	DNSSEC, or others, that I think is going to be very important for this community to think about in the future. So those are just my two cents, just to jam them in at the end. Thank you very much again. I thought it was a great session, I'm going to assume the feedback is going to be good. Hopefully it's something we can continue in the future. So thank you very much.
Chris Disspain:	We have a few minutes of business to attend to. obviously I think that went really well, so the SOP business that we're going to try to get to, I'm going to–
Patrick Sherry:	Guys, can I have your attention please? Thank you. Okay, we've squeezed something else in on the end of the agenda. The Accountability and Transparency Review Team wants to talk to us briefly about the review, so this is what we're going to do. Let's take the ATRT guys right now, we're going to have then talk to us, then we're going to talk, Byron is going to talk about something the council is going to be looking at afterwards, and the way it will work is the ATRT will do their thing, Byron will do his thing, and then we'll go straight into the council meeting. So if you can hang on, we'd be very grateful. So. Brian, are you leading this? Okay. Over to you. Ready when you are.
[Female Participant]:	We do not think you are loaves of bread.
Chris Disspain:	Well, unless we're wrapped in transparent packaging.
Brian Cute:	How much time do we have, Chris?
Chris Disspain:	Twenty minutes?
Brian Cute:	Sure, that's fine. That's fine. Okay. Good afternoon. My name is Brian Cute, I'm the chairman of the Accountability and Transparency Review Team, Thank you very much for your time today. We only have about twenty to thirty minutes to interact, so I'll be very brief. The team has been meeting with each of the constituent bodies, or organs of ICANN this week, to begin our data collection phase of work. We have to deliver recommendations in December that map to paragraph 9.1 of the affirmation of commitments and make specific recommendations about improvements for ICANN.

	So the purpose of meeting with you today is to listen, to hear from you. We also have to open up, I have to open up with an apology. We have posted some questions for comment to the community that are currently on a public comment schedule, we did not post them in the other UN languages of ICANN, and I apologize for that, that was our error. We have asked the staff to make those translations, post the questions in the five UN languages, and create a 45 day comment period for responses to those questions. with that, let's introduce the team, and then we'll get on to hearing from you.
Warren Adelman:	Warren Adelman, President and CEO of godaddy.com.
Cheryl Langdon-Orr:	Cheryl Langdon-Orr, current Chair of the At-Large Advisory Committee.
Olivier Muron:	Olivier Muron from the France government, Paris.
Becky Burr:	Becky Burr, ccNSO council.
Fabio Colasanti:	Fabio Colasanti, until recently with the European Commission, now with the International Institute of Communications.
Erick Iriarte:	Erick Iriarte, LATLD.
Brian Cute:	So our purpose here is to collect data, again, and to hear from you. There are specific questions if you want to use the questions as a guide in responding to us that's perfectly fine. If you have specific instances where you think ICANN's processes or decision making has not satisfied or hit the bar of accountability and transparency that you believe it should have, we're interested in hearing those as well. Part of our work will be to identify perhaps a hand full of case studies where we can analyze and research how an ICANN decision making process took place, were there any flaws in the process, are there flaws in the structure? Identify those and then make recommendations. Our work is not intended to undo the past, our work is intended to make recommendations for work in the future. So with that, we have the questions on the screen. With the short time we have, it's an open floor and we're interested in hearing from you.
Becky Burr:	I just want to add that one of the challenges about this task is that the notion of accountability depends of various – from situation to situation, so the way in which ICANN is accountable to various stakeholder groups in the community depends on what ICANN owes those stakeholder

groups. So one of the things we're also looking for input on, specifically is what are the things, where are the areas where you need ICANN to be accountable to cc's and the cc community in particular?

Brian Cute: Your comment.

Chris Disspain: Just so everybody knows, I don't know how many of you were in the main session that these guys had on Monday. I made a comment in that session because I know that this team is very keen on, if it's possible to have specific examples of something that you think is not as transparent as it might be; it's very easy to stand up at a microphone and say, well, of course we all know there's a huge amount of secret business going on in a small room, somewhere at the back of this conference center, but I can't give you any specific examples about that, I just know it's there. So the example that I gave was the – under the Delegation/Re-delegation Working Group during its research for its current document discovered that the Board had stopped publishing the reasons for its decisions on delegations and re-delegations.

That appeared to be a decision that was made sometime last year, and we don't know why, and it just happened. So that's a specific example of something that happened. Now, that could just be a mistake, quite possibly, but nonetheless it is an example. Now, that's not to say that you can't talk about anything else, in the sense of not having anything specific, but you feel you want to make a statement. But this community, the cc. community is not unknown for it's sometimes loud views and these guys need to hear from you, so I understand somebody might not be comfortable speaking in the room, you might want to send in your comments, but they need to hear from you.

Cheryl Langdon-Orr: Chris, we will be giving a whole lot of opportunities and modalities for people to get this information to us, but if I can just get another example from just a constituency in the GNSO I won't tell you which house, you can probably work it out for yourselves, when we are sitting in a room with a few more people than are in this room, and a question – they did a straw poll, and they asked the question, how many amongst you feel that your responses to public comments have not been accurately reported into the assessments and surveys, and there was more than 60% of the hands went up. That's a metric. That's exactly what we want to hear. If it happens.

Chris Disspain:	Sabine.
Sabine Dolderer:	I'll make a comment, and I think ICANN is sometimes very open and transparent in what they are doing, but they are not very open and transparent about the process and how long a process might take, so when you have, for example, the IDNS; we started talking about IDN in the top level it took five, six years until the IDN went into the top level. They talk about the gTLD process, it's a never ending process, but there is not a clear start and a clear end, so there's usually not a real project (inaudible 1:32:00) that my first masa, my second masa, my third masa, and then done, I take a decision.

But it's very much about endless processes without clear -also in the main sessions when it goes about the gTLDs it goes how much guidebooks do we wait for? And the answer was something like yes, uh. yes, uh. When there are less comments we think we are done. But that's not really a transparent process. |
Chris Disspain:	I actually have a theory that the reason why there are so many draft application guidebooks is that ICANN has realized that the final application guidebook will be a fag, and that's not something that they're prepared to actually publish.
Louie Lee:	We could have final version 1, final version 2, and so on. Hi. I apologize for my lateness. My name is Louie Lee, and I'm the Senior Network Architect at Equinox, and I am serving as the chair of the ASO address council.
Brian Cute:	Thank you for those comments. Anybody else? Martin –
Martin Boyle:	Thanks. Martin Boyle from Nominet. actually if I can build on Chris' example, because going back a very long time now, and with requests from ccNSO and from the GAC, into a rather better advice to people about the process of delegation and re-delegation , and the criteria and what the criteria meant, this is something that just keeps coming up and I think people are taken by surprise by the amount of information they need to give, by the things that they are requested to go back and do, because they just do not properly understand what that process is, and I think that is actually a very, very difficult environment in which to be. Thank you.

Brian Cute:	Let me ask a follow-up question, Martin. Has ICANN made any recent modifications to that process? Or not?
Martin Boyle:	How do you know, if you can't see what the process is? We are aware that they have done various work internally on what the process might be, but that which is shared is shared in confidence.
Chris Disspain:	Brian, you should, on that point, you might be surprised to hear a lot of the things we discuss with you or we do on Delegation/Re-delegation that sort of thing – we've just – we have a Delegation/Re-delegation Working Group, we just published 110 page report which is an analysis of a number of ICANN Delegation/Re-delegation decision, comparing them to a matrix, saying were they within policy, were they without policy, etc., and I think you might find that very useful. It's not a blame document, it doesn't say that these people are to blame, it just says – well, for example, it doesn't say this was a bad decision, it might have been a good decision, the question is was it made within the policy or not. And if you like it, if it wasn't made within the policy, it isn't very helpful.

So we've got – that's public, it's on the website for comment, and I would commend it to you. Becky knows all about it because she's on the Working Group. So I wanted to give you another example of the problem with – there's a – I'm a lawyer, and as a lawyer you learn that there's a fine balance between statements about transparency etc., on the one hand, and on the other hand the fear of liability and what may happen. So I understand that, but the problem is that people tend to forget that when they introduce some opaqueness, it's usually for one reason, and over time the opaqueness creeps, and it becomes – more things become opaque than necessarily need to.

So to give you a really specific example, in the fast track, the deal was that an application would come in, it would go through stage one which is a technical check to make sure it was acceptable, etc., and at a certain point it would then be published. But it wouldn't be published before that, because it would be embarrassing quite correctly, for a country to put in an application for .whatever, and then have that refused because they hadn't noticed that it was incredibly similar to .com or whatever. Perfectly understandable, and logical that that should be the case. But the – that became a rule, if you like that said we cannot discuss, under any circumstances anything about an application ever. The result of which was, when   a particular country put in an application that we had

specifically written some rules to deal with, and the technical community said there is a problem. Instead of coming back to the people who wrote the ruling in the first place and saying this rule does not work; in which case we would have been able to say no problem, we'll rewrite the rule.

The whole swath of things occurred which lead to what is now euphemistically referred to as synchronized IDNS, which have a huge (inaudible 1:37:45) effect, and may influence the gTLD world in the future, and may not. All because there was a decision made about, quite justifiable and necessary decision made, about the need to be opaque but it got carried away to the point that we ended up making far, far more work than we would ever need.

Brian Cute: This sounds, again, like a potential case study. I would encourage you to provide us, or point us to the documentation. I have to stress that we need to produce recommendations that are objective, that are independent, that are researched, that are well-founded. We need to deal in facts. We recognize that many of us are inside the ICANN tent and it is a sensitive concern of our that the recommendations we make be viewed as valid, independent, and objective at the end of the day, so we encourage you to provide us that material. You can rest assured that we will go about the business of researching, verifying, validating, and understanding the facts behind what you presented us, and if we think it's something that raises to the level of potential recommendation, we will do that. Do we have any other? Sabine- don't be sorry. Don't be sorry. Go ahead.

Sabine Dolderer: Sorry, again. Sabine from DENIC again. I have also remark for you in regard to does ICANN process in an accountable manner, and when it comes to discussing, does ICANN always stick to their core function and to their mission? So do they really stick to the technical parameters and the technical necessarily or do they actually include too much maybe of other issues that maybe not in their scope, and maybe not that relevant for technical discussions.

So especially when you talk about principles like similar/confusing and things like that, where I say from a technical standpoint things are either equal or unequal, but similar/confusing is something which from a technical standpoint isn't really valid for the IDN debate, so the question is, are the barriers of the scope really defined? When the stakes are taken in the discussion, is it really measured if it's in the scope or out of the

scope, and is there – who and where was the position taken that we dig down that area?

Brian Cute: Thank you for the question, Sabine. What I would encourage you to do is to read paragraph 9.1 of the affirmation of commitments, this is our road map, we have to look at issues surrounding the Board, the Board performance, the GAC and its interaction with the Board, the PDP process, receipt of public input. There's five criteria all together, this is our road map. We need to identify case studies that map to these elements, and if you provide them to us, then we can examine all aspects of–

Sabine Dolderer: IDN process. New gTLDs process. Great processes.

Brian Cute: Thank you. Please. Annabeth.

Annabeth Lange: Thank you. Are we just using examples that Becky knows very much? Since this is something I've been working with in the last year or two years, with geographical names. ccNSO and the GAC raised these problems again and again and again, it really took a very long time before we got any response at all, and we felt a lot of resistance without giving a proper explanation why what we said was not taken into account. So at last, they seem to have understood, and during one – I think it was a Board meeting in Seoul – where the Board told us you don't know what you're asking about, and you don't understand this, so it was kind of a very peculiar situation, so we have worked hard and now it seems like they have understood it and they are taking, so far, into consideration some of our concerns, but the process has not been very good. Thank you.

Becky Burr: For background, for the team, the comment was that in the new gTLDs process country and territory names should not be gTLDs, it wasn't – it didn't strike this community as a very tough call.

Chris Disspain: And the key to it is not whether that is right or not. The key is that sometimes non response looks like it's not transparent, so what happens is that you get no response, or the next version, in this case, of the dag comes out, and nothing has changed. And you've had no response. It could just be that the letter fell off the table and is lying on the floor somewhere under a sleeping Labrador, but you know.

Annabeth Lange: Excuse me, but not five times.

Brian Cute:	Any other comments?
[Male Participant]:	I think financial transparency is a little light right now, particularly for this community where there's an ongoing dialogue about the contributions that we should make. In order to have that conversation, they have to be a lot clearer about their financial reporting. I think if we looked at a past specifically, they've been very light on why they are so over budget, relatively speaking, so that would be a specific example. They haven't really justified that, but more importantly, going forward, for example, they put a $10 million price tag on a cc. community, but they don't provide any specific backup and detail at any level of granularity, and I'm not talking about going in there and plumbing their gl codes, I'm just talking about basic allocation. I think there's a significant lack of financial transparency at any meaningful level.
Chris Disspain:	And to add to that, another specific example on the financial side is – the ccNSO wrote, asked a specific set of questions in the first comment period on the budget. No response. Then they report after the comment period said we've answered all the questions, so then there was a telephone conference with Kevin Wilson, who does a great job, by the way, and he said "Oh, by the way, I know that there were these specific questions that you want answers to, these are really specific, we'll be done." The last news is there's a blog which he's written, which he's trying to get permission to publish, which may be published in three weeks time, which is after the closing of the thing, and the Board approves the accounts on Friday, or the budget on Friday, etc. Now, you know, it's – I would prefer "I'm not going to answer those questions," to not getting any response at all. Byron, go ahead.
Byron Holland:	Just one more comment. It happens to be around this issue, but it's about something else. I noticed that during the process that Chris was referring to, in fact they hadn't translated any of the materials around the financial reporting where there was a commitment to, so then in the comment period, it meant anybody who required translated materials basically got squeezed entirely out of the comment period, and there was no recognition of acknowledgement of that. When I raised it, it seemed to be an oversight; I don't know, but certainly anybody who relies on it from another language, they were completely shut out, and I would say that would be completely intransparent.
Brian Cute:	Erick.

Erick Iriarte:	Yes, I will take the last comment to use in some respects about the transparency and the multi-cultural diversity. One of the questions is about the necessity of the information in documents in different languages to have access to the information when that makes participation of the people who will be interested in different time on different issues. Do you believe that this is one of the principle points, because we can say there is not full transparency in the process. They have some kind of transparency on the process and the people don't participate because they don't have access to the information in the correct time. That kind of question are very important to understand. Is not only a problem about get the documents on time, is necessary to get the documents in the language that will be useful for the persons.
Chris Disspain:	Do we have anyone else? I think we may be done. Are you okay with that?
Brian Cute:	Thank you very much. We realize we had a short exchange here, again. This is an open invitation to provide information to us. We have an interior site within the ICANN website if you look on the homepage, left hand side, down the buttons, there's one that says AOC reviews. Click on that and you will find our materials. We are trying to run as transparent a process as we can, putting our documentation or calls and meetings online with transcripts. But please, get us your information, if you have questions, you can contact me. Yes, Becky? Yes, we were posed a question in the public session about whether we would accept anonymous contributions. We have decided that we would not accept anonymous contributions. We will accept confidential contributions.
Chris Disspain:	Good idea.
Brian Cute:	And with that, thank you for your time.
Chris Disspain:	Thank you. Byron? Yes. Can we put Byron's slide back up please, so we can finish doing what we were doing? And just to remind you, we're going to go straight into the Council meeting so if you're a councilor don't leave. I know you want to talk, yes.
Byron Holland:	Hi, I'm going to make this very quick. Just really some administrative business for the SOP. First off, I would like to say thank you very much to