

**AJANSEN\_DEC 20 2010\_ATRT\_550997**

Alice Jansen: Okay, the recording has started. Thank you.

Brian Cute: Thank you, Alice. And welcome to the Accountability and Transparency Review Team's call of December 20, depending on where you are. This is going to be the last call of the ATRT, for everyone who's greatly relieved and can hear the angels singing already. This will be the last call.

The purpose of the call is to work on the final edits to the final recommendations and final report of the ATRT. There is no agenda, but let me suggest to everyone on the call how I would propose that we attack the task at hand. We will all be working off of the version that Chris just sent with his edits, and that should be up in the Adobe Room.

I think there's a couple of new pieces to the document, and what I'd like to propose is that first we focus on the recommendations. There's been a few other new edits made to the recommendations since Cartagena, so let's take on that task and come to agreement, make sure we're all in agreement as to the final form of the recommendations.

And then we have two new appendices--Appendix A and Appendix B--and I'd like to go through those two new pieces in order and make sure we're comfortable with those. I'm more than happy to take edits onboard and work on the Word version on my machine as we have the call here.

And then lastly, there still are some additions that need to be made. Specifically, I can think of for each of the Working Group areas, if you saw Fiona's edits, which added a section to the Working Group 2 section, noting the recent public comments. That's a piece that we need to incorporate in each of the four areas. Chris is working on his, I'll work on number 3, and then, so that's the other piece we have to work on after the appendices, is make sure we're in agreement to the approach there. And then it will be left to the respective offers or holders of the pen to contribute those pieces.

And then lastly, I need to add to the Executive Summary section. I need to pull some of our analysis and conclusions from the document as a preface, if you will, to the recommendations that appear in the Executive Summary. That task should be no more than grabbing existing text. But to the extent that there's any new created text there, I'll be making that contribution to a later iteration of the document.

Those are the tasks in my mind. Did I miss anything? Would anyone like to add anything to what we accomplish on this call? Open table, open floor. Okay, I'm hearing nothing.

- Cheryl Langdon-Orr: Just one thing. We see, the language between the different groups, sometimes we talk about respondents, sometimes we talk about commenters. Are you concerned--I'm not saying one way or the other--but are we concerned to do a final toilette and have just a single hand looking at the continuity of language and tense and that sort of thing?
- Brian Cute: That's a great point, Cheryl, and I will have to do that when we finally get this all stitched together, make sure that the numbering is consistent from the recommendations in the Executive Summary to as they appear in the body; the footnoting, making sure that that's spot-checked; as you just said, usage, whether it's this term or that term, continuity, absolutely. And that's going to have to get in the final.
- Cheryl Langdon-Orr: Yes, as I picked up a couple of spelling issues. For example, commenters is spelled in a way that I'm not familiar with. And so if we do that at the final final, then that will, I think, give a better voice to it.
- Brian Cute: Absolutely. And to the extent that there's anything that you see--anyone--feel free to send me an email reminder as to, "Look specifically for this," or please, any suggestions you have so I can do that final spot-check are welcome.
- Cheryl Langdon-Orr: Thank you.
- Brian Cute: Okay, so if there's no suggestions to change that order of tasks, why don't we start out by attacking the recommendations in the most recent draft that I'm trying to pull up to the Adobe Room now. Is it in the Adobe?
- Cheryl Langdon-Orr: It is.
- Brian Cute: It is. Okay. Don't let me pull things up unnecessarily here. Why don't we just--I'll read it through. I won't read it. Let's just get them up on the screen, and I'll ask if there's any suggested edits to a given recommendation. So why don't we start with--and I'm just about to see this on the screen--I'm sorry for the delay.
- James, have you accessed the copy? I'm using the one on the Adobe Screen for now. Okay. In the Executive Summary, let's start there.
- Fiona Alexander: And also, Brian--this is Fiona--so Larry's out, and he's back in the office on Monday. So to the extent he has any other edits, I'll just go through this as a whole, but I think he was pretty comfortable for how things were going.
- Brian Cute: Okay, good, good. So let's start with Recommendation #1. It's up on the screen now for everyone, I hope. Does anybody have any suggested edits to this recommendation? Sounds like a no. Okay, we'll just move on.
- And what I'm doing while I'm talking is I'm going to open up the Word version of this document, and if anybody has edits, I will put them right into the document as we work through it.
- Recommendation #2. Any suggested edits? Okay. The sounds of silence are wonderful.
- Manal Ismail: Brian, this is Manal.
- Brian Cute: Yes, Manal?
- Manal Ismail: Sorry, I'm still trying to connect to the Adobe. So I was taking them world group by world group, starting on the very first agreement?
- Brian Cute: Yes, I'm in the Executive Summary, and I'm just working my way through #1 through 28, I think it is, one at a time. And right now we are--.

Cheryl Langdon-Orr: If Manal's got a hard copy, if she clicks to page 3 in the Executive Summary, and then you just write the issue as #2. And moving to #3, so that's now paragraph 3 on page 3.

Brian Cute: Yes. You've got hard copy of the version that Chris sent, Manal? Is that correct?

Manal Ismail: I have it online, but I'm not able to connect with Adobe because it says this meeting was called in session. The host has locked entry for incoming review. So I'm not able to connect. Anyway, I have the soft copy online, so it's okay.

Brian Cute: Yes, he sent it, by my time stamp, he sent it Sunday at 2:03 p.m., and it's titled masterfinal-cdredline. That's the document we're working off of, just to be clear.

Manal Ismail: Yes, okay. Thank you.

Brian Cute: Okay. So we are on page 3, Cheryl, as you noted, and we're looking at Recommendation #2. Do we have any suggested edits? Okay. And this is, "The Board should reinforce and review on a regular basis, but no less than every three years, the training and skills building programs pursuant to Recommendation 1. Hearing nothing.

Moving to the top of page 4, #3. Any suggested edits to #3? Okay, hearing none.

Number 4. Very good.

Number 5.

Cheryl Langdon-Orr: Sorry, I just giggle when I see the word "expeditiously." It's such a lovely word, and it means absolutely nothing. Sorry. Just me having a giggle, Brian. (Inaudible). Expeditiously--what does that mean?

Brian Cute: Thank you. Okay, #6.

James Bladel: Brian, this is James.

Brian Cute: Yes?

James Bladel: Yes, a question regarding this last about "adjusted to address international payments issues." Was that something that was raised in the public feedback sessions? I'm lost on where that addition came from.

Brian Cute: It was raised by Vanda at the meeting with the Directors. And she was just simply noting that in terms of making financial payments of this nature to a Director who lives outside the US, that there can be issues, whether they're tax issues or proration issues or withholding issues, I don't know. But she noted that there can be issues associated with just making this type of payment, so we put in this broad phrase to recognize that and ask that the Board address it.

James Bladel: Okay, okay. So I read that differently. This is not making a statement about choice of currency or something like that, correct?

Brian Cute: Not necessarily, but we left it broad so that the Board would have flexibility to deal with the issues as they came up on a Director-by-Director basis.

James Bladel: Okay, thanks.

Brian Cute: It's just simply intended to help effectuate expeditiously the payments.

Cheryl Langdon-Orr: Oh, Brian, I love it when you try and make me happy. Thank you.

- Brian Cute: That's what I get up in the morning for, Cheryl.
- Number 6, any suggested edits or changes? Okay. Hearing nothing.
- Seven, you can see we collapsed two of the recommendations. It just seemed to make sense at the time. Any suggestions with regards to 7.1 or 7.2? Okay, we'll roll along.
- Number 8. And I'm asking, also, please, with respect to the start dates or the completion dates as well, if you have any thoughts about those, now is the time.
- Cheryl Langdon-Orr: So Cheryl here. I don't have a thought. I think March is a fine thing, but what was the feedback on the practicality from staff, because in Cartagena, it was still going to get back to us.
- Brian Cute: Well, this one, this is really a John Jeffrey deliverable. And our view was, this is something he should already have on the shelf in terms of the policy. So with respect to this particular one, Cheryl, there's kind of an operating assumption within ATRT, this is something John should be able to deliver.
- There was another recommendation that we had asked in these for feedback on, and I'm not sure we've received anything.
- Cheryl Langdon-Orr: Nine, the GAC-Board Joint Working Group.
- Brian Cute: Yes, so a good flag. Let's flag that, and I'll put a note in the document to make sure we get the feedback before we put this in stone. So anything else on #8?
- James Bladel: Brian, this is James, and this isn't for 8, but specifically, with regard to dates, I think that--you know, I looked over the dates for these recommendations. And each one is certainly doable within the timeframe that we've indicated. But is anybody keeping score about how much is being asked to be done by March, by June, by October, and whether or not that's practical in the sum total of all these recommendations?
- Brian Cute: The answer is no. Chris and I, when we finished the edits that you see here, went back and did a specific run-through focusing only on the dates we have ourselves and whether the dates we were putting in were achievable and reasonable. No, we haven't looked at the cumulative amount of work and said, "Is that reasonable?" So that might be something that any one of you could do and provide input back to the group. I'm open to that.
- James Bladel: I brought it up, so I'll take a look at it here shortly just to make sure it doesn't look like we're piling things on, that's all.
- Brian Cute: Absolutely. Please do that. And one of the things Chris and I also focused on was--and I think you see it reflected here--for certain things, these are things they should have been doing as of September 30, 2009, and hence you'll see they commence immediately. And then the others were basically what's the nature of the recommendation, how much of a priority is it, how heavy of a lift is it, and we factored the dates in using those criteria. But I'd look forward to that input from you.
- Okay, rolling forward, #9. Any suggested edits to #9?
- Manal Ismail: Brian, just a minor suggestion.
- Brian Cute: Yes?

Manal Ismail: If (inaudible)? Just even to be some distance with #10, and ICANN (inaudible) GAC-Board Joint Working Group should clarify by March 2011, (inaudible).

Brian Cute: Just reverse the language there for consistency?

Manal Ismail: Yes.

Brian Cute: So it would read, "ICANN acting through the GAC-Board Joint Working Group, should clarify by March 2011," just to be consistent with 10, is what you're saying?

Manal Ismail: Yes.

Brian Cute: Okay. I'm putting that in. Any objection to that? Stylistic consistency. All right. Anything else on #9?

Moving on to #10.

Manal Ismail: This is Manal again.

Brian Cute: Yes.

Manal Ismail: I'm pulling up, I missed the discussions in Cartagena, and I'm not sure whether this is exactly what you want to say, but this means that the GAC should declare when it intends for its advice to trigger the Board's obligations, in every single advice they do? Because as it is now, it means that the GAC, every advice is declared, that this one intends to trigger the Board's obligations, right?

Brian Cute: It does read as each time advice is rendered, that is intended to trigger, that is how it reads.

Manal Ismail: And has (inaudible) also decided, because it's my understanding there that this (inaudible) there is a range of (inaudible), and not just one advice.

Brian Cute: That is a possible--.

Manal Ismail: By one they mean, because by then if there is a range of views, then they should indicate which one should trigger the Board's obligation. I mean, the Board should tell you which of those it would use. But otherwise, I mean, if (inaudible) GAC provides an advice, it should be either followed or (inaudible) backwards by excellent advice.

Brian Cute: Well, let's stay with the one example that you raised, which is one that was discussed. So the GAC provides a communication to the Board, and in that communication, it's an issue where the GAC is providing a variety of positions on public policy from a number of different GAC members. Let me ask the first question. Is that a communication that could be advice under the meaning of the bylaws? Despite the fact that it reflects a number of different views, could it mechanistically be advice?

Fabio Colsanti: Brian, Fabio here. What if GAC simply says, once again, as they've done in the past, "Everything we say is advice according to the bylaws"? We're back to square one. We haven't made any progress.

Cheryl Langdon-Orr: Cheryl here. I think if we look at the reading of the GAC communiqué from Cartagena, it was already--in my view, anyway--fitting very nicely with how I read this recommendation, that a particular point within the GAC communiqué out of the (inaudible), they quite clearly stated to the Board in that communiqué what parts of that communiqué was specific advice and would be triggering the bylaws.

And I think the way it is treated is exactly how that communiqué was written. It made it a more powerful and effective document, it gave clear guidance for the Board to respond to. There was no gray areas and guesswork involved, and I think the way this recommendation is written is exactly saying what should be said, that the concept of advice is advice is advice is just too waffley and will not hold water because it can be argued against, as we have seen in the recent past, where if you make it very clear, and this is what we're saying, they need to make it very clear, "This is advice, and this is under the bylaws, what we're saying." There is no gray areas.

Manal Ismail: Well, is this meant here to identify what's advice from what's not advice? Is this why you have inserted this there? I mean, is this conceived to mean what's an advice and what's not? (Inaudible) but should, given the (inaudible) obligations as to the guidance.

Fiona Alexander: So this is Fiona. So when I think Larry was drafting this, and I think this has been edited since he first drafted it, to deal with the issue you're raising, we've eliminated all the references to consensus. So I think that's the issue, about whether or not that GAC consensus triggers the bylaw advice or not, or the bylaws provision or not. And the first recommendation is to clarify to the GAC and the Board what advice actually is. And that's where they can have that discussion about consensus or not.

But I don't think that this recommendation as drafted would have--I think that Recommendation 9 has the concern you have in it, or tries to deal with that concern.

Fabio Colsanti: Fabio here. Can I reinforce what Cheryl said? Even if this #10 may be argued it's not so clear, I think it's already having an effect. It needs to have a mild effect on GAC, forcing them to specify more clearly what they consider advice. I think we should not be arguing too much about the precise wording. I think this recommendation has already started to produce effect.

Brian Cute: And I don't mean to belabor this, but I want to ask, to be clear, Manal, the situation you described, do you view that as possibly being advice? Could the GAC say, "Here is our advice, and it's an advice that triggers the Board's obligation under the bylaws, and the advice is that on this particular issue that you're considering, there is a variety of views regarding the public policy implications, and here's what they are."

Manal Ismail: There is no problem in doing this. What I mean, we're arguing the main thing. I mean, we already said that they should be clear what an advice is, what constitutes an advice, right? So if they don't agree on what constitutes an advice, then this should automatically trigger the bylaws. I mean--.

Fabio Colsanti: Can I--Fabio.

Manal Ismail: I (inaudible).

Fabio Colsanti: Fabio here. The--Manal, after all, is right, and now I'm going against what I have just said. Number 9 specifies what is advice. The obligation under the bylaws is not so much on the advice. The obligation under the bylaws is on the Board, if it decides or it feels that it cannot follow the advice. So I think this additional 10 is a bit superfluous, although I have to recognize that it has already produced some effect in the GAC communiqué of Cartagena. But formally, it could be questioned.

Cheryl Langdon-Orr: Well, I'm for leaving it in as is.

Fiona Alexander: So this is Fiona. I don't think that 10 was supposed to be superfluous. The idea was, first, the GAC and the Board need to figure out their relationship and what advice is there, and that's 9. And then #10 was meant to flesh out the actual bylaw provisions to what Fabio was saying. Because the Board has to determine--the GAC has to determine when it's giving advice. The Board has to determine when it's not going to follow that

advice. The Board and the GAC then have to have a process to have a solution, or have a discussion. And then if there's no resolution, then there has to be a documentation of why. And this recommendation was sort of meant to sort of lay out the phases of the process in the bylaws, which have never been fleshed out, which is happening now, actually.

Brian Cute: My inclination would be to leave it in unless there's something specifically harmful about it.

Manal Ismail: Okay, let me ask a last question. And then whatever the group agrees to. What is now the GAC and the Board, they both agree on what is an advice. And then some parts in the communiqué is (inaudible) advice, but it doesn't say that this should trigger the Board's obligation under the bylaws.

Brian Cute: Yes, and as written puts the burden--in my read, 10 puts an affirmative obligation on the GAC in its communications to make that statement. And if it doesn't, under 10, then the Board would be correct to say, "This communication from the GAC doesn't trigger my bylaw responsibility."

Fabio Colsanti: But Brian, are we not being--.

Manal Ismail: (Inaudible) on what's an advice. I'm sorry, Fabio. Go ahead.

Brian Cute: Well, it looks like there's a sequencing here, as Fiona said. Number 9 is, "Through the Joint Working Group, advice will be clarified and defined," and then working with that definition, 10 then kicks into play, if I'm reading this correctly. And Fiona, tell me if I'm going off-field here.

Fiona Alexander: I think that was the idea, so as it was crafted, and I think Chris, when he was editing it, tried to clarify the process, like at least the core phases of the process a little bit more fully than Larry did in the draft that I think we sent. And I think if the issue is the GAC should declare when it intends its advice should trigger the Board's obligations, then maybe we should try to find some words that make everyone comfortable. But I probably think it's important that you spell out, first figure out what "advice" means. And then 10, which is, "What's the process, then, once you have that advice?"

Fabio Colsanti: Fabio here.

Manal Ismail: This seems that--.

Fiona Alexander: What Manal's reacting to, I think, was what triggered the obligations.

Brian Cute: Manal, then Fabio.

Manal Ismail: Okay. Does this mean that some advice does not trigger the bylaws?

Brian Cute: I wouldn't read that as consistent with the bylaws.

Manal Ismail: So is there advice that triggers?

Fabio Colsanti: Brian, let me join in, because this is exactly the point I wanted to make. Number 9 says, "What is advice?" Here, the sentence that we are discussing, where the GAC should declare, it's a bit naive. Can we imagine the situation where the GAC would say, "We are giving this advice, but this doesn't trigger the bylaws"?

So we are just forcing the GAC to add this systematically to everything they produce, a sentence that refers to the bylaws--period. But this doesn't change anything else, because the definition of what is advice has already been covered by 9.

- Brian Cute: I think in practical terms, you have a--.
- Manal Ismail: This is exactly my point. Exactly my point. You need (inaudible), because if we agree what's an advice, then this triggers (inaudible) within the bylaws.
- Cheryl Langdon-Orr: Cheryl here. Why are we trying to do the work of the GAC-Board Joint Working Group?
- Brian Cute: What's that? Come again, Cheryl?
- Cheryl Langdon-Orr: Why are we trying to do the work of the GAC-Board Joint Working Group? If they respond to these recommendations, they will be exploring whether it is as simple as a pro forma sentence being required in a formal piece of documented advice or not. But, for example, in a statement which is giving a variety of opinion from a number of members of the GAC, it may be quite appropriate that that, as advice, a piece of information for the view of the Board to be taken into consideration, may not be appropriate to enact the bylaw, because it might be very obvious that it's not a piece of absolute consensus or a piece of reject-or-accept style advice.
- So if you want to have it sequentially, you could put a linking sentence in 10 that says, "Having established what is advice, ICANN, acting through the," and then at least you've got it sequentially. But I don't think that we should be either trying to do the actual work of the Joint Working Group or trying to get other than they need to have a highly established and very formal, clearly documented, quality system approach to the specific advice and how they are responding to it.
- Brian Cute: Cheryl, I have added that language to 10. I think that's very useful, and I think you've also raised a good point about us doing the work of the Joint Working Group. This could be an issue that they might address in their work. The only question is do we want to provide any guidance on that or not--not do the work per se. Fiona, how was Larry, this--?
- Fiona Alexander: I don't have what we actually sent out to the list of them at home. So I think this--was this something, is this the actual recommendation that we sent out, or is this the revision that Chris did?
- Brian Cute: This is revision that Chris did.
- Fiona Alexander: Then so my question is, is do you need the third sentence, then?
- Brian Cute: Yes, that's what we're focused on, is do we need that third sentence?
- Fabio Colsanti: Yes.
- Fiona Alexander: And I think Mark, from the recommendation I got, I don't have what we sent out to the list of them at home, but I think what we sent was just the fact that you have a more formal process and that you get these things in writing. But there was these multiple phases to it. And then it also said (inaudible) was developing this tracking thing.
- Brian Cute: I guess my question would be, if--and I'm just thinking mechanistically here--if "advice" is defined, and the GAC sends a communication to the Board and it puts the word "advice" on it, or whatever the mechanistic reflection of advice is, wouldn't that be enough to trigger the bylaw obligation itself without a second statement to that effect?
- Fiona Alexander: I think so. I think it's covered by #9.
- Brian Cute: Here's what I'm going to suggest. Why don't we provisionally strike the third sentence in this draft and, Fiona, if you want to touch base with Larry, or let's wrestle this one to the

ground, and we can do that online via email. But I'm going to provisionally strike that third sentence.

Fabio Colsanti: Okay, I think it's a good idea.

Brian Cute: Okay.

Fabio Colsanti: And should, by any chance, anyone wants to reinsert it, rather than "declare," perhaps what we should be talking about, "confirm." But I think the suggestion to delete the third sentence is a good one.

Brian Cute: Yes, I'm going to do that. And Fiona, what you might want to do, now that I'm looking at it, the last part of that sentence makes a reference to triggering the Board's obligation under the bylaws to follow advice or find a mutually acceptable solution. I know that the process for finding a mutually acceptable solution is important in this recommendation. If you want to define a way to work that back in, I would understand. But at least the first half of this third sentence, I think we're agreeing, is not important.

Fiona Alexander: That's fine. And I'll talk to Larry when he's back in the office on Monday to see how strongly he feels about it.

Brian Cute: Okay, I'm striking the third sentence, and I'll wait for your feedback.

Fiona Alexander: Okay.

Cheryl Langdon-Orr: I just got tossed out of the Adobe Room, I think. I think it's something (inaudible). It's not going to stop me talking to you. Getting rid of me out of the Adobe Room will not stop me.

Brian Cute: We know. Moving on to #11. Anything else on 10?

Louis Lee: Yes, this is Louis.

Brian Cute: Is that Louis?

Louis Lee: Yes.

Brian Cute: Yes, go ahead, Louis. If you could speak up, it would be good.

Louis Lee: Okay, let me switch over here.

Brian Cute: That's better. Thank you.

Louis Lee: Is this better?

Brian Cute: Much better, thank you.

Louis Lee: Awesome. Okay. I'm noticing in 9, 10, and 13 we start off with "ICANN," and 11, 13, and 14, we start off with "The Board." Shouldn't they all be, "The Board"?

Fabio Colsanti: Yes.

Brian Cute: Yes, you're right. I'll make that change right now. So 9, 10--.

Louis Lee: That was 9, 10, and 12, sorry.

Brian Cute: Good catch. Thank you. I'm doing that right now. "The Board" for #9, "The Board" for #10, and 13, you said?

Louis Lee: Yes.

Brian Cute: Okay, got it.

Fabio Colsanti: Fabio on 11.

Brian Cute: Yes?

Fabio Colsanti: In Cartagena, the comment was made by GAC that they already work on a more timely basis, and they resented the fact that we were telling them to start giving advice earlier. I think the language that we have is fine, because we say, "The Board and GAC should work together to have the GAC advice provided and considered on a more timely basis." So that's fine.

But to address this concern, could we not add, towards the end of the sentence when we say, "A documented process by which the Board responds to GAC advice in an equally timely way" or something like this? Because they claim that they give advice, but it's not considered at the right time. So--.

Brian Cute: And you're focused on #11, correct, Fabio?

Fabio Colsanti: Yes, towards the end of the sentence, I would introduce this idea that the Board also has to respond to GAC advice in a timely way, in a rapid way.

Brian Cute: Okay. Hmm. That's actually (a). That's the beginning of (a). Here's what I can do. "How and when the Board will inform the GAC, on a timely basis, whether it agrees or disagrees with the advice."

Fabio Colsanti: Okay, that's fine.

Brian Cute: Okay, I'm doing that right now.

Cheryl Langdon-Orr: Brian, Cheryl here. On 11, I'm raising what Louis said earlier, sentence 2, where it starts, "ICANN, acting through the GAC-Board Joint Working Group." I'm wondering whether we can--I know people don't like long sentences, but perhaps melding that into a single sentence so we're not falling back into the ICANN versus the Board, so perhaps changing, removing the word "ICANN" in line 2 of the beginning of the second sentence and doing a semicolon, "acting through the Board Joint Working Group should establish" blah blah blah.

Brian Cute: I made that change already. I didn't put the semicolon in, but I changed it to, "The Board."

Cheryl Langdon-Orr: Okay.

Brian Cute: No, good catch. Everyone, please, those are all good catches. Just throw them out there when you see them.

Okay, so we've just modified 11(a), "How and when the Board will inform the GAC, on a timely basis, whether it agrees or disagrees with the advice." Any other suggested edits to 11?

Okay, hearing none, let's move on to 12. And that changes to, "The Board, acting through the GAC-Board Joint Working Group." Any changes? It's pretty straightforward.

Moving to 13.

Manal Ismail: One.

Brian Cute: Yes, Manal.

Manal Ismail: Yes, in the version, their response to the mailing list, I suggested adding the--I'm just getting my version, I'm sorry. Just a second. I believe I added a process to engage the GAC earlier in the policy development process and not when a decision is being made. But again, it's, I can live without it, I mean. But I'm just saying the edits I already commented earlier.

Brian Cute: You're focused on #12, which now just reads, "Engage the GAC earlier in policy development"?

Manal Ismail: Yes, it's #12. "ICANN acting, or the Board acting through the GAC-Board Joint Working Group should develop and implement a process to engage the GAC earlier in the policy development process and not when a decision is being made." Because I think (inaudible) would commence under that language, along with what Fabio mentioned earlier. But again, as I said, I can live without it if you don't want to go to any trouble.

Brian Cute: I don't think anybody would disagree with the sentiment of that. Does everyone think that's something that should be added as matter of substance to 12?

Fiona Alexander: What's the actual edit?

Brian Cute: At the end of 12, it would read, "Engage the GAC earlier in the policy development process and not when a decision has been made."

Manal Ismail: "And not when a decision is being made." I mean, earlier within the process.

Fiona Alexander: I think it actually limits what the GAC role would be.

Manal Ismail: I'm sorry, Fiona. Can you say again?

Fiona Alexander: So I think that actually might limit what the GAC role would be. So the way the bylaws work, when the Board is getting ready to make a decision and there's a public policy issue, the GAC is supposed to be involved. So you don't want to eliminate that process, I think, which is what I think your edit might do. I think what this recommendation was supposed to be about was making sure the GAC was involved and knew about things earlier as opposed to just finding out at the end and coming, the perception of them coming in at the end with edits. But if you add in, "and not when a decision is being made," then wouldn't that sort of take away what their actual role, one of their roles is?

Manal Ismail: (Inaudible) still correct through the (inaudible) accepted by the GAC, then they come with their advice at the very end, and then, and that's, they would really want to come earlier in the process. But again, as I said, if everyone (inaudible), I'm fine.

Brian Cute: Fiona, how could this operate against the GAC's interest? If you can run that by me again? I wouldn't want to have an inadvertent defect.

Fiona Alexander: Well, so my understanding of the edit--and it's hard for me to hear on my WiFi sometimes when Manal's speaking--but of the edit that she's proposing is that, "a process to engage the GAC earlier in the policy development process and not when a decision is being made."

So the way that the bylaws work, the GAC has this unique role where they give advice, and sometimes it's often when a decision is being made. So I don't think that you want to say not then. I mean, the point of this recommendation, I thought, was to engage the

GAC, not just with the Board, but with the other constituency groups so that they were more involved in the policy development process, not just at the end.

Manal Ismail: Okay, Fiona. Now I got your point. I mean, they can be in both earlier in the process and when the decision is being made also. So you don't want to make it exclusive, right?

Fiona Alexander: Right, exactly. So I think the edit, they might find it as we're limiting. That would be my take on it.

Manal Ismail: Okay, I've got your point. I fully agree with your point.

Brian Cute: So you're okay with it as written, Manal?

Manal Ismail: Yes.

Brian Cute: Okay. Okay, anything else on 12?

Okay, #13. It sure looks like Chris and I didn't change it at all. Anything at all? Okay, should we say, "In doing so, the Board and the GAC may wish to consider creating/ revising the role of ICANN senior staff support?"

I mean, we've had conversations, I think, as a group and individually, about the importance of communications skills and understanding how governments speak and how governments hear. And that skill set is critical to improving the relationship, and that's a skill set that comes at a more senior level, an experienced person who's worked either in or with governments. That's why I'm making the suggestion. I mean, we could put a junior staffer in here who has absolutely no positive impact on the relationship. That's the motivation for my suggestion.

Louis Lee: Yes.

Cheryl Langdon-Orr: Cheryl here. Is there some language that would make it suitably experienced, appropriately experienced? Because senior staff is not just the answer, either. You know, incredibly, senior staff that--you know.

Brian Cute: That's a good point, Cheryl. It really is about the skill set. Understood.

Cheryl Langdon-Orr: Yes, oh, yes. Just putting in a senior staff person who happens to be brilliant at cryptography may not be the answer.

Fiona Alexander: Hey, Brian, it's Fiona. I also think you don't want to get away from giving just the general support that they need, but as well as this senior support that has appropriate governmental awareness. So maybe there's a way to say, "Revising the role of ICANN staff support, including," and then whatever phrase you want to use to describe a senior staff member that understands how governments actually work.

Brian Cute: Okay. I'm not going to belabor the language on the call, but I'm going to throw something in here and then send it back around. So, everyone, please look at that and make sure it's well fashioned. Cheryl, thank you.

Cheryl Langdon-Orr: Every time I speak, I get kicked out of the Adobe Room. This is not subtle, Brian.

Brian Cute: Well, the floor is yours.

Cheryl Langdon-Orr: I'm just getting back in again.

Brian Cute: Okay, I'm going to make that addition, and I'll send it around. Please fly-speck it for me, everyone.

Moving on to #14, if there's nothing left on 13. Number 14? Hearing nothing.

Moving on to #15. Now we're into public input processes in the PDP. So #15. And again, please focus on the dates as well. And the reason we felt June was reasonable here is that we're only asking them to specify a timeline for implementation. We're not asking for implementation. Going once on 15, twice. Okay. Yes?

Cheryl Langdon-Orr: (Inaudible).

Brian Cute: Sixteen. Moving on.

Seventeen? Wonderful.

Number 18. Moving on.

Number 19?

Fabio Colsanti: Fabio here.

Brian Cute: Yes, Fabio.

Fabio Colsanti: I think we forgot to take the bracket away, because initially we were saying one should be using as many languages as possible. Then we put in the reference to the ICANN translation policy. But then we should be deleting the brackets, "to the maximum extent feasible (if the recent ICANN translation policy should be respected)."

Brian Cute: You are correct. I'm making that deletion right now. So that bracketed language is now gone. Okay? Any other suggestions?

Moving on to 20. Nothing on 20? Cheryl?

Cheryl Langdon-Orr: I just wondered, if not removing the bracketed language, but remove the bracket from the language. I don't see why "and make available to the community" is bracketed. I think it should be, "adopt and make available to the community a mechanism such as."

Brian Cute: You are correct, and the brackets are gone. Anything else on 20?

Okay, 21. Clean, okay?

22. Very good.

Moving on to Review Mechanisms for Board Decisions, #23. Oh, and you can see at the bottom, we pulled what was 29, I think, or, back up in--.

Cheryl Langdon-Orr: Yes.

Brian Cute: It made sense to consolidate. Any edits?

Okay, moving on to 24.

Cheryl Langdon-Orr: Sorry, sorry, sorry, sorry. I can't count the lines. The bracketed case, that is, the three processes provided through a graduated review process. Why the question mark?

Brian Cute: Because it's a question. I'll take that out if you wish, if you insist.

Fiona Alexander: I think grammatically, you don't insert a question mark inside a sentence.

Brian Cute: Yes, it's gone. Anything else on 23?

Okay, 24? And I think this represents the suggestions from Frank Fowlie, including the relationship between the Board and the Ombudsman. Anything at all?

James Bladel: Brian, this is James.

Brian Cute: Yes, James.

James Bladel: More of a thought than an edit here, but do we want to say between the Ombudsman, or the between the Office of the Ombudsman?

Brian Cute: Between the Office of the Ombudsman. I think that's correct. That's what we meant to say.

Cheryl Langdon-Orr: It might be a footnote that I'm not seeing, but what is the "Association8 and its Standards of Practice9"? If they're footnotes, the numerals 8 and 9, I'm not seeing the footnotes.

Brian Cute: There should be footnotes there. Those were artifacts. They should be linking to a couple of different references on the IOA website and its Standards of Practice documents.

Cheryl Langdon-Orr: So maybe if we take the 8 and 9 out and hyperlink the words to the actual references, that might be--?

Brian Cute: I've removed the footnotes there, and we'll see if we can hyperlink it, Cheryl. The footnotes should appear in the text of the report, you're correct. I've dropped them here.

Cheryl Langdon-Orr: All right.

Brian Cute: Okay, anything else on 24? I've made that change, James, and I've made that change, Cheryl. Anything else?

Okay, 25.

Okay, 26. You can see we gave them more time, until October.

Louis Lee: On 25, there's an opening bracket but no closing bracket.

Brian Cute: Yes, where is that? As soon as possible--yes, let me get rid of that. Thank you, Louis. Gone. Okay? And 26 was okay.

And we're at our last recommendation, the overarching recommendation.

Louis Lee: In 26, do we want the parentheses gone, or--?

Cheryl Langdon-Orr: In 26, yes, you don't need the brackets at all.

Brian Cute: I'm taking them out. Yes. Okay, they're gone. Anything else on 26?

Okay, moving to 27.

Fabio Colsanti: On 27, I'm not sure that the bracket is in the right place. We say, "ICANN should establish," again, here, the question is ICANN or the Board? Probably we mean the Board, then "should establish a regular schedule of internal review--"

Brian Cute: Yes.

Fabio Colsanti: And then we say, "Distinct from the AoC review." Should the bracket be closed here?

Brian Cute: Yes.

Fabio Colsanti: "To facilitate the subsequent ATRT review."

Brian Cute: Yes, I agree. I've made all those changes. I've lost that last bracket after "review." But I think we need one more grammatical fix here. So, "ICANN should establish a regular schedule of internal review (distinct from the AoC review) to facilitate the subsequent ATRT review and to ensure that transparency and accountability performance is maintained." Right? And to ensure?

Cheryl Langdon-Orr: Yes.

Brian Cute: Okay. "Maintained throughout the organization and, where necessary, to propose measures for improvement," where it used to be--.

Fabio Colsanti: And in the first line, it probably should be, "A regular schedule of internal reviews," plural.

Brian Cute: And should, yes, I've got that. And shouldn't it be, "The Board should establish a regular schedule"?

Fabio Colsanti: Yes, "The Board should establish."

Brian Cute: Yes. Okay. So everyone who's following the bouncing ball, it now reads, "The Board should establish a regular schedule of internal reviews (distinct from the AoC review) to facilitate the subsequent ATRT review and to ensure that transparency and accountability performance is maintained throughout the organization and, where necessary, to propose measures for improvement. Reviews should be overseen by the Board."

Question from me. If we're saying, "The Board should establish a regular schedule of internal reviews (distinct from the AoC review) to facilitate the subsequent ATRT review," isn't the subsequent ATRT review part of the AoC review? It is. The subsequent ATRT review is part of the AoC review, so it's not distinct.

Fabio Colsanti: Yes.

Brian Cute: So I think we need to drop that phrase.

Fabio Colsanti: Yes. It should be, "The Board should establish a regular schedule of internal reviews to facilitate the subsequent ATRT review." We don't need the distinction from the AoC review.

Brian Cute: That's what we drop.

Fiona Alexander: So just a quick question. It's Fiona. So they already have an existing review mechanism and review process for all the different supporting organizations and advisory committees. They just say that that's what that already is?

Fabio Colsanti: Fabio here. Maybe we should be saying, "The Board should establish an action program to facilitate the subsequent ATRT review to ensure that transparency," and so on. We use the word "review" too much. Here, when we were discussing what I had in mind, is that they should have a sort of work program for the organization to make sure that in between the external ATRT reviews, they do as much as possible to prepare for the next one.

So instead of the first "regular schedule of internal review," could we not find something along "work program," "action program," or something like this?

- Brian Cute: Yes, I have to apologize. I'm beginning to get confused about what it is we want here. Are we asking for reviews separate and apart from the AoC reviews, which include the ATRT reviews? Or are we asking for them to do something concrete to facilitate the follow-on AoC reviews?
- Fabio Colsanti: Fabio here. My point about this was to say that there's just one thing that for me is important, is that the Board feels that it has the responsibility to ensure the accountability and transparency of the whole organization. And therefore, the Board should be requesting from the staff information that it should be reviewing, examining regularly on how they're doing. In other words, the idea is that the Board should feel that every six months, every three months, every nine months, it has to discuss with all the parts of the organization, "How are we doing in this respect?"
- Brian Cute: Yes, I take no issue with that concept. I think that's a healthy concept for any organization. Taking that concept now and bringing it down to the mechanistic level, what are we suggesting? Is it specific to facilitating subsequent ATRT reviews? It's its own animal separate and apart from the reviews that ICANN's undertaking under the AoC, correct? Let's start there.
- You're envisioning a separate set of activities, correct?
- Fabio Colsanti: Could we not--I'm thinking aloud and saying, "The Board should review regularly progress against these recommendations and against the AoC commitments to facilitate the subsequent ATRT reviews and the reporting that the Board would be making during the various meetings." Because we are calling on them to report in San Francisco and on many other occasions how they're doing.
- Brian Cute: That makes sense. As opposed to our own experience, where it was clear that the staff was scrambling to pull together the things that they've done since September 30, 2009, you would want the Board to go through a set of processes where they are measuring, observing, and collecting the data and the progress so that this gets fed into the next ATRT. That makes perfect sense to me, Fabio. It's just how do we say it?
- Cheryl Langdon-Orr: It's Cheryl. Coming back to Fiona's point and with what Fabio is saying now, I think it's important that they are seen as separate from the next ATRT review, but also that it is not, it's complementary to the reviews that the--there's a big buzz on the line. I don't know if anyone else can hear it. To the reviews that the AoCs and the SOs, because the AoC and the SO reviews, those necessarily look at accountability and transparency. They can look rather more into how the AoC, for example, is fitting the purpose of its creation and not go in any way to accountability or transparency. Sorry, that noise is terribly buzzy.
- Brian Cute: Could people mute?
- Cheryl Langdon-Orr: Alice, if that's my line, you'd better get (inaudible). It's awful.
- Fabio Colsanti: (inaudible) "and generally, evaluate the overall accountability and transparency performance of the whole organization in order to be able to report on it to the community and to prepare the ground for the next ATRT review."
- Brian Cute: Fabio, I'm prepared to type if you have suggested new language.
- Fabio Colsanti: Can I try it again? I'll say it again. "The Board should regularly review progress against these recommendations; against the accountability and transparency commitments under the AoC; and in general, analyzing the overall accountability and transparency

performance of the whole organization so as to report to the community on progress being made and to prepare for the next ATRT review."

Brian Cute: I'm almost there. Hold on. Okay, so what I've got, I'm just going to read it back. "The Board should regularly review progress against these recommendations; against the accountability and transparency commitments under the AoC; and in general, analyze the accountability and transparency performance of the whole organization so as to report to the community on progress made and to prepare for the next ATRT review."

Fabio Colsanti: Yes.

Brian Cute: Got it? Okay. How is everybody's comfort level with that language? And then we would leave, "Reviews should be overseen by the Board." Okay, I'll draft that up and make sure that's in the next iteration. Thank you, Fabio.

Okay, that's the last recommendation. We are at about 10 minutes past seven. We still have a bit of work to do, but that was the most important work by far. Let's move on, and I'll make sure that the recommendations are adjusted in the body of the report as well, that they are mirrors of each other.

Let's move on to the appendices and see if we can move through them fairly quickly. Can everyone make their way down to Appendix A? And at this point, given the time we have, let's not get bogged down in too much drafting. Let's flag issues, flag ways to fix things, and then I can go about the business of drafting.

So the first appendix is the Overview of the Accountability and Transparency Review Team. And this is really intended to be just kind of a background of our process--how our process ran, the decisions we made along the way.

Let's start with anything missing. I covered review team meetings, I covered the selection of an independent expert, I covered the creation of working groups, how we manage our requests for public comment, and how we manage the comments, our interaction with ICANN staff, and our interaction with the ICANN Board. Is there subject matter I missed?

Okay, everyone feels that that's comprehensive? Let's just open the floor. Are there any suggested edits, changes, glaring errors? Oh, come on, it's not perfect.

James Bladel: Brian, it's me.

Brian Cute: Yes, James.

James Bladel: I'm in the section of Interaction with Staff, and maybe it's captured here somewhere else. I was just skimming, but do you make mention of the different support systems that they provided for us like the remote participation features, the Wiki and some of the other kind of more administrative infrastructure assistance that we've received?

Brian Cute: I didn't, and if I did, I would be tempted to put that in the Review Team Meetings section and note that ICANN staff provided that type of support.

James Bladel: I note that the other review teams are just getting going here, and they're all kind of looking to the ATRT example as a way to, you know, what to ask for. So I think that if we can capture some of that and how we use those facilities, I think that would be helpful.

Brian Cute: Yes, you're right.

Fabio Colsanti: Fabio here. I think, I was impressed by all the technical support that we have received. So if we could expand a bit on this by making a list of all the facilities that were put at our disposal--recording, telephone bridges, and so on--that would help.

Brian Cute: I agree. Alice, I hate to do this to you, but would you mind putting together a list of all the technical facilities that were provided to us?

Alice Jansen: Sure, happy to do it, yes.

Brian Cute: Yes, if you could draft that up and then send it to me, and I'm going to cut it into the Team Meetings section.

Alice Jansen: Okay, certainly, yes. Thank you.

Brian Cute: Thank you. Thank you very much. Okay. Any other suggested edits, changes?

Cheryl Langdon-Orr: I have a question about the selection of independent experts. So it says, "ATRT determined that the participation of an independent expert would provide important, substantive inputs." Doesn't the affirmation actually call for independent experts?

Brian Cute: It does. So are you saying add something that notes, "As provided by the AoC."

Cheryl Langdon-Orr: Right.

Brian Cute: Yes, yes. I'll work something like that in.

Fabio Colsanti: ATRT agreed with the AoC?

Brian Cute: I think so.

Fabio Colsanti: How about that? ATRT agreed with the AoC?

Cheryl Langdon-Orr: They did more than agree. I think it's more than agree. I think our experience is saying how incredibly useful the independent expert is. So--.

Brian Cute: Well, I'll open with just a flat statement that the AoC provides that the review team can use an independent expert. That's just a statement of fact that should be in there.

Cheryl Langdon-Orr: Yes.

Brian Cute: And then if there's additional statements or opinion there that you think I should add in, flag them now.

Fabio Colsanti: Brian, Fabio here.

Brian Cute: Yes?

Fabio Colsanti: Should we be saying something about the composition of the team? The composition of the team is somewhat different from what you would expect, if you just read the affirmational commitments. And the independent experts in the affirmational commitments almost appear as members of the team rather than an external consultant. So probably the reason we need to say something about our views of the composition to which we extended the affirmational commitment was identifying the right participants.

Brian Cute: Well, I did, in Appendix B, Fabio, I think I did go into some of that, putting a little bit more of our view on the composition of the team, the issues that it raised, the importance of the independent expert. Let's walk through that first there, and if that's not satisfying

your concern, let's address it. And we can move it up to Appendix A. It's just a matter of finding the right place to say it.

Sticking with Appendix A, anything else? And let's put it this way, folks. If you find something in here that needs an edit, feel free to send it to me by email. I think, given the time we have, let's just focus on glaring weaknesses or holes to fill. And it sounds like this is a fairly complete treatment. And if you have any edits, just, by all means, send them to me and I'll incorporate them into the document for the next version.

- Fiona Alexander: I have a question about the Request for Public Comments section. So does the ATRT conduct two public comment periods?
- Brian Cute: Yes.
- Fiona Alexander: So you're, by a public comment period, you mean the actual interaction that you had with everybody in Brussels plus a hearing of questions at the first go-round, and then the second period is the recommendations out for comment and the conversations in Cartagena?
- Brian Cute: I mean to be speaking to the documents that we put out requesting public comments, and we did that twice. That's what I mean to be speaking to.
- Cheryl Langdon-Orr: The formal ICANN call for public comments, where documentation is put out on the public comments space in the ICANN website, and blah blah blah happens.
- Brian Cute: I'll tweak this language so that's clearer. Was that the concern, Fiona?
- Fiona Alexander: I think I'm just confused by the words, "public comment period." So you did two written calls for public comments, but then you also met with the community in Brussels and in Cartagena. So you did a variety of, like, there is a variety of ways to provide public input. So I guess (inaudible).
- Cheryl Langdon-Orr: An ICANN public call for public comment is that paper-based one.
- Brian Cute: And that's what I meant to be speaking to here specifically. So I'll clarify this so it's clear.
- Cheryl Langdon-Orr: And we maybe could list "and other public interactions facilitated by," blah blah blah.
- Brian Cute: Yes, I could put interaction. You know, I have Interactions with ICANN Staff and the Interactions with the Board. I could do interaction with--yes, let me add those, with AoCs and SOs and with the public.
- Fiona Alexander: Yes, so you can do that, or you can just change the section to "Requests for Public Input," and then you could include your public comment process and then these face-to-face input processes, too, whatever is easier for you.
- Brian Cute: Yes, I think what I really want to draw out in a clear way is how we handled the written public comments--how we managed them, how we analyzed them, and how we integrated them into our final product. I think we need to be very clear in addressing how we went about that mechanistically. Because this reflects on us and reflects on what we're asking of the ICANN Board to do and setting community expectations going forward. So let me take another crack at that, and then I'll address the public sessions in a different way.
- Fiona Alexander: It's a good precedent, because having a public session at a meeting isn't a substitute for a good public comment process.

- Brian Cute: Absolutely, but not to mention that something somebody said at the microphone could have influenced, and in fact did, our final recommendations. So I need to cover both bases. But I want to treat them a bit separately because of the points I made about written public comments.
- Cheryl Langdon-Orr: And can I just say how important that is from the At-Large Community perspective, where not everyone is comfortable in a particular modality, whether it's the written form that the traditional ICANN call for public comments requires, or whether or not it's those microphone-based ones where the verbally dexterous and articulate get to be heard. It's the complementarity of those that I think has been useful to us and should be useful to ICANN in the future.
- Brian Cute: And when you see the next version, Cheryl, make sure I'm doing that in a clear enough fashion.
- Cheryl Langdon-Orr: Okay.
- Brian Cute: Please. Thank you. There's one other issue before we go to Appendix B, and it was raised by Kieran. I think it's important that we talk about it--how we managed replacing members who stepped down. And the fact is, there was no roadmap as to how to do that, and what we ended up doing or deciding as a team was that, well, these people came from their respective ACs and SOs, and when we had people step down, we simply said, "Back to you, ACSO, you send someone our way."
- And Kieran did criticize us for not--his criticism was there was a list of candidates created and put forward, and there was a selection made among that list. Why, (a) why didn't we go back to that list of candidates that the ACSO put forward the first time; and (b) why weren't we clear about the process? Fair questions, both of them. And I think it's worth us noting how we managed that part of the process--not necessarily defending it to the hilt, but at least articulating how we did it and why. So I'll add that language as well to Appendix A.
- Okay, we've got 10 minutes, and we're doing well. Let's move to Appendix B, Observations on the ATRT Review Process.
- Fabio Colsanti: I have two.
- Brian Cute: Yes, Fabio?
- Fabio Colsanti: At the beginning, you talk about the Chairman of the Board and the CEO of ICANN represent the interests of ICANN. But the participation of the CEO of ICANN was not foreseen, was it?
- Brian Cute: Not in our group, but in the other review.
- Fabio Colsanti: Okay, sorry. Fine.
- Brian Cute: And if that's not clear, I'll make that clear, Fabio. I'll flag that.
- Fabio Colsanti: Okay. Second remark, in the list of areas of concern, we should perhaps also mentioning the publication at the end of 2009 of that methodology document that just created some concern and had no practical effect whatsoever on our work. If you wanted or seen as an attempt by ICANN to determine the way in which the review team should have worked.
- Brian Cute: That's a good point, and I'll add that as the first bullet, because that's the first thing that we encountered as a team. Okay, being added. Other suggestions, edits, as well as tone? This is a part of the document where I think the tone needs to be properly struck. The airplane is back. Alice, can you have the lines (inaudible)?

Cheryl Langdon-Orr: If it's not long, just mute me.

Brian Cute: There we go. Thank you. Okay. Anything else on this Appendix B?

Fiona Alexander: So, I have one question about the first paragraph, the last sentence. It says the affirmation calls for the participation of an independent expert, and then for experts in the (inaudible) review team?

Brian Cute: Yes, yes. That's--.

Fiona Alexander: They were so (inaudible) the discussions and negotiation. The idea was to have there be independent experts and have each review team decide what it needs and didn't need, so the review team was supposed to decide, not the ICANN staff or Board. But I think in the case of who is, they were looking for specialized experts in terms of law enforcement and privacy.

James Bladel: This is James. That's correct. I'm not sure where we are in the document that says the experts were not selected by the review team, they were incorporated as part of the review team from the outset.

Fiona Alexander: Right, and I think that's an interesting observation and one that at some point, someone needs to explain, which is why--the words are structured the same, and the ATRT got to pick your experts, and in the others, it's not how it works.

Brian Cute: And that was by design, that the others would not be selecting their own experts?

Fiona Alexander: No, that is not what the document says.

Brian Cute: Yes, I didn't see that in the document, either. Well, are you suggesting that I add some qualifying language to the expert for the Who Is group, just to make that clearer?

Fiona Alexander: Right, because I think they're law enforcement and privacy experts. And so for the accountability and security and then the GTLD ones, independent experts. I think the idea was that on Who Is in particular, you wanted independent experts, but you wanted those that had specialized expertise in privacy and law enforcement.

Brian Cute: Okay.

Fiona Alexander: But the question is whether or not you all wanted to make the observation that in the case of ATRT, you all picked your independent experts. In the case of these most two recent ones, that's not what happened. And no one's ever explained why the process was different.

Brian Cute: Yes. I only went so far as saying that we view the selection of an independent expert by a review team to be important. I didn't take the next step to comment on the other review teams. It's something we could do. It's not--.

Fiona Alexander: It's something that the ATRT will actually be asked to do, because the next ATRT actually reviews the works of the other review teams.

Brian Cute: Ah. Well, then, that's a stronger link, in my mind. I can draft up a phrase or sentence there and ask you all to review it and see if you're comfortable with it.

James Bladel: Hi, Brian, this is James. I mean, just the nature of accountability and transparency would seem to imply that the expert couldn't be handed to the ATRT, that it would have to make its own selection.

Brian Cute: I couldn't agree with you more, James. I was just looking for the basis upon which we make that statement, and Fiona just handed it to me. It's really the follow-on ATRT review team, and we should be speaking to that team in some way. So I'll add that. Okay. Anything else on this document--additions, edits? Anything I forgot?

Fiona Alexander: On Appendix B or on the whole document?

Brian Cute: Appendix B. Not hearing anything. Okay.

All right, we've got the first three big pieces out of the way. What's left now is the drafting I need to do based on our conversation in this call. The additional edits from Chris to Section 1, my edits to Section 3, that are consistent with the edits that Fiona offered in restructuring Section 2. So adding the recent pursuit of public comments, adding the comments, citing comments that we're relying on in finalizing our recommendations, et cetera. James, did you want to take on that task for 4, or do you want me to take on that task for 4?

James Bladel: No, I'll take it. I have us listed here for 4 as well as coming up with some sort of a scorecard with the deliverables by March, June, and October.

Brian Cute: Okay, beautiful. So Chris, myself, and James are on the hook to provide those edits to the respective sections. I'm going to ask, by any means, get this to me before the Friday before the holiday break, and I'll do the same in the next day or two, and I'm sure Chris will as well.

What I'd like--and I'll come back to other parts of the document--just to look at the schedule, what I think would be reasonable is to have this document locked down by Tuesday, the 28th, meaning there will be no more changes. All that's left to do is for me to go through and do the edit that Cheryl referred to, which is checking the footnotes, checking the numbering, checking the language, looking for consistency, et cetera. So if we can get that piece from you, James, before Friday, I'll get mine in before Friday. I'm sure Chris will as well. Those pieces will be in there now to the rest of the team.

Sorry, one more thing. I will add language to the Executive Summary that's pulled from the body that gives a very brief analysis to conclusion to preface the recommendations. But that should not be new text.

Beyond everything I just described, what is missing?

Fiona Alexander: I have a couple of observations on the Executive Summary. So the fourth paragraph that starts, "ATRT believes the barring of formal determination," so the edits I pointed out--or actually Larry, because he actually did this himself. I didn't actually draft those (inaudible). What he (inaudible) group say was that, started out by saying, "It's the group's expectation that these recommendations will be implemented and adopted." That's just saying that clearly. And then you could go on to say, "Barring a formal determination about cost." So I think that was the edit.

The other point just to make is that when I sent around what he thought should be the priorities, I'm assuming that was the first, as I said, set of numbers or recommendations. But I'll just need to confirm that with him once you're done with everything. But he was gone and I couldn't ask.

And then the last thing is just in question, in terms of the tone of this section, in some cases, "The Board should," something, and in other cases, you're saying, "The ATRT is establishing," other things. You might want to say, "ATRT recommends" specific--at least decide which tone you guys want to have, whether it's one where you're recommending things, that they should do things, or if they must do things. It's just not consistent.

- Brian Cute: Okay, got it. Got it and made a note to that effect. I'll look through that as I go through the section. I think "recommends" is probably the appropriate language. Again, I have the statement, "The ATRT expects that these recommendations will be adopted and implemented," but elsewhere, I'll probably adopt a "recommends" approach.
- Oh, and Fiona just raised a good point, everybody. Larry identified the recommendations that he felt were priorities. If anybody feels that there should be another recommendation or two or more added to that list, please speak up and make your case, and make your case to the ATRT list. And we can have an online discussion about that. I'm perfectly willing to have email discussion on some of these final points.
- Anything else missing from the document? I'm hearing nothing. So everyone feels this is, what we've just discussed is the universe that will--? Okay. Okay. Yes, Cheryl?
- Cheryl Langdon-Orr: It's just a very, very minor thing, just because you mentioned if we spot things. Under Management of Requests for Public Comments, there's just a few bits that ICANN draft things up, so there's sort of "one at the...; and the second one (inaudible). I know it gets to be forest and trees, but we want to send out the final version and then each of us just do either a full read or give it to a third person--we just need someone who isn't filling in the dotted lines to read it just for the tense and language and obvious bits that were meant to be popped in and words before it gets finalized. How do you want to approach that?
- Brian Cute: I am hoping--.
- Cheryl Langdon-Orr: It's the sort of thing I would normally say, "Here, husband, read."
- Brian Cute: Yes, let's put it this way. If I don't have a complete version, complete draft, circulated by Thursday, I'm in trouble. I know, James, you'll get me your piece. I'll have my piece, and I know Chris will get me his. And I've got all the edits that you suggested. So I really, if I don't have something to you all by Thursday, then something's starting to go away. And I know that that's just the day before Christmas Eve, and I've asked for a Tuesday hard deadline. So I'm not giving you a lot of time to work with. But that's my goal, Cheryl--a comprehensive, full, not polished, but full draft by Thursday, no later.
- Cheryl Langdon-Orr: When you've got the final, the comprehensive draft, let us say Wednesday, right?
- Brian Cute: Yes.
- Cheryl Langdon-Orr: Can we just give it to a normal human to read?
- Brian Cute: And you would know some?
- Cheryl Langdon-Orr: I actually have met some normal humans. If you would like me to be in charge of giving it to a normal human to read, I will do that.
- Brian Cute: By all means. If you're talking about a set of eyes that's going to help us with grammar, syntax, tone--absolutely.
- Cheryl Langdon-Orr: Totally unrelated to ICANN, set of eyes just to read it as a proofreader.
- Brian Cute: I'm perfectly fine with that, and that person through you or independently can send those suggested changes or editorial suggestions to me. I'll be fine with that. Absolutely, absolutely.
- Cheryl Langdon-Orr: It's just so easy just to make assumptions, because I can scan through things, and my brain fills in what I think should be there, and when it's not, it's an embarrassing (inaudible).

Brian Cute: Exactly. No, no, no one's expecting Shakespeare, but I don't want anything embarrassing, either, so I'll take that kind of help. Thank you.

Cheryl Langdon-Orr: Okay.

Brian Cute: Anything else?

Louis Lee: A minor edit.

Brian Cute: Sure.

Louis Lee: Number 23.

Brian Cute: Recommendation?

Louis Lee: Yes, Recommendation #23, where in parentheses you have, "as soon as possible, but no later than June 2011," the following three recommendations start with "as soon as possible," and not in parentheses, and then this one has it in the middle of the sentence. Maybe just move that phrase up to the beginning to match the others in the same section.

Brian Cute: Wait a minute. Let me get there.

Louis Lee: Okay, no problem.

Brian Cute: Hold on, almost there. Got it, #23. All right. So it says, "As soon as possible but no later than June 2011," and "its review" refers to all the IIC recommendations. "The three mechanisms in 22.9," it reads, "The ICANN Board should implement (as soon as possible but no later than June 2011)." So what was the edit?

Louis Lee: Take that whole phrase within the parentheses, move it to the beginning of the sentence, and take out the parentheses--just like the next three recommendations.

Brian Cute: Oh, I see what you--oh, okay, got it. Yes, okay. Just that one fix, Louis?

Louis Lee: Yes.

Brian Cute: Okay, I've got it, and I'm doing it right now. Thank you. Anything else before we close off, folks? This is "speak now or forever hold your peace" on significant thoughts. Okay.

Louis Lee: And Kieran is offering online to do the grammar check.

Brian Cute: Thank you, Kieran, more than welcome. We had thought we said normal person?

Cheryl Langdon-Orr: Well, I think Kieran will do as a normal person.

Brian Cute: Okay. All right, first of all, thank you to everybody in advance. I know it's the holidays, and I genuinely appreciate any time you put in between now and next Wednesday to get this done. It's very important. I think we have a good, solid document. I will do my level best to have something in your hands by Thursday at the latest, if not sooner, in terms of a complete draft. And again, the 28th is going to be lockdown day. So please get edits to me before the 28th, and once it's the 28th, I'm not taking any more, and we're going to polish and send.

Anything else before we close?

Fabio Colsanti: Many thanks to you, Brian.

Brian Cute: Thank you as well, Fabio. Happy holidays, everyone. Thank you.