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PRAGUE – Accountability & Transparency Reviews - Community Consultation

Thursday, June 28, 2012 – 12:00 to 13:30

ICANN - Prague, Czech Republic

CHRIS DISSPAIN:

So ladies and gentlemen, if you could please take your seats, we're going to start very rapidly. Thank you. Okay. Good afternoon, everybody. This is the session on accountability and transparency. We're going to hear from Stephen Crocker in a second, just very briefly. We're going to hear from Steve. We're going to hear from some people on some aspects of the ATRT. At each point we're going to stop and take questions because this is about feedback from you, and at the end we're also going to look at lessons learned and take some feedback. And it's great to see most of the members of the ATRT team are here. Steve.

STEVE CROCKER:

Thank you very much, Chris. So can we have the first slide, or the next slide? That's me. I've got to do that. I have control. That's unusual.

So the purpose of today's discussion, as it shows, is the review of the ATRT implementation, discuss the results to date and effect on ICANN's transparency and accountability and discuss potential focus and process changes for the next ATRT review. And I'm particularly interested in making sure that we hit hard on the first bullet there, that is, where are we and how are things going. A key point of this session is not just a one-way for us to tell you things but to also listen. So we want to hear from you.

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The ATRT review sits within the context of the Affirmation of Commitments that was signed in 2009 that reaffirmed ICANN's independence and commitment to accountability, transparency, and public interest, commitment to DNS security and stability, commitment to competition, consumer trust and choice, to international participation, and established a system of periodic community reviews and related activities. One of these reviews is the accountability and transparency review. The others then parallel are the security, stability, resiliency review and the WHOIS review. And there's a fourth one that we haven't done yet, and I apologize for not being able to remember it off the top of my head but it will become evident.

So these periodic reviews are set up for every three years and require us to report. I guess the fourth one is on promoting competition, consumer trust, and choice.

So the ATRT, Accountability and Transparency Review Team, did their first review, as I think everybody is quite aware, produced a set of 27 recommendations, and we -- and the Board formally accepted all of those 27 recommendations, a debatable strategy on our part because it set up the expectation that we would treat each and every review with the same warmth, and I'm going to have to repeatedly explain that there is a substantive process involved in going from the review teams' - - any of the review teams' reports to what the commitments then get made. But in the case of the ATRT we did accept, in fact, all 27 of the recommendations and that moved us promptly into the question of okay, now, let's get those implemented. That's been very active and it's a rather massive and complex operation divided up into major

groupings, some for the GAC, some for the Board, some for other groups. And that's what we're going to focus on in depth today.

We are -- as would be absolutely predictable -- not as far along as we want to be, not as far along as everybody else would like us to be, and on the other side, we have done a huge amount of work and made quite a lot of progress. Some of the recommendations are completely implemented, some are nearing completion and a lot of work's been done, and there's probably a few cases where there's room for digging in a little more accurately and getting control of them.

So here's the agenda. The ATRT recommendations fall into the three broad categories, public input and multilingual access, Filiz and Christina will be the primary speakers. On the GAC commitments, Bill Graham and I think Manal is -- hi there -- going to be able to respond, and on things related to the structuring and commitments from the Board, Bruce Tonkin, vice chair of the Board is here. And then we'll turn things over to Denise for tracking measurement, and then we have some lessons learned out of all of this and even more to come, which Chris Disspain will speak to and I'll try to wrap up. We have until 1:30, I'm told. It would be good for us not to run over and it wouldn't be bad if we are able to wrap this up, but there's no desire to short-change ourselves. So I hope there's quite vigorous interactions.

So with that, Chris, did you want to do this or should I just go directly to Filiz and Christina? So you guys are now in charge, which has actually been always the case.

FILIZ YILMAZ:

Okay, that's me, Filiz Yilmaz, ICANN staff, senior director of participation and engagement. I will just quickly give an update on the public comments related ATRT recommendations. There were four main recommendations relating to the system as put around the public comments periods of ICANN and these are stratification and prioritization, ATRT recommendation 15, separate comment and reply periods, ATRT recommendation 16 and 17, and annual list of upcoming issues. The first one, stratification and prioritization, as we understand, it's from -- from the review teams' documentations and consultation, is that there's an amount of -- volume, high volume of public comment periods that are open at ICANN fora. And what relates to who and what is priority for them requires some kind of categorization among the periods issues so that a reader can make a knowledgeable choice or preference in terms of prioritization.

Separate comment and reply was addressing another problem. There is a tendency among the community and the groups within the duration of the public comment period is we often receive the comments very much at the end of -- last day of that period. There are reasons for that. There's a consensus building -- consensus system within the groups and they want to go through that process first before they submit their unified response to an issue. However, there's also, I guess, some time management considerations. And the response to that was that if we provide a reply period then we can provide some kind of dialogue to go back to the previously submitted comments and make further remarks regarding the submitted issues previously.

The last one, recommendation 21, was about raising awareness. Again, there is a high amount of volume and traffic of public comment periods

that are opened at ICANN fora and one of the issues is it is good to know when it's coming. And we all have agendas, groups have their own agendas, working groups often know what they've -- what item they will be seeking input, further input from the community. So why not list this somewhere and make a list out of that so that that can be initial awareness and knowledge what's coming up.

So in February 2011 all these recommendations were put up for public comment period themselves. And to have a check on from the wider community, and April 2011, as ICANN staff started our initial planning, which then followed by the approval from ICANN Board on the initial implementation plans in June 2011. Between June and November 2011 what we did was we went out and worked with the community, and I will give some details about how we have done this in a minute. And then by January 2012, which is the beginning of this year, we introduced a new system. So this gradual implementation basically was founded on first providing some consistency among the public comment periods and how we display them. The main thing was adding certain data tokens and making a use -- habit of using them through some specific templates which are integrated now among staff and we all use the same templates to provide similar kind of information. The purpose, the status, the next steps of what's going to happen after this public comment period are all consistent parts of each and every public comment now. And we also, in June 2011, we finished already with the implementation of recommendation 21 which was publishing the upcoming public comments.

June and November we worked with the community fine-tuning the details and how we did this, basically we went out and made a call to

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the community leaders SO/AC chairs and to the consistencies and we collected a group of volunteers, about 20 people. We sat down and worked with them, and I again very much appreciate the work that has been done by that focus group. They tremendously provided information for us to work on on these details. And we fine-tuned the implementation plans based on that feedback gathered from the focus group and then further on we opened the public comment period during the September-October months to receive further community feedback on the details.

So what happened is basically after that we went back and started our implementation, and by January 2012 we were -- we pushed the button to start all public comments using the new system.

Now, they're all categorized and tracked. There's a certain list of certain subject category names to be used per public comment and they are used consistently -- continuously. We have two cycles, a comment and a reply period. They are distinct and each have a requirement of having a minimum 21 days. If there are no comments in the first period, obviously we don't repeat a reply period over it. An upcoming public comments list is maintained since it has been published and we maintain it through regular feedback from the community leaders and ICANN staff.

So the system has been in use for more than five months now. We will reach the end of the six-month period, and there are some observations I would like to make based on my observations together with what I hear from the community in regards to their experience about the new system. Comment/reply structure is in focus again. Reply does not

seem to be used as intended. Most of the time when you look at the -- the posts we see on the forums, we see that it almost uses an extension over the comment period. Anything late is submitted through the -- during the reply period. And the addressing of the previous comments is quite low. Then I looked at the numbers, it was about only 7 to 8% of the -- of the old posts, their reply was properly submitted addressing a previous comment. The duration of the comment periods is a very important matter. 50% of the public comments opened so far, which is about 20, used the minimum 21 day. And comment periods is used as the main time to submit comments, and this is found to be short. And we understand that as most groups have to build that consensus among themselves within their groups and 21 days is very, very short for that period.

What we hear also, there are a few issues where conflicting feedback is coming to us and we need to refine these altogether talking about them. One of them is while it is found too short, for some groups it may be also -- it is found to be too long. Maybe reply periods of 21 days is not needed and can be seen as redundancy.

So -- and some of the talks that we heard so far, and we had a session this morning at 8:00 a.m -- sorry, 9:00 a.m. with the Public Participation Committee and the community and there were ideas raised there. And we collected very good feedback there and we will follow up on all that. Some of the ideas were extending the minimum comment period duration, so it's not minimum 21 days but maybe minimum 30, 35 or 40 days and allowing overlapping comment and reply periods which will both increase the efficient of the overall lapsed time but also allow the reply period, which I hear again can be very useful if it is used efficiently.

So my bigger question at this point also, I would like to engage in a dialogue with everybody at the community as of what exactly do we expect from ICANN public comments processes? Is it somewhere that the statements can be posted to -- as to be addressed by the originating organization of the public comment? It can be -- so it can be ICANN Board, it can be ICANN staff or is it an environment that we would like to facilitate further dialogue and discussion in a more interactive way? Or maybe it is both. So those are some thoughts for future improvements, I guess. Thank you.

STEVE CROCKER:

Good. Do we want to take questions or comments on this section?

JONATHON ZUCK:

Yes.

Jonathan Zuck from the Association for Competitive Technology.

And as you all know, this is a topic of great interest to me so I'll probably be coming up frequently, and I don't know where always the right place that a comment will be, given the agenda, but it's interesting how often we're constrained by the words that are put in front of us.

I mean, the fact that it was the Accountability and Transparency Review Team suggests that accountability and transparency should be given equal weight when, in reality, transparency is just a means -- not an end, a means to accountability, and ultimately that needs to be the way we measure the success of these programs.



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And the best analogy I can come up with for the comment portion of this is it is a little bit like creating industrial policy to encourage innovation in electrical vehicles, electrical cars, et cetera, but not thinking about making sure that there's places to plug them in around the city.

And I sort of feel like there's a disconnect between improvements to the comment process and its integration into the decision-making process within ICANN.

And I believe that the single greatest thing that could be done to improve the public comment process is to increase people's confidence that those comments are actually taken into consideration and made a part of the decision-making process by the various bodies involved.

That wasn't part of the recommendations, and so it was sort of outside the scope, and so we get caught up in what the scope of things are, and so I think the public comment team has -- the public participation team has done an incredible job of driving this process and implementing the recommendations that they received.

I think they just may have missed the mark in that I think more people getting involved in comments, more accountability and participation -- which should be the objective -- will be achieved through better integration of the comment process into the policy process, much as I believe was accomplished in greater -- to a greater extent with the GAC. And so I mean, I think that's what -- if -- going forward, that that would be the objective that I would try to put forward for the next review team is looking at how to put more plugs for these electrical cars that we've gone out and tried to do the R&D on.

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Thank you.

STEVE CROCKER: Jonathan, would you -- sorry.

In my opening remarks, I emphasized not only accountability and transparency, but effectiveness, and so perhaps my ear is tuned to put everything in those terms --

JONATHON ZUCK: Mine too.

STEVE CROCKER: -- but what I hear you saying fits into sort of the general orientation of, you know, "This is all fine but are we actually getting the job done and doing it effectively?"

And as Fadi said in his -- he was sitting next to me in the last meeting, I'm sorry -- doing it with excellence as well.

That -- so is that consistent with what you're trying to say?

JONATHON ZUCK: I think it's probably consistent with what I'm always trying to say, is that at some level, true accountability is a function of effective participation --

STEVE CROCKER: Yeah.

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JONATHON ZUCK: -- and that disconnecting the two, I think we do at our peril --

STEVE CROCKER: Yeah.

JONATHON ZUCK: -- and that we really need to see how to make the public comment process something worthwhile to the organization.

A monarchy can be transparent but it's not necessarily accountable, and there's jokes all over the place where the trash can has a sign over it that says, you know, "Comment Basket" and things like that. So having an effective comment process --

STEVE CROCKER: Yeah.

JONATHON ZUCK: -- is not necessarily connected to the decision-making process of the institution, and I think that that accountability and that connectedness between those two is what's critical.

STEVE CROCKER: Yeah. There's a longer discussion about what the right role is, but surely the point that you're making is that it's -- we're not there yet, and --

JONATHON ZUCK: Yes.

STEVE CROCKER:                      Okay. Thank you.

DON BLUMENTHAL:                      Hi. Don Blumenthal with the Public Interest Registry.

I think this -- the possibility that people were going to use the reply period as an extended comment period is something that was talked about during the early discussions, and I still think the potential from the comment and reply thread is -- is very good.

Possibly one way to address that would be to extend the initial comment period to give people more time, but another possibility would be to, in some fashion, stress the difference between the two, whether it's a link on each -- on each call for comments or -- I'm generally -- you know, I'm not a communications person, but get the word out a little better.

And I would suggest here, at the risk of ratting people out or however you want to put it, that I would start with ICANN staff, because I -- during the course of this week, I've encountered two situations where even ICANN staff is saying, "Submit comments until this date," and that date is the end of the reply period, not the end of the comment period.

And I think a critical way just to get the word out is to at least start inside. Thanks.

CHRIS DISSPAIN:

Don, just to let you know, one of the things that the PPC, the Public Participation Committee, has talked about -- and it came up again this morning in the public consultation -- is along the lines of what you've said, is to actually make you reply. So you actually -- the system makes you reply. So you actually have to go to a comment and hit "Reply." And whilst that won't necessarily stop people from typing things that have got nothing whatsoever to do with the comment, it's sort of a training tool to say this is actually about replying.

So that's one way of working on that.

DON BLUMENTHAL:

It would be. I know when we were talking about this -- I was on the focus group -- there are risks to that approach, too, in terms of the way people like to comment, but I think if it's the way that -- to make the mechanism really work, that would be a good alternative.

STEVE CROCKER:

Thank you.

LOUIE LEE:

Hi. Louie Lee, chair of the ASO address council and a former member of ATRT 1.0.

First, I want to note that the incoming CEO, Fadi Chehade, is here with us, and thank you very much for coming to -- not only to receive the report but hear the feedback in person.

I want to note that earlier the chair -- some of the chairs of the SOs and ACs and Rod and Akram chatted about this topic, and we had some ideas, some suggestions, and I'll make these public right now.

Please note that these are not vetted in any way, just discussion, and I'm sure some of them already -- have already been considered.

Optional staff notice, if possible, up to five days.

So this is in -- with the idea that -- thank you for the annual "what's coming up," but if you know that something is coming up in the next week, just a note. Then we can start working on it internally without seeing a public notice coming out for the topic with comment, if that's possible. Oftentimes you only get it within hours, 24 hours, so of course we understand that. Completely optional, right? Not vetted.

Another one is optional SO/AC requests to extend the comment period. That way we recognize that it's -- the time might not always be set up correctly or judged, or maybe at the time you set it up it seemed right, but then upon looking at it, you need more time.

I don't know what mechanism we would use to do that. Just an idea.

Optional SO/AC notification for intent to comment.

That way, you would know you can wait for that, or perhaps -- and try not to end the comment period during an ICANN meeting or one week before or one week after. The number is, you know, flexible, but just a thought of blackout dates. Thank you.

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STEVE CROCKER: Thank you.

WERNER STAUB: My name is Werner Staub. I work for CORE association.

I wonder sometimes, in the context of accountability and transparency, whether we are -- as in the French Revolution when people talked about human rights while the guillotine was working full speed.

So we're talking about a very important subject, but at the same time we haven't been heeding even the meaning of the words of the things that we talk about.

For instance, lately the most important decisions that were made, the most far-reaching ones, have not even been discussed.

And the decisions themselves -- way worse than that, the decisions that we're about were not decided. That's about the worst we can reach.

You know, not only did we not talk about the decisions that we made -- in this case, digital archery -- but the point of that decision was not to take responsibility, so we lost accountability which was replaced by paranoia, you know, and we lost on transparency, which was replaced by opacity, so it's good to talk about comment periods.

STEVE CROCKER: Thank you. Let me call on Filiz to respond belatedly -- my fault -- to Louie's comments.

FILIZ YILMAZ:

Thank you, Steve. Filiz Yilmaz.

Yeah. Thanks for the suggestions, and they are very practical and they can be implemented very quickly.

I just want to raise awareness.

We are doing some of them already, and it is not known, so I want to use the mic to let everybody know so they can find the right information in the right place. It is not exactly the way you describe, but what we are sending out now are weekly announcements for the public comments that are about to be closed within the next 10 days.

So what you are suggesting is different, but we are looking doing that, and I think what you are suggesting, we can also implement.

The other thing is the extensions. We have raised this and responded to this all the time. They are possible. Please, if you think that you -- that you need more time, contact the staff contact person that is listed on the public comment period and we favor those extensions if there is no, you know, pressing deadline.

In some cases, like in GNSO, they have to follow their PDP and there's a deadline they have to fit that in, but in most of the cases, I'm reported that extensions were favored.

So please let us know. Thank you.

STEVE CROCKER:

Thank you. All right.



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MAARTEN BOTTERMAN: Actually, a sort of longer term point and it connects to what somebody earlier said, so what do we do with the comments?

SEBASTIEN BACHOLLET: Repeat your name, please, because it was not taken into account.

MAARTEN BOTTERMAN: Okay. Can you state for me?

SEBASTIEN BACHOLLET: You can say better than me.

MAARTEN BOTTERMAN: Maarten Botterman.

STEVE CROCKER: Thank you, Sebastien.

MAARTEN BOTTERMAN: Almost correct.

SEBASTIEN BACHOLLET: Again, again, again, please.

STEVE CROCKER: Maarten Botterman.

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MAARTEN BOTTERMAN: It's M-a-a-r-t-e-n -- yeah, this is close enough.

[ Laughter ]

MAARTEN BOTTERMAN: Good. Well, the good thing is, in this session, I'm not on the clock, so it doesn't count.

[ Laughter ]

Basically, it's longer term thing. It's what do you do with the comments. It's not about the comments. It's about knowing what is good for the constituency, what's good for the stakeholders. And what I suggested last year was to go to a scheme where you do, on a structured basis -- actually on the assessments of what you're doing, impact assessments, as has been done currently by several governments, UNDP and other organizations in this world, that makes you collect a structured input on what the effect of specific measures would be on new policy decisions.

Part of that is always the public consultation, because you cannot assume anybody just gets it out. You need to open the doors to allow input from others.

But in that way, you make sure that the effect of what you are about to decide on, on stakeholders, gets tabled as well as possible.

So I want to plead for that again.

I've sent out some information to several people, which has received my interest, and I don't see it progressing and I would really recommend it to get some attention. Thank you.

STEVE CROCKER:                    Yeah. Bruce?

BRUCE TONKIN:                    Yeah. Thanks for the suggestion. One of the things I think is a challenge -- and it comes up in some of the other accountability and transparency recommendations -- is this challenge between a simply public comment on something the staff is basically implementing versus a policy development process.

The policy development process that's in the GNSO actually incorporates what you're suggesting. In fact, there is a requirement in the report that goes to the board to include impact statements from each of the constituencies, for example. So we seem to have this strange model where we've got a very detailed process that nobody wants to use that incorporates all the things that people keep coming up to the mic and asking for that takes time, versus an ad hoc process where we're using public comment which is unstructured. You know, it's an open forum and it's not structured and then we're attempting to use that.

So I think that's one of our big challenges is when do we use which tool, basically.

MAARTEN BOTTERMAN:            One small addition.

Often this is done by, indeed, hired consultants but independent people, so not by the constituency itself, and that helps. And we're not

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talking big money here, but the fact that it's by independent experts that don't have a stake in it helps.

STEVE CROCKER:

Good. Thank you very much, Maarten.

So after the two of you who are now standing there, we'll close this off and move on to the next thing.

I hope you weren't trying to come up, Peter, to -- good.

All right. Sebastien.

SEBASTIEN BACHOLLET:

Thank you. Thank you very much. I think we must -- I must speak to you, so this is why I turn to yourself.

This is the third meeting today in which we discuss a question related to PPC meeting on outreach in which the members of the Public Participation Committee were not invited. It doesn't matter. The public -- the public meeting of the PPC, we were speaking about the same subjects.

So we have time to speak about the same subjects again and again and we have not time to speak about certain subjects.

So it's a pity.

I wanted to ensure you that the comments made about public comments are going to be taken into account by the PPC in a very serious way.

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It is difficult to come to a consensus on these subjects, on this issue, but we are going to arrive -- to do it.

STEVE CROCKER: Thank you very much, Sebastien.

PAUL FOODY: Paul Foody speaking on my own behalf.

We're talking about accountability and transparency. To be totally honest, ICANN is too big to fail. So in exactly the same way as when the banks got into all that trouble a couple of years ago, there was very little, if any, accountability.

If ICANN makes complete hash, there will be equally very, very little accountability.

The best that you guys can hope is to be transparent, and in the way that the new CEO has promised, we're looking at super-transparency.

So given that, when we talk about public comments, can we recognize that the public, so far as the Internet is concerned, is 4 billion people? And if you're getting comments from only a handful of those people, only the people who attend ICANN meetings, there's something very wrong in terms of the transparency and the publicity that your actions are taking.

Incredibly, most people in the world know more about Mark Zuckerberg's honeymoon in Rome than they will know about the gTLD

project, and yet the BBC, Bloomberg, ABC, CBS, ITC, The Guardian have all applied for new gTLDs.

If that doesn't indicate that they are aware of the extent to which the new gTLDs will completely replicate the dot com registry, I don't know what does.

And yet those guys have completely failed to bring this matter to the public attention.

So in the interest of transparency, I'd like to know: Does ICANN publish anywhere a list of the number of hits it gets to its Web sites? Does it monitor how the number of hits rises and falls? Is there on the record anywhere that I could see, do you know how many individuals are going to the ICANN site at any time?

STEVE CROCKER:

Anybody want to respond to that?

I'm -- I was puzzled by something you said.

Can you explain Mark Zuckerberg's? I don't know the reference.

PAUL FOODY:

Well, the fact that the BBC reported that, you know, that was blanket --

STEVE CROCKER:

I'm teasing you, but --

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PAUL FOODY: Okay.

STEVE CROCKER: Sorry.

PAUL FOODY: No, no. That's okay.

STEVE CROCKER: Yeah. I know there's some internal tracking. I don't know that -- of hits and so forth.

It raises in my mind, anyway, the question of whether or not that's an intrinsically valid measure of anything, and I mean, it opens as many questions as it might answer.

But it's an interesting point of tracking how many hits on the Web site and so forth.

PAUL FOODY: Did you have any idea offhand?

STEVE CROCKER: I don't -- I don't track it myself. That's for sure. So no.

And, you know, it's not a single number. It depends what you're talking about at any given time and how many articles.

But I know those mechanisms are in there.

But as I say, it's not clear what the -- what the intrinsic validity would be of having those numbers in relationship to 4 billion people.

I mean, that's a more complicated subject, obviously.

PAUL FOODY: Thank you.

STEVE CROCKER: Thank you.

So with that I want to move on to the GAC operations engagement interaction with the board and call on Bill and Manal to speak to those issues.

(Speaker off microphone).

I apologize. Back up. Start over. Christina.

CHRISTINA RODRIGUEZ: Thank you, Steve. I'm Christina Rodriguez from ICANN language services. I'm going to speak about, very briefly, about the ATRT Recommendation Number 18. This recommendation says "board shall ensure access to documentation within policy development processes and multilingual access, to maximum extent feasible".

This means that ICANN language services needs to make information about ICANN and its work accessible to those who speak English and other languages, to provide -- that we continue to provide participation in the effectiveness of the multistakeholder model.



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And the second point is, of course, that it makes ICANN more effective as a global organization providing multilingualism.

The ICANN language services multilingual access provides to ICANN the possibility of having the bylaws updated in a synchronized manner in all six U.N. languages, English, of course, and the five non-English U.N. languages being Arabic, Chinese, French, Spanish and Russian.

We translate also the postings of all board-related documentation to be completed within a period of 21 days, most of the time this happens in less than 21 days. And also we worked very hard in the creation of the ICANN Language Services policy and procedures document. This document as implicit in the title puts down actually all the processes for translation, interpretation, scribing, which is real-time transcription, transcription after the fact and/or related services.

In regards to achievements accomplished so far, many of the things that we are explaining or proposing in the language services document are already being implemented.

However, we did put for public comment the language services policy and procedures document on May 18. The public comment will be closed on July 2nd, and we really encourage as many people as possible to comment and to ask questions in the forum.

A substantial number of policies and procedures, as I say before, contained in the document have already been implemented. The extensive language support for the new gTLD program is one of them. They expanded and improved conference interpretation for supporting

organizations and advisory committees. This has also been implemented.

Not only that but it is our set of interpreters who actually are the ones providing that support on teleconference calls. So this translates also in the quality of those teleconferences being interpreted with people that is already very knowledgeable about subject matters and what is going on and happening in the different SOs and ACs.

The additional language support for the GAC is also something that is mentioned in the language services document, and it is something that is being already implemented and also extended support in regards to transcription for sessions during ICANN meetings.

So that's pretty much it. So I leave it up to hearing any comments or questions anyone may have. Thank you.

STEVE CROCKER:

Thank you very much.

So we're doing some learning on the fly here. Let me ask you to keep track of your questions and we'll run through these presentations lest we run completely out of time and have a composite question session towards the end. And with that, let me now turn it over to Bill and Manal GAC engagement and interaction with the board.

BILL GRAHAM:

Thank you, Steve. We're very glad to both be here. Manal and I are co-chairs of the board/GAC recommendations implementation working

group. And we have six recommendations, all of which are underway at the moment that we would like to report on.

So without much more introduction, let's just move through them.

Number 9, Manal?

MANAL ISMAIL:

Recommendation Number 9, this has to do with the clarity of the GAC advice and the joint working group agreed to what constitutes GAC advice. The GAC also worked intercessionally on a new form or structure on the GAC communique which provides more clarity to identify the GAC advice and easily extracted to be followed up later. We tried to work on the structure as well as the clarity of the words and to the extent possible provide expecting deadlines for our advice.

BILL GRAHAM:

We have already seen the impact of that in the most recent sets of advice that we have received from the GAC. It has been much easier to understand what exactly we were being advised to do. So I'm happy to say that's working.

Recommendation 10, tracking GAC advice. This has been a longstanding issue for us, just making sure that we have correctly captured and understood the advice that comes from the governments to the board and then tracking what we've done with it, just to make sure nothing falls off the table because this advice has a special status under the bylaws, as you know. So we do need to be on top of it.

It's taken some work, a lot of work by ICANN staff, I must say, to create an online GAC advice register which is publicly available. At the moment, it's in beta version, I guess, but it is an operational beta. We've captured all of the advice we could easily find since the very first meeting, and we're now in the process of going back, as time permits, and verifying the older advice. But it is really operational for current advice. So we're kind of taking a two-step approach to it since it is most important that this be useful going forward.

So as I say, it's completed but it is open to improvements as needed.

MANAL ISMAIL:

As Bill mentioned, we considered this as a great progress that had been made. The register is online and publicly posted and could be reached through the GAC Web site. There's a tab called "GAC advice" from which there is a link to the online register. So if anyone would like to have a look.

Again, as Bill mentioned, all the past GAC advice have been entered to the register and we decided to get it operational for future GAC advice as we work on making sure the past GAC advice has been entered completely and accurately and the status of advice.

BILL GRAHAM:

Thank you. Recommendation 11 logically concerns with the way GAC advice is dealt with, to ensure that there's a timely provision in consideration of GAC advice and mechanisms for follow-up.

This has been partly dependent on the work on the register. But at our meeting on Sunday this week, we reviewed some staff documents concerning the pre-consultation mechanisms that already exist and the bylaw consultation mechanisms in the event that the board decides to act against GAC advice. Those are the most serious instances. We decided to start with those and make sure they are well-understood, well-documented. And that both sides know what they're facing if we get to a situation where we as a board may choose to ignore advice or think there might be a problem. So we're dealing with those two formal things at the moment.

Then moving to Number 2, which I think is extremely important, working towards earlier GAC involvement in the policy development process. Again, on Sunday, we reviewed some very useful documents that outline the GNSO and ccNSO processes and the way that the operating principles say that GAC advice should be sought and dealt with. There are some fairly significant differences between the two, and we've established a team of volunteer GAC members and volunteer board members to look at whether there are any changes needed there or whether we can work within those frameworks to make sure the GAC somebody provides processes earlier on so that there are no surprises.

MANAL ISMAIL:

Just very quickly, yes, we've been looking how to include the GAC advice early within the PDP process because as you may all know, the GAC advises the board and when issues are escalated to the board, then it's pretty much at its final stage. By then GAC advice could be negatively

received and would delay decisions even further, so we're outreaching to say how we can provide this GAC input early enough.

And out of experience, it has been very helpful providing GAC advice early in the IDN fast-track process, for example, as well as the framework of interpretation with the ccNSO.

Again, noting the board's responsibility in informing the GAC of matters that may affect public policy issues.

**BILL GRAHAM:**

Thanks, Manal. Speaking personally, this strikes me as being critical to advancing and improving the way the multistakeholder model works by really having the GAC playing a much earlier and much more integrated role than has been in the past.

I have way too many buttons up here.

Number 13, better inform GAC and staff. It's been strongly recommended that there be a mechanism to ensure the GAC is actually informed when there is policy -- public policy issues being discussed in any part of ICANN. And I think that makes sense. It would be extremely onerous for the GAC to track all of the other processes as well as doing its own.

There is actually in the bylaws a responsibility for the board to play that informational role, and so we're looking at how we can improve that and make it both earlier and both effective.

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MANAL ISMAIL: We already had an additional meeting with the board here in Prague, and we do very much appreciate the time that was spent for an additional meeting with the GAC specifically on the topic of gTLDs.

BILL GRAHAM: Then moving to the final recommendation, increasing the level of support and commitment of governments. On the support side, I'm happy to report that interpretation has been introduced to the GAC meetings. Funding to bring GAC members to the meetings has increased. There is active discussion about having a high-level GAC meeting in Toronto, bringing in people in higher positions than normally attend the GAC to increase their awareness and engagement with ICANN.

And we're very much aware that there are many more things that can be done there. There is ongoing discussion and work at the staff level, at the board level and at the GAC level to increase both the commitment and the levels of support.

MANAL ISMAIL: Just to add very quickly that we're very excited by having interpretation introduced to the GAC meetings. By Toronto, we promise to have the six U.N. languages in addition to Portuguese. The funded members have been increased from six per meeting to 20. And as Bill mentioned, our Canadian GAC colleagues are preparing for a high-level meeting as per Recommendation 14 that would increase awareness of ICANN and GAC's role within ICANN to senior government officials so that they can -- if not members, they can join. And if members, they could spare their

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representatives the time, the resources, and the authority to participate in a timely and effective manner.

BILL GRAHAM:

So that's where we are with this. I'm happy to say there's progress on all these points. In closing, I would just like to say that I'm personally very happy with how the working group is functioning. I had some night terrors when the GAC decided that it would have all of its members on this working group. I thought that might be a challenge. But it's worked out very well, as a matter of fact. The board members are also participating, and we are getting great support from Jeannie Ellers and Jamie Hedlund from the ICANN staff which we greatly appreciate. Thanks.

STEVE CROCKER:

Thank you very much.

Let me, again, suggest to keep track of your questions. And we'll move on now to Bruce talking on board operations, composition and review of decisions.

Bruce?

BRUCE TONKIN:

(scribes receiving translation.)

All right. I will start talking. Luckily I have slides in front of me but not very transparently at the moment.



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There is about 20 slides. They actually are published on the Internet. If you actually go to the Prague Web site and the schedule and click through to this session, all these presentations are actually there so you can actually look at these slides online.

I don't propose to cover all that material because a lot of it is saying this is work that's being done. I want to pick up perhaps a few more on things that are sort of recently done and about to be published basically.

So firstly one of the topics that we have considered is providing some guidance to the Nominating Committee on the skill sets required by the board. And the board feels that the fundamental guidelines -- guidance is actually in the bylaws. So there is six points in those bylaws that talk about what we're seeking. So obviously people with integrity, objectivity and intelligence, people that understand ICANN's mission, people that have the broadest cultural and geographic diversity, people in the aggregate have familiarity with how the I.P. addressing and Domain Name Systems work, people who are willing to serve as volunteers and people are able to work and communicate in written and spoken English. Those are all the ones that are in the bylaws.

In addition to that, we've given a little bit of further guidance. One is that we are looking for directors that have board governance or equivalent experience with a medium-size organization that has an established board whose directors are independent and appointed without participation of the CEO; that a director should have board governance or equivalent experience with non-profit organizations; that a director should have experience working effectively in meetings that

are handled with board members distributed in multiple locations and time zones; where the groups are sort of 20 or more. So obviously we make extensive use of teleconferencing tools, instant messaging and Web conferencing tools, some familiarity with those meeting techniques, I guess.

We've also talked a bit about -- we've done an audit of the skills within the board and identified where we think we've got good skills and where we think that we have a lower level of skills.

So where we have strong experiences: In the operation of gTLD registries and registrars, with ccTLD registries, with I.P. address registries, with Internet technical standards and protocols, with ICANN policy development procedures, legal traditions and public interest and strong existing skills in strategic planning, budgeting, public outreach and international relations.

Where there is a lower level of skills is executive management in an organization as big as ICANN, in regulatory and compliance frameworks, and in audit procedures. But we also said that we're not specifically looking for competition lawyers nor are we looking for professional auditors. We're looking really for people that have had experience on boards addressing some of those areas. So we're seeking people who have experience in those issues from a board governance perspective rather than being professionals necessarily in those specific disciplines.

So that's some of the guidance that we've given the Nominating Committee, and we'll make sure that guidance is visible publicly, but certainly it's in the record here today. Let me see if I've got slides. One more minute. Okay. So I'm just flicking -- so I'm up to that slide 5, if

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those are following this on the online section, here we go. Okay. Wow, it's got even special effects.

[ Laughter ]

So, a lot of the material we've probably already started to see, we're starting to publish rationales for Board decisions, Board members have the opportunity to make statements, if they vote against things. We're starting to provide more translations of materials. We just talked about the Board member skill-set that we've notified the Nominating Committee of. Another thing that we have started to do is looking a lot more at training and skill building. We spent quite a bit of time last year on training with respect to confidentiality and conflicts and ethics and really what we're looking at doing is creating more training materials in that area that can be used by the community as a whole, not just the Board. And right now we're doing a self-assessment of Board performance.

Another thing is trying to make -- get consistency between each Nominating Committee because in the past each Nominating Committee has been responsible for developing its own procedures, and there's a bit of an overlap in that there are members from the previous Nominating Committee that carry through a bit of history and so there's sharing of knowledge there. Recently the Board approved a set of transparency guidelines, that was a few weeks ago. Another area we're starting to look at is making a bit more transparent what the conflict of interest procedures are within the Nominating Committee. And that's a little tricky because we can't exactly publish that a particular committee member had a conflict with respect to somebody

that's applying for a (indiscernible) because that would breach the confidentiality of the person that's applying. But we do need to provide certainly some transparency regarding how conflicts are being handled within the Nominating Committee.

One of the things you would have seen this meeting, we've had a little bit of a history of rushing things. Often we've had a very busy week of meetings. In past meetings often the staff and a number of the Board of Directors haven't been able to attend the gala because they were working on Board resolutions for Friday, and we've also had instances of drafting Board resolutions at 2:00 a.m. on the Friday morning before the Board meeting and certainly we've made errors. And so one of the things we're trying to do is make sure that any materials where especially major decisions are, you know, drafted at least seven days in advance and when we have a meeting like this -- and Steve will probably talk to this later in the public forum -- but we'll give some feedback to the community on what the Board's working on but we'll finalize the Board resolutions in our next monthly meeting. And we're also starting to lose -- use e-mail towards -- a bit more to approve more administrative matters. Say if we have to approve appointing a Board member to a particular committee or something, we'll do that via e-mail rather than taking up time of teleconferences.

Compensation was introduced, so that's in place. This is one of the key topics. I've heard this come up numerous times this week, is, you know, when is something that should actually go out to policies, digital archery is something that's just sufficient for the staff to basically implement or is that something that should go through a Policy Development process? Are there recommendations around WHOIS authentication? Is that just

something for the ICANN staff to negotiate with registrars based on input from the community or should that be a public policy process? And the reality is a lot of this comes down to time. A lot of people are saying, we want you to do things faster and start to create new processes to do that faster, which somehow always end up taking just as long as the original process did. You know, we are looking at that in more detail. We have a working paper on that that the Board Governance Committee will consider. We'll then put that out for public comment, and hopefully we can have a substantial session on this at the Toronto meeting, really trying to understand some guidelines or parameters as to when something should be done, you know, simply as an executive implementation and when does something really need to go through the full community multistakeholder consultation process.

So we're trying to publish more of the Board briefing materials and voting statements. I think we covered most of that. Translating stuff. This is a point I guess that was made by Maarten Botterman earlier that are we getting the right inputs. And sometimes -- I've heard a few comments this week saying, you know, one of the constituencies suggested that we do a human rights order. Someone else suggested that we do a privacy order. The difficulty, of course, is that when you're relying purely on volunteers, maybe this material doesn't come through when it needs to and so that's something to consider, is how we entirely rely on volunteers producing these policy inputs or when should we actually commission some form of expert or expert group to develop some inputs?

We've been -- this is an area that has been delayed and it's partly been delayed by the work that we've been doing on ethics and conflicts and

we've gone through three external reviews. Just finished the last review, and that was published a few weeks ago. Now we're really starting to focus on the accountability mechanisms, and there are really three. There is the ombudsman. So if you disagree with a decision of the Board or decision by staff, you can go to the ombudsman and the ombudsman will attempt to mediate an outcome for you. But the facility is really underused. We reviewed the ombudsman today, and the ombudsman gets many complaints that are not in the area of the ombudsman so typically about, you know, difficulties people might have with customer service of the registrar, but there's probably, I think, something like 15 cases that the ombudsman has done, I think for the year, that is in his area. So really we're not using that feature enough. But people should consider that.

The second one is reconsideration, and that's where when after the Board has made a decision we've had a couple come through recently, the IOC and Red Cross asked for a reconsideration of the Board decision. We've also had the intellectual property constituency ask for a reconsideration of a decision around the dot cat. So we probably get a few of those a year. But the question is, what are the right grounds for a reconsideration. Is it okay to bring up new material that wasn't available at the time the Board made its original decision? So should the Board look at changing a decision because some material fact has changed, or is the reconsideration purely another look at the same facts? You know, those sorts of things, understanding what the parameters should be for reconsideration.

And the third area is an independent tribunal which is, to my knowledge, only been used once and that was for the AAA decision.

That was a multi-million dollar process. And so when you look at the costs of the parties that initiated that decision, you really are saying well, the average organization couldn't afford to even run that process. And so we -- one of the things to look at is can we improve that process to get the cost down. That might be putting page limits on how long a submission can be so you're not paying lawyers, you know, \$1,000 a page to read something. You know, so that's looking at process improvements and obviously whether that mechanism can be improved further.

So our thinking here is that we will get some independent experts, probably forming some kind of panel, but also engage a law firm to look at particularly how to improve the effectiveness of those processes. So that's a major work item that the Board Governance Committee is just starting and you'll certainly hear more about that in Toronto.

Ombudsman, as I mentioned, I think the standards and methods used by the ombudsman are sound but the ombudsman has perhaps not been given enough work so you guys need to think about that.

And reconsideration process, again, partly linked to that review we're looking at to say how can we improve the reconsideration process.

I'm not even sure what this one is about. Anticipated future opportunities. Yeah, okay. So that's right. This is basically saying this is work that we're just commencing and obviously the papers in these topics will be published for review. And certainly the policy executive, that means, you know, where do we use policy function, where do we use staff to work on something, and the work we're doing on accountability mechanisms. And that's it.

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So, you know, a lot of work going on there. Certainly happy to take any questions.

STEVE CROCKER: Yeah, we're going to hold those to the end. But we're getting closer to the end.

DENISE MICHEL: Yeah. Hi. Since we're really eager to hear comments and input from the floor, I'll sort of skip my slides, encourage you to look at them on the session Web site, and briefly tell you, we're tracking everything that we do on the accountability and transparency projects. Everything can be found on the accountability and transparency Web page. There's a big button on ICANN's home page, so it's easy to find. We keep that regularly updated. It has a lot of information, not only about ATRT, but also the Affirmation of Commitment. Measuring what we do obviously is important. An elemental component of this is to come up with the right metrics to have a quantitative baseline that we can work from to improve and really determine how accountable and transparent we are and where we need to be. That work is ongoing. More information is on the Web site.

And just a quick plug for the next Accountability and Transparency Review Team. The Affirmation of Commitments commits us to doing this every three years, so later this year we'll start to issue notices and connect with the Supporting Organizations and Advisory Committees about populating a new team. I'll turn it over to Chris.



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CHRIS DISSPAIN: Thanks, Denise. Okay. So we've -- if there are questions for Christina or Bruce or Bill and Manal and most importantly, we also want to hear feedback, we want to hear lessons learned, so it can be general stuff. Form an orderly queue behind Marilyn.

BECKY BURR: Marilyn is forming an orderly queue behind me.

CHRIS DISSPAIN: Okay.

STEVE CROCKER: Would you line up by height, please?

[ Laughter ]

BECKY BURR: I think we're close, you know. It's either Marilyn or me. Becky Burr, NeuStar. I keep forgetting what my identity is here this week. First of all, I want to say, this represents a lot of work. Obviously there is a lot of work to go, but I do think we should all take a minute and think about the glass half full and thank Denise and the people on the Board and on the various committees who are working on this.

I have a couple of --

[ Applause ]

-- questions or suggestions made for Bruce. I'm -- I have been, for a long time, very interested in the sort of independent review issue. I would

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encourage you, if you would -- to be careful about having a law firm be the only source of input on improving those processes because you need to balance sort of risk aversion with sort of effectiveness, and to me the -- whether it's 10 pages or 50 pages or 100 pages, that's the problem with the ICM thing was it was seven years down the road. If there was something lighter, quicker, easier, faster up front, maybe voluntary mediation or something like that. So my en -- I would just encourage you to think -- experiment maybe with some of this.

BRUCE TONKIN:

Let me just be clear. I didn't say we were using a law firm. I said we're using a law firm as part of that and we're actually going to appoint an independent panel of experts. So it's a combination of panel of experts and law firm to help crunch the work, if you like. It's not one or the other.

BECKY BURR:

Okay. Yeah, I know it's a peculiar thing. I think lawyers are wonderful people and happens that some of them are my best friends, but -- but I - - but part of this is about not getting too bound up in risk aversion.

BRUCE TONKIN:

One of the things I just want to elaborate, and we can take this offline because you're far more expert than I am, believe it or not don't know anything about law, but one of the things was we want an international panel so that we've got people from around the world but we also wanted to make sure we're working within the legal construct of ICANN

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as well. So it's that combination of saying we need some guidance to say that's a great idea but we can't do it in this legal construct.

>> And so -- is there a selection process or will the -- how is the independent panel being selected?

BRUCE TONKIN: Well actually, we had an open call for members. So if you want to join, it was actually public.

BECKY BURR: No, I saw that.

BRUCE TONKIN: Yeah. We didn't actually get as many as we would like, and one of the things we're actually looking for is more people in that area. So we got - - I don't know exactly but Amy might be able to comment. But certainly we had less than ten, I think. Four.

CHRIS DISSPAIN: Four.

BRUCE TONKIN: So we had four. And so one of our concerns was that we couldn't rely solely on an independent panel because we didn't think we had enough depth there. So yeah, if you know people, please recommend. So we are looking for a richer set.

CHRIS DISSPAIN: Looking for volunteers.

BECKY BURR: Okay. Thank you.

CHRIS DISSPAIN: Is that it? Thanks, Becky. Marilyn.

STEVE CROCKER: Chris? So we're running real late and in the spirit of trying to provide a lot of time, would it be okay with everybody if we run 15 minutes over and add -- run to 1:45 instead of 1:30?

CHRIS DISSPAIN: Okay.

STEVE CROCKER: No objections. Sold. Thank you. Marilyn.

MARILYN CADE: Thank you, my name is Marilyn Cade. I wanted to ask a question quickly about a comment that -- a statement that I thought I heard Bruce make and preface it by explaining the position that the business constituency conveyed on the topic. So the topic is qualifications for the Board and whether there is a -- a mandatory requirement or even an overzealous demand for having been on previous boards or if there is comparable

experience that is accepted. And we said that because we discussed at length with the Nominating Committee the need to have a balance on the Board and make sure there were knowledge -- people with knowledge from the community and, you know, within our own constituency and with many other constituencies we will not build the experience of senior people from a corporation or an ISP by their work at ICANN. There may be an executive somewhere in the member who -- but we wouldn't get the expertise actually that would meet that. So I wanted to know, were you conveying that as mandatory or as --

BRUCE TONKIN:

No, no. We -- basically what we said was the fundamental criteria, there are six in the bylaws. And then we said in addition to that you can consider these other factors. So any one of these factors you're looking at in aggregate. So certainly you're not saying a -- it's no -- we're not trying to find Superman. There's no one person that meets every one of these factors. So we're saying you look at those factors in aggregate. We've also used the term "should have Board governance" or "equivalent experience." So that could be as a senior executive or an executive in a company. So we're not -- it's not just board. It's saying board governance or equivalent experience.

MARILYN CADE:

Okay. So my second question, which I will do very quickly, has to do with I think something that you just -- may be a misstatement. On your last slide it says, policy/executive functions, and in your explanation you said policy or staff and we would not refer to staff as executive. So I was trying to understand who the executive --

BRUCE TONKIN: I think that was -- that's just sort of short-form PowerPoint.

MARILYN CADE: All right. I was just trying to understand what it was.

BRUCE TONKIN: Yeah. Yeah.

CHRIS DISSPAIN: Okay. Mike.

MICHAEL PALAGE: Thank you, Chris. Mike Palage.

Bruce, with regard to your recommendations to the NomCom, I fully support it. I think it's constructive, having served on the NomCom the previous two years.

The one caveat I would offer is that any advice, I think that advice needs to be open and transparent when it comes from the board to the community because last year we received advice from the chair and the President and CEO, which was a little different last year, and I felt a little awkward with the advice that was conveyed to the NomCom.

So if advice is going to be given to the NomCom, I think it's really important that it be open and transparent.

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BRUCE TONKIN: Yeah, we'll publish it. It was only sent recently and we just wanted to get a chance for the NomCom to comment if they didn't understand something, but we will publish that.

MICHAEL PALAGE: Yeah.

Second point -- or proposal.

I'd like to applaud the board for a lot of the work that it has been doing to address ethics concerns, so you should be applauded for that.

The one thing, though, that I would like to raise is that with its growing budget, when you look at your current procurement guidelines, only those contracts in excess of 150,000 get posted for RFP, so there's a lot of other money in the growing budget that's being allocated.

And, Steve, the person to your right, Denise, when she was more involved in the GNSO activity, it was really phenomenal that after each meeting there was a -- there was a report posted of every person in the GNSO who received funding, whether it was a hotel, travel.

So from that point of transparency, if we are going to be super-transparent, showing where some of the money is going is really important.

And specifically when you looked at the CEO's metric report from the last meeting -- not from Costa Rica but the one before -- 20% of the attendees at that ICANN meeting were on ICANN's dime, right?

So when one out of every five people are being subsidized or paid, 10% of them were ICANN staff or ICANN contractors; the other 10 -- the other 12% were fellows or GNSO.

So I think it's really important that we show where the money's going. I think -- I think that's important.

So those are my two points. Thank you.

CHRIS DISSPAIN: Thank you, Mike.

STEVE CROCKER: So let me just say, Mike, so we'll take that up and review that, and it will be interesting to -- at least from my point of view, to know if there's been a shift in practice.

But that said, let me also say, just as a, you know, sort of quick response to your numbers, there's a practicality issue and it's very standard practice to set thresholds and say, "Amounts above this, we will exercise more care and amounts below, there's too many of them to subject them to the same costs."

MICHAEL PALAGE: And just to be clear, I am not trying to micromanage. I'm just saying when you make decisions and start, you know, 25,000 here or 50,000 here, you can make that. I'm just saying just let the community know where the money's going.



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STEVE CROCKER: I thought you were going to end up to say "and pretty soon you're talking about real money." Thank you.

CHRIS DISSPAIN: Cheryl?

CHERYL LANGDON-ORR: Thanks very much, Chris.

Actually, as the transcript record says, my name is Cheryl Langdon-Orr, and --

That is little "in" joke I know, but some of you appreciated it.

I think I'm correct that I'm the only ATRT member that is sitting -- or standing and now talking to you, so I just wanted to check a couple of highlights which, whilst are personal views, I suspect would resonate with the rest of the team that's been here today.

I am very pleased with the report we're getting back. We know it's not all finished. We were aware of that before we came in.

But things that warmed my heart while I was here today was hearing the real progress that's happened in the GAC/board interaction, and we're looking forward to seeing the register update. And things like that are really big ticks from our point of view.

Bruce, yeah, you know there's work to be done but hearing what you've already done with NomCom and those sorts of things, they're issues that we were deeply concerned about and that you've addressed in a timely manner.

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But I wanted to focus on, to some extent, a little bit of Filiz, and particularly Christina's presentation, because what we were missing, of course, is what you've now managed to provide us with, which is an effective language services policy. Admittedly now draft. That's a pivot point that I want to recognize and mark publicly as so important for GAC, for non-English speaking business constituency members, across all of the constituencies in the GNSO -- clearly would have a measurement of interest in ccNSO, but perhaps not -- and GAC and ALAC and At-Large obviously need it. But thank you for getting it out in advance of this.

You'll be fascinated to know we did manage to finalize the ALAC. I got a buzz to say it's actually ratified its comments, despite the fact, Filiz, that it opened and ran through an ICANN meeting and that there were no blackout dates.

So we managed. You will get your response. It's there and we look forward to hearing the reaction to our comments.

But, you know, we used to have blackout dates. That really is important to bring back into the system of comment and reply/comment.

I was also very pleased -- delighted, in fact -- to see the possibility being looked at of running the reply in some parallel with the comments, so you don't have to wait till the end of the comment period, because that, in fact, is very much the model we were looking at. And we certainly would value the pressure of pushing people to comment early, so that they can start the dialogue.

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So you probably don't need to respond, but thanks all round. And Denise, you know how we feel about you. Amazing work. Well done.

STEVE CROCKER: Thank you.

CHRIS DISSPAIN: Cheryl, can I -- Cheryl, just before you go, if there's time at the end, can you just have a think about -- you know, you and I had a chat about some stuff earlier on, the other day, about the ATRT Version 2.

So not now, but if you can have a think about that, if there's time.

CHERYL LANGDON-ORR: I need to apologize, then, because I need to get to your FLI working group.

CHRIS DISSPAIN: Well, okay. It's not mine.

[ Laughter ]

Raimundo.

RAIMUNDO BECA: Okay. Raimundo Beca speaking on a personal basis.

The merit of what I am saying is from Cheryl Langdon-Orr.

When we were doing the -- with ITS International the review of the ASO, Cheryl had the very good idea to tell us, "Please use the ATRT report to measure if the ASO was transparent and accountable."

And we used it and it was a -- and I think it's a very good measure for that.

So my suggestion is that now that the SIC is going to start a new cycle, that the SIC and the community should pay special attention to what was made there and what was the recommendations on accountability and transparency in that report, and the reaction of the NRO about that. Thanks.

CHRIS DISSPAIN:

Thanks, Raimundo.

Paul.

PAUL DIAZ:

Thank you, Chris. Paul Diaz from Public Interest Registry.

I won't repeat, Cheryl, a lot of the concerns and would like to commend as well for the work that's been done, but two things kind of stand out.

Bruce, around Recommendation 6, I mean, we heard a lot today about what has been accomplished. There's a lot to take on board, a lot to be pleased with, but that particular clarification process between the PDP policy and executive, that's a real high-priority issue.

It's not met enough milestones. Great to hear that there's going to be community solicitation for input and a process, but in Toronto.

So, you know, we're going three months before that, and then there will be a process after.

It just seems that that is such an incredibly important issue for the work going forward and --

BRUCE TONKIN: Yeah. I think to be fair, that's an ongoing thing. I mean, we're learning as we go. So what -- we're not waiting till Toronto to receive input. We're actually receiving input today. Right? You are giving us input now.

PAUL DIAZ: For example, uh-huh.

BRUCE TONKIN: And a lot of what the board was actually asking during this week, particularly on Tuesday, was exactly that question. We used a specific example which was WHOIS.

It was interesting we got different views from different constituencies. Some constituencies said, "Don't ask anybody, just do it," and other constituencies said, you know, "You need to use the public process."

What we generally find as a board is if you like the decision, you just want staff to implement it; if you don't like the decision, you want a three-year public policy process.

That's probably the best criteria I could give today --

[ Laughter ]

-- as to when you should use one or the other. If I like it, do it straight away.

You know, so our challenge is to come up with some guidelines that work fairly and what we are going to do, we have a paper and we have been discussing it -- in fact, we've discussed it at several BGC meetings. It's not like it hasn't commenced. And in each meeting, we've been asking the community on any particular topic.

This week we received a lot of feedback on digital archery, and part of that feedback was most people have communicated to the board that, you know, that was something that should have used a -- more of a policy approach.

So we're listening now.

That paper will go out well before Toronto in terms of receiving input, and then we want a bit of a focused session.

But it's using examples. It's saying -- there's at least two coming up now. Well, the WHOIS review report and there's the security and stability one that's coming out. Those are classic examples.

So let's be concrete. Because otherwise, it's an academic discussion.

PAUL DIAZ:

Yeah.

CHRIS DISSPAIN: I think -- also, I think Recommendation 6 is a useful one to think about from the point of view of ATRT Version 2, because what didn't happen with the ATRT Version 1 was consult- -- was the team is independent totally, but consulting with staff or -- and saying, "Here's the sort of recommendation we're heading towards. How would you go about implementing that if you were minded to do so?"

So -- but the board is just faced with this sort of flat recommendation with some background behind it, and then it's got to sit there and figure out how actually to do that.

So maybe one of the tweaks for ATRT 2 would be some kind of liaison or something where people can actually go back and say, "They're heading in this direction. Do you -- you know, is it workable from a process point of view?"

STEVE CROCKER: Good. Even with the extension of time, we're going to be rather jammed here.

CHRIS DISSPAIN: Okay. Let's --

PAUL DIAZ: Just a very quick --

CHRIS DISSPAIN: Let's close the queue -- sorry? Yeah.

PAUL DIAZ:

Just a very quick request.

Bruce's answer cut me off before the second.

Building on what Michael said, it would be very useful -- we can see in the community the work the board's doing, the subgroups are working on, et cetera.

There's not -- there's too often not the same transparency or clearness on staff ownership, senior staff ownership responsibility, who's accountable for making sure that processes are moving forward, if there are logjams, et cetera.

If we're going to publish data on expenses and things like that, it would also help maybe to see more often who exactly is the one that has ownership for these issues.

CHRIS DISSPAIN:

Yeah. We're going to need to move to two minutes if at all possible, please.

AMY MUSHAHWAR:

Certainly. I'm Amy Mushahwar and I represent the Association of National Advertisers and the Coalition for Internet Responsible Domain Oversight, and I'm going to talk in my individual capacity as an attorney with -- who struggled with the initial procedures of the comment dockets and trying to understand how our own comments in the



defensive level registration docket actually made it into the tiny decision that actually occurred on that issue.

And, you know, I'm telling you, I'm advising Fortune 500 companies who experienced a docket where the day -- where the docket closed one day before the deadline. Then the comments summary was put forth and completed prior to individuals filing reply comments. And then ultimately, the new gTLD committee that made a decision had just a few lines of explanation.

You know, I am trying to explain to multinational corporations and large brands how our decisions and our interests were heard, and unfortunately I have very, very little to go on.

And I would love to dialogue with you about how to improve that process because brands are entering the picture. Many have been here for a long time, but we're now coming in as contracted parties.

So we do indeed need to make sure that you're held accountable.

CHRIS DISSPAIN: Thank you. Did you want to say something, Steve? You're going for the microphone, so I thought --

STEVE CROCKER: Yeah. I think the thing to say is we hear you loud and clear.

CHRIS DISSPAIN: Kieren, when you've finished fiddling with the microphone.

KIEREN McCARTHY:

Well, it's -- here we are. Hello. Kieren McCarthy.

So in general, I am sort of encouraged by -- from where we were and where we're going to, especially with the GAC doing extra stuff than was in the report, and there was another aspect where there was -- oh, the board is doing extra board. So in that sense, ICANN is beginning to grasp the concept of being accountable and transparent rather than the, "You've been given these recommendations and you have to be forced to do Line 1, Point 1, Point 2."

So that's great.

That said, I think there's huge room for improvement. It's a very formal process that we're running here, and it feels a little bit like, "If there is a new 1.6 we're not going to think about it."

An good example is the fact that I'm standing here behind a huge PA system in a massive room with not that many people and talking to you on a huge stage and that's because it's a default. But it's actually a really kind of bizarre way of having the sort of interaction that we want to have.

So I don't -- so while there's improvements, I don't think ICANN is thinking "How do I become more accountable and transparent? How do I look at all the issues that are getting in the way of us appearing accountable and transparent?"

So I still get a sense as well that ICANN never wants to admit it made a mistake.

So even with the digital archery, which I think we could -- we could easily call a mistake, there was a justification in there. It was a justification, not a sort of "We made a mistake."

So I'd like ICANN to say, "Well, we made a mistake there." Or at least feel like it can say "We made a mistake," rather than have to put everything through a process.

You're looking at me --

CHRIS DISSPAIN: I'm looking at you because you're running out of time.

KIEREN McCARTHY: Oh, sorry.

And also, for example, capturing the information.

So I'm standing here and it's going to appear on the screen and the people in this room will hear it. It will then appear in a PDF on a Web page somewhere and we'll all forget about it because we've had 60 of these sessions this week.

There's -- we're still not capturing what people actually say in a really good way.

So it's all out there, it's all published, it's all transparent, but we're not capturing it and I think we can improve on that.

CHRIS DISSPAIN: Okay. Good. Communications.

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Jonathan?

JONATHAN ZUCK: Okay. "Just take those old records from the shelf."

[ Laughter ]

JONATHAN ZUCK: All right. So Jonathan Zuck, the Association for Competitive Technology. I'm looking very much forward to the accountability review team coming up. My new campaign is going to be to remove transparency from the goal set and move it into the strategy part of that document.

I think accountability is going to be an issue that comes up over and over again for this organization. We had a meeting with the consumer stakeholders group in which Akram was kind enough to come and join us and expressed surprise at the fact that all these people that had come on these brands were calling and expecting an account rep to be on the other side of the phone to answer their problems with the process.

And I was kind of surprised at his surprise, to be honest.

I mean, when I was a consultant and had -- if I had a \$50,000 project with Google, they would expect to have -- get somebody on the phone to answer questions.

I mean, you write a check for \$20 million, I think you're going to really expect that customer service is a part of what happens.

So to go to my old campaign, though, accountability only happens with stated public objectives that can be measured and to which you can be held accountable, and I think we're going to have to go back and revisit that over and over again.

I'm really excited by the success thus far, at least, or what seems like the success of the consumer metrics project, consumer competition, choice, and competence metrics project. It seems to be really well received and I hope it becomes an example for the rest of this entire process, because in the absence of real objective objectives, real accountability will never happen. Thank you.

CHRIS DISSPAIN:

Thank you. Sir?

URS SCHNEIDER:

My name is Urs Schneider. I'm a consultant with CORE. I speak in my independent capacity and some 20 years with the Internet and 30 years with management education.

And to make it short, I would recommend you to take expertise in communication. There are plenty of people around now to do that because a lot of misunderstandings are particularly in the build-up of the gTLDs. There's a lot of delays, misunderstanding.

And the second thing I would like to say, it's not just communication, it's education. I was involved in some of the community applications, and you don't know how much it takes not just to indicate multinationals, but for instance the banking industry, my community applications would

be like a dot easy or a dot bank would be more important than just to have a dot UBS or a dot Barclays and that's not been coming as bringing from the ICANN, but for the next few months and years, I hope you will do it. Thank you very much.

CHRIS DISSPAIN: Thank you.

STEVE CROCKER: Thank you.

CHRIS DISSPAIN: Jeff?

JEFF BRUEGGEMAN: Hi. Jeff Brueggeman with AT&T.

We have been a consistent participant on ATRT issues within ICANN and, you know, there have been times when we've been frustrated that the data and the positions that we've articulated, particularly on the new domain name program, question how much those are being incorporated into the process.

So a very specific recommendation would be: I know that the ATRT Recommendation 7 is checked off as complete, which is the board issuing rationales for decision, but I would like to say that I think there's a big difference between a typical board action in the sense of a nonprofit board versus a conclusion of a policy development process type of decision, and I think the ATRT recommendation was specific in

saying analysis of which public comments were accepted, which weren't, and why.

And maybe as you're looking at clarifying the distinction between what is going to be part of a public -- or a policy process versus a board decision, really you should go back and look at what type of decision should be coming out of each of those different processes, and I would submit they're very different.

And perhaps where I would -- I would suggest that more analysis and more public documentation is needed is particularly on those policy processes, to help address some of the concerns.

BRUCE TONKIN: So I guess part of it, Jeff, is that the rationale is a summary of kind of often the board's thinking on something, but the documentation is often extensive behind that.

JEFF BRUEGGEMAN: Uh-huh.

BRUCE TONKIN: But if you're talking about gTLDs, there's probably thousands of pages of documents --

JEFF BRUEGGEMAN: Uh-huh.

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BRUCE TONKIN: -- behind any one of those decisions. So do you just repeat all that material in the rationale, or are we making the rationale, you know, simple enough for people to read? That's the balance.

JEFF BRUEGGEMAN: Right. Agree.

Maybe there's a balancing between, you know, "Here are the general points that were articulated and here's what we decided and why," and I think particular attention to you explaining why you did not accept certain positions --

The losers, I think, will feel better if their positions were at least articulated and analyzed.

CHRIS DISSPAIN: Thanks, Jeff. We can discuss it with Bruce.

And finally --

ADAM PEAKE: And finally --

CHRIS DISSPAIN: -- last but not least --

ADAM PEAKE: Hello.



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CHRIS DISSPAIN: -- before we go back to Steve Adam Peake.

ADAM PEAKE: Adam Peake and, yeah, just speaking for myself, nobody else. Thank you very much.

I think that the dashboard is extremely helpful, but I don't think that that is transparency. And looking back to how the ATRT team itself went around the constituencies, every meeting we saw Larry and Chris and everybody going around. That is transparency.

And I think socializing what's going on in the dashboard in progress, in implementation, would be something to return to.

I don't really know what dots -- you know, five dots --

BRUCE TONKIN: Isn't that what we're doing now, Adam? I don't understand.

ADAM PEAKE: It is, but it's not going around discussing it and really understanding each specific issue that may be of interest to a particular constituency.

BRUCE TONKIN: But again, those constituencies should raise that.

The board met with each constituency and asked each of those constituencies --

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ADAM PEAKE:                                 Yeah.

BRUCE TONKIN:                             -- to tell us what they wanted to talk about, so --

ADAM PEAKE:                             Yeah. I think I'm talking more specifically about, you know, directly on this -- well, the implementation team should be going around and doing that.

I know that Bill and Manal have done that within the GAC and that was very useful, but an example might be the NomCom, which is interviewing potential -- well, director candidates this week and will be making a selection at the end of this week, and we've had no input on that as a community.

And that seems to me not the transparency that we need.

I know that the Board Governance Committee has given the Nom- --

Just one example. And there would be many others, I think. That's my particular interest.

But, you know, I think we can do a more transparent process in understanding how implementation is going.

The dashboard is good, but I think we can do better.

So please try and inform, yes, more transparently.

Thanks.

STEVE CROCKER:

Thank you very much, Adam.

That brings us to the point of wrapping up here.

As I said at the beginning, we understand we're not done.

As you've also seen, there's been quite a lot work that has been done.

Over this next period leading up to Toronto, the intention is to raise the energy level, not let it slide, and to also increase the specificity of understanding about what's been done and the details of all of that.

We're getting some feedback with respect to we say we're done and the a complaint maybe is, "Well, you say you're done but this isn't quite right or this doesn't look right," so we're eager to take all of that into consideration and sort of sharpen the process a bit.

This has been a contentful session. We obviously need to look at the comments that are accumulated here and fold those in and take some lessons away in terms of the next ATRT process.

The review team has -- that was -- the prior review team, or the existing -- I guess it's no longer existing -- the ATRT was a yeoman's effort, very strenuous. A lot of effort was put into it. And as you heard, we're on the cusp of cranking up the next version of that. ATRT 2, I guess.

And so take seriously the prospect that you might be able to contribute, and that will be a major contribution to the process.

Anybody else want to add a closing comment?

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Thank you all. We've run right up against the limits of the use of these facilities. I got to -- we got to turn them over for the next group coming in, which will be the whole extended public forum and we invite you all to come and participate actively.

Thank you.