

Accountability and Transparency Review Team
Conference Call – Monday, 6 September 2010 – 10.00 UTC
Preliminary Report

RT Selectors and Members

(PDT) Peter Dengate Thrush
(MI) Manal Ismail, Vice Chair
(LS) Lawrence Strickling
(FC) Fabio Colasanti
(WC) Willie Currie
(BC) Brian Cute, Chair
(CD) Chris Disspain
(CLO) Cheryl Langdon-Orr
(LL) Louie Lee
(XZ) Xinsheng Zhang

Assistants invited by RT Members

(JM) James Bladel
(FG) Feng Guo
(FA) Fiona Alexander

Berkman Representatives

(UG) Urs Gasser
(CN) Caroline Nolan
(JP) John Palfrey

Supporting Staff

(AJ) Alice Jansen

This Accountability and Transparency Review Team (ATRT) undertook the following:

a) Discussion about the WGs' framework documents

The ATRT identified the WG2 document - <http://icann.org/en/reviews/affirmation/wg2-summary-05sep10-en.pdf> - as a useful guide and roadmap as to how working groups could construct working group documents on their respective issues. (LS) walked the RT through the structure of WG 2 template which includes fact statements, public input as well as references to bylaws and existing processes/mechanisms. In light of its relevance, the ATRT resolved that all WGs should produce a draft based on this template.

b) Discussion about fact-checking

The ATRT acknowledged the listing of all the requests for reconsideration and agreed that all these pieces need to be identified and plugged in by the WGs into their respected documents.

The ATRT underlined the necessity to fact-check all its documents against source material so as to ensure validity of its data. The Team furthermore declared its intention to discuss where ICANN should intervene in this process.

Working groups are also expected to cross-check their findings with the transparency matrix provided by Denise Michel.

c) Discussion about issues documents

The ATRT resolved that each WG should circulate an issues document that articulates and encapsulates the universe of issues it aims to cover taking into consideration issues brought up through public comments. It was decided to leave the issue of ICANN staff and budget for the WGs to decide whether it's relevant and to which of the WGs.

In light of its tight timeline, the Review Team Members decided that this document should be produced by September 20th so that the outstanding issues reports could be discussed during the call scheduled for the following week.

This is perceived as an opportunity for WGs to identify the areas which fall within remit of each WG and to detect potential overlaps.

d) Adoption of a Modus operandi (MO) for interviews

The ATRT adopted ground rules for the carrying-out of its interviews. ATRT Members should signal to interviewees that the discussion is being recorded and will be publicly available so that content may be factored into the report. However, Members should offer the opportunity to have an off-the-record debate on condition that an explanation is provided.

(BC) is to draft a MO to that effect and Members to sign off this document.

e) Discussion about the Berkman role

The ATRT reiterated that the WGs are the primary authors of their issues reports and that the overarching assignment of Berkman is to provide direct support to the working groups. It was also noted that the source material pulled together by Denise Michel will be used by the WGs to check and validate their work against.

In this respect, the Review team decided that Berkman should review the respective WGs' reports and provide WGs with potential recommendations and suggested mechanisms.

Berkman welcomed the templates as helpful and informative material that will guide them in their process. The consultants furthermore offered to provide three types of input in response to the revised templates:

- Potential additional issues that ought to be included;
- Identification for each working group of a template that interfaces with the Berkman work;
- Comments on methodological approaches.

The ATRT echoed this offer by requesting that relevant models of transparency be forwarded to the Team as soon as possible.

f) Update on Berkman's progress

In line with the Beijing resolutions, Berkman provided a draft report to the Review Team Members on the general approach used for the interview process. Not only does the draft document outline the key objectives and broad categories of interviewees, it also includes the rationale and criteria used to develop a diverse set of perspectives.

Berkman announced that GAC representatives and ICANN staffers would constitute a two-step process since their questionnaire would be followed by a phone interview. Heather Dryden, Denise Michel and John Jeffrey were contacted so as to determine how to pursue both of these questionnaires.

The Berkman consultants reported their significant progress in data-gathering and analysis of case studies.

(CN) is to contact (MI) so as to discuss conclusions or findings on the .xxx case study.

g) Review of the initial timeline <http://icann.org/en/reviews/affirmation/atrt-timeline-06sep10-en.pdf>

Berkman agreed to circulate the midterm report on Monday 13th instead of the upcoming Wednesday 8th so as to flesh out the current version and provide additional material.

September 20th is flagged as the deadline for WGs to submit their complete but not final issues document which ought to include fact statements, background documents and public comment.

October 20th is set as the date for public release of recommendations and November 19th as the end date of the public comment period. This schedule should provide sufficient time for the processing and inclusion of comments in the report.

December 24th is established as the date to deliver the final recommendations while acknowledging that the AoC foresees the end of this process on December 31st.

h) Discussion about the Boston agenda

October 11th: Berkman consultants are expected to present what the final report will entail.

October 12-13th: working session during which Berkman and the ATRT will test their draft recommendations and ensure their solid basis before publication: check the analysis/factual foundations verify the answers etc.

The ATRT agreed that if significant feedback is submitted during the public comment phase, this input could be documented for future Review Teams.