

DURBAN – ATRT 2 – Face to Face Meeting Day 1
Friday, July 12, 2013 – 08:30 to 17:30
ICANN – Durban, South Africa

BRIAN CUTE:

Greetings. This is Brian Cute, chair of the Accountability and Transparency Review Team 2. Greetings from Durban, South Africa Friday, July 12th. We're holding a face-to-face meeting at the beginning of the ICANN meetings. Welcome all in the room and online.

To kick off, I'll offer some brief points with respect to our objectives and deliverables for this meeting and our overall project timeline. How are the acoustics here? I'm hearing a bit of a reverb. Is that bothering folks? No, okay.

The main thrust of this week is this is the ATRT-2's opportunity to engage face-to-face with the ICANN community. Over the course of the next five to six days, we're going to be having a number of face-to-face interactions with ACs, SOs, the ICANN Board and a critical aspect of our work is that it be fact-based and that it be informed by inputs from the community. We've put out a request for comments. We've received comments. We'll factor those into our work. But this really is a unique opportunity this week for us to have a fulsome and informative interaction with the community and that's why we're here, and looking forward to the work ahead.

Coming out of this week what we need to do is focus on our deliverables and the next phase of our work is to begin coming to preliminary conclusions and drafting recommendations. That work will

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begin in earnest in Los Angeles, but we need to discuss here our preparation for our next meeting in Los Angeles at the end of August.

Just a reminder for those listening in, we are to deliver recommendations to the ICANN Board by December 31st of this year. Our work timeline has us meeting in Los Angeles at the end of August and working toward offering draft proposed recommendations for public comment in the early October timeframe, taking public comment and factoring that into final recommendations by December 31, 2013. So that's our work timeline. That's why we're here in South Africa. Welcome, everyone.

Let's move to item number two, which is adopting the meeting agenda. We had a call last week to review the agenda for this meeting. At this point in time, I'd like to ask, are there any suggested edits, changes to the agenda as proposed? Looking for hands. Seeing none. Do we have anyone online, Alice? No, okay. From the Review Team? Okay, thank you. Seeing none, the agenda is adopted.

Moving to item number three, the next item of work is adopting preliminary reports from prior meetings or calls. Can you pull that up, Alice? Thanks.

So we have the preliminary report from our conference call of June 20th up on the screen. It's been circulated to the team. I hope you've all had the chance to go through it. Are there any suggested edits to the preliminary report from the June 20th conference call? Seeing no hands, the preliminary report will be adopted and posted. Can we move to the next? I think we have two more, correct?

Preliminary report from the conference call of July 1, 2013. I was not in attendance for this, so I can't comment on the edits. Are there any suggested edits from members of the Review Team? Seeing no hands, the preliminary report will be adopted and posted.

And the last preliminary report, please. From our conference call of Monday July 8th, that's up on the screen now, any suggested edits to that preliminary report? Okay, no hands. The preliminary report will be adopted and posted online. Thank you, Alice.

Okay, moving to agenda item number four. We have until 9:30 for this issue, so we've got just under an hour. This item is to discuss and draw conclusions from public comments received. We put out a request for public comments. It appears we received 30 responses to those. Those have been available to the Review Team staff, also prepared a summary of those comments that was circulated by Alice on the 5th. So for the next 50 minutes or so, since public comments are a critical input to our work as a team of the whole and with respect to the work streams that we have – the forward streams – I'd like to ask for reactions to the public comments received to date from a substantive perspective, reflections on what Review Team members are observing on the public comments as they relate to issues we're focused on and how they might influence our work. I'd like to open that to the floor. Alan?

ALAN GREENBERG:

Thank you, Brian. I'm not really addressing the question you asked. But there had been comments made by a number of people in the group that we should be – as part of our task – we should be explicitly answering each of the comments and saying what we plan to do about

it. I've heard other comments saying that's impractical and we should certainly take everything into cognizance, but not necessarily try to formulate responses and I think sometime during this hour, either at the beginning or maybe better at the end, we need to decide which path we're going forward with, just for clarity.

BRIAN CUTE:

Okay. Thank you, Alan. Let's tee that up toward the end of the discussion, if you don't mind. I'd like to understand people's reactions to the substance of comments received so far. Let me put another frame around your point. I made this point before in the first ATRT, in the final report, what that Review Team did was cited specific comments received to underpin conclusions or analysis that it made in its report. That Review Team felt it was very important to reflect specific public comment as part of the input, part of the analysis, part of the conclusions.

That Review Team itself did not endeavor to provide responses to each commenter directly. So your question is on the table. Let's put that discussion off toward the latter half of this hour. We'd like to hear reaction to public comment received to date from a substantive perspective. Olivier?

OLIVIER CRÉPIN-LEBLOND:

Thank you very much, Brian. I think I made that point during our last conference call. I looked at the responses, and of course there was some graduated responses where you had to give a number from 1-10 regarding the effectiveness. For example, the effectiveness of the GAC. I

was very surprised to see the range of answers that we received with sometimes an even spread between 1 and 10. I'm not quite sure how we can treat that, because that certainly shows various points of view in the community. But at the same time, how are we going to be able to focus then on the responses? So I'd like to throw that question into the floor.

BRIAN CUTE:

That's a very good point. I also observed the numeric values that we received in response, and of course there's no baseline that we're measuring those numeric values against the first time a Review Team point out a request for comments and asked for that type of evaluation. So it's an important question. How will we handle those numeric values or factor them into our analysis of the comments? Any discussion on that point. Avri?

AVRI DORIA:

I think one thing to take into account is the numeric value and the stakeholder group that it came from and see if there's any relationship there. Though, given the number of numeric responses we've got, we're not going to find anything that's terribly significant. We don't have enough there for a statistical significance, so it's really just a clue. And if we can see that the numbers sort of – do they match the participant or do they match the non-participant? So are the GAC numbers higher with a GAC member and lower with others, or vice-versa, for example?

So that kind of question may give us a little bit of clue, but as I say, there's not enough numbers there for us to claim that we've got

anything of statistical significance. It's really just an interesting artifact of the information we've got. But I would say that what we need to do with numbers like that is look at the pair of stakeholder group, if we've got that stakeholder group and number and see if there's any indications that I have not done that exercise, but that would be what I would suggest we do.

BRIAN CUTE: Thank you very much. Other comments. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. It's Olivier speaking. Actually, carrying on from what Avri has just said, does staff have a ready-made copy of what stakeholder group, what numbers the stakeholder groups took? Because at the moment, they're not annotated. It's just one...

BRIAN CUTE: Yeah. In the summary, the numeric values assigned are not identified to the commenter or AC or SO, but you have that data. Correct? Yeah. The data's available to us. Thanks. Any other comments on the question of how we factor in the numeric values. Avri?

AVRI DORIA: But I think we can take significance out of the fact that there is that much variability in it. But that in itself says something.

BRIAN CUTE:

Thank you. Other comments? Any observations, even preliminary, on the substance of the comments we've been receiving, the points that have been made, the tenor, the context? Larry?

LARRY STRICKLING:

First, on that last point, I agree with Avri. There were so few actual submissions. The numbers to me aren't helpful, period. I don't think we should spend a lot of time with them. I think we should look at the comments people provided who also provided numerical responses, but beyond that, I think we're chasing a topic we're never going to be able to resolve anything from.

On the second question, I thought, again, because of the small number of total comments received, it's hard to pull too much out of them. I do think there's a critical mass of comments about the GAC that will be useful for the Working Group that's going to look at the GAC comments from both governments. I think there were four governments that responded, but there were also comments from people like [inaudible] and other folks that bear on the role of the GAC. So I think that's useful.

I'm kind of interested in people's reactions to two sets of comments. There were two very full sets of comments, one by Garth Bruen and another one by Gunnarson. One focused on the compliance situation with respect to violations of the registrar agreements and how they get investigated, and his point being that there really isn't any mechanism to take enforcement actions based on the research he had done. And then secondly, Shawn of course, I think he had raised this three years ago is the question of the appeal process. So those are two topics for which we've been provided a lot of detail, a lot of information, and I just

didn't know what people's reactions were to those in terms of how important either of those was for work by this group. I'm happy to sit back and wait. I do have an opinion on the appeal issue, but we can take that up later.

BRIAN CUTE: Any comments on those two in particular? Olivier?

OLIVIER CRÉPN-LEBLOND: Thank you very much, Brian. Full agreement with Larry.

BRIAN CUTE: Any reactions to the substance of those two comments? Alan?

ALAN GREENBERG: I think both of them are within the realm of things we're going to have to discuss. I think really the issue is if we weren't already going to be discussing them, they force the issue, they provide an input – perhaps something that we want to agree with or perhaps not. Certainly in the case of WHOIS and compliance, things are changing relatively rapidly, both due to new contractual terms and a new supposed position within ICANN staff. So I think all of that is going to have to be factored. I think certainly on that one, it's not something we can ignore. I don't think I'm in a position to speak on behalf of the Work Stream 3, that group, to say that we've considered it and we're taking any position on it. But I think it's input that we will have to be looking at.

BRIAN CUTE:

Other comments? Larry, do you want to offer your thoughts on...?

LARRY STRICKLING:

If we want to delve into the substance, this issue of the appeal from Board decisions split the ATRT three years ago. There was a divergence of use. So I'm not quite sure how we want to come back at it this time. There was the report that's been done in the meantime.

I am a little concerned that there's still a sense – I mean, it really comes down to how do we want to characterize what the Board is actually deciding, because the need for an appeal process I think really depends on whether the Board is simply verifying that consensus has been reached through the process that's been conducted up until that point. If that's the case, it doesn't seem to me that a major independent appeal is really needed or called for, and that was my opinion three years ago, which was you really need to focus on what is the action that Board's taking, and if the Board's doing what it's supposed to be doing, then it kind of eliminates that need for an appeal process.

If the Board's going to be the final decider of things that really should've been decided before it comes to the Board, then it's something of a different question presented in terms of how do you get recourse from that? The problem has always been that we've been trying to improve the accountability of the Board, and this certainly fueled my views on this three years ago, which is that's where you want to improve the accountability. We don't need to bring three more people or five more people, or however many would be involved, and now all of a sudden grab a new set of accountability issues with respect to what those people do as some kind of ultimate Board of appeal.

But to answer the question, you really have to come back and conceptually decide and answer exactly what the Board role is when they're making decisions on things.

BRIAN CUTE: Thank you. Alan?

ALAN GREENBERG: I think once you get into this topic, we're going to move into something that we haven't talked about before and the current stream of Board reconsideration issues focuses on it. The current Board reconsideration process, no matter how well it's done, says, "Did we follow policy?" It doesn't say, "Did we make a stupid mistake or not?"

And ultimately, if ICANN is going to be accountable, there needs to be a process to fix things that we do that are wrong, and just because we followed our rules in doing them, doesn't mean we have to let them stand or should let them stand. And should we have a process by which the Board can reconsider decisions not on whether they followed policy but on whether they were good decisions for ICANN and the public interest? That's something that we don't have a rule for right now, and I think it's within the domain of this group to say we should.

BRIAN CUTE: Any other comment on this point? Okay. I think this is an issue we'll come back to. It's certainly going to be within the framework of Work Stream 1 as the issue was teed up in ATRT-1. That's one place it could come back, but we'll come back to this point.

Any other observations of substance of comments so far? Obviously the comments need to be analyzed. I think clearly the four respective work streams should be taking the ones that are targeted toward their issues on Board from an organizational standpoint and give full analysis to them and factor them into their thinking.

On that point, in terms of a process for factoring these comments into our work and into our report at the end of the process, I'd like to spend a little bit of time getting thoughts on how we do that. These are comments. They have to be given some weight. They have to be assessed and they have to be assessed in an objective way.

A little bit of discussion on how we should go about factoring comments to our analysis on the one hand, and then into our report on the other. Thoughts? Larry?

LARRY STRICKLING:

Well, we're all here together for the next several days. And I guess I'd like to come back to the way we resolved or ended that last discussion we just had, which is there seems to be this prevailing view that we're going to eventually get around to talking about things. We're at the point we've got to talk about them now and we've got to start resolving them now. We can't just keep putting things off.

And I find setting aside some time later on to talk about the specific question of an appeal process, but we keep kicking the can down the road in these meetings. We're not confronting the issues in front of us. We're not coming up with hypotheticals in terms of where we'd like recommendations to go and start testing them out on the community,

which is what we've got an opportunity to do here when we sit down with these groups starting on Sunday. And if we're not prepared to really get involved in a back and forth with these groups, we're going to waste this time because we're going to sit there and we're going to listen to people, things aren't going to be focused and we're going to come out of here and we're going to kick the can down the road to LA where we'll kick the can down the road again.

Well, we're out of time. We've got to get going on this. We need to have people really thinking about where they're at, what the draft recommendations are they'd like to see, and we've got to really have a debate and talk about these things.

So, with respect to the comments, the comments I think offer a certain amount of raw material to be used in the dialogues we're going to have over the next several days. And I think it's incumbent on us as we sit down with each of these different groups that we're going to talk to that somebody, if not everybody, has got to be prepared to understand what's been raised in the comments and start asking the other groups that we're meeting with, "So what's your reaction to this?"

I'm quite happy to do that with respect to the assemblage of comments related to the GAC in terms of preparing for that discussion, but the same thing needs to be done for the other issues we're talking about, because too much of this, even in the comments, was people say, "Well, the ATRT ought to look at this." They don't actually give us a comment. They don't tell us what they're concerned about. They don't tell us how they'd like to see it fixed. They just say, "This ought to be a point of inquiry." And that's all we've done for six months is we've come up with

a list of points of inquiry and we've got to get onto actually getting some substance done here.

BRIAN CUTE: Thank you, Larry. Avri?

AVRI DORIA: Yeah. I was going to suggest something similar to that. I actually think we need to do a walkthrough of at least the synthesis of the comments with two points. One is to make sure that we believe that those synthesis actually agree with what the comments are, and I think for the most part they do. But just to have gone through it and make sure that that's the case. And to do this before parsing things out into which group and actually have some of those substantive first discussions on the comment and on what the various views of a response to that comment are.

I'm obviously of the school that sort of says we have to respond to each comment and we can't respond to each comment without having first walked through them, talked about them all. And it's all fine for us to say, "Does anybody have any outstanding comments on any of the comments?" But I think unless we actually do a forced march through each of the comments with each of us having the opportunity to say, "Okay, on comment one, where are we?" as opposed to which comment lights your engine or something.

So I really do think we need to walk through them and I think doing that as early as possible in these two days is a good thing.

BRIAN CUTE: Thank you, Avri. And before we get to Olivier, to Larry's point, we're about to sit down with each of these ACs and SOs demonstrating to them that we've read their comments, thought about them and come back to them with some good questions is a baseline thing we need to do. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. Just to answer Avri's comment just now with regards to the staff summary, as opposed to other staff summaries where staff actually draft some text and summarizes everything, this one is very much a lot of cut and paste from the actual comments themselves, which I think is very good because we get the raw text from them. So really, I shouldn't worry about having to relate back to the original comments. I've taken a sample of them and seen that they're actually cut and pasted across for most of them.

BRIAN CUTE: Okay. Any other discussion on walking through these comments? So we need to put some time together on the agenda where we can walk through these comments together. We need to think through how to do that in an effective way. We could do it as a committee of the whole or we could have these comments organized according to the group that we're meeting with, comments that came from that group or that pertain to issues of that group. We could organize them that way. Go ahead, Olivier, if you have more thoughts.

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. Yes, I agree with you. Organize them by stakeholder group, although some have been individual comments, but maybe we can sort of batch them with the stakeholder group that we're meeting with. Many of these comments are very short. Some of them are actually totally out of the subject itself. Some are as simple as, "What is XYZ?" when we ask a question about XYZ. It's surprising.

But I shouldn't think that it would take more than five minutes to look at each one of the questions that we asked and be able to summarize as a whole the comments which were received. There's not that many of them there.

BRIAN CUTE: Thank you. I'm just looking ahead. Give me a moment. For day two, we do have time scheduled in the morning to prepare for sessions with the ICANN community. That's only budgeted for half an hour. Clearly we're going to have to expand that time on this agenda so we can go through this and have some crisp, clear questions back to the community when we meet with them. Any other suggestions on how to organize this piece of the work in the short-term? We have agreement we have to attack these comments, organize them and come back to the community with clear, focused questions. Okay.

Just looking at the agenda for today. Let me ask, Denise, if we wanted to – I'm sorry for the last-minute juggling; I know it's difficult. But if we wanted to create a significant or sufficient block of time so we can go through this exercise in real-time here together, review of comments, prepare questions for the ACs and SOs, would we be able to move some of the staff presentation from today to tomorrow or is that real tight?

DENISE MICHEL: Staff can certainly look into it. Just let Alice know which ones you want to move around and we can see the availability.

BRIAN CUTE: Let's take this offline on our first break and see what we can do that's reasonable, because we have to have the ability to walk through the comments, a good block of time for discussion, creation of focused of focused questions for the community and then onward.

Okay. Let's touch on Alan's question. Sorry, Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. On day one at 14:00 – 14:30 we have analysis of data collected and next steps. After that we have discussion with Chris LaHatte, ICANN ombudsman. May I suggest perhaps, if it is possible, to move Chris to tomorrow if that was a possibility so we can extend that half-an-hour to a full hour, therefore spending a half-an-hour on the public comments received.

BRIAN CUTE: Thanks. That's one change we could make. We'll take that on Board. I want to get back to Alan's question, and then Larry's question. I'm sorry, Larisa.

LARISA GURNICK: Brian, another obvious block of time could be item seven. Denise and I were going to give an update. I'm here for the full two days, so I can do that update at any point.

BRIAN CUTE: Thank you. Okay. Alan’s question – and Avri mentioned it too – the notion that this Review Team would respond directly to each of the commenter’s. Views on that. Avri?

AVRI DORIA: I had a comment slightly before that. We’re in the middle of a 40-minute stretch of discuss and draw conclusions on the comments, so perhaps we could actually start that walkthrough of the comments with the next half hour as opposed to continuing a meta-discussion on how we’re going to get to the comments. No?

BRIAN CUTE: That’s fine. I’m trying to think about whether we can just clear the deck here in the morning and give us more than a half-an-hour. This is going to take us some time to walk through these comments and I take your point about getting started. If we could take item five and six, which is updates from team members themselves on the progress of the work streams and push that out, that would then clear us until 11:15. That would make sense, yes? Okay. So if we could take those two items and find another home for them in the afternoon, or even tomorrow if need be. Then if, as offered, number seven could be re-homed, then we have until 11:45. Okay, then let’s start in earnest. Alan?

ALAN GREENBERG: On that, I wouldn’t want to delay the summaries of the work streams until tomorrow. I suspect in at least some of the cases, there’s going to be some red flags waved and I don’t think we can wait until the end to address them.

BRIAN CUTE:

Okay, fair enough. We have the summary of the comments up on the screen. We've cleared the agenda until 11:45. I think we can accomplish two things – a discussion of the substance of the comments received, walk through them, and then we need to organize them based on the audience that we're going to be meeting with and have some clear comments or questions of our own for that audience when we get to that meeting.

So does everybody have this up on their machine? It's a little difficult to read from the screen. Give me a minute to pull it up. Just bear with me. I'm pulling it up on my screen. Okay. So this is question number one. We received a total of 30 comments. The summary of the comments is up on the screen for those following outside the room. And we'll turn to question one, which was – each of these had, "On a scale of 1-10 please provide a numeric value."

The question was, "Please indicate the level to which the ICANN Board and staff have effectively, transparently, and fully implemented the recommendations of ATRT-1. Please provide specific information as to why you believe specific recommendations have or have not been effectively, transparently, and fully implemented. What metrics do you believe would be appropriate to measure effectiveness, transparency, and completeness of recommendation implementation."

On the summary, we have on the screen a number of excerpted and summarized comments. From Shawn Gunnarson, an opening statement that ICANN has fallen short and some suggestions on metrics. From Alejandro Pisante, a suggestion that a large part of the recommendations are superfluous and engender greater bureaucracy. A

mix of other comments. Can we get some reactions to what's up on the Board for question number one. Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Brian. In general, I found the answers to question number one are showing that there has been an improvement since ATRT-1, but that there's still some shortfalls. It's an ongoing system. Some do appear to say that there's more to be done than others, and I would think that we probably have to look at the mainstream, say that there is an improvement but there's still a few bits which are somehow not tied up.

For example, transparency of relationship between the Board and the GAC, and some of the Board correspondence, things that go on between the Board and other parts of ICANN. But certainly I see a marked improvement I've seen from the community or from the various input that was there.

BRIAN CUTE: Thank you, Olivier. And it occurred to me in thinking of the comments as I went through them that it would be probably useful to do a review of the comments that were received in ATRT-1 because I think that would also reflect the point you're getting at is what was the overall tenor of the input at that point in time versus the tenor at this point in time, and I think that might reflect the point you're making here as well.

Any other observations with respect to the comments on the Board for question number one? Yes, Avri and then David.

AVRI DORIA:

Yeah. I guess from my reading of this and also some of the comments that showed up in the work that wasn't actually answering the questionnaire but more just a written piece is that if there is improvement – and there may be – I get the impression from the comments and such that it's sort of haphazard, that there are places where there is improvement. There's certainly more words. There's certainly more bureaucracy. There's certainly more of a show of accountability.

But when you look at the normal thing, when you look at issues like appeals, when you look at issues like the reconsiderations that shows up in some other places, that whether there's actually been a significant and really noticeable improvement is still rather iffy, and that any improvement that there has been, has been first of all, very late in the game and is very uncertain.

So that's more the reading I've gotten that, yes, you could say it looks like it's slightly better, but that degree of being better is very scattered and there still is an absence – we see it there and we see it some of the other comments – of any real notion of accountability, any real notion whether that's in appeals mechanisms, whether that's in the fact that no reconsideration is actually ever been reconsidered. They've just been rubber-stamped. Or at least that's the way it looks, that it's uncertain that there has been improvement in issues like where's the border on various issues that hasn't really been done yet.

So I actually think that the report is not as good as it is, that there's a veneer of accountability, but I don't know that there's an indication that people see that there has been real improvement.

BRIAN CUTE:

Thank you. David.

DAVID CONRAD:

So in general, my reading of the comments with one and others has been largely they reflect sort of the baggage that the individual had brought into the discussion to begin with. There are, I believe, some useful bits and pieces from individual comments, but I think structurally, the survey was flawed in that it provided too many opportunities for someone to say “yes, but.” The first question in and of itself is, have things improved? Well, yes. Have they improves sufficiently? Yeah, maybe not.

But I think the answers that we received in large part reflect some of the flaws that I see in the survey itself, and I would actually look at the specific examples and some of the specific points that Shawn brings in. I actually think they’re quite valuable and that they actually provide specific items that can be addressed or can be discussed as addressable.

Some of the other comments, the one from DT, “Improvement, but more to be done,” well, yeah, that is true and will always be true. From that perspective, I might suggest that we focus on specific implementables within each of the comments and determine whether or not they actually reflect something that we feel is appropriate or we feel needs to be responded to in some sort of response to comments.

BRIAN CUTE:

Thank you. Other points? For myself, one comment that drew attention was from Nominet. In the middle of their paragraph, it says, “One should have a full picture of the extent to which the recommendation is

imbedded into ICANN processes and what the full effects of the implementation are – for me, with a focus on the word “effects.”

And for me that also ties into the role of metrics as it’s applied forward-going to implementation. I think that’s a key element to understanding what the effects on the organization and processes are, and perhaps can provide a more fully-informed reaction of “Is there improvement” and something perhaps concrete to hang that reaction on. Other reactions to the comments here? Okay. Shall we move on to question two? Bear with me here. Olivier?

OLIVIER CRÉPIN-LEBLOND:

Thank you very much, Brian. You touched on the Nominet recommendation or the Nominet answer, specifically. One, it’s not a problem. But one question, I guess, I have about the Nominet answer here is they suggest that the Board should give an update during the ICANN meetings and I don’t see that this is the primary way that the Board should spend its time at ICANN meetings. I think having regular updates that are sent out to the community, which is pretty much what they’re maybe not doing enough of at the moment. Staff is doing regular updates, but perhaps the Board is not doing regular updates in writing to the ICANN community might be something that will improve communication between the Board and the rest of the community.

Taking time at ICANN meetings, when really the Board needs to interact with people is probably not a good idea for the use of the Board time, especially if they meet with separate SOs and ACs and parts of the community and they have to repeat that same message many, many times over.

BRIAN CUTE: Thank you. Your points are well taken. An aspect of Accountability and Transparency is communication. I take that suggestion in that vein. In terms of the best use of time and whether the exercise of the Board communicating on a regular basis actually provides substantive accountability and transparency is a question for debate for sure. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. If I could actually dip my foot into the recommendation part, maybe already maybe jumping ahead. But whilst ICANN has a [comps] team that deals specifically with staff and with ICANN processes as seen from a staff perspective, it might be worth recommending that the Board might have a [comps] person that is allocated for them to be able to issue regular communication but what the Board is doing.

BRIAN CUTE: Thank you. Any other comment? Moving on to question two. Question two is “Please indicate to what level the implementation of the ATRT-1 recommendations have resulted in the desired improvements in ICANN. Please provide specific information as to why you believe the recommendations have or have not resulted in improvements. What metrics do you believe would be appropriate to measure improvements?”

Again, we have up on the Board the excerpts and summaries of comments received, a smattering. Alejandro again saying the recommendations do not serve the purpose. They’ve created more

bureaucracy and his metrics reduce the number of recommendations that are made. Please, David.

DAVID CONRAD:

So the responses that were actually recorded here, at least to me, seem fairly uniform in saying the answer is no. The ATRT-1 recommendations have not resulted in [inaudible] improvements. There are some outliers. The financial transparency has improved according to one person. Communication with the community has improved according to another. But in general, the general tenor that I see in all of the responses to number two are no.

BRIAN CUTE:

Thank you. Other comments? Avri?

AVRI DORIA:

Just to point out that it's actually no improvement to getting worse. That it's not just that there's not been no improvement, that again it's going back to what I called veneer in question one is that we've created ways to look more accountable while becoming less accountable. By having boxes that can be ticked, by having legalese, by having various formal notions we've actually managed to cover up that we're less accountable than we may have been previously.

And that's something that I think we really need to look into is that every time you create a checklist, you've actually made it easier to not be accountable. So what does it mean to actually make the Board genuinely accountable, to make ICANN genuinely accountable as

opposed to just something that can be reported as accountable as something that can look accountable, but actually be accountable?

And I think that these comments really show that, yes, there's no greater accountability, and in some cases, it's actually gotten worse. And we see examples. For example, the latest reconsideration request where a reconsideration answer went out, people did not like the answer because they thought the answer was a little bit too trivial. So they didn't reconsider again. They just wrote a different answer. "Oh, okay, let's answer this in a way that people will like better."

We find instances of that, and that's what gets pointed out here is that the impression that we seem to have worked more on giving an impression of accountability than actually having accountability, and perhaps what we need to be looking at is what does it mean to actually be genuinely accountable as opposed to "let's have a list of things you have to do?" check of the box and yes you can say, "Yeah, I checked all the boxes. I was accountable."

BRIAN CUTE:

Thank you. Other comments. Michael?

MICHAEL YAKUSHEV:

I would like to pay attention to the last comment made by Registry Stakeholders Group, which I'd like to because of the fact that there is a statement that the true measure is an [overview] by connections on day-to-day basis, which for myself is really the most correct version of the metrics. And they mention here some deficiencies and some

[inaudible] examples, very concrete, where the implementation is not adequate or is not sufficient.

So maybe it's a good idea to try to check in depth what exactly it is criticized by this stakeholder's group, and then it will help also to understand the overall perception of day-to-day basis what ICANN did, what ICANN does and why they state that the organization forgets the ATRT-1, except when asked to document item by item progress. So of course it's desirable to avoid such [inaudible] of ATRT-2 in the future.

BRIAN CUTE:

So the suggestion being that this Review Team should actually look at the specific examples, pick them up in our work, test them in our interaction with the community and perhaps use them as centerpieces of our report.

MICHAEL YAKUSHEV:

Yes.

BRIAN CUTE:

Thank you. Other comments? Okay, we'll move onto question three. Question three is "What is your assessment of how ICANN's Board is continually assessing and improving its governance as specified in affirmation paragraph 9.1a? Are there issues related to this provision you believe should be addressed or investigated by ATRT-2? If so, provide specific information and suggestions for improving Board governance. What metrics do you believe would be appropriate to

measure whether ICANN’s Board is continually assessing and improving its governance?” Those comments are up on the screen. Olivier?

OLIVIER CRÉPIN-LEBLOND: Just one last point on question two. Just to reiterate, I think there’s also again Board communication issue. It’s a communication problem. There’s a communication problem from the Board to the outside.

BRIAN CUTE: Thank you. Larry?

LARRY STRICKLING: I guess I’m still a little puzzled as to what we’re doing. We had on the agenda earlier for people to kind of give their reactions to the comments. We didn’t have much of a discussion there, so it’s kind of like we’re now doing that. But I thought this discussion was to go through the comments to pick out those issues that we wanted to make sure we talked to the community about.

So we’ve kind of gone through questions one and two, and people are kind of giving their interpretation on what these seven or eight commenters said, or whatever number we’re looking at. We haven’t really kind of gone to the next step, which is to say, okay – to Avri’s point, she says, “I look at these comments and it makes it look like things have gotten worse.”

Okay. If that’s a fair assessment of the comments – and let’s just accept that it is – what are we going to do about it when we talk to people for the next three or four days? Are we going to put that to people and say,

“That’s our read of these comments. What do you think?” or get more specifics? How are we going to turn these into something actionable?

BRIAN CUTE:

Sure. Thanks. I think with respect to Michael’s last comments, he’s pointed out that the Registry Stakeholder Group has specific examples of where accountability and transparency from ATRT-1 has not been respected. So I think the notion to your point is that in front of that group, and perhaps others, we use these specific examples and ask them to explain in greater detail how it is they think ICANN’s missed the mark.

So what we should be doing is cataloguing here as we go what we’re going to be bringing out to the community. And to the over-arching characterization that it has not improved, per Avri’s comments, that could be a general question to each of the groups we meet with for sure. So let’s catalog as we go. Yeah.

[ALAN GREENBERG]:

I might suggest that the question that we ought to be asking as you get to each of these is, based on what you read on this page, what do you want to ask the community? Then I think we can keep this focused as opposed to just everyone kind of giving their impression as to what they’re reading on the page. What’s really important is what do other people – how do we want to take this information and deal with it?

BRIAN CUTE:

Yeah. Thank you. So question three, as read, you've got the comments or the excerpts summary up on the screen. And again, this is about the Board continually assessing and improving its governance. Based on these comments, what specific points jump out to you? What specific points should we take out to the community? Comments? Impressions on the comments? Olivier?

OLIVIER CRÉPIN-LEBLOND:

Thank you, Brian. The answers to this question vary a little bit from the previous question in that the previous question basically said things are going worse or things are going better, but don't actually bring any recommendation forward as to what should be done to make it better. I was going to suggest that in asking questions to the respective communities we're going to speak to, let's not ask again if things have gone worse or better. Here we get a good idea of what's going better and what's going worse, but we should target questions and ask them and say, "What would be your recommendation to make things better?" because ultimately, we're going to have to make recommendations to make things better. So collecting, asking, the community for the recommendations to make things better is really our focus, in my view, for the questions we're going to ask.

On this specific question, question number three, there are several suggestions although very wide-ranged. "Investigate effectiveness of Board meetings." Well, how do you investigate effectiveness of Board meetings? It's not an easy one to answer. How do you investigate the effectiveness of our meeting? I don't know.

We really need to be targeting and asking, “How do you think this should be improved? What would you do? What is the simple thing you would do to improve things?”

BRIAN CUTE: Thank you. Carlos?

CARLOS RAÚL GUTIERREZ: Yes, thank you. In terms of what we’re doing, I wrote down and it seems confirmed the initial three points that Larry mentioned. The contracts. Alan said there is progress right now on the contracts. So I don’t know who are we going to – in which session we’re going to talk about the contracts.

Then we have the question of the appeals. I guess that’s for the session with the Board. Then we have some questions on the GAC of course that are going to be in the GAC meeting. And in this new question, I think the U.K. representative gives a very detailed analysis on communications issues of the Board.

Now the question is are we going to talk communications of the Board with the Board or with the Board and the GAC to try to put some order? So I have four points already. Three I know we’re going to put the questions once we have drafted them. Of course we need the questions. And from this question, I would take the U.K. comment. My question is are we going to address it to GAC only or to the Board or to both? Thank you.

BRIAN CUTE:

Thank you. This is question three, U.K. comments. Yeah. Any suggestions there? Basic reaction is communication is a two-way street, particularly between the Board and the GAC. I don't know. We wouldn't raise it in both contexts, but it's an over-arching question too. Some of these questions we are cataloging, we're going to bring to specific groups. Some we may ask of everyone we speak to. This Board governance seems to me to be kind of a general question that all in the community would have an interest in. Any reactions?

Olivier's suggestion is that we basically put the question to each audience. What do you recommendation should be done to improve? Will continually improve Board governance. Seem appropriate? I see nodding heads. Okay. Move on to question four.

Question four: "Are you aware of the process through which ICANN Board members are nominated/elected? Please indicate how well the Board follows clear rules and proceedings in its operation and decision-making. Please indicate whether you believe the Board makes decisions in a transparent way. Please indicate your sense of the Board's rationale for taking decisions and giving advice. What should the ATRT-2 ask the Board specifically to change in the way it normally works? Would any metrics allow you to better follow-up their work? Do you think directors should stay for longer/shorter periods or terms? For individual members, do you see any source or potential conflict with the rest of the community? Please indicate how effective you believe the existing Conflict of Interest declaration/recusal mechanisms are at preventing actual conflicts." Lots of questions there.

Reactions to the comments. Carlos?

CARLOS RAÚL GUTIERREZ: Yes. I think there is one issue here that has been discussed before in Los Angeles, and I discussed with Steve Crocker in Geneva recently, stated by Alejandro Pisante very clear, which is to do a role. The Board's governance component on the one side and the Board's last instance of policy decision-making. I think this issue has been raised. Steve referred me to the 2008 [Boston] Consulting Group report and I think we both agree that there is a dual role. For me, after reading those documents I think it's fine. It's just not so obvious for the people.

So this is a transparency issue. It goes beyond communication. I think after reading and thinking a lot about it, I see the double role. I have discussed with Steve there should be difference in directors, like outside directors and internal directors. It's not a very logical question. But I think this is a big issue that would allow outsiders to understand better the role of the Board. I think this is a crucial issue. Thank you.

BRIAN CUTE: If you wouldn't mind, just summarize again the dual roles as you understand them from [Boston] Consulting Group's report.

CARLOS RAÚL GUTIERREZ: Pisante has stated very clearly. One is to be the instance for policy development, which is kind of a direct role of the GNSO policy development process straight to the Board, and the other one is the classical corporate governance role of the Board over ICANN.

BRIAN CUTE:

So let me try to tie this back to your question, Larry, about the appeals mechanism because I think we're now touching on this in an organic way, which is what is the role of the Board in decision-making? Boston Consulting Group, PDP process. If I'm hearing you accurately, if the PDP process which is bottom-up clearly defined provides a result and the Board is doing nothing more in that role, signing off if you will on the work of the community and the PDP process, that's one optic to look at it through.

Carlos has identified the second role, which is kind of corporate governance of a corporate organization. Let's talk about this now in terms of appeal mechanisms. That was your framing. The question I think I heard you pose is when the process itself, which is supposed to be bottom-up and community-driven, presents a stalemate or a non-result and the Board takes action, that's a different context – whereas the resource for the Board's decision in that context was a question you posed, if I heard you correct.

So with that framing, the question of whether there should be an appeals mechanism is one that was put in front of ATRT-1. As Larry said, it was a divided opinion and that Review Team decided not to make a recommendation that there be an appeals mechanism. Can we have some discussion about that issue with Larry's framing and in the context of Carlos's remarks? Olivier?

OLIVIER CRÉPIN-LEBLOND:

Thank you very much, Brian. By appeals mechanism, does one mean Board reconsideration request?

BRIAN CUTE: The suggestion would be some mechanism to review Board decisions that would be independent from, separate from, in some way the Board.

OLIVIER CRÉPIN-LEBLOND: Okay. Because if one looks at the reconsideration request, in other words the Board decides something that the community is split about, part of the community doesn't like it, asks for reconsideration, those are clearly set out in the bylaws and they're very narrow, actually, in the bylaws. So if the Board has had all of the material that it had at hand to make its decision, it's very unlikely that it will reverse its decision if there's no additional material that doesn't get put in front of their eyes for the reconsideration to take place.

BRIAN CUTE: Thank you. Comments? Avri.

AVRI DORIA: Yeah. In fact, one could argue that the reconsideration step is really a null step. It's sort of in there. It's in the bylaws. It's another one of those pretty fronts that really is a meaningless thing. I think that certainly with a PDP, one has to have a way to look at it and to appeal when they do seem to go beyond. I mean, the Board, for example, recently has discussed the fact that what if the PDP gives us one question answer, but GAC gives us another. Well, what do we do? We decide.

Now, there's nothing that I've seen that actually gives the Board that kind of leeway and there's certainly no appeal to that. And to say that

there's a reconsideration, that's meaningless. And what becomes even more meaningless is the step after that – the independent review – that's really only accessible to people with a million dollars in their pocket or more. So again, there is no appeal no matter what the bylaws says about it.

So I would certainly think that it is absolutely needed, and that's within the policy role of that. Within the Board governance role, there needs to be some manner of reviewing it, but that's different than appeal I believe and such. In other words, given the nature of this organization, we need to somehow be oversight over that, and perhaps it's not just an every-three-year soft oversight that this kind of group has, but actually, since it is supposed to be a Board that is responsible to its bottom-up participants, there needs to be some way to deal with those issues in real-time and without needing a million dollars or more in your pocket.

BRIAN CUTE:

Thank you. Alan?

ALAN GREENBERG:

Thank you. Yeah. I think this is another one of those that it's not enough to check off the boxes. You actually have to have processes. Right now we don't even, although we have something called Board reconsideration, which by the way, can reconsider the decisions of bodies other than the Board. So they may not just be reaffirming their previous decision, but looking at something they haven't looked at

before. They still don't have the right to overturn it based on substance only on not following rules.

So even within the narrow context of reasonable things the Board could do, we don't have all of the rules even today. And then there's the other ones that Avri mentioned of how do you get the Board to review [inaudible] Avri and Olivier. How do you get the Board to review its own decision in a believable way, or how do you go outside if necessary?

So we have a whole scope of things which are missing today. We quote the existence of reconsideration as the way we're covering it, but it doesn't even cover all of the bases. So we do have something we have to do. I think in light of the kind of questions Larry was saying, one of the questions I think we need to put to the Board is, having gone through some reconsiderations recently, do you think what you have is sufficient?

If they're going to be candid with us, it will be interesting to know whether the directors who are [inaudible], having made these decisions, believe they've been hamstrung by the limited options they have under the bylaws today. At the very least, we need to know that.

BRIAN CUTE:

So it sounds like we have a viable question to take back. The question is, to which audiences is this a question that we bring to the entire community we're meeting with? It strikes me that way. Agreed? Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. Perhaps a second question would be, does the Board see any danger to having an appeals process for Board decisions? The reason for this questions is perhaps if anyone wants to delay Board action, they could actually use the appeals process to delay Board action on some things, some matters which might be critical. It's always a tradeoff. Appeal, re-appeal, etc.

BRIAN CUTE: Thank you, Olivier. Larry?

LARRY STRICKLING: I think it would be useful for people to go back and read what we wrote about this three years ago, because the question to you Olivier is what standard will be applied on appeal? I defy you to come up with a standard.

And then the second is: who's going to apply that standard? The weaknesses of all this were pointed on the .xxx independent panel that was done. And all of this is well-documented. So before we kind of turn over all this earth again, people really ought to go back and kind of look at it. Because there was a lot of discussion and a lot of work on this three years ago, and perfectly happy to engage in that discussion again, but it ought to be with everyone who kind of gets informed up to the level of where this debate was at three years ago. Because you're dealing with some very difficult, almost insurmountable problems, given the nature of what we're dealing with here. It's not just finding an appellate court somewhere to deal with this stuff, because you do have

a question of what standard that gets applies. That then comes right back to what exactly is the Board deciding when it decides something?

BRIAN CUTE: Thank you, Larry. Other comments? Carlos.

CARLOS RAÚL GUTIERREZ: Larry, is there a way to get a short summary or can we get the document? Is it easily readable? I don't think we have to go through the discussion, but I would be interested in reading it.

LARRY STRICKLING: I think the starting point would be the ATRT-1 report from 2010.

BRIAN CUTE: Yeah, we can pull that. Any other comments on this question? Yes, Avri.

AVRI DORIA: I guess having read that and having read how hard it was and did come to no resolution, I think we're still faced with a problem of "but it does need to be resolved." I don't think taking a second go at, well, gee, this is a really hard problem – because it really comes down to is ICANN special in terms of being a bottom-up organization that is accountable to its participants, or is it just a standard corporation that is stuck within that same framework?

I think it was too hard to resolve in the past. It remains too hard. And yet it's something that I think is vital to get resolved in terms of any

continued believability that is a bottom-up controlled organization. We need to find a way to deal with that appeals mechanism, otherwise it really becomes difficult to argue that, yes, this accountable to its participants because, at the moment, you could say, no, it's not.

We in the trenches and in the PDPs get to say everything we want to say. We get to go through all our processes, but in the end, the Board – for example, things that the Board can do now, it has a responsibility to send issues back. It rarely does. It has an issue to delay decisions until it really does have a community consensus.

So how do we do that? Because if we come out of a second ATRT saying the notion of an appeal is difficult and complex and almost unsolvable, then it becomes very difficult for us to say, “And therefore this is a bottom-up organization where the Board is accountable to its participants.”

So I understand that it was hard. I read about it being hard. But if we can't solve that, then we have a fatal flaw in the sense that we have to cope with.

BRIAN CUTE:

Thank you, Avri. Larry?

LARRY STRICKLING:

But I thought you put your finger on it in the course of your comments when you were referring to is ICANN a bottom-up organization or not? And if it is, does the Board behave in that fashion? That's all observable. We can report out on all of that. If it's not happening that way and this

committee wants to make a recommendation on that, we can. I just don't see how the appeal issue solves that problem. We're focused on the wrong thing. We ought to be really focusing on what the Board standard is, and if the Board's not following it, then that can be pointed out.

But I think the appeal is kind of putting the cart before the horse in the sense of what's really the fundamental question we need to look at.

BRIAN CUTE:

Thank you. Carlos?

CARLOS RAÚL GUTIERREZ:

I enjoyed the discussion. It was your idea, Brian, to bring it to the appeals point. If I go back to the question by Alejandro Pisante, and my comment was to make transparent that there is a dual role. There is a standard corporate governance issue, and as he stated or as staff summarized it, if the Board is the last stop policy [organ] and that's it. It's the last stop policy [organ].

What I meant, I think the question focuses on this double role and it's not obvious to many people and might create a lot of confusion. I enjoyed the discussion about the appeals, but right now we're assuming, after ATRT-1 that, in parliamentary terms, the Board is the last stop policy [organ], period.

How do we deal with that? My comment was we should better be able to communicate this double role and show this difference, and then you

put on top the appeals. I just want to state that in question four there is a clear statement that we have a double role, period. Thank you.

BRIAN CUTE: Thank you, Carlos. I think a review of what ATRT-1 analyzed on this question is probably in order, too, before we take our next step. We can pull that in short order. Agreed? Olivier?

OLIVIER CRÉPIN-LEBLOND: Yes. I've just re-read quickly the recommendations of ATRT-1. Oh, my goodness. A big can of worms. Not an easy answer.

BRIAN CUTE: Let's take that offline if you will and read through and come back to it. Any other possible questions coming out of question number four? And we have a total of 25 questions. Just so you know, I'm trying to be expeditious here as well.

Question number five is "Please indicate your view of the level in which the Board takes the necessary care and dedicates enough time for discussion relating to GAC advice. What metrics would be appropriate to measure the level of this care and/or dedication of time?"

The summary of comments excerpts are up on the Board. Thanks, Alice. Question five. Any reactions to these comments on this question? It seems to be a bit of a mixed bag in terms of reactions to that question whether the Board does or does not or whether that's difficult to measure. It seems to be across the Board of it. Any specific reactions or

questions for the Board, the GAC, the community that we should bring forward. Carlos?

CARLOS RAÚL GUTIERREZ: Yes. I think this is a very important question. I think we have heard it in Beijing that it is impossible for GAC to participate in all stages in the policy development process because t's just impossible to follow the speed.

We have had this discussion, if the GAC should be involved earlier, and I have said the GAC should be involved timely at the right level of questions and not at all levels. So this is another issue that I hope we will address directly with the GAC when we meet with them. Thank you.

BRIAN CUTE: Thank you, Carlos. Avri. By the way, I'm sorry. For the record, if folks would state their name. I've been calling you by name, but please state your name before you make your comments for the transcript. Thank you.

AVRI DORIA: This is a conversation that Carlos and I had and I think it's one that continues. It certainly [concerned] me. It certainly continues to be an issue. The operational model we have now I view the GAC as having an iron control over the organization, because at the end of the day, it states "this is what must be, this is what not" and goes into private negotiation with the Board that excludes the entire rest of the community.

So I think it's all well and good to say that it's difficult for the GAC to participate in a timely manner and I know I've been begging the GAC to participate in a timely manner for at least six or seven years now. When I was chair of the GNSO, I would plead with them at every meeting to please participate.

And perhaps we've come to a point where it's the GAC's processes that need to be looked at to give it the ability to participate so that it doesn't have the end game veto or near veto that it has now. And we're seeing that more and more that when the GAC puts its foot down, the Board does what it's expected to do. If the GAC is nice enough to give it a nuance to behave in, then it will. But by and large from the perspective that I take, the GAC has a veto on what the Board does and getting them to participate in a timely manner is necessary for the process. So perhaps it's the GAC process that needs to be looked at.

BRIAN CUTE:

Thank you, Avri. Alan?

ALAN GREENBERG:

I guess I have a comment from two different angles. First of all, these days we look at everything from the point of view of new gTLDs. If you look at other policy things that the GNSO, for example, or the ccNSO is doing, the vast majority of policy recommendations the GNSO make go through to the Board and the GAC doesn't comment at that point either.

They didn't get involved, but they did that consciously knowing it wasn't all that important to them or they just didn't care or something. The

new gTLD process clearly has been a different one, but I don't think we should guide ourselves. We're not going to do this all over again too many times. This is a one-of. So to some extent, we have to not try to make rules that fit this particular example only.

But the second thing is I agree with Avri to the extent that the GAC and governance have an interest in any given policy, it's not a matter of saying it is impossible to participate earlier. We have to find a way. Otherwise, we're making a sham of the whole of the process we're going through in parallel.

BRIAN CUTE:

Heather?

HEATHER DRYDEN:

Thank you. Good morning, everyone. So I think it's important to keep in mind that to talk about this particular part of the ICANN community and what Avri's calling the GAC process, I'm not entirely sure what you mean by that, whether you mean that GAC's working methods or whether you mean things like the provisions and the bylaws related to GAC advice or what have you. But the reason why we have an outstanding item from the first ATRT on GAC engagement in the earlier engagement in the policy development process is precisely because it's not something you can look at just looking at the GAC on its own. It's very much part of this bigger question about how the policy development process works and acknowledging that there are differing working methods between the different parts of the community.

I remember at one of our meetings we were again being implored by the GNSO to join various Working Groups, and one colleague in the GAC said, “You have to understand that we’re getting many proposals of marriage, and it’s nice, but it’s impossible to in fact – the way that we’re constructed – to simply throw away our practices and adapt to some of the working methods that other parts of the community have for good reason.”

Governance work, the way they do in the GAC, I think are based on needs and I would guess that other parts of the community do the same.

So this is one of the bigger or more fundamental questions I think for this Review Team and it’s important to look at these kinds of questions that you’re raising, but let’s be clear about what we’re talking about in order to do that. Thanks.

BRIAN CUTE:

With a focus on whether there’s a specific question here to bring out to the community, the one point that I’ve heard throughout this discussion from all corners is earlier engagement, to put a phrase on it, or the cross-functional nature of GAC advice or GAC policy provisions and the PDP process. That seems to be a consistent theme. Is that a question we want to focus on to bring back out to the community, and if so, can we put a fine point on it without getting into some of the weeds that we’ve been getting into? It’s okay if the answer is no. Alan?

ALAN GREENBERG:

When Heather was talking, it dawned on me that we are not defining the term engagement, and different parties here have different meanings. When we say we cannot engage the GAC, well I have news for you. The GNSO doesn't typically engage the ALAC, but ALAC members or At-Large members, participate with mindset which might influence the outcome, which may indeed satisfy the needs of the ALAC when it comes to the ALAC for decision – and I'll tell you, on a few cases, it doesn't because we have put forward points which ultimately do not satisfy the ALAC.

But on the vast majority of cases, I'm presenting a point of view and a mindset in a GNSO position or one of my colleagues which gets the end point closer to what may satisfy us.

And so I think we have to be careful about engagement. Rarely does the whole group – ALAC or the GAC – is it likely to be engaged and act as a participant in the process, but it's bringing the points of view that I think. So I think we need to make sure that people understand that we all have a similar understanding of the terms like engagement before we start passing judgment on whether it's possible or not.

BRIAN CUTE:

Thank you, Alan. David?

DAVID CONRAD:

Clarification for Alan, just because I don't know how the ALAC works. In particular Working Groups, particularly in PDP-related processes, does the ALAC illuminati, whatever that is, do they sort of instruct or suggest to the members of the ALAC to participate and those participants then

go out and go into a PDP, go into a Working Group and then report back. Is that how it works, or is it more ad hoc and less formalized?

ALAN GREENBERG:

That happens on rare occasions. In the general case, there are one or more participants from At-Large in a Working Group and they, in an informal basis, report back on how things are going. Occasionally they ask for a judgment. “Is this the position I should take or we should take or not?” So it’s a much looser organization, and only in very rare cases is someone actually representing the ALAC on a group. It does happen in a few cases.

BRIAN CUTE:

Let me bring this back to the task at hand of forming a question or not, and not as a financier. This discussion also for me connects to the fact that we’re going to engage an independent expert to look at the PDP process. I can easily see these questions in this discussion feeding into the analysis of that independent expert and our assessment of that analysis.

Do we need to bring a specific question out of this to the community this week? And if so, let’s put a fine point on it and articulate it and move on. Larry?

LARRY STRICKLING:

Clearly I think in the discussion with the GAC we need to understand the parameters around early participation. It’s not as simple as just getting somebody from a government to show up at a meeting, because first

off, that person I'm sure may not even be comfortable representing their own government without instructing. Secondly, I'm sure they're even less interested in having anything they say be interpreted as a precursor of what the GAC is going to decide.

And you do have this fact that in the bylaws, you do have a thing called GAC Advice that we spent a lot of time three years ago really trying to provide more definition around so that the Board had something more concrete to respond to pursuant to the bylaws provisions that allow for all of this.

So we're faced with an environment where governments are not just going to be another stakeholder with no more rights or benefits than any other stakeholder in the process. You have the bylaws provisions that have the GAC giving advice directly to the Board, and now we've put definitions around consensus advice and what the Board does with it and a lot of that is spelled out in the bylaws.

We're not going to change that overnight. If we think that's not functional, we can certainly comment on it, but that kind of goes into the face of the other imperative that I'm sure Fadi feels, which is getting governments more engaged into the ICANN process, not less.

So doing something to eliminate the current process by which governments are able to come together and come up with consensus advice seems to be counter to where he wants to go and where I think the organization probably needs to go.

So I think it's good to get these issues out and understand from GAC members whether these and other factors really are barriers to earlier

engagement, and then we just have to figure out is there a workaround to that? What's the best alternative one can come up with to deal with the problem everybody identifies, which is reflected in a lot of these comments. Nobody is quite sure what the GAC advice is going to be until too late into the process, and then people risk being surprised by what the governments come up with. Is there a way to deal with that or not? I think that's really a question that's an important one for us to resolve.

BRIAN CUTE: Thank you. Carlos?

CARLOS RAÚL GUTIERREZ: I would agree with you, Brian, that this is going to be worked out by this expert. I would just like to say that I expect that he tries to solve this difference of impression. I mean, the GAC gets the feeling they don't get heard and the community gets the feeling that the GAC has a veto power, which I haven't ever heard in GAC meetings.

So it's very important that the expert deals with that question, why there is such a big gap in expectations from both sides. I just want to make sure that he doesn't come and just does a dry analysis of the formality of the PDP process without asking both sides. Thank you.

BRIAN CUTE: And we will have an opportunity to inform the scope of work and questions that they focus on. So that's clearly within our ambit. Let me come back to the task at hand. Is there a question here? Larry, to your

point, putting aside the notion of doing away with anything that's in place. But the theme that I keep hearing is early engagement. Alan, your caution about the word engagement is taken, but just let me go with it.

It seems from different parts of the community this notion of plugging in earlier in the process is desirable and the point is, can we do that given the GAC's working methodologies? Are there ways we can find workarounds, if there are constraints? Am I summarizing a nugget here?

So to me, that's a nugget. Is that a question we want to bring forward to the GAC for sure? The GAC seems to be the first-hand expert here on what those workarounds and what the working methodology should be, and should we take it to other parts of the community this week? Heather, then Avri. Unless you're just nodding, Heather. She's nodding. Avri?

AVRI DORIA:

I think it's good to take the question to the rest of the community because if indeed the pendulum has swung, and I think I'm representing of you, that's not just my own but certainly of you, that you find a lot in GNSO that if it has swung to the point, how do we get to that point? What kind of input could help?

So to go to the rest of the community and say, "Given the constraints that the GAC has told us they have, given the fact that yes they give advice to the Board not to the rest of you, how can the GAC convey, to what kind of evidence, what kind of input, would help make things more predictable, make things work?"

I do, though, wonder whether we want to say that because the bylaws got set and supposedly clarified to suit perhaps working better with the GAC last time that we perhaps don't look at it and say, "Has the pendulum swung too far? Is the notion of the GAC only giving advice to the Board as opposed to the other parts of the community problematic and something that needs to be looked at?"

Very often we hear, well, the GAC gives its advice to the Board. Well, why does the GAC only give advice to the Board? Why doesn't GAC give advice to ccNSO? And in fact, I've heard they work well with ccNSO. But why don't they give advice to the GNSO, etc.? Why isn't there a mechanism to allow that? And perhaps that's what's needed is some addition to the bylaws, some change to the bylaws, that makes it possible for the GAC to give advice and for the GNSO or whomever to actually get that advice? How can we do that in a way that works for both sides of that equation, so that we know we've gotten advice and we know what it means and we understand its implications for later, but the GAC also knows that it has managed to make itself clear?

I guess they don't accept that it can't happen, because if it can't happen, then we really are at an impasse on what it means to have a multi-stakeholder – a multi-equal stakeholder. And as I understand, Fadi is trying to get governments to be more participatory, more participatory in the multi-equal stakeholder that he has termed. How do we make that happen?

At the moment, I don't believe any of us actually believe that it is happening, that we have a multi-equal stakeholder. I don't think the

GAC believe it and I certainly don't think the GNSO believes it. So how do we get there?

BRIAN CUTE:

Thank you. A couple points. Thank you for those inputs. Just managing time. We've got 25 questions to go through to make sure we've got focused questions to bring to the community. We're capturing the questions on the page here. Alan and I, and I assume Avri, offline we will clean these questions up. We're going to organize them according to the groups that we're going to pose them to.

I also want to make the point that we've sent a list of six questions to each of these groups in advance that we have regrettably not a lot of time with each of these groups – an hour at best in most cases – so that we will offline on the break, Avri, Alan and myself will catalog, organize, clean-up these questions and we have to give some careful thought as to how we interact with the communities to make best use of their time a well. So with that in mind, let's move on to question – unless there's any other point here. I think we've captured a question. Let's move on to number seven.

Question number seven: "Are you aware how the process under which the GAC members are appointed? Please indicate your view of the transparency of GAC decisions. Please indicate your understanding of the GAC's rationale for taking decisions and giving advice to the Board. What should ATRT-2 specifically ask the GAC to change in the way they normally work? What metrics would allow you to better follow up the GAC's work? For individual GAC members, do you see any source of potential conflict with the Board and the rest of the community? If so,

please indicate how effective you believe the existing mechanisms are at preventing actual conflicts?”

We’ve got the comments up on the screen. I think the prior conversation touched on quite a bit of this. But looking at these comments and all those questions in total, any reactions, any specific questions that are coming to mind? I’m not seeing any hands. Michael?

MICHAEL YAKUSHEV:

Maybe just to mention, as the left column of the table shows us, most of the people there are totally unaware what happens here, in comparison of the table. So the level of their knowledge of the procedure is very low. And it’s also reflected in the answers.

BRIAN CUTE:

Thank you, Michael. Any other observations? Yes, Demi?

DEMI GETSCHKO:

Just a very short comment. I remember in the very beginning of the process, I suppose in some way ICANN invited [inaudible] to send the list of the first representatives they think would be suitable for sitting and populating the GAC. Of course things have changed since then.

But anyway I have some doubts about the effectiveness of communication between the inviting process that ICANN uses to populate the GAC and who in the different governments assesses these processes. Maybe we will have yet some [inaudible] ways to populate this important structure. Thank You.

BRIAN CUTE: Thank you. Other comments? Larry?

LARRY STRICKLING: It does seem like, in response to question seven, we're seeing I think for the first time issues of kind of the rules in which the GAC operates. Certainly transparency has been raised by a number of people. Should the GAC be conducting its business in open as opposed to having closed sessions, which it does many times. Nominet raised the issue of a code of conduct.

All this I think kind of is saying how does the GAC kind of view it's responsibility in terms of living within an accountable and transparent ICANN? I think those are all good questions to put to the GAC in terms of how do people react to this? I think three years ago we were very much focused on dealing with that Board-GAC relationship. Now it seems people are asking us to kind of start taking a look at the GAC itself and whether it's organized and operating in accordance with the same sort of accountability and transparency principles we've been applying to the rest of ICANN.

BRIAN CUTE: Please, Carlos. Thank you, Larry.

CARLOS RAÚL GUTIERREZ: Yes. I don't want to go back, but the response of the U.K. in the previous question I think is a very good example of a critical position within the GAC. I wanted to comment that it is shared I think in this case from the side of the GAC that there are some black holes there.

BRIAN CUTE:

Thank you, Carlos. Larry, if there's a question here, are we calibrating it? What level, is what I'm trying to think through. Is it just an over-arching that some parts of the community are asking questions about the transparency of GAC's working methodologies, appointment of GAC members at a high level. GAC, this is what we're hearing. What do you think could be done to address that from your point of view, or are you taking another [vector] on that question?

LARRY STRICKLING:

I think it can stay at that level of generality. I mean, the kinds of points that were raised were openness, certainly; the idea of setting work plans. There were a number of comments that were raising concerns about a lack of understanding of the business realities of Internet operations. I mean, one group wants to know why there isn't more public input into the GAC.

Now, I'm not saying any of these are legitimate points, but they do reflect a certain confusion about what the GAC does and how it operates. It would be interesting to hear from the GAC in terms of their reaction to some of these points.

BRIAN CUTE:

Okay. So we'll capture that as a question that we put at a high level to the GAC in our meeting with them. Alan?

ALAN GREENBERG:

I think there's a split in the question. One of the questions we asked, "Are you aware how GAC members are selected?" and that's one of the

ones that I personally think that's not necessarily a lot of our business. On the other hand, how the GAC operates once they're here as the GAC is a different issue. If we thought it was important for the Board to have rationales for why they think this is important, I personally can say maybe we should have the same level of standard for the GAC.

It's important to understand what the GAC means by a consensus view. Does that mean one person said it and no one else wants to say no, and therefore it goes down on GAC advice?

It would be good to understand what the ground rules were. They may not make everyone happy, but at least we're working from a point of view of knowing what the rules are, which we don't right now.

BRIAN CUTE: Thank you, Alan. David?

DAVID CONRAD: I'm curious as to whether the rationales that you're suggesting might apply to the GAC – and I'm not arguing one way or the other – would also apply to the other ACs. Should, for example, SSAC, the way SSAC makes decisions – or RSSAC – should that be more widely known, more open and more transparent?

BRIAN CUTE: Demi?

DEMI GETSCKO: Just [inaudible] said before. Of course it's not our business to opionate how the government chooses their representative to the GAC. But I suppose it's important to know how is the process of making the [inaudible]? How we contact someone inside some government to ask for a representative? Maybe we have some not well-defined processes in this area. Maybe we're not reaching the right person.

BRIAN CUTE: Well if we're going to take this question to the GAC at a high level, do we have a view on the Review Team about the question of selection of GAC or appointment of GAC representatives, that it's really not anybody's business? That's what I'm hearing to a large degree. Avri?

AVRI DORIA: Yeah. I would go so far as to say it's not our interest as ICANN – one could hope that they would establish it in a multi-stakeholder model, etc., openly. But really that's a national issue, not an ICANN issue. So I would agree.

BRIAN CUTE: Okay, thank you. So strong consensus we leave that element out of the question, but ask the high level questions as framed. Okay. Any other comments there? Okay, moving to number eight, question number eight. And I'm going to suggest we take a break at the half hour.

Question eight, "Please indicate your view of the level to which the GAC has done a good job in terms of checks and balances on the accountability and transparency of ICANN as a whole. What metrics do

you believe would be appropriate to measure GAC’s performance in this role?”

Comments are up on the Board. A range of comments up on the Board. Any reactions? Do we have a question to bring back to the ACs and SOs on this? Carlos and then Michael.

CARLOS RAÚL GUTIERREZ: I think we have a very clear response there. Nobody thinks it is GAC’s role to provide this.

BRIAN CUTE: Michael?

MICHAEL YAKUSHEV: I agree with Carlos. I also like again the last comment of the Registry Stakeholder Group that GAC is an advisory committee, not the decision-making center. So that’s obvious. Thank you.

BRIAN CUTE: Thank you. Anything else on this before we move onto question nine? Okay, question nine. This is shifting to the topic of public input.

“What is your assessment of the processes by which ICANN receives public input and whether ICANN is continuously assessing and improving these processes as specified in the affirmation paragraph 9.1c? Are there issues related to this provision you believe should be addressed or investigated by the ATRT-2? If so, please provide specific

information and suggestions from proving the processes by which ICANN receives public input.”

Comments are up on the Board. Any reactions to the comments to question nine? Alan?

ALAN GREENBERG: Just the level of astonishment that some people think we’re doing an absolutely great job of it.

BRIAN CUTE: Thank you. Other comments? Any questions to form to bring back to the community on this one? Seeing no hands.

ALAN GREENBERG: We have asked this question already in the list we provided, and basically that question said “Many people think we’re not doing a great job. Do you have any ideas how we could?” So I think we’ve covered it already.

BRIAN CUTE: Thank you. Moving to question ten. “Please indicate how easy it is to put forward new public inputs to ICANN. How easy is it over the course of a year? When did you last use a public comment mechanism? How would you rate ICANN staff’s work in processing public input transparently and publicizing its possible impact? How would you rate ICANN staff in helping the community identify the pros and cons of

those inputs in a clear and transparent way? How do you think the overall public input process can be improved?”

Comments up on the Board. Some saying it’s easy, some saying it’s not easy. Comments? Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. On this question, I found to be answered in a very subjective way. As you mentioned, some find it easy. Some don’t find it easy. I couldn’t make sense of whether it was easy or not easy specifically based on these answers.

BRIAN CUTE: Thank you. Other reactions? Alan?

ALAN GREENBERG: Actually, I’m not puzzled at all because you can interpret the question different ways. Technically, how easy it is is sending an e-mail. I can do that. How easy is it to give my personal opinions if it’s something I have an opinion on? Real easy, depending on how careful I worry about how my words are perceived. How easy is it to get the consolidated opinions of a larger group, massage them, assimilate them, and put them down in a comprehensible way that states the position? Really difficult.

BRIAN CUTE: Avri?

AVRI DORIA:

I think one of the comments I also noticed is the one that talked about how do we evaluate the difference between comments that are thought out either by an individual or a group and what has been called the astro-turfing when you've got a particular lobby that cares about something and they get their thousand members to all send in a comment. How do you deal with that? And I don't think we've got a well-known way of dealing with...

Perhaps we do sometimes, saying we've got 100 comments that essentially said the same thing. But that's an important consideration also. How does that get handled?

BRIAN CUTE:

Qualitative question. Thank you. Any other comments here? Before I come to you, Olivier, Avri is that point a question for staff?

AVRI DORIA:

I think it's a point not only for staff, but it's a point for perhaps some of the communities that we talk to in terms of what do they hope to achieve, [inaudible] happens, how do they feel when they're on the other end of it?

Any of the groups can do it, so why do some groups decide to and why do some groups not decide to? How do they feel it should be dealt with? It may be a useful question to ask others, because I think most groups have been on one side of it or the other.

Also, how do you differentiate? I don't know that that's a staff question. There are some times that you can send out a notice and get lots of

people to spontaneously react, and there are other times when you can have an organized campaign. So how do you tell the difference between the two? Are they both appropriate?

And so I think it's a question as much for the community as for how is staff going to deal with it. How do we want staff to deal with it?

BRIAN CUTE:

Okay, thank you. You can note down the question astro-turfing in quotes for comments. Any other comments on this before we move to question 12?

Question 12 is, "Please indicate your assessment of the extent to which ICANN's decisions are embraced, supported, and accepted by the public and the Internet community as specified in the affirmation 9.1d. Can you provide specific examples when ICANN decisions were or were not embraced, supported, and accepted by the public and the Internet community? Are there issues related to this provision you believe should be addressed or investigated by ATRT-2? If so, please provide specific information and suggestions for improving the acceptance of ICANN decisions by the public and the Internet community."

I missed 11. Oops. Sorry. Thank you, Alan.

11: "Please rate your view of the sufficiency and transparency of communication between the different SOs and ACs on public inputs. How would you rate the chances for discussions between the different SOs and ACs during the public meetings? Do you think some communities have a larger say than others? If so, which communities? How could the ATRT-2 review process improve communication between

the different stakeholder groups? How should ICANN improve its outreach to the larger Internet community to participating and non-participating governments to regional organizations?”

That’s question 11. Those comments are up on the screen. Reactions? Is there a follow-up question here? I’m not seeing any hands. Move on to question 12. Question 12 I just read a moment ago about ICANN’s decisions being embraced, supported, and accepted by the public and Internet community. We have those comments up on the screen. Michael?

MICHAEL YAKUSHEV:

A [quantitative] approach to whether we see a negative or positive development, again, is in the scaling. The [inaudible] scaling is low. It means that in comparison with other questions. So their support and acceptance of ICANN’s decision is low and it also shows that we should pay more attention to how it should be improved. However, in the comments, there are no specific answers what should be improved. But we should think about it.

BRIAN CUTE:

So that might be the question to bring back to the community. What are your recommendations, specifically? Yes, Fiona.

FIONA ASONGA:

[inaudible] here and I think this ties to a lot of the other activities going on in ICANN right now. The emphasis is on the names part of ICANN’s function. I’m just wondering whether the community feels satisfied with

the decisions made on the numbers part of it. That's a question I'd like maybe to pose to all the other groups, except the ASO that manages the numbers part of it.

BRIAN CUTE:

Thank you, Fiona. Avri.

AVRI DORIA:

One of the things that I was going to bring up is when we talk about how does the community embrace, you don't have to go very far out of this community to find the community being totally unaware. So embracing may first be something that's following up with awareness and I think that shows up sort of in the answers, but the people answering are the ones that are parts of the community that are paying attention.

I know just having done a recent school that was on Internet governance, nobody that was even coming to Durban for this knew there was an ICANN meeting going on or that it was free to go to or how to go to it.

So in terms of community embracing, we don't have much community awareness. Then when Fiona brought up the question on numbers and ASO, the first thought that went through my mind is I know we have an organization that does that, but I thought [inaudible] made all the decisions and then just sent them here.

So I think it is a good question to ask the other SOs and ACs as to whether, even as part of this community, they're aware, "Actually, does ICANN make decisions on numbers?"

BRIAN CUTE:

Thank you. So we have a question on the numbers side. Do the constituencies we're going to meet with think that the decisions on those questions are embraced by the public and the Internet community? And we have a question asking for specific suggestions as to how ICANN can improve the public's embrace, and Internet community's embrace, of its decisions. Alan?

ALAN GREENBERG:

I guess I'll take the cynical position. To the extent that people know and care, if ICANN adopts your position, you embrace it. If they adopt someone else's position, you either are [inaudible] acceptable or continue to rant and rave, depending on how important it is that they went against your decision. I think that's human nature and I'm not sure we're going to change it a lot.

BRIAN CUTE:

Thank you. Any other comments? Avri?

AVRI DORIA:

I actually want to take the counter cynical, even though it's kind of hard to believe that I would be counter cynical. I actually do believe that when there is a process where everyone actually believes that their position was heard and understood and fairly dealt with, you'll find that

in most cases, people do embrace the decisions of the group – especially when they’ve seen some go their way and some not go their way.

But it really does rely on a true notion of having had your opinion heard, understood, and really considered. So I think that, in our analysis, what we perhaps need to do is ask questions. If you don’t believe your opinion – if you don’t embrace, do you feel that your opinion was properly considered? Do you feel that it was properly understood and heard?

And perhaps we might find the answers in that second level of questions. So to anyone that says, “No, we don’t embrace the views,” well, why don’t you? And do you feel your views were heard? Do you feel your views were considered? Do you feel your views were understood?

And if those don’t come out yes, then it’s difficult to imagine that people would embrace. But I believe that I’ve seen – when full considered, people do accept losing an issue.

BRIAN CUTE:

Thank you. Alan, and then we’ll move.

ALAN GREENBERG:

Just a quick rebuttal. I completely agree with what you said at the end. They accept – embrace I think is too strong a term that we used.

BRIAN CUTE: Thank you. We have two questions. Larisa?

LARISA GURNICK: Fiona, could you please repeat your question for us?

BRIAN CUTE: The first question was whether the decisions ICANN makes with respect to numbers are embraced by the community and the public or the Internet, right? The first one was a numbers-focused question and the second one was Michael's, which was "Tell us how they can improve." Basically, as the constituencies, the SOs and ACs recommendations on how ICANN can ensure that its decisions are embraced." Correct? Michael? Okay. All right. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you. Olivier speaking. Just to push on Michael's point, I totally agree with that question and I do note that only eight people answered this question and 2.4 billion did not, because we're talking about the community as being not just ICANN community but the Internet.

BRIAN CUTE: Thank you. And just before we break, question 13. "As a percentage, please indicate your view of the chances for revision of Board decisions since ATRT-1." We have two comments. One which I think is deferring until they see decisions on new TLD final decisions, and the other noting some improvement and hoping that the decisions themselves will be less controversial.

Any question to be picked up here for interaction or no? I'm not seeing any hands. Welcoming Steve Crocker into the meeting. And with that, you're just in time for the first coffee break, Steve. We're going to take 15 minutes for a coffee break and we'll be back. Thank you.

UNIDENTIFIED MALE: You're starting the ATRT-2 face-to-face meeting from the sessions going from 10:55 until 1:30.

BRIAN CUTE: Thank you very much. This is Brian Cute, ATRT-2 reconvening. Right now we're in the process of going through the public comments received, the summary of those public comments and identifying any comments or questions we want to bring back to the community in our [retractions] this week. We have until 11:45 for this task when we'll be joined by Tarek Kamel, senior advisor to ICANN's president and CEO to discuss ICANN's governmental engagement. So let's continue.

We left off at question 14. Question 14 to the community was, "How do you embrace, support, or accept the decisions of the ICANN Board? For example, do you embrace the decisions of the Board after an internal review of it in your community and/or Working Group? Have you asked for a review of a Board decision? If yes, which ones?"

Again, Alice, we need to get the comments up on the screen if we can. If not, do folks have them on their machine in front of them? If you can look at the comment summary. Do we have any reactions? Any questions coming out of this to bring back to the community? David?

DAVID CONRAD: I know a theme amongst many of the comments has been related to the handling of the TMCH issue. This was raised on this question as well. Perhaps that is a topic that we might need to explore specifically. I don't have a strong enough opinion about it.

BRIAN CUTE: Am I correct, Michael, that the TMCH was one of the topics that the registries pointed to earlier? I think that's one we're going to pick up specifically in that context, and perhaps we can bring it up to NCUC-2 as well. David, for follow-up. Any other comments on the comments to question 14? Avri?

AVRI DORIA: Perhaps it's just my own baggage in reading it, but I tend to read it as generally a pretty hopeless situation, that why bother trying to... I mean, the Board decision gets made, the Board decision gets made, we know that there's never been a reconsideration for the NCSG, the group I come out of, once it was important enough for us to go tilt at the windmill and we're going to continue tilting at the windmill as much as we can. But I think that the answers show you that there's really no feeling that there's anything that can be done about it and perhaps that is significant in terms of what says about the accountability of it all. What could you do? It really is like bashing your head into a wall.

I think the fact that it's something we carp about very much – you see a lot of carping about Board decisions – but whenever there's a conversation of "What are you going to do about it?" what are you going to do about it? As I said, the NCSG tried once. We knew it's tilting

at windmills, but we felt it was important enough to tilt at this particular windmill and we'll continue trying to do so. I don't know how we'll raise a million dollars, but [inaudible] to do so.

BRIAN CUTE:

Thank you. Other comments? Okay, moving on to question 15. Unless – was there a specific question coming out of that? Just to check again before we move on. Avri?

AVRI DORIA:

I think the question that's worth asking is you say that you don't do a review. Why don't you do a review? I'm speculating because it's hopeless. Why bother? But I might be wrong. They might not do a review because of other reasons. So I think it's worth asking. For all the people that said, "No review of Board decisions is done," well, why not? We know that we all complain about them. Is that sufficient? Not always – correction. I got a look that told me my "all" in always was suspect.

We certainly hear enough complaining in the hallways, and yet there is no review, no discussion. "Why is that?" I think would be the follow-up question.

BRIAN CUTE:

Alan?

ALAN GREENBERG: I'll phrase it a different way. I think the same thing, though, of if everyone's unhappy, what should the situation be which would make you happier? Is there a way to fix this?

BRIAN CUTE: Thank you. Moving on to question 15. The question is, "Please provide your assessment of whether the policy development process at ICANN facilitates enhanced cross-community deliberations and effective and timely policy development as specified in the affirmation 9.1e. Can you identify a specific example or examples when the policy-making process at ICANN did or did not facilitate cross-community deliberations or result in effective and timely policy development? Are there issues related to this provision you believe should be addressed or investigated by ATRT-2? If so, please provide specific information and suggestions from proving the policy development process to facilitate cross-community deliberations and effective and timely policy development."

We have the comments up on the screen. Any comments here on the responses? Again, the focus is cross-community functionality and timely policy development. Carlos, is your hand up?

CARLOS RAÚL GUTIERREZ: Yes. I certainly think this should be in the agenda with the GAC. I don't know how many comments have been made to the policy [versions] implementation paper, but we should take a feeling there. We haven't revised that paper lately. I don't know if it's stuck or if staff can tell us about that process. Is it policy versus implementation paper still being

developed? Are they processing the comments? Is something new going to happen there?

DENISE MICHEL: So it's an active ongoing issue that's being addressed both within the GNSO and staff is also working on it. We can get an update for you from [Monica Cunnings] who I think is scheduled to talk to this group tomorrow.

BRIAN CUTE: We'll put that question to [Monica], Carlos. I think we see her tomorrow. Any other specific questions coming out of this to bring to the community this week? Alan?

ALAN GREENBERG: In this particular one, I don't think here the focus is the GAC. I think the question is: is there representation – active representation – in ICANN to represent all of the necessary interests in any given subject? The people who are here may well participate. The people who aren't here don't, and representing the interests of all stakeholders may well mean that we're talking about people who aren't even part of the discussion, aren't in the room. And how do we attract those? How do we attract those who don't have a financial stake to be there? I think the question is wider than just the GAC.

BRIAN CUTE: Thank you. Anything else on this before we move on to 16? Okay. Question 16 is, "Please provide your assessment of ICANN staff

adherence to the policy decisions of the ICANN policy development process in its operational activities. Please indicate the level to which ICANN staff has been accountable to the ICANN community in its activities. Can you give examples of where ICANN staff has restricted its decision-making to the boundaries set by the PDP or gone beyond those boundaries to either make new policy or replace existing policy without community development process or consultation? Are there specific accountability issues the ATRT-2 should explore relating to ICANN staff's interactions with the community policy development process?"

Alice, if you could get that summary up on the screen for us. Thank you. Any comments or reaction to what's been provided? Alan?

ALAN GREENBERG:

I suspect we have a problem with this question in that we phrased it a few months ago and the world has changed since then. The recent Board governance committee decision, they rejected one from the NCSG, pointed out in very clear language that there are decisions that get made during the implementation phase. It's not only during the policy phase. And there needs to be community involvement. So I think by saying during the policy development process here, we restricted the answers and I think we need to be careful not to do that going forward. The real question is are decisions affecting people being made during policy or implementation processes where there isn't sufficient involvement at the community? It's a bit late I understand to change it, but I don't think we can ignore it.

BRIAN CUTE:

Thank you. Based on the comments provided in response to the question that was posed, anything to take to the community specifically in terms of a focused question? I'm not seeing any hands. I think we're moving on to security, stability, and resiliency. I think that's next.

Starting out with question one under that heading, "Please indicate the level to which the ICANN Board and staff have effectively, transparently and fully implemented the recommendations of the SSRT. Please provide specific information as to why you believe the recommendations have or have not been effectively, transparently, and fully implemented. What metrics do you believe would be appropriate to measure effectiveness, transparency, and completeness of implementation."

Comments are up on the Board. Any reactions? Follow-on focused questions to bring back to the community. Not seeing any hands, we'll move on to question two.

"Please indicate the level to which the implementation of the SSRRT..."- yes, Olivier?

OLIVIER CRÉPIN-LEBLOND:

Thank you, Brian. Just one person asked, "What is the SSRRT?" And perhaps we should remember not to use acronyms in our questions in the future.

BRIAN CUTE:

Thank you, Olivier. Point taken. Michael?

MICHAEL YAKUSHEV: I had the same question as Olivier, thank you.

BRIAN CUTE: Thank you. Okay, moving on. Question two, “Please indicate the level to which the implementation of the Security Stability and Resiliency Review Team recommendations has resulted in the desired improvements in ICANN. Please provide specific information as to why you believe the recommendations have or have not resulted in improvements. What metrics do you believe would be appropriate to measure the improvements?”

Comments are up on the Board. Any reactions there? Again, specific questions to take back to the community or not. David?

DAVID CONRAD: One of the things I’ve noticed both in this context and also in the context of the SSR review is almost monomaniacal focus on DNS as opposed to other aspects of security, stability, resiliency. One possible question that we could ask is whether the community feels that there are other aspects of security, stability, resiliency that ICANN needs to look at. For example, SSR in relationship to addressing perhaps.

BRIAN CUTE: David, if you just want to recap that one more time for Alice. She’s capturing the questions.

DAVID CONRAD: Sure. I guess whether or not other aspects of SSR – of security, stability, resiliency – outside of that specifically related to DNS are issues that the community has concerns about.

BRIAN CUTE: Thank you. Any other comments? Okay, moving forward. Now we're looking at the questions on the WHOIS Policy Review Team. And question one was, "Please indicate the level to which the ICANN Board and staff have effectively, transparently, and fully implemented the recommendations of the WHOIS Review Team. Please provide specific information as to why you believe the recommendations have or have not been effectively, transparently, and fully implemented. What metrics do you believe would be appropriate to measure effectiveness, transparency and completeness of recommendation implementation."

And we have a number of comments that will be up on the Board momentarily. Yeah, Michael?

MICHAEL YAKUSHEV: So this question, as the same as the next one, shows fairly low on the scaling, which to my mind shows that the problem is really serious and it's not fully addressed, then the overall answers, part of them, they do support what was done after their recommendations of the WHOIS Review Team were published.

However, there is an evident lack, both theoretical and organizational leadership what should be done with WHOIS based on the recommendations of WHOIS or [inaudible] recommendations. Partly it's mentioned in the responses of Chinese [inaudible] where they suggest a

certain classification of domain names just maybe to make it more practical for the implementation of WHOIS procedures.

So it seems to me that the low scaling of the responses to this question shows that there is room for improvement, which was mentioned by those who send [recommends]. However, from the formal point of view, at this part of the recommendations that were really implemented or at least reported by the ICANN Board and staff. So I think we should pay again some additional attention to the situation. Thank you.

BRIAN CUTE:

Thank you. Is there a particular audience to whom you think this question or follow up is best suited or is than across the Board follow-up question from the Review Team?

MICHAEL YAKUSHEV:

Well it's difficult to answer. A lot of people have different opinions on this. So frankly I think we need to discuss this once again with the people within the ICANN staff who are responsible for the implementation of the [inaudible]. It will be more clear how to go further.

BRIAN CUTE:

Thank you. Any other comment on this? Alan?

ALAN GREENBERG:

I think this is one of the ones that we have already asked "Are there any comments?" on the other Review Teams. If people are interested, and I

suspect there may be a few groups who will raise it on their own, that will be enough impetus. I don't think we need to ask any specific questions.

BRIAN CUTE:

Okay. So follow-up with the staff directly on this per Michael's recommendation. Okay. Any other points? Moving on to question two. Actually, the next section which is improving accountability and transparency.

Question number one, "How do you evaluate overall accountability and transparency of the ICANN processes? How would you rate the participation of the community and accountability and transparency issues? Are there other issues that should be addressed or investigated by the ATRT-2 consistent with its mandate? If so, please provide specific and detailed descriptions of any such issues along with an explanation as to why such issues should be addressed by ATRT-2."

Comments are up on the Board. Any specific reactions? Any follow-on questions? Not seeing any hands, we can move to question two.

Question two: "Are there any questions we should be asking consistent with the mandate of the ATRT? What are those questions? How would you answer those questions?"

We have a number of comments here. Olivier?

OLIVIER CRÉPIN-LEBLOND:

Thank you, Brian. It's Olivier for the transcript. Just noticing that some parts of ICANN responded as part of their SO or AC, perhaps asking

those parts of ICANN responding to expand on their response would be one additional question we might ask when we meet with them.

I note, for example, in question one, improving accountability and transparency, there is the registry stakeholder group, there's the BC. Their responses are quite clear, but they might wish to drive their point a little further.

BRIAN CUTE: Thank you. Michael?

MICHAEL YAKUSHEV: There is an evident interest towards the financial aspects of what happens with the new gTLDs and there is a recommendation for our group to just address the issue and formulate recommendations [inaudible] the Board to handle any profits consistent with the nonprofit status of ICANN and [further].

So I think that in principle we can study all such comments one by one in our group. Just understand whether it's relevant, whether it corresponds to the mandate or the ATRT to just avoid any further discussions whether we do [inaudible] or not. But I think we should discuss such kind of comments one by one. Maybe not now. Maybe later today or tomorrow, but I think it's needed to understand properly what exactly is missing in what we're doing.

BRIAN CUTE: Thank you. Let me try to square your comments with Olivier's. Olivier's suggestion is that where an AC or an SO made a specific suggestion of

an issue we should look at to give them an invitation to expand on their rationale and make their case for that. Are you comfortable with that suggestion, which is on the table, but you would take the financial question off into a work stream discussion or a group discussion? Just so I can square the two.

MICHAEL YAKUSHEV: I meant group discussion.

BRIAN CUTE: Okay. Thank you for that. Hold that thought. Any other reactions to these comments? So Michael, would you like to have an open discussion about the question of how ICANN handles its finances in terms of potential new recommendations or accountability and transparency issues? What were your thoughts?

MICHAEL YAKUSHEV: Well, to start with, I'm not sure that from the very beginning their investigation of such issue was part of the mandate of ATRT according to AOC, because it was not foreseen in the moment when the AOC was signed.

However, the question really raises a lot of questions and a lot of concerns within the communities and there is I think it requires a lot of efforts and some resources from [inaudible] little point of view from checking whether it could be a good example, a case study, where we give some recommendations for a very important issue – a financial one – and the recommendations that will be related with our vision of the

process. It would be a good guidance on how transparent and accountable the process should be.

I'm not sure that we are able to do it in the remaining months. Maybe yes and maybe no. However, we will need an involvement of all the interested parties, including within ICANN staff and outside from the concerned groups. For example, I would be ready to participate in this part of the process. This is one point.

The second point, again, I'm not sure that placing certain resources to this specific issue will not distract our attention from other issues that are fully within the mandate and which we have already started to discuss. Under the circumstances, we need to have good explanations, good just arguments in discussions with people who would like us to be involved, why we are not prepared or we're not authorized to do so.

Frankly, I don't have an answer. I'm ready to participate, but I'm also ready to explain why we should not do this. Thank You.

BRIAN CUTE:

Okay, thank you. And I think this is a conversation worth having now. This is the question of are there new issues we should look at? There's a number of commenters who said we should look at the finances. We have discussed this. I think Michael's accurate, if I recall, that we felt it was outside, or slightly outside, our mandate – however you characterize it. Opening the table, the issue of finances is a new issue for us to focus on. I don't know if any of the four work streams in their regular work have surfaced this or incorporated it or not. If they haven't, that would be important to know. Open question. Is this an

issue we pursue or not? If not, Michael is also correct. We have to have a clear rationale to communicate. Alan?

ALAN GREENBERG:

I'm not sure where this fits. My gut feeling is this is the kind of thing that we need to make an observation for, but not necessarily a formal recommendation. I'm not sure that's one of the outcomes that we've envisioned in our report. The example is there has been much talk within ICANN about what to do with the windfall profits that may come from auctions. We have not resolved it formerly. We are still talking about the existence of auctions and they get mentioned. We don't know whether any money will come out of it or not.

But should a bunch of money come out of it, it's not clear to me – it may be clear to our members of the Board – what ICANN is going to do with it. And that is a transparency issue. It's certainly been an issue that has been relevant to some parts of the community for quite a while and the lack of known direction sends a message.

BRIAN CUTE:

Thank you. Steve?

STEVE CROCKER:

Just on this last point, Alan, I've been pretty forceful on this point. My position has been – I've stated it repeatedly in various public settings – that any surplus that comes out of the gTLD program, whether it's a surplus from the revenues from the application fees or from auctions – and I know some people make sharp distinctions between those, but

from my point of view even if you make distinctions, what I'm about to say applies to both – will be accounted for very carefully, segregated out; not just lumped in with the general operating budget. That's point one.

And point two is that the disposition of those surpluses, should they exist, will go through a separate process. Nobody in my view has first dibs on it or a natural claim on it. It's, in my mind's eye, a kind of ending stream of applicants, supplicants, petitioners waiting for some disposition of those funds.

I myself some question as to how much money will actually materialize out of all this. Internally, we're putting considerable amount of attention on trying to get the finances documented in a way that makes these questions very, very clear – that is how much money is currently unspent, how much money is anticipated will be unspent from the regular program? And I haven't seen anything on auctions. The formal posture with respect to auctions has really been will run auctions if necessary. Why don't you guys sort it out ahead of time?

And since we took that position early on, third parties have shown up saying, "Hey, why don't we run auctions and give some of the proceeds back to the losers? That would be better." And some of that has happened. I haven't followed the details closely, but I know that those auctions have been held. So there's been no revenue to ICANN due to that, because they've been siphoned off to outside of ICANN.

There was one other small detail. Getting back – and this isn't on the auctions, but getting back to the revenue that has come in from the gTLD program, if one looks at those finances, at the revenue and

expenses and projections and so forth, you can't help but notice a fairly large amount of money that is set aside as a reserve against risk. Roughly a third of the revenue in round numbers has been set aside for that.

Then you try to probe into that and say, well, what risks are we talking about? When will they be resolved and so forth? And that is not yet very well documented and understood, and that's getting a fair amount of attention.

There is no approved standard methodology for dealing with some of these things. Some of these just play out over a period of time. And so the parts that you can control are transparency and accountability. The parts that are hard to control are reaching a state of further knowledge than you have now. You sort of have to wait for things to play out. A lot of the risk may be the only important element that people focus on is litigation.

So if you take a hard position and say, "Well, tell us how much litigation there's going to be and what the damage is going to be," and then the conversation kind of trails off at that point until we see what the results are.

BRIAN CUTE:

Thank you. So picking up on Alan's suggestion, I want to ask a question. We're going to ask this question again before these two days are over. Specific to the financial question, do we envision a recommendation coming out of this Review Team or do we view, as Alan suggested, touching on this issue in the context of our report observationally? Alan?

ALAN GREENBERG:

I think my general comment that we may want a section on observations stands. If what Steve just said is said in a public well-findable place, we don't have to make that observation because it won't be necessary anymore. But I think the concept still applies. Whether we need to do it on this particular subject remains to be seen.

BRIAN CUTE:

Thank you. And I'm interpreting the non-reaction as to not in favor of a recommendation or inclined to recommendation at this point in time. Okay, moving on. We're now on the section titled Affirmation of Commitments Reviews.

Question number one: "Please rate the effectiveness and efficiency of the Affirmation of Commitment Review Team processes. Please provide specific information as to why you believe the Affirmation Review Team process have or have not been effective and efficient. What metrics do you believe would be appropriate to measure ATRT effectiveness and/or efficiency?"

It's about the process. The comments are up on the Board. There was earlier criticism of this process creating too much bureaucracy and complexity. There are other comments that note some improvement in some places. Any specific questions arising from these comments that we bring back to the community this week or not, and not as a [financer]? Larry?

LARRY STRICKLING:

I do think this question about the timeliness of implementation is an important issue that we all need to understand. There may be good

reasons for it, but the idea of a presumption of timely implementation I think is important, with the idea that there may be reasons you couldn't do it, but we ought to understand that and really validate that if that, in fact, was the case.

But the idea of setting some presumption or some standard going forward is to how quickly things ought to be implemented I think is still a good one for us in terms of giving guidance for future Review Teams, and then understanding to the extent it didn't happen what those reasons were and are those things that can be fixed going forward?

BRIAN CUTE:

Point taken. Is that a question to bring back to the community or is that just an area we need to continue to [plumb] in our analysis?

LARRY STRICKLING:

Well, I think we've explored it some with respect to the discussions with staff and such. I don't know if we've asked the Board point blank about their views of timeliness or what they felt they ran into. I think we heard from both Steve and Fadi at our first meeting about the implementability of decisions or recommendations. So we know that's an issue people have raised. I'm not sure where specifically it came into play.

But I look at the fact that I think only in the last couple of months have we actually now gotten the Board GAC process put to paper, and I think understanding why that took three years is important in order to help us in terms of making recommendations going forward. What was the

root cause of that and is it unique to that particular topic or is it reflective of a problem that needs to be solved going forward?

BRIAN CUTE:

So that question specifically for the Board interaction this week. Okay. Full Board interaction. Thank you. Timeliness of implementation, timeliness of implementation for the Board. And we'll craft this – again, Alan, Avri, and [Lisa] and myself, when she's here, we'll polish these questions up and organize them per audience. Any other takeaways on this? Okay, seeing no hands, moving to question two.

“Have you/your community had sufficient time to review their recommendations and ICANN's implementation of the recommendations? If not, how much time do you believe is necessary?”

Okay, comments are on the Board. At least two are suggesting four weeks or more are needed. Any follow-on specific questions for the community coming out of this set of comments? Not seeing any hands. Alan?

ALAN GREENBERG:

There are several answers here four weeks or more needed. To be honest, I'm not sure I understand the relevance to the question. Did someone else – are they saying we want four-week public comment periods? I don't think was the question we were asking, but there were several references to four weeks or more needed. Maybe the full question or full answer would've made that clearer, but it's not even clear to me from the summary nor to my memory. Can anyone help?

BRIAN CUTE: Not sure I can.

ALAN GREENBERG: It was obvious to several independent answerers. That's why I'm asking does anyone here understand it.

BRIAN CUTE: I'm not sure, Alan. Okay. Any other comments on that last question? We've come to the end there. There is a set of general comments at the end of the document that we should take a look at. Can you pull that up? It's the general comments section at the end. Thank you. Alan?

ALAN GREENBERG: I have no explicit comments, but I think we're going to need or at least delegate to somebody the need to go through these and decide or recommendation to what extent they are within our mandate or not, because some of them are, some of them are not, and I think we need to at least have some clarity on that. In one case, it's from ALAC people, so I'm well aware of it, it may well intersect with our mandate, but not completely.

But since people have taken the trouble to identify these things, not just answering a question but coming up with specific comments, I think these we owe a sense of responsibility to at least look at them carefully more so than we're likely to in this forum in the next few minutes.

BRIAN CUTE:

Thanks. Actually my view is that these general comments in addition to the comments responsive to the questions should become part of the work streams – or the relevant work streams –work, so that in looking at all these comments, members of the relevant work stream should identify which ones apply in substance to their work, read them in full, assess them as a work stream together and factor them into their conclusions and outputs.

To the extent that any comment doesn't map to a work stream, then the Review Team as a whole has that responsibility that you mentioned.

ALAN GREENBERG:

As long as we make sure to track that.

BRIAN CUTE:

Any other comments on the general comments? Okay, seeing none, we have a draft list of questions. The chair and vice chairs will take those offline, scrub them, identify the group to whom they're going to be posed as part of our interactions, put them back up on the screen when we have our preparation section for interactions with the community this week. What we need to think through again once we get to that point, we've got the cleaned questions, they're organized as to who we're going to pose them. We need to think through the dynamics of the interaction, how much time we have and make sure that we're efficient in getting good, full responses from the folks we're meeting with. Anything else before we move on to the next topic? Okay, seeing no hands.

With the altered agenda, we now have an hour and 15 minutes – is that right – before Tarek joins us? Or is it 15 minutes before Tarek joins? 15 minutes, okay. Well, we could start the report of the work streams with the 15 minutes that we have if there's no disagreement. How long would metrics be? 15 minutes. Are you prepared to walk us through your slides? Okay.

Based on the way we've redone the agenda, Larisa, will we have time to get to the work stream reports today? I'll just take that as a...

LARISA GURNICK: 2:00 perhaps. Analysis of data collection and next steps. That would probably be a good time.

BRIAN CUTE: Okay. Let's do that. Okay. So the next item is going to be what was item seven on the agenda – discuss metrics and benchmarks with Denise Michel and Larisa Gurnick.

LARISA GURNICK: This is Larisa Gurnick and the purpose of the next presentation is to give you all an update of the work that we've been doing towards establishing benchmarks and metrics. So next slide, please.

So the agenda includes giving you a project description, the approach that we're considering, what we've identified as critical success factors, expected deliverables from this project. We'll give you an update of where we are at this particular moment and then we'll talk about a timeline. Next slide, please.

Okay. So for project description, the purpose of this is to implement a mechanism for measuring ICANN's performance in the area of accountability and transparency relative to other international not-for-profit organizations. That's part one.

Part two is to track and report ICANN's performance over time so that then we could make informed decisions about improving accountability and transparency on a continuous basis. Next slide, please.

As we're formulating the scope of work in this area, some of the key questions that have been identified are the ones that you see on the screen. How do we measure how we're doing in terms of our commitment to be transparent and accountable? What key metrics should be used to track progress over time? How do we compare to other similar organizations? And of course, what are some of the similar organizations implicit in that question? And then what are the best practices that others use to measure, track, and report this information to a multi-dimensional community of stakeholders? Next slide, please.

Our approach is to engage a consultant with appropriate expertise to lead this effort, and we've defined phase one as the following items. We will identify a peer group for benchmarking, work with a consultant in doing all these steps, identify initial set of metrics, propose a framework for measuring this effort on an ongoing basis, engage with community, staff, and Board to present this information and have a discussion as well as develop an implementation plan for how to move this forward. Next slide, please.

Some of the critical success factors that we've identified. The metrics must be clear, concise, and readily available in order for them to be

measurable. We need to address key tenants of the Affirmation of Commitments while also considering how these benchmarks and best practices, how we compare to other organizations in terms of benchmarking this effort.

It's going to be critical to have community understanding and ability to easily track progress. So clarity, simplicity, and ability to communicate this information is very important. And the whole process needs to be nimble and efficient mechanism for measuring, tracking, and reporting so that our plan will be to institutionalize this effort within ICANN and the community. Next slide, please.

Our deliverables expected from this process are as follows. Identification of accountability and transparency benchmarks and metrics, definition of a peer group and high-level benchmarks from the peer group, methodology for calculating and tracking benchmarks and metrics, how often will this effort take place, and what the methodology will be for getting this information from other organizations as well as our own performance, then a roadmap for implementing an ongoing system of measuring, tracking, and reporting accountability and transparency benchmark and metrics.

Here's where we're at today. The project definition has been drafted. We've been in discussions with different groups of consultants. And just to give you an idea of the types of organizations that we've started preliminary conversations with, there's management consulting experts such as Boston Consulting Group, KPMG, PWC. There's also accountability and transparency experts such as One World Trust, Transparency International, and then there's also a market research

expert – Lieberman Research Worldwide – and we’re soliciting feedback from these different organizations as to how to structure this effort and how to approach it. So proposed project approach and timeline are in the process of being developed as we’re still collecting feedback from these various organizations.

As far as the timeline, phase one, we expect to evaluate proposed approaches by the end of July, engage consultant by the end of August, for the consultant to conduct data gathering throughout the month of September. Then consultant would propose a peer group framework and implementation approach by the end of October so that we can have engagement with community and discussions during the next ICANN meeting in Buenos Aires in November. An issue of plan in January of 2014.

Then subsequent phases that we’re envisioning after this work has been completed is assigning ongoing responsibility for tracking and measuring within the ICANN organization and implementing any systems that we would need in order to measure and report on an ongoing basis as well as kick off an educational effort to make sure that community members as well as internal to ICANN understand all the measures and benchmarks. This would be done to institutionalize this effort throughout ICANN and its community.

After that, phase three, which is a little further down the line, would include a process of testing, learning, and refining. We would be asking questions. Is ICANN maintaining an adequate level of accountability and transparency and making improvements where needed? In other words, is the system of metrics and the benchmarks that have been

implemented helping us answer this question? What impact is this effort having on ICANN's viability on legitimacy? Then of course, based on that, we would assess and improve metrics and benchmarks if needed to see if we're measuring the right outcomes and if they're helping us make decisions.

Any questions at this point?

BRIAN CUTE:

Thank you. Thank you for this. I fully appreciate the approach and the thought given into the process of bringing on Board the expertise. A couple of questions that spring to mind for me are mostly arising out of the timing. Two things that this Review Team has to accomplish is, one, provide an assessment of the implementation of recommendations of prior review teams and metrics plays a role in that. Two, we need to make recommendations that, as we've discussed at prior meetings, are implementable and working with staff in a dialogue in Board in a dialogue making sure that the next set of recommendations we give are implementable. And as part of implementability there has to be a measurement or metric aspect where appropriate.

So those are two things that we need to accomplish on our timeframe. Given this timeframe, I see a potential disconnect in the Review Team being able to work with the consultant and the staff and the Board to accomplish those two very important tasks. So I see a problem with timing. Other comments?

LARRY STRICKLING: Based on the discussions you've had with the set of consultants that you listed up there, what have you identified so far as some key metrics for further evaluation? Can you give us any sense of a substance that's coming out of this?

LARISA GURNICK: Part of what the initial engagement with the consultant will be is to look at the body of work that we have thus far, what we're actually tracking and what has come out of the ATRT-1 report in particular, issues that have been raised by the community, the metrics to tracking it we're doing it right now as well as their research with other international organizations, best practices internationally.

LARRY STRICKLING: Right. So what are some of these, based on what you've learned so far?

LARISA GURNICK: We've had quite broad-ranging discussions with these entities. So typical ones, such as financial disclosure rules, methodologies for collecting and responding to public comments, it really runs the gamut addressing both Board governance practices and a whole range of issues.

So we're in the early stages. One of the elements that we want the consultant to come back to is with their knowledge of best practices and potential benchmarking with international organizations and then looking at all the work that ICANN has done today, including the Affirmation of Commitments, responsibilities, and the ATRT-1 work. We

want the consultant to provide an initial proposal of what they feel would be the best and most useful discrete set of metrics. We can give you a more exhaustive list that we've had initial discussions on if you think that would be helpful.

LARRY STRICKLING: And what groups have they identified as in your peer group in terms of comparisons for best practices?

LARISA GURNICK: Yeah. We have to pay them for that, unfortunately.

LARRY STRICKLING: And when did this project start and what led to this project coming together at this particular point in time.

LARISA GURNICK: So this is something that's been in the works since last fall with the new president getting up to speed on this area, and Steve Crocker's and the Board's interest in advancing are metrics and benchmarking. We started doing research and seeking consultants with this type of expertise. It was in the late fall last year.

BRIAN CUTE: Other questions? Carlos?

CARLOS RAÚL GUTIERREZ: Yes, Carlos for the record. I have one worry and positive expectation. On the one hand, I hope we don't get [inaudible] report. There are different definitions of accountability and there are different definitions of transparency, so I hope they jump into a very practical approach. And the practical approach I hope is very focused on the different chapters of 9.1, which is very specific. Very specific relationships, Board-GAC relationships, Board-community and not just standard practices in the private sector, which means publishing it and waiting for the shareholder's meeting to see if they show up or not. Thank you.

BRIAN CUTE: Thank you, Carlos. I'll make a comment, then we'll close this down. We have Kamel on the phone for our next presentation. But I want to come back to this timeline later today or tomorrow. I see real problems with ATRT-2 being able to deliver both a full assessment of implementation of prior Review Teams recommendations full and informed assessment, and on the other hand to deliver well-formed recommendations that factor in measurement metrics implementability as we've discussed. So I'd like to come back to this a little bit later today or tomorrow. But thank you for the presentation.

Tarek, are you on the call? Can you hear us?

TAREK KAMEL: Hello.

BRIAN CUTE: Hello. How are you?

TAREK KAMEL: Good afternoon, everybody. How are you? I'm participating remotely. I apologize that I couldn't come for some personal reasons.

BRIAN CUTE: No worries. Very good to speak with you today. This is Brian Cute. We welcome your discussion.

TAREK KAMEL: Hi, Brian.

BRIAN CUTE: How are you?

TAREK KAMEL: Yes. Things are fine and I look forward to the discussion. How much time do we have? 45 minutes. I understand.

BRIAN CUTE: We have 45 minutes. Looking forward to your presentation, and obviously we'll want to discuss as well the letter to governments that you've been assisting with ATRT-2 getting out the door, the practicalities of that exercise as well. Looking forward to that. But please proceed.

TAREK KAMEL: Okay, that's fine. Then I will start to give an overview about what we are doing within the engagement team and within our government engagement, as such within the last 12 months.

The main focus of what we are doing is empowering ICANN within the global [inaudible] Internet governance debate, and as well tying as much as we can to operationalize the role of governments as it has been obvious within the talks of the WTPF and other locations as such.

We're working on a three-year stretch that we have prepared and we are [told] that we're complementing other initiatives. We are not starting from scratch and we are partnering with governments and with IEOs about other stakeholders also when it comes to the implementation.

But let me, after such an introduction, try to frame where the main issue is. And I was reading the paper that Jørgen had prepared and I received it. I think the source of the problem is multi-fold. The first issue is related that new technology [inaudible] requires new governance models. And many governments did not yet [inaudible] that or understand that completely, that the old model that they were used to to go to the council at the ITU and to do global governance and international coordination for the telecommunication issue, that this is simply not any more possible just because of technical reasons and technical architecture reasons, the Internet has been [inaudible] as you all know. I'm not going to repeat that in such a [inaudible]. It is completely based on a completely different architecture.

So trying to fix the model that they feel that they were within their comfort zone for many years and they were there and they had the say and they were dominant as government and their voices were heard and it's based on territorial restriction and territorial sovereignty and one country, one vote, that this is over with the technical architecture

of Internet that is based on [inaudible], that is based on root servers, that is based on a DNS system and has nothing to do with the telecommunication or architecture system or [inaudible] fixed lines or even in the [GSM].

So that's one of the new sources that we need to make sure that the awareness and this message is really key, that this is not a conspiracy theory. This is because the technical architecture and the evolution of the Internet requires different governance. Not because of anything else.

So that's the first source of issues that we are of problem. If we frame the issues that we are, in my opinion, facing when we talk [for] governments, specifically in the developing countries.

But the other main issue that we have also discovered in our talks when we asked many people, "Why aren't you actively participating in the GAC?" it's that it's a strong forum and it's evolving and there are many observers and [inaudible], I understand now – Heather can correct me – members and 28 observers. The number of active participation definitely is less than that.

The simple answer we get is that they say, "Yes, we sent out representative to the GAC," but [inaudible] once and twice and three times. It's not only the financial barrier, but "The content that is being discussed there mainly related to the DNS system and specifically the gTLD business as such does not reflect our interest within our parts of [inaudible]. We don't have this industry in our part of the world," which is different than the telecommunication industry over the years [inaudible] the number of accredited registrars that exist in Africa are

still a handful, and in Latin-America it's not much better. This has been, as Jørgen has mentioned in his paper, also reflected in the number of applications within the Joint Application Support program (the JAS) as well as in the new gTLD.

So this shows that there is a deeper problem than just participation in GAC. That they see that the substance – most of the substance – that is being discussed there does not reflect their interest or they are not included. Their industry is not there. Their businesses are not represented. So when should they [inaudible] and talk on behalf? Fine. That is a component of ccTLD that there is definitely relates to each country. I understand that the ccTLD part is much more stable now, and the other parties relating to addressing and I think ICANN has sold that in a very eloquent way by the [inaudible] global regional [inaudible] ACNIC and [inaudible] and LACNIC.

So the major component that is being discussed in the GAC sometimes related to the new gTLD industry and to the [inaudible] industry in general, they didn't find themselves that they're a part of that or that relates to them.

This has started to change, and with a discussion of the new gTLD program and we have started to see in the last couple of months when GAC really became more active in providing advice and getting into details in [protection] of the [inaudible] and in GAC advice related to sensitive strings like .islam and [inaudible] and .patagonia. And suddenly new players are asking, "What's going on there? Why aren't we there? We should participate. Why haven't we been there?" They didn't bring

themselves, that they have missed the deadline sometimes to apply and such, but they started to show interest and they started to [inaudible].

And given this simple example, just yesterday the organization on Islamic conference sent a letter to – or I saw it yesterday. They sent a letter to Heather that they want to join an observer as such. They are headquartered in Saudi Arabia, and Saudi Arabia has never been active in GAC and has never been active in this community. But simply because of the .islam they came to Beijing and met them in Beijing, they started to say, “Oh, okay, in the GAC there might be some business for us. There might be discussions for something that is of interest to us, that represent our interest where we have a duty.”

I’m focusing on this part because I want to say it is not only to lower the barrier of participation in GAC from a financial point of view or from a material of [inaudible] point. All this is fine and the team there is already doing a great job. But there is a deeper problem that we need to work at, that the issues that are there and being discussed, the industry is not really with the right level of strength, and this is where we need to work and this is where we need to worry because this [inaudible] the bigger work. Not necessarily only from the GAC, but from the whole ICANN community so that we feel the industry is not left behind as such.

So I wanted to describe very clearly to my opinion sources of problem of engagement for the governments within ICANN, the governments and the [inaudible]. But I see that there is a progress with the dialogue that’s happening within the last couple of months really to the GAC advisors and the new gTLD program. They started to see that the ICANN Board

was taking things serious. The GAC advice and responding and we see there a positive response than before.

Strategic objectives, while we are moving forward, is relevant to IGOs achieving mutual recognitions of roles and responsibilities as such. And with governments improving government participation and interaction with an ICANN model.

Let me get back to the first strategic objective related to the IGOs. It was very important to establish a strong dialogue with the IGOs based on mutual recognition with [inaudible] with the UN, and even with the [inaudible]. That's what Fadi and Steve Crocker have started with a courageous step of attending the WCIT and then attending the WTPF.

It really reflected that ICANN is committed to build bridges and is committed to talk. It's not isolating itself. It's not [inaudible]. It's not something that is hiding in the U.S. and [inaudible] act with the rest of the community. Yes, there are differences in opinion and it will continue to be differences of opinion, but we are building bridges. It was important that the [inaudible] spoke several times. He does not intend to challenge ICANN and its responsibilities in relation to managing the critical Internet resources as such, and there is a [inaudible] as such.

This is not only important for the couple of hundreds of employees for the ITUs. It's much more important for their constituencies, for their member states, because when many governments – specifically from the developing countries – see this dialogue on the high level between the chairman of ICANN and the president from one side and the secretary general from another side with it's WCIT, or more importantly, [confirmed] at the WTPF, they also get encouraged to engage with

ICANN because this makes their life easier. In the past it was it meant that if we talk to ICANN, don't talk to [inaudible] or vice-versa or you have to hide away.

So this gives them really encouragement to talk to ICANN and to engage to ICANN and to start to show interest in ICANN, because we are building bridges and opening definitely for mutual recognition for both sides.

The role of governments in the overall IG model as such, which is the second component, is not only a problem of ICANN and within ICANN, it's a global problem and it has been reflected clearly at the WTPF. It was the seventh opinion from the Brazilians that did not get consensus, but it triggered a lot of debate as such and we will continue to live with that within the next two years. In the [inaudible] we are moving forward of the ITU and in the enhanced corporation, CSTD; and in the WSIS [inaudible] in the UN General Assembly in 2015 because governments did not yet [inaudible] not only at ICANN but generally within the global IG debate and [inaudible] whether they can participate but not with a dominant role and they can't participate within the existing [parts]. They go to the IGF but they think the IGF is not providing any recommendation. It's just at that [forum] for debate. They go to the ITU but find the ITU that they are not in charge. The problem was ICANN as I already have described.

They have other issues [inaudible] specifically from the developed world [inaudible] to talk to related to security, related to privacy, related to many issues –not necessarily DNS security, but cyber security at large.

So we will continue to live with this debate is what is meaningful in all of government within the global IG debate and we need to be very alert and very active as such what concerns ICANN but also what concerns the overall IG ecosystem as such because we don't want it to go into wrong directions as such. We want to defend the multi-stakeholder model and reassure that it is working, but it needs to be more inclusive and it needs to be more considering for the interests from the developing world.

We'll continue also to make sure that they secure acceptance of the ICANN model, because it's new to them as such and will encourage them to consider [our] government to adopt the multi-stakeholder model at a national level. There are many good examples like Kenya, like Brazil and other examples where they really, even on the national level and on managing their own ccTLDs, they are really acting [inaudible] multi-stakeholder model and they have participation from the private sector and from the civil society.

Again, to stress the idea, [inaudible] government but not dominant. [inaudible] would need to start to realize that they are not alone in this sphere. There are other players and they should really cooperate well. It's not easy, as I said, but we should continue to stress. And we don't compromise on our principle on global Internet with security and stability and inter-operability and open standards in a multi-stakeholder floor.

I will [inaudible] within the next five to ten minutes very quickly on what we are doing on the national level, on the regional level, on the global level to address these issues.

On the national level, we are looking at the list of governments now where we have identified [inaudible] answer publicly that we want to focus our engagement was very clear, because we think either they are swing states or they are influential within their regions as such.

And it can be a different level of engagement. For example, it can be a common project that ICANN can be doing with a government and brings us closer to their needs and brings us closer to the [inaudible]. I'm just giving an example with India. We have reached – and Steve knows – that we have reached an agreement now with the government of India that we will do together a DNS [inaudible] of security [inaudible]. They felt that this gives them [inaudible] leverage. It leverages the know-how that is there in the ICT business in India and they think that really ICANN is contributing to that and they are starting to benefit out of that. It took us around nine months in negotiations and finally it will be signed and announced in near October.

This is an example of things that are being done with some governments in order to make sure that we really work together in cooperation with the community working closely with them and giving them some [regional] leverage, so they started to get close to what we want and they start a serious dialogue and start to supportive [inaudible].

With other governments, we're responding to the capacity building requirements because it's [clear] in many governments that just need capacity building requirements – not necessarily for the government employees or for the GAC employees, but for the community as such and have many examples in Africa. So that's the way to approach the [inaudible]. That's the way to engage. Because this is really a real

difficulty that they are facing now as such. If we give them financial assistance to attend the GAC and send a GAC representative, but if it doesn't have an industry to represent and doesn't have a community really to represent, it [inaudible] partially marginalized.

So we need to work on the capacity building and the empowerment of the capacity building on the local level with them. It's a long path, but it is really addressing the roots of the problem to a great extent. And it's not only the role of government, but it's the role of different stakeholders to help us while we are doing that, and therefore we are talking to the global [inaudible] as players to help us in doing that and to hand-hold really new registrars from the community. This week, today, and tomorrow there is an AfrICANN DNS forum. I understand Steve has opened it this morning if I'm not mistaken to ISOC and AfrICANN TLD that is addressing these problems and bringing the accredited registrars in Africa together and empowering new startups and bringing global players to talk to them to transfer know-how, to transfer best practices, to address their problems, how to incubate them, how to help them because this will really push us forward.

Again, this is not only a government engagement issue, but it's the responsibility of the global stakeholder community and it addresses the problem at its roots.

On a regional level, I think you had heard about our regional activities, regional strategies, Africa and the Middle East and Latin-America and Egypt. We will be following. This week it will be illustrated. It will be Africa DNS forum but as well on Monday there is an AfrICANN panel and on Wednesday as well it will be illustrated what has been achieved with

the African strategies that has been announced last year in Toronto and is being implemented.

And again, to address the development issues that really these people have and have expressed their need during the development of these strategies in a bottom-up forum. This happened also in Latin-America and happened in the Middle East. We heard the messages loud and clear.

So the approach is [inaudible] inclusive which would include them, and will not only include them, the more the multi-stakeholder model becomes [inaudible] and that's part of our internationalization strategy. I think if you are interested in the details of the regional strategies, there is a session on Wednesday dedicated for the African strategy, the Latin-American strategies, and the Middle East strategies.

On a global level, as I have said, we have opened the bridges with the rest of the IGOs. We're becoming very active in the dialogue. ICANN is not hiding away from its responsibility and from the dialogue. We coordinate with the ISOC and the RIRs and [inaudible] and technical community. With IGF, for example, ICANN is becoming one of the biggest supporters for the IGF because we want it to live and continue beyond 2015 on a global level and on a regional level not only financially, but also from a substance point of view.

And we are happy that the IGF now has [inaudible] six or seven sub-themes and government role enhanced cooperation are two of the 18 sub-themes now as such.

So the IGF got rid of the old six or seven classical sub-themes that it used to have over the last six years, and starting now in Bali it has new sub-themes that are reflecting [inaudible].

So again, we are empowering the IGF very strong. [inaudible] we have our partnership in empowering in IDNS, but it [inaudible] we are participating in the discussion of the enhanced cooperation. A very strong [inaudible] cooperation is not only government, but it is also different stakeholders and we want to reflect that while we are moving forward.

We are also addressing for the first time the country missions in Geneva and in New York, on [inaudible] level and even soon on ambassadors level by events that we do specifically fall in because we realized that very often these are the people that vote within the international [floor]. Not the GAC representatives that are sitting in the ministry of telecommunication and science and technology or economy. They are foreign affairs people that are getting more and more [inaudible].

I was recently visiting Germany and I met a high official at the German Foreign Ministry and he told me for the first time even in Germany now, the whole IG debate is coming on the radar of the Ministry of Foreign Affairs. The Ministry of Foreign Affairs there in Germany had instructed that it becomes really an important issue and the UN Missions in Germany, in New York and in Geneva become involved.

So we see new players coming in the debate, so we also need to keep the dialogue with them as such in addition to the ministries of economy and to the ministries of science and technology and telecommunication, because these are the people that sometimes compromise even on

some of the dialogue [inaudible] supporting environment and I will support [inaudible] in Internet governance as such as a compromise, irrespective of the substance itself.

So the more we educate them, the more they see the benefits of the multi-stakeholder model, the more this is safer where we move forward in the different [forum] and the UN General Assembly and in divisions that are expected to be there.

So we hope to see [inaudible] that was the GAC. We hope to see more qualitative change of participation in the GAC and we hope to see better understanding and support from individual governments through the multi-stakeholder model, international and global level. And we are looking for concrete projects with specific governments as far as we can give the example of India, but we have other examples as well in order to bring them in and make them part of our ecosystem.

So I would stop here if you allow me. I hope that we can have a dialogue and questions and comments if you wish. Thank you very much for your time.

BRIAN CUTE:

Thank you, Tarek, for sharing the strategic approach and tactical approach to the effort that you have underway. As we had discussed, the Accountability and Transparency Review Team has its own particular mandate and scope of work within that. At the outset of our work, there was a clear recognition that our work doesn't take place in a vacuum. [inaudible] noted by the group that we were undertaking our

work on the heels of the WCIT and a concern on some level of the attitudes that have been observed by some governments during WCIT.

The outreach letter was born of that discussion. We appreciate very much your assistance on that and we'd like to talk a bit about the mechanics of that and how we can get that out as broad-based as possible to high-government officials.

But putting that to the side for the moment, I'd like to open the table to any questions or discussion for Tarek from the members of the Review Team. Any questions, thoughts, or observations? Carlos?

CARLOS RAÚL GUTIERREZ: Yes. Good afternoon, Tarek. This is Carlos.

TAREK KAMEL: Hi, Carlos.

CARLOS RAÚL GUTIERREZ: Hi. Thank you very much for your excellent comments, and particularly the clear segmentation you are making on what government means. Sometimes here we think that governments is equal to GAC and I really praise your focus on defining the different levels, that sometimes in GAC we have representatives from the economics or the science and technology ministries only. And when you go to Geneva, you face foreign ministries and ambassadors who are the ones who make the deals and decisions, and I think that this really should influence our analysis here, and when we talk about GAC to have the right expectations on GAC. And it's very important that independently of

GAC's more down to earth work, that ICANN continues to develop its overall global policy.

Just one specific comment. When you did the analysis of the lack of industry players in those countries, and going back to a conversation I had with Olivier last night, that brings us to the point that if these countries don't have these industry players, almost automatically they have some bottlenecks for the development of the Internet.

As we have seen, even very rich and very important conferences like Mexico or even Australia discussions this morning are facing heavy bottlenecks for the development of the Internet and we should not stop there, but think where is ICANN's roles in helping analyze those bottlenecks and helping bring in ideas how to solve them. Thank you very much.

TAREK KAMEL:

Thank you for saying that, Carlos. ICANN has clear instructions by the Board that will not get out of our mandate. We are working on technical qualifiers that we are expected to do, and that will not solve all the problems of Internet as such. We're not working in broadband with connectivity and access and these things.

But when I say industry, I mean the DNS industry as such, and the number of accredited registrars and the number of registrants there. This is where we really need to address, and really need to involve them and really need to work together with them and hand-hold them so that they feel that they are doing progress and becoming part of it.

And the global industry here has a responsibility, and they also need to realize big players, that if they need to defend the multi-stakeholder model that they have benefitted from for years, then they need also to realize that there is a global political threat and they need to help developing really business and markets in the developing country. And it's not for charity, but it's a [win-win] on the long-term.

BRIAN CUTE:

Thank you, Tarek. Other comments or questions? Olivier?

OLIVIER CRÉPIN-LEBLOND:

Thank you very much, Brian. Hello, Tarek. Thank you very much for this very comprehensive review of what you are doing and what the ICANN leadership is doing with regards to governments. I have a couple of questions to ask you. The first one is one which I think we often ask ourselves when dealing with governments, and you've alluded to dealing with governments, but how do you ensure that you're dealing with a government and not with a specific government department or a specific government official?

We have seen in WCIT that often it comes down to the person you are speaking to and it might not be the overall view of their own government developing. Do you engage in a multi-pronged approach with your approach with governments or do you resort to specific individuals? Then I'll have a few more questions after.

TAREK KAMEL:

Thank you for raising that and it is a fact. I mentioned even Germany. So even in the developed world, but more in the developing world. The national Internet governance debate on a national level internally is in transition. We have all realized that with the evolution that's happened in the Internet in the last couple of years, even on a national level. In the past, science was an activity that only relates to the Ministry of Telecommunication or Economy or Technology.

Now, internally, within [inaudible] governments they started to realize, wow, this thing is bigger than we thought and it has zero political impact. It has security impact. It has economic impact. It has cultural impacts.

So there is definitely a very heated debate that is happening on a national level. This doesn't make our lives easier as such as ICANN, because we started to realize that we need to broaden our engagement, unfortunately, as such. In governments, that's not a lot where they have a council that is taking care of the Internet governance issues. On a national level, this is easy. Then we have one body to talk to as such. But that's more the exception than the norm.

But we continue then to talk to the foreign affairs people because, as I said, we realized that they have a role that we can neglect and they are mainly misinformed as such. We continue to engage with technology ministries that are active within our GAC and we continue also to talk to [inaudible] and to talk to other stakeholders to guide us on a national level what are really the [inaudible].

Recently, even parliaments started to become active. We have seen in Brazil recently several hearings from the Brazilian senate to Internet

governance debate. This did not exist just six months ago. And they invite our representative to be there and to work. I'm saying that ICANN will not be able to handle all this alone. We need to work with ISOC as well and that's we are doing, and other players because this [inaudible] is becoming too wide and too big.

But yes, the departments of different governments and ministries sometimes very often don't talk to each other, and unfortunately we need to [inaudible] with the various players, which causes overhead.

BRIAN CUTE:

Thank you, Tarek. Olivier, again. You did mention the regulators. Are you dealing with them as well?

TAREK KAMEL:

Yeah, definitely. We consider that there is a [inaudible] part of the technology and world and the ICT world, and many of them are members already in the GAC. So that's in some cases. So this is a place where we already have an engagement.

It becomes difficult, as I said, when we need to talk to economists of economy in order to lower the barriers, for example, for accreditation of establishing of companies and startups to have accredited registrars. It's not anymore the regulator of the telecom regulator that can help you in that. You need the Ministry of Economy, for example. That's an example in foreign affairs. But definitely regulators are an important player.

BRIAN CUTE:

Thank you, Tarek. Any other comments or questions? Tarek, before we conclude, just to follow up on the letter that's been going out, again thank you to you in terms of providing some assistance and resources in identifying the appropriate high-level government officials to whom we want to direct the letter.

I know the GAC staff is continuing to work with ICANN staff to put together as broad based a list as possible. Are there any specific thoughts you have? Again, the framing of that letter was born of the discussion that the ATRT process is an important process both for ICANN in terms of the substance, but also as a reflection of how ICANN conducts its business and an opportunity to identify this process to high-level government officials, perhaps raise their awareness, perhaps raise their interest in participation where their government may not be. That, again, was the purpose of the outreach. Any suggestions or thoughts to offer to us in terms of that task?

TAREK KAMEL:

No. I think the letter is definitely a very good step forward. It's good that it is in full coordination with the GAC representatives so that they don't get surprised and our team as well, the regional vice president, was in the [inaudible] had tried to come up with a lot of suggestions for government officials to address and to reach out to as such.

This is important because the governments need to see that within the ICANN model there are checks and balances as such, and this idea also is very important to them and to see that there is an accountability team that is from the community that is following up, and even governments are represented within this team.

The idea that I had discussed with you before – I don't know, I'm just proposing it – that it might be useful then after we get some responses to have some visits to some officials, that really you would come back with interesting responses from the ATRT team to [inaudible] coordinated with our regional vice president to disseminate the message and to reach out. So that's something you might want to look at and to think about, because in many cases, a face-to-face meeting [inaudible] helps. Nobody will be able to go everywhere, but if we pick up some important [inaudible] in important countries, I think this will be helpful and reflect the right message.

BRIAN CUTE:

Thank you very much. I have communicated that suggestion to the team, and in particular, the government officials who are participating in the team. Clearly it would be advantageous to get the letter out to the broadest space as possible. Obviously it would be very good to get responses back and be able to follow up on them.

As I mentioned, the conversation I had with Fadi about this, he felt if it could provide some measure of a benchmark going forward that that would be a benefit of the letter as well. Wide open to the suggestion of follow-on meetings and hopefully getting some worthwhile responses from the governments. Anything else? Olivier?

OLIVIER CRÉPIN-LEBLOND:

Thank you very much, Brian. Tarek, what material is ICANN producing that is aimed at governments for them to embrace the ICANN model, to explain the ICANN model? Because I think that there is an

understanding, or at least my understanding is that addressing governments is a different thing than doing the general marketing for ICANN for Internet users, etc. There's a specific language to use, specific way to address the concerns of governments. I wonder whether you are also looking at producing material that will go further than just speaking to the top government official but actually go through the whole pyramid of officials that the government is made up of.

TAREK KAMEL:

Yeah. Thank you for asking this question. As I have mentioned, we will not be able to talk to 150 governments with the same level of depth as an ICANN engagement team at the same time. We need to keep the bridges definitely. But we still need to prioritize and choose.

And this is what we are doing internally. We are identifying four or five governments in each region which we think that they have a major role in the overall debate. They are influential on the regional level. They are a swing state. There is potential there to have a healthy relation and a healthy [inaudible]. And for those we have a plan that we are going to also share with the GAC chair very soon as such.

As I said, for India, for example, it was clear. Start with them a project, one big project that we are doing together like [inaudible] security institute on a regional level. This has been presented within their National Council of Internet Governance that included all ministers and [inaudible] as such. This has started to open for us really a dialogue within.

There are other governments where we have capacity building programs really that we are working with on different levels as such and different engagement levels. And there are governments that they don't need neither this nor that, but they need to feel that ICANN is giving them enough attention concerning their role and concerning their responsibilities as such. There are some examples from Europe, for example.

There are governments, for example, where we have chosen, like Turkey, to give them an operational role, have an operational office there as such and having Fadi going there and announcing that Turkey has been used and Singapore has been used as our new operational hubs and this will bring – it really shows commitment from ICANN and shows confidence and trust in the business [inaudible]. This has changed our relation to Turkey completely 180 degrees because they felt that they have got a regional leverage from an operational point of view as such in areas like investment and in areas like employment that is of interest to them.

So we have s cases that we can definitely share with you where we are working within our engagement plans, but it differs from one government to the other. In some cases, it's just an intellectual high level role like we are doing with Brazil, trying to help us in the [inaudible] dialogue as such.

So these are the examples, but we are happy to share this. We have it really in the final [inaudible] and show what we are doing in this [inaudible]. We don't want definitely to publicize this very wide because we don't want to say that we are working with some governments more

than others because this could definitely also cause sensitivities. But unfortunately we have to prioritize. We realize that we will not be able to work with the same depth with 150 governments or even 120 at the same time. We simply don't have the capacities.

BRIAN CUTE: Thank you, Tarek, and I think with that we have come to our time. Thank you very much for being here with us. We appreciate your presentation. We are here and engaged working on the task of the letter, but thinking more broadly than that. As you can see, we appreciate your inputs and let's keep working together.

TAREK KAMEL: Thank you very much for giving me this opportunity and we'll stay really open and ready for any support that we can give as a team to make the ATRT-2 a success.

BRIAN CUTE: Thank you very much.

TAREK KAMEL: Thank you, thank you. Okay, have a nice day.

BRIAN CUTE: You too. Okay. Our next session is with Amy Stathos for a working lunch, so let's take the next five to ten minutes to grab lunch and come back to the table and we'll hear a presentation on the Whistleblower Program

and the Board Reconsideration Process, which will be an open session.
Thank you.

Okay folks, we're going to recommence. This is the working lunch to discuss ICANN's Whistleblower Program and Board Reconsideration Process. We have with us Amy Stathos, ICANN's Deputy General Counsel, to walk us through those two topics, and we have at this point, 45 minutes, but a little bit more if we need it, Amy, to discuss these issues. Thank you very much for coming. The floor is yours.

AMY STATHOS:

So, just to present? I didn't know if you had any specific questions based on, we want to start with the Whistleblower Program?

BRIAN CUTE:

Okay, yeah. But I'll paraphrase a question that came from Alan at a high level was, "There appears to be some lack of visibility or lack of public visibility about the Whistleblower Program itself at a high level." The question is, "If that is as it appears, why is that? Is there a rationale for that? And if so, can that be understood?" Thanks.

AMY STATHOS:

Sure. There's really no intention to have a lack of visibility and to the fact that we actually do have a program, and while we don't actually label it as Whistleblower, we call it an Anonymous Hotline, by advice that we have in fact been given by Council and HR fields, that it's actually more of a friendly wording, so that people feel even more comfortable using that, because they know that if they use a hotline,

they have the right to be completely anonymous. And some people who don't understand what a whistleblower might be or the whistleblower rules, which aren't mandated as we are not any kind of particular state actor or any of that, we have a program that's very much geared in the same manner, so that the program allows for people to call an anonymous hotline.

We've got hotline numbers around the globe, so that people wherever they are and any of the ICANN offices have an opportunity to call into the hotline. They have a choice. They can provide their name, if they so choose or they can remain completely anonymous. They can remain completely anonymous, not only to ICANN staff, which are then would be tasked with investigating the complaint, or they can also remain completely anonymous with the independent, third-party provider. It's really their choice as to whether they give their name to the third-party provider. But even if they do give their name to the third-party provider, there's no requirement, and it's their choice as to whether their name is then transmitted to ICANN's staff in order to investigate the complaint.

There is a committee that receives e-mails from the third-party provider as soon as a complaint comes in, and also a monthly, regular reporting mechanism that those folks receive an e-mail about. As soon as the e-mail comes in, if there is an e-mail that shows a complaint had been provided, it gives particular information about what the issue is, any information that the reporter would choose to provide, any of the information that would allow us to investigate the complaint. Because one certain, clear criteria is that without the information necessary to investigate, it would be difficult for us to determine whether or not

something is, in fact, amiss; and if so, how we go about rectifying any issues.

There is no true limit to what the subject matter can be. As I think many people probably know, whistleblowers were initially instituted to weed out fraud issues that are of that nature, but there's absolutely no limitation or no parameters set as to what could be accepted by the whistleblower third-party process.

Of course, this feeds into some of our other policies for employees that have reporting mechanisms that have requirements against fraud and all the regular employee type of workplace requirements that employees must face in terms of making sure that they comply with all rules, laws, and regulations.

The committee is made up of some folks who have the broad enough range within the committee or company in order to investigate without making it too broad so that it becomes company-wide. And so we've got both folks from the General Counsel's office as well as somebody from HR in order to ensure that employees are protected.

And then, with respect to the COO we have, because most of these things are operationally geared, in terms of historical reporting to a whistleblower type hotline, and so that is the committee. Again, these people do not know who the complainant is unless the complainant chooses to provide that information.

And then there's a full process which, I think the procedure was provided to the ATRT-2, where we follow a process, and if it's something that needs immediate reaction, we have a timeline set

where we meet within a less than 24-hour period. If it's something that is not urgent, that would not have to happen within 24 hours, we make sure that it's within a seven day period, so that we can investigate and properly mitigate and correct any issues, and then take any actions we need to ensure that the same issue does not happen again. I don't know how much detail you want me to go into that. Alan?

ALAN GREENBERG:

Amy, the question I was asking was not really on the substance of the program, but the level of confidentiality which surrounds the existence of the program and what its scope is, and what the parameters and the processes are. Certainly some of us on this Review Team found it unusual that when we asked the question, instead of being able to go to the web and search as you can for many similar programs for other organizations, we were told the chair of this committee should ask the CEO and then the information would be assembled and sent to us. And that level of the confidentiality, the secrecy of the existence of program, what its scope was, seems to be counter to the concept of things should be open unless there's a specific reason for being closed, and that was the core of my question, I guess.

AMY STATHOS:

Sure Alan, thanks. And there is no confidentiality around the fact that there is this process, what the scope of the process should be, and I think that if there is a perception of that, that it certainly is something that we can correct. I don't anticipate there should be any issues with the transparency of the fact that we have this process. It has been made

public in the past. There have been questions about it, so I agree with you that, it's something that there's no need to have. It should be transparent.

ALAN GREENBERG:

And yet, the fact that we were told by a senior person that the chair had to go to the CEO, otherwise you couldn't release anything is part of the issue here.

BRIAN CUTE:

Avri?

AVRI DORIA:

Hi, thank you. Avri speaking. One of the questions I guess I had is this has been in operation now for several years. I don't know if I read one of the reports we got right saying that there hadn't been but one or no actual reports of issues. Because the first thing I had gone looking for is, assuming there is a program, what sort of – and normally I don't look for metrics, but in this case, what sort of reports had there been? What sort of issues had been brought up? What sort of dispositions had there been for things? Had there been any issues where there was retaliation against an employee?

And part of what had brought up the question for me is when you looked at some of the other reports that people were making, the things that did become public in like domain, insight, and other places where people seemed to be reacting as if there was no internal safetyway

to do this whistle blowing. And when people did bring reports of problems, there seemed to be some form of possible retaliation.

So, one of the things that I was looking for was, certain evidence that people had a program that they used, that there was a yearly sort of reporting of “we had six problems reported during the year of the various types.” Again, not going into the confidentiality of who reported or which manager was reported on or anything, but just there’s sort of no reports coming out of it.

And then one sort of got the impression that there had been actual no reports, or very few reports. That again, raises sort of an alarm bell of, well everybody’s got something to report. No company’s ever perfect. No company, no set of relationships is ever perfect in that respect. So if it’s not being used, why isn’t it being used? Other than, well we’re perfect and nothing goes wrong. And that was something that I was really having difficulty with because we were seeing some external reports. We’ve also seen some perhaps confidential reports, and yet there is nothing in the Whistleblower Program, and that didn’t quite connect.

AMY STATHOS:

Well, all I can really talk about is the existence of this system and the information that we’ve made available to employees. I don’t know that I can actually opine as to why they’re not using it.

AVRI DORIA:

But it is correct in that it isn't being used, right?

AMY STATHOS:

It is not being used extensively in any way. You're absolutely right. And I think there is one recent – the letter that was made public with respect to the employment situation. Yeah, I don't know why they did not use the hotline system for that. I can't opine as to why people take action in the way they do. All I can say is that it has been in place since 2009. It's been tested so actually the process works. Annually, every staff member must re-review that particular policy and acknowledge that they have read it and understand it and recognize it. The information about it is posted in all of our offices in public areas, so that people know how to reach and utilize the system. And so it's definitely there. It's available, it's anonymous, but I can't opine as to why people do or don't use it.

AVRI DORIA:

Right. Thank you. Can I ask a follow-up? I understand that. One of the things, though, that sort of surprises me – for example, we have a yearly ombudsman report that, I guess whether it's part of the annual report or just coincident with the annual report, I'm wondering was there a decision made ever on why this shouldn't be reported on annually?

It would seem, from the One World Trust indication that there should be such a program built, that they did also advocate sort of a yearly, and in fact it would be a very good thing to be [inaudible] “We have such a program and nobody felt the need to use it this year.” And so I think that's the other half of Alan's question, is, not only do we not know about the report – I mean of the program – but if it is an indicator of a really open, successful, non-problem company, why isn't that being reported on a yearly basis? Is there a reason for not putting a section in the yearly report that says we have an anonymous hotline for exactly

this brief description on what it's like, and there were zero reports this year?

AMY STATHOS:

So to answer your question, no there was not any actually discussion about whether there should or shouldn't be public reporting. I actually don't see that there would be an issue with that. I mean, I think it's something that we should certainly consider.

BRIAN CUTE:

Thank you. Alan?

ALAN GREENBERG:

I would hope also that such a report would include a rough statistic of how many of the reports were dismissed as being inappropriate and how many were acted on and caused changes in the organization. I don't think you reported that for the one incident that did exist. Company scuttlebutt breeds a lot quicker than a lot of other things. And although you can't identify why no one uses it, and we certainly can't, I bet you other people could.

There needs to be conviction that it's really working or that something like this is really working because in the absence of that, the presumption is every rumor is true. You know, that someone might choose to report it if they thought there was an effective mechanism for reporting it. That kind of thing. And that hurts ICANN's credibility.

BRIAN CUTE: Any other comments? Okay, seeing no hands, Amy, thank you for that. Yes, Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you very much Brian. Looking at the process here I, could you just remind me who the hotline committee is? Are these the Chief Operating Officer, General Counsel, and Secretary?

AMY STATHOS: Yes. And the Deputy General Counsel who is responsible for HR-ish matters, from a legal standpoint. So there's four members.

OLIVIER CRÉPIN-LEBLOND: Okay, thank you. Are there any safeguards in place if the complaint or issue involves directly one of these people on the committee?

AMY STATHOS: Absolutely, and I think it's in the procedure. There are specific safeguards so that all four parties will receive a notification, and to the extent that it is about one, there's a process with the third-party provider whereby that the party who made the topic of the complaint or report would be removed from that process.

And there's also a safeguard where if any one member of the committee goes to the provider to try to see if the provider could ask the reporter additional questions, that has to be more than one person and it has to be copied to everybody in the committee so it's not as if

one of the four members on the committee who might be the subject matter of the complaint might want to try to somehow ask questions to figure out who it might be, they will not be able to do so without everybody else understanding and knowing that that's happening. So there are safeguards, and as soon as any report that comes in that's about one of those people, that they will be taken out of the loop and they will not have any access to any of the information available.

OLIVIER CRÉPIN-LEBLOND: Okay, thank you. It's Olivier again. And so, does the external provider of services, the anonymous hotline, have any observation power of some sort to ensure that the process that's pursued is being fair or that doesn't involve maybe a collusion of those people to cover up?

AMY STATHOS: I'm not really sure what you mean.

OLIVIER CRÉPIN-LEBLOND: I'm looking at an independent third eye – or sorry, independent eye that would be looking at how the process is pursued. We're all leaving here – the whistleblower policy here is all being done in-house at ICANN, and if there is, there isn't...

AMY STATHOS: No, it's a third-party provider. An outside third-party provider that receives the reports, that takes the intake of all the complaints, and

then they notify ICANN staff, the committee, what the issues are. So it doesn't come into ICANN, it's actually a contracted third-party.

OLIVIER CRÉPIN-LEBLOND: Okay but their mission ends as soon as it has notified ICANN?

AMY STATHOS: No. They participate throughout the process because there's often times where you have to go back and ask additional clarifying questions. So they act as the conduit and liaison to the reporter, if the reporter is allowing them to do so, so that there's additional information that can be provided. In terms of at the very end, they don't have a say in what happens.

OLIVIER CRÉPIN-LEBLOND: Right. So my question was – I guess I should focus on it, then my question was, who is the shepherd of the process? It's not that external organization. They just act as a conduit or a as a buffer between the complainant and ICANN.

AMY STATHOS: That's right.

OLIVIER CRÉPIN-LEBLOND: Who shepherds the process?

AMY STATHOS: The committee, as a whole.

BRIAN CUTE: Oh, I'm sorry, Carlos.

CARLOS RAÚL GUTIÉRREZ: Is it strictly for ICANN staff or can I use it to complain about the chair of ALAC, for example, or somebody I know?

AMY STATHOS: The policy that we do have is limited to ICANN staff.

BRIAN CUTE: Avri?

AVRI DORIA: Yes. Thank you. I had another couple questions. One is, why is the third-party company also kept secret? Two is, has there been sort of any periodic review as standards in anonymous hotlines or whistleblowers change over time to review it? And third, was there ever any consideration given to actually including some sort of employee rep as opposed to only bosses on such a committee?

AMY STATHOS: The first question, you went through three. You can only give me two at a time Avri.

AVRI DORIA:

Oh okay. I can come back and then raise my hand again for the third. I had actually, when I put my hand up, only had two but then a third one had occurred to me. The first two was, while I understand not making the phone numbers public because then anybody could call about anything and I'm not sure there's an issue there, but the identity of the third-party provider is something that you also felt was necessary to redact. And I'm wondering what would be the reason for that as an independent, third-party provider? Why would their identities need to be kept secret? That seems like something that shouldn't need to be secret, or I don't understand it anyway.

AMY STATHOS:

Well the reason those were redacted is because the provider and the numbers go hand in hand. The idea was that this is for employees and so both were redacted so that there wouldn't be people randomly calling up the provider and saying "Well I have a complaint about this", and without having the actual employee number, they would still take the complaint, and then that could be something that would proliferate over time. So we wanted to keep it to an employee only process, and therefore, both the provider as well as the numbers have been redacted. That was the rationale behind it.

In terms of the third question I think, which is why are there only bosses and not staff, I think the Deputy General Council will appreciate that. That they're not considered just regular staff, but this was a process whereby the person who's in HR is responsible for ensuring that the employees are protected in the process. The other two officers, and then the Deputy General Council maintain the privilege. The issue was

to make sure that any issue is contained until it becomes something that needs to be rectified and mitigated, and then made public.

So the process was to try to contain it within officers and the HR Department, and then under privilege in order to make sure that we investigate it correctly and make sure that there aren't any undue risks associated with the complaint until it is determined that it, in fact, is a valid complaint and actions do need to be taken to rectify the issue.

AVRI DORIA:

Yeah, just as a side, as someone that's spent a lot of time as a company – I mean as an employee in a company – the HR people are the last that one trusts with any issue because it always gets you in trouble. And that's just something that's an experience with my life. That you never go to the HR when you've got a problem, because it's sure to be reported to your manager before you've even gotten out of the office. And I know that's just folk nonsense but it's a pervasive view.

The other question I had is just is there an attempt made as whistleblower sort of practice has been refined to review this program on a periodic basis, to make sure that it is open, and to look at the fact that, oops, we only had one report. What are we doing right, what are we doing wrong, to make sure that that isn't in itself, an indicator?

AMY STATHOS:

We do regularly evaluate this, as we do with all the employee policies and procedures, to make sure that they are consistent with current law, to make sure that they are as consistent with best practices as they can

be, and we do that at least every two years, and we try every year to do that with all of our policies.

In terms of the, looking at that there has been only one report, yes, we constantly look at that and see if there is something else that there is an issue, and the most that we can do is continue to educate, which is what we try to do and annually require folks to be aware and understand, and to have the information available 24-7 in the offices.

BRIAN CUTE: Thank you. Any other questions on the Whistleblower Program? You have the balance of the time, if you don't mind, to speak about the reconsideration process.

AMY STATHOS: Sure.

BRIAN CUTE: Thank you.

AMY STATHOS: Are there any specific questions, or should I just talk through where we are?

BRIAN CUTE: Any specific questions? Why don't you start with an overview?

AMY STATHOS:

Okay. So, as I know the ATRT-1 was very focused on the accountability processes, in particular the reconsideration process and the independent review process. As part of the report that the ATRT-1 issued and recommendations from that report, there was a thorough review of both of those mechanisms done by a group of experts, both dispute resolution as well as corporate governance.

That process lead to some significant changes in the reconsideration process over time. To go back in terms of a threshold of what the reconsideration process is, our bylaws call for reconsideration of any matters, either actions or inactions, taken by staff that may be inconsistent with an ICANN established policy or process. And then there's also a review of actions or inactions taken by Board that are done without necessary material information available to them.

In terms of the overall specific requirements of that, those were not changed in the review process, but the panel did review the entire processes, determined that at this time, they should not throw out the process and start from scratch.

The first order that they thought would be the best approach would be to try to make improvements to the reconsideration process, recognizing that it's a first step, and to have those processes tested, as reviewed and revised, and then that may lead to further improvements over time.

There is a list of several recommendations that they made. We called it the ASEP, which is the Accountability Structure Expert Panel. Their report was posted for public comment, and there were some changes

made to their recommendations based on public comment, but there are some specific changes that were made to the reconsideration process that, while they've been in place for a while, they have not yet been tested significantly. And so we're still waiting to see if some of those improvements have any affect.

In particular, one of the things that was added to a standard for review in terms of the access of the processes now claims for consideration of not only material information but inaccurate information that was used for a decision-making process is also something that can be reviewed under the reconsideration process. There were a lot of key terms that were not defined that they recommended and had added some clear definitions so that people accessing and using the processes understood what the terms meant. There were some time limits that were modified, an ability for an urgent review so that people can actually, rather than issuing a stay, let's just get on with it and do a quick review and make a decision to the extent that that's available and helpful to the person who's trying to access and seek reconsideration of an issue.

They added the ability to make class filings, if you will, of a reconsideration process, so that if more than one party feels that they've been affected by a decision, that they can get together and make one complaint and ask for reconsideration of a particular decision that's been made.

There are some other procedural aspects that have been changed, and I don't want to go into every single detail because I know we're running out of time here. And the mechanism that has been in place, the Board approved in December of 2012, after a long review process, but it took

effect just in April. So the reconsiderations, there's really only one, and actually now the second one that have been filed, that will be analyzed under the new revised terms and bylaws. So it's not really been tested yet, and neither one of those have come to a decision or even a recommendation from the BGC yet.

BRIAN CUTE: Thank you, Amy. Avri?

AVRI DORIA: Thank you on this one. So, the reconsideration is for any decision made by staff or Board, not just Board decisions? I hadn't known that before. I thought it was just Board decisions that were open. Was that one of the things that was changed, or has that always been the case?

AMY ATHOS: It's always been the case.

AVRI DORIA: Has there been any statistics kept on, over time, the number of reconsideration requests, of which type, and which have resulted in changes of action and such. And again, is that the sort of thing that belongs in something that's reported annually and is there...?

AMY ATHOS: There is.

AVRI DORIA: I'm asking questions I don't know the answer to.

AMY ATHOS: Yeah, no there is an annual reconsideration report that's done and posted every year.

AVRI DORIA: Okay.

AMY ATHOS: And it has statistics in terms of the requests that are submitted, the issues that are at hand, the resolutions. All of those things are part of the annual report.

AVRI DORIA: I can't find it.

BRIAN CUTE: Can you... another?

AVRI DORIA: I'm just wondering where this report is because it's not one that I've ever actually run across. I'm sure I didn't look in the right place.

AMY STATHOS: It used to be on the reconsideration committee page and I believe it is now on the BGC, which has taken over responsibility for the matters.

BRIAN CUTE: Thank you. Can you just expand for me a little bit this notion of inaccurate information as a basis? Is that known at the time, knowable at the time?

AMY STATHOS: Actually it's if the requestor can show that the decision that the Board or staff made was based on inaccurate information, whether they knew or did not know it was inaccurate at that time, then that is something that is subject to be reconsidered, because you want to make sure that decisions are made based on accurate and complete information.

BRIAN CUTE: But it's a basis for triggering the process, not a determinate of the outcome?

AMY STATHOS: Absolutely. It triggers a process so that they matter is reconsidered with, excluding the inaccurate information, and hopefully including the accurate information.

BRIAN CUTE: Thank you. Any other questions? Is anybody on the phone from the Review Team? Nope? Okay. Any other questions for Amy? Looks like not. Thank you very much.

AMY STATHOS: Of course.

BRIAN CUTE: As always, if we have any follow-ups, we'll come back to you, on the whistleblower discussion. Thank you for all that. We've given you some thoughts to take on Board. If things evolve on that front or you take action based on this discussion, feel free to come back to us and give us an update on that so we can track that.

AMY STATHOS: Will do. And thank you very much. I appreciate the questions and, as always, you guys get us thinking.

BRIAN CUTE: Thank you. Okay we have I think about ten minutes before our break. Unless somebody has a better idea – and when we come back from 2:00 to 2:30, and then, that's item nine, item ten, with the ICANN Ombudsman, that's being pushed off to tomorrow. So we're going to have a solid hour from 2:30 to 3:30, we'll come back to the questions to the community. As I said offline, in the break, Avri, Alan, and I will clean those up and organize them. And I'll also use that hour to talk about concrete work that we need to do between now and Los Angeles, but

for the next ten minutes, since I know you have to disappear Olivier, for the better part of the afternoon, would you mind giving us your overview of the progress of the work on Work Stream 1?

And I'm going to ask each of the chairs what's most important in these reports is just absolute frankness. If things are going swimmingly and they're progressing well, and you're making progress, and you've learned how to do that, please share. If you are behind the curve, please say so, so we can identify what the problems are and we can address them. Thanks very much.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much. Work Stream 1 has been lurking at the AOC Sections 9.1 A to E, and has had an enormous amount of reading to do. Part of the work is to make good sense of the information that staff has provided us in a very large Excel document, and it's been very hard for many of us to be able to follow it due to the sheer size of it. It's good in a way because the information is there.

So staff has very kindly chopped this into sub-parts that fell under 9.1 A, and B, and C, and D. I've made a proposition to the working group itself to shrink that even further so as to have a table that can be printed and that we can work from at that point. And I've also made a suggestion that we use color-coding, so as to identify quite quickly which parts will need further work or further investigation. And that's where we're at at the moment. Basically making sense of the information and making it easily accessible at a glance for us to be able to synthesize. I recognize we're still in a data capturing mode at the moment. If you do believe we

need to go further than that, I'd be very open to suggestions, and of course, the whole working stream would be happy to hear.

BRIAN CUTE: Thank you. Kind of jumped the conversation from 2:30 a little bit. Do you feel you're in a position where the Work Stream could identify and articulate at a preliminary level recommendations of its standpoint at this point and time or key issues that you know are going to be outputs of the work?

OLIVIER CRÉPIN-LEBLOND: Negative.

BRIAN CUTE: Alan?

ALAN GREENBERG: Are you worried about that?

OLIVIER CRÉPIN-LEBLOND: Do I look worried? Yes, I certainly am. I think that there's a huge amount of work that needs to be done. I'm not quite sure how much of the reading has been done by the Work Stream. I know that we're all very busy and so on, and it's difficult to find out at this very time, but I do hope that we're all up to scratch on this, because when we get going with the analysis, I would hope that people don't need to read the section in question, and would actually know about it there and then.

One thing that has come out in my thoughts was to see that since we do have such streams in that Work Stream, we could task each one of the sub-streams to provide quick – well maybe not today of course, but in the next few weeks – provide a quick analysis of what segments of their work they believe is important to take forward. Looking at it, because we are chopping this into so many smaller bits, it's actually not that much work for each one of those sub-streams. And I would imagine that just spending a couple of hours on it would yield results, just by sharing the load effectively.

BRIAN CUTE:

Thank you. Before we break, and thank you for the report, we'll hear from the other Work Stream chairs but we are at the end of July. We're nearing the end of July. We're meeting at the end of August. We have an important week in front of us. We're going to get a lot of useful inputs from the community that we can factor into the work. But in terms of developing recommendations – and we begin writing them in Los Angeles, we really have about a four week window, between Durban and Los Angeles to get the work to a concrete place.

What I'd like to do is to provoke the team – and we'll put a document up on the screen a little bit later – to try to articulate now what are the likely recommendations, even if it's in very rough form, or what are the key points that you think are going to be part of your report coming out of that, and perhaps even putting some early drafts together before Los Angeles. We really need to move this process forward. I understand there's an awful lot of work and it's in part because we have an existing base of reviews that we have to assess, which is itself a lot of work, and

new issues that we've identified to take on, but this afternoon and tomorrow, we'll start taking concrete steps to putting thoughts on paper and getting draft recommendations in the works.

So, hello Lisa. Welcome. I think with that you're just in time for the break. You and Steve have impeccable timing. Let's take the next 35 minutes for a break. The chair and vice chairs will organize the questions that we've identified from the community and we'll be able to look at those on the screen, organized, targeted, and then start looking at work templates, and development of recommendations in the hour that starts at 2:00. So we're going to take a break for the next 35 minutes. Thank you.

Okay, welcome back to the afternoon session of ATRT-2. The next item on the agenda, which has been reorganized, is number 9, Analysis of Data Collected in Next Steps. The following item, item 10, Discussion With Chris LaHatte ICANN Ombudsman, has been moved to day two. We're going to use the next hour of time to organize both our work here in Durban and discuss organizing our work looking toward Los Angeles at the end of August.

So we're going to pull up the list of questions that we developed this morning to pose to the ACs and SOs and the Board as we meet with them in the coming days. We've identified the audiences to whom we're going to pose these questions, edited them just slightly, and want to make sure everyone's comfortable, and then we can lockdown that document and be ready for that part of our interaction.

Did I attach it? Oh, you're trying to open the Adobe. Okay. The questions. The one I just sent. While we're waiting for the magic of e-

mail to work, we're going to walk through these questions, agree that they are properly organized and targeted, lock down that document, and be ready for that part of our interaction. After that, I'm going to put up on the Board a template for our report and our recommendations and walk through that template together. That is part of us now putting focus to drafting recommendations, putting pen to paper – even if we're in an early stage – and agree on the template and format for the report. So that will be the next thing on the screen after we go through the questions.

Okay, I'm going to try another way. You've got it? I'm going to send it to the ATRT-2 e-mail list as well. Folks can pick it up that way. If we're not able to get it up, then we can switch to the template, have that discussion first and come back to the questions.

All right. Why don't you put up the template? We'll start there and then we can sort the rest. I've sent the questions to the ATRT-2 list, so if need be we can access them there after this discussion. Okay, here we go. Oh, those are the questions. There they are. You got them. All right. So if you could expand on that, just make it a little bit bigger up on the screen.

These are the questions we generated this morning. We've identified the audiences to whom they'll be posed during interactions. In discussion with Lise she wanted to add an additional question at the end. We need to walk through that and make sure everyone's comfortable.

But just to walk through these questions, and the indication here is that the first one will be presented to all audiences that we meet with this

week, and it was: “Public comments appear to indicate a concern that there is not a substantive improvement in accountability and transparency. What is your impression? What do you recommend we should focus on?” Second question, if there’s any –Carlos? You think it’s too strong.

CARLOS RAÚL GUTIERREZ: I think it’s very strong, yes: “not a substantive improvement in accountability and transparency.”

[inaudible]

BRIAN CUTE: Second question, to all audiences: “Has the community any specific issues or concerns with other aspects of security, stability, and resiliency that are outside of specific DNS” – that should be “issues” and I’ll spell out “security, stability, and resiliency.”

Sorry? I really can’t hear her. I couldn’t hear you, Fiona. I’m sorry. “That there has not” – yes, on the first question, just a grammar, “has not been a substantive improvement.” “Since the first report” – is that an edit? Okay, that first one now reads: “Public comments appear to indicate a concern that there has not been a substantive improvement in accountability and transparency since the ATRT-1 report. What is your impression? What do you recommend we should focus on?” Comfort? I’m seeing nodding heads. Okay. Okay, thank you for those edits. Moving on to two. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. Some of our sessions with the SOs and ACs and parts of the community are very short. I just wonder whether we should indicate some kind of priority as to which question we would like to ask first. Maybe we can do that at the end. The concern being that this being a very wide open question, we might spend the whole time on that and miss out on the others.

BRIAN CUTE: Point well taken. We will get to that point once we've gotten through the questions. Thank you. Question number two, directed to all audiences, "Has the community any specific issues or concerns with other aspects of security, stability, and resiliency that are outside of DNS-specific issues?" David, that's an edit. Is that okay? So that's the question. Any edits? Stands as is? Avri?

AVRI DORIA: I think we have to put in the edit that you just spoke.

BRIAN CUTE: I'm doing that. Can you get that, Charla? Can you edit the document?

CHARLA SHAMBLEY: I cannot.

BRIAN CUTE: Oh, okay. I'm editing it here. So it now reads, "Has the community any specific issues or concerns with other aspects of security, stability, and resiliency that are outside of DNS-specific issues?" Comfortable? Okay.

Next question: “In regards to public comments, how do commenters and the staff or Board deal with the issue of astro-turfing?” which will require a little bit of explanation. Alan.

ALAN GREENBERG: You’ve already said it. We’re dealing with an international organization, people from a lot of places.

BRIAN CUTE: So give me a phrase after a hyphen that describes astroturfing “– the practice of...” [inaudible] I thought you might have. Orchestrated, high-volume e-mail/comments? Campaigning?

ALAN GREENBERG: Commenting.

BRIAN CUTE: Commenting. “The practice of orchestrated, high-volume commenting.” Okay, that has now been tagged onto the end of this sentence. Everyone comfortable? Other edits? Alan.

ALAN GREENBERG: I’d just replace the word with that.

BRIAN CUTE: Okay. “In regards to public comments, how do commenters and the staff or Board deal with the practice of orchestrated, high-volume commenting (“astro-turfing”)?” Avri.

AVRI DORIA: I think it's good to put the astro-turfing there in parentheses, but you might want to add "form letter comments" as opposed to commenting. It's basically people are sending form letters and just putting it under their own header. It's not spam if many – that's a many-to-one as opposed to a one-to-many. It's the opposite of spam.

BRIAN CUTE: So since it's not on the screen, it now reads at the end, "...orchestrated, high-volume form letter commenting ("astro-turfing")?" Comfortable? I think we're there. Okay, next. To all audiences: "Does the community embrace decisions made in regards to numbers, not names?" To all. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. By numbers, one would say "IP addresses."

BRIAN CUTE: "IP addresses"?

OLIVIER CRÉPIN-LEBLOND: Right. Perhaps that could be specified.

UNIDENTIFIED MALE: Or "AS numbers."

BRIAN CUTE: "IP or AS."

OLIVIER CRÉPIN-LEBLOND: Or “AS numbers.”

UNIDENTIFIED MALE: “Numbers” is the generic term.

BRIAN CUTE: Yes.

OLIVIER CRÉPIN-LEBLOND: Just to make sure we don’t need to add another sentence and say, “blah, blah, blah.”

BRIAN CUTE: So “IP addresses” is the…?

OLIVIER CRÉPIN-LEBLOND: “IP addresses and AS numbers.”

BRIAN CUTE: “AS numbers.”

ALAN GREENBERG: Have we ever made a decision on AS numbers?

BRIAN CUTE: David?

DAVID CONRAD: There have been global policies that have been published pushed up through the NSO, ASO, RIR.

ALAN GREENBERG: I didn't realize any had been made in ICANN's lifetime, but okay.

BRIAN CUTE: Any other comment?

UNIDENTIFIED MALE: I embrace all decisions but the number [42].

BRIAN CUTE: Okay. "Does the community embrace decisions made in regards to IP addresses and AS numbers?" to everyone. Moving on. Okay, this is directed to all except the Board: "How can we ensure that ICANN's decisions are embraced? Do you review the decisions? If yes, explain. If not, why not? If you don't embrace a decision, do you feel your opinion was properly understood and considered?" Carlos?

CARLOS RAÚL GUTIERREZ: The Board.

BRIAN CUTE: It's written as "ICANN's decisions."

CARLOS RAÚL GUTIERREZ: "Board's decisions."

BRIAN CUTE: “Board decisions.” Fiona?

FIONA ALEXANDER: I had a similar question because the way that it’s written, I would add in modify with the ICANN Board, but there are all different parts of ICANN that make choices and decisions, including the GNSO. So this is very restrictive, and if you’re just asking other stakeholders, it would be a much better and a much general question you could ask of everybody or focus question that you could ask of each group, but decisions get made at multiple levels by multiple people.

BRIAN CUTE: Lise?

LISE FUHR: It is just the word “embrace” that I’m as a non-native English speaker is a bit – is it “accepted” or “implemented” or how do we...?

BRIAN CUTE: It’s a word from the AOC itself, if I’m not mistaken. That’s why it’s there.

LISE FUHR: Oh, okay.

BRIAN CUTE: We could modify “embraced” or “accepted,” absolutely. Sure. So we’ll add “embraced or accepted.” The other question is do we limit this to Board decisions? Do we broaden it? Avri?

AVRI DORIA: I would limit it to Board and/or staff decisions. I don't think other groups make decisions. They make recommendations. They don't actually ever get to decide anything other than who is on the Board perhaps. But they don't actually – GNSO doesn't make decisions; it makes recommendations.

BRIAN CUTE: Thank you. Fiona?

FIONA ALEXANDER: Yes, I think from a GAC perspective, I'd completely disagree with that because there's this tension between the GAC making advice and giving recommendations on policy and the GNSO policymaking process and that being the end-all, be-all and no one else being able to add things to it. I don't know. I don't think that people have a shared view of who's making decisions.

BRIAN CUTE: Avri and then Alan.

AVRI DORIA: It's actually the ICANN policy development process as defined in its bylaws, and the end state of that decision process is indeed the Board. So the GNSO make recommendations – and, yes, there are various vote counts that determine how the Board deals with it after the GNSO makes its recommendation – but it really still is always a Board decision on a GNSO recommendation.

FIONA ALEXANDER: So perhaps the complicated nature of everything is why no one can embrace or understand the decisions that are being made, and that's part of the problem.

BRIAN CUTE: Okay. On the table, two different voices. If we expand the question to decisions of other entities, then obviously we have to think about to whom we're posing the questions. Right now it's a question about Board decisions that we would put to everybody but the Board. Alan?

ALAN GREENBERG: The only decisions that other parts of the organization can make are internal decisions to publish a report or hold an open meeting or something like that. Formal policy decisions are made by the Board. Now, there may be a perception that's incorrect, and that needs to be fixed, but that's still not an ICANN policy.

BRIAN CUTE: Fiona?

FIONA ALEXANDER: So each part of ICANN makes choices, which is a decision. You can either go one of two ways with the question. You can specifically focus on the Board and the Board's decision making and ask everyone else, or you can ask everyone how they feel about participating in ICANN and how this impacts them or not. It's one or the other.

BRIAN CUTE: Avri?

AVRI DORIA: I actually agree that leaving it as ICANN actually becomes appropriate because when we look at decisions, we actually find ourselves in a situation where the GAC believes that the GNSO is making decisions and the GNSO believes that the GAC is making decisions and somehow these are ICANN's decisions. So actually the general framing of it becomes appropriate for almost anybody you're talking to.

BRIAN CUTE: Thank you. Carlos?

CARLOS RAÚL GUTIERREZ: I'm sorry, but either we keep it very general with the same wording that we have in the Affirmation of Commitments – it says "ICANN's decisions are embraced, supported, and accepted" – or we recognize that in the public comments there were some positive things like the rationale has improved, that there is some better feedback and we go a little bit deeper and ask, "Do you think that the newer development and including the rationale for the Board's decision will help the community to embrace and accept the decisions?" Otherwise, we are not recognizing that there was an ATRT-1 and that there was a development as a result of it and in the comments some people have recognized that there is some kind of improvement. We are like starting from zero. In that case I would just use the literal wording of the AOC and not interpret.

BRIAN CUTE: So we can modify the question. We can preface the question with the fact that we received a number of comments and there seems to be a mixed view on the embrace of ICANN decisions.

CARLOS RAÚL GUTIERREZ: If we don't preface or explain, then I would stick to the exact wording of the AOC, which is "ICANN's decisions embraced, accepted, and supported."

BRIAN CUTE: So the question as it reads now is: "How can we ensure that ICANN decisions are embraced or accepted? Do you review the decisions? If not, why not? If you don't embrace or accept ICANN's decisions, do you feel your opinion was properly understood and considered?" Comfortable with that? See nodding heads. Okay.

Next question as teed up for everybody except the Board, this is a new one. Lise, not having been here in the morning session as we concurred over these questions, suggested we add the following: "Do you feel transparency is sacrificed for expedience when the Board has a difficult decision to make?" This comes right out of the comments. It would be a question that we could pose to, well, right now we're saying all except the Board. Reactions? Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. I think this is a charged question. It's, "Do you feel...?" Usually I would have said, "Is transparency sacrificed for expedience

when the Board has a difficult decision to make?” That keeps it more open rather than saying, “Do you feel that...?”

BRIAN CUTE: So “Is transparency” instead of “Do you feel.” Any other edits, suggestions? Okay. Fiona?

FIONA ASONGA: I’m curious. At this point, do you think it will make sense for us to ask for any particular example if they think it does?

BRIAN CUTE: Yes. “If yes, please provide examples.”

FIONA ASONGA: Yes.

BRIAN CUTE: Yes. Thank you. Okay, that edit has been made. Anything else on this question? Okay, next. And this is uniquely for the Board: “How do you assess whether the Board’s decisions are embraced by the community?” And I’ll add “accepted” – “embraced or accepted by the community?” “Do you do follow-up? How can we ensure that ICANN’s decisions are embraced or accepted?” Questions? Comments? Edits? Everyone okay with that? All right.

Next question, again uniquely for the Board. It’s actually formed as a statement: “ATRT-2 should consider the dual role of the Board as a

governance component inside the organization and the last stop policy organ.” Carlos, this comes out of the point that you made about the Boston Consulting report. Is there a form of a question here?

CARLOS RAÚL GUTIERREZ: This is literally what the staff put under the Alejandro Pisante comments. I don't know if he put it exactly that way. This is literally what we have in the summary of comments, and for me this is a fact. You took it a step further down and said if that can be solved by the appeals.

BRIAN CUTE: So is there a question here, I guess, or do we take into account the Boston Consulting analysis and factor that into our assessments?

CARLOS RAÚL GUTIERREZ: I don't know if ATRT-2 should take a position in this. I think the question should be phrased: “Is it clear to you that there might be a double role? The way it's stated here, is it transparent that the Board has a dual role?” It's not an ATRT-2 question. We just got a comment in this direction that the Board has a dual role and probably is not so transparent, so the problem that I see here is that you're starting the question with ATRT-2. I think it's a fact.

BRIAN CUTE: Thank you. Alan?

ALAN GREENBERG: It is a comment that was made, and I think it is a fact. What are we gaining by raising it with the community? We already have a huge number of questions, far more than anyone can cover.

CARLOS RAÚL GUTIERREZ: If we are going to face GNSO, does this explanation help with the fact that there is no review of the Board decisions? Because it's very strong: "last stop policy." Who are we asking this question? I think it is not a question for everybody and particularly not for the Board. The Board is what they do, so I don't think it's a Board question.

BRIAN CUTE: So then that's fine. We can find the right audience, but the question as it stands is: "Is it clear to you that the Board has a dual role as a governance component inside the organization and is the last stop policy organ?" And the follow-on question from Alan is, is there utility in posing this question to any of the audiences we deal with, Board aside?

CARLOS RAÚL GUTIERREZ: If we are analyzing transparency, I think yes.

DEMI GETSCHKO: Just going back to the last question – "how can we ensure" – better "how can it be ensured" because who are "we"?

BRIAN CUTE: On the last part of that question, "how can we ensure that ICANN's decisions are embraced."

DEMI GETSCHKO: “We” who? Maybe “how can it be ensured that” or something like that.

BRIAN CUTE: “How can,” yeah, put “be” there, “how can it be ensured that” – a little awkward but – “how can it be ensured that ICANN’s decisions are embraced or accepted?” is that better?

DEMI GETSCHKO: Yes.

BRIAN CUTE: Okay. Thank you. Back to the question. So, Carlos, you have this question teed up, and the suggestion is that we pose this to ACs, SOs, I would assume everyone except the Board, unless it’s not clear to the Board. So do we have agreement on posing the question? Avri?

AVRI DORIA: I agree with posing the question. If we were to pose it to the Board, it would be structured differently as: “Do you agree that you have a dual role?” I expect they would say yes, but I’m actually not sure.

BRIAN CUTE: Fiona.

FIONA ASONGA: I think it would be a nice question to pose to the Board because it will also in terms of assessing the various representatives of the Board to

help us understand whether the members of the Board appreciate the dual role and function that they play and how will they deal with it.

BRIAN CUTE: Thank you. Lise?

LISE FUHR: Well, I think I agree with Fiona. It's very important that we ask how they deal with it and what they think of the role because do they think it's a good way to have it? Should be done different?

BRIAN CUTE: So for the rest of the community, the question is as it was last formulated. In front of the Board, it's that question plus: "How do you" manage/deal with "that dual role?" "How do you deal with that dual role?" Comfort? Done? Okay.

All right. Next question, which we have as uniquely for the Board: "How do you assess the timeliness of implementation of Review Team recommendations?" – meaning all three prior Review Team recommendations. Anything? Larry?

LAWRENCE STRICKLING: That's fine, I think, as the first part of the question, but then I think we wanted to inquire as to what the barriers might have been to interfere with timely implementation and what could be done to eliminate those.

BRIAN CUTE:

One minute. Okay, so it would now read, to the Board: “How do you assess the timeliness of implementation of Review Team recommendations? Where implementation was not timely, what were the barriers to implementation? What can be done to eliminate or avoid those barriers going forward?” Okay. Okay? Anything else on that one?

All right. Next one, which we had targeted – this is the Chair and Vice Chairs trying to sort this out – the Board, the GNSO, and the NCSG: “Do you believe the current Board reconsideration process is sufficient?” Simple question. Do we edit the question? Do we change or expand the audience? I’m sorry. Avri?

AVRI DORIA:

Just a quick thing. We won’t be talking to the NCSG this time. We talked to them before. We’ll be talking to the two component constituencies – NPOC and NCUC. Just a minor thing. So it would go to both of those I would expect, but NCSG we spoke to last time and aren’t meeting up with them again this time I don’t believe.

BRIAN CUTE:

So NCUC and NPOC. Okay, anybody else? Edits? Audience? No? Okay.

Next question for the GAC, it’s about the transparency of GAC methodology and operations: “How should the ATRT-2 address this? How does the GAC operate, and what does it do?” That’s pretty broad. This is really focused on working methodologies. It’s a bit more narrow than that last sentence. If I recall, the context was the early engagement was one of the umbrellas, and the GAC has certain working

methodologies that makes it a challenges in some instances to engage. I think that was the wrapper around this. So we should refocus it. Alan?

ALAN GREENBERG: I'm not sure the appropriateness of asking, "What does it do?"

BRIAN CUTE: Yeah, I'm picking up on that.

ALAN GREENBERG: That's like, "Are you earning your wages? Do you actually do anything?" I think that's not right.

BRIAN CUTE: I'm picking up on that. I think this needs to be more focused. Lise, did you? No? Yeah, Larry.

LAWRENCE STRICKLING: If I remember our discussion this morning, this came up in the context of other people feeling that the GAC wasn't accountable and transparent enough, and I think the question was to put that to the GAC. Part of it was, should they be running open meetings all the time like everybody? That's the transparency part, but then there were also things about the quality of their advice, whether they were well-informed, the idea that they're surprising people. I think that the sense was, are there things internal to the GAC to improve their accountability and transparency that we ought to be looking at?

BRIAN CUTE: Let me try this. So the first part now reads: “ATRT-2 has received comments raising questions regarding the transparency of GAC methodology and operations.” Is that closer to the target?

ALAN GREENBERG: “Accountability and transparency.”

BRIAN CUTE: “Accountability and transparency of GAC methodology and operations.” I’ll make that “working methodologies.” Okay, that’s the first part. The second part – open to suggestion here – “What could the GAC do to address or provide greater transparency in its working methodologies and operations?”

ALAN GREENBERG: “Accountability.”

BRIAN CUTE: “Accountability and transparency.” Okay, “What could the GAC do to enhance its accountability and transparency?” Okay, one more time: “ATRT-2 has received comments raising questions regarding the accountability and transparency of GAC working methodology and operations. What could the GAC do to enhance its accountability and transparency?” David?

DAVID CONRAD: A couple of points. One, would it make sense to have that more open to a larger community than just the GAC, asking other people what could

the GAC do to be more accountable and transparent? The other point or question that I have is I'm aware we sort of treat the GAC as more equal than others, but should this question apply to the other ACs? Because I know I've received comments under questions about SSAC being, "SSAC has closed meetings. RSAC has closed meetings." Should this question apply – this specific question of transparency and accountability – apply in addition to the other ACs, not just the GAC?

BRIAN CUTE:

Thank you. Comments? Carlos, I'm seeing a thumbs up.

CARLOS RAÚL GUTIERREZ:

I just don't think that it is more equal than others. I think it's less voluntary than others, but I fully agree with the second part of your comment. It could be addressed to all the SOs and ACs.

BRIAN CUTE:

Let me make one point here. I'm not sure that we've received public comment that raises questions about the transparency and accountability of other ACs and SOs, and that's what we're focused on here is what comment have we received. I think that's a fair point.

CARLOS RAÚL GUTIERREZ:

But I agree with David, we could ask them. Since we are asking all of them and we are choosing to whom we direct the questions, we could make it general so they don't feel particularly targeted at.

BRIAN CUTE: Thank you. Alan?

ALAN GREENBERG: I would question though. Certainly in the case of SSAC, SSAC it has been questioned why do they hold closed meetings and they've justified why and I don't think there are any really adverse comments about it. I can't speak to RSAC. But, again, we have enough to do. Why are we looking for extra things here when it doesn't seem to be an issue?

BRIAN CUTE: David, then Carlos.

DAVID CONRAD: You can say the same thing about GAC. The GAC has made statements of why they hold closed meetings.

ALAN GREENBERG: But not with the concurrent acceptance of people who were listening.

BRIAN CUTE: Carlos?

CARLOS RAÚL GUTIERREZ: I think this morning we said it. If you are a governmental officer, you don't want to be involved alone in another policy development process. You are not sure if you can represent the view of your government, even less of the GAC as a whole. I don't think they are being treated better or worse than the other one. It is the fact that it's not a voluntary

group, and you have a fiduciary responsibility of representing a government. So this is the explanation for me.

BRIAN CUTE: Thank you. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. I think we need to differentiate between a GAC member and a government representative attending just to give their own points of view. I've often heard from the GAC or from GAC members that they are not able to take part in other meetings in other parts of the community because they can't represent the GAC. However, I do note that on many local meetings – whether they're policy meetings in the different RIRs and so on – you do have government representatives that turn up whether they are from law enforcement, whether they are from different ministries sometimes and so on, and they do take part in discussions. And I personally don't understand why in the ICANN context they're not able to do such a thing whilst they perfectly do this in other fora outside of ICANN, including fora where decisions are actually being made.

BRIAN CUTE: Okay. We have the question as drafted for the GAC: "ATRT-2 has received comments raising questions regarding the accountability and transparency of the GAC working methodology and operations. What could the GAC do to enhance its accountability and transparency?" I think we have agreement on that question.

I've typed out another question that we could direct to every other group that we meet with that reads: "Are the working methodologies of your group fully accountable and transparent? If not, how can they be enhanced or improved?" Is that what we are getting at, and is that the question, and do we want to pose it? I'm seeing a lot of nodding heads. Any disagreement?

So the question is: "Are the working methodologies of your group fully accountable and transparent? If not, how can they be enhanced or improved?" Okay. That's now in the document, not on the Board.

Moving on. Last question, and this was targeted for the GAC and the GNSO: "Given GAC constraints, how can GAC convey their direction?" – as opposed to advice. "Is the notion of GAC giving advice to the Board only and not other groups problematic? Should this be changed via the bylaws?" Olivier.

OLIVIER CRÉPIN-LEBLOND:

Thank you, Brian. The GAC giving advice to the Board only is, I believe, bylaw mandated. However, there is another part of the bylaw further down Annex B.something-something.10, council deliberation with regards to the ccNSO where the ccNSO in the development of a PDP says, "Formally send to the GAC Chair and invitation to the GAC to offer opinion or advice." So that's interesting because the ccNSO is actually bylaw mandated to ask the GAC Chair for advice, but the GAC is bylaw mandated not to give advice to anyone else but the Board. That's surprising.

BRIAN CUTE: I've got Avri then David in sequence and then Alan.

AVRI DORIA: And similar to that within the bylaws there's the opportunity that's listed in the bylaws for the GAC to request issues reports be done by the GNSO. So the GAC has in the bylaws more than just advice. I think the question is fine as it stands, though, and because I read the word as direction and we may want to find a softer word. I'm fine with a hard work like "the GAC directs you to do X"; however, I don't think that's the meaning we mean. It's the meaning I read, but I don't think it's the meaning we mean.

BRIAN CUTE: Thank you. We'll work on that. David?

DAVID CONRAD: I defer my question. I actually want to read the bylaws. I don't actually remember there being an exclusionary aspect in terms of who the GAC can talk to, but I won't comment until I actually review that.

BRIAN CUTE: Thank you. Alan?

ALAN GREENBERG: There is no such exclusion, and in fact the GNSO Annex A on its PDP says they will solicit input from advisory committees and the GAC is an advisory committee. So the GAC is not mandated to explicitly provide advice or anything else to the other groups, but that doesn't say they aren't allowed to talk to them.

BRIAN CUTE:

Fiona?

FIONA ALEXANDER:

For some context, within the GAC when they use the word “Advice” with a capital A, it’s actually very meaningful to them because of the first ATRT recommendations – actually to clarify all of this – because that then triggers a bylaws consultation if the GAC Advice is not followed. So you’re willing to take GAC input or whatever to word, even advice, when they hear the word “Advice,” they mean capital A and they mean a subsequent bylaw consultation. I don’t recall the thing about the ccNSO, but I’m sure it has to do with the GAC principles on ccTLDs that were developed a long time ago, given the role of some governments with respect to their CCs and the WSIS tax. If there’s anything on that, that’s probably because of that.

BRIAN CUTE:

So “Advice” being an important term of memorialized in the bylaws, the question reads: “Given GAC constraints, how can GAC convey their input?” – as opposed to direction. “Is the notion of GAC giving advice to the Board only and not other groups problematic? Should this be changed via the bylaws?” Olivier?

OLIVIER CRÉPIN-LEBLOND:

Thank you, Brian. Should we use uppercase “Advice” on this, upper case A, or do we use another word to remove the ambiguity to this question if we lowercase “advice”?

BRIAN CUTE: I'm not aware of there being an uppercase designation of importance, but is there? It is uppercase? "Advice" with a capital A? Okay, we'll go with that. Thank you. So with that edit, any other changes to the question or to whom we're posing it, which is currently the GAC and the GNSO? Larry?

LAWRENCE STRICKLING: The last sentence I think we're getting too hung up on the bylaws. It goes to the point I think David made that it's not that the bylaws prohibit behaviors; it's just that they envision Advice – capital A – with a very particular process to deal with the Board. The larger question is, how can the GAC provide input of whatever nature to other parts of ICANN earlier in various processes? That's still a question, and I don't think we should get hung up on the idea that the bylaws have to be changed to allow that sort of thing to happen. I think we're dealing with many more practical questions than some kind of legal interpretation.

BRIAN CUTE: So if we struck the last question, it would be: "Given GAC constraints, how can the GAC convey their input? Is the notion of GAC giving Advice to the Board only and not other groups problematic?" And that's open for a lot of different types of responses. Everyone comfortable with that? We'll strike the last question. And comfortable with just posing that to the GAC and GNSO? Last call. Okay.

All right. Now we have a set list of questions. Let's spend just a few minutes talking about how to manage these with the different ACs, SOs, the Board. Again, the importance of these questions as opposed to the

six that we sent off last week in advance of our interactions is that these are based on having read comments, so these have particular importance. “We heard you. You said this. We’re asking you a follow up.” So I think these are important questions.

A number of people have pointed to the constraints of time. Absolutely true. We don’t have very long sessions with many of these ACs and SOs. Our intention was to take the six questions that we had sent earlier, put them up on the Board as guidance for framing the discussion. We could do one of two things. We could when we’re in front of the GAC add these three questions to that list, or we could just put up the six and ask them from the rostrum. I don’t really have any religion on how we do it other than being intelligent in managing our time and making sure that get as full an input from the audiences as we can. Any questions, suggestions? Alan?

ALAN GREENBERG:

Two things. First of all, the wording you just used I think you don’t want to use to say you ask the questions. In many cases, we’re posing these questions to groups that did not ask the question, did not raise the comment in the comment fields. So if we’re pretending we actually read them all, then we should be careful how we say that.

Number two, I think we need to send them by e-mail to the chair before the meeting and put them up on a slide. I would not go and just start to read them. We’re going to end up using a significant chunk of a 30-minute meeting by reading and intros and not being able to actually talk and discuss and hear what people are saying.

BRIAN CUTE:

Thank you. Any other suggestions how to manage the interaction? So send these questions off to the respective chairs, include them in the document with those six other questions, put that up on the wall, and open the floor. Nodding heads. Okay, Charla, I'll send this off to you now as edited, and if you can get that off to the chairs of the respective organs. Thank you.

Okay. Thank you for that. Now if you could put up the template document. Okay, I just sent the document to you. Thank you. And we've got the ATRT-2 template up on the wall now. Could you enlarge that?

UNIDENTIFIED MALE:

This room is taller than it is wide.

BRIAN CUTE:

Yes, it is. Okay, we've got about 30 minutes before our next session. Okay, so going back to the discussion we had with Olivier's report on Work Stream 1, we're clearly at a juncture in time where we have to start advancing the work. We still have a lot of reading to do and some interactions, but we've got to advance the work if we're going to have a productive session in Los Angeles and not fall behind the curve and threaten the quality of this report. So I want to walk through this proposed template as a form that we ultimately agree on for the report structure, and I'd also like to use it as a tool to start formulating preliminary thoughts on what recommendations might be coming out of this activity.

So if you look at the first part of it, it's in two parts. One is the review of the prior Review Team's work, and the second part is new issues that

we've identified that we're going to make recommendations on. So the proposed structure here is that we are charged to do an analysis of previous Review Team's recommendations.

The report would start with a recommendation, and after the recommendation that which underpins the recommendation, which is a summary of ICANN input on implementation, including effectiveness. So the reports that we heard from ICANN staff in Los Angeles, the reports that we're going to hear this week, the spreadsheet that we received in Los Angeles. The documents that have been provided by staff – all of that having been read and assessed is summarized.

A summary of community input on implementation, including effectiveness. We are in the process of hearing that, thinking about it, but we have to summarize it in writing. And then a summary of other relevant research to the extent that we look outside of those two sources. We should summarize that and memorialize it as an underpinning of our recommendation.

And then we provide an analysis of recommendation implementation – whether it went well, whether it didn't go well, what was the effect? In the next bullet, we're using the words "complete, incomplete, effectively addressed issue or not." But that's where we provide an analysis and an assessment. Could you scroll down? Charla, could you scroll down? Thanks.

Okay, so that would be the structure of the report as it pertains to the review of prior Review Team's recommendations. For new recommendations – if you could just scroll down just a bit more – since they are new issues, we have to articulate what the problem is as we

see it. So hypothesis of the problem, the background research that the Review Team undertook, which again would be a summary of input from ICANN, summary of community input via the public comment process and face-to-face meetings, and to the extent that we looked at outside research, summary of other relevant research.

As ATRT-1 did in its report when teeing up a new issue, cite to the relevant ICANN bylaws, cite to the relevant ICANN published policies, cite to the relevant ICANN published procedures that bear on the issue in question, provide our analysis. So we've said what the problem is. We've looked at the documentation from the staff, community, and other research. We've concluded that a recommendation is required for ICANN and the Board to take action, and that draft recommendation follows the analysis. That draft recommendation along with our assessment of the implementation of the prior Review Team's work then goes out for public comment in October and ultimately with final recommendations delivered in a report at the end of December.

So that's a proposed mapping of the report, the structure of the work and the analysis. Comments, questions, suggestions? Alan, then Olivier.

ALAN GREENBERG:

On Section A on the previous ones, I would suggest recommendation with an optional S in brackets. In other words, the works people should have the flexibility of combining together recommendations when otherwise it would be redundant.

BRIAN CUTE:

I'm sorry. Could you restate that?

ALAN GREENBERG: The first line of A, near the top of the page. It was just there. Where it says “recommendation,” I would put “(s).”

BRIAN CUTE: Oh, certainly.

ALAN GREENBERG: Thank you.

BRIAN CUTE: Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. Was this the format of the ATRT-1?

BRIAN CUTE: Close, but not exactly the same because the first part is actually a backward-looking review, so it’s slightly different.

OLIVIER CRÉPIN-LEBLOND: Right. I was just going to suggest having a table of contents as well, but I guess that’s going into the nitty-gritty. But it’s just the first ATRT does not appear to have a table of contents, and it’s very difficult to navigate.

BRIAN CUTE: Table of contents, sure. Anything else in terms of additions? Alan?

ALAN GREENBERG: It's not clear, but I assume we have the prerogative of making new recommendations related to the other Review Teams.

BRIAN CUTE: Yes, that's what [inaudible] all about.

ALAN GREENBERG: I thought...

BRIAN CUTE: Oh, recommendations about the Review Teams?

ALAN GREENBERG: Yes, about the Review Teams implementation. In other words, we can simply report what we found with regard to WHOIS or we can explicitly make a further recommendation.

BRIAN CUTE: That's what the first dash is about – A. The first dash is a recommendation. That is, if we've assessed the implementation of recommendations by any of the prior Review Teams and concluded that we need to make a follow-on recommendation to ICANN about implementation, that's where we would do that.

ALAN GREENBERG: Okay, sorry. I read that completely differently because the title says "Analysis of Previous Review Team Recommendations," I thought for

each recommendation or recommendations, we would summarize how we thought ICANN had done on it.

BRIAN CUTE: We will do that, but that's analysis. "ATR-2 Analysis of Recommendation Implementation, ATR-2 Assessment of Recommendation Implementation, complete, incomplete, effectively addressed issue or not."

ALAN GREENBERG: Okay, what I started off saying is we might want to not only say, "Hey, guys, you didn't do it" but "Here's a new thing we want you to do."

BRIAN CUTE: That's B.

ALAN GREENBERG: Our mandate for B is not within SSR and WHOIS. We want to make a recommendation which will be measurable over the next N years over and above what WHOIS and SSR did.

BRIAN CUTE: We're talking past each other. We're just talking past each other, and I think I misconstrued it. A is recommendation. So A is ATR-1 recommendation number one and analysis of how they did. That's backward-looking. If we are to make a new recommendation because they botched the implementation of recommendation one, we

articulate that in Section B as a proposed new recommendation.
Correct?

ALAN GREENBERG: But only for ATRT. We don't have any authority to replace the judgment of the WHOIS or the SSAC Review Team by now making new recommendations on that. I think there we assess how the Board handled implementation, but there will be other Review Teams that will come along and do that. We're the ATRT.

BRIAN CUTE: Correct. Avri?

AVRI DORIA: Question on clarification. I very much agree with that, that we can't make a recommendation on WHOIS or SSR, but can we – and I don't know if this is what you're aiming at – can we make a recommendation about how it is being implemented, how the process of implementing those recommendations is going? It's sort of the, in the worst case, "You have completely ignored the recommendations of group X and you need to do better." And I think that that one falls within the purview. In other words, you're implementing it, not paying enough attention. And I think that's what Alan was saying, just trying to sort of understand the point that was being made, and he's nodding.

BRIAN CUTE: Is this recommendation versus implementation?

LAWRENCE STRICKLING: Brian?

BRIAN CUTE: Larry?

LAWRENCE STRICKLING: So the last sentence of 9.1 says, “Integral to the foregoing reviews will be assessments of the extent to which the Board and staff have implemented the recommendations arising out of the other commitment reviews enumerated below.” So I think doesn’t that answer your question? It’s right there in the wording that you look at that.

AVRI DORIA: And I only think that’s what Alan was saying.

BRIAN CUTE: But let me be clear. It says “assessment.” This team makes an assessment of how the Board implemented WHOIS and SSR, and I think Avri’s question is, can this Review Team make a recommendation that pertains to how the Board implemented those recommendations, or is that going beyond the charter. I think that, is that the question?

AVRI DORIA: Yes, it’s basically certainly by assessing it we can say they’re doing it badly, but when we after we’ve said they’re doing it – and obviously that’s just an example; not a fact – if we’re saying they’re doing it badly, can then we go on and say “and we recommend that they do X to try

and implement what was there better”? Not making an recommendation about WHOIS but about the manner in which it is being implemented.

BRIAN CUTE: Thank you. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. Since we’re splitting hair lengthwise, let’s add some more spice to it. Actually, no, I’ve got a proposal here. The first part is analysis; the second part is proposed new recommendations. The analysis could just say, “This has not been done correctly. We refer to Part B in our new proposals that we will be making,” and that ties in Part A with Part B and that keeps it clean. So all the new recommendations which this committee will make will be in Part B, and Part A will just point to the relevant part in Part B for any new recommendations that this committee decides to have.

BRIAN CUTE: I think on one level, that’s consistent. I think there’s still the question of whether we can make a recommendation that pertains to SSR and WHOIS. I sense that’s an open question. No? As long as it’s implementation focused, not a new recommendation as to the substance of SSR and WHOIS.

LAWRENCE STRICKLING: So we have this whole Working Group 4 that’s going to look at the way the Board takes on implementing recommendations from all of the

teams. It seems to me that's definitely within scope and that's the kind of thing we're supposed to talk about. But if we have some substantive difference about a WHOIS recommendation and we want to now substitute our judgment for it, I think that goes beyond the mandate we've been given. But certainly, there are commonalities potentially about the way when the Board gets a Review Team report what does it do with it. It seems to me we want to look at that and answer that question in the context of all three reports that have come to it. Did they handle them the same way? Did they do them differently? Why did they do them differently? Are there particular things that we think ought to be part of that process so now that we have the experience of three of these we can now institutionalize this a little more and maybe provide some recommendations about how does the Board and the staff prepare for the next Review Teams or the next cycle of reviews? That all is absolutely, I think, within our process because that's part of accountability, but I think you do that by looking at the implementation in the aggregate and looking at the processes that the Board and the staff have used to do this. Does that help?

BRIAN CUTE:

Thank you very much. Alan?

ALAN GREENBERG:

Let me give a concrete example of what I was thinking of when I started this whole thing. One of the WHOIS recommendations is take all of the stuff that relates to WHOIS and put it in a single place so people can find out what the WHOIS policy is. Centralize the information so people can find out. The Board in its wisdom decided they weren't going to do that.

That was too difficult to find all the information and put it there in a way that's understandable, and they decided to do something different and said it's finished. Now this whole thing may be overtaken by the Expert Working Group, and maybe by the time we finish the whole thing will be moot because we'll have a replacement. But if not, I would think it is reasonable to say, "The WHOIS Review Team suggested you do X. You really should go do it. We don't expect what the analysis was. That was the kind of thing.

LAWRENCE STRICKLING:

So I don't know the facts, but let me just take your hypothetical. It seems to me the question for us is, what happens when the Board disagrees with a recommendation? What sort of process do they follow? What should they do? I don't know that we get into the merits of whether it was a good idea to follow every recommendation to the letter and call them out if they didn't or if we think the WHOIS recommendation was the right one and we don't like what the Board chose as the substantive alternative. I think that's beyond what we're supposed to do.

But I do think that as you look at the panoply of recommendations that the Board had before it, to the extent that they chose not to follow them, what was the process that was engaged in that and is there something about the way they did this that you want to provide some input on in terms of process and accountability going forward. So you may have this one as an example to use, but I don't think we'd get into the heart of the merits of the particular choice that the Board made; more why is it that they didn't follow every recommendation. It gets

into this question of implementability and some of things we've been talking about.

BRIAN CUTE:

Any other questions or discussion on the template? No? Okay. Is there a general comfort level with using this as a guide? I'm seeing...okay. We've got about 12 minutes left until our next – what is our next thing? Coffee break. Yeah, David.

DAVID CONRAD:

So the point that Larry raises, how are we going to capture that within the context of the ATRT? When there is a discontinuity between recommendations or the Board has not implemented a recommendation that has been provided, what is the process? What do we recommend in those cases?

BRIAN CUTE:

If I'm hearing Larry correctly and referring back to the template, you have an ATRT-2 assessment of recommendation implementation. We will assess and provide our rationale as to why we think it was complete, incomplete, effective, not effective. And I think that's fair based on the record as we see it. And what I'm hearing is we're not going to be making a recommendation that supplants one of the prior recommendations in any form, but the better value is where we find incompleteness, where we find ineffectiveness, to raise the proper questions about the Board's process, the staff's process perhaps, of implementation that can lead to an improved implementation in the future. Is that a fair capture? Alan?

ALAN GREENBERG: I would add and the clarity of their explanation of why they chose one path over another.

LAWRENCE STRICKLING: Yeah, that strikes me as being a dimension you'd probably want to look at. This will be easier if we actually generate a recommendation. Then we can start talking about how these fit. But I guess I'm getting frustrated that if we keep talking about how we're going to do recommendations, then it's time to start doing them.

BRIAN CUTE: Which is a segue to the next 10 minutes. So at least the next 10 minutes, what I'd like to ask is – and I recognize where we are in the process – but we've certainly been at this long enough, we've heard enough from the staff. I'd like open table, what do you see right now as give me three – five if you can – potential recommendations coming out of this overall work as of right now. It'll come. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. I'm not going to answer in a way that will make you feel any happier, but I did make one this morning and I forgot what it was. Carlos?

CARLOS RAÚL GUTIERREZ: Yes, we had some interesting ideas this morning. And I remember [three] from Larry, and I choose the second one. Are we going to talk about another level of appeals of the decisions, or are we going to assume that this is it and what we need is transparency between the

two roles? We have jumped around this question the whole morning. I just take Larry's first statement. I think if I had only one, not three or five, this is a vital one for me. Thank you very much.

BRIAN CUTE:

Thank you. I think where we left it this morning was that it would do us good to read the ATRT-1 report and analysis and come back to that question once we've done that, but question noted. Alright, let me try. The one that I love to jump on, which is metrics. The ATRT-1 did not make a specific recommendation about ICANN developing metrics. There was clear discussion, but there was a conclusion that it was best left to the organization to develop and certainly encouragement in the report that they do so. We've come to ATRT-2, and in exchanges with the staff, it's clear that metrics have not been developed. A commitment from Fadi in Los Angeles that they will develop metrics so that we can measure the effectiveness of this process – that could be a recommendation coming out of ATRT-2 based on an assessment of implementation of recommendations. That's an example. Avri.

AVRI DORIA:

Another example, whether it's metrics or just publication of statistics, certainly when we were talking about reconsiderations and hotlines, there were certainly a number of – not fully fleshed-out yet – but certainly a number of recommendations were made about yearly reporting and statistical gathering and other information that could be. So I know that we talked about it a little there and a bunch of us did have an enough, a coffee break discussion, about that is an area where we're starting already to make recommendations and I would certainly

argue for making concrete recommendations in that area, and I do think we've already started. So certainly in those two small areas, we've begun to make recommendations, and I think that's one that we need to follow through on, on both of those areas.

BRIAN CUTE:

Thank you. Alan?

ALAN GREENBERG:

All right. I came up with five. Okay, the first one is your metrics. You said you were unhappy about the timeline that was presented this morning on metrics. I think it's a delightful timeline. I think by the time we present our recommendations, ICANN is supposed to have a process and methodology in place to metric-ify things, if that is a word. Our recommendation would be do it. You now have the skills, you have the plan, you have the knowledge. We expect you to do it.

Number two, we keep on talking about cross-community engagement one way or another. I am hoping that we will hear enough in our various meetings and convince ourselves that it is a problem. I don't have a clue how to fix it, but the silos are getting in some ways worse, not better. We have nominal talking to each other, but that's all it is.

Number three, I believe the reconsideration issue including reconsideration for substantive reasons, not methodology reasons, is something that it would serve the organization well if we added, if we recommended.

I think the comment process, everyone acknowledges it's broken. Again, I don't have a clue right now how to fix it. Maybe we'll get some ideas.

And lastly, we're doing an external review of the PDP on the assumption that it identifies any failings in the current PDP. A recommendation from ICANN to study and to come up with ways to address it.

BRIAN CUTE: Thank you, Alan. Others? Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. I've remembered now this morning's. It takes a while. It was to do with communication. We've seen through many of the questions to the community that a lot of the feedback was ICANN or the Board is not accountable to the decisions of the community, etc., not enough feedback basically. And my recommendation this morning was that there would be someone put in charge of communication for the Board, and as an extension, also someone put in charge of communication for the GAC.

So far, the only communication we've seen coming out of ICANN is always about the new gTLD process. There is a communications officer, a staffer that deals with that I guess or maybe the whole department. I don't know, but certainly as far as the Board is concerned, I think it's putting a lot of weight on Board members to draft and provide their own means of communication to the outside world. And my feeling is there should be a communications officer, a staffer that would be dealing specifically with that to explain the actions of the Board to the

wider community outside of ICANN and not using all of these acronyms, which we're all so very fond of.

BRIAN CUTE: Thank you. Avri?

AVRI DORIA: Another recommendation that we've sort of been wandering around – and perhaps it fits into the PDP, but I think it's actually broader than the PDP – was the whole set of discussions we've had about GAC participation more in the ongoing processes than just as a begin-to-end process where the GAC begins where the rest of us end. And we've sort of been talking around that one. We've talked about how it may be possible, it may not be possible, somebody's culture would have to change, etc. So we haven't gotten down to, "Well, what do we recommend?" but we've certainly talked about that as an area where some recommendation is needed for how to get out of this beginning-to-end type scheduling that we've got between the rest of the stakeholders and GAC in terms of these processes. So I think that's another area where, assuming we can come up with something that deals with how we mix two seemingly incompatible cultures to come up with something that has us not frustrated with each other, I think that's something we have to tackle. And I think we've started to talk about it, but we haven't gotten there yet.

BRIAN CUTE: Okay, so in 10 minutes despite much fear and trepidation, we've got eight issues on the table. Two of them have to do with communications.

One is around statistics, and ICANN, I think, communicating data more effectively that you mentioned, Avri, and one is about communications persons for the Board and the GAC potentially. We've got cross-community work, which arises out of ATRT-1. Reconsideration.

ALAN GREENBERG: And what Avri just said.

BRIAN CUTE: Yes.

ALAN GREENBERG: My cross-community is exactly – not exactly – but it heavily overlaps with what Avri is saying of how do we get the different cultures to work with each other.

BRIAN CUTE: Yes, getting there. And reconsideration, the comment process, the PDP, metrics, and GAC participation in processes which dovetails with cross-community. So everyone comfortable with those as potential issues? Okay. What I'm going to recommend as a next step, although not for today, is that we take those issues and – using the template – just begin to flesh out at a very high level our thoughts on these. Again, I know we're not done with our research and data gathering, but I think it's good right now to start to focus in on what could be outputs of this group. Sorry, Fiona. Making everybody do this? Yeah, Larry. Okay, we're having a sidebar.

LAWRENCE STRICKLING: No. We're just talking.

BRIAN CUTE: Okay. All right. Well, Olivier, and then we're at the break.

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. I know we've spoken earlier about this Review Team not being able to, for example on the SSRRT recommendations, not being able to add to them as far as the substance is concerned. But with regards to, for example, how ICANN receives public input or the public comments process, it is clear that this team has made recommendations for the public comments process in the ATRT-1 and that there is a follow-up required for the ATRT-2. So I would kindly ask if you could reconsider that on this instance, for example, there could be in A a pointer then to the recommendations that we would make for this in Part A to be pointed over to the recommendations in Part B.

BRIAN CUTE: We have that latitude. It's ATRT-1, ATRT-2. That falls within the umbrella of our issues. We have that latitude.

OLIVIER CRÉPIN-LEBLOND: Yes, so just for the format basically because I understand we're not going to make new recommendations in Part A. We will make new recommendations in Part B. So we provide the analysis of ATRT-1 in Part A, and then we will point to the relevant chapter in Part B for our recommendations.

BRIAN CUTE: Yes. Yeah, I'm sorry. Misunderstood.

OLIVIER CRÉPIN-LEBLOND: That was the gist of my meaning earlier, and I fear it might have been misinterpreted.

BRIAN CUTE: You're talking about structure and flow of the template.

OLIVIER CRÉPIN-LEBLOND: Correct, yes.

BRIAN CUTE: Yes, completely agree. Any other points before we break? You can speak.

UNIDENTIFIED FEMALE: I don't think, did you actually pull up the other part of the template? Because they're not circulated, so it's just what's onscreen. So there's stuff under B.

BRIAN CUTE: Yes, we reviewed it. We scrolled down and reviewed it. Any other points before we take a quick break? Is it 15 minutes, Alice, 15-minute coffee break? Okay. Thank you. We'll be back in 15.

Welcome back. This is ATRT-2 afternoon session. The next session on the agenda is item 11: Discuss implementation of WHOIS

recommendations with Margie Milam, Senior Director, Strategic Initiatives; and Chris Gift Vice President, Online Community Services. We have 45 minutes with you.

Michael, as a chair of the Work Stream, if there's anything you want to say to preface or open the session, please feel free. Otherwise, we can turn it over to Chris and Margie. Anything, Michael? No? Okay, please.

CHRIS GIFT:

This is Chris Gift, Vice President of Online Community Services. I'm going to go ahead and start the discussion by giving an overview of where we stand with the work in progress. But, first off, thank you very much for the opportunity to allowing to speak with you today and to brief you on the status.

I am still working on three work products. The first is the WHOIS information portal, which its purpose is to provide a number of things and I'll go into each of these in a little bit of detail. The second is WHOIS search or lookup. And the third is WHOIS accuracy sampling and reporting.

The WHOIS portal, which is the purpose of this if we all agree – and I think I've discussed several times – is to provide a historical record of WHOIS to consolidate WHOIS policy documentation, to provide mechanisms to teach people how to use WHOIS, to provide mechanisms for people to submit complaints as they relate to WHOIS data and direct people to appropriate channels to become engaged in the community on WHOIS-related topics. So it is a place of consolidation for all of this content across the ICANN assets for WHOIS.

So where do we stand? We are working with a web developer to build and deploy a beta version of the portal by end of August, so August 30th. We are in the process of working on requirements and user stories for this portal. For the content, we will begin circulating a requirements document immediately after Durban. We are just finalizing that document right now.

Communications team is briefed and has been working on a communications plan in support of the portal launch. And again, the timing is abated by end of August; a review by this committee and other members of the community for a production launch by end of September or early to mid-October, depending on how the beta proceeds.

That is the WHOIS portal. There is a great deal of progress and things are looking good on that. The WHOIS Search. ICANN – we have several paths there. ICANN Development Team has evaluated the work effort to create our own WHOIS search and parser. We currently estimate that to be six months in terms of timing – time to do both to search and to parser. We can obviously deploy the search earlier but the parser will add time to that for a total of six months of approximately.

To give you some idea of how – what the number of queries, we would handle through the search. Internet currently handles roughly 85 queries per second or 3.6 million per day. With the portal and the search capabilities provided there, we estimate we'll have to approximately more than double that to 173 queries per second or 15 million per day is what we are targeting for an infrastructure.

I'll give you an idea. When we talk about this with other commercial entities who handle WHOIS search, their search capabilities vary between 3-5 million per day. So we are estimating a great deal – a higher quality or higher quantity because this place, this portal and search mechanism will be the most definitive.

Internal estimate cost for the search capability is an internal cost of roughly \$210,000 in development, \$30,000 additional work surrounding that and about approximately \$30,000 in hardware for a total of \$270,000. These are budgetary estimates, if you don't mind. We're refining this as we go through some of the requirements.

Development work has not begun. Even though we have these initial assessments, internal discussions continue. We continue internal discussions to resolve some issues – and I'll discuss those actually in just a moment.

To be aware, we are also investigating on a commercial WHOIS search solution. It has been and one has been identified and could be implemented in less than 60 days. But we have some concerns around the perception of using a commercial search option as well as the data collection methods. But just to point that we had looked at that as an option, although we continue to more fully investigate through our own internal development.

The issues – we obviously need to manage any kind of WHOIS search. Scraping and Abuse Management, we need to create a membership, an account system to mitigate the abuse. We obviously need to make sure

we get the data from registrars and get full access to that. I'll touch on that in just a minute.

We obviously need to provide some sort of cash records for when WHOIS server is not available. And there is some discussion – ongoing discussion – about what that means and how do we cash those records, how do we present cash records so people will understand that this is in fact historical record and how long do we cache the data for. We do not intend to build a complete database at this point. So obviously we have to purge that cache and notify people on that.

UNIDENTIFIED MALE: Chris, can I interrupt?

CHRISTOPHER GIFT: Yeah, please.

UNIDENTIFIED MALE: Isn't there any document that goes along with this? Or are we supposed to wait for the transcript and read it? Or should we be frantically taking notes?

CHRISTOPHER GIFT: Frantically taking notes.

UNIDENTIFIED MALE: Thank you.

CHRISTOPHER GIFT:

Sorry. It got me off track. Obviously, keeping track of all the WHOIS servers that are out there. Of course, lastly, parsing of non-standardized data – non-standardized formats.

The major issue of this obviously – the one we’ve discussed before, which is throttling of WHOIS searches. What we are doing is we will begin working with registrars on this issue and we are preparing requirements documents and wire frames for them to better understand how we intend to perform the search and we should be able – with that demonstrate that we address their issues with respect to limiting the number of queries, with limiting screen scraping of WHOIS records and addressing privacy issues as well. So I think with that we can work with registrars to remove any kind of search limitations. That’s where we stand on WHOIS search.

With respect to the statistical analysis, as we talked about – before we give the number of things to perform the statistical analysis, obviously we need the methodology, access to WHOIS records. We need parse data to be able to parse the WHOIS records, some sort of address verification, a call center, and obviously a system to link some of these things together.

When it comes to statistical methodology, we have not authored the methodology as of yet. We have gone through and created requirements where we need to do proportional sampling. We’re also looking at oversampling for some particular areas to ensure proper country representation and ensure statistically significant sample size for some of these areas.

What we're currently looking at is sampling by country, by registry, by registrar. We would weight the sample by registry size and we would weight samples by country depending on the number of WHOIS records in the country.

On subsequent reports, we would oversample registries or registrars that had previously exhibited issues.

We obviously need to create a method to randomly sample WHOIS records. Actually we already have that methodology. We use the same methodology currently for an internal system. I'm looking at WHOIS servers and making sure they're up. So we have that already.

The fourth thing we need is address verification. We have had discussions with address verification providers. A preliminary pricing is roughly \$0.06 for records that are outside of the core countries. For them, most of the vendors since the ones we've been talking to are in North America and Europe, so predominantly the core is North America and Europe. So, \$0.06 for records outside of there and \$0.007 – not quite as a penny – for records within the core countries. The automation is fairly straightforward for doing address verification.

The accuracy outside of the non-core countries is – I'm still waiting for accuracy from them. But I understand it is – there's still issues with those. But nonetheless, we can go on address verifications.

To follow up, once we have an address verified, we need to initiate a phone call to the individual or the firm that has the WHOIS record. We have discussed this with some call centers. They can help also with the statistical analysis. They have offered that as well.

Right now, from our understanding, the budgetary pricing and timeline is we engage with them, it will approximately be two weeks for them to make the necessary number of calls. And we estimate the sample size to be around \$3,000. That's our current working estimate to cover the sampling as we previously discussed, plus the further two weeks of analysis. The initial estimate for cost for performing the statistical analysis per sampling – and this is budgetary number – is roughly about \$175,000 per sampling. The total implementation is approximately three months from the day we decide to move forward with this methodology.

To be frank, I personally – we continue to look for alternatives in terms of driving the cost down because at that price point, we start to look at once per year, which I know is the current requirement. But we had hoped to provide either quarterly sampling or even more. So we continue to look at driving the cost down through other vendors.

We have also discussed internally alternative means besides calling to validate, verify, and validate that the owner of the WHOIS record is in fact the individual or firm. But to be frank, we haven't found the definitive means besides doing that.

When you look at e-mail – we've discussed e-mail opportunities, we've discussed the physical mail, a wide variety of means of contacting the individuals and none of them in our mind have proved satisfactory to date. That's my report.

BRIAN CUTE:

Thank you, Chris. Questions from the Review Team? Alan?

ALAN GREENBERG: Chris, the tool which is the frontend to what you were just describing I assume is the same tool that the Board New gTLD Program committee referred to in a recent answer to the GAC safeguards. It says that they're almost – a tool is almost complete to verify accuracy.

CHRISTOPHER GIFT: That was the same tool they were referring but the status was inaccurate, that we are not nearing completion; we are nearing completion of the requirements. So my apologies for that inaccuracy. I don't know how that slipped in there.

ALAN GREENBERG: Thank you. It wasn't clear if it was the same tool. It was disturbing that we had never heard reference to it before and it was almost complete.

BRIAN CUTE: Thank you. Other questions for Chris? Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Brian. Olivier speaking. You mentioned the postal address verification that was only implemented so far in North America and Europe because your providers of such work only were based in those parts of the world or did I misunderstand that?

CHRISTOPHER GIFT: No. I'm sorry. I apologize. We're talking to global vendors, but they classify their address verification between core and non-core. And the

core countries, the ones we're discussed, the organizations like First Data and others that provide it for credit card companies. They classify – and there's a pricing issue – and they classify their core as North America and Europe from a pricing perspective and the non-core as a higher price because the verification can sometimes be more difficult for them in terms of data quality. So it's a pricing issue more than anything. And we have not implemented with them. We're in discussions with three different vendors at this point.

BRIAN CUTE:

Chris, this is Brian, let me ask you a question and please correct the premise if it's in any way inaccurate. At a high level – some feedback that we've gotten from the WHOIS Review Team members was that that Review Team made recommendations that the Board went off in a different direction. We've heard also that the Board did go about the business of implementing the recommendations of the WHOIS Review Team but at the same time in a strategic priority way, explored a different direction for WHOIS. That's a rough characterization of what's been presented to us.

My question is the ICANN Expert Working Group just made a recommendation on WHOIS replacement. Would that recommended replacement have the effect in any way of rendering null the ongoing implementation of recommendations of the Review Team, and if so can you just identify those even at a high-level now for us?

CHRIS GIFT:

It was certainly replaced a great deal of the work that I'm doing in the sense that most of my – most of the investment and the issues around this are around parsing the data and validating the data. So if there's an automated means already available for us to do that, it would greatly simplify my work in terms of implementing it.

I do believe – when we start to look at prices – some of the concepts we're investigating – and I apologize, I should've mentioned this earlier – is when we're looking at parsing the data – so when somebody does a WHOIS search it'll appear obviously on the webpage. Once we successfully parse the data what we'd like to do is for somebody to be able to go look at that WHOIS record and say, "I don't think this WHOIS record is accurate." Let me click on the name. I think that's wrong, I think the address is wrong, click on that and perhaps click on one or two other things and say, "Submit a complaint." Rather than having to take that data and re-enter it in a complaint where there's human error in retyping things.

So we really want to simplify some of those methods about analyzing the data. And then if we can even get the cost down low enough you can imagine that point in time where even when somebody does the WHOIS search that automatically returns to them, these three fields are suspects because it has done an address verification prior to even presenting it to them.

So we've been toying around and thinking about ideas like that. But, to be frank, with the new protocol all those would be vastly easier for me.

BRIAN CUTE:

Thank you for that and I don't want to get in the way of your work [inaudible] on the work stream but I think it would be helpful if in some way just a mapping could be done what the Expert Working Group's recommendations are for WHOIS replacement and what effect that would have on the recommendations of the Review Team at the minimum would be helpful to us just in terms of mapping all of that work going forward. Michael, do you think that'd be helpful to your work stream?

MICHAEL YAKUSHEV:

Yes. Sure, Brian. I'm Michael Yakushev. The ideal solution would be to create a kind of a table where it would be clear that there were certain commendations of the WHOIS Review Team and maybe just omitting what was in between but putting into the right column of this table what is being done as a response as the most well efficient, the most reasonable response to the recommendations of the WHOIS Review Team, just maybe skipping all intermediate discussions and all intermediate solutions that were made by the Board or by someone else. Then to be clear that it is the most technically feasible solution that is being developed by the new group or by ICANN staff, etc., etc., and of course it would be a great help to explain that their recommendations they were implementing the most efficient manner and to avoid any further discussions on whether it exactly corresponds to the wording on the recommendations but maybe mostly to the spirit and to reasonability of the recommendations. Thank you.

BRIAN CUTE:

Thank you, Michael. Any other questions for Chris? Okay.

UNIDENTIFIED FEMALE:

We also have Steve Sheng here to talk about the international aspects and he's managing that part of WHOIS. We'll give him the mic for that.

STEVE SHENG:

Hello. My name is Steve Sheng, I'm a policy staff managing this part of the project. The WHOIS Review Team recommendation 12 and 13 ask staff to create a working group to define the requirements – first of all the requirements for internationalized registration data. Second, do a study to evaluate the current solutions and the feasibility of some of these. And the third part is to produce a data model as a result of that requirement.

With respect to the requirement that work, there's both a policy part and some implementation part. With respect to the policy part, the GNSO has initiated a PDP on the translation and transliteration of the contact data.

So if you look at the WHOIS data, the registration as a whole there's domain name, there's dates, there are status and part of that is the contact data. One of the key questions is whether to have translation and transliteration of that data to accommodate the global audience, and if so where do that happen? So the GNSO is initiating a PDP on that in its June 13 meeting. And currently, that PDP is in its chartering stage. We have to note as of now there's kind of a lack of volunteers from the

community to participate in that group, so that's one of the issues we have to address.

With respect to the second part, on July 8 we send out community call for volunteers experts to define the requirements in the corresponding data model. We also looking forward community-wide experts, particular front scripts that – not particular from other scripts, for example, the Arabic's script, the Han script, the Delmagyar script, for those communities where there hasn't been participated as much.

With respect to the survey of existing practices and the feasibility of those, that's now in the contracting phase. So that's moving along. With all of these, the GNSO PDP is in a critical path to implementing the requirements, so that's a quick update. Thanks.

BRIAN CUTE:

Thank you very much. Any questions? Olivier?

OLIVIER CREPIN-LEBLOND:

Thank you, Brian. What's your timetable for the completion of this? I'm sorry. I might have missed it but...

STEVE SHENG:

The timetable for the survey of existing practices that will schedule to be completed by January next year. The Study Team would do an initial report that would go out for public comments followed by a complete report.

The GNSO policy work, the time varies. I heard sometimes timeline is around two years to three years, the Expert Working Group to define requirements that can complete roughly within six months' timeframe. But as I said, part of that missing puzzle depends on what the GNSO PDP decides, so that's part of a policy discussion. Thanks.

BRIAN CUTE:

Any other questions? Okay. Thank you very much. Margie?

MARGIE MILAM:

Hello. I'm Margie Milam. I'll provide you our update on some of the other aspects of the WHOIS Review Team recommendations. One of the recommendations obviously relates to WHOIS being a strategic priority for ICANN and I think as you see in some of the responses that we've provided and the work that's been done on a number of fronts that's clearly very high priority for Fadi and for staff.

To give you an idea of the level of interest our CEO, Fadi, was involved in the RAA negotiations and got actively involved in trying to help develop some of the consensus that of the obligations that went into the RAA. He also was behind the call for this Expert Working Group once the Board resolution came out and has been following that very intently and the expert working group project in them itself is just going full steam ahead with a lot of resources and attention. I'll talk a little bit about the expert report – the report that got published right before this meeting. And he also has the Vice President of Compliance, Maguy Serad reporting directly to him, and so it continues to be a very high priority

for ICANN and for staff. I think you see it in some of the results in the work with respect to the various recommendations.

With respect to, for example, the contract enhancements that I've talked about, there's been a significant amount of change with respect to the WHOIS issue. The RAA had just got approved right before the Durban meeting has new obligations for registrars some relating to verification and validation and SLA unavailability. There's standardization of formats and specification that relates specifically to privacy and proxy providers and what we also need to apply to them.

And so if you take a look at some of those documents I think you'll see that it goes into a lot of detail and new requirements that just don't exist as of today.

With respect to the privacy and proxy issues, since that was one of the recommendations, the specification for the RAA is called an interim specification. It's in effect until January 2017 to allow the community to come up with a policy on some of the hard issues that relate to the privacy and proxy. If you take a look at the specification, it covers basic things like service terms having an abuse point of contact, escrow obligations, all sorts of things that we could get consensus on in the Registrar Negotiating Team. The harder issues of when you reveal someone's information or when you relay communication or you unveil a WHOIS record, that's the kind of thing that the GNSO would be looking at for policy development. That's going to be kicked off after the Durban Meeting.

If you look at the new gTLD registry agreements, a lot of the new agreements have the WHOIS obligations standardized format, SLA. There's just a significant amount of WHOIS obligations in the new gTLD agreements. They are also – you're seeing additional obligations with respect to renewals of existing gTLD agreements. For example, the .org agreement for renewal has a transition clause that talks about requiring its registrars to be under the new 2013 RAA.

This is just an example of how the contracts have been enhanced per the recommendations of the Review Team to try to really bring up a little of obligations that relate to WHOIS. Let's see what other areas that might be of interest.

The single page WHOIS Policy document. I think that was another area where there were some additional questions that were asked. There is a page that's posted that has a link to all of the various contracts and policies that touch upon the WHOIS issue. I need to note that it needs to be updated now that there's new obligations. That's another project that needs to get kicked off now that the new RAA and the new registry agreements are finalized to capture those additional obligations.

Then outreach. As Chris mentioned, the Communications Team has come up with a plan and the plan essentially relates to bringing the communities – in bringing attention to the various milestones that occur with respect to the program. So when Chris' educational portal that he talked about goes live then that's when the communications effort will be kicked off to really bring a lot of attention to it and try to get the portal to be the best central place where everybody goes to for WHOIS policy.

With respect to the Expert Working Group, as I mentioned before, that's the additional project that relates to WHOIS and as a result of the Board resolution that took place in November, there's currently what we call the Parallel Path. There's two paths that staff is undergoing with respect to the WHOIS issue. One being the implementation of the WHOIS Review Team recommendations and the other one trying to kick off this new effort to figure out what the replacement system is for WHOIS. That's the work that has been taking a tremendous amount of time over the last few months leading to the publication of their preliminary report that talks about what the new model should be. I'm not going to go into the details, but given that there is a model and there's a lot of discussion of how it can be enhanced and the plan is to have a final report by the four Buenos Aires, this brings us the question that I think Brian, you raised, what happens to the Parallel implementation of the WHOIS Review Team recommendations.

Currently, they're both going ahead, full steam ahead. But there may be a point where you might want to take a look. Pause and see if it still makes sense to implement in the same way if there seems to be a consensus that the new model is the right way to go. It was difficult to figure out whether that was even the right answer when we didn't know that there would be a model developed or what model it would look like and how the community would react to it. But at some point, it's too early now because we still don't know the answer to those questions. But once the Expert Working Group's work is finalized and it appears that it's making progress in the GNSO's PDP that's to take place. There may be enough time to re-evaluate what happens to the conclusion of those implementation decisions.

With respect to the Expert Working Group, as I mentioned, they plan to have their final report for Buenos Aires. The report would go to Fadi and the Board and then the GNSO PDP would be kicked off at that point. That's the next steps with respect to that project.

With compliance, I think we've provided numerous updates with respect to compliance. Obviously they've improved their process for handling inaccurate WHOIS records. They've shortened the time to resolution. They've completely revamped their customer interface that takes in WHOIS complaints as well as some other types of complaints that don't have other issues and have tried to put up information in six UN languages and FAQs and have increased their reporting. There's compliance metrics now that are available through myICANN for example on the number of complaints that relate to WHOIS. They're going to have to go through a similar thing as well to try to evaluate the new obligations under the 2013 RAA and the registry agreements to see how they update their procedures for these new WHOIS obligations and other obligations. That's an additional project that they're now working on in order to make sure that their processes are in place when all these new agreements are finalized and in effect.

Essentially, that's my update. There's so much information that's probably best to take questions and to see whether I can answer some of the committee members' questions.

BRIAN CUTE:

Sure. Thank you, Margie. Any questions for Margie? Alan?

ALAN GREENBERG:

Margie, one of the things that intrigued me in your answers that you provided to the Work Stream 3, I'm not sure if the rest of the committee has seen them or not. Were they sent to everyone? Okay.

Was it that you envisioned the detailed rules for privacy of proxy suppliers to be done in the same PDP as the rest of the WHOIS issues? Do you really do that? Do you really envision that?

MARGIE MILAM:

I don't think we said that. I actually think the PDP on privacy in proxy – our current intention is to have it kicked off right away because as part of the – Alan, if you remember the RAA negotiations that was kicked off by a Board request and the Board request said do that – start negotiations and GNSO is to start a PDP on “the remaining issues” – the issues that weren't resolved at the end of the negotiation. One of those issues we've identified is the privacy and proxy issue. So the next steps with respect to that is there will be a staff paper published identifying all of the unresolved issues that relate to the RAA negotiations and the PDP would kick off immediately. At least that's the current with respect to the privacy in proxies. Alan, to answer your concern in that issue, it would be separate from the WHOIS PDP.

BRIAN CUTE:

Thank you. Any other questions? Michael.

MICHAEL YAKUSHEV:

Thank you for your update. Am I right that it was decided not to create the single policy document but rather to create the set of links to the

existing documents to simplify the excess to the policy in general but not making it as a single document?

MARGIE MILAM:

The staff that's implementing is the action plan that was referred to in the Board resolution. And if you take a look at that – it's called the Action Plan – it's a chart that identifies how the staff intended to implement the various recommendations. The problem is there is no single document that identified all of the WHOIS obligations. And so, in that action plan it specified that we would provide basically links in it and identification for where you find the information. But it's just the complexity of the issue that it's not like there's one place where you can find every single obligation related to WHOIS.

BRIAN CUTE:

Any other questions? Olivier?

MARGIE MILAM:

I'm sorry, Chris is reminding something as well, that because it's so difficult to understand these issues, part of where we think that issue can be resolved is through the educational portal that Chris is addressing. The idea is to have better information – more simple information that average person can understand as opposed to links to contractual terms.

BRIAN CUTE:

Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. You touched briefly on compliance improvements in improving their processes. Has a bulk submission of WHOIS inaccuracy reports been re-enabled?

CHRIS GIFT: My understanding that it has been re-enabled and is in testing mode with I think three or four individuals as we speak.

BRIAN CUTE: Any other questions for Margie? Okay. Thank you, Margie. Thanks very much. I think we're ready to segue to the next presentation. Alan, may I hand it to you for a few minutes?

UNIDENTIFIED FEMALE: Thank you, everyone.

ALAN GREENBERG: Okay. The next session is Patrick Jones on SSR recommendations. Is Patrick here? What time is it? Apparently he's kicking off another meeting and he is supposed to be here on the half hour. Informal eight-minute break.

Okay, if we can start again, we have Patrick Jones. We'll be talking about the SSR report and implementation of the recommendations and I will without any other ceremony turn it over to Patrick.

PATRICK JONES:

Thank you for the opportunity to talk again with ATRT-2. Patrick Jones from the Security Team. I also have Jeff Moss, our Chief Security Officer. We received a set of questions from the subgroup a week ago, I believe. As a group, we're still in the process of formulating our responses. I have initial responses to many of the questions and we can make this informal conversational session and then I can – after this – provide our formal responses to the questions we received to date. I think I also have some clarifying questions that I want to ask about the questions that we've received and hopefully that fits with what information and feedback that the Review Team is looking for.

We also published a blog piece beginning of last week on the definitions for the terminology that we use for security in ICANN. It also looks at the historical creation of those – the use of those terms and the historical perspective at ICANN and within the Internet community. I believe that the Review Team has received a link to that blog piece.

UNIDENTIFIED FEMALE:

Yes.

PATRICK JONES:

Hopefully you find that informative and helpful. We view that as one of the team's responses to answering one of the Security Team recommendations that goes to recommendation 3. But we also view that as part of using all of the tools that ICANN has available to explain what we do in security and how we are in a supportive role for the community.

As a clarifying question, the questions that we've received – have those been sent out to the rest of the Review Team?

ALAN GREENBERG:

No. They have not yet. They've been submitted to the entire team, have they? Oh you did? Okay. Then yes, they have.

PATRICK JONES:

I that case, I want to jump to one of the questions and kind of ask in response back. I've labeled this question #3 but it's "Can ICANN provide a resource breakdown in terms of staff and money for SSR-related efforts categorized by the type of identifiers such as by names, numbers, and protocol parameters?"

As an initial response to this question, I think we have to look at this carefully because right now from a finance perspective and in a reporting perspective, I don't believe that we separate the work that is done in that manner. So to do that, we need to look at the way that we're reporting and see if that's something that can be done but also we need to have a conversation with the departments that that may impact and see if they agree that that is something that's a type of reporting that should be done. So we can't make that determination our own. I would want to go and talk to the IANA Team and also Finance Team and see if that type of reporting is something that is feasible and it makes sense. But right now that's not a way that we break down resource right now.

ALAN GREENBERG:

Okay. You're making a statement. I understand and I agree with that statement. I guess it will fall on us as ATRT to determine whether or not a breakdown of that nature helps in accountability and transparency. If you can answer the question, yes, you can do the breakdown in that. It sort of removes the need for us to determine whether we need to make the recommendation or not. I accept your statement that you don't do that. You don't know that information apparently and that's something that you'll be looking at too.

PATRICK JONES:

Another one of the questions was some of the definitions used within the security framework come from discussions that are in large part the DNS Security Symposia that ICANN has co-hosted over the years. There was a question of who participated in those symposia, how were the attendees selected? Is this an ongoing series of meetings? Who organizes the meetings and what resources does ICANN contribute?

I am prepared to provide an initial answer to this one. The attendee list for those meetings is published as an appendix to the symposia reports. The selection for the first two events, the one in Georgia Tech – and I believe it's 2009 – and the event at Kyoto University in 2010 was by invitation and there was a symposium committee that identified who to send invitations to.

The symposium conducted in October of last year was done in partnership with the Anti-Phishing Working Group. This was an open event. So if you could get to the APWG Meeting in Puerto Rico, you are free and welcome to attend the SSR Symposium. The symposia was

organized as a way for the ICANN Security Team and other members of the team and staff to engage with the information security community more directly. The participation in this event has evolved over the years from invited members of the DNS community to include both DNS information security community participants who have good grasps of technology operation, security, DNS abuse/misuse, and e-crime. And it's one that has gone from being an invitation event to one that we publicly post that the event is occurring and invite interested parties to contact us for the participation information.

The most recent event, APWG in their publishing of their schedule of events also provided information and ways for people that were interested to register. In that sense, these events are becoming more open and we're looking at ways to make this more open, inclusive of opportunity for the community rather than it being restricted or limited.

ALAN GREENBERG:

By that answer I gather ICANN is the lead on the symposia or is it more cooperative between APWG or...?

PATRICK JONES:

Provided the hosting and the facilities made arrangements with – the first two events were with universities, George Tech University which had and still has a significant computer science and security program. Kyoto University also because of personal connections that we had to help to identify a good spot, for community to get to this meeting, we've tried to make sure that the meeting rotates to an extent by

region so that it's not held in one place. We diversify the locations so that it's easier for the community to get to it.

Financial support, collaboration support by working with other groups. Again, APWG – our team is talking with them about hosting a similar event at their upcoming fall e-crime summit in San Francisco this year. So we're looking at working with others not solely doing it in an ICANN-only event.

There's another question of "What efforts are being undertaken by ICANN to identify and mitigate particularly vulnerable sectors of the Internet system of unique event identifiers such as operationally vulnerable ccTLDs, RPKI, signing protocol parameter registries?" and a related question of "How is that identification and mitigation done in an open, transparent, and accountable manner?"

ICANN, through the Security Team, we conduct capability building efforts with the community. We provide training for ccTLDs so that they are operationally stable, resilient, and secure. And we only do this when invited by ccTLDs in the regional TLD organizations. So we make a point to be very clear that the training that is done is done at the request of an in-partnership with these organizations.

An example, we had done in the last few months DNS Sec Training in Lebanon which was done in partnership with ISAC Lebanon in NSRC (Network Startup Resource Center). We also did a training for Tunisia at the .tn ccTLD, in partnership with NSRC. And last, two weeks ago, we did a DNS Sec Training in partnership with .ng in Lagos. Also, at the AfICTA

Event in Lagos. We have an upcoming request from LACTLD for a DNS Training in Panama and from AfTLD for a DNS Training in Madagascar.

This is the type of events that we do in collaboration with the experts in the community for supporting the work to make sure that vulnerable sectors of the system of identifiers are supported and that we're providing that – ICANN's expertise – in a way that's accountable and open.

ALAN GREENBERG:

If hypothetically a gTLD were to request the same training would ICANN provide that at this again sort of to the openness, transparency, and accountability side of things? How would the cost of that be born in relation to the work that you are currently doing with ccTLDs?

PATRICK JONES:

So far, ICANN – we have not to date received the request from the gTLD for that type of work. But I would assume that we would look to the Registries Stakeholder Group or appropriate group of perhaps in the New gTLD space if there's a grouping of – either the Brand TLD Group or some other group might request this of the staff. Then we could say, "Look, we now have a request from this group." Then we could measure that against other requests that we've received from regional TLD organizations or other groups.

I have to say "other groups" because we are increasingly requested by law enforcement entities for DNS Training. We've done this training with Interpol and Europol and other... yeah. So Interpol Underground

Economy Conference – that’s an event that’s coming up later this year. We have a course. It’s called Finding Badness in the DNS. This same material is presented to other groups. We’re looking at you taking this material and making available through the e-learning tools that are being developed across ICANN so that other groups at large for instance might be able to see this material as well. That way, all of the material is public, and if other groups want to receive this information that there’s a vehicle for them to do so.

ALAN GREENBERG:

How about RPKI or other resources that ICANN is in theory responsible for?

PATRICK JONES:

We haven’t received... for those functions being managed by the IANA and DNS Ops Groups – that’s the part of the question I want to take to them to see how they’re appropriate. I can address the first part of the question about efforts to promote operational resiliency in the system but for RPKI and for that one, I would want to take back to the IANA Team and DNS Ops.

ICANN is a participant in global Internet response forums such as the forum for Internet Response Security Teams and other collaborative groups. We published this in our annual framework so we list the types of trainings that we do and the groups that we’re working with. And hopefully, that is visible and that this Review Team sees the work that we’re doing in that area.

The next set of comments and questions were – there’s some questions on specific recommendations and I’ve been going through and making initial comments that I want to provide in details with the Review Team, but at this stage I think that’s... it’s at the early stage of how we would answer some of these.

Question 2 though says – the staff field – “The reviews are done with appropriate frequency. How is feedback solicited in consensus measured?”

When I look at this, I think what’s really clear on what we mean by “review” because there’s the operational review in the big sense of reviewing the SOs, ACs and the structures and that type of review. Then there’s what we have been doing in the annual frameworks. It’s been including a status report of how the Security Team acted on the set of activities that were published in the previous years’ SSR framework. And so if it’s something – if the Review Team is looking for us to have something much more in-depth than the status report from the previous year then that part of this implementation might need to be done differently.

ALAN GREENBERG:

I was actually asking a question with respect to the response that had been provided by the SSR Review Team I believe in the spreadsheet where you had mentioned the reviews were annually. I don’t recall the exact wording in the spreadsheet that you had put. I was looking for input from the SSR Team whether they felt that that was sufficient – the

frequency was sufficient or it should be done more frequently or less frequently.

PATRICK JONES:

I know from the feedback that we received from the Review Team while they were developing their final report is that they acknowledged in the year that it took to get from draft report to the final report that the Security Team and ICANN had made progress on implementing some of the recommendations that we could see were coming from the Review Team and that they could see that we are already addressing this in the way we've been changing the annual framework. I think this is something that we would want to make sure is continued and so that the way that we're reviewing our progress evolves to a level that satisfies the Review Team but also provides enough information for the community that they can see we're making progress on the things that we're supposed to.

To go a bit deeper into to that, there's a second question of "How is the feedback solicited in consensus measure?" I believe I've made this point in conversations with the Review Team a couple of times but for our work, we publish quite broadly the notice to the different stakeholder groups, advisory committees that the FY14 framework was out for public comment, encourage them – the stakeholder groups, SOTCs and others to review and weigh and provide feedback. We took the additional step this year of sending out personal invitations quite broadly to groups that actively participated in ICANN and also to groups that maybe should be aware of the work that's being done that might

not be aware and thought this might be a way to increase public comment and participation on the framework.

What we know is that it did increase the readership of the report and behind the scenes that the different groups that were approached read the document. It did not necessarily translate into more public comments. A personal perspective is that – how you can push the public comments on documents is something that I hope the Review Team looks closely at because after sending so many personal requests “please read,” you send around 150 to different groups or organizations and that didn’t translate into public comments but I know it translated into people read the document. That doesn’t tell me if they’ve read it and didn’t care or if they read it and they're pleased with what’s in it. I know from not public feedback that they appreciated the outreach.

But in some cases, some of these groups who we have reached out to have now started to join groups. Some of them have become active in POC, for example, that might not have been as aware of ICANN prior to that. so I’m not claiming that we’ve increased the participation in a particular stakeholder group but this has been a useful way to raise awareness of the security activities.

BRIAN CUTE:

How many comments did you receive? This is Brian.

PATRICK JONES:

I believe there were 22 public comments. And what we did include is the quite active discussion from the ccNSO Session in Beijing that was

specifically on the framework and outreach. So there was a whole hour or so of the ccNSO Meeting. It was about the security outreach that we do, and I think that was useful to add to the record because that was quite an active discussion.

Some of the other questions – we’re now entering the phase where we’re really working on the implementation of the recommendations and we are identifying. Some of the recommendations will require community staff collaboration in order to be fully implemented. So we know that the recommendations that relate to the development with the publication of best practices by stakeholder groups is one that we will be taking a request to the individual stakeholder groups to help us of which best practices they would want to publish for their stakeholder group membership.

Question 9 is “Where can ICANN provide information on their evaluation of which certification they have chosen beyond SysTrust for DNS Sec KSK management in the rationale for that choice?”

To me, this question assumes that ICANN will proceed with certification and my understanding from the SSR Review Team is that they didn’t include a requirement that ICANN become certified, only that it do an assessment of its certification options and if certification is to be pursued then that should be published as a roadmap. So I guess we may be coming back for clarity on the wording of is an analysis of or assessment of certification options and the publication of that [meeting] the language that’s in the recommendation or that’s something that we won’t spend time talking about. But this is our interpretation of the

wording is that it doesn't require ICANN to go be certified if that's not appropriate.

MALE: How long do you – oh, David please.

DAVID CONRAD: Yeah. I think as the author of that particular question, I believe I was reacting to the assertion of the SysTrust as the mechanism by which certification had been done and I was interpreting that – the SysTrust is a very specific to the functionality that's been provided by the DNS Sec and the DNS Sec key management stuff and it's not in any way a sort of a certification for the organization as a whole.

So I think the interpretation of the recommendation is that that it wasn't a mandate to do a certification. But it was instead a request to do an assessment, then coming out with that assessment I think would meet that recommendation. And then the question that I would ask is where is the Security Team in relation to doing that assessment?

PATRICK JONES: The other piece of that is that ICANN as an organization has been pursuing the EFQM for the IANA Team and that I believe that decisions have been made to expand that to across the whole organization so the EFQM approach would not just be solely for IANA but could be applied broadly. In order to do that, that would involve an assessment process, publication of processes that there's quite a significant amount of work

in order to meet that quality standard and that the work that's done for that would go to meeting as recommendation nine.

Further down there's a question on recommendation 15. "Can a pointer be provided to document the list ICANN's action as a facilitator and responsible disclosure dissemination of DNS security threats and mitigation techniques?"

In March of this year we published guidelines for coordinated disclosure and I will provide a link to this document for the Review Team. This is a set of guidelines that the Security Team has developed and is being used for security researchers and others in the community to report vulnerabilities in ICANN systems or it could be other systems. And we think that this is one of the documents that goes toward meeting this recommendations. Do you want to talk a little bit about that?

UNIDENTIFIED MALE:

With the coordinated vulnerabilities, disclosure strategy, ICANN can sort of operate in one of three ways. We can be receiving a disclosure that affects ICANN, we can be acting as a coordinator with information that we found with other affected parties or we could be acting as a third party ourselves being contacted by, say, a researcher that doesn't know who to communicate with in the DNS community and we just act as a middleman and pass them off to the affected parties or maybe take more act of coordination role. Being a fairly new process, we've just recently done that last model where some researchers had found several vulnerabilities and certain DNS manufacturers, resolver. they didn't know who to contact. We acted as the introducer.

So we've now exercised it in two out of the three ways and I guess that's good. There's not so many problems that we have to constantly exercise this thing but now that we have it it's been pretty convenient for people, and also that it's gotten reporting we're finding more people are aware of it so hopefully that'll leave for more involvement and better communication instead of people just calling whoever they happen to know. It'll put ICANN in a more central role, so we'll also get better situational awareness of what's going on out there that impacts the DNS ecosystem.

[ALAN GREENBERG]:

I guess in the context of openness and transparency is there an intent or plan to report on the exercises of that coordinated process? and I'd understand if the answer there would be no because of some sensitivity.

UNIDENTIFIED MALE:

Yeah. I think we ask the person who's disclosing and I think we have 30 or 60 – we have a certain number of day limit in which we plan to go public even if it's not with THE nitty-gritty details. It's either with obstructive numbers or how many times we've done it or – so it's on a case by case basis. But in our disclosure document, we mention that we will report. But we're not going to report if the vulnerability is not fixed. We're not going to tell the world the problem if it's still being resolved. Just that we're currently investigating something.

PATRICK JONES:

The next recommendation question is “Can a pointer be provided to documents that list ICANN’s roots on monitoring threat protection and mitigation efforts? Is ICANN engaging in threat detection and mitigation of threats outside the DNS? Can a pointer provided to documentation describing ICANN’s effort in distributing threat and incident information?”

ICANN participates in the DNS-OARC with other registries and operators and we’re quite public that we provide support for DNS-OARC and they publish information. But we also provide support to the RIPE NCC’s Atlas project and this allows for the distribution of what they call Atlas nodes that provide real-time measurement on the DNS. We’re using it in relation to L-root. There’s other group operators that do the same and this information is public through the Atlas portal. I have a link to the page that shows the L-root nodes and I’m going to send that to the Review Team.

We think this is quite fascinating information because now the number of probes being distributed globally is increasing and you can really see by particular region where there’s activity happening and it allows one to use this in a way to see the health of the DNS, at least from a root perspective. So we think this is interesting tool and it’s something that we will in this fiscal year be looking at how to use this monitoring tool to provide some more visible metrics and information to the community.

UNIDENTIFIED MALE:

This is a bit of a trick question but are you monitoring any other roots than L?

PATRICK JONES: I can't answer that because I'm not in the DNS Ops Team, but we'll have to capture that question and take it to them to see.

UNIDENTIFIED MALE: Is there something you're looking for?

UNIDENTIFIED MALE: Well, so monitoring the grid system is a bit challenging given the structure of the grid system and the independence of each of the root operators from – you can do it one or two ways. One, you can do it with the cooperation of all of them or you can do it just by doing it because they are public resources and you can continue to monitor them. And if one of them happens to go offline then they would be embarrassed by the fact that ICANN shows them as being non-operational, and from a transparency, openness and accountability perspective from ICANN's point of view, there's probably a right answer there. However, that may not sit well with some of the root operators.

PATRICK JONES: Yeah. I understand pretty well what you're asking about and I'm not prepared to answer that. We could talk to the DNS Ops Team to see if we can come back with a specific answer to the question.

There's a question on recommendation 3. "Can a pointer be provided to the definitions that ICANN uses? For terminology and descriptions can a schedule of training and materials be provided?"

Those are really two different things, but I mentioned at the beginning of my talk that we had just recently posted on the ICANN blog description of the historical uses of the terminology, and so I will as part of this provide that link to this document. We are also updating our schedule of trainings so that this will be included in the myICANN portal and it will be more visible for the community to see what events we have upcoming, partly so that different groups can see where we already may have conflicts by having our staff either providing training remotely because we don't always go in person. Or hopefully that will help lessen the conflicts that occur around the limited number of dates for this activity.

I can see from the request that we are beginning to receive from the regions. We now have regional strategies from the Middle East, from Africa, Asia Pacific, and Latin America and Caribbean. All of them have security, stability as one of their key pillars. Many of them are asking for training. This won't be something that we as ICANN Security will be able to provide alone to meet the demand that's out there. We really should be working in partnership with others who can do this and provide this. That's something that we'll want to make sure as while we have some resources to help through this on our own that we're not recreating the skills that could be done and delivered by others who may be better placed in those regions.

There is a question on recommendation 14 of "Can a pointer be provided to documentation of details what outreach activities are done and how this is changed over time?"

We have included a description of activities in the Fiscal 14 framework. I will say over time this has evolved as interest in training is increased as I just mentioned with the regional strategies. But we also have an increase in request of our group from the Global Stakeholder Engagement Team where our group provides subject matter expertise when requested not just to the community but within ICANN staff to provide either specific on the ground expertise of how DNS Sec can be deployed to providing that type of subject matter expertise on work that others are doing.

We have also increased our engagement with organizations that are focused on privacy and data protection. As an example, we reached out to the Article 19 organization to review the Fiscal Year 14 framework. We've also had participation at events such as the Computers Freedom and Privacy Conference in Washington, DC from a few weeks ago. We had someone attend the Freedom Online Conference in Tunis a few weeks ago as well. So that's not just the Security Team, that's from the organization is broadening the types of groups that it reaches out to, to all of those who may have an interest in the Internet ecosystem.

BRIAN CUTE:

Did you get inputs from those representatives who went to Tunis? Did they come back to you with inputs or was that in a separate silo of ICANN?

PATRICK JONES:

That event happened after the security framework had already gone through a public comment process. I think what that type of event has

done is opening up contacts and creating channels of communication for future discussion and for the future for them to be involved and aware of the type of work that we're doing.

For the other questions, we're going to need to spend some time as a group and also internally, and then coming back with formal responses. This was a quite detailed set of questions.

UNIDENTIFIED MALE:

Hopefully this type of engagement helps the Review Team see that we are taking this very seriously and want to provide the information that is asked of us, and we had previously provided a table – an Excel spreadsheet – from a couple of months ago. If there's other approaches to providing this information, we'd be open to that.

BRIAN CUTE:

Go ahead, David.

DAVID CONRAD:

I just wanted to thank you for providing the responses you have today. I am aware that the questions were quite detailed. The follow-on questions were quite detailed, and they are particularly helpful to me as someone who has some specific interest in the SSR-related stuff. I think it will definitely help that, and the additional answers that you're providing – the formal answers – will definitely help in establishing what sort of input we provide in the ATRT review of the SSR stuff.

BRIAN CUTE:

And just to give you some guidance in terms of our guideline, we are meeting in Los Angeles in the latter half of August, so roughly a month from now. And that's when we begin to put pen to paper. We're going to put out a draft report with proposed recommendations mid-October. So really the August to end of September is probably the last window to get fresh data in before we publish something, just so you have an idea of our arc of a timeline as you do the rest of your work. But thank you very much.

UNIDENTIFIED MALE:

We were in the process of doing a pretty substantial update and improvement to the way that our team page is structured and the information that is made available is done in a way that is easy for people to find, it's accessible, it makes sense, it also provides a way to keep us current on how we're doing with implementing the 28 recommendations. So I think you'll find that useful. I think hopefully the community will see that we're trying to make progress.

The review team report was only adopted by the board in the Toronto meeting, and while I like to think that it wasn't that long ago. We're now approaching almost a year, so we need to start showing a faster pace of implementation for the recommendations.

BRIAN CUTE:

And to that point about the website and organization, one of the things we're looking for is also your observations on the effective implementations, good, bad, or indifferent. As you've gone about the business of implementing these recommendations, what has been the

effect? And if organization of the information in an easier to use place is an unintended or un-asked-for effect, call that out. If there's something that was particularly difficult about the implementation, we want to know that, too.

UNIDENTIFIED MALE: I can already see that there's a class of recommendations that is going to take longer to implement, because we can't do them alone. So for those, that's important for the Review Team to see that we have a set of work that we can't complete without that.

BRIAN CUTE: That's, in fact, very important. Please do call it out, because one of the discussions that we're having at a meta-level for future Review Teams is when recommendations are drafted that they're done with some understanding of implementability. So those points would be very helpful to inform not only this Review Team but the next one.

UNIDENTIFIED MALE: Denise can comment on this, but I know that the Security Review Team had that in mind when they were trying to create recommendations that were practical and [inaudible], and we still see that there are some that are challenging, even as much as they tried to create some that could be done that way.

BRIAN CUTE: Alan?

ALAN GREENBERG:

I'm going to say something that sounds like it's obvious, but it's not. Certainly from our point of view, we far prefer to be told we're not going to do it for a year or it's not implementable or we're struggling than to be patted on the shoulder and told, "Don't worry, it's in progress." So, just for the record.

DENISE MICHEL:

If I may. The approach that the SSR Team largely took was to not provide specific or prescriptive deadlines, but rather to offer the recommendations and then expecting the staff to – once the board approved them – take the time needed to investigate and develop a logical work plan and timeline and come back to the community, the Board, with the proposed schedule for implementation.

So that approach has worked well. [inaudible] there's been a few of the recommendations that, even with that, will take longer than I think initially anticipated. That's largely because they involved community engagement and collaboration, and there's a certain fluidity and unpredictability to that in part. So we also need to have situations where we can revise the work plan, given those types of occurrences.

UNIDENTIFIED MALE:

I would say in organizing for the SSR recommendations, some come before others. You look at them and you think, well, you have to do all this documentation or answer all these questions before you can answer the next set, so they naturally start to order.

Then you also mentally say, well, these are the ones I control. I control the clock on these. These other ones are going to be externally clocked or legal and compliance or accounting or IT or whatever. Then you can see if, all of a sudden, it involves an outside community and three internal departments, that one's probably going to take the longest.

For that reason, we put online – Patrick built a spreadsheet that's on the screen here – where we put our expected timeline. We expect to have it done in two trimesters, three trimesters. Our deadline is two years from now. Then we've been blocking them off as they get done. So you sort of can visually see. Then if a deadline slips, it'll slip. And if it doesn't, it will be marked off as done.

And so for each trimester, we pick say four or five that we're going to try to get done that trimester. If we get more done, great. If we get less done, then...

BRIAN CUTE:

It all sounds very rational, to respond. One note there. If in building a plan for implementation – and certainly there should be some transparency around that, unless there's a need to not have it – that if and when deadlines do slip, documenting that in a transparent way at each step so that it's visible to the community, the next Review Team, it's a simple step but it's one that's sometimes easy to overlook. That's important too. Fiona?

FIONA ASONGA: Yeah, I just have a quick question. You talked about this timeline of implementation and planning, so when you guys do slip deadlines for whatever reason, do you then explain why? That's actually a great suggestion and tool for everyone else to do I think as well.

UNIDENTIFIED MALE: So the last update that we published was included in the Fiscal 14 framework which was posted in March. I think we're due to provide an update of where we are in the recommendations and the tracking. So that's one that we'll add, that if something has slipped from what we projected, we'll call that out.

BRIAN CUTE: Terrific. Thank you. Anybody else? Okay. Jeff, Patrick, thank you very much for your time. Appreciate it and looking forward obviously to a future engagement. So if you just work with David and signal when you're ready to do so, that would be great. Thank you very MUCH.

UNIDENTIFIED MALE: Thank you.

BRIAN CUTE: We don't have any other business. Terrific. We're at the point of the agenda where we are any other business. We are going to have a Chatham House Rules session immediately following this to discuss confidential inputs that we've received. Any other business before we close for the day. Fiona?

FIONA ASONGA:

I just have a question, and maybe you'll take this up tomorrow. So now that the group has sort of adopted these templates as sort of a framework to start drafting, is there going to be a deadline or timeframe for getting the A templates drafted, which is on the existing recommendation? That would be very useful to have early drafts of those for the meeting in August, and maybe we could establish a deadline. Just a suggestion.

BRIAN CUTE:

Excellent question. Item number eight tomorrow. Roadmap to Los Angeles in terms of our work. We'll discuss and fix that then. There will be a fixed date. Thank you. Any other business? Okay. Thank you all. Review Team members only to remain in the room. If you could stop the recording, Alice, we'll have our closed session. And thank you to ICANN staff.

[END OF TRANSCRIPT]