
DURBAN – ATRT-2 - Meeting with NomCom
Monday, July 15, 2013 – 16:30 to 17:30
ICANN – Durban, South Africa

YRJÖ LANSIPURO:

The NomCom room, which acoustics are not perhaps the best, so I ask everybody to speak pretty close to the microphone and directly to the microphone. Welcome. Thank you for coming, and I propose that we first hear from you, Brian, basically just to inform the Nominating Committee on what your focus is, what you're doing. After that, we would like to tell you about what we have been doing to implement the recommendations of the ATRT-1 concerning the NomCom.

And second, we have a list of questions from you. The questions don't relate specifically to the Nominating Committee or process, so that there I'd rather have a sort of roundtable or tour de table where all Nominating Committee members could answer those questions they like as individuals and as representatives of the community. So if that's acceptable, then [inaudible].

BRIAN CUTE:

Thank you very much, and thank you for having us. My name is Brian Cute. I'm the Chair of the ATRT-2, and members of ATRT-2 are here with us as well. We appreciate this opportunity to have an interaction with you. Let me outline for you where we are in our work. In terms of our timeline, we have to deliver a final report to the Board of Directors of ICANN by December 31 of this year. We are still in the data collection phase of our work. We will be putting out draft proposed final

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recommendations and a report of this Review Team around mid-October.

So we're here to listen. We're here to hear your inputs. Again, there are basically two recommendations from ATRT-1. One dealing with skillsets needed for directors and the other dealing with the transparency of the operation of the NomCom. We are interested to hear your views as to how the implementation of those recommendations has gone – good, bad, or neutral.

And with respect to these questions, these questions that you have fall into two categories. The first six questions are questions that are becoming top-of-mind questions for us at this moment of our work. The rest of the questions are questions that we developed having read the public comments we've received to date. They represent reactions to public comment and follow-on questions to public comment. We'd like to hear from any and all of you as to your thoughts on these, but if we could start with your views on implementation of NomCom oriented recommendations from ATRT-1, that would be good.

YRJÖ LANSIPURO:

Thank you. Thank you, Brian. I'll start, and I hope that other NomCom members will then come and complement. As you said, there were two recommendations, basically two types of recommendations. The Nominating Committee gets its input from the Board, taking into account that the Nominating Committee is an independent one, and the other one was about the transparency about the NomCom process. On the first one, I'm happy to say that we have gotten input from the Board. We have quite clear requirements about what kind of skillsets

are lacking on the Board, what kind of skillsets are there in sufficient quantities, and what the Board is looking for in general. That process is in the recommendations. It is talking about a more formalized process, and I don't know how formalized this really is, but at least what we have gotten has been useful.

The other thing that has been enormously useful and that is a novelty of this year is that we have gotten the results of the peer review on the Board concerning the incumbents who are applying for Board positions again, and that information is also very useful.

The other thing, transparency, I dare to say that we made some progress there because in Toronto at our kickoff meeting, we decided that the process is open but the data is secret. We tried to strike a new balance between these conflicting requirements – transparency and confidentiality – and we try to be as transparency as possible. It has meant in practice that NomCom for the first time ever has had at these ICANN meetings starting from Toronto and Beijing and here, they have been open meetings of the NomCom. Not only like workshops that are specifically designed to others to learn about NomCom, but also our work meetings have been open.

The other thing is that we have issued progress reports, monthly report cards, to the constituencies. These report cards are prepared and drafted collectively in the NomCom, and then each representative of each constituency has the responsibility of sending it back to their constituencies. And I have heard quite a lot of positive feedback on these.

Any other NomCom members want to comment on this? Yes, Adam, please.

ADAM PEAKE:

Good afternoon. Adam Peake. I was chair of the Nominating Committee in 2011 [inaudible] when the ATRT-1 was getting underway, and we tried at the point to start responding to some of the issues that you mentioned. I think what has happened this year, particularly under Yrjö's chairmanship, we've seen a sort of curing of the processes. So you've got ATRT-1 asked for skillsets of Board members, and what you're seeing now is in our Beijing meeting we actually went through those during one of the public sessions and we received comment from both the Board and the community through various processes. So the candidate skillsets have been quite widely made available, and we also have used those with both a management consultant that has helped with recruitment as well as our own recruiting efforts.

One thing we haven't done, and this comes down to the accountability side of the Nominating Committee, is ATRT-1 recommended that there was some sort of – think of the right word – not judgment against. Accountability towards that skillset to develop. One selected candidates, we would report back in some way saying how did the selected candidates meet the skillsets that were predefined. And it has been some discomfort in doing that, partly because unsuccessful candidates might come along and say, "Hang on a minute. I meet those skillsets just as well," and you might potentially get into an area where you're having a discussion you wouldn't really want to have. You know, candidates are unsuccessful in any job application, and you can't really

go into, “I’m very sorry. You didn’t get it because....” It’s a difficult discussion. So that aspect probably hasn’t gone as well as it might have been.

ATRT-1 was also required to look at directors, and of course the Nominating Committee looks at other positions as well. We’re selecting for GNSO, ccNSO, and ALAC. And so as you go forward, you may want to broaden that out so that the full range of the Nominating Committee’s work is addressed. And that was really about it. I think the implementation has been great, the staff have been helpful. The Nominating Committees under Vanda and then Yrjö...

YRJÖ LANSIPURO:

Lost the microphone.

ADAM PEAKE:

Okay. So the Nominating Committees under Vanda and then Yrjö have both continued on with this effort and tried to implement it. So you’re seeing, I think, it has gone beyond the recommendations of ATRT-1 really. So this year in particular, I think it’s pretty good.

BRIAN CUTE:

Just a note. Thank you for that. We’ve discussed on the Review Team, we made recommendations and are looking for full implementation, but where there are additional activities that go beyond the recommendation that’s very worth knowing. We want to know what the full effect of this activity is on the organization. So thank you for calling those out.

YRJÖ LANSIPURO:

Okay. Yes.

STÉPHANE VAN GELDER:

Hi. This is Stéphane Van Gelder. Are we okay to discuss some of these questions now?

YRJÖ LANSIPURO:

Well, first of all, let me ask, on this question of NomCom implementation. Is there anybody wants to talk about that? Yes, Ron.

RON ANDRUFF:

Thank you. Ron Andruff. Thank you, Chair. I think that one of the things we discussed this morning in preparation for meeting with the ATRT, this is actually an important point that I think it's worth noting insomuch as when all of us come from our various constituencies and supporting organizations we basically park all of those at the door and then we come in and we kind of lock arms with a very specific focus and that is to find very strong candidates to fulfill the very important roles within the various bodies within the ICANN community.

So in many ways what you're going to hear from us today is really not a NomCom point of view at all because we don't have one, but rather you're hearing from the various individuals from constituencies. I just wanted to make that point well known to you because we don't have as the NomCom any point of view. Thank you.

CHERYL LANGDON-ORR:

Thanks. That's great. [inaudible] even better. Back to transparency, I think we've learned lessons by becoming more transparency, particularly this year. And one of the things with the open and public

meetings is the lesson we've learned is that we have to sell that now. We actually have to do a PR exercise. We have to go out and make sure that we're not competing specifically with far more attractive things or with, as it was, new gTLDs. Because we've given the community what they want. We've opened up the box. Now we just need to get a few more people to come and have a look inside of it.

So it has actually been implemented well, but we now have and also we have to spend our time thinking about promotion and outreach, not just for our normal purposes but to make sure we get engagement with the community, which I don't think is a bad thing but I think it's a worthwhile observation for you to recognize. You could all turn my mics up now, thank you.

YRJÖ LANSIPURO:

Yes.

UNIDENTIFIED FEMALE:

Just going back to what Adam had said, I did this work of matching requirements against selected people last year, and besides the huge work that is supposed to be done there is a lot of sensitivities around that because not only not selected people may feel that they could be selected, but also the selected one would like to have more detail of why they are selected. And we are avoiding to go deeply on each point and each person because it's a sensitive point. So it's a hard work and the result is not to please anyone because people from the community haven't given any feedback. The only feedback we got was from – I personally got – was from the selected and not selected person. So I do

believe that is not to be followed in that direction because it is not worth the workload to do that. Thank you.

YRJÖ LANSIPURO:

Thank you. Are there any questions from ATRT-2 members on this question?

BRIAN CUTE:

Let me just ask one final question. I think in crafting the recommendations, part of the discussion in ATRT-1 was a recognition of the role of the Board and the role of the NomCom as distinct. And in recommending that skillsets be identified by the Board and presented to the NomCom for its work that there not be a blurring of the lines of those roles. You wouldn't want to effectively have the Board self-selecting candidates. On that particular point, do you feel that implementation of these recommendations has in any way blurred those lines or created some confusion in the process?

YRJÖ LANSIPURO:

Well, if I try to answer that, first, no. I think that as things are now – and I'm talking about this 2013 Nominating Committee – we have the requirements criteria in writing and I think that's how it should be. Of course, this is an independent committee and when we make the final decisions we are not just fulfilling some specifications. We actually make our own decisions. But anybody else on the NomCom? Yes, Cheryl.

CHERYL LANGDON-ORR:

Wonderful. Thank you. If anything, I think it has also been of assistance because we've also had the ability to go out to the community.

Remember, it's not just these criteria with a dialogue from the Board. Yes, the BGC does give us a set of clear criteria, but those criteria themselves then become published. It's part of our transparency that the community gets to see those and discusses those and gives us feedback both on those and their own views. So I'd almost think that was a safety check rather than a [inaudible] that's happened. Thank you.

YRJÖ LANSIPURO:

Ken, please.

KEN STUBBS:

Yes, good evening. My name is Ken Stubbs. I think it's important to understand – and this is not a breach of confidentiality – but in the deliberative process especially as we get down to the end we look at the capacity of the candidates to contribute on the Board in light of their obligations to ICANN itself. And the Board input provides us with assistance in what skillsets members of the Board feel are needed given the flow of directors on and off the Board. But in the long run, I think Yrjö made it quite clear. We're looking at who we think is best for the job and not who the Board may think is best.

YRJÖ LANSIPURO:

Thank you. Yes, one final comment from my side is that whatever criteria there are, in the end in our decisions we are limited by the candidate pool. And I think that we were successful in getting a record number of candidates, and I'm talking about all candidates, not only on the Board. For the Board, they were 111; one was withdrawn, but still

110 candidates that's par with the number in 2003. And that means that the beginning of this process, the outreach recruitment process, that is terribly important because then when we get the deadline is that we have the candidate pool, we could have whatever wishes and criteria for whatever qualities and skillsets but if they are not prevalent in the pool, they are not there. Thank you.

CHERYL LANGDON-ORR: Yrjö, if I may, or Brian? Whoever? Just on that. Sorry. Having the information out early enough meant potential candidates were also able to see what the key criteria were we were looking for, and I think that affects the quality of the pool. Thank you.

YRJÖ LANSIPURO: Yes, Stéphane.

STÉPHANE VAN GELDER: Thanks, Yrjö. Stéphane Van Gelder again. Just on the point of the candidate pool, I think that the candidates that we have for the Board are numerous and we're generally okay there. Candidates that we have for other positions are more difficult, and it's harder to get adequate choice there to me. And for your team, this is probably some feedback that you might be interested in if you are looking to make recommendations on the NomCom which go beyond the ones that we've already had. I think the work that we've done on transparency this year has helped and it may not be a coincidence that this year's NomCom has been the most transparent and has obtained a record number of SOIs. Because the black box effect or reputation that the

NomCom had when I came into it this year – and this was my first year on it coming in from a year that was from a PR standpoint damaging to the NomCom – I think that has made a difference.

And I think it's incumbent on the NomCom to, as Yrjö put it earlier on, make sure the processes...as long as the data is kept secret, the processes can be open. And we do have further to go in that. I think our open meetings must be better broadcast, better advertised, and better attended. Perhaps set up differently, organized differently so they're more welcoming to other people. I hope the next year's NomCom will take forward the report card that we do. As much as we can, communicate to others and explain what we're doing is probably a problem you have too on the ATRT. To some extent, there's also a black box effect there. I think that really helps us in our mission to get the right number of candidates, and then the choice, if you have the quality there it's about choosing a good quality pool and that's easier.

YRJÖ LANSIPURO:

Yes, Hartmut.

HARTMUT GLASER:

My name is Hartmut Glaser. I stay here as the ASO representative. Probably I am one of the oldest members because I serve for six or seven terms, normally two years between in [inaudible], so last 10 or 12 years I am part of the NomCom. And I remember that some of the former chairs, I remember that [Sadovsky] made recommendations to the Board – and this time we don't have the Review Team, we don't have all this structure that we have today – to change the bylaws that

the members can stay for two years at minimum because now the term is only for one year. So at this time, a message was sent to all the constituencies if possible send that same candidate again that we have the same candidate two years in sequence.

But because every constituency can change his members, normally every time we had new members coming in. And the process is difficult because in the beginning we need to repeat all details for the new members as this time two or three was very exciting to discuss details and for some older was repetition. But I am very supportive that we need to send to the new NomCom some recommendations. And I don't know how we can have a strong continuation that we don't need to start from zero again and again and again.

So my recommendation as one of the old timers is that we need to have, let's say, a continuation or an upgrade or a growing process from one year to the other, and sometimes we lose time because we start from the very beginning. That is a personal observation. We don't discuss this this time, but it's my personal observation as an old timer for many, many times.

BRIAN CUTE:

If I may, is the suggestion that you think it would be qualitatively better if the term were longer for a member of the NomCom? And can I ask, is that something that could be adjusted by the NomCom itself, or is that something that might require a recommendation from this body. Okay. Alright. Alan?

ALAN GREENBERG: The downside of that is if a group sends a lemon, someone who is not a good contributor for one reason or another, that would imply you're stuck with them for two years. Is the upside worth the downside?

HARTMUT GLASER: Alan, it is the same for every position. It can be with a Board member. Can be with a councilmember. We have bylaws. We have ways. If this argument will be used only for the NomCom, I can use the same argument for all the other councils and boards.

YRJÖ LANSIPURO: Okay, Stéphane, and then I think we should get to your questions.

STÉPHANE VAN GELDER: Thanks, Stéphane again. Just, Brian, I don't think you ought to take away any recommendation from that. It's a personal idea. We may not all agree. I don't want to get into the debate of it, but there are pros and cons for short terms everywhere. New blood would be a pro for a short term versus experience. You want to keep the experienced members, but then again if you do you can't new blood in. So it's a long debate that goes on for many other positions. I heard it when I was on the GNSO, etc. So I think maybe it's the start of a discussion, but I don't think it's a recommendation at this stage.

HARTMUT GLASER: I made the disclaimer, it's my personal observation.

YRJÖ LANSIPURO: Okay, thank you. I think we have to concentrate on your questions now, if you want to say something about them first.

BRIAN CUTE: Not really other than the first six are those that have come to the top of our mind at this point of our work having done some early assessments. The rest of them – numbers seven and onward – are generated by our reading of public comments we've received to date. But other than that, any views that folks have are welcome.

YRJÖ LANSIPURO: Thank you. Since these are questions to each member of NomCom as individuals and as representatives of their constituencies, perhaps let's have a tour de table, a roundtable about them so that each member in turn can answer those questions that he or she finds important to him or her. And I'd like to start from that end of the table.

GLENN McKNIGHT: Just pointing out to question number six, it asks a question about ICANN's overall transparency and accountability. I'd just like to point out this is new for the NomCom. As members of the committee, we are actually giving feedback on our Chair and our Chair Elect – which is another example of accountability – and it's a detailed set of questions evaluating their performance.

CHERYL LANGDON-ORR: Could I just pick up on that? That's something that the ATRT may not be aware of that this year both Yrjö and I are being subject to a 360 peer

review, which in my Utopian world anyway we might actually manage to get to the whole of the NomCom in the fullness of time because I think peer review is a useful tool for learning and improving, and I certainly learn something every time I'm reviewed, and occasionally I implement some of the suggestions. Occasionally I don't. But that process is brand spanking new, but it was given to us as a task far too close to the important work we do here.

So everyone who's preparing in the NomCom to do the work that the NomCom has to do had to get themselves in many cases to work out what a 360 was, get themselves up to speed, then get the introductory work out of the way, and have it back by the 12th of July with I think I'm not wrong – was it less than 21 days' notice? And there was no expectation for anyone when they joined the NomCom to have to do a 360. So that has been an [inaudible] on everybody. I think it's a good thing, but it would have been nice to have been planning this at the outset so everyone knew and it was in part of the work plan. It'll be in the work plan from now on, but that's an additional part of accountability, but we do need to manage how these things are put into the system. Thank you.

YRJÖ LANSIPURO:

Thank you. Okay, to go back to this list of questions. Yes, Ken, but first I'll just give you the floor.

[ALAN GREENBERG]:

Yes, I just want to point out these questions were sent as talking points and to trigger you. If you have something on here you want to talk

about, fine. But if you have something else, we're all open and we're all ears.

YRJÖ LANSIPURO: Okay, Ken, please.

KEN STUBBS: Well, I just need some clarification, Brian, before we go any further and that is you want me as an individual to speak to these comments and you're just providing a forum here. The one I probably would want to speak to is the proposed review of the PDP process, the effectiveness and so forth. And I would say that I've been involved in ICANN since before the organization was founded, so it has been 15 years at least. And having been chairman of the council at one point in time, I've seen over the last five to seven years a significant problem with managing this process in light of the growth that we've seen inside of ICANN. You create a sense of impatience in many cases because people expect results, and sometimes what happens is the process starts to get behind the results.

So as a result, what happens is people become so impatient that they look for ways around the process. And I think it would be a very good idea to review the PDP process, but I think it has to be done in light of the original function of that process and that is, do we need it anymore or most importantly how can we make it work more effectively for the community? Because there are an awful lot of pressures on ICANN at this point in time to try to find end arounds for this process, and what

that does in my opinion it destroys one of the basic core principles under which ICANN was formed.

I worked years ago and testified before the Commerce Committee and various committees about the fact that the idea for the U.S. Government to move this process into a public forum and provide more of a global input was to create a process that would develop policy for managing the Internet in the future that had credibility behind it. And I think we need to review this on a regular basis to ensure that we have this credibility. Rather than just taking shots at it, design a review process that the committee – your committee – feels comfortable with in terms of providing that independence that you need in order to know that the results aren't being pushed in one direction or another by some of the various constituent organizations. I won't go any further. Thanks for hearing me out, by the way.

YRJÖ LANSIPURO:

Thank you. Vanda, please.

VANDA SCARTEZINI:

Okay, I have time to answer all these questions, and I do prefer not to spend a lot of time doing so. So I quickly resume some ideas, and I can send this e-mail to you and you have the full ideas. So let me change the questions and go to the two, the multi-stakeholder model. That needs to get feedback from the community.

One point is ICANN is not doing yet his task in reach all regions. So if you go around in the developing world, you don't have knowledge about that. You don't have information enough. You don't have opportunity to

address ideas because of lack of knowledge about what's going on in ICANN. But we are progressing, and how we are doing that? We are progressing because we are getting region by region a kind of a strategy.

So in this region our strategy with Africa and now, for instance, Latin America we are all focused on participation and knowledge and so on. So it's the only way to get feedback from the community. They need to know how it is to participate. They need to know where and when and what about we talk. So it's something that I'd like to address.

I have been suggested that the whole structure of this stakeholder model is not good enough anymore. We need some other representations as support organizations. There is a whole industry that is not directly connected to the NSA business but is very important for that that it has no [inaudible]. So there is a lot of issues that to make the model work and make the community accountable to this model needs to be done. There is a huge amount of things. So I finish here, and I will send along my answers to that. Thank you. This is, of course, personal point of view. And for the records my name is Vanda, and I'm here representing LACRALO. Thank you.

YRJÖ LANSIPURO:

Thank you, Vanda. Let's have a fairly short answers so that everybody can talk. We have about 20 minutes' time. John, please.

JOHN McELWAINE:

Okay, for the record, my name is John McElwaine. I'm just going to address, I think, questions two and three, and I'll be brief. For two, going towards what can we do to have better participation, two ideas.

One would be to help pay for some travel. It's obviously difficult and expensive to get people to travel all over the world for the meetings. The second idea would be to do more or more robust remote participation. I think that could help out and cut down on travel. The third idea we were kicking around a little bit at the IPC was particularly that organization could us a secretariat, somebody to help organization and draft the comments and put together all the information necessary to help take part in the multi-stakeholder process. Which kind of ties into three about whether the public comment process is working.

In my opinion, and I'm also the sub-chair of the International Trademark Association's New gTLD Subcommittee, and it's almost impossible for us to put together comments in the three-week period that we have. I mean, it has to go through so many layers. I'm involved with the American Bar Association. They're not even able to put together comments because there's no way they can structurally address through their chain of command the ability to make a statement that would be representing the entire organization. So there needs to be more time, and I think getting back to the secretariat point for some of the constituencies, that person could help organize and draft comments in a quicker time period. Thank you.

YRJÖ LANSIPURO:

Thank you. [Waudu], please.

[WAUDO SIGANGA]:

I think there is just one question that I would make a comment about, question number four, ICANN's advisory committees and support

organizations, whether we think that they're effective. With regard to the particular constituency that I support and with particular emphasis on the developing world business, I think something needs to be done about these advisory committees and support organizations because the level of involvement from that community is not in my own feeling I don't think is up to a good level. So I think that some extra effort needs to be done in that particular area. Of course, I'll leave it to my other colleague, Ron, also maybe to comment on that with regard to the constituency in the area that he comes from.

YRJÖ LANSIPURO:

Yes, Tony, please.

TONY HARRIS:

Yes, my name is Tony Harris from the ISPCP constituency. I'll briefly refer to question number two, multi-stakeholder, although Vanda has kind of stolen my speech and has said many things that I wanted to say. Thank you, Vanda.

But basically I do think, getting to your question, that ICANN is getting to achieve effectively multi-stakeholder participation. I do think the structure of supporting organizations and constituencies needs to be reviewed, revisited, and some changes made. I've seen actors arriving at ICANN trying to find a foothold in one of the constituencies and not finding it. And then they'll come forward and say, "Well, we want a new constituency."

That bounces around for two or three meetings and then vanishes because nothing comes of it. They don't have, perhaps, the strength or

the critical mass to justify setting up a new constituency, so while losing potential actors because they don't find a foothold in the existing structure. So I think maybe that's worth taking another look at when the review takes place on the GNSO particularly. And aside from that, I think, I'm a fan. I think Fadi is doing a great job, and really the outreach is improving enormously. I'm a member of the LAC Strategy Committee, and as Vanda said we're doing very exciting things and all sectors are involved in that, at least in Latin America. Thank you.

YRJÖ LANSIPURO:

Thank you. Hartmut, please.

HARTMUT GLASER:

The best ASO representative in the Review Team is Fiona. Fiona will speak for the ASO, so you can use some of my ideas now. My understanding is that we are the poor brother or the poor child in the family. When you go to the registration form for the event for ICANN, you don't have space to tick ASO. We are not on the picture. ASO is not there – no option. You can say ccNSO, you can say everything but no ASO. So we are not part of ICANN. And when you ask for interest points, nothing against or in favor of IPv6, nothing related to the technical part.

I know that for many, many times for many, many years ASO used our meetings. We have a strong bottom-up process. There is a process in place, but it's not part of ICANN as a whole. I have some good discussions the last two or three meetings with Fadi and others, so I hope there will be a change. But I like to underline this again that we are part of the family, we are with ICANN, and Fiona needs to defend us

in your Review Team. She was appointed by us, and I'd like to see more technical discussion. I know that isn't for everyone. My background is different, but we need to see numbers and names – not only names and not only generic names. Thank you.

YRJÖ LANSIPURO: Thank you. Stéphane, please.

STÉPHANE VAN GELDER: Thanks, Yrjö. Just on your question number two, to me that question is kind of suggesting that it's going back to the area of the conflict of interest that some people feel there is, especially at Board level, between the domain name industry people and people that are not or do not have a financial stake in that industry.

My personal view is that this has gone way too far. The pendulum has swung way to far over the other side. And we are now so paranoid about potential conflicts that Board members that might be able to provide some useful input because they do have that industry knowledge are no longer able to do so. And that leads to situations where ICANN does weird things because the people in charge at Board level of deciding certain things do not have the industry input.

So with regards to that question specifically, if that's what you had in mind when you asked it, I think we need to be very, very careful about hammering that nail once again about there being too much insider or domain name industry input into this. I think it's an important part of this process as long as obviously there are clearly defined limits to it. Thank you.

YRJÖ LANSIPURO: Thank you. Ron, please.

RON ANDRUFF: Thank you very much. Ron Andruff, Business Constituency rep. I wanted to speak to points two, three, four, and nine. Point two is do we have enough attention paid to others than those who have a financial stake. Currently, ICANN outreach is focused on, as we heard at the CSG yesterday, on the next 10,000 volunteers. And there are a number of initiatives underway to find these 10,000 people because that will be a way that we can get away from “volunteer burnout.”

It was very surprising to us in the CSG because we hadn’t seen any of this stuff. No one came to us from staff and said, “Oh, by the way, we’ve got this going on, [ICANN 4 biz]. We’ve got another Twitter feed. We’ve got a page that’s going up on LinkedIn. We’ve got all manner of things.” No one talked to the business constituency and no one talked to the ISP and nobody talked to the IP constituencies. So for us it was kind of some shock. We have a couple of people within those groups who decided to drill down and look at the links, and many of the links actually led to incorrect information.

So here we have a voice of ICANN that could be easily hijacked out there – no consultation whatsoever with us. Very frustrating inasmuch as we are here ready, willing, and able. We don’t call ourselves volunteers; we call ourselves investors. We pay our way. We fly here. We come for decades, and we try to build an organization – an institution – that can stand and be really well recognized for the things that it does.

So with regard to this, I would say that comparatively speaking the amount of money and effort and resources that are being put towards the contracted parties versus the amount of effort, resources, and focus that's being put towards the end user is ridiculous. They don't come anywhere near match. So if we've got a lot of money in the kitty, let's spend some money on things that will reach out to the end users and make sure that the users of the Internet are equally well treated, not just the contracted parties.

Point three speaks to, do we think that the process of receiving comments is working and do we need to fix it? Very simply, the reality is that – I speak within the BC – we will labor intensively for weeks on end to wordsmith a document that really incorporates deep thinking, and staff will summarize all of those comments that come out in that process with maybe three words and we may have one word of what we're saying in those three words of the summary. Now I'm exaggerating. Obviously, they do summarize, but the fact of the matter is those summaries done by staff aren't nearly close to the actual mood of the community and, in fact, can be easily skewed by whomever is summarizing those, which is not right. And so there needs to be some better way of capturing the information that is being belabored within the constituencies and the community and brought out in public comment form in a better way.

Point four speaks to the issue of multi-stakeholder goals, and I would say to that one word and that's maturing. We're maturing. We must remember ICANN is 14 years old, so think about it as a 14-year-old child. Okay? It can take care of itself, but it still needs some parental guidance, if you will. It needs to be managed properly to grow further. So we are

maturing. We're not there yet with the multi-stakeholder goals, but I think we're coming a long way.

And then finally on number nine with regard to orchestrated, high-volume letter writing, reject automatically. If, in fact, there's not some considered measured comments coming in, I don't see why anyone would waste their time. Thank you.

YRJÖ LANSIPURO:

Thank you. Adam, please.

ADAM PEAKE:

I'll ask my own question if I may. I'm interested to know how you're looking at accountability and review. I know there has been a lot of discussion about reconsideration and so on, but the part that interests me from the bylaws there is how you're considering the periodic reviews that should take place of the ICANN structures themselves. They don't seem to be audited. The input doesn't seem to continue. I would think that would be something that your committee might look at given the similarity in terms that you have in your titles there. And the Nominating Committee is a good example of that. There was a Nominating Committee some years ago and there has been very little implementation.

If you look at the GNSO review that happened where we saw a restructuring into contracted and non-contracted parties, the delegates that come from the GNSO to the Nominating Committee do not reflect the structure of the GNSO as it currently exists.

So we have quite uncomfortable mismatches going on with what exists with the reality of how the organization works and then how the Nominating Committee reflects that, for example. And so we don't seem to have very much auditing and processing of what happens with this rather important part of accountability and review that is in the bylaws of ICANN. So I wonder if you would like to take a look at that. Thanks.

YRJÖ LANSIPURO:

I don't think that Adam expects your answer now. [inaudible]

CHERYL LANGDON-ORR:

I can't imagine why not. I'm not going to answer any of these questions as such, but I am going to pick up on some of the points that have been made particularly by John and again by Ron. And so they do go to three and nine and to a lesser extent four, I suppose. I don't think we can go with the reject wholeheartedly just because there is a single-purpose letter, but they do need to be managed in an appropriate way.

And that leads me to, I suppose, one of my hobby horses, which is when you have duly constituted organizations or structures, some of those component parts of ICANN which put hundreds of hours in some cases per year into putting very carefully-crafted words together and in other situations are bringing the voices of many, many thousands of people to the table, how those documents can be treated without any discrimination and difference in [weighting]4 to what my Aunt Mary might send in. And so I would be perhaps putting the astroturfers and my Aunt Mary's input into a somewhat similarly ranked pile, which may

give me a feeling of, oh, people are interested in this topic or then ask the question, why are people interested in this topic?

But I do think it's probably time as we mature to look at how duly constituted bodies, renowned organizations, people who just put themselves forward, have their bona fides checked and say, "We're officially interested in contributing on this topic, and here is how we bring these pieces of information through our processes, how our accountability and transparency works, and therefore that you – ICANN – might want to consider our words a little bit more gravely than others." And that may solve some of the problems that we see with things not being responded to because it's not terribly rewarding to, as Ron said, see probably 100 hours' worth of work end up less than one line. Thank you.

YRJÖ LANSIPURO:

Thank you, Cheryl. Yes.

BRIAN CUTE:

Just a quick response to Adam. One of the things we have to deliver is a recommendation on the Affirmation of Commitments review process itself. We want to make sure that this review process and the three that precede it are improved going forward. In that light, we have heard some comments to the effect that we need to be wary of the organization and not reviewing itself to death. It's comments we've heard. So we're in listening mode. I think those comments tie in to the point you raise about it might be appropriate for this Review Team to look at the other review processes in that broader light.

YRJÖ LANSIPURO: Okay, thank you. Adam got his answer after all. So we still have five committee members here. Mohamed, please.

MOHAMED EL BASHIR: Thank you. My comments are regarding question number nine. So ICANN is expanding rapidly. There are offices being opened in different parts of the world trying to internationalize ICANN. There will be a huge number of new registrants as a result of the New gTLD Program. ICANN should have a way to ensure that those voices are heard, taken into consideration, and we also – [innovative] to communicate to those new registrants and customers.

So there are supposed to be ways to ensure that we are already developing new tools to reach out to those new registrants. In terms of simplifying the messages ensuring that comprehensive responses are provided, and also using new tools. Social media is hardly being used within ICANN community's reach out, more communities outside. So I think it's also a review to the current work being done in terms of ensuring that we're reaching out to the people and listening and also their comments are reflected.

YRJÖ LANSIPURO: Thank you. Siranush?

SIRANUSH VARDANYAN: Siranush Vardanyan from Armenia, and I'm representing APRALO. I'm Vice-Chair for APRALO. My comment will go back to increase the participation of different stakeholders, and I would like to mention here

one of the ways which proved already to be effective is Fellowship Program. And my suggestion will be to increase the participation within Fellowship Program because for each public meeting, there are 25, maximum 30, people are able to come here from developing countries, but there is much more interest there and there is real new blood coming through that program to ICANN. Thank you.

YRJÖ LANSIPURO: Thank you. Rafik, please.

RAFIK DAMMAK: Yes, thanks, Yrjö. So just trying to ask mostly about the question regarding the comments, number five, and also number 11. So my concern that we are trying to encourage people to comment and that's the way to participate from the community. But we are never sure that the Board, the staff is really taking care about those comments and they are influencing the decisions they are making. So is there any working to check how the impact of the comments on the decision of the Board and if they really represent the community or sometimes the Board just decide in the way that it's ignored or doesn't wait for the comment period to go forward?

YRJÖ LANSIPURO: Thank you. Warren, please. Ole? Ole, you want to comment on this?

OLE JACOBSEN: Well, perhaps if I pick the easy one from all these, and that's number 14, which I already, I think, answered in a way. I think that, I mean, discussing the NomCom. So over to you.

BRIAN CUTE: Well, thank you, again. Very, very helpful. One question that was raised about the term, whether it should be a two-year term and an individual opinion, in terms of us as showing a recommendation we would have to analyze a situation and conclude that a recommendation was required. Alternatively, if the NomCom as a body concluded itself that would be helpful in terms of accountability and transparency and we were the only mechanism through which that process could be triggered, then hearing from the NomCom would be very helpful. So to that point, we'll continue to assess the documentation and questions that we have at hand and look forward to further interactions from the NomCom.

[WARREN KUMARI]: Maybe since I skipped my turn, I can say something about that. I think the current situation is that the non-voting members of the NomCom have no term limits and therefore provide a lot of institutional memory to the organization, whereas the voting members have a two-year term limit. Which is, no, it's not one year. It's one year at a time, but you can do two in a row.

But then you have to stay away for two terms, I believe, before you can come back in again. So I have done four NomComs with a two-year gap in between, or something like that. What I'm trying to say is that the institutional memory that's carried forward from one NomCom to the

other is quite important, and I don't know the best way to achieve that but some sort of staggered overlap or, indeed, not having term limits. But it's a little unbalanced at the moment between the voting and the non-voting members, so it's something that I definitely think is worth looking at.

YRJÖ LANSIPURO:

Thank you. I have to say that this question of continuity has been discussed. We devoted some time to that in Beijing, and obviously from the point of view of the confidentiality, I mean, basically what we are required to do is that after our term is over we are required to delete all that information from our memories and certainly from the hard disks and wherever it is. And that means that every NomCom really starts from scratch. So we still have time.

This NomCom will exist until Buenos Aires. And when we get the selections done, then we can turn our attention to how to improve the process. And, of course, that will benefit the 2014 committee and those after. And I think that the question of continuity somehow will be also in our recommendations to whoever comes after. So, I mean, our time is over. Thank you very much for coming here. Avri, please.

AVRI DORIA:

Yes, please. I just wanted to make one response to Stéphane in terms of the opacity of ATRT. At one point in your comment, you sort of said you believe that we had perhaps the same problem of NomCom. I wanted to invite you. Almost everything we do is open. All of our mailing lists. All of our meetings. All of our recordings. There's probably way too much,

but there's almost nothing that is opaque and not available to you, so I just wanted to invite you to take a look because it's all there. So, please. Thanks.

YRJÖ LANSIPURO: Okay, thank you, Avri.

BRIAN CUTE: Thank you again.

[END OF AUDIO]