work plan implicitly, or that people might walk away from here thinking this is now become our work plan. This is a piece of it, but it can only be evaluated in the context of this larger assessment that we have got to get committed to paper as quickly as we can.

BRIAN CUTE:

I agree with all of those points, and really my focus on asking people to fill out the template was to start the work of the assessment, not to even necessarily put a proposed recommendation on that paper. If someone does have that in mind, I would suggest they put the form of a proposed recommendation, but A) all of the analysis has not been done; B) this is just about organizing the work. And if we can walk out with templates that have been filled up, looking at them in that light, then we've made a little bit of progress.

---

There is still much more work to be done. And to your point, some of these could fall off the list. They could fall off quickly, or they could fall off after a modicum of analysis in the next two or three weeks. So I agree with those points. Oliver, you've completed that right? Okay.

OLIVIER CRÉPIN-LEBLOND: Yes. Thank you very much Brian.

BRIAN CUTE: Thank you very much. Fiona do you want to go through and get some volunteers to sketch out a template for these issues?

FIONA ASONGA: On the first issue of publication of yearly statistical reports on transparency, that's the two that is looking into that. Okay.

BRIAN CUTE: Which one are we on Fiona? The...

FIONA ASONGA: Register team, but I'm trying to retrieve....

BRIAN CUTE: List of members?

FIONA ASONGA: Yes. List of members.



---

BRIAN CUTE: So around the publication of yearly statistical reports on transparency?

FIONA ASONGA: Yes.

BRIAN CUTE: Okay.

FIONA ASONGA: Yes. Found it.

SALLY COSTERTON: Hello?

BRIAN CUTE: Fiona please.

FIONA ASONGA: The first one of the publication of yearly statistical reports on transparency, the group that is going to look at that will be Avri Doria, Brian Cute, and Fiona Asonga. It is also looking into reviewing the Board and staff processes, and implementation and overseeing recommendations of other review teams. So Avri, Brian, myself.

BRIAN CUTE: Publication of yearly statistical reports on transparency?

---

FIONA ASONGA: Yes.

BRIAN CUTE: That Avri recommended we put on the list?

FIONA ASONGA: So Avri [laughs]?

AVRI DORIA: Yeah. I always figured that if I recommend doing something I'm kind of stuck doing it.

BRIAN CUTE: Thank you.

FIONA ASONGA: Thanks Avri.

BRIAN CUTE: Let me interject. Sally Costerton, are you on the line?

SALLY COSTERTON: I am.

BRIAN CUTE: Welcome Sally. We were just finishing up a task here. In fact...

---

SALLY COSTERTON: Do you want me to dial back in?

BRIAN CUTE: No, not at all. As a matter of fact, since you're here and we value your time, Fiona I'm going to suggest we're going to have ample time later in the agenda why don't we table this for now and get back to the last couple of assignments and hear from Sally and the rest of staff? So if we can table this now.

Sally, welcome to ATRT 2. We are here in the room in Durban and regret the fact and understand why you couldn't be here in person. And that's regrettable but we're happy to have you remotely. Is there anything that you wanted to put up on the board or is this a verbal discussion?

SALLY COSTERTON: I think this is a verbal discussion. You should have in the room David Olive.

BRIAN CUTE: Yes.

SALLY COSTERTON: Chris Gift.

BRIAN CUTE: Yes.

---

SALLY COSTERTON: Christina Rodriguez.

BRIAN CUTE: Yes. They are all here.

SALLY COSTERTON: Good. Excellent. Because I can't see them. [AUDIO INTERFERENCE 1:05:34]

BRIAN CUTE: [Laughs] They are present and accounted for.

SALLY COSTERTON: Okay. Well I hope to be in Durban later, I mean next week. And I do apologize for my absence. I had an experience with the airline who wouldn't let me board my plane because I didn't have a few pages in my, two or three pages in my passport for a stamp. Even though I don't need either.

Well, it's a new one for me, so [laughs]. I have to get a new passport, so hopefully I'll get it tomorrow. So I apologize greatly, it's a silly reason for not being there but I hope to still be seeing you later in the week.

BRIAN CUTE: Not a worry. For today's session which we have for the next 45 minutes roughly, we're going to hear from you on ATRT 1 implementation specifically with respect to the public comment process and multi-lingual access. Is that correct?

---

SALLY COSTERTON: That is correct.

BRIAN CUTE: Okay. Wonderful. Well the floor is yours, we're here to...

SALLY COSTERTON: Thank you.

BRIAN CUTE: Thank you.

SALLY COSTERTON: I just want to make a couple of introductory comments, and I'm going to ask my colleagues to cover specific areas, and then we can answer any questions that you have as a group. So thank you very much [? 1:06:54] for inviting us to give it to you. This is an extremely important group, perhaps one of the most important groups in the ICANN community and we're very keen to hear your observations and feedback and help us to proceed in implementation.

The area of the public comment process is one that we have been looking at in a lot of detail over the past two or four months in particular. Since the ATRT 1 process has been implemented, in the last, I would say, four months we have been going through an intensive and exhausted process to understand what can we do in... There are two areas which I will just put down.

The first area is the timing of the public comment process, which as you know, has been running at 21 dot 21. We have not spent a lot of time

---

looking at that area because we have not understood this area as a particular problem. I understand that you may have a different view about that, and I hope we can discuss that later in the session and get your feedback on that.

But the 21-21 rules and setup has been recently [? 1:08:07] after an extensive period of public consultation, but it would be very helpful to understand what [? 1:08:12]... The area we have been spending in detail timeline is the public comment process itself, and specifically how do we make it much easier to use, much more accessible, much more intuitive, and I would even go so far as to say that we – my desired goal for it is that it should be a really very central part of ICANN's overall engagement process.

If we could make this truly best practice, it should be, in our view, perhaps one of the best examples of demonstrating the multi-stakeholder model in action. And that is a very vertical, [? 1:08:56]. And what we've been doing in the process is exploring best practice in other groups, if you are endeavoring to see similar [roles 1:09:07], to say what can we learn?

What can we do? What does the community feel about the process at the moment? What kind of opinions do they have? How can we bring everybody with us as we [follow 1:09:19] this process? And finally, but impossibly, how do we integrate any recommendations? Or I should say, we need to ensure that any recommendations that we make are integrated inside a broader engagement strategy, a broader engagement strategy for ICANN.

---

So what I'm going to do now is hand it over to Chris who can give you the highlights of our current thinking based on what kind of recommendation we're likely to make. And then when we've done that, we can get your response to that and have a bit of a debate, back and forth discussion. I think it would be useful to hear your perspective of the 21-21 timing question.

And I know David is also talking about that. And then finally, we will turn to languages because it goes without saying that any comment process that is not properly considered in the context of giving people to [? 1:10:19] acceptable because they can't understand it. It's not linguistics [? 1:10:24] ...made any progress. So they are part of the same project.

So Chris could I hand it over to you at this point please?

CHRIS GIFT:

Sure, absolutely. Thank you Sally. Thank you members of the ATRT 2 team. I'm going to talk a little bit about the public comment. So the way that I'm going to do this is two things. I'm going to describe a little bit of the analysis that we've been doing over the past couple of months, and then I'm going to talk through how we're going to – a methodology for us to approach creating a new public comment technology or tool set that we think, we believe can help.

So the first things is some time ago as we started re-looking at public comment, we started drafting a new report on what we could do or what tools are out there. We looked around at other public

---

consultation technologies and what other associations and organizations were using.

And we also started to write an internal review of how ICANN used public comment. And then as we did that, we realized that there has been a number of reports already written internally [laughs]. I know David Conrad is smiling over there. So we started looking around and realizing that there were, I think, something like eight or nine reports previously written over the years.

So instead we end up gathering all of the current data that we had in terms of use, how many people, how many comments we generate. There was an analysis that was done earlier on in the year that looked at the past previous comments. And we engaged another firm, and that firm is called the Democratic Society out of the UK. And the Democratic Society, amongst other things, specializes in public consultation.

They help governments, local governments, associations and organizations work on public consultation that's appropriate for them. So we turn to them for some help and guidance on what was available and what was best practices in this area that they had seen. We gave them all the information that we had gathered. They have created a report for us with several recommendations.

We just received this report so we're going through it right now. After we've had a chance to digest it and make some edits, we will publish the report as well for everybody to take a look at. But in it, they have a number of recommendations around technology. And being someone who is involved in technology, I focused on those.



---

And I think David is going to touch on this in a little bit as a well, is before we start looking at changing the lengths of the comment process, and the reply process, before we look at that it may behoove us to maybe look at the tools themselves and think is there an issue there in terms of the visibility of the public comment in terms of the dialogue that it helps generate. Because as it stands now, the public comment system is not intuitive. It doesn't allow easy access to it. It's difficult to follow a stream of comments.

Difficult to reply to them. And then lastly, the most difficult thing of all is to see what action has been taken and to map that back to the public comment that was made, especially if it was a process that was some months ago. So to start looking at a new application or a new tool that can help with this and look at how we can resolve this. I'd like to actually take a second and talk a little bit about something first, and that is a place where we can start experimenting with some of these things.

Because the issue that I struggled with was okay, if we want to try new public comment tools, we want to experiment with them, where do we do that? Do we do it on ICANN dot ORG? Do we do that on a public comment on a policy which is imperative and important to us and yet we're testing out something new which frankly may not work? Hopefully it does but it may not.

So we had a bit of a struggle about how do we do that and how do we engage this group and the community as a whole in experimenting and trying out new public comment tools. So what we are doing is, and this is just the broader question actually, it's not just about public

---

comments, but how do we experiment with new tools in general. And we'll be talking a lot more about this over the next few days, but...

So I'll be able to provide you far more detail. I don't want to spend the whole morning or this session talking about it. But we do... We are launching something called ICANN Labs. And ICANN Labs actually you can actually go to it right now, it's labs dot ICANN dot ORG. ICANN labs is a place where we will be able to experiment with new technology and new tools, where we will be able to put things up and the community will be able to go there and try them out and give us feedback on whether we're hitting the right target or not, whether this is working or not.

And once we find things that are successful, and that they work, and that the community tells us, "Yes, this application or this concept is a great idea. It's working for us." Then and only then do we move it into production and move it to ICANN dot ORG and start using it there. So what we're proposing is that we do the same thing for... That public comments and new tools for public comment actually begin on ICANN Labs dot ICANN dot ORG, or at ICANN Labs. And we are going to begin experimenting with new public comment tools in the August timeframe.

Some of those tools that we're looking at, we're looking at some standard ones that are open source and available out of the UK. We are also looking at doing some that's creating our own. But in general, the types of tools that we're looking at are ones that encourage dialogue in the public comment. In other words that you, you have the text. We're looking at one that allows you to have a public comment by paragraph, which is something that is very interesting we think.

---

So you don't just summarize your comments at the very end, you can comment by paragraph within the document. One that's related to that is one that you can also have a dialogue. So once you put your comment, you can then – somebody can then reply immediately to that comment and so on and so forth, then you can have a threaded discussion right there in that space rather than having a comment and reply period as separate, you just have a dialogue all at one time.

And I know that some community members requested this, or thought that that may be a good way to go forward. We would like to test that and see how that is received. And lastly, the other thing that we want to talk about... I think David may touch on this a little bit as well. We also hold the belief that there is not necessarily an one size fits all for public comment. All right. There is this idea that there are some things, for instance the strategy discussion that is going on right now, is in essence a public comment, right?

We are receiving, we request the comments from people to read this as well as the expert working group. We requested comments from people on the report, so that's a public consultation. It is not a formal public comment period within the PDP process, or any other process we have at ICANN. But then the less it is a consultation. So we see the ability when we deploy some of these new tools of being able to do that, to support different types of public comment or public consultation within ICANN, and then generating a dialogue around each one of those.

So while I don't have a lot of facts... So to sum up. While I don't have a lot of facts, specifics to talk to you about right now about what I've just

---

said, the key points to take away from me is that we have a space now that we will be able to experiment with new public commenting technology that is launching immediately. In August we will start putting up new public comment tools, or fragments of them, for everyone to start experimenting with and start trailing.

And then we're going to trial on different things. Threaded discussions and different types of public comments, supporting different types of public comment structures. And then I think that's it from me this morning. David?

SALLY COSTERTON:

Just to follow, sorry. Thank you Chris. And just before David's comments, I just wanted [AUDIO INTERFERENCE 1:19:25]... I was going to say at the beginning of his comments, one of the things that I have observed and he has needed to discuss at our time in ICANN meetings. We joined about the same time which is about under a year ago. There is a bit of, what we call in English, a fourth bridge problem for ICANN.

Which means we just finished the job and then we come back and discover that we have to start it again. And it does seem to be one of those things that we never feel entirely satisfied with it. One of the reasons that we want to use this Agile approach that's very interactive, experimental, development approach to move on is because I think I certainly have a sense that this debate goes a little bit around and round in circles.

And people never seem to be quite satisfied with it. And on the assumption that's – if you do the same thing over and over again and

---

expect a different outcome, that's the definition of something, something not good anyway. And this is a very different way to approaching the problem. It's not diagnosing the problem, I think we understand what the challenges are. They are well understood and reflected in many reports that Chris referred to.

But using the tools that we think are very, that mirror the bottom up level, that are very community driven, they are very transparent, it's deliberate. But it is also a best practice where in terms of developing tools in the public comment space, to try and make sure that the users really feel that the tools are being developed to address their requirement developments and their accessibility and usability.

Only if we do that, where we use such public comments, which is after all the [? 1:21:20] habit. If we have a beautiful tool that nobody uses then we haven't solved the problem, when we achieve that goal. So I would be very, very hopeful... I really hope that you will all pay ICANN [? 1:21:31] as we to start to put these [project 1:21:34] ideas up to you, please to register, go and play with them, let us know what you think. Let [? 1:21:41] know what you think, and I think [? 1:21:43] ...certainly from this group, but other groups inside the ICANN community that Chris and I will be talking to over the week.

And we will make fast headway I hope. [? 1:21:53] ...wanted to ask Chris any questions? Or offer any comment before we – I wanted to just get David to chair the discussion about the timing.

BRIAN CUTE:

Sure Larry.

---

LARRY STRICKLING:

This may be an unfair question if you don't have the first report of the ATRT firmly memorized and embedded in your brain. One of the recommendations before was the idea that the public comment processes should provide for a distinct comment, and a distinct reply comment period. We've heard a lot of feedback that that hasn't worked very well.

It sounds as if the learning from this evaluation that you've all been doing, again suggest that the stratified or the structured, first the comment then the reply comment, probably isn't state of the art anymore, but the concept of getting engagement and dialogue is still very strongly endorsed by the consultants you're talking to and what you've learned from talking to other companies. Is that correct?

SALLY COSTERTON:

That's correct. [I won't show you the last part 1:23:02]. I'm not sure on the primary part that we finally made that conclusion Larry. David, a question to you, would you make any specific comment on the effectiveness or lack of effectiveness of the 21-21 [? 1:23:18]?

CHRIS GIFT:

This is Chris. I'm not going to comment on the length of the time, but I would agree with Larry that a more engaging dialogue generates... Consultants have seen... We've seen this across other organizations. Does tend to generate greater comments and feedback, then something that is relatively static in terms of whether it's a time frame or the delay between the comment and the reply.

---

LARRY STRICKLING:

So the question is not, do you have replies? The question is, what's the best tool to use to actually get the community to engage in that dialogue, correct? Okay. Yeah I think that's very helpful. Are there any other kind of key learning about these comment processes that you can pass on? Because obviously, our timing is such that we probably won't have the benefit of the report you're going to be doing in time to capture that in what we're doing.

But if there is anything you can share from the work you've done, or gotten from these folks, that would be helpful to us as we go back and look over this set of recommendations from three years ago.

CHRIS GIFT:

Sally, I'll go ahead and answer this one. There is one other key learning. And that is that the, any responses or result in the work, has to be very clearly tied back to that comment and easily discoverable. When you break the link between the comments and what staff ended up working on and doing, the comment itself loses value. People don't see that the comment was acted upon or any course of action was changed.

And so you just have to make that link very clear and discoverable.

LARRY STRICKLING:

And what is a tool for doing that other than... I mean, today I guess it is done in the sense that now that we have the rationale provided by the Board, they can cite the actual comments that they relied on. Is there a better tool for that?

---

CHRIS GIFT: Yeah. That's exactly what we're working on is to be able to do that. So basically you end up with a public comment database, and then links to the resulting documents and actions, and then just displaying that in a way that is more conducive for people to search, filter, and sort, and see where it happened afterwards. Thank you. David?

DAVID: At least in past experiences, one of the challenges that I had faced in this particular area, was the fact that different community members have very different styles of wanting to interact with ICANN. Some folks, for example the GAC, tends to prefer an expository. Here are comments and they are done.

Whereas other members of the community are very much interested in a very threaded conversational style of providing comments. How... I presume you're looking at various ways of how to address those differing styles by the community. Do you have any insights at this point about how you would go about dealing with that situation?

CHRIS GIFT: It's a good remark. Yeah, people definitely do have different styles. Well the technology we're certainly looking at right now, just because you have a threaded discussion doesn't mean you have to use it. If a particular group embeds their comment within a document, or uploads it as one document, they don't have to necessarily follow on with responding to any replies that come through there afterwards.

So that would be my only comment right now. Alan?



ALAN GREENBERG:

My comment is very closely related to it. I think we have to go into this understanding that we have comments from individuals, and they fit very well in the give and take model, and here's a tweet and whatever. And we have comments from groups, organizations or groups that typically tend to spend as much time as the process allows formulating their statements so it truly represents them, which often means it comes in right at the end.

No matter what the end is, it would likely come in at the end, and they don't even have the mechanism to really start analyzing the other comments and giving responses to it. So I think whatever you do has to factor in that there will be a lot of the latter kind of comments and can't pretend that they could have availed themselves of threading, they didn't, the [1:27:13] is so different.

CHRIS GIFT:

No, absolutely. Thank you for pointing that out. It's very true but I think one of the things that is the methodology that we're going to use, we are using to experiment, we'll be able to experiment with these and see. We'll use a very metrics based approach to see, is this methodology working? And the metrics for me are going to be, are we generating higher quality and quantity of substantive comments?

That's what we ought to be looking at, at the end of the day. We'll experiment, we'll try, and we'll all agree together on whether it's working and we'll know.

BRIAN CUTE:

Thank you. We've got Avri and then Carlos.

---

AVRI DORIA:

Thank you. Avri Doria speaking. I very much like the idea of experiments, but I really wanted to mention three cautions in doing it. The first one I already encountered when I tried to sign up for your labs page, and it required that I have a country designation. And whether it's that issue, or any other, when you have required information to do something, and that person may not want to give you that required information, you all of a sudden cut off their access to the tool and such.

So I'd be very careful when you're doing this in terms of deciding what's required, what's not required, and how you go about it. The second issue I'd make is just one that was pointed out, we had really great assistance from staff when we tried to do comments for the ATRT. They did a lot of work, they got us into a beautiful system that seemed to be very helpful, and yet most of our questions were so hard that people timed out when they were using the tool.

And so there is technical artifacts to any of these things that become barriers, and that third thing, the barriers, is we're talking about people that live across different bandwidth zones, against different capability zones. I mean, and that because yet another one of the things that you have to experiment with and take into account, that the application be as delayed disruption tolerant as possible because not everybody lives in a smooth working network.

So I totally support what you're doing, but I really want to caution you that those unimportant details that I just mentioned are the kind of things that often trip up these kinds of experiments.

---

BRIAN CUTE:

Thank you Avri. Carlos and then David.

CARLOS RAÚL GUTIERREZ:

Yes thank you. Carlos Raúl Gutierrez for the record. Avri, you can always use Costa Rica as a default in case of that [laughs]. I've been sitting here waiting for David Olive to speak. David Olive not only did a great presentation in LA last time, but he did a great quantitative analysis of public comments that he distributed where we get the expected 80/20 result.

I mean, 80% of public comments going to one issue, and 20% to another. 99% of the issues. And particularly interesting was the case of issues where no comments were made. And these this the other access that I'm expecting in this discussion. Of course, it's very interesting to have the technical side, and we're having a lunch with Marika Konings that also will put forward a very interesting paper on big policy issues, and smaller policy issues, and internal policy issues, which is what I call the other access for this discussion.

And this is what I was expect in terms of intuitiveness, when does the person recognize if it's facing a capital P, policy issue? Probably interesting for GAC members. Small P policy issue, or internal policy issue, probably more interesting for some of the constituencies. And I really expect that at some point we can compare this to access.

And I just wanted to tell David that I really enjoyed this paper, and this is a great, great basis for discussion. We haven't had it but I expect to have it and go into the recommendations. Thank you very much.

---

BRIAN CUTE:

Did you want to comment David? Please.

DAVID OLIVE:

Thank you. I think the last time I spoke to this group in Los Angeles, we hadn't completed that internal study and then when we did we released it of course to you and to the SO and AC leaders and put it on our Wiki to do that. It was of course very helpful, but it was the first time we took about a year of data if you will, about a year of the new systems in place to see what happens.

And in that particular context of the 21 day comment, we were trying to combine the requests for a standardized comment period. Again a little bit of one size fits all, that usually had been before implementation on average of 40 days. And the combined with the notion of trying to have some sort of interaction between those who commented first and reply comment that could hopefully be looked at, and reviewed, and inputted on, as part of the process going forward.

What that report did tell us is that the reply comments were less used, and in fact they were using the entire period to have that time for their full comments, and thus on average increased to 55 days. And we realized that we weren't getting the interactivity with the current system and that's why we looked to what new tools could be used that would help us with a threaded discussion or with that.

But also, as you pointed out, the efforts to standardized one size fits all is probably not what we need. And we ran across that especially in the more formalized capital PDP processes of the GNSO or the ccNSO, that have particular timelines that they have to keep, and public comment

---

periods along that period. So that we didn't want to elongate those processes.

And so that was the tension between, how many days, how do you fit in the reply comment, the purpose of which was to provide interaction and get comments, frankly. So the agreement was a minimum of 21 comment days and 21 reply comment days, in the hopes that there would be flexibility to engage and allow those comments to be made.

We heard, of course, as I mentioned, that some stakeholder positioning groups wanted more time. In some cases, such as the strategic plan, or the budget or other reports that want public comment, you have the flexibility to have it longer, and the staff has that flexibility to extend that. In the more formalized PDP processes, there was a little tension of how much more time would this create for the process.

And so with these online tools coming in, and the experimentation, I was reluctant to change the process if you will, and discourage participation with a new tool that maybe wouldn't be readily used by the community, or would feel that they would be discouraged by a new tool all of the sudden for the entire process. This notion of experimentation for some public comments, and then get the best practices or get a reaction, is I think a helpful way to encourage ultimately what we wanted was this interaction or threaded comments.

And so this is why I'm excited about that because we have the tension between trying to innovate and at the same time implement the existing systems especially for our PDP processes.

BRIAN CUTE:

Thank you David. David, do you have a question? Any other comments? Let me just add an observation. This is Brian for the record. In listening to all of these very encouraging approaches, one word that is coming to me is quality and to keep an eye on that word. The new tools, the new techniques, triggering a dialogue, new technologies, good approach I think at a very high level to step back.

One of the problems we were trying to solve in ATRT 1 was what we called the problem of the black box. The community felt that we're giving input to the Board and then it all goes into this black box and all of the sudden a decision pops out and we don't know what happened and why. And I think one of the real improvements in accountability and transparency coming out of the ATRT 1 was the recommendation to the Board on how they articulate their decisions.

And articulating their decisions reflecting back to the community the argumentation that had been made and the rationale that the Board was resting a decision on through a deliberative process. How do you weigh the equivalent of a Twitter post? So when Chris said new technologies and I heard you say commenting on a paragraph, that actually gave me some comfort because a paragraph has some heft, and some analysis, and some rationale there.

So I'm very encouraged by the innovation and the testing, but keep an eye on quality because the beneficiary of all of this is the Board. And the Board needs to have a very well fleshed out, deliberative contested debate, not just dialogue to think through and then craft a resolution and then articulate that rationale back to the community in a way that reflects they have been heard. Quality is a word to keep in mind. Sure.

---

SALLY COSTERTON: Excuse me. It's Sally here for the record. Thank you for that discussion, I found it extremely helpful. I'm sure my colleagues did as well. And I hope that we would continue to have an ongoing dialogue [? 1:39:10] ... experiment as we start to develop these tools, and I take on board exactly what you said. I think it's very well said.

And keeping in mind the need to make sure the Board has meaningful input that they can mix quality deficient from – and then that's why they've made them is a very important goal. Brian would you like to touch on languages to end the question? [? 1:39:34]

BRIAN CUTE: Yeah sure. We've got about ten minutes left in the session, or as much time as you have. I think we have some flexibility. I think multilingual is an important topic too, if you don't mind.

SALLY COSTERTON: Okay. No, I'm quite delighted. Christina, this is probably a very good point to bring you into the discussion in terms of your various needs and this particular area of public comment. So perhaps you can share your key observations to the group, reflecting obviously what Chris and David have been saying about the process of engagement at the moment. Thank you.

CHRISTINA RODRIGUEZ: Sure Sally, thank you. Hello everyone. I'm Christina Rodriguez, manager of the language service department. In regards, specifically to the public comment periods and how we from a language services

---

perspective, the support to this need would work. Right now, I mean, we've been – we've enhance the service or the support for the public comment by allowing the translation of the documents, those which are going to be attached to a public comment period as well as the announcement and all of the material related to the public comment, to be available in all the languages at the same time as we do the English.

This is one thing that we aim to do for quite some time, and right now we are finally able to do. The one thing that we do not – have not yet provided support for, and we talked about a few times while we were working on – or in the process of the first phase of ATRT was the support, the modeling and the support for the actual comments itself.

That is something that now that Chris Gift is bringing to the table the possibility of new tools, we might like to work together and try to review what is the possibility of providing multilingual support also for the comments itself. So people who are more comfortable or feel more comfortable in their own native language can also be on the comment and actively be engaged in the process of the public comment period in their language.

That's pretty much in relation to public comment periods and language services.

BRIAN CUTE:

Thank you Christina. Questions from the review team? Yes Fiona.



---

FIONA ASONGA: Sorry Christina. I'm Fiona. I just want to clarify, you said that the way we do the public comments now is that we do the translation of the issue, but we don't receive the comments back in the native languages. Everyone responding has to respond in English.

CHRISTINA RODRIGUEZ: Yeah, that's correct. That's the process of our... That's how the process has been.

BRIAN CUTE: Thank you. Other questions or comments? Alan.

ALAN GREENBERG: If I heard correctly, you said the intent is to issue reports in multiple languages simultaneously. Did you... I think you said the intention is to issue reports in multiple languages simultaneously.

CHRISTINA RODRIGUEZ: I will try to respond to that if I understood correctly. Right now, and what we have been doing for quite some time is actually after the ATRT, the first phase of the ATRT, we worked on enhancing the support that we were providing, and we, of course, worked on for which service for the comment public period we could provide.

What we were able to arrive to and provide was the simultaneous posting of the public comment and all the documents related to that public comment in those multiple languages. Sometimes it was not possible, so maybe within the next 24 hours the rest of the languages

---

were posted or published to open up the public comment. What we do not do right now, what we are providing support for right now, is for the translation of actual comments.

Translating the comments that we receive from people and keeping an active file of translated comments so that people, somebody comes in and puts a comment in French or in Spanish, we then translate them into English and vice versa, so that people interacting within a public comment specifically can see, and read, and understand the comment that other people in other languages is making. This is a difficult task to be honest with you.

But now that Chris is looking into the possibilities of whether tools and other applications may be useful for this, we might be able to sit down and see if it is something workable.

ALAN GREENBERG: The question I was asking though was, on the simultaneously posting of the reports, or of the documents for commenting in multiple languages, I've seen that on occasion. I haven't seen that as a rule.

CHRISTINA RODRIGUEZ: We're working to implementing that as a rule.

ALAN GREENBERG: Okay. What kind of delay do you see in getting the document out if it must be delayed until the five or six language documents created?

---

CHRISTINA RODRIGUEZ: Well the most important thing actually before comment begins and when there are documents that are being prepared for a public comment is that, within that process of getting all that material for a public comment ready, the step of translation, it's installed in that process, as part of that process, as a part of that plan.

So once everybody has a better understanding of this and thinks "okay, I have to publish a public comment or a public comment opens on the 30<sup>th</sup> of July, I have this much time to prepare the documentations". But within this time that I need to prepare the documents, I have to think about the translation of those documents in order to be able to publish everything at the same time in all five languages, in the non-English languages.

We need to make sure that that is part of the process.

ALAN GREENBERG: And I was asking what kind of time are we talking about?

CHRISTINA RODRIGUEZ: That depends on the documents always. Because when I have a public comment where the background documents are small documents or really quick memos that we can translate and produce today, but if it is a huge document, yes, we need to use more time.

BRIAN CUTE: Thank you. David.

---

DAVID OLIVE: Fiona, if I understood question though, if indeed we were to get a comment in another language, while Christina is right, we don't universally translate that, but the person who is conducting the public comment forum will get that translated. So that comment is not ignored because it comes in another language, it's just that we would go and make sure, and many of the people at least on the policy team and others, would say, "Oh my goodness, let's get this translated so we can have that input." So it's not ignored at all.

BRIAN CUTE: Thank you David. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you very much Brian. It's Olivier for the transcript. David are you saying that you except comments in other languages?

DAVID OLIVE: As a rule, the comments are – the working language is in English, but if someone... And we've had the experience that some people will put comments in another language and we want to make sure that they are used.

BRIAN CUTE: Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much David. For the record, I think you might be receiving a lot of French and Spanish language comments, and our

---

community will be very happy to submit their comments in their native tongue, that would be great. Thank you.

BRIAN CUTE:

Thank you. One observation too and thank you for sharing that opportunity that exists for people to take advantage of in their native language. One thing that occurred to me is that if comments were received in all languages, kudos. But if they aren't translated to a single language, that could have an impact on a reply comment cycle.

To the extent that commenters don't have the ability to understand what other parties have said and miss the opportunity to respond with no suggestion to what the single language should be that is clearly a potential impact that should be thought through and considered in some way.

CHRIS GIFT:

Yes thank you. This is Chris Gift for the record. To respond things like that, so where we have multiple languages at once in a form, and I'm not necessarily suggesting that we would use this for public comment, but we are looking at tools that allow the community to crowd source translations.

So if somebody were to provide a comment, the community itself could translate that comment into English.

BRIAN CUTE:

An innovative approach and one things that would have to be part of that process would be commenter and native tongue being able to

---

validate that the translation in fact reflects what they said. Thank you. Any other questions on this topic? I want to get back to Denise, I had her in the queue before we jumped to multilingual, my apologies.

DENISE MICHEL:

Thanks Brian. Denise Michel. I just wanted to follow up on an observation that you made and note a couple of things. The observation was about the importance of being able to track and connect public comments to onboard actions. Of course, with – following up on the recommendations of ATRT 1 there was some important changes to the Board practices and publications that help reinforce that connection.

And then I also, separate from that, wanted to just remind the ATRT that actually a majority of the uses for the public comment form is not for the Board, but rather for the supporting organizations, advisory committee. And particularly for the staff on a variety of operational and implementation issues.

As we go forward, looking at what the broad criteria should be and how to evolve this space, it will be important to keep in mind the multiples of customers that we have, not just the Board but also the community and the staff too.

BRIAN CUTE:

Thank you. Any other comment? I think we've gone a little bit past our time. I see no hands. Oh, one more. Alan?

---

ALAN GREENBERG: If I remember correctly, the ATRT 1 recommendation on translation said not just reports but the PDP process should be accessible in other languages. Clearly all... Currently all the work carried on for PDPs is in English exclusively, and I've seen no attempt effort or anything vaguely related to planning to allow that to be widened any.

Is that something which is being discarded and deemed to be non-implementable? Or are there indeed plans, although I clearly don't understand how I could do it, to go forward in that direction.

CHRISTINA RODRIGUEZ: That is something actually to be discussed and actually accessed on the possibility of how to approach that work. We really want to work on that and try to make the best out of it.

BRIAN CUTE: Thank you very much. Any other comments, review team, questions? Sally thank you very, very much for your time. It was a very helpful session and for staff I wanted to thank you as well. Looking forward to continued interaction.

SALLY COSTERTON: Thank you. I think we are too. We really appreciate this opportunity to talk with you. Thank you very much indeed and good luck with the rest of your meeting.

BRIAN CUTE: Thanks so much. See you soon.

---

SALLY COSTERTON: See you soon I hope [laughs]. Okay. Bye-bye.

BRIAN CUTE: Bye-bye. Okay. Where are we on time? Thank you very much. Where are we on time? We're almost at the break right? [OPEN MIC 1:52:38 – 1:52:42] We're just about three minutes away from coffee break, I think that was a good use of our time going over on that call. So why don't we take a coffee break now and we will reconvene in 15 minutes. Thank you all.

BRIAN CUTE: We're going to recommence folks.

BRIAN CUTE: Okay folks, we're going to begin. This is Brian Cute. ATRT 2 recommencing. Up on the agenda, the next item, number four, is roadmap of our work to Los Angeles, and we've got an hour to talk this through, we may not need it all. But meeting in Los Angeles face to face as a result of the change in venue from Melbourne which happened during my absence, and thank you all for managing us through this process.

We will be meeting in Los Angeles at the end of August, and the dates I think were at the end of August. We need to revisit the question of the dates and scheduling the meeting. In particular, Heather who is not here but will be back later, the chair of the GAC, has indicated that she has a conflict with the projected dates. It is my view on having talked to Heather offline, she is torn in a number of different directions, she has



---

conflicts because the GAC during these face to face meetings, but really feels the importance of her role representing the GAC in this process, and really desires to be actively involved particularly at these critical junctures.

She is available the week of the 12<sup>th</sup> of August. So I'm going to propose that we reschedule the Los Angeles meeting and we'll need to talk to staff, looking at the week of the 12<sup>th</sup> of August, and if we can do a staff checking on availability or conflicts.

UNIDENTIFIED: Yes. I have to check if the meeting room is available.

BRIAN CUTE: If you have to check...

UNIDENTIFIED: The meeting rooms in the LA office, I have to check if they are available.

BRIAN CUTE: Yeah. Did you... [AUDIO BLANK 2:15:13 – 2:15:24] Oh yeah. So the purpose of this meeting again is to have three days of face to face meetings, with a fourth day where the volunteer drafters stay on to begin drafting in earnest our report and draft proposed recommendations.

So it's a very heavy work schedule. I've got Carlos and Avri.

---

CARLOS RAÚL GUTIERREZ: Yes. Can we consider other alternatives, the week before and the week after? I was fast in telling you that it wouldn't make a difference in my case, but it does. There is a very important holiday on the week of the 15<sup>th</sup> in Costa Rica.

BRIAN CUTE: What are the current proposed dates? Thank you Carlos. What are the current proposed dates for this meeting? Is it the 19<sup>th</sup> or the 26<sup>th</sup>?

UNIDENTIFIED: The initial days were 21<sup>st</sup>, 22<sup>nd</sup>, 23<sup>rd</sup> then Saturday, 24<sup>th</sup>.

BRIAN CUTE: 21<sup>st</sup>, 22<sup>nd</sup>, 23<sup>rd</sup>? Yeah. [OPEN MIC 2:16:39 – 2:16:48] I have a conflict of the week of the 26<sup>th</sup>, that's smack in the middle. So we'd either have to push to the first week of September or the week of the 12<sup>th</sup> of August. [OPEN MIC 2:17:00 – 2:17:02] I have a conflict on the week of the 26<sup>th</sup>, right in the middle. That's immovable for me.

CARLOS RAÚL GUTIERREZ: Please don't push it to September, I would rather earlier. We already have to move fast.

BRIAN CUTE: So just looking at the week of the 12<sup>th</sup> of August, again, it's a four day session. Avri.

---

AVRI DORIA: I won't make the 12<sup>th</sup>. I have another commitment and I might be able to get there by the 13<sup>th</sup> or the 14<sup>th</sup>, but I can't make the 12<sup>th</sup>.

BRIAN CUTE: Okay. It could be the... Well, we can handle it a number of ways if we go with this week. It's a four day thing, we can do Monday to Thursday. We can do Tuesday to Friday. We could flex it in some other ways, but can I at least get... You're saying that you can't be there the 12<sup>th</sup>, but you can be there the 13<sup>th</sup>.

AVRI DORIA: Right. I'm currently flying back from Germany from having talked the week before, on the 12<sup>th</sup> so – and that's getting me back to Rhode Island the night of the 12<sup>th</sup>. So there is absolutely no way I would be there on the 12<sup>th</sup>.

DAVID CONRAD: Our original plan was Wednesday through Saturday though, which would be the 14<sup>th</sup> through the 17<sup>th</sup>, if we move that up a week.

BRIAN CUTE: We've got four days that we could slide in a number of different directions. Monday to Thursday, Tuesday to Friday, Wednesday to Saturday. I was trying to avoid weekend days for folks, but we could slide back to that line up again David.

---

DAVID CONRAD: Can I suggest we put this to a poll? Because I don't think we're going to be able to resolve this and given the bandwidth, the bandwidth communication here.

BRIAN CUTE: Yeah. What I'm trying to get is just a sense is this an absolute non-starter or not? And it sounds like there is some conflicts on some days, if we slide it one way or the other, we might be able to accommodate most folks. It's... Yes, Carlos.

CARLOS RAÚL GUTIERREZ: The question is, do we have to forget the previous dates? Or are they still open for discussion. Are we going to make a poll from the 15<sup>th</sup> through the last day of August or not? That's what I plead for if we do a Doodle poll. Let's take like 15 days and make the full analysis because I think hardly half of the group is present right now, and I don't know what other constraints there are.

So it would be transparent to have a Doodle poll, a wide one, the week before, the week we had previously set, the week you can, so we get a clear picture. We can put together a Doodle poll that has a few different options. The week of the 12<sup>th</sup>, the week of the 19<sup>th</sup>. We can maybe straddle the weekend but I know that Heather is absolutely not available the week of the 19<sup>th</sup> at all, and as the chair of the GAC and wishing to participate at an important juncture, it's really important that she be present, and she's indicated that.

I will issue a Doodle poll. I'm going to look at four days across the week of the 12<sup>th</sup>, start early, start middle, slide that in a few different

---

directions, and if you would respond to that so that we can get the maximum participation. And we'll send that... I'll talk to [? 2:20:40] offline and we'll get that circulated shortly.

That being said, let's turn to the work to be done in advance of Los Angeles and the work that we're going to do in Los Angeles. What I would like to suggest... Could you pull up the template that we looked at yesterday for recommendations and the report? Thank you.

Thank you. Okay. So using the template as a guide, what we just agreed to do earlier and we need to finish the tasking, Fiona don't let me forget that, is that with the potential recommendations issues that we've identified, do a high level draft of a template and walk out of this meeting in Durban on Thursday with those having been done again.

High level draft, understanding that there is more work, assessment, and analysis that needs to be done to make a determination whether there is in fact a recommendation. We'll have that in hand coming out of Durban, that will help organize the work and some of our thinking.

What I think is going to be critical to keep us on the path of delivering a quality report is to walk into Los Angeles with drafts, and I mean substantive drafts, of our assessment of the implementation of prior recommendations completed and circulated to the team before we walk into Los Angeles. That's the backward looking review of implementation of recommendations of prior review teams.

With respect to new recommendations, or potentially new recommendations, some of those will be reflected in the drafts we do this week at a very high level. I think to the extent that those drafts

---

organize our thoughts and help us in the analysis and assessment that we take on those issues between now and Los Angeles. That those drafts coming out of Durban are a sufficient basis to have a more fulsome discussion on potential new recommendations in Los Angeles.

But what I would recommend is that for delivery to the team on August 9<sup>th</sup>, which would be a Friday, which would be approximately three weeks after we all leave Durban, that drafts of our assessment of the implementation of recommendations of prior review teams be completed and circulated to the team, and that's my suggestion. Discussion, thoughts, improvements? Prep work for LA.

Stunned silence. Alan.

ALAN GREENBERG:

My experience says due to catching up on things that you didn't do while you are at a meeting, and/or physical exhaustion, and/or sickness, the first week after an ICANN meeting is effectively lost for any work associated with ICANN that we were talking about here. So that says two weeks. That's a bit aggressive I think.

Given in that three week period, it's not even clear how many teleconferences the work stream might add for the work of the whole review team. Just sounds aggressive given the lack of interactions and the lack of total time.

BRIAN CUTE:

Thoughts, comments, suggestions? Recognized as aggressive. We have to deliver a quality report on December 31<sup>st</sup> that represents a significant

---

amount of work based on the prior review teams recommendations and implementation alone, never mind the new stuff. Something we've recognized for some time now.

And in part, based on my prior experience, if we don't stick to this type of a timetable, I see serious risk for a quality product at the end of December. Alan.

ALAN GREENBERG:

I would like to rewind to yesterday and add one more recommendation to that list. And that is, we recommend that future review teams they be given a year to work as it was briefly envisioned, even if they are selected late.

BRIAN CUTE:

That will fit within work stream four. Alan was saying that a recommendation be that review teams start on time – excuse me. Be given a full year to complete their work.

ALAN GREENBERG:

Even if they don't start on time.

BRIAN CUTE:

Olivier.

OLIVIER CRÉPIN-LEBLOND:

Thank you Brian. It's Olivier speaking. Sorry to be bringing this here actually, but isn't this the case at the moment?

---

BRIAN CUTE: What's that?

OLIVIER CRÉPIN-LEBLOND: That the review team is given a full year.

BRIAN CUTE: We're delivering our report by December 31<sup>st</sup>, per the AOC. Sure Denise.

DENISE MICHEL: So the affirmation of commitment actually requires the very first accountability and transparency team to deliver their report, to have delivered their report by the end of that first calendar year. Subsequent teams are not required to deliver their report by December 31<sup>st</sup>.

BRIAN CUTE: Fiona.

DENISE MICHEL: ...but the reality was before the affirmation an average ICANN review takes 22 months, which was why we were specifying specifically this should happen within a year. And I think it would be a bad precedent for you guys to sort of no, we need to go beyond a year.

And quite frankly, if you actually start drafting and filling out these templates, it's not going to take as much time as you think to get the work done. The longer you keep talking about process and debating



---

how to do it versus actually doing it, you're just delaying getting the work done.

BRIAN CUTE: Sure. Larry.

LARRY STRICKLING: Right. I think those of us from the first team remember that around this time, three years ago everyone was getting anxious about the end of the year deadline. You just have to do it, and I think there is no reason in July to be saying that we can't make a December deadline. We can do it.

ALAN GREENBERG: I don't think I heard anyone say that here. Certainly my recommendation was future review teams not be put under the same pressure that we are. I'm not suggesting that we change our target today, although I would dearly love to.

BRIAN CUTE: Thank you. Avri.

AVRI DORIA: First of all, I totally agree with the thing about not spending a whole lot more time on process. The other thing is, I've always forget this is sort of a snapshot. You've got a limited amount of time to get yes, quality, but get the work that can be done, done within that amount of time.

---

And so yeah, I believe we should just be getting on with it and what we get done by the end of the year, we get done by the end of the year.

And then it starts all over again in two years. And we just move on.

BRIAN CUTE:

And we will have recommendations with respect to the review processes and how they should be conducted as part of work stream four. So that's the suggestion on the table. We're going to have a meeting this Thursday with the chair, vice chairs, and the chair of the work streams to organize the work going into Los Angeles.

And also don't overlook the fact that we're going to get an awful lot of input in the course of the next week that is going to help to focus some of the recommendations we're considering, that will be fresh in mind. That's going to help us in doing the drafting in the next coming weeks. So that will be our work schedule, going forward. After the meeting on Thursday, the chairs of the work streams will hopefully have a clear roadmap, and that everyone be engaged. This really is August and September really are the heaviest lift in this cycle, and this is a time where we need everyone's commitment to the maximum extent possible.

I understand that it is a lot of work, but if we all bear down for the next two, two and a half months, we'll be fine. So we'll put out a Doodle poll on the calendar, please respond to that as promptly as you can. We'll target the 9<sup>th</sup> for delivery of complete templates of assessment of implementation of prior review teams recommendations.

---

We'll have the rough templates on the issues that we've identified coming out of Durban already circulated and in hand. Again for those issues continue to do the reading and the assessment and the analysis on documentation related to those issues going into Los Angeles so that we can have very substantive discussions. That's... In Los Angeles is really where we have good, hard, substantive discussions where the rubber hits the road, where we decide whether or not we need to make a recommendation and I give an issue or not.

So come fully armed if you will. Okay. Anything else on the work plan for Los Angeles? Okay. Let me go back to Michael. You wanted to add a comment with respect to the multilingual session, and then we'll go back to Fiona Asonga to finish the assignments on templates. Michael.

MICHAEL YAKUSHEV:

Thank you. It's Michael Yakushev speaking. I finally decided to raise an issue, which was previously discussed several times and it is about the quality of the translations that we have on both unofficial documents on the ICANN site, when you're talking about the documents translated into other languages, namely the Russian language and the other official United Nations languages.

Unfortunately, how the terminology of internet issues is being translated into Russian is quite different from the way how it is used by the Russian users, by the Russian operators, etcetera. So the fact we have three types of internet terminology, the first one which we use between ourselves, in the communication between the internet users, the domain name registries and registrars, so on and so forth.

---

This has been developed for many years, just even before ICANN appeared. And it's based on participation of many Russians in the first internet standards, so on and so forth. The second Russian is the bureaucrat language of our legislators, that they try to introduce a vision how certain things should be regulated, and it's again another story. However, it's limited to those who draft the laws and implementing them.

And unfortunately, there is also a third Russian – of the Russian language that describes, related to internet, which we can see in ICANN documents translated into Russian. They are understandable, I wouldn't say it is a total disaster, no. They are understandable. But they are written – the use terminology which is not very well accepted and it's not used by the Russian based experts and the Russian community.

And in the worst case, the document which would be our recommendation, they will also not be quite understandable by the people both from the Russian community, the community of other Russian speaking countries, and the Russian government, etcetera. The same story that, it appears with the host of your team translation into Russian. So I tried to check with the people speaking Spanish or Chinese whether such issues also exist there, and they confirmed that they are different scales of understandability and such deviations from their language norms of such languages.

But I think something should be done and much better attention should be paid to how the same, well words, are being interpreted, being translated, being used in the local languages rather than how it is

---

written in the internet, or the site of ICANN and it is being translated into ICANN documents. Unfortunately such misunderstanding provokes questions [where to start necessary 2:35:59]. Thank you.

BRIAN CUTE:

Thank you Michael. We had a sidebar at the break about the suggestion of using new tools and I think David Olive suggested or Chris, crowd sourcing translations as a potential tool, which again I think is great and innovative and things that should be explored. But the quality of translation is important and the note that I made if something is translated in a crowd sourced way, the commenter needs to have some way of confirming that's an accurate reflection of the comments they made.

So your point is well taken that quality of translation, as always, is critical. Thank you. Could we go back to the list of topics or potential recommendations in the assignments of who is going to draft a template here in Durban? So that Fiona can finish making her assignments. Yes Alan.

ALAN GREENBERG:

I have a comment on your comment on Michael's comment. You said it is important, the quality of translation is important. I have often heard and seen the belief that if we go to use of professional translators, the quality will be high. He is telling me the quality is high but the words are wrong. And I think we have to make sure not to try summarize the way you just did, but make sure the message that was originally was going through is the one that is going through.

---

It's not just the quality be good, it has to be understandable and in the language, technical language that the people in that community use.

BRIAN CUTE:

I thought that was what I meant by good, but thank you for putting a finer point on it. Carlos.

CARLOS RAÚL GUTIERREZ:

I really had a conversation with Christina Rodriguez about that. After having read the affirmation of commitment a few times, and having read article nine point one of the affirmation of commitment more than ten times, when I was writing personal letters to other governments about our governmental letter, I went back to the Spanish translation of the affirmation of commitment and I have to say I don't agree with the Spanish translation of the affirmation of commitment.

It goes that... I think there are serious problems with the level of documents. I don't mean that crowd sourcing can solve the problem of the feedback period and things like that. We have to take very seriously translations of the by-laws, of the affirmation of commitments, and reports like this one. I think this is a very serious challenge. If the cooperation wants to have an international strategy, and outreach to governments, and so on, this is a crucial issue.

I had a discussion with the Latin speaking colleague who does not agree me, we have to work it out. But I have to say that this is [worse 2:39:18], I don't agree that the translation of accountability is responsibility, and that's the way it's translated right now.

---

BRIAN CUTE: Let's make sure that we get this message in to Sally. There was a recommendation the first time around, we may picked up another recommendation on multilingualism, or multilingual treatment. We may or may not, but there is no reason we can't get that message in from ATRT 2 now. We'll make sure that happens. Thank you. Fiona. What do you have to assign?

FIONA ASONGA: I think I only have one more segment to make. Unless we are adding in multilingualism.

BRIAN CUTE: The review process?

FIONA ASONGA: The review process.

BRIAN CUTE: The review process. Okay. So who is on your team again?

FIONA ASONGA: On the team for – to do for us a summary of the review process is David Conrad, Olivier, and Shane. And I intentionally put Olivier there because it is so easy for him to summarize for [multi collect 2:40:42] work stream one [laughs], whether or not their previous recommendation... Whether ICANN implementation of review team recommendations, ICANN's implantation of [? 2:41:00] Asking the question whether the implementation satisfies the client in the affirmation.

---

So that looks into the review processes of the different team set up in there. And so what I did was pick from members of the team, someone from each of the other work streams and that is why [? 2:41:24] from WHOIS, David SSR, and Olivier, work stream one.

BRIAN CUTE: You're appointing three?

FIONA ASONGA: I'm appointing three, but I don't know who is going to compile.

BRIAN CUTE: Okay. What was your last point?

FIONA ASONGA: I said I was appointing three of them, but amongst the three of them, a volunteer to take the lead [laughs].

BRIAN CUTE: So Mister [Chang 2:41:57], Olivier, David Conrad, are you happy to take on the task and – amongst yourselves?

FIONA ASONGA: It's going to be very easy for you because it's [synergy 2:42:11] from what you are already doing. You just need to put on the other hat.

BRIAN CUTE: [Laughs] There is three people, there is one template [laughter].



---

FIONA ASONGA: Olivier is thinking and trying to make up his mind.

OLIVIER CRÉPIN-LEBLOND: It's Olivier speaking. No I'm just trying to calculate how many hours I have until the end of the week that are free, and I think that we're reaching about 20 hours but that includes nighttime sleep. So that's what I'm a bit concerned about.

BRIAN CUTE: If there is no takers, I can jump into the breach too.

FIONA ASONGA: Thanks Brian.

BRIAN CUTE: Okay. Are you all comfortable with that? Okay. You can put me down for that. Okay. Thank you Fiona. So if everyone who owns one of these things could get the draft in by Thursday, Thursday morning before we leave, so the chairs, vice chairs, and chairs of the work streams have those drafts. Yes Fiona?

FIONA ASONGA: I was talking to something on multilingualism?

BRIAN CUTE: Is that the suggestion?

---

FIONA ASONGA:

Yes.

BRIAN CUTE:

Any discussion? It seems like it has gotten a firm or a focus. Fiona is asking should we add as a potential recommendation, and for a draft template, on multilingual. Avri.

AVRI DORIA:

If we do, we should call it something other than multilingual. We can call it multilingual accuracy. We can call it multilingual quality. But I think we should go further than calling it multilingual, because multilingual is something that is talked about incisively and it means many things at this point.

BRIAN CUTE:

Thank you. Is there support for the suggestion? Opposition to the suggestion? Carlos?

CARLOS RAÚL GUTIERREZ:

As we discussed last night on the human resources issues, I think they are all related to the strategy of government outreach and internationalization to some degree. So we didn't have that in ATRT 1. If we are going to make a recommendation we should state that as the cooperation is developing new strategy in the international realm, they should take special care about particular issues like language, quality of translation, human resources, recruiting, development, whatever.

---

BRIAN CUTE: Thank you. Okay. So we now have multilingual quality in shorthand. Yeah. Fiona? We need someone to draft a template?

FIONA ASONGA: Yes. And in that group, I've got Alan Greenberg, Steven Conrad, and Lise. She's very good. That is a group that is looking at reviewing the actions of the Board and staff and ensuring public interests. Okay.

BRIAN CUTE: Okay. Thank you. Again, please have these in by Thursday morning at the latest, so the Thursday morning team can have them on hand, discuss them a bit. Whoever drafts these obviously within your respective work stream, please be the thought leader in driving the analysis and assessment with your colleagues going forward into Los Angeles.

I think that's taken care of. What do we have next on the agenda? Actually, can we look at the rest of the agenda for the day? Do we know about Chris? Is it 1:30? Okay. Terrific. Let's take a look at the rest of the agenda for the day.

BRIAN CUTE: Okay. Thank you. So the rest of the day what do we have? What time is it now? 11:15. Okay. We have updates on the work streams. ...public reply and public comments, analysis of data collected, discussion of responses. Let's take on, and we've got now Chris LaHatte the ICANN ombudsman meeting with us from 1:30 to 2:00. Thank you for rescheduling that.

---

Ten is analysis of data collected, 11 is discussion for prepare for reviewing and evaluating some of the proposals to perform the PDP process for 14:45 to 3:30. What's after the coffee break after 3:30? I just see the rest of the day. Roadmap to work for Los Angeles, I think we've got that pretty much laid out.

Okay. Where we are now, let's just pick up number six. We've got a little bit of time. Prepare for session with the ICANN community. Well we've got the questions, we had a discussion on the protocols for the interactions. I think that's understood and agreed. The only thing that's really left to do is to put a slide together which is basically just going to be the questions we pose.

Okay. You forwarded that? Okay. Yeah, just throw it up on the screen. I'm sure we've probably created questions that take us beyond a single slide at this point, which will be a little cumbersome. Right.

BRIAN CUTE:

How many questions are there total? 14? That's a lot. And one question per slide, with the limited amount of time we have... Yeah. It's not as plain, it's uglier, but I think having all the questions on one or two slides, it's not pretty. But if we have to roll through each of these questions, we're going to eat up a ton of time.

ALAN GREENBERG:

I think we need one slide even if we have to abbreviate the questions to one or two key words referring to what it is.

---

BRIAN CUTE: Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much Brian. It's Olivier speaking. Rather than have everything in one slide, which I think no one would be able to read, because there are – did you say 14 of them? 14 questions. I would suggest, since we do have a few minutes at the moment, to look through those questions, prioritize the ones that we think we absolutely want to ask, and the ones which are optional if we do have a bit more time.

And then put a red dot on those ones which we absolutely have to ask, and not put a red dot on those ones... And physically, red dot on the slide. So you as the chair could decide to cycle through the ones if we're running out of time, you can cycle through the ones that you're not interested in.

Either that, or we put them in an order where we take the most important ones first, and then the other ones later. But I'm only concerned that, depending on which way the conversation goes, you might actually wish to use another slide in addition to the ones which are there. It's really up to you.

But I guess as the chair you will need to have a list of the questions and maybe you can choose which ones you want to send on the screen at any one time.

BRIAN CUTE: Thank you Olivier. Alan?

---

ALAN GREENBERG:

My understanding was we distributed these questions as talking points that the ACs, SOs, whatever, could choose to use to provide input to us. I didn't think that we are – this is another attempt to provide a list of questions and then give us a list of answers. There is just not enough time in a half hour meeting, with a group of anywhere from 10 to 30 people to do that kind of thing.

I think they need to pick the ones that are hot topics for them, and not be force fed questions that they then have to answer because we want the answers. That's why I was suggesting that key word or two, and perhaps... If they say, "What's the one about the PDP about?" We can then flip to that full question and show something like that.

They've already received the questions in writing, in email, presumably, forwarded from their chairs. I think we have to give them an opportunity to talk. If there is a lull, we can certainly ask targeted questions that we think are of particular interest to them, but I think that should be the second mode of operation. Or a fallback mode.

BRIAN CUTE:

Thank you. The premium as I'm hearing from them, I completely agree. Maximizing the time for that purpose, completely agree. What we did was we created six questions which were issues that were top of line for us, and we forwarded that to the chairs. What we then did yesterday was create a list of questions based on reading their comments, and those were questions that reflect that fact that we heard their input and some instances represent follow on questions because we want to hear more of what they said.

---

So there is a qualitative importance to that list we built yesterday, tie into the public comments we received. I think that's important if we're going to prioritize here, that's where would I intend to go is that those are the more important questions, but I'm open to suggestion.

ALAN GREENBERG:

It's important for a question that was actually asked by that group, but what we have generally done is looked at comments that came from someone, and then asked the group that we think might be interested in, but not necessarily the ones who ask the question.

So there are the targeted questions we developed yesterday on lists for ACs, SOs, constituencies, stakeholder groups, that never mentioned those things.

BRIAN CUTE:

And I think part of our thinking was if the NCUC gave us comment X, that was an important issue, it helped us formulate a follow on question. We want to come back to the NCUC and say, "We heard you. Here is a follow on question. We need some more thought on that." We then also said, "For our process, it would be important for us to hear from others on this question."

So I think there is a qualitative basis for posing it to other bodies as well, that was our thinking. There is time constraints. Let's cut to the chase here. What do we want to do to maximize time and utilize these questions if at all? [La Risa 2:55:53]

---

UNIDENTIFIED: I just wanted to provide a clarification. The slides that you see on the screen are intended for the Wednesday session. [Laughter] Yeah. I don't think we were going to do slides for the individual meetings. We can.

BRIAN CUTE: Okay. But are these 14 the six plus the eight that we developed? Where do these questions come from? So these are the questions that we put together. The six at first, what's on our mind; the eight, we've heard you and these are follow on questions. This is a combination of those two. Okay.

So we're looking at the same content. Well, it's the same question... The session with the public, or the community, is an hour and a half, which sounds like a lot of time and it is some time. But you also don't want to chew up much of that time with a series of slides. It's the same question. How do we best use that time? How do we manage these questions?

ALAN GREENBERG: Is there going to be a piece of paper at each seat with a list of the 14 questions? Or whatever the number is? Will there be a piece of paper on each seat with the list of questions? My short term memory is not good enough to remember those as they flash by. I don't know about the rest of you.

BRIAN CUTE: We could have print outs?



---

UNIDENTIFIED: ...copies of the questions in the room...

BRIAN CUTE: That might be better. I mean, one time on paper actually is better.  
Fiona?

FIONA ASONGA: Is it possible for us to prioritize the questions we want to ask the public? Because I'm not sure some questions we're going to ask only the Board or only the GAC, can we remove those? So that we see how many questions we have for the public. In one and a half hours, being that you get 15 responses on one questions and it becomes a discussion, will we have enough time to go through 12 questions or 14 questions?

We probably need to just take the top five or so questions and have the others as standby in case we get a lot of input.

BRIAN CUTE: The more that I think about this, I think the dynamic is that they have all of these questions in hand and we basically say, "Hi, we're here. We presented you with some questions looking for some reactions, or anything else you have in mind." And the more I think about paper, the more I think it's making sense. And that's not a...

I hate to kill a lot of trees, but it's not a distraction up on the screen, it doesn't eat up the first ten minutes of the time. And if we could... And we can even organize them by audiences. These are the ones just for the Board, you have these in hand, walk in the room, here are some

---

questions to provoke discussion and anything else you have in mind that is responsive.

Could we do that without too much stress? Just do a paper based approach? And we can, yeah. And offline we can help organize which ones for which audience and how many prints we might need. Okay. Everyone okay with that? We'll do paper. We won't waste any time at the onset. What's that? Yeah for the public session? So in the public session, because we have an hour and a half, and I'll move through those pretty quickly.

Everyone okay with the slides for the public session? Okay. Every other meeting we'll do paper, and we'll organize it offline. Okay. Thank you Alice.

ALAN GREENBERG:

When I proposed paper, it was for the public session because people wouldn't remember them as you read them over.

BRIAN CUTE:

I'm not religious about this. Can we get to a relatively quick decision? Do we go with slides or do we go with paper for the public session? Do both? Do both.

UNIDENTIFIED:

People participate remotely as well. People in the Adobe room...

BRIAN CUTE:

We might have people remote as well, so having, yes. That's important for the public session in particular because of potential remote participation, we'll go for the slides and they'll be on Adobe, but let's do paper as well for the – inside the room. Yeah. Thank you.

Okay. Resolved. Back to the agenda. The slides look very nice, thank you. It wasn't a reaction to the quality of the aesthetic. Okay that was number four. If you don't mind, what do we have? We really have some flexibility between now and the lunch break. Okay.

Let's do it in this order if you don't mind. Let's address number six. There has been a suggestion, I think we should just discuss it and come to a consensus. There has been a suggestion, or suggestions, that the ATRT 2 should reply or communicate back to commenters. And since I'm not the owner of the suggestion, I'd rather hear the suggestion from the owner.

Avri was this one of your suggestions?

AVRI DORIA:

Yes.

BRIAN CUTE:

Okay. Would you mind?

AVRI DORIA:

Not at all. Avri speaking. First of all, it's not a reply back to in the sense that you are sending a reply to each of the commenters. What it is, is taking something such as the excellent synthesis that we've had of all of

---

these. At the end of the time, basically as part of the report almost, it's something that comes out at the same time, the report of indicating what the disposition was for each of those things.

So it either adds a box or it adds a drop down that is sort of... This was dealt with either understood, comment made; understood, however dealt with; not understood, clarification was received. So just basically an indication... Very similar to what was being sort of talked about in that previous issue of how do comments get dealt with. There is a point here beside each comment that says, "This is how it was dealt with. It was read. It was understood. This is what we did." Or, "This is what we didn't do." Or, "This is a harder issue for another day."

Or, "This was not pertinent to the work we were doing." Any answers like... But just something that, it doesn't need to be long, it's not a great labor to do that, but it really just indicates that each comment was at a point understood, dealt with.

BRIAN CUTE:

Thank you. Lise.

LISE FUHR:

Well I agree with Avri. We need to respond to the comment and I think it's a very good idea as a part of our recommendation report, or whatever we're going to call it, we have the comments and how we responded to each comment. But I don't want it as a pointer. I want it as a whole document because we need to be easy to read, and so you make a document that is easy for people to see what have they done with the comments.

---

And well, so I surely support your idea.

BRIAN CUTE:

Thank you. Larry.

LARRY STRICKLING:

People should also keep in mind that there is another round of comments coming. Meaning once we have a draft report, that goes out to the community and we will get another batch of comments from people responding to the draft recommendations. So the comment issue is two-fold.

You have the set you have now and you're going to get another set in the fall. Now what the discipline that we try to impose on ourselves in 2010 was to make sure, certainly with that second round of comments, that all of those had to be addressed in the final report. So that each of the sections had a – and you'll see when you read the report, each group went back and reported what had been commented on the draft recommendations and what happened to them.

So keep in mind that is going to have to happen. So folks what to have that kind of master list of tracking, I don't have any objection to it but we can't even get people to write the report right now. So the question is going to be, who is going to do this? Ideally it would be great to have exactly what Avri described, but I just question whether in the timeframe that we've got, who is going to take that aspect on and get that done.

---

I don't think there is any question, but what the drafting teams are going to have to take into account every comment that comes in October, I'm talking about the group that we have in front of us now. Some of which we haven't even got to the merits of. I mean, I mentioned Garth Bruen's paper, but I don't know – we've had no discussion about it.

I have no idea what people think about it. It's not really captured in anything that we've been putting up on the screen as additional work, yet he put in dozens of pages of research that he had done. And again, I don't know him, I don't know the credibility of his work, but I know that it's probably the most complete actual set of comments we've received on the topic.

BRIAN CUTE:

Thank you Larry. And for myself, I agree. I think having an appendix or something in the final report that goes in the direction that Avri is going is appropriate. We need to reflect back to the community that we've heard them, that we factored in their inputs. Response is a particular word for me, it triggers something articulated and communicated.

I think I'm hearing how we disposed of your comment, is the word in my mind Avri, when you were describing the disposition of – yes, we got your comment, here's how it registered in our work. And as I've said before, in our final report, we will be citing specific comments that underpin our analysis and quoting commenters.

That's what we did the last time around, I think that's very appropriate. That reflects back to the community. Not only did I get your comment,

---

I'm using your thoughts to buttress our analysis. So I think we can do it, but I take Larry's caution as well about how much we respond. We'll figure that out as we get closer to December. Olivier.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much Brian. Olivier speaking. I think I understand Avri's suggestion, and I totally agree with you at the moment that it looks like our bandwidth is very limited to be able to spend any significant time on this. Especially if we're going to deal with this as an intellectual reply, if you want, as opposed to a clerical reply.

And I make the difference between the two being that the intellectual reply, meaning that we put our heads together, spend another five days looking at every single input and answer with a few lines and say, "That's very interesting." And ask more questions and so on. I'm not saying that we need to go down that road.

I think we don't have the time. A clerical reply might involve I think even a member of staff might be able to look through the list and respond to each one of the commenters on the points that they've made by saying, "This has been passed over to such and such a work stream, and has been taken into account. Thank you."

That's a quick pass. And that will reassure people that their comment has been taken into account and is currently being worked on by the team. Now if we do decide that at the end of this exercise in December to specifically quote some of the responses that were made and focused on those, and quote them in the appendix, that's fine as well.

---

But the feedback I've heard so far from people is, "Oh we sent our comments but there has been no word on the ATRT. We don't know what they are doing with it." Just a reassuring reply will be a good thing. That's all.

BRIAN CUTE:

Thank you. Avri.

AVRI DORIA:

I actually disagree with the idea of doing the clerical reply. It is a lot of extra work for the staff and I think there is probably better things for them to do with their time than sending a thank you very much for your comment. It's being processed. I think that the appendix idea is good.

I think that including an appendix with our first draft shows how in that draft we've dealt with the comments that we received in the first round, and then adding a second appendix in the final report that refers to the comments we've received on the first draft. I tend to think of it as one of those things that you largely sort of do while you're doing your templates.

Your sort of working on the template, on the content and you're building the cross-reference in the appendix. So I'm sort of resisting the idea of writing a lot, but more writing pointers that says, "In chapter two of the report, you'll find the discussion that relates to this issue." But I think it's substantive comments that people need. I mean, substantive indicators of consideration and response, and understand what you meant by response was a direct one to one response and that's not what I meant by response.



---

I meant a response to the issue, not to the writing. And so I think that while we're writing these things, and I totally agree we have to start discussing it in writing, in writing these things, we need to be referring to those and so in the act of writing we can also jot down notes of how we're dealing with it and clarifying at the end.

I don't see asking anybody to spend the time doing the clerical response. I think that's certainly what we do when we are standing up there and doing the dog and pony on Wednesday, and sort of indicate that we've gotten them, and point to the analysis of them, point to how we're going to do it. But I don't see us writing individual letters to every commenter.

BRIAN CUTE:

Dog and pony, huh? Actually that was my next thought, Olivier in response, is that clearly we can indicate with each meeting, not just with Wednesday, we received the comments, we're going through them, and indicate to the community, "Yes we got them." That saves the steps and clerical time but accomplishes that.

Any other discussion on this item before we move on? No. Okay. I don't think we, number seven is time we really need to spend. We've had as much organizational discussion as we need right now. If you don't mind I'm going to dispose of number seven.

Yeah actually we've got number eight which is, hearing in close session from staff about responses to our RFP, and 11 ties substantively into that issue, I would put those two together, if there is no objection we

---

could do the closed session, hear from staff, and then come back open and go to 11. Does that make sense or no?

How much time do we have? And we're going until 12:30 for lunch so we've got 40 minutes. Okay. If no objection, why don't we combine eight and 11. Eight is a closed session and will be brief just hearing from staff in terms of any responses we've gotten to date on the RFP for an independent expert to address the PDP.

The reason for the closed session is that, as there may be competitive bids here and it's still open, yeah. So we're going to into close session, Chatham House Rule, to get a brief update. For anyone listening online, we'll be back very shortly and pick up with agenda item number 11.

BRIAN CUTE:

...probably worth just walking through this. This is the evaluation or assessment form that was used by ATRT 1 to secure an independent expert. Let's walk through that. Can you enlarge that a little bit?

So we had a scoring sheet here, and as you can see we had a – on the right hand side, a minimum threshold that any bidder would have to satisfy in terms of scoring for a given quality, and then an overall score.

It looks like we assigned values to each of these criteria so let's walk through them. First one was understanding of the assignment. Understanding of the terms of reference including ICANN and its mandate. We'll probably have to tweak that a bit because it's not about ICANN and its mandate so much. Well, let's walk through these first and then we can get to tweaking if we have to.

---

Second category was qualification of the bidder. Three qualities to be evaluated. One, previous similar activities conducted for national, local, or international organizations. Second, geographic and cultural diversity, multilingualism, gender balance...

BRIAN CUTE:

... ability of proposed data gathering tools. Three, suitable of proposed data analysis slash validation methods. And then finally the financial offer, the price of the bid as a quality to be evaluated. Okay. So that's what we used last time around. This obviously should be tailored to the envisioned task for this independent expert.

Any discussion about necessary tweaks to the qualifications that we're measuring? Alan.

ALAN GREENBERG:

We did have a discussion earlier, at least the chairs and vice chairs, I think, on independence of the expert. There was... At one point, there was an assessment of soliciting bids from someone who was a former and potentially current contractor of ICANN, and involved in the current PDP development process, and therefore might not be independent.

Do we want to include some measure of that, either as a show stopper, overriding requirement or as one of the contributing ones?

BRIAN CUTE:

Discussion. Lise.

---

LISE FUHR: Well I think it's a difficult one to evaluate because there is different degrees of how dependent or how independent you are.

BRIAN CUTE: Any other discussion?

BRIAN CUTE: Well I think one measure is during the interview, how clear is it that they understand what's being asked, which is the PDP process itself, the nature of policy making policies, ICANN itself. Those things can be reflected in the presentation in the Q&A, and I really think that's the qualitative judgment we made there is, do they really get what we're asking them to do?

Or is it clear that they are not as familiar with the terrain as you would want them to be? Is that fair? Larry.

LARRY STRICKLING: This is Larry. What we found... I mean this is true any time you are hiring a consultant is that a lot of times consultants have things that they think they're good at, and they then try to wrap around your proposal to basically do what they want to do anyway, that emerges pretty quickly in the interviews.

What they proposed to do really isn't what you want, but it's what they know how to do and their entire job and their presentation is to try twist what you asked for into something that they have expertise in. We had a couple of people who were like that it propose that in 2010 and it emerged pretty quickly in the interviews that was going to be a tremendous waste of money without really get us what we needed.

---

**BRIAN CUTE:** Does that help? Okay. Thank you. Right now the focus is, any edits that we need to make to these qualifications we're going to evaluate, to tailor it to the task...

**LARRY STRICKLING:** ...that they get a lot of requests for, geographic and cultural diversity may be difficult for any given ones. And we're left with suitability of proposed CVs, which doesn't have enough points to make the minimum criteria.

**BRIAN CUTE:** What was that last point you made?

**LARRY STRICKLING:** The only one we may be left with is suitability of proposed CVs, and it doesn't have enough points to make the minimum. The ccSOS never had a policy development process other than to create their own rules...

**UNIDENTIFIED:** That's not true. [CROSSTALK 0:09:10]

**BRIAN CUTE:** They have a process.

**LARRY STRICKLING:** I know they have a process, have they exercised the process?

---

UNIDENTIFIED: Yeah. They are in the process of conducting an IDN PDP.

LARRY STRICKLING: I understand that, but they haven't gone through it and I don't think...

BRIAN CUTE: We're not debating that. Your question is, is that qualification of previous similar activities conducted for national, local, or international organizations useful? And you're raising that question. And I'm suggesting that there may be a better who can step up and in some way say...

And I think it's certainly relevant that we would want somebody that has some experience in this. If all of them stepped up and said we have no experience in this, that would also be something for us to think hard about. But it seems to me like we have one potential bidder who might be able to answer that question in the affirmative. Larry.

LARRY STRICKLING: I'm just wondering, again given the very short timeframe we have...

LARRY STRICKLING: ...whether they've been direct participants or not, so I'm wondering if maybe we could modify previous similar activities to broaden it to capture the idea that the applicants have an appropriate knowledge base to bring to this task.

---

BRIAN CUTE: Avri.

AVRI DORIA: Yes. Thank you. One of the things that I was looking at, and perhaps it's being such a negative person that it occurs to me, is that we don't have any category for detracting points. And while we've been talking about the knowledge of ICANN, one of the things that I'm very concerned with is that we don't have somebody doing it that has had a lot of involvement in the PDP process, or in designing the PDP process, or in doing it.

Because they have an affinity to the work they've done. I'm not trying to say anything negative about anyone, but so I think whether it is conflict of knowledge, not so much conflict of interest although conflict of interest is something where you might subtract, it's too much previous involvement can be almost as detrimental as a lack of knowledge about ICANN.

So I'm just naming names.

BRIAN CUTE: ... I'm distracted by my error. Where are we? [Laughs]

LARRY STRICKLING: For those of you who might have missed the last five minutes of discussion, Brian [laughter], Alan had raised his concern about the first sub point under qualifications of bidders. I raised the idea that maybe we should broaden it to pick up the idea that whoever is retained is –

---

has to be somebody that doesn't have to go up the learning curve about ICANN.

At which point, Avri made the excellent counter point, yeah but if they know too much it would have been too involved, we're not really going to get an independent evaluation. All excellent points. I think that's what you've missed.

BRIAN CUTE:

Okay. Thank you. All excellent points. In listening to both of those points, both valid points, my tendency is looking at the timeframe we have, there is a benefit of having someone who doesn't have to go up the learning curve entirely from scratch, because we do have a tight timetable for these folks to deliver a quality product.

So yeah. We have... So something we need to chew through. The question is, are we modifying eliminating or changing any of these qualification criteria? Do we need to add others? Alan.

ALAN GREENBERG:

In light of what Larry said, by either merging one and two together, okay, or changing previous similar activities to something a little bit more judgmental of whether we believe they are capable based on previous...

LARRY STRICKLING:

How about if we change previous similar activities, dot, dot, dot, to appropriate level of knowledge of ICANN in similar organizations. By putting in the word appropriate, I think that captures Avri's point that



---

you may have so much knowledge that if what you have is inappropriate, but at least it gives you a way to grade on the question of the knowledge base of the applicant to determine whether or not they're bringing the right knowledge and expertise to the task.

It's different than suitability of CVs because that means, do you have the right level of people to conduct the work?

BRIAN CUTE:

Isn't that, in some ways, very similar to the first criteria?

LARRY STRICKLING:

No because we want people who can understand what it is we're asking them to do. I mean, there could be people who can understand very clearly the task, but then would say, "But the first thing I need to do is spend 90 days learning what ICANN is."

BRIAN CUTE:

Okay. How I translate, I'm sorry go ahead Alan. I should say, I translate the first criteria in the second category is, "Do you have any experience?" Loosely said. "Have you done this sort of thing before?" And I'm not... I guess I'm having a hard time understanding what Alan your concern is. If you could just state it another way.

LARRY STRICKLING:

But I think part of, particularly what you are looking for the benchmarking, I think Alan, and I agree with Alan's point, it's not as important to me that they done one of these before as that they

---

present the base of knowledge across the different organizations that they might benchmark against that they might get something meaningful.

ALAN GREENBERG:

I'm not going to try to word, to phrase it. But the real essence is, do they understand enough about multi-stakeholder participatory development to be able to evaluate whether ours is working well? I'm not sure I can word it on the fly. But essentially it's... If we say previous experience with participatory policy development, or something like that, it may capture it without saying have they evaluated this kind of process.

BRIAN CUTE:

Thank you. Fiona.

FIONA ASONGA:

I think, go back to the document. But basically, if you're looking for an entity that has handled the level of multi-stakeholder that ICANN does, that you're not going to get. But if it is entities that have handled, to a certain level, policy development processes for entities that have more than one stakeholder interest they're addressing those are there.

And some of the ones can qualify for that. We just need to be clear amongst ourselves what are we looking for, because if we are very strict on the wording and tie ourselves to it, and describe it as you've put it Alan, we'll not get it. So we'll get anyone to do this job for us [laughs].

---

So in that case, then we need to understand what we mean by that. I think what we need is somebody who has had expertise consulting on policy development processes, that is very important. And then, where interests of more than one stakeholder are involved, because that then gives them some level of knowledge and expertise, whether it's at a national level, or an international level, or a local regional level, or an international level, that will be able to – they will be able to gauge on who has the most understanding of what we are looking for.

BRIAN CUTE: So the suggestion is that reflects experience and policy development process, particularly where more than one stakeholder is present.

ALAN GREENBERG: Yeah. I was using the words participatory to not use the multi-stakeholder buzz word, which we claim we're the only entity in the world that does.

LARRY STRICKLING: I was trying to say the same thing basically...

BRIAN CUTE: Okay. With Fiona's suggestion added.

LARRY STRICKLING: I would like to see it in writing, but probably...

BRIAN CUTE: Can you edit that or is it PDF? Okay. Well, let's... If there is concurrence, we can take that thrust and edit and circulate – first to look at before we leave Durban. Any other suggested edits on the qualifications? Olivier?

OLIVIER CRÉPIN-LEBLOND: Sorry. Olivier speaking. You're dealing with each section in part or are you dealing with the whole table?

BRIAN CUTE: We're going to look at the whole table. If you have any edits anywhere.

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you. It's Olivier speaking. I wonder which part of this table deals with deliverables? And this is... My reason for this question is because I think that the most important thing for us is to see what deliverables will have, whether it will be given a five page PowerPoint presentation or a 30 page in-depth document is very important. I think neither the request for the RFP nor this seems to be addressing that, unless I'm totally wrong and it's hidden somewhere in that table.

BRIAN CUTE: I don't know in terms about how many pages or what form. I think proposed methodology and tools, those qualifications, if you look at them and think about them, should reflect to us their ability to provide the deliverable, the shape of it, that's for us to decide, or to dictate to the scope of the work.

---

**OLIVIER CRÉPIN-LEBLOND:** Thank you Brian. We haven't dictated that so far, so in receiving bids we need to either set this right now, or we need to be able to establish which one of those people bidding, companies bidding, organizations bidding, will give us a better rendition of the work. I do realize from the names that were mentioned in the closed session, that I know of several of them and they are very highly qualified.

I'm concerned that we are going to end up having trouble deciding between them thinking that they are very good but what's the thing that differentiates them? By getting them to give us what their deliverables are might be an additional factor to add into this table.

**BRIAN CUTE:** Thank you. Avri.

**AVRI DORIA:** Yeah, I actually would support that and would support taking five points away from work organization, and putting five points on proposed form of deliverable.

**BRIAN CUTE:** What's the first part of that again?

**AVRI DORIA:** Taking five points away from work organization and putting five points into proposed form of deliverable.

---

BRIAN CUTE: Lise.

LISE FUHR: Well I think we should actually divide that one, work organization and methodological approach because for me it's two different things. The work organization is do we believe they have the manpower to do this? And the other one is, how are they thinking of doing the actual report. I might misunderstand that one.

BRIAN CUTE: Let me ask it this way, and I really don't have an opinion here, I just want to make sure we do have an open discussion. Are we hamstringing ourselves if we somehow project what the shape of the deliverable should be in some way? Would we want to hear from all the bidders? They may have some innovative ways of packaging the data, or presenting the data that we're not thinking about that might actually be very useful to us.

Or do we won't to constrain ourselves, or them at the onset, in that way? Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you Brian. Olivier speaking. That's exactly this point. The fact that we might be absolutely awed by the proposal that one of them comes up with and that will really sway our decision into thinking that well these ones are going to propose – make the proposals in this certain format which is different form all of the others.

---

So I would suggest not for us to decide what the deliverable should be, but for them to propose what their deliverable should be.

BRIAN CUTE: I'm misunderstood you entirely. That's, okay. I agree. Any other disagreement or... And you're suggesting that we don't alter the qualification criteria.

OLIVIER CRÉPIN-LEBLOND: Olivier here. What I would suggest is to then take into – because otherwise we might end up with higher points for some of the bidders, but a deliverable that is different that we like very much. Then why have the point system, at that point. So we might need to allocate points for the type of deliverable that might be inspiring for us and helpful for us.

BRIAN CUTE: So the criteria form of deliverable, quality of deliverable, five point score for that. Yes.

OLIVIER CRÉPIN-LEBLOND: Olivier again. Usefulness of deliverable.

BRIAN CUTE: Usefulness of deliverable. Everyone okay with that as a new criteria, a fourth criteria under proposed methodology and tools? Any objection? Okay. We'll add that as a fourth criteria. Did you capture that Alice? Thank you.

---

Any other edits and then we can go through the scoring. Edits to the criteria.

UNIDENTIFIED: What I didn't capture was Fiona suggested language, if we were still doing that. Fiona if you could just jot down your suggested edits to the previous similar activities criteria, I think that's the one you had commented on.

FIONA ASONGA: I didn't give an actual edit, I was just giving a guide on what we should be looking for, which should be knowledge and expertise to handle – to have consulted on a policy development process that involves the interests more than one stakeholder.

UNIDENTIFIED: Thank you.

BRIAN CUTE: Alan.

ALAN GREENBERG: I would suggest we could eliminate the word policy from that and not lose a lot.

BRIAN CUTE: What would the edit be?



---

FIONA ASONGA: You're making me drafting, doesn't [laughter]...doing that. What do you have [Larissa 0:25:45]?

UNIDENTIFIED: Knowledge of expertise that involves interests of more than one stakeholder. Knowledge and expertise of the policy development process, I think is what you said.

ALAN GREENBERG: And I was suggesting one can eliminate the word policy, leaving development process.

UNIDENTIFIED: Knowledge and expertise of development process that involves interests of more than one stakeholder.

LARRY STRICKLING: Multiple diverse stakeholders.

FION ASONGA: Alan? Whatever changes you make, I think I can go with them. At the end of the day, I know what we are talking about.

BRIAN CUTE: We'll put the draft around to the group and conclude. Okay. Any other edits, necessary edits, or new criteria? We've added a fourth. Are we okay with taking five points from work organization and methodological approach including timetable, adding that as a score for usefulness of

---

deliverables? Any objection? No? Okay. [Larissa] if you could just capture all of this and then recirculate it and we'll deal with one final review to make sure that it's – we're in agreement.

And we'll be done with the evaluation scoring sheet. Okay. Back to the agenda. Soon to be lunch. Okay. We've taken care of six, we've taken care of eight, we've taken care of 11. We have two analysis of data slots that we may not need. We have Chris at 1:30. What time is it now? 12:30? 12:23? Based on... Let me ask the team. Based on the discussion we've had in terms of organizing the work, the templates, the assignments, the deliverables for the ninth, the chairs of the other work streams besides Olivier – if you would like to report in, you certainly have the opportunity.

We could do that now or we could do that after Chris. Yes.

UNIDENTIFIED: You also have Marika Konings coming at 12:30.

BRIAN CUTE: We have Marika for working lunch coming in seven minutes, right? All right. Then why don't we break here? We've got Marika in seven minutes, why don't we grab lunch and then we'll pick up with work stream chairs after Chris. Okay. We're going to take a break, grab lunch, and we'll be back online for a working lunch. Thank you.

BRIAN CUTE: All right folks, we're going to get going in a minute. If you join us at the table.

---

BRIAN CUTE:

Okay. This is ATRT 2, we're having a working lunch with Marika Konings, the Senior Director for Policy Development Support. And we have Marika for roughly the next hour. Marika is going to walk us through a presentation on the GNSO policy development process.

Marika thank you for joining us. I appreciate your time. The floor is yours, take it away.

MARIKA KONINGS:

Thank you very much. Thanks for having me, and having me even for lunch. So I don't have to fight with the GNSO crowd over food. So my name is Marika Konings. I'm, as Brian mentioned, Senior Policy Director. I'm responsible for the GNSO team. It may also be worth mentioning that the politics of the PDP also the staff support person for the work team that developed the revised PDP under which we are currently operating.

I actually have a couple of presentations that I have with me, so it really depends on what you want me to talk about. I have a slide deck on the more detailed overview of the PDP that goes through each of the different steps that are required. I have some other information with me as well.

But this slide deck is actually something that I prepared for the GNSO discussions earlier this morning where we wanted to have a look as well, an internal look at what is PDP actually about, what are some of the myths that currently exist around the PDP, and that actually resulted in some really good discussions.

---

So I'm hoping that that may be setting a little bit the stage and inspire as well some questions from your side. So if you indulge me, I'll just maybe kick off with that.

So basically the problems where we started is we, we hear it a lot, the PDP is broken. The PDP, it's too slow, nothing gets done, it's useless. And I think maybe it's one of the reasons as well why you are actually looking at this as part of the ATRT, what is actually wrong with it. But, looking at it, one of the things people say, "It's so slow." Yes, it does take an average time of two to three years if you really look from the initial request of the issue report, to a final Board vote, then followed by implementation.

But if you look at other organizations like the IETF, I found some data there that says that it takes approximately 1,000 days to get an RFC. The ccNSO is actually doing, I think their second PDP ever, and they're six years and still going strong. I think the end is not near yet.

So maybe – to what are we comparing whether this is too slow or maybe fast. I think as well we take into account if this is really a multi-stakeholder model where we do have certain steps in the process that require community consultation, participation, along the lines of public comment. You cannot expect it to be a sprint.

Multi-stakeholder, I think from my perspective, is more of a marathon and not of a sprint so you need to give due consideration, unless we believe that a PDP should run under the multi-stakeholder model rules. And we also always hear like, "You never reach consensus." Well, if you look at the recent PDPs that have been conducted in the GNSO, we

---

actually have eight out of nine that resulted in consensus recommendations.

And I think the majority of those even resulted in full consensus and unanimous consensus recommendations. I think the one that really stands out and has attracted a lot of attention and which may result in people concluding that it's broken or that we don't never reach consensus is, vertical integration. That was indeed one of the PDPs that we ran and halfway through there was a realization that it was just impossible to reach consensus on that topic, and basically it was terminated before a final report.

And we also hear about, "You don't allow others to participate," or listen to other's input. Maybe just a reminder from [all as well 0:46:21] that actually all GNSO drafting teams that are responsible for drafting charters of working groups, and PDP working groups are actually open to anyone interested to participate. We have at least three public comment periods that are required steps, there is always options for working groups to do more outreach or have more public comment forums, before the Board even considers the recommendations.

And then there is all proactive outreach to all the supporting organizations and advisory committees to provide input early on in the process. I think something that we do need to discuss and are discussing as well in the meetings the GNSO has with the different SOs, ACs, is how to do that more effectively.

Because we've had a conversation, for example, in Beijing with the GAC where they basically said, "Well, you don't ask us for input." We told them, "Well, actually here we ask you in all of these different steps for

---

input, but apparently we're not asking it in the right way so we need to have a dialogue on how we can make sure that we're asking in the right way, and allow you a mechanism or a way of providing that input to us."

So I think those are areas where we're actively working on improving that. And as well, I think especially relevant now, the accusation that we're just punting decisions for implementation. We're not actually making any decisions in the policy development phase, but we're just punting it and then create controversy in the implementation discussion.

And I think it's definitely the case for the new gTLD PDP. I think everyone is aware here of all the discussions that have taken place around that, because a lot of details were left undefined or that very high level which resulted in a lot of work needing to be done within the implementation phase without necessary a lot of guidance or framework around how that should happen.

Actually as a result of the revised PDP that we're now working on, there is this concept of implementation of review teams. So the Counsel has the option to form an implementation review team, once policy recommendations are adopted that would consist of members of the working group that developed those recommendations to work with staff on making sure that the implementation be conducted in line with the intent of the working group recommendations.

And this is also going to be an active item for the policy and implementation working group that the GNSO Counsel is in the process of forming. They actually have a charter for consideration on their agenda for Wednesday, and one of the items there is to look at should

---

there be a more defined framework around how implementation, really the questions that need to be dealt with and how these implementation review teams work in practice.

So of course this is not to say that there is no room for improvement because two to three years is a long period. Is there any way for streamlining or doing better, getting more input, convincing people that this is important to participate? And have a broader pool of volunteers because in reality, it is often the same core group of people that does show up for these groups, or at least sits it out for the end.

We often have a lot of people showing up at the beginning, but some of them either have other priorities or actually see that the working group is not discussing what they thought would be discussed, so they tend to trail off. I'll just cover this very briefly because I think it's... I'm not sure you'll be looking at this, but we discuss this more and there are some obvious areas where we can do streamlining within the current framework.

One thing to emphasize as well that one of the objectives of revising the PDP was really to build in a lot more flexibility than under the old rules. So actually apart from some required milestones, anything is possible within the current process. If you want to have more meetings, if you want to have additional public comment forums, if you want to get experts involved. If you want instead of conference calls, meet face to face.

Of course, some things develop resources. If you want to get more online tools or training, there are a lot of things that fit within the current framework. So we look at some of the items where I think we

---

could streamline or possibly consider enhancing the process. Again, I think some of these options, at least from my personal perspective, maybe in the framework where the counsel kicks off PDP, they look at the kind of toolkit manual and say, “Well, this is a high priority, urgency, PDP. So for this one we would recommend that instead of having weekly calls for the working group, which on average would take 40 to 50 meetings to actually get to a final report.

What if we basically put people in the room for two weeks? Or for one week?” That would really take away a large chunk of time in which you can deliver something. And again, it may not be appropriate for every project, because of course there are resources involved because it does require volunteers to come to a certain a certain location and travel funding, etcetera.

But there are ways I think we can look at that streamlining for some options as well like we currently have a drafting team to develop a charter. One option would be to actually have staff include a draft charter as part of the preliminary issue reports, so again that is also put out for public comment. People can look at it. And then when the counsel initiates, they have the option of either just adopt the staff proposed charter, or still form a drafting team.

There is nothing preventing them from taking the other path. But again, it’s an option to streamline. I think the important point as I made before is getting more people involved, because really more hands make light work and we do see the same faces doing a lot of the heavy lifting at the moment. I think some of these are already covered.



---

It may be worth pointing out as well, involvement of professional moderators or facilitation. We actually have one working group session here this week on Wednesday, we're actually having [explain 0:51:57] who also involved in supporting the sessions on the strategic planning, trying to help facilitate that session as a way of trying to see, getting some third parties involved in a different setting.

Will that help bring in working group closer together and as well bring in some new ideas on the table. And I think as well, one of the things that it really hasn't been used very much in the new PDP is organizing workshops and discussions on the outset of the PDP. One of the questions I think you ask me as well, what are some of the ingredients of a really successful PDP?

And what are the ingredients for maybe less successful PDPs? I think one of those is that... I think we often start out in a PDP without everyone completely understanding what the issue is that we're actually trying to address, or not agreeing on the issue is actually an issue. So working group spent a lot of time trying to figure out, so what is it actually that we're trying to address.

Or basically fighting each other saying, "Well we don't agree this is a problem. Why are we even doing this?" So actually having those kind of conversations, which again is all possible within the current framework, I think would really help in narrowing the focus and making those discussions more effective. I think then that the other thing is data and metrics.

And that's something again that we are actively working on because that's... Alan knows I think firsthand on the PDPs he chaired, where we

---

basically had this long discussion like there is no problem because we don't see any data. It was like, "You need to give us the data." "Well, we don't want to give you the data because it is confidential information." So it's kind of chicken egg conversations that aren't very helpful or productive.

So trying to have a better sense of what are the data you need to assess whether an issue is an issue, and then also looking at once you develop recommendations, how do you actually assess whether these are effective? Did they address the problem? Or, basically indicate that you should go back and look at it again because obviously it didn't do what you set out to do.

So that's something we're actively looking at as well. And then of course, there is the questions that – or the issue that there are other ways in which the GNSO council could develop policy advisory recommendations. They don't have to use your PDP apart from when consensus policies are the intended outcome of the process.

And again, I think that's something we emphasized as well – or that's highlighted in the PDP that council has the option to choose what way it wants to develop those recommendations. But again, at the same time we don't have a formal process at the moment that develops this kind of policy guidance or advice. There is no official status for it, hence we often resort to the PDP if we want a kind of formal recognition from the Board and a mechanism to get feedback from the Board on those recommendations.

So we're actually currently looking at whether we can develop an alternative process for that. And again, that's one of the items that's on

---

the – in the charter for the policy implementation working group. And again, another idea maybe as well, and I think that's something that will be discussed actively in the GNSO is, we do see situations as well where you have PDPs and not all stakeholder groups or constituencies are represented.

And then you maybe in a situation where working group presents its final report and some people on the counsel suddenly wake up and go like, "We had no idea that this was coming and we cannot accept this." So consider whether that should be a requirement for each stakeholder group and constituency to at least have a representative in the working group, and it doesn't mean that they have to show up for every call but at least that they are responsible for briefing and consulting with their respective groups to make sure that there is information flow going back and forth throughout the process.

And something similar maybe considered for supporting organizations and advisory committees. I think something that was raised this morning was the suggestion of maybe having the kind of reversed liaison concept with the GAC, where indeed someone goes back to the GAC and says, "Hey this is what this working group is thinking about and discussing. Now is the time for you to start flagging or have a more proactive dialogue, if you think that this could be a potential issue instead of waiting until the end of the process."

So basically just to conclude that I think that, at least from my personal perspective, and I think there was quite some support as well in the GNSO discussion this morning that, it's not the PDP that is broken. I think that yes, there is a lot of things that we can do better, or improve,

---

or look for ways to improve to enhance the process or speed it up, or use new ways of doing it.

But I think that's all possible within the current framework. I think we need to focus on those factors where we believe we are lacking, or where we can improve to really make sure it's more efficient and multi-stakeholder as we go forward. So I think that's maybe what I wanted to say. Maybe it is worth as well to point out to you, let me just pull that up.

Because I know that you are going to look at, your commissioning a study looking at the PDP. But you may also, that is going to be very small but I can ask Alice to maybe circulate that after the meeting. I try to map a little bit like all the different initiatives that are currently looking at the PDP in one shape or form, and that will have an impact at the end of the day presumably on how it's being done.

So basically have, as I mentioned, the policy and implementation working group. I think there was also a question on where there at, so it said, drafting team has developed a charter and the charter is up for consideration on Wednesday. What I heard so far, we had a presentation on the charter this morning, there seems to be broad support within the GNSO.

So I'm assuming that may pass as it currently stands so I think they're asked to look at the five different elements, looking at providing the clearer framework on how implementation discussions would take place. Are there any guiding principles on how you can divide policy, implementation? Looking at the need of this policy guidance

---

mechanism, looking at further guidance for GNSO implementation review teams. I think there was a fifth one.

Developing some principles for developing policy in general. So those are... That group is expected to have a direct impact on the PDP, or the policy development process part of the cycle and the implementation cycle. And of course you have, I think you are an effort which I think is mainly focusing, if I understand it correctly, on the policy development process as such.

The GNSO also has a standing committee for improvement implementation which is responsible for the periodic review of the PDP. So they'll shortly probably be looking as well at the overall review that may link in as well with the GNSO review, which is also supposed to start sometime in the near future.

And then we also recently formed the, or are also in the process in forming the GNSO reporting and metrics working group, that's really going to look more at the metrics aspect and focus on the review cycle, or part of the cycle. And as well within the PDP, you have to make sure you have the right information up front when you start your discussions, and be able to feed that into the policy development process.

So I think I'll maybe leave it at that and I'm here to...

BRIAN CUTE:

Thank you. Thanks very much Marika. And in particular that last slide, there is a number of activities there that as we engage with an independent expert, and perhaps as a review team ourselves, we may

---

want to interact with those groups and those working groups. Thanks for the presentation, open for questions for Marika. Alan.

ALAN GREENBERG:

Thank you for... Thank you Marika. I think that was a good summary. I think it's important, and I admit I'm the one who came up with the idea to do this review, so as you perhaps know I have a little bit of knowledge with the PDP process. I don't think the issue is, is it broken. I know some people use that as a shorthand, but I don't think really that's the right words.

The AOC calls for us to look at whether it is effective, and particularly effective in getting multi-stakeholder discussions and cross-community discussions. And certainly one of the concerns that has been raised is, not is the GNSO and the PDP working groups inviting other people, but are they able to attract other people and get committed workers?

And certainly there is a dichotomy between those who are there because their businesses require care about the answer, and those who are simply nice public servants and will occasionally show up. And not being funded for the time is a big issue. Some of the issues are complex, as you know. You used some marvelous words, I won't try to reproduce it, but you get people arguing, quibbling, is that really a problem?

And sometimes what comes out of that is either deadlock or minimalist answers because that's the only thing you can possibly get these two groups to agree on in the format we're using. We're bringing in outside facilitators at this meeting to solve, address problems like that. Maybe the PDP needs that option, and I know there is money involved in that.

---

A face to face meeting sometimes can be exceedingly... Five hours of face to face discussion can end up with radically different results than five weekly meetings, which just repeat the same words but we, in the PDP world in general, we've never had that option. And so, the intent of this evaluation is not to say, "Did we get the rules wrong?"

But is it really working and what has to be done to make it work? Deadlock is considered a viable answer, but if the intention is that the GNSO really develop gTLD policy, we don't – I don't like cases where we have to toss it up on the board and decide. Is there a way that we can take these groups that logger heads, with facilitation, with whatever and make it work?

And that's the kind of thing that we need to understand. And so that's why we are doing this. Not so much say, "Did we get the rules wrong?" I'm one of the ones that helped wright the rules, I'll take some responsibility for messing it up. The real issue is, can we make it work? What do we need to do to make it work? If it requires money, that's likely to require Board action to decide on, and the ATRT has a direct channel.

So we felt this is a good vehicle to do this kind of investigation. Anyway, that's a bit of background.

BRIAN CUTE:

Thank you Alan. Questions for Marika? Yes Carlos.

---

CARLOS RAÚL GUTIERREZ: Yes. Carlos Gutierrez for the record. Thank you very much and I hope we get a copy of the presentation. All this ideas that you present, who decide on them? Are you presenting them to the ATRT, or are those ideas that are being discussed in... I have four questions. [Laughs]

Who decides on them? Second, what happened to the policy versus implementation paper? Did you get comments? Is it going to be put forward to some group? Related to policy versus implementation, do you think your idea that the same team who developed policy should take care of implementation, or that could bring about some kind of conflict?

Shouldn't that be separated? If I understood you right. And the fourth question, what do you expect from the study, or analysis, or the paper that the ATRT has requested? I see that you put it into the framework. What would you expect specifically from the output to help in your work? Thank you.

MARIKA KONINGS: So this is Marika. To respond to your first question, who decides. To be honest, those ideas were put on the table by me as an individual, having supported PDP working groups for discussion this morning in the GNSO. So basically the idea is as a start off topic, to see whether some of those ideas we could move forward with and implement.

For example, one of the elements that we suggest of proposing, staff proposing a charter as part of the issue report is one of the things that we may say, "Look, are you open to that?" And we can start exploring



---

that and doing it. Some of the other items I think maybe further consider as well as part of the policy implementation related discussion.

So I think on some of those it's really for the GNSO and [? 1:05:22] to act on, or take them further in the discussions even as one of the vehicles that are identified apart from the ATRT work of course. And again, I think part of they discussed this morning as well is using this as a better way of engaging some of the groups. Say, "Look, we are actively thinking about this. This is not just – we're sitting here and nothing can be better."

I think it's a way of actively engaging with some of the other SOs and ACs and talking about, okay, are there other ideas that we may have in making this more effective and efficient and engaging with all of you?

On the second question, the policy implementation paper that was actually put out for public comment, I think prior to the Beijing meeting, we produced as well a report of the comments received and then use that as well as part of the workshop there. We had a panel discussion so we provided as well the report of comments and had representatives from all of those entities that also provided input and response to the public comment forum, to have the discussion there.

And basically from that, the GNSO decided to draw out the specific issues that they fell affect the GNSO and start working on those. I think that there are, in the paper itself there were some broader issues identified as well that hopefully will be picked up at some point by some entity.

---

For example, some questions related specifically to the Board. Or how other groups are involved, so I think there is still other groups that may start working on this effort as well. And I think the charter as well indicates a basis for the policy implementation working group. They should have a look at what was in that paper and see if, some questions that are identified there.

On the principles, we identified the number of principles which also may provide a starting point for the working group to look at. So I think it will basically form a basis for those further discussions. And then your question on whether the same team of people should be involved in the implementation process.

From my personal perspective, yes because I think the whole idea of the implementation of review team is actually to serve as a sounding board for staff to understand whether the implementation staff is putting forward is meeting the requirements of, or the intent of the policy recommendations.

And I think part of the issue maybe if you bring in completely new people that weren't involved in developing the policy recommendations, you do run the risk that policy questions actually get reopened because they may not have the understanding or the background of how the working group got where they came to. And it is important to know though that is within the current framework, there is a provision there that if in the context of the implementation related discussions, an issue is brought forward or it's obvious that it has policy implications, or where the implementation review team feel that this is

---

no longer implementation but it's really a policy decision that needs to be made, then that needs to go back to the GNSO counsel.

So at that stage, there may be an issue where GNSO counsel that would reconvene the group, or have a further discussion, but I think in the current framework the implementation review teams are really intended to serve as a sounding board where staff is still responsible for implementing and developing implementation plans.

I mean there may be scenarios where there is no consultation at all with the implementation review team. If the policy recommendations are that clear, and there are no opening issues, it may just be the implementation plan that's put back to the implementation review team, and following that for example, out for public comment.

But currently we're working in one of the PDPs where as part of the policy recommendations, that there wasn't really obvious that some things would need to be worked and settled as part of the implementations, so in that scenario the implementation review team is working closely with staff on trying to understand and find the actual issues and work through those.

Then on your last question, I think would you – what I expect your study will bring. As I said, there are a lot of other initiatives going on so I'm hoping that will bring some data information and ideas to the table, together with I think all the other efforts are ongoing that will help improve the effectiveness and the efficiency across the community of the policy development process. I think as I mentioned before, from my personal perspective, I would like to see at the end of the day when the GNSO kicks off a PDP they have a menu of options that they can choose

---

from depending on the nature of the issue at hand, or as well the perceived community urgency or priority to it.

So that they have the option to say, “Yes, this is an issue where we may need professional chairs.” I think it was something, this was previously mentioned, but we do have community volunteers that serve as chairs. And there is a variety of levels and shades of grays in how they chair meetings. Should we consider having professional chairs for certain groups where we know it’s difficult or where the chair may not be able to have a neutral position?

Because we do all come from different backgrounds. So I’m hoping that maybe at the end of the day where we end up. That there is even more flexibility and real options of what can be explored within the PDP. And that everyone feels as well that it is effective and efficient mechanism for addressing gTLD related questions.

BRIAN CUTE:

If I may, while others are formulating questions, you touched on a couple of things that registered. First of all, kind of the underrepresentation issue, and I want to ask you to elaborate a little bit more about that. But the dynamic where the work is being done and it becomes known or comes up to the GNSO and some accounts are just completely unaware that the work has been done, same thing with the GAC.

Obviously, those are dynamics that are not efficient, or create inefficiencies, but in particular on the underrepresentation, have you tracked over time who participates? And do you have kind of statistical

---

profiles of which people from which groups, ACs and SOs are there and those that aren't? And can you just elaborate, in your own opinion, why do you think that's an issue the underrepresentation? What's the reason it's a problem and are there other things we can do in the shorter term to fix it.

MARIKA KONINGS:

This is Marika again. So yes we do track statistics, it's a required element that needs to be included as well as part of initial and final report. So that's obvious who we are involved in developing the report and which groups they represented. So those – that data is available on each Wiki, and publically available so you can who signed up for the working group.

How many meetings they attended, what the percentage was compared to the different stakeholder groups and constituencies. Although it's worth noting, some people sign up to a working group in view of just monitoring the mailing list. So you have to take with a little bit of a grain of salt, just because someone didn't show up to a working group meeting doesn't necessarily mean they didn't participate.

They may participate on the mailing list, or just monitor the discussions to make sure that their points were being addressed or covered. I think Alan already made the point before that, indeed we do see of course on certain issues that the party that's likely most affected by the outcome will send the most representatives to the working group, which in most cases is contracted parties and they have the funding or means to designate people to do that.

---

I think as well, some stakeholder groups or constituencies may be better organized than others because I think some do work on the notion that they assign one person to follow or participate in the group and report back. So even though that group may only have one person there, they do at the same time, get the input from their whole constituency.

But of course, we don't necessarily see that just looking at the numbers of who participates, because you may have ten registrars participating but if they are only speaking on their own [tile 1:13:22] and the registry stakeholder group is not behind that, it may not be as effective as having one person from the business constituency that represents the view of the whole business constituency.

And I think as well it really depends on the issue. We try to do our best as well to reach out on certain issues where we know there is a certain interest from certain communities. We're just about to conclude, or have a final report on the PDP that Alan was co-chairing as well, that related to the UDRP where we actually had two of the UDRP providers actively participating.

So we went out to them as well and said, "Hey, this is an issue that's effecting you directly, it would be great if you could participate as well." Which I think for them was relatively novel as well as they usually take more of a back seat. And we do try to do that for issues that we know that there is certain organizations that either may be effective or have certain expertise, but we really rely there as well on the community actively reach out from their perspectives from whom they think should be involved.

---

Because from the policy team, we send out to the different mailing lists, and some of us may know some people and get them to post on blogs, or things like that. But we do rely to a large extent on people within the community identifying who they think should really be involved and passing the message on that this effort is going on and will have an impact at the end of the day.

I think there is a reality as well that it's not that easy to track people that don't have a stake in the game. It's harder. These are volunteers. There is quite a commitment if you sign up for a working group. I think most working groups come together at least once a week, if not more. There are a lot of emails that go around. There are documents to review. You're supposed to come prepared.

At the same time, most of these people have all their day jobs that have nothing to do with the issues we are looking at. So I think that's... So I hope that answers your question.

BRIAN CUTE: Thank you very much. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you Brian. It's Olivier speaking. Just building up on Brian's question, I know that the makeup on each one of the working groups is usually given at the end of the report, the final report. And sometimes even displayed on the respective webpage for it. The question is whether you have like a meta page or a dashboard, a graphical dashboard as to the makeup per constituency of each one of the working groups that could be displayed on one page.

---

We can basically see, I mean I think it would be very helpful to be able to see the makeup of each one of those PDPs or working groups that are currently tackling threads.

MARIKA KONINGS:

This is Marika. No, we currently don't have that. It's really tracked by individual group, and again I'm going to caution you a little bit about only looking at the representation because as I said, some may be there assigned by their respective groups to provide input. And some of the groups don't have the bandwidth that others may have.

So I think as well, they pick and choose the issues that they know that are dear to their heart and may leave some of the others behind. To give you an example, looking at for example, transfers. It's about transfers between registrars. It's a real registrar specific issue. So those groups are really heavily populated by registrars, which is natural because it's something that directly effects their operations.

And is really difficult to interest or excite others about such a policy development process. Even though, I always make this point, it's one of the number one areas where we get complaints at ICANN from. But at the same, it is not as sexy as WHOIS, or [? 1:16:58] integration, so it's... But at the same time, it's a real core group of volunteers that is doing that work and has been doing it for, I think, really four five PDPs really effectively.

BRIAN CUTE:

Olivier with a follow on and then Demi please.



---

OLIVIER CRÉPIN-LEBLOND: Thank you. Olivier speaking. I wasn't actually commenting on or judging on the makeup of groups, and thinking whether they were balanced or unbalanced. I was just mentioning having the dashboard basically, because it would certainly give a... At a glance, you could see the makeup of the working groups, and suddenly I'm sure that it would be understood that some issues might be interesting for some stakeholders than for some others.

But at least we'd have a simple view of which way the ball lies, which way the balance goes. Thank you.

MARIKA KONINGS: So this is Marika. So the individual data is there for every working group I presume, for whoever wants to do a study. That's something your tasked with it wouldn't be too difficult to draw form there. And maybe to notice as well, because I do have some data myself as well, for example, on the timeframes or how long it takes to get from one step to the next in the PDP process, where I think probably from that, it's easy as well to identify where you may have efficiencies.

Or where you can see that that's the part where you really take the longest time and kind of have a closer look at that and zoom in and see... You see as well over time that PDPs are taking longer. I think it's primarily because we have more PDPs going on at the same time.

I guess... Again I think it's a resource issues in many of these cases, because we've seen as well in some PDPs meeting twice a week, two hours, you think it would [finish up] fast, they're meeting once a week

---

when you already lose ten minutes in the roll call, and statements of interest, and if someone is joining late.

So we only effectively have maybe 30 minutes of real working time.

BRIAN CUTE: Thank you. Demi?

DEMI GETSCHKO: Thank you Brian. Demi speaking. It's a follow up on the same question, maybe it will be useful for the community, for us, for the other groups, to have in some place the results of the PDP successful completed how much time, the timeframe is involved in each one of them.

And how was the matter, the subject of that PDP. I don't remember to solve in the ICANN pages some kind of resume of the successful, completed PDPs, and how much time each one is.

MARIKA KONINGS: This is Marika again. So on the GNSO website, we do have for each project, like an individual page where details like when was it initiated, when was the report, and when was the implementation. I have done, myself, just on the word documentation table for each of the PDPs, identify the timing basically to – this was the date for that, how many days to the next step, and try to calculate as well a median for that.

So that's... I'm happy to share that. I think it's somewhere posted as well. I think I have an updated version of that now. I'm happy to share that with you if that will be useful information.

---

BRIAN CUTE:

Yeah, I think so. That would be great. Very welcome. Carlos.

CARLOS RAÚL GUTIERREZ:

I don't know if my question is totally off track, but what is the relationship of the policy support staff during the process? And what is the relationship of the policy support staff in the preparation of the Board's rationale when they decide on one of these proposals?

MARIKA KONINGS:

So this is Marika again. So on the... In the PDP working groups, I think we serve there as facilitators. There is really time to bring the group together, helping them move forward, identifying areas and something to focus on. Really help shepherd the process as such.

It depends a little bit on how the group is structured, or who is the chair, and how much or how little we do. Because it also depends on if someone else is holding the pen, or are they looking to us to hold the pen. In many cases, we are responsibility for providing first draft of reports that then are circulated to the broader group and they make changes or edits and produce new versions, and work through all the different steps of the process.

So basically once it's adopted by the GNSO counsel and it moves to the Board, we first work with the GNSO counsel to develop the recommendations report, that is the paper that supports the GNSO counsel recommendations. There is not a public comment forum that is open before the Board considers it, so we then summarize that and provide the information to the Board.

---

The Board currently works in the system as well where you have a Board shepherd for each issue. So we'll work with the shepherd to provide that [molding 1:21:42] information, and draft resolutions, and help with the rationale as needed. But just to emphasize as well, it's not only us involved and other colleagues that are affected by it or have been involved are of course part of that process.

BRIAN CUTE:

Thank you. Alan.

ALAN GREENBERG:

Thank you Brian. Something Marika said before triggered something which I think needs to be a little bit elaborated on. From the attendance and the logs of who participates, it is indeed very hard to tell exactly what the real participation is. There are cases where one person is named by a group, and they actively go back and forth and are speaking on behalf of the group.

There are other cases where it looks exactly the same except we know there is no communication what so ever, and they're working as an independent agent. And you can't tell that from the paper, you can only tell that by talking to people on the group and even then you couldn't prove it.

But those of us who participate, you sort of know the difference. The other issue is, we're looking at cross-community working groups, but the community is not necessarily limited to those in ICANN. We're looking at policies which very often affect real users out there. The Billy internet users. And the ALAC and to a lesser extent the non-commercial

---

users and the GNSO are the only ones there. And of course, most of them have day jobs and aren't funded for this.

There is only a limited amount of time. So if it is an issue that you personally, passionately believe in, you may put in a lot of effort into it. But if not, that group has no one speaking on their behalf. And it's these issues which we're contending with and how can we fix, because we're not only looking at how can the PDP solve ICANN's problems, but how can the PDP develop policy which is credible to the rest of the world, some of whom do not believe that ICANN is doing a really good job.

BRIAN CUTE:

Thank you. Any other questions for Marika? Larry.

LARRY STRICKLING:

Not sure this was covered previously, but have you looked at the scope of our RFP for outside expert?

MARIKA KONINGS:

This is Marika. I think I've seen a previous or an earlier draft. I'm not sure if I've seen the latest.

LARRY STRICKLING:

So this may be an unfair question but that's okay. That doesn't stop us. Is there anything that you noticed in the scope of work that you thought was a waste of time? And is there anything that we ought to be looking at that we should have asked to do that we left out?

---

MARIKA KONINGS: I probably would need to have another look at it. I looked at it a while back to see... I think the only thing that stood out to me that there is a really short time for this external expert to do this work, to which is quite a complex issue. But as I said, no I have some data and I'm sure there is some other data available and I'm sure hopefully that will help that person, and hopefully that it is someone that actually has some familiarity with what is at stake.

Because at first, after the [? 1:25:03] role, the documents and the [laughs] it will take a little bit more time. I'm happy to come back after I have a look at it and let you know if I see something there.

BRIAN CUTE: Yeah please do. That's an invitation. Any other questions? I don't see any. We'll get a copy of that right? Yeah. Okay. Marika thank you very much for your time, much appreciated and we'll be talking I'm sure. Thank you.

MARIKA KONINGS: Thanks for having me. And feel free to come back if you have any follow up questions.

BRIAN CUTE: [OPEN MIC 1:25:39 – 1:25:44] So Chris is joining us in nine minutes. Can you throw the agenda back up? Please?

BRIAN CUTE:

Okay. Let's see what we have. All right. Public comments we took care of. RFP, 11... We've got just a quick stock taking here. Six is done. Eight is done. 11 is done. Lunch with Marika is done. Seven and 10, analysis of data collected we may be foregoing that. I'm not sure we have any substantive to discuss at this moment.

12 we've taken care of. We really have Chris and report from working stream chairs, the remaining three, and final action items, kind of any other business so really we have just three items to take care of. So what we have?

Chris is – we've got seven minutes before he is here. Okay. Could you pull up, if you have it, the outline of the engagement of a consultant for metrics document? [Leresa], you have that document right? The metrics? Consultant or your engagement plan. Could you pull up... Yes. From yesterday, yeah.

BRIAN CUTE:

So if you could go to the slide on the timeline, the projected timeline of the work.

BRIAN CUTE:

Bingo. Okay so this is the timeline of your engagement with a consultant to ultimately identify and develop metrics, and I want to pick up a point of concern that with this time table, you've got the consultant engaged on 30 August and conducting data gathering.

Is that beginning September 3<sup>rd</sup> or does that end on September 30<sup>th</sup>? The data gathering. That's ending. So the start/commencing data at

---

the end of August through September. What I want to know, from my perspective and I think this is very important for the work of this review team to have the opportunity to engage with the consultant directly.

I think there is a two-way interaction that can be very beneficial. The perspective of the review team on metrics, both our learning experience in ATRT 1, and then also the consultant bringing in their expertise into the different approaches to metrics that could help inform any recommendation we make. It's going to be really critical that we have a full substantive interaction with the consultant.

So if there are going to be up and running in the September timeframe, I'm a little less concerned than I was yesterday. I wasn't quite sure how to interpret that timeline. What was top of mind for me was that our schedule has us putting out our proposed final recommendations in mid-October. So there is not a lot of lead time there for us to have that exchange and be able to factor it into our recommendation.

That was the main concern, so I think if you can see to it that we're able to engage with them at the earliest possible point in September, so that we can have a good full interaction and then we'll be in a much better position to create a much more well-targeted and implementable recommendation on metrics if that's what we end up doing. Sure.

UNIDENTIFIED:

This is [Larisa 1:32:28]. Just to respond to your comments Brian, well this is a tentative timeline, we're still... As you're familiar with the process this group is going through, we're going through the same process, but in our preliminary conversations, we've already talked



---

about the importance of getting feedback from this group. So there will be likely a series of interviews and interactions with a variety of key stakeholders, ATRT 2 being one of those.

So we've already covered that as part of our preliminary discussions. Recognizing that finalists have not been selected yet.

BRIAN CUTE:

Yeah and I fully appreciate that calendars are calendars, and days slip here and there. If this starts slipping, and it's to a point where we're not going to be able to interact with this consultant before the end of September, that's going to create a qualitative problem for our outputs.

So I would encourage you to engage them as quickly as you can. I know that you have to go through your process, but connect us with them as soon as you can so that we can provide a quality recommendation.

UNIDENTIFIED:

Will do.

BRIAN CUTE:

Any other thoughts on that point? Okay. Are we at the half hour? Give me one moment. I need to confer with Avri.

BRIAN CUTE:

I think we'll just take a brief pause until Chris joins us.

---

BRIAN CUTE: Folks this is just a reminder, could you indicate on the schedule for our meetings this week with the ACs and SOs, which ones you can't make on that piece of paper? And then give it to Alice. I just want to have a roster for the week of who is going to be present and who isn't.

And if we have any meetings where we need to address a short fall of people, we just want to know in advance. Thank you.

BRIAN CUTE: We're going to start in a moment.

BRIAN CUTE: Okay. We're getting back into our session. This is ATRT 2. I would like to welcome Chris LaHatte, the ombudsman from ICANN to the meeting. Do we have 45 minutes, an hour for this session? How much time do we have? We have an hour? Okay. We have a full hour.

Chris, welcome. This is the Accountability and Transparency Review Team 2, looking forward to hearing from you. Any presentation you would like to make and then obviously some Q&A afterwards. The floor is yours.

CHRIS LAHATTE: The red light is on so I'm obviously on. Part of my function as ombudsman, although it's not explicitly stated by by-law, is the flow of information. And that's another way of saying that I have a role in transparency. One of the issues that I'm currently looking at is in fact whether the shape and form of by-law covers all of the situations which we might have in ICANN.

---

And so it's possibly something that this review might also be looking at to support recommendations about appropriate amendments. And I was just speaking to Alan just before about some areas where I have, or my predecessor, has become involved but which some say I am not actually within my mandate.

So if you get back to first principles, what is the ombudsman here for? And that is a slightly complex package of things including a mandate to ensure that things are run fairly. To ensure that there is transparency of the flow of information. And a mandate to assist with keeping peace and harmony within the ICANN community.

That itself is a complex subject because nobody is completely sure what is the ICANN community. And the by-law it seems to also be restrictive in its approach in that it says the role is between ICANN staff and the community, but in other areas of the by-law it's not quite as explicit, and it talks about supporting structures. And it's perhaps understandable in the context of something which was written in 2003, 2004 when it was a lot smaller, much less complicated, and when the supporting organizations hadn't reached the degree of sophistication which they have some seven or eight years later.

I haven't got firm views about exactly how my jurisdiction should change or be modified to reflect that. But I do know that there are issues which come up. And where it has been controversial as to whether or not I should be going there at all. And a very recent example of that is of course some of the dispute resolution providers, during the new gTLD process, have taken steps where I have, in some

---

cases, said, “No that works,” and in other cases said, “No I think you’ve got it wrong.”

And it’s... I’m not mentioning that because of what happened, but because it is, to some extent, controversial in terms of whether I can tell those dispute resolution providers such as [Y-Po 1:53:09] and the others to do anything at all. Certainly the stance that [Y-Po] takes is that they were, I think perhaps almost astonished that I would venture into that area.

When however we look at the definition of what is a supporting body for ICANN, that is itself perhaps a more difficult issue. Is a body which provides dispute resolution services to ICANN a supporting body? Because they certainly are providing services which support the mission of ICANN. So we have lots of little difficulties like that with the way it’s presently worried.

And I think this review is valuable for several reasons, partly because it will assist me in my own evaluation of what needs to be changed, but partly also because you may well have ideas about the way I’m doing things or the mandate, or the by-law which I haven’t yet thought of.

So rather than perhaps me talk to you about things, I think what would be useful if we had a dialogue about this. And I’m sure people may well have questions about what I’m doing, and what I should be doing, and perhaps also what I shouldn’t be doing.

BRIAN CUTE:

Thank you very much for that. If you don’t mind, I’ll kick it off. In the first Accountability and Transparency Review Team, there was a specific

---

recommendation with respect to building institutional confidence in ICANN, and certain mechanisms one being the ombudsman. There was a recommendation that an assessment between the relationship of the Office of the Ombudsman and the Board of Directors be undertaken.

And that the office to the extent that it was not, be brought into compliance with relevant aspects of internationally recognized standards for the function. And the Board supporting such a function under the standards of practice of the International Ombudsman Association.

Did you have a chance, when you came into the job, to review that recommendation? Take your own assessment of the role of your office as a result of that recommendation and the implementation there of?

CHRIS LAHATTE:

Yes I have. In fact, one of the things that I do now is that I report on a quarterly basis to the Board. And that's a report that says not only what I have done, but is intended to identified issues which might be coming up, systemic issues and such like. And that has been valuable.

On the second part of it, one of the things Frank Fowley was very careful to do when he established the office was to ensure that we were compliant with International Ombudsman Association standards. And the course of discussions with the Board, I'm preparing a statement of work which explicitly incorporates parts of the International Ombudsman Association code of ethics to ensure that we, in the office – and I can say we because I have [? 1:56:39] ombudsman [? 1:56:41], will adhere to those standards.

---

And again, part of what I do apart from the usual job of an ombudsman is to ensure that there is regular training in the various areas that are required. And I'm involved with the other ombudsman body of the International Ombudsman Institute, which deals largely with the country ombudsman as opposed to executive ombudsman.

And I have a commitment to and have attended a reasonable number of training sessions through them. So in those three ways, we in the office are endeavoring to make sure that our office does comply with international standards and that we are ensuring that there is a flow of information specifically to the Board.

BRIAN CUTE:

Thank you very much. Questions for Chris? Avri.

AVRI DORIA:

Thank you. And it's good to actually talk to you Chris when it's not a case of me or one of mine being in trouble. So I'm very happy. What I'd like to ask about is sort of the relationship of the ombudsman and the ICANN staff. And one of the things that's always confused me, both with Fowley and now your relation, is sort of trying to understand how much you are part of the staff and responsible to that staff, and how much you are really separate and divided from it.

And I'm wondering if you could sort of say a little about how all of that works, and how one can both be staff but not be staff, etcetera.

---

CHRIS LAHATTE:

Right. We have carefully observed [? 1:58:33] ICANN staff and I suspect that's a problem with the people who drafted the labels rather than an indication of my role. I'm very conscious that I am contracted to ICANN, and I'm not part of the staff as such.

I use portions of it obviously because my budget comes out of the ICANN dollar. Although, again, some of you will be aware of this of course, I have an entirely separate budget which I set and which is approved by the Board. It doesn't go through the usual channels.

So I am left free to assist what I need to work within that. I tap into other ICANN resources as needed for – I mean the expenses and things like that, and obviously I need to send them a bill every month so that I can keep paying the mortgage. But I mean, apart from those sort of routine financial arrangements, I don't have a formal position within the ICANN office in LA or any of the other offices.

I actually maintain a separate office of my own, which is in Langdon Key in Wellington, New Zealand. And if any of you happen to drift past out in that part of the world, you can come on and see me there. And it's useful in many respects having an office which is, to some extent, off the beaten track.

It means that because I'm not in Los Angeles probably more than four or five times a year, I'm not actually seen as part of the staff structure. And if you look at the staff charts, they've been fairly careful to say that my position within the organization is reporting directly to the Board and not plugged into one part of the structure, the legal team or the other team.

---

Obviously, I also have to maintain good relationships with the staff. And that's not a difficult task at all I get along pretty well with all of them. But the relationship I have is not as a fellow staff member, it's as a contractor who provides services. And I'm careful to maintain that separation.

BRIAN CUTE: Thank you. Follow up Avri?

AVRI DORIA: Yeah. I guess I have another follow up with regard to the relationship with the staff. As I understand it, as an ombudsman your role stops and does not pertain all to staff relationships or staff issues in any sense. One of the things we've started looking at has been sort of the whole notion of whistleblowing or anonymous hotlines within ICANN.

We have noticed when we were given the description of the committees that deal with it that certainly the ombudsman is not one of the people on the committee that receives these reports. And I was wondering one, is it normal for an ombudsman working with a company, a group, a country to have that kind of division where they don't have any relationship to issues that staff members might bring up?

And two, whether that seems appropriate within the notion of ICANN from what you know as sort of a professional ombudsman? Is that a reasonable relationship or should the ombudsman role actually have some connection to issues that might come up from employees?



CHRIS LAHATTE:

As some of you will be aware, my by-laws specifically excludes jurisdiction and personnel matters. Having said that, Frank Fowley and I have, from time to time, assisted after being asked in some personnel issues. Not very many, but a few have and that's by consent rather than because I exercised any jurisdiction.

Your question was, is that a typical function in an ombudsman office? And the answer is sometimes because it depends very much on the way that the office is setup, and whether you are given those powers. Now, if you are, for example, the ombudsman of a country, it's not uncommon for such ombudsman to have whistleblowing type powers.

You can go to the ombudsman in many countries and say, "I am aware of corruption or something inappropriate going on." And the ombudsman takes that on as a confidential investigation, and there are appropriate protections to ensure that the people who are making the complaint don't get taken out at dawn and shot.

The other sorts of ombudsman that the North American people here will be more familiar with, are the organizational ombudsman who are often found within universities in particular, and also large corporate bodies. And again some, but not all of them, have jurisdiction over whistleblowing. Some of the larger corporates specifically have that function, although some actually maintain an office which keeps it entirely separate from everybody.

So there is no typical model which can be used. The ICANN ombudsman is different from both of those because, of course, we're not a country but I'm not actually within the organization as you would be if you were say, the ombudsman for Coca-Cola or some other large corporate,

---

because the ICANN ombudsman is dealing with this rather large and [? 2:05:21] solved supporting structures and their relationship with the staff.

And it's an unique role within the ombudsman profession. So then moving on to the issue of whether whistleblowing is a function that I should have, and perhaps in a wider sense with personnel issues in ICANN, it's certainly something I have discussed. And I must say there has been some fairly strong resistance to the concept from within ICANN.

The whistleblowing function apparently, because there is Californian law in relation to that, which is regarded as covering the position adequately. I'm not a Californian lawyer so I don't really know the answer to that, although of course ICANN, even in the two years since I've been here, is no longer really strictly just a Californian non-for-profit company any longer.

So there are those sorts of issues. The issue of whether I should have a role with personal as well as the inter-reaction between staff and supporting structures, is also controversial. And again, I have raised the issue. I'm not sure whether there is or is not a need for it, but it certainly seemed to me to be a logical extension of the office.

And if we're doing it informally, in my view, it ought to be brought into the more formal mandate of what I do.

BRIAN CUTE:

Thank you. Other questions? Olivier.

---

OLIVIER CRÉPIN-LEBLOND: Thank you very much Brian. It's Olivier speaking. I'd like to put my finger on the cause of the whistleblower function not being in the realm of the ombudsman. If I understand correctly, you are saying this has to do somehow with Californian law? Or is this an option which was not considered.

CHRIS LAHATTE: I can't give you too much advice about Californian law, not because I'm reluctant to do so but because I'm ignorant of it. But it seemed to me, when I first went into the office that that should have been the function of the office and I asked why it was not.

And the answer really was, well we have a perfectly good law which deals with that so you don't need to go there. I can't comment from a legal perspective on whether that's a good answer as opposed to the correct answer.

BRIAN CUTE: Olivier.

OLIVIER CRÉPIN-LEBLOND: Sorry I like to drill a little bit here. The answer from whom?

CHRIS LAHATTE: It was a discussion with the Legal Team at ICANN.

OLIVIER CRÉPIN-LEBLOND: Thank you.

---

CHRIS LAHATTE: Who would, I assume, have the requisite knowledge of the whistleblowing legislation.

BRIAN CUTE: On the question of, if I'm hearing you correctly, whistleblowing activities being within the purview of the ombudsman, you said the answer is it depends, you gave us a couple of different contexts. Is there a reference in international standards on this question? Or is this question that is at a finer level of detail? Or is there a best practices reference? Is there any other point of reference in ombudsman governance if you will?

CHRIS LAHATTE: My view is that it is often an optional add on to the function rather than it being embedded as the one of the central parts of an ombudsman function. It's very common for an ombudsman to have freedom of information powers, and indeed I have those, because it's in my by-law that if I want to see any documents from within ICANN or in the ICANN community, then they must be provided.

That's not quite the same of course as whistleblowing, but it is perhaps the first step towards that sort of function. If someone were to come to me and say, "I want to make this confidential complaint about something that's happened." And it is effectively a whistleblowing complaint, then I have the ability to investigate.

But that's not officially whistleblowing of course, although if I discover that there is something wrong, something systemic or just something

---

that's happened that is contrary to the ICANN mission, then I would have to report to the Board.

BRIAN CUTE: Thank you. Michael.

MICHAEL YAKUSHEV: Michael Yakushev. Just from my understanding, the questions that were raised by Olivier, so they are being addressed and solved on the level of the legal team or by someone else in the management teams. Who just decides what to do or what not to do?

CHRIS LAHATTE: Well, because I'm an independent contractor the first thing I do whenever I receive a complaint is to decide whether I have jurisdiction to deal with it. So that's not an issue for management or for the legal team, it's entirely my own decision. And that's because I am independent, so if something comes up, even at the most senior level, because I'm not part of the staff structure I'm free to look at it.

BRIAN CUTE: Avri.

AVRI DORIA: I have a clarifying question just from something that you said. So if some whistleblower were to come to me, who is a member of an [? 2:12:05] with an issue, and I were to come with you, took it to you with it, then that would be something you could investigate? [Laughter]

---

CHRIS LAHATTE:

There are two ways in which I can approach the answer to that. One is, would I do so? And the other one, can I do so? And I'll answer the first one. Would I do so? Yes. The second one, can I do so? The wording of by-law, talking about unfairness or delay within ICANN, in the ICANN community is a very malleable concept.

If there is something happening which is capable of being called whistleblowing, it's likely that the behavior would be considered unfair. Unfair is one of those rather generic terms that can cover a great deal of sins, I guess, and if, for example, someone – just to use a common example, was engaging in corrupt practices, that would certainly in one context be regarded as unfair, because the corruption means that that person is diverting resources from others and that would be regarded as unfair.

So it's a malleable concept. Whether it's officially called whistleblowing or not, I think that's what happens.

BRIAN CUTE:

Thank you. Olivier.

OLIVIER CRÉPIN-LEBLOND:

Thank you Brian. Olivier speaking. Just for our information, as ombudsman, what is your personal liability cover? Are you covered under ICANN? Or are you covered independently? Personnel, professional, I'm not quite sure what the exact term is for it. It's just a general question since you're not ICANN staff, are you covered still by ICANN that ICANN legal framework or as – in a different way.

CHRIS LAHATTE:

It's probably something I'd prefer not to think about too deeply in some respects [laughter]. But because of course, I am a lawyer I am concerned generally about such issues. And I deal with it in a number of ways. I'm not sure that I'm covered by any ICANN staff. Cover in terms of liability protection insurance, but I should add that in New Zealand it's impossible to get professional indemnity cover for work done in the United States because they are so scared of the American lawyers.

I have approached the problem in a different way in that if you were to ever pursue me for large amounts of money, you'll find that I've divested myself of assets a long time ago, and my teenage children, I can tell you in the deprecation process [laughter].

BRIAN CUTE:

Avri.

AVRI CUTE:

I actually like to move on to a slightly different topic. But thank you for all of the information on this one. One of the recommendations that came out of the One World Trust Transparency Review that happened before the whole AOC was put in place, recommended that there be a full transparency report each year as part of the annual report for ICANN.

Now I don't think such has happened yet. I know that the ombudsman does a very complete report. And so I was wondering, does a recommendation like that make sense for ICANN? And would that be the kind of thing that an ombudsman's office would naturally be part

---

of? Is that something that seems a reasonable thing for an ombudsman report?

Because I think it's one of the things that this group will be looking at is, not only how we do reporting on review of transparency on a three year basis with these committees, but how can there [2:16:51] ongoing, recommendation for an ongoing transparency report on a yearly basis. Is that something that falls within a norm for ombudsman, or it is sort of a non sequitur or something in there.

CHRIS LAHATTE:

It's another one of those functions which comes as an optional add on, and by that I mean that you'll find some ombudsman do have that sort of function and others do not. It really depends on the mandate when the office is established. Having said that, the access to information function of an ombudsman fits in quite well with requirements to maintain transparency.

So I'm not sure I would thank you for having to do a transparency review once a year as part of my job, but it would I think be consistent with the sort of things that I do.

BRIAN CUTE:

Thank you. Other questions for Chris? I just want to go back to your introductory remarks. Did I understand you to understand to say that there were certain aspects of the bylaws that lack some clarity around your role? And if yes, are those things that should be fixed or more minor and can be fixed when there is a number of substantive changes to the bylaws needed?



---

CHRIS LAHATTE:

Frankly, my view is that we need to have a whole new look at my by-law. It was drafted, as I said, quite some time ago, it must be 10 years ago now, and ICANN is a very different beast. Some of the wording seems to be inconsistent because in some places they talk about supporting organizations, and others they talk about the ICANN community, and they're not necessarily the same things.

And that's just one example of it. One of the things that my by-law doesn't talk about, for example, is the use of mediation within the organization. And in particular, if you were to take I think a very narrow view of the jurisdiction, if there are issues between different parties if you like within one of the supporting structures that require mediation or some form of dispute resolution, that's not strictly speaking an issue of unfairness between ICANN and the supporting body.

It's within the supporting body. So that hasn't stopped either Frank Fowley or me to become involved in those disputes because we both have a background in mediation and similar techniques. And it's part of our role, we believe, to get involved in them. As I said, it's possible controversial as to whether we should be.

BRIAN CUTE:

Thank you. Alan.

ALAN GREENBERG:

Just a short follow on that Chris has, he hasn't stopped doing that, but we have been prohibited from telling people that he can do that.

---

CHRIS LAHATTE:

One of the things I tell people when I'm an ombudsman is that I say that I'm the recovering lawyer. And I say that tongue in cheek, but it's actually a fairly powerful way of thinking about the role of an ombudsman and the way it differs from a lawyer. Because a lawyer is there to interpret what the meaning and structure of a chunk of words is about, whereas an ombudsman has this neutral approach to such matters with a mandate to look at what is fair and unfair.

And that covers a whole range of issues which are not necessarily legal at all, they can be moral and ethical as much as they are legal. So you need to step aside from thinking about the by-law and the other ombudsman documents as something that you interpret as a lawyer, and think about them as an ombudsman where you have a very different world view of how problems should be resolved.

It's not the sort of approach where you go to court and litigate and talk about winning and losing. Issues of fairness are not happily resolved by a legal process of having winners and losers.

BRIAN CUTE:

Thank you very much. Any other questions for Chris? Avri.

AVRI DORIA:

I guess it's another follow on. In terms of the reworking of your charter from the by-laws, other than the steps of mediation and perhaps some clarifications or some opening of other options – the other work that I keep trying to stick on your plate, are there are issues in that that need review other than just everything needs to be reviewed after a decade?

---

Are there specific issues that you would recommend need to be looked at in terms of the by-laws and the ombudsman charter which should be thought of and perhaps recommended further?

CHRIS LAHATTE:

When I look at the issues which I have to reject as non-jurisdictional, it often makes me wonder whether we ought to consider why so many people are coming to my office with problems which cannot be resolved. And there is a whole range of issues in particular with registrars, the usual set of things like, “My register is being difficult and not permitted a transfer.”

Which are to a considerable extent covered by compliance, but there is also from time to time issues out there about the way things have happened between registrars and resellers and their customers, and between government organizations, the ccNSOs and such like, where there has been unfairness.

Now I haven’t got a developed view of that because I’m still, I think after two years on the job still learning a great deal. And I have wondered whether there is possibly a role for extending what I do further afield. And again because I’ve never been one to extend, from time to time I have dipped my toe in that particular pool issues, and on occasions, have helped to resolve them by [con-seen 2:24:58] to the parties, not because I have jurisdiction.

So rather than looking at a little box of things that I can do, where at times the rejection rate has been 70 to 80% of all complaints coming in, I wonder whether we ought to consider whether the role should be

---

extended in other directions. This sounds like an empire building game, but it's not [laughter].

AVRI DORIA:

A quick question. You talk about these sort of statistical, and I have to confess I haven't been reading your quarterly ombudsman reports, or yearly ombudsman reports that I remember, actually I've read some. Do you report on these kinds of number issues, number of issues you could expect, number that you couldn't, sort of categorization of types of issues?

Is that statistical kind of information included in your reports? Things like trends over the years, that sort of stuff, or is... I remember reading part of a report and I remember it mostly being words, but there might have been stats in it but I don't remember.

CHRIS LAHATTE:

Yeah. I do post statistics every quarter, which identifies the sort of topics that I'm dealing with. And because I'm always interested in [frank walls 2:26:29] as well, to identify the sorts of areas where complaints are coming from, because that will assist us in exactly the exercise on talking about or perhaps saying, "Well we don't have power in the area, but should we?"

And so my report will typically say, "Where there are so many which are within jurisdiction and so many which are not." And the areas for the lack of jurisdiction are things like transfer, spam, things that we can't deal with anyway, and a whole range of other such issues.

---

BRIAN CUTE: Thank you. Alan.

ALAN GREENBERG: I'm triggered by that comment. For the ones that you do accept, do you give some indication – and I too don't read your reports often enough. Do you give some indication of what the outcomes were? In other words, did you end up doing something to fix the claimed harm? Or did you decide there wasn't any? Do you give that kind of evaluation of the outcomes?

CHRIS LAHATTE: It can depend on the nature of the complaint. At the most informal levels sometimes it's a question of just talking to people and sorting it out, and you don't need to do much more than that but just confirm it's resolved. The next level of course is to write a more formal report and some of those I actually put on my blog so that people know the sorts of things that I'm deciding.

But the first thing I do when I reach the stage of doing a formal report is I say to the complainant, do you want this on the blog? Do you want it automated? Do you want it published in full? Because of course, any information that comes to me as ombudsman is entirely confidential. So the option is on the complainant as to what is actually provided.

So they are probably about half the reports that have hit the blog because the complainant doesn't want them published at all, and occasionally of course, it would be too easy to identify the parties in any event. But the decision is mine as to whether it gets published or not, but I do have a consultation.

---

The other thing of course that would happen is that I do publish a report, and it will say, “Yes your complaint was valid,” or, “No, in fact there was no unfairness.” So there is... I try and produce a relatively short report usually around about four or five pages. I’m not writing court judgments, I just want to get to the essence of the issue and the result, but enough so that the complainant knows that I investigated the complaint, something about the reasoning that I used to get there, and the answer.

BRIAN CUTE: Anything else? I think we’re done with questions. Chris thank you very much for your time. It was illuminating and provoked a few thoughts for us that I think we’ll follow up with you for sure.

CHRIS LAHATTE: Well...

AVRI DORIA: That we always ask people in questionnaires that we haven’t asked them is, with everything that we’ve asked you already, is there anything that we haven’t brought up that we should have or that you would like to add?

CHRIS LAHATTE: Well, it did remind me actually that there is one aspect of what I do, that I have to a certain extent struggled with and that is the outreach function of my office. And part of that, I said that there are good things

---

about being remote from everything, but there are some bad things which probably is the outreach function.

I have been discussing that with the Board as to other places that I can go to tell them about my work to ensure that any person who potentially wants to make a complaint to my office, has got a little bit of background so that they will know to come to me rather than having no knowledge at all and therefore no knowledge of the ability to raise these issues.

And so outreach is particularly important. If anybody has any stunning ideas about how to best achieve that, I'm always welcome because one of the disadvantages of my background of law is that for probably the first three quarters of my practicing life, if you did need to advertise your services, you'd get disciplined by the Law Society. So I'm not exactly used to the public relations function.

But we have some ways of doing things including – I have my blog, of course, I'm doing Twitter, although it's sometimes an interesting experience. But I also am very keen to talk to bodies who are interested in internet governance because one of the functions of my office that I don't think is being promoted perhaps as much as it could, is that in the multi-stakeholder model, it's important to tell people that one of the reasons that we hope it works reasonably well is that in the middle of all of this we have an ombudsman who can check out when the multi-stakeholder model is not functioning as well as it ought to.

And that is this issue of where the ombudsman fits into the ICANN community as a multi-stakeholder organization. So the role of the

---

ombudsman as a symbol of good governance is something that I regard as very important.

BRIAN CUTE: Thank you. Anything else? Again, Chris thanks for your time. Very informative, appreciate it. We may be back in touch.

CHRIS LAHATTE: Thank you. I appreciate the ability to talk about these issues to a group that will be of assistance in moving some of my thinking along as well.

BRIAN CUTE: Thank you very much. Okay. We've got the agenda up. Okay. Continuing on, I think it's fair to say that all we really have left to do is to hear from the chairs of work stream two, three, and four on reports of the progress of their respective work. After that, I'll do a stock taking of immediate action items that we identified coming out of this meeting for us, and then Chris thank you.

And then I think we can adjourn. Just looking at the agenda, I don't see a need for the need of analysis of data collected and next steps, seven and ten as we've already had fulsome discussions of how to progress the work based on the analysis to date. We met with Chris, and we've taken care of the PDP process, RFP, so and the roadmap to Los Angeles.

So let's go to – oh. [Larisa 2:34:57], you have something?



---

UNIDENTIFIED: Yeah. Just I'm about to send the updated scoring sheets so if you have time you can look at it.

BRIAN CUTE: Great. That was on my checklist of our to do's. Thank you. So why don't we hear from the chair of work stream two, three, and four in sequence. Give us about five to 10 minutes as needed. What we're looking for is very frankly how are things going, what's going well and why, and what's not progressing well and why, and if there are specific challenges, resources, or others that we can identify and fix. That's what we want to focus on. So chair of work stream two, if you would David.

DAVID CONRAD: It's David Conrad, chair of work stream two. The evaluation of the SSR recommendation implementations is going reasonably well. As we heard yesterday, we're waiting on some additional information from the security team. There is a couple of additional documents that need to be reviewed.

The DNS risk framework document has been published. I believe there is going to be a session during Durban where the consultants who put that together will be subject to various rotten fruit in front of them, or accolades, I don't know which at this point. But in general, the work is progressing reasonably well. I don't have any concerns meeting the sort of interim deadlines, at least for that particular portion of the ATRT review.

So I will yield the remainder of my time to work stream three.

---

BRIAN CUTE: Thank you David.

MICHAEL YAKUSHEV: I will be even shorter. It is Michael Yakushev speaking. We are work stream three, responsible for the WHOIS review team. Unfortunately I don't have much news since we have discussed this matter during our joint conference call. We're still the less populated group within our team, and what we did request and we did receive some additional information from staff about the implementation of the WHOIS review team recommendations.

We did receive the response from them. Unfortunately it was fairly late, so I received it on the 10<sup>th</sup> of July, so I was just able to check it in [? 2:38:08], and I hope that all my colleagues on the work stream will be able to also read this document and to prepare our revision, I think during our stay here in Durban.

And after that it will be clear what will be done next. So by now, we're just in this intermediate stage. But I think as the report we received from the staff is fairly comprehensive. We do have enough information, sufficient information, just to come to certain conclusions. Thank you.

BRIAN CUTE: Thank you Michael. Before we go to Fiona, I just want to make a call again that I made to the list that if there is anybody on the review team who has the willingness and the cycles, particularly now as we're seeing how the work is beginning to shape up going into Los Angeles, that this work stream three really could use another hand.

---

They are the lightest staff I believe and could use another person to help out. So if you're willing and able, please do. And just let Michael know and we can get that – yes. There you go. Fiona.

FIONA ASONGA:

Okay. In work stream four. In view of how much work there needs to do, I think I'm moving a bit slowly. Partly because I have to observe that there has been low participation in the conference calls. There are members of my work stream who have never attended one call since we began working on the work streams.

And it becomes difficult when we have assigned them functions for us to do, and we can't get feedback because they have not – they are not participating as they should. However, from those who have been in, we have managed to make progress in terms of being able to finalize – to develop a guide on how our work will flow.

We agreed on the issues. We've agreed on guiding questions on how the work will be done. We have gotten a lot of reading material which we have not exhaustively finished going through. We also are getting a lot of support from staff in terms of guiding us on what role we need to look at it. We need to be able to just finalize on this, and if the members of that work stream can revisit the email I'd sent on the reading assignments, to know how to organize themselves.

I tried to make it as simple as possible, bearing in mind that everyone in my work stream is heavily involved in all the other work streams. So if you look at the guiding questions that we had developed in regard to

---

whatever other role you are performing in the other work streams, we'll be able to give us the feedback that we need.

So my thinking, when I don't get that feedback, it means then there is still a lot of reading going on in the other work streams, or there are challenges in the other work streams that are affecting our being able to begin to get input on possible areas of recommendations because that can only come through after the reading.

The reason why I look at the work is because it will save people on having to read from a wide range of areas. So if you are in the WHOIS and you are in my work stream, your assignment is tied to WHOIS activities. If you are in SSR, your assignments are tied to that. And that should break it easier for us to move forward.

Then the other is of particular concern, and this is not just because chairing this work stream, but also speaking for my region of the world, I need the government letters communication to go out, and inputs to start coming in, because that ties to a large extent to what you are covering in our work stream, accountability, transparency, and legitimacy.

If there is anything you will need to contribute towards ICANN adjusting itself internally to be able to bring out accountability, transparency, legitimacy in the future, moving forward, we need that action like last month, not even yesterday. And so I'm hoping that we are going to be able to... I can get updates on how far that has gone.

And the members of that team who are tasked to follow up on that has not been very responsive except Johan, who is absent, and so I need

---

guidance on how we can best move forward. And I think yeah, that's how far we are. And that's where we are at in work stream four.

BRIAN CUTE:

Thank you very much. Let me pick up the last bit on the letters to governments, we did get a report – was it on the coordination call? Maybe the entire team didn't get it. So if you could, yeah [Larissa] give... Do you have that in writing that you can provide to the team? Go ahead. Sure.

UNIDENTIFIED:

This is [Larissa]. I am happy to give an update. So letters to about 57 countries were mailed last week. And GAC staff and GAC chair will be distributing letters to all the GAC representatives as well as the regional organizations such as the European Union and the African Union that are part of GAC members, here in Durban.

That was a decision that was made for greater effect in this and that communication. So between those two distributions, we're putting together a summary for this review team to show by region what kind of coverage we were able to get between those two methods of distribution. And then at that point, we can take a closer look and see what are the areas where additional research or some additional help from resources at ICANN would be necessary.

But I did want to ensure you that quite a few have gone out. We have not received responses as of yet, but in terms of the letters going out that process has begun about a week ago.

BRIAN CUTE:

And if I could follow up on that. If you can provide just an update to whom letters were sent of the 57 or so far. And as I understand it, the mechanics of the task is that identifying the correct high level government official seems to be the challenge, both in terms of GAC resources for their mailing list. And also Tareq has become engaged on his side trying to assist in that effort.

Something of a surprise to me but apparently that is a very difficult to identify and compile. I know that GAC resources are working on it, I know that Tareq is working on it. I know that staff is working on it. Anything that can be done, we need to consider to help move that along. It is a priority. And that's my understanding of the status.

So when you receive an update, you'll be able to see of the 57 or so, how many have been sent to representatives in your region. Once you see that status, if you have follow on specific concerns please bring them back to the team and staff. Okay.

UNIDENTIFIED:

Thank you.

BRIAN CUTE:

You're welcome. Olivier.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much Brian. Olivier speaking. Do you have a timeline for this?

---

**BRIAN CUTE:** This outreach, the letter, it's all deliberate speed. I mean, just get them out the door as soon as we get them out the door. The hang up seems to be identifying the proper addressee, the proper senior government official that has oversight over these issues.

**OLIVIER CRÉPIN-LEBLOND:** Thank you Brian. It's Olivier again. Who is involved with that because some of us might be able to help in our own regions in identifying the right people and perhaps opening channels. And perhaps even in those regions where the GAC has less visibility than in other regions.

**UNIDENTIFIED:** Olivier, so far the process has involved GAC, staff as well as Heather, and Tareq, and the regional vice presidents. So we've called both of those groups to help support this effort. Having said that, anybody with a list of people that could point us in the right direction, we would very much appreciate any of that help.

So as soon as you see the list that I will distribute which will be organized by region, and this is something the work is currently underway to do that. The GAC list, as you may know, is not organized in that fashion so we're organizing it by region and compiling it that information, including who received the communication so far so we can manage overlap. We'll distribute that list.

And just to clarify one other point, that this effort, distribution effort started I'd say about a week ago, and part of the delay was waiting for the translations because that was a last minute request. We had the

---

letter ready to go in English, but then we had a wait a bit of time to get the translations ready.

BRIAN CUTE:

Thank you. Okay. Before we leave Durban, we will have a discussion amongst the group in terms of specific structuring of the work streams, tasks going forward. I appreciate the efforts today. I know there has been a flurry of calls and some progress and some uneven progress, but we'll get back to that before we leave Durban.

Just to recap what are the specific action items for us taken out of this meeting, short term action items. I need to speak to the ccNSO chair about whether this 15 minute meeting is worth doing or rescheduling and I'll get back to the team. We have assignments for potential recommendations and templates done. Those of you who are assigned templates, we ask you to have those in – I said Thursday morning, really Wednesday night if possible.

I'd like to have the chair, vice chairs, and the chairs of the work streams on Thursday morning to have those in hand. Complete template, rough high level, where there is gaps identify them, where there is more analysis to do identify it, but get it filled up please. Respond to the Doodle poll that Alice will be sending out with respect to the meeting dates for Los Angeles.

Review the edited bidder evaluation criteria sheet that's going to be circulated if it hasn't already. Please just review those edits and make sure it's clean if you have any corrections, get them back to [Larissa] so



---

that can be locked down. David, you offered kindly to tinker with the confidential email list and we'll leave that in your good hands.

And the government letters we just touched on. Are there any immediate tasks I didn't hit on? Please David.

DAVID CONRAD: Did we actually come to a resolution of how I should be tinkering with it?

BRIAN CUTE: I think we suggested dropping Steve, dropping Heather, it comes into that. There was an outstanding question for Larry. Larry was going to get back to us on whether he wanted to be on that confidential email list. You don't. So drop Heather, drop Steve, drop Larry. Anybody else want off? [Laughs] Yeah.

ALAN GREENBERG: I don't much care, but I thought we decided to just leave at the chair and vice chairs. David?

DAVID CONRAD: Yeah. The reason why I asked there was no decision made as far as I was aware. So...

ALAN GREENBERG: I thought that was left, but it not might be.

---

**BRIAN CUTE:** I threw that out there as a thought, I don't remember it being excepted. So don't do anything yet, we don't have a full group here. But certainly Heather, Steve, and Larry will drop. We'll make sure we'll pipe in the entire team. And when we have that rooster for you, fire away.

Any other action items that I overlooked for the coming days not for the next month? Okay. Staff, anything we should be aware of? Thinking about? No? Okay. Olivier.

**OLIVIER CRÉPIN-LEBLOND:** Thank you Brian. Olivier for the transcript. Are we going to have any other business as well after this or is this the any other business?

**BRIAN CUTE:** This is the any other business.

**OLIVIER CRÉPIN-LEBLOND:** That's the any other business, okay. I've been increasingly concerned about the state of our Wiki. I know that some of us are knowledgeable about how to use it and how to build pages, etcetera, and others are not. And I'm concerned about the fact that as far as the... Not only our own workload is concerned with all of the information we have and so on, and the different threads that are threaded with each other, and the complexity of the task we have, it's going to be increasingly difficult for us to find documents especially as we start producing documents ourselves as well.

Furthermore, I'm also concerned about the way this looks for the outside world. This is the Accountability and Transparency Review

---

Team, and this committee, if the Wiki is totally unmanageable or at least un-navigate-able, if there is a word such as that, could then be accused of obfuscation, that's the word, yeah.

And the same well, you know, I can't find any of the work that you're working on. I don't know whether we have an answer to this. Should we have – should we distribute a guide as to how to use the Wiki? Should we have a best practices discussion on this? I just want to throw this out and get a feeling about how people feel about this, because I certainly feel a bit concerned about that.

BRIAN CUTE:

Thank you. Alan.

ALAN GREENBERG:

This is an issue that I mentioned earlier also because I've gotten a number of complaints. Two reasons. Number one, I've gotten a number of complaints. Number two, I've had trouble finding things. Part of the reason is the home page is organized differently from any other confluence Wiki home page I've seen.

On the left, there is a navigation bar. On the right, there is a parallel – exactly the same navigation bar but in a different font. And in the middle, instead of being the most saline information, is a list of recent changes. And I don't know who it is that architects these pages, but this one seems different from others and is redundant. And I know I've had trouble finding things, and there are things that other people may well want to find too.

---

So we need to do something. I'm certainly glad to offer whatever advice I might have.

BRIAN CUTE:

Sorry. As with most things, having identified a problem, if you have suggested solutions you're at free liberal leave to work with [Larissa] and Alice and make suggestions of who do we organize so that it is clear. And your point is well taken. We have to be transparent ourselves in terms of the public, not just our own work being easier.

So if you have specific recommendations or suggestions on how to reorganize the Wiki, please fire away. Anybody else? Olivier than Alan. Oh this way? Olivier.

OLIVIER CRÉPIN-LEBLOND:

Thank you Brian. It's Olivier again. I realize that some of that work might have to do with staff needing to update pages and so on, and I just wonder regarding their work load whether their work load that they are subjected to, allows them to have the time for this. It's just updating Wiki pages is sometimes very time consuming...

BRIAN CUTE:

That's a fair question. Fair question. Thank you for that.

UNIDENTIFIED:

This is [Larissa]. So a couple of points of clarification. The layout of the Wiki is my understanding, was what was handed to us by Tech Support. So we were working a container, and certainly any recommendations

---

for improvements, we'll be happy to look into that. We'll find out whether there are feasible within the container that we've all been given.

And then in terms of updating the Wiki pages, staff has been pretty diligent about posting updates. Once again, perhaps finding where we have been posting is part of the issue, and that speaks to if you have a structure that makes more sense given that there is now four work streams as well as general documents that apply to the entirety of the organization of the group.

Certainly we'll do our best to help with that. And that in terms of work load in general, certainly any substantial amount of additional work that you would bring for us to do. We have to really consider the resources and availability of time to do that.

BRIAN CUTE:

Thank you very much. Any other business before we close? Okay. Our first gathering is tomorrow at noon in hall 4C with the GNSO. Is that correct? Okay. Noon tomorrow, hall 4C, meeting with the GNSO. That's our first meeting of the day. Thanks everybody for your work today. Oh, [? 2:58:01] was that a question? Okay. Thank you all. We'll close.

[ END OF TRANSCRIPT ]