
ABU DHABI – Cross Community Session: Operating Standards for Specific Reviews

Monday, October 30, 2017 – 15:15 to 16:45 GST

ICANN60 | Abu Dhabi, United Arab Emirates

CHERYL LANGDON-ORR: Good afternoon, ladies and gentlemen. If you are here to attend this afternoon's supposedly high-interest session -- looking out amongst you all, I'm not sure how interested you all are. Although you in the room undoubtedly are. My name is Cheryl Langdon-Orr. I'm going to help the trains run on time for this afternoon's thrill-packed and exciting journey, and our tour is going to be through operating standards.

This is a cross-community session on the draft operating standards for ICANN's specific views. And let me start firstly with a virtual bended-knee apology. It's not a real bended-knee apology. I wouldn't be able to get back up from one of those. But the plan was to have this as an intimate, interactive U-shaped setup so that we could all talk with each other and work with each other, and now I've got to sort of do this to see Alan's down there, and I have to do this to see -- oh! I've got everybody. People appearing all over the place.

So if I can encourage you, I know I can't insist, but I am pleading with you to try and come towards the front here if you are actually interested in the session as opposed to using the

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.

Internet bandwidth provided by the Wi-Fi. If you're doing your banking and your authoring, feel free to stay at the back. That means that if you're at the back, I will assume -- actually, Sebastien, I'd be very happy. If you all had a row of seats there, that would be great.

Perhaps I could say we will take the names of all of you who are at the back and assume you are not interested and that you are doing banking. And if you'd like to be interacting with us down here under these not-as-we-planned circumstances, I welcome you forward.

If we can have -- Well, I'll call that a welcome. It was perhaps a little more like a threat than a welcome, but those who have worked with me before won't be surprised at that.

We have a terrific number of people who have considerable expertise and experience along this now long table. We have specific reviews that have been undertaken over the years in a number of ways. And what has recently gone out for public comment on, if memory serves, the 17th of October, staying open to, again if memory serves, something like the 15th or something of January, is a roadmap, a set of new proposals for operating standards seeking public comment from you and your communities. And today's purpose of this exercise is to raise

awareness, to clarify some questions you may have, and above all, to hear from you.

So there are people along this table who have had good, bad, and indifferent experiences in specific reviews, in the distant past and recent past. Every part of ICANN goes through having to now put people onto these specific review processes. I believe Rinalia is going to -- or Thomas, I suspect, is going to take us through what happened to change the bylaws to now make sure we have a different approach to these specific reviews.

And with that, what I will do with each of the speakers now is as we move to you in our running order, I'll ask you to identify yourself and identify where you come from. I mean, I know Rinalia comes from the ICANN Board. I know Katrina is the chair of the ccNSO. But it's important that, for the record, we all identify who we are and where we come from.

So I'm going to start off now by saying thank you. My name is Cheryl Langdon-Orr, and I kind of hang around all sorts of parts of ICANN for far too long.

And with that, toss to Thomas for your section.

Over to you, Thomas.

THOMAS RICKERT:

Thanks very much, Chair. My name is Thomas Rickert. I'm representing eco, an Internet industry association, and I'm sitting here today in my capacity as CCWG co-chair.

And I was asked to put this whole exercise into perspective. Why are we discussing operational procedures for reviews? And let me take -- take you back a while ago in -- a while in history.

We're working on the IANA stewardship transition where the U.S. government said we're going to relinquish our oversight function over ICANN if the community comes up with a consensus proposal to replace this, what we call, backstop function that the U.S. government performed.

And in doing so, we not only developed a technical solution for the IANA functions but we also looked at enhancing ICANN's accountability. And the working group that I'm co-chairing has actually been working on those accountability enhancements. So we were looking at ways to improve and stabilize ICANN's accountability system. And as you may or may not know, the U.S. government has called ICANN to order when it came to accountability questions and to -- and asked ICANN to improve its accountability with various agreements that have been in place between NTIA and ICANN, the last of which is the Affirmation of Commitments which included a requirement for ICANN to conduct reviews.

And when we formed the new accountability structure for ICANN, we were also asked to do some stress tests to avoid ICANN -- or to make sure that ICANN can't be captioned by -- captured by particular interest groups and other things. And so one of the stress tests that we developed -- to be more specific, that Steve DelBianco was instrumental in developing, was stress test number 14 which asked the question what is the destiny of ICANN's accountability if either the U.S. government or ICANN terminate the AoC.

And as you know, the Affirmation of Commitment has since gone out of existence, so we wanted to make sure that ICANN's duty to perform reviews will not disappear once the IANA stewardship transition is over.

And, therefore, what we did is actually take certain parts out of the Affirmation of Commitments and put that into ICANN's bylaws. And that brought with it certain changes, because suddenly the U.S. government would not be there anymore to discuss the composition of review teams, tasks and stuff like that. So we needed to come up with ways to do that on our own.

And, therefore, the goal -- and this is on the screen in front of you which I'm going to read out was to support the common goal of improving the efficiency and effectiveness of reviews. ICANN will publish operational standards to be used as guidance

by the community, ICANN staff and the Board in conducting future reviews. The community will review these operational standards on an ongoing basis to ensure that they continue to meet the community's needs.

So again, Affirmation of Commitments is gone. We put the vital parts of that into the ICANN bylaws, made a couple of changes to those requirements to adapt it to the post-U.S. government oversight era, and we also requested the development of operational standards to support those reviews.

I think I should pause here in order not to steal any thunder for the next couple of speakers, but if you have questions, by all means, please do ask them.

CHERYL LANGDON-ORR: Just -- Cheryl Langdon-Orr for the record. Just so you know, if you want to speak, you'll perhaps go, "Well, okay, fine, lady, where is the microphone?" We have two staff, if you'd like to stand up, with roving microphones. If you just put your hand up, the microphone will come to you.

If, by chance, you happen to have your computer open and you're logged into the Adobe Connect room, you could, in fact, raise your hand in that and the remote, Jennifer at the desk over there who is also looking after our remote participants will get

our attention and we'll make sure we bring her voice -- and of course if you're in the room, let her know and we'll bring a microphone to you.

So with that, I'm going to hand across to Rinalia.

RINALIA ABDUL RAHIM: Thank you, Cheryl.

My name is Rinalia Abdul Rahim. I am a member of the ICANN Board, and I chair the Organizational Effectiveness Committee of the ICANN Board that oversees ICANN reviews; specifically, organizational reviews, which is a review of structures within ICANN, and specific reviews. And the mandate for specific reviews my committee received at the end of the Copenhagen meeting this year, which was in March. And as my committee proceeded with our oversight responsibility of specific reviews, it was clear to us that the implementation of specific reviews under the new bylaws post transition are experiencing challenges. And based on the learning from those challenges, learnings have been drawn into the draft operating standards which have gone out for public comments.

And the purpose of the operating standards are essentially in three categories. The first is to fulfill the requirements of the new bylaws, and within the bylaws it was specified that it should

cover conflict-of-interest policy for review team members, confidentiality disclosure framework, decision-making procedure, considering advice from independent experts, and selection of review team.

The operating standards are also meant to be a place where we codify best practices based on the existing body of knowledge that ICANN has gathered from all of the experience of doing reviews. And we have been doing reviews for a long time. We are actually in the second cycle of five-year reviews right now. And within best practices, it would cover, among others, logistics or support for meetings of the review team, role of the review team members and chair, as well as minority dissent.

And the operating standards are also meant to address issues or concerns that have arisen from current review efforts, and we are currently hearing that. As an example, scope setting. And Katrina is going to speak later, and she has sent a letter to the ICANN Board in her capacity as the ccNSO Council chair to say that not having the scope clarified or set earlier, before the convening of the review team, is actually not an optimal way of proceeding. But that is the way the bylaws have been set up before, and if we're going to change that, the bylaws need to be changed.

Other issues that have come up, selection of the review team in assuring diversity and skill set. And here I believe that the SO/AC chairs' hands are actually a little bit tied. They are given this responsibility but they are not actually -- they don't actually have the ability to do that fully because of the way the rules have been developed. And also the issue of resignation of review team members. How do we do that? Because we have experienced that as well.

So I will stop there so that we can move forward with the discussion.

Thank you, Cheryl.

CHERYL LANGDON-ORR: Thank you very much, Rinalia. Cheryl Langdon-Orr for the record. And what a fabulous team it is to work with because we started a little late and I'd modified the running times here, and they're compressing their presentations beautifully. So we'll be back on track very, very quickly.

We're going to now move to a roundtable discussion, which is obviously not a roundtable discussion because we're not in a roundtable situation, but we're going to do our best to be interactive. And the moderator for this is Theresa. And, Theresa,

you might also want to just do a little bit of frame to go start with.

THERESA SWINEHART: Sure. I'd be happy to.

So the purpose of sort of this dialogue here is really to get feedback on what observations have been made to date that might be useful to capture in some of the discussions around the operating standards. And in particular, either from experiences from some of the prior specific reviews, observations from, you know, how things are working at this point in time, and really have a very good discussion around this.

Obviously the operating standards are out for public comment, and so the input from the community is very, very important in order to get these framed correctly and in order to have them as very good guiding principles for moving forward. You know, as mentioned earlier, ccNSO had provided some feedback on when they would identify who they would select based on what was needed in the scoping of a specific review. When ATRT comes forward and ATRT3, we may see similar sort of dialogues around that. And so I think it's very useful to have alignment among the community members in the input on the operating standards on some of these areas that then help make the path for the

reviews and the specific reviews in particular something that the community has agreed upon from that direction.

So with that, this is sort of a half an hour of discussion and an opportunity to hear from people, not just to hear back from the members on the panel but also maybe to hear from each other and have a dialogue amongst each other.

In order to kick it off -- and in case anybody doesn't have anything to contribute at this point -- we thought we'd put here some potential issues to explore. Namely, around what, if anything, based on experience to date, would you have observations on with relationship to support from ICANN organization in relationship to the roles and responsibilities of members of the review team or anything else relating to that. So that's sort of the first bucket.

And then also what issues, if any, have you observed based on experience to date could be improved upon or not improved upon and are working really, really well?

And then, is there anything else in the current operating draft standards that have been put out for public comment that you think are missing or should be further addressed?

The sort of buckets that have been put out for public comment cover the planning phase -- and there are several elements

under the planning phase clearly -- the actual conduct of the review and several buckets under that, and then also the review output and the board consideration, and then any mechanisms to amend the operating standards and what kind of process should be put into place for that. So within those buckets potentially, there's some things that should be added or taken out from that.

So with that, maybe I could open up to the panel for maybe some observations and then open to the floor.

Steve, is that your hand? Excellent.

STEVE DelBIANCO:

Thank you, Theresa. Steve DelBianco with the business constituency. And in the group that Thomas Rickert described, the cross-community working group, there was a drafting team that worked at coming up with recommendations driven by, in some cases, stress tests and in other cases by other imperatives.

But a group of us on a drafting team were charged with answering the challenge of stress test 14. Namely, if ICANN were to walk away from the bilateral agreement with the U.S. government called the Affirmation of Commitments, it would no longer have the obligation to cause these specific reviews to be conducted. And a simple way to address concern in

Washington, D.C., where I work, was to demonstrate that a stress test 14 could be corrected, could be addressed by moving those reviews and the obligation of reviews into the bylaws. So Alan Greenberg to my right, Cheryl, Thomas, Avri who is in the room as well, were part of a drafting team that took the Affirmation of Commitments language with respect to the reviews and the commitments that are in the AoC and brought them into the bylaws.

Some of the commitments made their way into the commitments and core values. But the bulk of the work that Alan and Cheryl and I and the others, Avri, tackled was to bring that language. It's what's in there today in Section 4.3 under specific reviews.

We did, however, on the way over conduct and put out for public comment some ideas for ways to, I think, make it more community-focused because the whole point of these reviews were that the community would be reviewing the operation of ICANN, not just ICANN org but ICANN all of us.

And in that respect, we gave the community a little bit more discretion in a couple of key areas. We allow the community to select the review team members from all of the ACs, SOs, and constituency which also caused it to be a larger -- potentially larger team, up to 21 instead of just the dozen or so that we had

in the past. We allowed the community through its leaders to set the scope of the review team within the limitations of what is in the bylaws of what they may put into the scope of review versus what they shall put in the scope of review.

And in that regard, we looked at -- the AoC had said that the ATRT, the Accountability and Transparency Review Team, had the task of being asked to review the implementation of prior recommendations from all of the reviews, the WHOIS review, the SSR, and the expansion of gTLDs. And that seemed inappropriate.

So we distributed that responsibility to each review team that when it convenes, it looks at the implementation of prior recommendations.

We also looked at designating the chair of the review team. It would be done by the review team members. And we suggested that the review team members, once selected by the community, would have the discretion to call for independent experts, who in some cases could be compensated by ICANN. We improved the access to documents that a review team would have. And I think all of those improvements, we have only just begun to try to see if those improvements need to be clarified further. I fully support the idea of a staff-driven initiative to generate operating standards and maintain them, put them out

for public comment because they can be helpful. And I have reviewed the document that's out for public comment now, and I see it as mostly helpful.

But there is one part of it that I would love to do a deep dive on in this panel. It's the notion of the setting of scope because there's a rather innovative approach in the proposal that staff has put out, about a year in advance setting the scope and then asking for volunteers who may or may not understand or agree with the scope that's been set. And I think that would end up being something we ought to discuss.

But in general -- I will wrap up there -- just to suggest stress test 14 drove us to do this move. We satisfied the stress test by bringing it in. But we definitely moved away from this notion that the chair of ICANN would pick the team members and have control and return the control for community-based reviews to the community leaders themselves. Thank you.

THERESA SWINEHART: Thank you, Steve. This is a really, really helpful part of the conversation. I have Lisa and Rinalia. And unfortunately I needed to move so I could actually see. And then I have Alan.

So, who was first? It was Lise and then Rinalia and then, Alan, if I could hand it to you.

LISE FUHR:

Thank you, Theresa. I'm actually now representing the ISPCP. Before I was part of the ATRT2 team. And then I was at the ccNSO community.

But my experience from being at the ATRT2 is actually that I find THAT creating the scope itself as a group is important to a certain degree. So it's a matter of having a scope that you can navigate as a group yourself. So while it's a lot of extra work, it's -- actually for the ATRT2, I think, it was extremely important to have the to actually maneuver around which specific subject you're going to dig into.

So for me it's a matter of how we define scope. I don't -- I haven't seen any of the drafts yet. So I just think we should be very careful.

Regarding the roles and responsibilities, I think they're key before you get into this work. This should be defined. We need to be absolutely clear. We need to be very strict on these review teams to actually ensure active participation. You don't want people just to be there to put it on the CV.

So for me, it's extremely important that we ensure that everyone on a team is active.

One last thing I'd really like to put forward because that was a key issue for the ATRT2; that is, we didn't have a budget when we started. We didn't know what we could do and what we couldn't do.

And for me, that is also key when you make a review. You know what you're actually -- how many times you can meet, the translation, what can we do, any reports from independent experts, et cetera. So you need to know the budget.

I know this is not a usual way to work. But for me, that was a barrier in the beginning because we had a long discussion with ICANN as such on actually getting to know what money we could work with. Thank you.

THERESA SWINEHART: Lise, thank you. Thank you. I think clarity on the roles and responsibilities, the budget, and, again, this issue of scope and the timing around that.

Alan, you had your hand up -- no, I'm sorry, it's Rinalia next. My apologies. I'm doing a terrible job here.

RINALIA ABDUL RAHIM: It's too early for that, Theresa. Thank you. Rinalia speaking.

Actually a question for Steve in terms of your opening remarks just now where you talked about scope. And I agree that scope is critical to set the review team on the right path. Who to your mind sets the scope right now? Is it the community through the SO/AC leaders or the review team?

STEVE DelBIANCO:

Thanks, Rinalia. Steve DelBianco.

The bylaws moved the notion of what may be in scope and what shall be in scope and moved it from the AoC into the bylaws with minimal change. And given it used to say "may" and "shall," it was our impression the previous review teams prior to the transition let the review team itself figure out the scope of which of the "may" items they would take on and how they would attack the "shall" items. And I verified that that's how they did work.

So the assumption was we would continue with that notion, that the review team itself using the guidance of, first, the affirmation and now the bylaws, the review team would interpret the words of what it "may" consider and "shall" consider. And even under picking something that you shall consider, such as the implementation of prior recommendations, how one attacks that, the degree of depth,

whether you seek outside help, all of that is at the discretion of the review team itself.

Now, the review teams in the new bylaws are selected by the chairs of the ACs and SOs from among the volunteers that came from the community of ACs and SOs. So the hope was that the volunteers on the review team would stay in touch with their respective community members. But I didn't have any allusions that all members of the review team would go back for every decision to the respective communities they represented. That's a lot of detail. And I think I assumed that the review team would have the discretion as a consensus group within itself to figure out how it was going to attack its obligations under the "may" and "shall" under the bylaws.

THERESA SWINEHART: Thank you. I think that's a really important distinction.

Alan.

ALAN GREENBERG: Thank you. One minor correction for Steve. We did move the ATRT items from "shall" to "may" to give the ATRT some discretion. So that was a change that was made.

Cheryl asked us to identify ourselves and saying which hat do I wear.

I have a few hats. I'm chair of the ALAC, so, therefore, one of the selectors in this new process. I'm an ATRT2 former member. And I'm also chairing the RDS WHOIS review team. So I can look at it from just a few different perspectives.

Scope is an interesting issue. If we do it before, as is being proposed, we now have the situation that the people deciding what work has to be done don't have to do it themselves. That's always a somewhat dangerous situation.

On the other hand, if the scope is set as it is under the at least tentative operational standards we have right now by the review team, Lise made a reference to we have to make sure everyone is going to work. It's a lot easier to decide what you're going to do than actually do it.

And as chair of a review team, I have just a little bit of concern that, you know, whether we will really have the commitment to follow through on everything we -- we have picked for ourselves.

And looking at the ATRT2, yes, we sort of knew what the scope was but it moved. It was a moving target. And we added things halfway through the review that weren't on our laundry list to

begin with because it became obvious from our discussions we had to do it.

And, you know, so -- there are pros and cons to all of them. And I'm not really sure we want to lock things in too tightly.

The selection process, Steve makes it sound really good that we've moved it back to the community. But, in fact, when the selectors were two people hiding away in a room having a private discussion, you have a lot more flexibility of balancing things and especially since they did not have a commitment on how many to pick from each AC and SO. They had a lot more ability to pick people who were really going to work, make sure diversity issues were addressed, perhaps even exclude someone who was, you know, a good candidate but not likely to be a good contributor to the process. And although back-room closed activities are frowned upon, they can be very effective. So, you know, the chairs of ACs and SOs picking from among their own selectees does not give you nearly that level of discretion.

We talked about budgets. And Lise was right, we didn't have a budget. The RDS review team now has a budget. But if you ask me today after being around for -- the group being around for several months how many offsite meetings could we have and what are the costs of some of these things, I still can't tell you. So I know the overall dollar number, but that's it. And hopefully

in the next few weeks I'll have more information and can make some of these decisions. But it's not quite clear.

And, lastly, I'll end up with a rather serendipitous comment from Steve Crocker in his opening talk today: "Process should be developed based on need, not on expectation that they may be needed." And I have some worries that we are detailing process at a level that is going to significantly increase the load both on ICANN staff and on the volunteer community where it may not be completely needed. And as the example, every review team that I'm aware of has had someone resign. And they replace them. And we sort of figured out very quickly how to do it, and we didn't need a written rule. So I think we need to be careful as we document and define processes for everything. Thank you.

THERESA SWINEHART: Thank you, Alan.

Katrina, you had some comments.

KATRINA SATAKI: Thank you very much. Katrina Sataki, the chair of the ccNSO Council. I'm not as experienced participant in this ICANN environment as some of you are. Nevertheless, I noticed even

though we read the same bylaws, we interpret them absolutely differently. So different people interpret bylaws differently.

And when we started the process of forming of review teams a year ago, it was our firm belief that operating standards had to be in place before we started the process.

Yes, I kind of agree with Alan who says that maybe we should not write down each and every detail because circumstances change, situations may change as well.

However, some basic principles -- and I think that current development, current situation with the reviews shows that some basic principles had to be defined beforehand.

And, again, I also believed that the scope is something that needs to be clear before we ask people to apply to put their names forward to participate in the review team because then, first of all, they can evaluate whether their skill set is the one that is required for this particular review team.

Second, the time they need to commit to this review team is something that they can afford. We know that this is all -- this is volunteer effort. They are all volunteers, and they contribute their time to this work that is really necessary for the community.

I also agree with Lise who said we should not pick those people who want their CV look good by putting some extra line to say, okay, I was a member on the review team.

However, if you talk about the current proposal of operating standards, you can see that there is a proposal to change some principles. If we currently speak that a review team can set up the scope themselves without consulting community, then in operating standards we have an extensive process for the community to actively participate in setting up the scope.

Yes, of course, it has some problems when somebody sets a scope and there are people who need to implement and do the work. Yes, it's kind of -- it may be problematic. But at the same time, I also think that when you yourself have to decide what to do, you might tend to take a lighter approach than probably community would like to see.

There are many -- many different other aspects to the work of review teams. And I think that if we look at the current situation around the review teams, we can see that there are things that could have been improved, should be improved in the future.

I think I'll stop at this moment because I have a lot of other things to say but --

THERESA SWINEHART: Thank you, Katrina. This is really a very rich discussion.

Steve and then Rinalia. And then I'd like to open it to you floor for maybe ten minutes or so, depending, and then we will go to the next part of the presentation. Steve.

STEVE DELBIANCO: Thank you, Theresa. Steve DelBianco. In staying with this theme of the scoping, I did want to indicate that the idea that you've surfaced in this document that's out for public comment is the idea of a year ahead of time to try to prescribe the scope before the review team convenes. That is to say, before the community has selected the people that will implement the scope.

And I want to consider the experience we just had with ATRT3, the Accountability and Transparency Review Team number 3.

A year ago when we met in Helsinki, more than a year ago, we considered the dilemma of cross community working group Work Stream 2 had nine projects under way, and six of them addressed accountability and transparency. It was clear that this was a significant overlap with the scope of the upcoming ATRT3, which was set to have been selection and beginning its process in January of 2017. So, anticipating that, in order to

avoid overlap as well as volunteer fatigue, we proposed within the CCWG to have a more limited scope for ATRT3.

For sake of argument, it was to have them look very diligently at the implementation of recommendations from the prior ATRT.

Well, we were able to get consensus within CCWG on that limited scope. This could be summarized in a paragraph. Didn't take a year-long process. And then we ran up against the buzz saw of trying to tell a review team what its scope should be.

I watched as we met earlier in Copenhagen, as the review team was coming together, there was a good deal of pushback from the various chartering organizations and SOs and ACs about this idea that the CCWG was going to say that the scope should be a limited subset of what the bylaws would allow.

Well, there was no offense intended. It was meant to maybe put a delineation of the responsibilities -- which should make it easier for ATRT3. We encountered a lot of resistance from that. And that was even before the team of ATRT3 came together.

So, with that lesson in mind, I'm wondering is that what drove staff to say it should be done a year in advance? Or was that an idea you were already cooking on?

And let's learn from that experience that, when a team comes together, a team of volunteers who knows they're going to

dedicate a year or more of their life, quite a bit of time, they come together and they may not receive very favorably this idea that the bylaws tell them what the scope is. They have discretion. And yet here we are trying to diminish their discretion by another group who's decided ahead of time what the scope shall be and then expect that team to implement that.

I don't want to create more problems than we're solving. And that's the cautious view that Alan and I are taking towards this recommendation to do it ahead of time with a different group.

THERESA SWINEHEART: Thank you, Steve. It's Rinalia, and then Alan. And then I really do want to open it up so we'll get to Sebastien. It's very clear that in the public comment process feedback on the scope, also based on this discussion, will be really quite important to be receiving it. Rinalia, Alan. And then we have roving mics. So raise your hand, and we'll get those sorted.

RINALIA ABDUL RAHIM: Thank you, Theresa. Rinalia speaking again.

Just a reflection on what Katrina and Steve just said.

So Katrina was talking about scope. And, when the review team members are responsible for setting their own scope, there is the possibility that they may do a light version of that.

There is also the opposite effect where they might actually go beyond what some people might consider as within the bylaws.

And it's a tussle that we have to figure out a mechanism for trying to address the problem when it arises.

So, when the review team has a particular scope and there are different points of view in terms of whether they are within the bylaws or not, how do we resolve that problem? That is something I want to put on the table. Thank you.

THERESA SWINEHEART: Thank you. Alan and then whoever would like to --

ALAN GREENBERG: Thank you. I just want to talk a little bit about scope again. And there is no nice answer that I'm aware of.

And I will recount what's happened on the RDS review team. You may recall that there were many in the community who said we're doing an RDS review now while we have a PDP going while we're looking at all sorts of other things.

And the by -- when we transferred the AoC into the bylaws, unlike almost every other time-limited thing in the bylaws where there's a little bit of wiggle room and the Board discretion, we did not give the Board any discretion.

We maybe should have, but we didn't. So we were told we have to do a review.

A number of us proposed that we do a very limited review on the -- that is specifically just look at the last WHOIS recommendations and see how well they were implemented. We got pushback from parts of the community. The review team has been convened and has set a scope that I, as chair, have a fair amount of trepidation about whether we'll be able to accomplish it all and how many years it's going to take us to do it and whether indeed we will actually manage to.

So I don't know any simple answer. All of the options have real sharp edges on them.

Thank you.

THERESA SWINEHEART: Thank you, Alan. Those are important observations.

To the roving -- there we go. Yes, Sebastien.

SEBASTIEN BACHOLLET: Merci. Sebastien Bachollet. Thank you.

Everything is well.

I'm going to get up. It will be easier. Hello, everyone.

I have a few comments.

First of all, appreciate what Alan said. I'm in agreement. But we have to be mindful of a few things. Internet goes quite fast. Organization maybe not quite so fast.

If we decide something maybe a year ahead which, by the way, you haven't talked about this -- what is going on right now on stability, security, just right now, if we were to put together a recommendation on what's going on now, can the Board say we'll stop now? We'll stop the review team? Those who nominate the team can say, oh, we'll take everybody out and we put a new team together. Can we replace someone by someone else without having that person resigning? These are questions that need to be open with what's going on currently.

How long will the Board be able to say, oh, we will stop working on this issue for so much time? The other thing I wanted to say, we need to trust people. When we nominate someone we don't nominate them for kindergarten job. We nominate them because we think they're going to do a good job and that they will actually do a good job.

Or we have a problem within the process of designation of those people.

Let's answer that question then, that process of designating people. If we have adult people who have different opinions but that can gather around a table to find a solution, if that can be done, for example, with the issue of the economic viability of ICANN and so on and so forth, why can't we do it with 10, 15, 21 people? We need to trust people. Thank you.

THERESA SWINEHEART: Thank you, Sebastien. Thank you. Bruce, welcome back.

BRUCE TONKIN: Thank you, Theresa. Hello, everybody. And bonjour, Sebastien. I'd love to be able to do this in French. But I can't, unfortunately.

I think if I step back a little bit and look at -- well, firstly, myself. My name is Bruce Tonkin. And I've been on a few different things at ICANN. I chaired the GNSO for a number of years. And I was on the Board for a few years as well.

And I've seen all these reviews for a few years, probably more than a few.

But I guess I'll come back to what's ICANN about. Part of what ICANN is about, I think, is to say we should be better than what

has been done in the past in the government sector. So ICANN was meant to be a private sector organization, meant to use some of the hallmarks of successful Internet companies and be able to apply that to the process of policy development.

And I think we need to identify that reviewing is a separate school from policy development. I think one of the problems I'm seeing happening is that we're blurring those things. So we put people that are subject matter experts and policy experts and expect them to do reviews. They don't have the skill set.

And we do that across the organization. Same on the Nominating Committee. We put policy experts on a committee that's actually a recruitment, an HR exercise. We should be getting people from our companies that work in HR on the Nominating Committee, not people who work in policy development.

If you look at the private sector, you have a marketing function; you have a customer service function; you have a software development function; you have a legal function. They're all different skill sets. You don't put a lawyer necessarily on customer service. They'll just say, "I'll sue you." You know, they're different skills.

So I think let's actually identify that reviews is a specific skill set, and let's actually start looking at private sector and look at the Internet.

What makes Google successful? What makes Amazon successful? They are constantly improving their processes.

There's a lot of work that's being done and there's a lot of information out there publicly available on how to do process improvement, how to do reviews.

And there's several frameworks we can use at ICANN.

There's ISO9000. If you look at ISO9000 and just look at the headings of what's in there, it's customer focus. let's call that Internet end users. It's leadership. It's engagement of people. It's process improvement. It's evidence-based decision making. It's relationship management. These are all the fundamentals of ISO9000.

Another framework is CMMI, which is capability maturity model, clearly commonly used in India. And this is how they improve their process development for software development. They have a range of capabilities. Level 1, 2 -- I think level 4 or 5. If we independently reviewed ICANN, we'd be lucky if we're even level 1. Because we're not actually using the skills that are needed to do process improvement and review.

Another one is agile development, which is very common in the Internet industry now. Most successful Internet companies follow the agile development methodology.

Have a read of the agile principles. That's what ICANN should be aspiring to. But it's rapid improvement. It's constantly you look at a process, you make a change, you measure it, you make another change, you measure it, and you move faster and faster.

And the companies that are successful today are really good at that.

You look at the Google search algorithm. Classic example. Just constantly evolving. Whereas, you look at ICANN, our process improvement takes longer than the actual process itself.

And we're a textbook example. If you went to a project management course at a university or training provider and said here's how bad project management is, we're a perfect example of that. We have scope creep. We have unconstrained resources. We don't hit any deadlines. We have a very low return on investment of the people who put their effort into these things.

And that's why you have attrition. People go wow, instead of -- it would have been great if I could have spent a focused one month on this problem and saw an improvement, I'd come back

again. But I spend 12 months on a problem, no improvement. I'm never coming back again.

So it's a very low return on investment of people's time at the moment; and, hence, you have trouble getting volunteers.

So my suggestion is, essentially, let's pick a framework to start with. There's a number that you could choose from. And use that as the framework for process improvement.

Actually, appoint people to the review panels that are reviewers, that have experience in that. If they're available in your organizations, use those people.

The worst person to put on a review panel is someone that's been fighting tooth and nail in the policy process and just, basically, uses the review panel as another way of relitigating what they lost, one of the battles they lost in the policy development process they try to bring to the review panel. That's totally dysfunctional. We should not be doing that. The people on the review panel should actually be looking at it objectively without actually caring what the answer is. They should be experienced in doing process improvement.

It's all the fundamental stuff of process improvement. Like, what are the objectives when we develop a policy? How are we going to measure whether we succeeded in those

measurements? Let's efficiently measure whether we succeeded in those objectives and use that to inform the policy development process.

Don't do the policy development process in the review panel. That's not what it's for. It's purely to review did you improve where you were before? Yes or no, really. It's not that hard. Doesn't take six months. In fact, I would love reviews to be done in a week, one of these weeks. You start at the beginning of the week, and at the end of the week you're done. That would be maybe like what an Internet company was 30 years ago. These days they do that in an hour. We have to get more efficient.

That's probably enough to get you started.

THERESA SWINEHEART: Bruce, thank you very much. That might also ease the workload on the volunteer community as well.

Katrina, you had some comments there.

KATRINA SATAKI: Yeah. Thank you very much, Theresa. Katrina Sasaki, chair of the ccNSO council.

Actually I agree very much with what Bruce was saying. Very good, brilliant.

However, if I talk about Google's search algorithm, I'm sure, if they posted it for public comments and tried to get some feedback from other communities, it would never be half as good as it is now.

So, if we want to be more efficient, let's step back from multistakeholder model and let me decide everything.

And, believe me, we're going to do all the reviews in a week.

Yeah. So I think we are what we are. I'm not saying we should not improve things, get more efficient, and optimize, make it more optimal.

However, at the same time, we've seen good examples in the past of cross-community working groups on accountability and stewardship. They had their scope defined before they started doing their work.

And I'd say they were successful.

We can show them as examples of what community work can be and how efficient and good it can be.

Okay. Maybe I'll stop here. Because I have some other things that I'd like to say, but probably later.

THERESA SWINEHEART: Okay. I risk getting in trouble with the chair. I do, yes. I am risking it. Let me test that risk factor. Can I still have Steve and Alan who put their hands up? Or shall I turn it over to you, Chair, and we'll take it later?

CHERYL LANGDON-ORR: I'm going to suggest we take it later. So gentlepeople, if you don't mind --

THERESA SWINEHEART: I don't want to get in trouble with Cheryl.

CHERYL LANGDON-ORR: You'll never get in trouble with me. We'll just remodel how we operate in the future. That's all.

I think what we'll do is we'll push through to the next part of the agenda. And, hopefully, we will still have time to come back.

Because what we're going to look at now might very well pick up on some of the points that some of our panelists -- and I'd like to think more people from our room -- want to bring forward. We're now going to go pretty much into another roundtable -- if we had a round table -- session. And this is going to be moderated by Larisa.

And what we're going to look at now is a discussion on the actual draft operating standards that are out for public comment.

So she's going to do a little bit of grounding, a little bit of background.

And then we'll be opening it up for a hard stop preferably at 1640 so that we can take any additional questions and comments from panelists at that time. And we'll wrap up by our advertised 1645. Over to you, Larisa.

LARISA GURNICK:

Thank you, Cheryl. This is Larisa Gurnick. And my role here is part of the ICANN organization, the team that supports the work of the reviews. Actually, I think all the material on this slide has already been beautifully addressed by others. So, in the interest of time, let's go on to the next slide.

So you've heard where the operating standards came about. And you've heard a lot of discussion already about selecting review teams.

So what I'd like to do is give you a real high-level overview of what's in the draft operating standards as suggestions for selecting review teams.

And then also give you a bit of context as to where these ideas and principles came from.

And what are the observed problems that we were attempting to solve with the draft operating standards?

So, starting with that, the observed problem or issue is that there is no clear process or means to ensure that there's balance and diversity within the review team as well as required skills.

So what we're proposing to do in the operating standards is to do the call for volunteers as has already been done. And, within that call for volunteers, just as a point of reference, we always do encourage applicants to make themselves known to the communities that they're seeking a nomination from so that it would solve one part of the problem, which is when people apply for these important roles -- and, if they're not very well known to the SOs and ACs that they'd like to represent, then their chances are not very good for being selected. So that is something that we, as ICANN org, suggest and encourage. But, obviously, not much we or the operating standards can do toward that. And then ICANN organization distributes the applications to the SOs and ACs from which the applicants seek their nomination.

And we propose that that would also include a non-binding diversity and skill analysis of each candidate. And this is based

on the specific skills that would be required to do the review which are announced and would continue to be announced as part of the call for volunteers.

The SOs and ACs then have their own procedures for what they do with all that. And I know that that's already being done.

So they select up to seven candidates. Why seven candidates? I think that's part of the bylaws, actually.

And then they would also indicate, if they nominate more than three, who their three preferred candidates are. And that's the part that's based on best practices that we observed recently.

Once all the SOs and ACs that care to nominate review team members submit those nominations, then the SO/AC chairs meet, convene in an effort to pull together a review team. So the nominees from the SOs and ACs that have nominated three or fewer candidates, those three would automatically make the cut, if you will.

Also, those SOs and ACs that specified -- let's say they nominated four or five but they specified who their three preferred ones are, well, those three would make the cut as well.

The SO and AC chairs would then have the option to fill any spare seats. And the way that happens is there's a maximum of

21 seats on the review team -- seven SOs and ACs each with up to three candidates.

But not everybody nominates three and not everybody nominates any. So that's how we would potentially have spare seats. So the SO and AC chairs have the option to fill any of those spare seats on the review team to get to the maximum of 21 by selecting additional candidates from those SOs and ACs that have nominated more than three, and that could help with the balance and the skill set.

Once the SOs and -- once the SO and AC chairs have made their initial selection, ICANN org would circulate another non-binding diversity and skill analysis that would be based on the exact same criteria as before and that information would be available to the chairs should they wish to use it. And they would be free to revisit or maintain their original decision, and that would give another opportunity to check for diversity skills and balance. Next slide, please.

So where do we come up with this or what the thought process was? it was clear that only candidates who are nominated by the SOs and ACs can be selected by the SO/AC chairs because it's important that the selection still stay true to the intent of the bylaws and the -- and come from the SOs and ACs and not the chairs. We've heard that the SOs and ACs place high value on

being able to indicate preferences for their nominees. It's still not clear whether the SO/AC chairs should be given power to overrule the indicated preferences of individual SOs and ACs, and we would very much be happy to get input on this point.

The overall diversity and skill set of the review team is the responsibility of the SO and AC chairs. The other nominations come from the community. And by providing the non-binding diversity and skill analysis based on the same criteria that were initially shared in the call for volunteers and with the original applications, that would allow the chairs to assess the overall composition of the review team to make sure that it's -- it meets the -- the expectation and it's -- it's well-equipped to do the task at hand.

Moving on to the next area that I'd like to highlight here today is the other topic that you've heard a great deal about, setting of the scope. I think the various speakers have already done a great job to explain what the observed problem might be and, of course, there's two different angles to it. On the one hand, it's difficult to select review team members without clarity around what their scope of work will be, as Katrina indicated. On the other hand, of course, it is difficult to have someone else set the scope for the work that they won't have to do. Within the details of the operating standards, you will see a lot more depth to some of these suggestions. So you will see that we would

encourage and hope that the -- that the panel that would be assembled the year before to set the scope, that those individuals would also be encouraged to participate as review team members. So ideally some of them would continue to do that so that there would be some connection between the panel that sets the scope and those that actually do the reviews.

Also, just as a point of clarification, the rationale for this concept of convening a panel to set the scope ahead of time was based, as I think Katrina said, on the CCWG experience and also the GNSO working groups. It's my understanding that they work that way. So as much as possible, throughout the operating standards, we try to look for things that are already in the -- in action around ICANN. Maybe not necessarily in the review area but in other areas, and we try to borrow and steal as many things as possible that already are working, or seem to be working, not to reinvent the wheel.

So obviously the operating standards are something like 20-plus pages. There's a lot of depth, a lot of details. Many, many other topics are covered. We're featuring two here today because of their timeliness, relevance, and great interest. So with that, I will pass it back on to Theresa so that we can have a discussion. Thank you.

THERESA SWINEHART: Wonderful. Thank you. I already see some hands up. So while we're going to a next slide which poses some questions, I'll start leaping to the hands. Alan, is that you and then Steve, did I say yours as well? Okay. Alan.

ALAN GREENBERG: Two issues in relation to what Larisa was saying. Number one, I would strongly suggest not being able to override the selections of the ACs and SOs. ACs and SOs have their own politics. And you cannot presume that just because someone is on an endorsed list or nominated as we're suggesting here that the AC or SO really, really wants to see them on that group. You know, we're all sometimes in an awkward situation. So there's a certain amount of danger in saying the chairs can do that. You know, perhaps the chair of that AC/SO may hold sway, but it's a little bit dangerous.

The other thing is Larisa said that according to the GNSO this group that is convened ahead of time sets the scope. That is incorrect. The scope is set based on an issue report. The drafting team creates the charter, but that is very, very tightly constrained by the issue report that was governing the PDP. So it is not the case that that group sets the scope. Thank you.

THERESA SWINEHART: Alan, thank you very much. Steve? And then I have Rinalia and Thomas. I don't know whether your hand was up earlier or not. Okay. Steve.

STEVE DelBIANCO: Thanks, Theresa. Steve DelBianco. Larisa, I've read the report over, and I do appreciate so much the documentation of the process, and particularly the way in which staff could advise the AC and SO chairs about diversity and skill sets. And hopefully they take on board advice from Bruce Tonkin about the skill sets we should have, and I think that will be helpful. But ultimately, it's the ACs and SOs that make the selections. And you ask in there for clarity about whether an AC and SO chair would override the wishes of an AC and SO. I think that -- I think that you're creating a problem more than solving one there. The GNSO where I live doesn't have a chair. It has a council, and our council has a chair that we elect. But we don't have a separate organization. For the GNSO we have a council, and the council represents the bodies that are in there. So when the -- when the new bylaws kicked in and the GNSO had a role in selecting review team members, the GNSO attacked that issue by realizing our own procedures and we debated and then eventually decided that our GNSO Council chair would act in the role of representing the GNSO when it came to selecting review team members. In other words, we revolved the clarity you sought,

and we resolved it for the purposes of GNSO. And I have not idea what ccNSO and ALAC want to do with respect to that. But I do think you should leave that to the ACs and SOs to determine who speaks for that AC and SO. And you're wading into a place where there are no rewards for wading into that and trying to prescribe how an individual AC and SO, let alone the GAC, would come up with those kinds of decisions. Just stay out of it is the best -- is the best medicine.

I wanted to also suggest that this notion of doing the scope ahead of time, I believe that the reason we don't have as many volunteers as we want is because the amount of work on a review team is a daunting task and it really doesn't have to do with whether the scope is sufficiently clarified. Remember that the scope of these four reviews, each review fits on less than one page. If you look at the bylaws 4.6, each review's mays and shalls, each of them fit easily on one page at 12-point font. There's not a lot in there, and that is already published by staff when we do the call for volunteers. So you don't -- I don't think that that scope, that any lack of clarity about scope is an impediment to volunteers.

As far as the board's role, your proposal suggests that the board would have a new power, the power to approve the scope a year in advance, up to a year in advance, of a review team convening. And that will be a significant lift to get the community to agree

to give the board these new powers. You may be trying to solve a problem, and I appreciate that, but I believe you will create a problem. The bylaws, just like the AoC, only gave three powers to the board with respect to community reviews. First the board shall cause a periodic review to be performed. And that is exactly from the AoC into the bylaws. Second, the board considers the final report and determines whether to approve the recommendations. And finally, the board shall promptly direct implementation of whatever gets approved. Those are four verbs that the board has power to do. And nowhere in the AoC, in the old days or the bylaws in the new days, nowhere does the board have the power to limit the scope or affect the scope of the team.

Now, if the board became aware of something that's gone wrong and the board becomes aware that a review is not going to deliver its mandate, well then the board says look, it's our obligation to cause a review. We're aware of a problem that might cause a review not to happen or to go badly. So the board should definitely inform the community about that. Transparently and loudly. We think there's a problem. But you have no power on the board to then fix the problem. It's really up to the community to fix the problem with the community review, particularly when the board identifies an early warning about a problem with delivery. And we all know the elephant in

the room is the SSR2 review. And I'm talking about that experience without mentioning it explicitly, but you all know what I'm talking about for sure.

UNKNOWN SPEAKER: (Off microphone).

STEVE DelBIANCO: Yeah, exactly. Larisa probably wrote these recommendations prior to the SSR2 incident, but it's a great lens into which to look into how this might go. Thank you.

THERESA SWINEHART: Steve, thank you very much. This is all a useful conversation. Rinalia. Larisa, I think you had a small clarifying area after Rinalia, or do you want to go before? And then Donna's hand is up in the Adobe room, and so you're after that. Thanks.

RINALIA ABDUL RAHIM: Thank you. I think that sets the stage for what I wanted to say. When someone poses the question of should SO/AC chairs be able to override the SO/ACs preferred candidate to ensure overall balance of diversity and skill set, it's because there is the

possibility that the overall balance and skill set required to perform the review is not met, so then what do we do?

So I think that first base in order to address the problem is that when the SO/ACs make their selection, that they vet rigorously and make sure that there have three preferred candidates fulfill the skill set and that that solves the problem already. Because then when the SO/AC chairs look at the whole group and try to see if there's a gap in how to address it, it won't necessarily affect the selections, the preferred three that the SO/ACs did before.

Now, regarding the role of the Board versus everything else, I don't know if you've been will go at resolutions that the Board passes to trigger or cause the reviews itself. There is a sentence that says that it requests the review team to submit the scope and work plan and terms of reference so that the Board can confirm that it's within the bylaws. And that's because the Board believes that it has certain obligations regarding specific reviews to basically confirm that. And I just wanted to share that because that's a point of view.

And I'm very concerned that we don't have a working mechanism for problem solving when it comes to challenges that emerge from specific reviews. And we were talking about the elephant in the room and that's our first case of deal with it.

And I think the Board is actually saying, "Hello, community, we have a problem." And what we're doing to deal with the problem is that one part of the community, which is the SSAC, is saying that there are issues, and they're requesting for Board action. And we don't have precedent in terms of how to deal with it, so the Board is saying we're going to pause the review team for now, get the SO/ACs together to talk about how we solve these issues. That's where we are right now.

Thank you.

THERESA SWINEHART: Rinalia, thank you very much.

Larisa has passed because it's already been covered.

Donna, and then I have Bruce in the queue.

DONNA AUSTIN: Thanks, Theresa. Donna Austin.

I want to speak as the vice chair of the GNSO Council, not on behalf of Council but just in my role as vice chair of the Council, and it goes to the selection process that the Council goes through in selecting members of the review teams and other positions that have become vacant.

Now, we actually set up a Standing Selection Committee because we realized that coming out of the -- I was going to say Affirmation of Commitments. Coming out of the transition, we found that there are a number of positions that we needed to fill. And rather than having the Council be responsible for that, we have a -- we stood up a Standing Selection Committee to do it. And it's not just councillors that are part of that committee; it's actually broader than that. So it can come from within the GNSO.

Some of the challenges that we've had in that process, and the more of these review teams that come up and we're looking for people to fulfill the roles, is we're running out of people because -- and if we're running out of people, what you're ultimately doing is selecting those who have put their hand up because you need to provide somebody. But to Bruce's point, they don't necessarily have the skill set that you need to do the work.

And, you know, there was a lot of good stuff in what Bruce said earlier, and I really hope that's not lost on this panel and perhaps the broader community because we have -- some of the more difficult conversations with the CWG on transition and the other one on accountability is this idea that we have to be -- we need equal representation to be fair, to ensure that we have the -- you know, everybody's represented in a conversation or a, you know, consideration of an issue. We don't really need that. We

just need to ensure as a community that we have the expertise that we need to be able to deal with the problem. And that doesn't mean that we need three people from the ccNSO, three people from ALAC, three people from the GNSO. And if we get into it with the GNSO, we'll say that we don't have enough people because we really need three times seven to be on equal terms with the ccNSO.

So I think, you know -- I know we've been through this process with the transition and we've come up with these wonderful ideas about, you know, treating everybody equally, but I think please don't lose, you know, what Bruce has said because I think it's really important. We -- I think Chuck said with the PDP Working Group that he's doing on RDS, you know, that was -- should only -- the timeline is slipping out all the time, and the expertise that we need and the volunteers that we need are burning out, and they don't have the time to commit that -- they've made a commitment for 12 months, but if that commitment turns into three years, we're going to lose people along the way, and we just -- we're kind of defeating the purpose of what we're trying to do here.

Thanks.

THERESA SWINEHART: Donna, thank you very much.

Bruce and then I had Alan.

Thanks.

BRUCE TONKIN:

Thanks, Theresa. And now from the Australian corner of the room. So firstly, just -- you're talking about scope, and then you're talking about is it the Board setting the scope or is it the GNSO setting the scope or a council setting the scope. Why don't we just come back to basic project principles and say what we should be clear on, I think, is what's the time frame and what else the resources for each of the reviews. And then you set scope.

So you say I've got -- let's say you've got 90 days and let's say you've gotten people and you've got a budget of a million dollars to spend on data surveys. That's your resources. Then you set your scope, and you hit those deadlines, and you manage those resources to be the most effective.

I don't care who actually does the scope, but let's actually get it right in the first place because we have open-ended scope. The committees don't know what resources they have. They make it up as they go. Very inefficient.

So start with the time frame and the resources, then set your scope. And with your scope, prioritize it. Don't try to do

everything. Prioritize it to get the best return for the number of days you've got and the number of people you've got. Project management 101, basically.

I was really frightened when I heard Alan describe the process for selecting people, which I think is part of the problem that we have at ICANN. It sounded -- I may have misinterpreted, but it sounded like it's a political popularity concept. So nothing to do with skills. And if we use this to build the Internet, it would be very interesting to see what the Internet would look like if it was just Justin Bieber and Taylor Swift building it. Very popular people, clearly. No idea how to build a network.

I think we should start with the skills, and then when we've identified a set of skilled people, then use the popularity contest to pick the best person. And then if you look at the new gTLD process and we selected TLDs and we selected top-level domain operators, we didn't run a popularity contest. We didn't vote and say which company do we like the best to run this particular TLD? We used a very objective process. We appointed Ernst & Young, KPMG, JAS Global Advisors. They objectively looked at the technical information that each of the respondents had, and they had to pass that before anything else happened; before it got to the GAC and the political process started. Nobody even got to that stage unless they actually met the technical criteria to be a TLD operator.

So the starting point with the review team is let's define clearly the skill set that we need on the review team. Let's allow people to apply to be a member, and let's use -- let's use KPMG and Ernst & Young to actually determine whether or not they actually even meet the threshold to be on a review team.

Then once you've got that, then run your popularity contest. That's fine. But let's get the right skills to start with, as you would with any other best practice in Internet operation.

And then I get that we may not -- you know, some parts of the community may not have some of these skills, and diversity is extremely important, I don't disagree, but let's train them. We should be investing more in training. We should invest training, in helping people with policy development skills. We should be investing in training in how to be a review team member and what skills are required in a review team. And then, you know, address diversity that way, through training, making sure that they're assessed on have they actually learned from that training, and then they're qualified. And then you can run your popularity contest.

THERESA SWINEHART: Bruce, thank you very much. I think this is very good insight and -- to think about here.

And I do hope that all the comments that are being made here are also put into the public comment process. I think that will be very important.

Alan, you had your hand up and then I'm going to Sebastien, and then I'm turning it back over to Cheryl before I get into trouble.

ALAN GREENBERG:

Bruce just slightly misunderstood but not completely. Our selections are done by a selection committee like the GNSO. These are real people, and we're often judging people that we have been associated with for decades, and personalities and other things do come into it.

We could probably do the kind of thing you're talking about. Our selection process would probably be a four-year process, and by the time we selected them, they wouldn't be here as volunteers anymore. And I'm not sure we can quantify some of the skills as well as we can whether you're a capable registry operator.

So it's a nice theory. I don't think it really works.

The question was asked what do we do if we don't have the right diversity, if the chairs say, you know, we just don't feel comfortable. Re-open the call. We've done that dozens of times

over the last years and say we need more people; let's try again. It's just doing it at a slightly different -- at a different level.

And I'll point out a number of people have talked about and the guidelines talk about the chairs. Up until very recently, as -- I as ALAC chair, Cheryl as ALAC chair has virtually no powers. We can act on behalf of our group based on decisions that group makes. Almost period.

We've now -- According to the bylaws, we have now given the chairs power in their own right to act as selectors. We do not confer. We are individual people. The chair of the GAC had that under the AoC. And the chair of the Board had that. But that's a brand-new power that we've never talked about.

So there was one reference in. -- in the description of doing the selection that the chairs go back to the SO/ACs. I'm not quite sure how one would do that, because you're now involving the SO/AC in the selection which involves personnel. And we've got to be really careful about defining roles. Thank you.

CHERYL LANGDON-ORR: I'm giving you a wind-up signal, Alan.

ALAN GREENBERG: I wound up.

THERESA SWINEHART: Sebastien, and then I have permission still to have Malcolm speak, and then I'm going to hand it over to Cheryl.

SEBASTIEN BACHOLLET: Thank you. It seems that today everybody is speaking in English, and I will follow in English.

I just want to raise your attention, Bruce, maybe without leaving the same organization but in the next-door we have government who say, "Well, you need to follow our rules." Here you tell us we need to follow the business rules.

I hope that at the end of the day, what we will do, it's done multistakeholder organization rules. It's why we are here. It's why I don't think that all the trick from a company must apply to what we are doing, because we are doing something. It's not just staff who is working. It's a lot of people who have volunteered their time.

At the end of the day it couldn't be in either something or in way of a project is running a company. We are not such a thing. Then we need to find a way to work together. And maybe one day you need to take my life during six months and I will take your life during six months, and maybe I will understand you better.

Thank you.

THERESA SWINEHART: Sebastien, thank you.

Malcolm, please.

MALCOLM HUTTY: Thank you.

Well, there have been some very interesting and thoughtful comments on how things might be done differently, but much of this matter has actually been discussed at great length and written into the bylaws as to how it should happen. And it seems very strange that we should be contemplating either interpreting a way or alternatively changing the bylaws before we've even had a chance to try it out once.

And the idea that we'd be first having to make -- essentially devolve it to KPMG or some such consultancy to assess who is qualified and assume that the community isn't capable of picking appropriate people in the way this is clearly specified in the bylaws seems to me to be an unfortunate lack of faith before we've even had a go at it.

As for the scoping issues, you mentioned -- or Steve mentioned the elephant in the room on SSR2. Now, there may be some --

certainly some scope to have discussion as to what these things mean in practice, but in terms of the balance of that, again, the bylaws are quite plain. They set out certain things that the SSR may look at, and it specifies other things that the SSR shall look at. That clearly requires the SSR to look at the things that it shall look at, and it authorizes them to look at anything that they choose to within the range of things described by "may look at." And that is, it seems to me, quite clear. To me, changing that at this point before we've even done it the once or even to be discussing that seems very odd and a disappointing lack of faith in the work that we've done over the last several years preparing for transition.

Thank you.

THERESA SWINEHART: Thank you, Malcolm.

Cheryl, over to you.

CHERYL LANGDON-ORR: Thank you very much, Theresa. And thank you very much all of you who have contributed to what I certainly think has been a very fruitful and worthwhile conversation. It would be lovely if we had more time, but we don't. The cost of time of course has meant we haven't come back to find out what additional

comments our panelists would like to make, but just like you, they are going to be able to contribute to the public comments. Therefore, I'm going to encourage you, having taken this tasting tour through some of the highlights of what is a much deeper document, to look at this, to be inspired by the deeply held beliefs that you've heard about today, decide how comfortable you are at one end of the spectrum or the other or, you know, (indiscernible) model, work it out and tell us, because that's what's going to be happening between now and January 15, I think. Someone will correct me.

This is essential. If we're going to build a better model, we need community input on it.

I want you to put your hands together for this great team of people up here.

[Applause]

Not just for their contributions to you today in this meeting, but their services for all those review teams in the past. And, I'm sorry, but if you can't applaud the tech team and our fabulous language services people, I'd be bitterly disappointed.

Thank you. Bye for now.

[END OF TRANSCRIPTION]