
DURBAN – Second Accountability & Transparency Review Team (ATRT 2)

Wednesday, July 17, 2013 – 13:30 to 14:45

ICANN – Durban, South Africa

BRIAN CUTE: Good morning. This is Brian Cute with the Accountability and Transparency Review Team. We welcome the public; both in the room and online to our interaction with the community. I'd like to have the other Members of the Accountability and Transparency Review Team 2 introduce themselves in turn before we get started. Fiona?

FIONA ASONGA: My name is Fiona Asonga. I'm on the ATRT on behalf of the ASO. Thank you.

CARLOS GUTIÉRREZ: My name's Carlos Gutiérrez, I represent Costa Rica on the Governmental Advisory Committee. Thank you.

LISA FOUA: My name is Lisa [Foua? 06:40], I come from the Danish registry; .dk.

ALAN GREENBERG: Alan Greenberg, At-Large Advisory Committee.

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STEVE CROCKER: Steve Crocker from the ICANN Board and I have to apologise; I have a short period of time and then I have to run off to another meeting.

AVRI DORIA: Avri Doria, Member of the ATRT, though I guess I wanted to be in the audience. And forgive me, I'm going to eat my lunch.

BRIAN CUTE: This is Brian Cute, I'm from the Registry Stakeholders' Group and the Chair of ATRT 2. Welcome everyone to the public session. What we're going to do first is walk you through a series of slides to outline the scope of work of ATRT 2, highlight some of the questions we're looking at and the main purpose of this session, which is to get input from the community.

We'll then turn it over to the floor internally for people to take the mic. And for those online, please post questions, we'll take your questions and respond in turn. So the Charter of ATRT 2 comes from the Affirmation of Commitments. The actual scope of our work is defined Paragraph 9.1 and the Affirmation of Commitments chartered four Review Teams in total; one of which is on accountability and transparency.

This is the second such Review Team on accountability and transparency and these reviews are scheduled to occur on a three-year cycle. This Review Team commenced its work in February of this year. Our work schedule has us issuing draft recommendations in mid-October of this

year and a final report to the ICANN Board by 31st of December of this year.

Most importantly we need input from the community. And in terms of getting it we have to assess, in an independent and objective way, how well ICANN has implemented the recommendations of the prior Review Teams; ATRT 1, the Security, Stability and Resiliency Review Team and the WHOIS Review Team.

We also will focus on some new areas where recommendations may lead to improvements in accountability and transparency. And lastly we need to issue recommendations with respect to the effectiveness of the review process itself.

That being said, at this stage of our work we are still on the data-gathering phase and listening mode and are receiving about 30 public comments to date. We reviewed comments and in so doing we formulated some questions at this point that we're framing up for the community to hopefully trigger some dialogue.

The questions are questions that have come top-of-mind to us at this part of our analysis and some of the questions, one through six, are general questions. Seven and four are questions that we developed having read the public comments received to-date.

So I'll walk through the questions and then turn the floor over to folks in the room and online. First question: in your view, is the gNSO PDP working well, and if not, what needs to be done? Question two: the multi-stakeholder model presumed we could get substantive

involvement from all stakeholders, including those who do not have financial interest at stake. Is that being achieved effectively, and if not, what does ICANN need to change to be able to do it effectively.

Question three: do you think the process to receive comments is working well, and if not, what needs to be done to fix or change it? For the comments that are received do you feel that those requested by the PDP Working Group's Staff and the Board are effectively taken into account in ultimate decisions?

Question four: do you believe that ICANN's organization of Advisory Committees and Support Organizations and their respective internal organizations are effective in achieving ICANN's multi-stakeholder goals, and if not, how should things be changed?

Question five: do you have any comment with regard to ICANN's implementation of the recommendations of the three earlier Affirmation of Commitment Review Teams; ATRT 1, WHOIS and Security, Stability and Resiliency?

Question six: do you have concerns about ICANN's overall transparency and accountability or related issues that are specific to your group?

Question seven: 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?

Question eight: has the community any specific issues or concerns with other aspects of security, stability and resiliency that are outside of DNS-

specific issues? Question nine: in regards to public comments, how do commenters and the Staff and Board deal with the practice of orchestrated, high-volume, form letter commenting or astroturfing?

Question ten: does the community embrace decisions made in regard to IP addresses and AS numbers? Question 11: how can we ensure that ICANN's 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?

Question 12: is transparency sacrificed for expedience when the Board has a difficult decision to make? If yes, please provide examples.

Question 13: is it clear to you that the Board has a dual role as a government component inside the organization? And is the last stop policy organ? How do you deal with that dual role?

Question 14: are the working methodologies of your group fully accountable and transparent? If not, how could they be enhanced or improved? So those are the questions that we have put to the community.

We welcome any input on those questions; certainly any other issues that are of concern or interest to you with respect to ATRT 2's work are welcome as well. So don't be constrained by those questions in offering inputs. And with that we open it up to the floor and to those online. If you have a question please come to the microphone.

Are there any questions from online, Alice? Avri?

AVRI DORIA:

Yes, given the paucity of questions from online or attendance in this room, I'm wondering whether we should take any meaning from that. And I'm asking this in all seriousness. Yes, there is an exciting discussion going on and another one about closed versus open TLDs, and perhaps that has absorbed all the interest, but our questions got a very low interest in terms of response.

I mean, we got some good responses and not to put those down, but most of the groups we've gone and talked to this week had not answered and while we had some very fine conversations, they hadn't answered. And now we have an open session and there isn't a roaring... Now, one view we could take of it is that accountability and transparency is all peachy keen and there really is nothing to be done and we should take meaning from that.

But no one is bursting with: "We have accountability and transparency issues and we should look at that." The other possibility is that we haven't managed to make the issue relevant to the rest of the community and the third more pessimistic view would be that there is just despair about there being accountability and transparency and why bother?

And I'm not trying to say it's one or another, but I'm just wondering that given the degree of interest and excitement over... Should we be looking into that for some meaning? Thank you.

BRIAN CUTE: I'm sure that we as a Team will discuss this when we reconvene. There is a multiplicity of conclusions one could arrive at but in the absence of input from the community, to inform any or all of those conclusions – I at this point would hesitate to suggest any conclusions.

I think this is something we have to take stock of, we have to discuss it in our next meeting and perhaps with ICANN Staff to take a sense of this moment and understand what it means for our report. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you very much Brian. Just a personal note regarding the fact that this is not a particularly full room – I agree there might be other subjects at the moment that are taking the crowds away, but that said we have been meeting with the different ACs, SOs, SGs, etc., throughout the week so I don't think we should be defeatist about thinking, "Well, nobody..." or take any negative conclusions from this.

Perhaps we have already been able to address all of the different people and this, as you said, with such an open committee that are ready to listen, that perhaps the community doesn't feel the need to pound the message through because they're well aware that we have been listening to their concerns so far.

BRIAN CUTE: Thank you. Carlos?

CARLOS GUTIÉRREZ: I just concur with what Olivier just said. We have spent hours with different groups that I wasn't aware even existed. Nevertheless I think we are in a situation where the ICANN community's inside, so if we expected people outside of the inside – or those who are online or travelling specifically for this meeting – then there are some arguments we should really keep in mind, Avri.

So I also think that we have some good points that we have to talk about. Thank you.

BRIAN CUTE: Anyone else? Well, from my perspective the purpose of this meeting is to give the community an opportunity to give us input so since there are a handful of people in the room and a couple online I want to again extend the invitation? Does anyone have any questions or any input for us to consider as we go about our work? The microphone is open. Those online, feel free to post questions. Alan?

ALAN GREENBERG: In the absence of questions of here I'll point out that we are still going to be in data-gathering mode for a little while now and in analyzing things. We are prepared to take email input. There is an email address on our website or lacking that you can send it to any one of us and we'll forward it to the full team.

Anything you have related to how ICANN is doing or how it should change in relation to accountability and transparency in relation to the

implementation of the first three Review Teams is certainly welcome and will be taken into consideration.

BRIAN CUTE: Okay. Without seeing any volunteers I will adjourn the meeting. Thank you all for coming.

AVRI DORIA: Thank you.

[END OF TRANSCRIPT]