
MARRAKECH – Fellowship Daily Session
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SIRANUSH VARDANYAN: Everybody, please take your seats. We're about to start. My dear Fellows, take your seats.

Hello, everyone. I hope you enjoy your lunch. Now it's third day of our meeting, our daily session, and today we have a special guest who found a time during this very hard schedule to come and talk to you, Lars Hoffmann, and I will give the floor to him to introduce himself more in detail what is he doing. But today we'll be talking about ICANN reviews. This is the topic which is I think an important one for all of us to get an update and understand what is it, how it works, how the reviews are taking place, what kind of reviews are currently ongoing, and what may be expected.

The next one hour, our guest speaker will be talking about this but we want this session to be interactive, so please come up with the questions. So, make it as interactive as possible. Without further ado, I would like to thank Lars for coming and I give the floor to you, Lars.

LARS HOFFMANN: Thank you, Siranush. Hi, everyone. Yes, my name is Lars Hoffman. I'm a director for organizational effectiveness with ICANN – it's a very snappy title – and I work for the even more snappily named function of the Multistakeholder Strategy and Strategic Initiatives, MSSSI. I'm also

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curious how that's going to be translated into French and Spanish – whether we are. As Siranush said, the department that I'm working for, MSSI – is that a hand? No?

UNIDENTIFIED FEMALE: I'm really sorry.

LARS HOFFMANN: No, it's okay. I just thought you had a question. The department I'm working for, MSSI, does a number of things and one of them is we support the organizational and specific reviews within ICANN. I'll get to that obviously in detail later on.

The team leaders here for those reviews are Larisa Gurnick and Negar Farzinnia and then myself. Although I have a second “n” to my surname but there we are. Negar and Larisa is here as well in Marrakech but unfortunately they couldn't attend because there's actually review sessions going on at the moment that they are supporting. But if you have any questions after the session that I can't answer, you can approach them at any point obviously during the meeting or send them an e-mail, no problem at all.

I'm going to talk about really just four things. As Siranush said, I want this to be – you I'm sure as well – as interactive as possible. If you have any questions any time, feel free to raise your hand. I've been doing this for three years, so I'm sure as you know from your day jobs, once you know something you maybe glanced over, something that's obvious to you but not obvious necessarily to newcomers, so just let

me know if there's any questions or something isn't entirely clear, you would like more information, I'd be happy to try and address that.

I'd give a quick introduction about the kind of reviews that we support and also a snapshot of what is happening at the moment. There's a number of reviews going on, how you or one in general can get involved with these reviews, and then give quick overview about the mysteriously named review-related activities. So, there's a couple of initiatives that are not reviews themselves but they're important for the current and future conduct of the review. There's a Q&A session at the end, do feel free, as I said, to intervene at any time.

I used to work at the university in a prior life. This brings back some good and some average memories. These are couple of overview slides. I'm not sure whether you have access to this slide deck before. I'm sure you've heard a lot already about the global or the collective efforts of ICANN, the mission. So the review is essentially contributing to an effective running of the multistakeholder model. And you see over the coming slides that, in fact, there are two different kinds of reviews that there are address different aspects of the multistakeholder model.

In general reviews, as most things within ICANN, follow a bottom-up process. They're open source so everybody can participate, everybody can provide input. In fact, broad input is in fact is sort of something that the review teams or those entities that conduct the reviews always seek out. This is one of the few meetings where there's nobody on the ground doing interviews, but if you contact me during future

meetings and in the past as well, there's often examiners or people conducting reviews. They like to get input from the community to understand what is working, what isn't working. So, it's very much a bottom-up process.

These are just some general slides. Reviews – it kind of makes sense, right? They look at what we've done in the past, what has happened to date about the various subjects, getting to detail in a minute. And then obviously help us or the goal is anyway to improve the future. So, you want to see what's happening, see what is working, what is not working, and then provide potential solutions to that through recommendations. So in that we'd like to think that they support a culture of continuous improvement.

These sometimes feel like buzz words but they are quite important to ICANN – accountability, transparency. So, this is just not about ICANN organization. What staff is doing, that remains to be accountable and transparent, but also the community itself. It's important that when policy are developed or when advice is formed to the Board by the various Supporting Organizations and Advisory Committees, that is also done in as accountable and transparent way as possible, and as required by ICANN's Bylaws as well.

Alright. This is getting a little bit onto the meaty substance, and I'm sorry about the slides. I'm cheating. I've realized my eyes are not good enough to read that and if yours are, I'd be very impressed. I'm going to read this a little bit through.

This is the four blue areas are essentially what we call specific reviews. Specific reviews you can find them in the Bylaws. For the nerds, it's Section 4.6 and it's not necessary something you need to remember but easy to be found. So, these are mandated by the Bylaws and they are reviews that are conducted by community groups. So, there's open calls – people can apply for them – and the kind of the scopes of the substance of the reviews, what they're looking at is also determined in the Bylaws.

So, the review teams gets composed, is up to 21 people selected by or from among the community. They get together and they usually have between a year and two or three years to address these four different issues. The first one is the Security, Stability, and Resiliency Review (SSR). They look particularly on the operational reliability of the domain name system (DNS) and also try to mitigate an emerging threat. It's a very technical review, essentially.

The second review mentioned is WHOIS, which is actually now called the RDS review. I'm not sure whether you talked about the issue of WHOIS during the last three days here. It's essentially a public access system to identify the registrants of domain names. So if you buy domain name, your data is captured in a database that's called WHOIS. It's partially publicly available, and so there's the review mainly is concerned with making sure that this – I call that maybe a little bit the phonebook of the Internet. Some of you are too young to know what a phonebook is. But anyway, you can look up – who has registered a website. The review makes sure that the access to that database is accurate, that the relevant registration data is captured,

and then it's also meeting legislative requirements. Obviously, as you can imagine, there's privacy concerns around that, and so that is the kind of work that the WHOIS review is assessing.

The third one that's listed here is the Accountability and Transparency Review, which is inexplicably abbreviated as ATRT, the RT stands for review team. It should really be ATR but it's above my pay grade to change that. That is really a review run by the community that looks at the functioning of ICANN itself to make sure that the way that ICANN is structured, it adheres to accountability and transparency principles as mandated in the Bylaws. It looks at, for example, how the Board functions. It, in fact, also looks at how the other reviews work. So it's in fact, the review that looks at the three other blue reviews here as well as the orange one – I'd get to in a moment, which in itself is actually six different reviews – and make sure that, as mentioned in the slide here, decision-making is reflective of the public interest within ICANN and that the multistakeholder model is essentially accountable to its components.

Then finally, we have the Competition, Consumer Trust, and Consumer Choice review, also a very snappy title obviously, which is looking especially on the impact of the introduction of new top-level domains. I'm not sure whether you talked in the last two or three days about the new gTLDs that were launched maybe three or four years ago, so the expansion of the domain name system of the top-level domains. And there's, in fact, now working group at moment as well that looks at future rounds as well. It might happen in a couple of years.

This review only takes place if and when the number of top-level domains hasn't expanded, to make sure that the expansion was actually done in a way that assures these things, competition, consumer trust and consumer choice of the top-level domain system. Since this was the first expansion that happened a few years ago, this was actually also the first review that was conducted. It concluded, I believe, late last year and the recommendations that came out of that will now be implemented over the coming years and may well inform the next round of new gTLDs, if and when that happens.

Then finally, my specialized area, which is the organizational reviews. These four blue reviews, as I said, are conducted by members from the community. There's a very elaborate key of which how many members per Supporting Organization and Advisory Committee can be nominated and accepted to the review team that's mandated by the Bylaws. The organizational reviews are reviews of ICANN Supporting Organizations and Advisory Committees themselves.

You might have heard of the GNSO, of the ccNSO, the At-Large. These reviews assess how these SOs and ACs fulfill the mandate, whether they're effective and whether they have a continuous purpose within ICANN. Again, that's mandated. I'm too far away? Sorry. Again, that's mandated by the ICANN Bylaws. And these reviews are conducted not by the community because it's strange to review yourself, right? I mean we all know what marks we give ourselves if we wanted to be able to do that. My high school degree would have been slightly different if I have been charged of my own grades.

So, here it is done by an external examiner, they're called. Essentially an outside vendor people say, or an outside company, a firm who has the ability and capability and the knowledge to assess the SO and ACs according to criteria that are again determined by the Bylaws. So, they're not just sent in to just look at whatever you want and assess them according to your own hopes and dreams. This is a clear list. This is what the review should achieve and these are other things that you should be looking at. So they go in, hand in hand with the community on the review, so they work with the SO/AC because obviously they're not necessarily experts in those institutions and those structures, and so there's close communication going on but it does not intervene, if you want, or interfere with the independence of that review.

Alright. Before I go to the next slide, is there any question on this? I know it was a lot of information. We have one, two, three. Five. We're going to start over there.

ISAAC MAPOSA:

Isaac Maposa for the record. I wanted to know who is responsible for hiring the external vendor and what are the steps that are taken to ensure that we are hiring people who have the capability and the expertise to carry out the review?

LARS HOFFMANN:

Straight to the good stuff, huh? It's a very good question. What happens before the review started, the scope of the review is set according to the Bylaws. With the organizational review, let's say it's

the GNSO review, the GNSO would be asked, “Here’s what the Bylaws say – is there anything else that should be part of that review?” That’s called the scope, the area that is going to be looked at. And then we set criteria with the organizational review, as well as with the ICANN Board, to see what should the outside vendor, what knowledge should they have? Do they have to know ICANN inside out? Or is it sufficient if they know multistakeholder organization in general or just international global organization in general?

Those criteria are then also gathered and published and there’s an RFP (Request for Proposal) that is posted officially, and so then anyone in the world, individuals, or giant companies if they wanted to, can apply to that and they are then assessed based on the criteria set previously that are public. Then there’s an interview process that takes place and then they are selected based on approval by the ICANN Board as well. The process itself is conducted by ICANN organization, by staff, but the final sign up comes through the Board. I hope that answers the question. Very good.

UNIDENTIFIED MALE:

I have a question about the organizational review. As you have mentioned, this process will review all the structure of SO/AC, if I’m wrong. After reviewing the structure, will the community be asked about this for public comment?

LARS HOFFMANN:

Those are great question. It really should've been six different areas because the organizational reviews are all separate. So the review of the GNSO, the review of the RSSAC or the SSAC are separate review processes that may but don't always take place at the same time. I think they avoid to overlap these too much.

Once the independent examiner has concluded their work, which usually takes plus/minus 12 months but that's a good ballpark, they issue a final report that says, "Here's the issues we found. These things are not working or it could benefit from improvements," and then they issue corresponding recommendations. I'm making this up. "You don't have enough people from Northwestern Asia in your team," as an example. "So, our recommendation is you should have a quota of members to make sure that region representation is adequate." So, that report contains as many findings and as many recommendations as the independent examiner finds. Sometimes it's just 10, sometimes it's – I think we had 37, it was the most.

Then the organization under review is asked to respond to that. Basically, do you agree with the assessment? Do you have nobody from Northwestern Asia? And if so, do you agree with the proposed solution that you should install quotas? Or do you think there's a better way to achieve that?

In this case, maybe there's not but in this hypothetical – but you could imagine obviously when there's more complex issues. There could be different ways to address and identify the problem. This kind of assessment by the organization under review together with the final

report by the independent examiner is presented to the ICANN Board and they will then assess both documents and say, “Okay, it makes sense here. The organization made a very good point. Let’s do it this way.” Or they could also say, “Well, we think the independent examiner made a better point (if there’s contention) and so we should do it that way.” Usually there’s agreement, actually. So it’s not very often that there’s a big discrepancy simply because the two have usually worked quite closely together, and so the independent examiner is already aware if something is not really received very well by the organization.

UNIDENTIFIED MALE:

I don’t know if ... I have a suggestion. To avoid this waste of time ... so the independent he work alone, and after that he will prepare the report for public comment for the SO/AC. Why the independent didn’t work closely at the beginning with the community?

LARS HOFFMANN:

Sorry, I wasn’t clear. They do. As soon as the independent examiner starts their work from day one, there is a community group from the organization review that is formed. It’s called Review Working Party. That group works with the independent examiner.

So the independent examiner will issue a draft report, for example, just on the findings. No recommendations, just what is not working or what could benefit from improvement, where are shortcomings. That Review Working Party, which is composed of members just from that

organization, will comment and say, “No, no, no. You didn’t understand this right. Actually, if you look at our memberships here, you just looked at the subcommittee. Our actual membership has lots of people from Northwestern Asia in it. You’ve got it completely wrong.” They were like, “Oh okay. We didn’t realize.” So then they hopefully will change it. So there is continuous discussions going on throughout the review more or less the way I described it.

JEAN NAHUM CONSTANT: Nahum from Haiti. I work for the TLD .ht. One of your review teams review [inaudible] WHOIS, and I have some questions about the WHOIS team because WHOIS is defined as a public access for domain name information, and there’s some registrars that provide WHOIS by [inaudible]. In Europe, there’s a GDPR thing. I would like to know the review team – what is involved in the discussion between WHOIS and GDPR? It’s regarding to registrar provide privacy in the public stuff, overall public information.

LARS HOFFMANN: Thank you. I’m going to caveat that answer. I haven’t talked about the timelines yet. First, all reviews obviously don’t take place all the time. All of these, in principle – without boring you with too many details – they take place every five years. The WHOIS team actually just completed the second review overall. RDS is now changed to RDS or WHOIS2 that was the review team that finished the work. And I think the final report of that group is going to be published very soon – I’m going to say in the next few weeks, maybe a couple of months. As you

quite rightly say, the WHOIS database, there are some issues with the overlap with the GDPR, the European legislation about privacy in data.

Another quick caveat, it's not my field of expertise. However, having said that, I'm going to talk about it anyway. The review team knew about this obviously. There's also a GNSO Policy Development Process (PDP) ongoing right now that is also looking at the question of a GDPR and there's, in fact, an express PDP. I don't know if you heard about the EPDP. There's also a PDP that is looking at WHOIS itself to change the policy around that. The review team therefore limited in this case its own scope and said, "Look, we are mandated by the Bylaws" – and I'm paraphrasing this – "to conduct this review at the moment. But there's a lot of other efforts right now that are ongoing. So we are going to really just look at whether the implementation of the previous review have been implemented, where there's anything that is not covered, whether it's GDPR-related or WHOIS-related by the other efforts that are ongoing that fall in our remit, and that's all we're going to do this time." So when the next WHOIS review, RDS review comes around, I think they will then look really at the broader picture of what has been achieved and how all these pieces have fallen into place and whether they are working the way they intended to.

That is the advantage of these committee-run review teams that the scope is not set, it's suggested by the Bylaws. If they think they need it to be a bit less because of circumstances, they can do that. And that was the case here for the WHOIS team simply because of the timing. Because the timing is something that can't be changed due to the language of the ICANN Bylaws.

PETERKING QUAYE: My name is Peterking for the record. My question is straightforward. It actually has a link to the WHOIS issue. Basically, I was wondering if it has a linkage to geographical reference in terms of continental differences in terms of Africa it's different, in terms of Europe it's different. In the review process of the WHOIS, do you consider geographical location in terms of differences of data privacy or in terms of data protection issues in terms of the review process? That's one.

Number two, with respect to the review process, the multistakeholder [inaudible] has three components – the process, the action, and the outcome. Can you share with us what's the key process in terms of the review process in the reviewing of documents? What is the key in terms of process?

LARS HOFFMANN: On the second question you mean for a specific review – for the blue ones or for the organizational reviews?

PETERKING QUAYE: The blue ones which is the WHOIS.

LARS HOFFMANN: I can't really answer those questions. I'll be honest with you. The review team that is ongoing has just finished its work. I am just copying here the final report that is publicly available. I would really

feel more comfortable if I send you the document so you can look at what they looked at and what they've come up with. I can speculate but I don't think that's going to be helpful.

What I can say though is if the review team has assessed something or has not assessed something then it is up to the review team. They have made the decision consciously, in other words. So if you will go to the Bylaws, you will see the list of issues that the WHOIS team can look at.

Then the review team will produce – it's the first thing they do when they are formed. They will create a scope of their own work based on that, based on what's said on the Bylaws, and then work accordingly. That scope of work is also a proof by the ICANN Board but it's self determined essentially within the framework of the Bylaws.

I'll send a link to Siranush and then she can maybe share that out if that's okay.

RAO NAVEED BIN RAIS: Can I just follow up?

LARS HOFFMANN: Yeah. Please do.

RAO NAVEED BIN RAIS: This is Naveed. Actually, I'm part of SSR2-RT. So I would just like to be specific in the answer.

LARS HOFFMANN: Please. Absolutely.

RAO NAVEED BIN RAIS: I'm a member of SSR2 Review Team which is ongoing right now. Part of the process is that one thing when the review team is selected that is kept in mind is that all constituencies, SO/ACs are well-represented, and then they are diverse in terms of their geographical representation as well. So we have, for example, three members from Africa, we have members from Asia, from Europe, and from everywhere almost.

The process is that it takes a lot of time because we are in the second year almost of the review. It's about first identifying what unique to review at while keeping in view your remit. It means what you can do, what you can't do collecting those information. Then streamline your priorities, what is important, what is absolutely that you have to do because as per Bylaws, there are some mandatory things that we have to do and there are some optional things that we have to do. Based on that that we start looking into the materials and, if necessary, we ask for the community interviews.

When we draft our recommendations, then comes the public comment process. So once the draft is ready, we present it to the public and give two to three months of time for the public comment. After that, the review itself is revised or reviewed to see what can be updated to be presented finally to the Board.

That's the whole process. It takes a lot of documents reading, background interviewing and all that. So I hope I answered that. Thank you.

LARS HOFFMANN: Thank you. Very helpful. I have two more slides to elaborate a little bit as well on that process. This is same slide with just – the orange ones are spelled out. These are the four specific reviews, as we said, mandated by Bylaws and conducted by community review teams.

RUDOLPH DANIEL: I have a question.

LARS HOFFMANN: Oh, I'm so sorry. Please go ahead.

RUDOLPH DANIEL: I'm Rudy Daniel for the record. My question is relating to the fact that – you've given us this whole list of organizational and SO/AC reviews, and I'm wondering how we actually as an organization get through them because the amount of time it takes to do them. I'm just wondering, I remember not very long ago the ATRT reviews were overlapping each other and the implementation on the first round wasn't done but yet the second one was about to happen. How do we mitigate such circumstances? Or have we been able to improve the structure of how reviews are done within this sort of timescale? A year is a very short time in the ICANN calendar, isn't it?

LARS HOFFMANN:

That's right. That's a great question. In a year, let's not forget, it's really just what the organizational reviews take on general. The specific reviews have often gone for longer. The ATRT review is the only one that is limited in the Bylaws to be completed within 12 months. The others have no limitation and often run longer than that. SSR2 I believe is just over two years. The WHOIS is also two years. They're just about to submit. The CCT I think ran for almost three years. So you're quite right. There's the review that's been run, the implementation, and then [inaudible] the next review.

I'm actually going to talk to that in a little bit more detail later on this, a couple of initiatives that have been started or about to start to look at how we can be smarter about that. So far, the problem is that like the Bylaws say, there's a certain moment when the clock starts ticking, if you want, for the next review to start. But that is not based on the implementation. That is based on the conclusion of the previous review. So that is probably not the smartest way to do this, some might argue. There are initiatives on the way to maybe in the future – hopefully I should say in the future – look at both the scope of reviews and also the timing of reviews as well. I'll speak to that in just a bit in more detail.

MESUMBE TOMSLIN SAMME-NLAR:

Tomslin for the record. I might have missed it but I was wondering where the IANA function and PTI reviews within that.

LARS HOFFMANN:

That's a very good question. There is another review of the PTI board and the IANA function, the [inaudible] review. I'm not speaking to that because our team is not supporting that review, and so I know personally very little about the process. What I do know is that the first review is about to get underway and I believe that within the next weeks or months that the review team, in fact, for that will be formed. But because of how this has structure in the Bylaws, they fall on a different section, and so I'm not the right person to talk about it, I'm afraid. I'm sorry. I wish I was but I'm not.

Just very quickly on this slide here, again it speaks a little bit to the process that was just mentioned. The specific reviews, they plan their own review. This kind of starts at 12:00 and then it goes clockwise around to the right. Once the review team is assembled – it's made of community members – they then plan their work and conduct the review which includes, with the very least, one public comment exactly as was said, and then another public comment actually after the final report is concluded and before it goes to the Board for action. Then the implementation is planned and limitation takes place.

These are different steps but these are not representative of the timing. Each step does not take the same amount of time. Some of these take years and others just weeks or months.

The organizational reviews, there's arguably fewer steps. The review is planned as I said earlier, scoped right at the beginning. Then the independent examiner is procured, is brought on board. They conduct

the review hand in hand with the organizational review. Then when the final report is submitted, the organizational review provides an initial implementation plan. The Board adopts that and then the improvements hopefully take place. In both cases, they have standard operating process. It improves how ICANN or the organizations work. Yes, please.

BEETY FAUSTA: I'm Betty Fausta. Give me an example for which case we can use specific review for a better understanding.

LARS HOFFMANN: I'm going to have a follow-up on that. By that you mean what subject areas are subject to specific reviews? Absolutely. I'm just going to go back.

Here are the four different reviews. The ATRT review, for example, the Accountability and Transparency review. They will be looking at, for example, whether the ... they're actually looking at the other reviews. They're looking, for example, if certain processes that apply to the ICANN Board are as efficient as they could be.

The CCT review looked at an issue, for example, does the new gTLD Program or has the introduction of the new gTLD Program led to more competition and appropriate competition in the market space of the top-level domains of the DNS? So the subject areas of the reviews are mandated by the Bylaws and the specific topics – the areas meant in the Bylaws, the topics are determined by the review teams

themselves, if that makes sense. And the organizational reviews look at whether the organization under review – so those seven here, the ASO, GNSO. I don't want to read them all. A lot of Os. Whether they have a continuous purpose, whether the role they're meant to play still makes sense within the multistakeholder model, whether the internal processes are as effective and as efficient as they could be. So the decision-making process in the GNSO Council, is that the most efficient way how you can reach a decision? Or could there be improvements be made to make it more transparent or more effective?

They also look at the implementation of previous reviews. So they check, "Okay, what happened last time? Did they actually do that and did that lead to improvements?" Kind of a back check. That is also actually for the specific reviews.

Any additional issues – essentially it comes up from the organization that they would like the independent examiner to look at, if that makes sense. Yes please.

MOHAMMED YOUSIF:

Thank you. This is Mohammed Yousif for the record. Are these the only review topics? If there's any other topic, does it fall under these review topics?

LARS HOFFMANN:

Yes. The review of the PTI board and the IANA functions. That's another review within ICANN that doesn't fall under these two broad

categories of specific and organizational reviews that has come in with the new Bylaws that were adopted. I don't know if you heard about this I think three years ago. That review has never taken place. That's the first time that's taken place and it's starting probably later this year. But otherwise, no. The 6, 10, 11 different reviews that take place at various times. In the next slide, I show you actually which reviews on which state at the moment.

UNIDENTIFIED MALE: Question.

LARS HOFFMANN: Yeah, please.

UNIDENTIFIED MALE: I just came out of the auction proceeds, which we've been [inaudible] for two years now. I just wondered actually because if anyone looks at the proposals that went out for public comment, you'll see that what has been suggested in terms of how those proceeds are going to be disbursed, there are three separate, three different styles of organizations which has not been decided upon at all. I'm just saying that because I wanted to ask you suppose, for example, that ICANN created a new organization to disburse those proceeds, what kind of review mechanisms would it fall into if you have a view?

LARS HOFFMANN: Well, my old mentor when I went to the university told me that there's nothing more difficult to predict than the future.

UNIDENTIFIED MALE: I'm not saying that that is going to be –

LARS HOFFMANN: No but –

UNIDENTIFIED MALE: It's one of the options. We've spoken about a review process in many different ways but I'm saying that if there is a new foundation or something then which review process would that might fit into?

LARS HOFFMANN: I was being fastidious, I apologize. I think the answer would lie in how the setup would be. So I would imagine that if it was a foundation going outside of the ICANN structure entity then it probably would be reviewed by the community and it would be something akin to a specific review. If it was a community group that was created that disbursed the money or be in charge of that then my suspicion would be that'd be more like an organizational review and would be assessed by someone outside. In other words, if it's outside of ICANN, it should be reviewed from within ICANN. And if it's within ICANN, it should be reviewed from outside of ICANN. But don't hold me to it.

UNIDENTIFIED MALE: In principle.

LARS HOFFMANN: Yes, that's right.

[CHOKRI BEN ROMDHANE]: This is [inaudible] Chokri for the record. I don't know if the public comment, the process will be integrated to the reviewing.

LARS HOFFMANN: Yes. All of the blue reviews – the specific reviews – have, at the very least, two public comments. The yellow ones have, at the very least, one. No? You want something else?

[CHOKRI BEN ROMDHANE]: Yeah. I'm only asking about the public comment in the process itself. Are we going to review the process. Currently, the group or the external mandate or will submit your report or statement, and then community will respond by commenting this report. Sometimes we have the impression or the public comment that's received by community is only used to [legitimate] some action in my opinion. It is possible to review this process of public comment to make it more efficient?

LARS HOFFMANN: There goes the question of how ICANN conducts and how it should conduct the public comment process and what impact it has, and that

goes beyond and includes but it goes beyond the question of the impact on reviews. I'm sure you would apply that question to any public comment on any issue.

That is a very good question to which I can only say that as any process, I think the public comment process would benefit from improvements. But that is essentially I think for the community to come together and say, "Look, we don't think it's working the way it is." If that's really the consensus opinion and here are some ways to improve that. So, for example, when I talked about that the organizational reviews have a community group that accompanies the independent examiners and their work. There was, in fact, an improvement from the first round of reviews. We have two rounds of organizational reviews now. On the first round, the community said this. They said, "Look, these guys (or girls) produce this report with recommendations, they don't know as well as we do, and most of these we don't agree with." So we said, "Okay, we hear you. Let's create a much closer and better dialogue so that you can course-correct where appropriate the independent examiner."

So that's not a public comment. But it's a way that the community is more closely involved and hopefully leads to a better understanding by the independent examiner and also by the acceptance from the community on the review, why? Issues have been found, recommendations have been made. It's not really a direct answer to your question but I hear what you say and I don't think you're the only one who feels that way. But as I said, there would be something for the community essentially to address and to present solution to.

Just one issue from a process perspective. As far as public comments are concerned for reviews, they actually conducted before the final report is issued. So it's not "Here's the final report and what do you think?" It is "Here's the draft of the final report. What are your concerns or what do you agree with." Especially for the organizational reviews, we asked the independent examiner to explicitly explain in the final version which public comments they have taken on board and which they have rejected and why? To create more accountability than we have at the moment.

I'm sure that on the specific reviews, there's two public comments. So there's one before the final report is issued, and I'm sure the review teams do the same thing there. You're quite right, after the final report is issued, there's a second public comment for the specific reviews, and I think the Board takes that into account but doesn't necessarily respond to it. Hopefully I have a couple of minutes just to talk of some of the improvement processes that are underway, but it's something that's important I think.

UNIDENTIFIED MALE:

Who determines that there should be a public comment period? Assuming you have one public comment period on a process, then you go back in to deliberation, who determines how many public comment processes throughout the process?

LARS HOFFMANN:

That’s very good. I think the answer is on the specific reviews, I believe – and I would have to double-check the Bylaws – to the best of my recollection I think for the lawyer would advise me to say is that the second public comment, after the report is issued and before the Board makes a decision, that is mandated by the Bylaws. The first one prior –

[END OF TRANSCRIPTION]