
ICANN78 | AGM – Joint Session: ICANN Board and ASO
Tuesday, October 24, 2023 – 4:30 to 5:30 HAM

STEVE SHENG: Hello, and welcome to the joint meeting between the ICANN board and the address supporting organization. Please note that this session is being recorded and follows the ICANN expected standards of behavior. All panelists are kindly asked to state their name for the record and speak at a reasonable pace. This discussion will be between the ICANN board and the ASO members only. Therefore, we will not be taking any questions from the audience and we'll now hand it off to Christian Kaufmann.

CHRISTIAN KAUFMANN: Thank you. Welcome to everybody's favorite constituency meeting. Welcome to the ASO. We are here today, the ICANN board and the NRO EC and actually member of the ASO AC to discuss a couple of topics. And with that, do we get the other slides? Here we go. We also have here John Curran, the current chair of the NRO EC. Anything you want to add before we start, John?

JOHN CURRAN: No, just as always, thank you for taking the time of the ICANN board to meet with us. And it's a great opportunity for us to stay alignment. And

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I thought I think it's something that we should continue. Even if these meetings are brief, they're useful. Thank you.

CHRISTIAN KAUFMANN: Good. Then these are the questions which we have for today. As you see, they fit on one slide. And the first one was coming from the ASO. Could you briefly summarize the status of the ICANN's CEO search and what input you need the ASO to provide? And for that one, I will actually give to Chris Chapman, who is the chairman of the search committee. Chris?

CHRIS CHAPMAN: Chris Chapman. Thank you, CK. Yes, I am the chair of the search committee. It's a committee of eight members of the board. And it's a process that's reaching a very interesting stage with the advertisement for the position having gone live last weekend. That follows the appointment about a month ago, three weeks ago of Perrett Laver as the executive search firm.

It was interesting, the request for proposals elicited about, I don't know, 15. No there were about 15 expressions of interest, about 12 proposals, shortlisted five and Perrett Laver were very impressive and have a particular interest in mission driven engagements. They had a humanity and a warmth to them and an understanding of the brief that really attracted us. And I say that and I underscore that only because that is really the sentiment we're taking into this search.

As we all know, we published some time ago, the role description. We sort of threw a unicorn characterization over it, but we've walked back from that. But that was to highlight the fact that we are aware that notwithstanding the extremely detailed role description that was, and it came to some 10 pages, we made the point at the time that it was as much communicating to the community as it was to the potential applicants for the role, that there was certain attitudes permeating within ICANN and the ICANN board under the leadership of Tripti. We came to that final role description after about, I think, 16 particular community briefings, including past chairs, past presidents, all the various community constituent groups, some ad hoc feedbacks, very interesting and sensible papers from some of the alumni's and luminaries of this world.

And it's a role description that in the final analysis didn't change that much. I should, and we took great greater comfort out of the fact that Labour were very happy with the brief we had provided. They, with all members of the search committee, had a very significant debriefing. The search went live last weekend. It'll be placed in about 12 major publications right around the world in this coming week.

I think there are 12 advertising outlets. And that is to underscore as we have underscored to the search firm that we are genuinely interested in a worldwide search and no stone should be left unturned, if that's the expression, in securing a candidate who has a lovely balance of the skills we're looking for. We realistically realize that no one has the depth and width of skill sets that role description reflects.

And ultimately, we'll make some internal trade offs, but the board has previously in that role description indicated that we are open to the appointment of a COO or equivalent. And that's obviously a significant nod to where we think that's heading. The appointment, as we also are aware, comes at a very important time for not only ICANN, ICANN board, ICANN org, but for the whole community. And we've been discussing over the last several days, a number of those challenges. And it's entirely consistent with why our chair has on a number of occasions indicated we're at an inflection point. There are challenges to be addressed, there are opportunities to be apprised, there are consolidations to be made. And calendars 24 and 25 are going to be big and important years.

There are more generally broader geopolitical tensions continuing to build up on sovereign state, sovereign states reverting to their own borders, their own whack-a-mole solutions to various things, multi stakeholder model is forever under discussion will always will be. And the ICANN board and ICANN org, and Sally is the president is very conscious of both being a global educator, and also delivering internally. And that's there is a huge refocus on consciousness about deliverables and timeliness and adding value. So where do we go to? The applications are open until the 27th of November. And indicative thereafter, we will be spending the month of December, looking through all the applications on an anonymized basis initially, so that there is no bias in what we do.

Putting together a long list in the month of December, with a view to establishing a short list and interviewing probably in the middle of January. So all up CK, we're probably a week behind maybe where we

were, indicative three or four months ago, and I'm obviously rose colored glasses about this, but the search committee has been very impressive in its contribution, its consensus. I think we're in a very sound position. And the next couple of months are not going to be not only interesting, but they're going to be extremely critical ones for ICANN. So hopefully, that's the insight you were looking for.

CHRISTIAN KAUFMANN: Thank you, Chris. More questions? Comments?

JOHN CURRAN: Very helpful and good to have the update. The ASO community, in terms of our requirements of ICANN CEO search, I imagine is rather light because our contact with ICANN is compared to everything in the scope of the president's day at ICANN. I'm sure we're not a major piece, and we don't have particularly unusual requirements, but I wanted to know where the process was and to the extent that I guess people have feedback into this, how should they be providing it?

CHRIS CHAPMAN: Well, the community more generally has already made a major contribution. That's not to say it's now set and forget, but there has already been significant community contribution both through the various formal bodies and individually. That allowed us to sandpaper some of our ideas. And I can only come back to the proposition that it's an extremely extensive, useful role description, which gives us a palette

of choices with some nods in it along the way. So it's a helpful document of consolidation.

You and your colleagues will have observations from time to time. There will be people who will come to your attention. There will be curiosities who will come to your attention. There will be curiosities that will arise. And I could only encourage them to contact me directly as chair of the search committee. And I'll naturally share it with the search committee, but everyone should feel that liberty to come through me. And I'll mediate it as I go. How does that sound?

JOHN CURRAN: That sounds wonderful. Thank you.

CHRISTIAN KAUFMANN: Please, Tripti.

TRIPTI SINHA: I'd just like to add one comment, which is we now enter the very confidential phase of the search. So I would urge everyone, if you're aware of candidates and so forth, please keep that to yourself. Thank you.

CHRIS CHAPMAN: Not inconsistent with that. We only will deal with applications that have gone through Perrett Laver.

CHRISTIAN KAUFMANN: Thank you. Any other questions, comments to that topic? No. Good. Then we are moving to the next set of questions, which we are coming from the board. The first one is what is the latest status regarding AFRINIC?

JOHN CURRAN: I'll take that. So I'll attempt to describe the current status of the AFRINIC Regional Internet Registry. I want to note that this is somewhat challenging because not all the developments right now are sitting in a public reference that you can point to. Sometimes there are dockets filed and requests to the courts that also aren't published at the same time. Having said that, they're material to the status of the AFRINIC RIR. So I'll talk about them. I just note that this is a moving target and the knowledge that the RIRs have is based on what we've been able to collect that may not be perfect because things can change rapidly and we may not get an update. We're not necessarily a party to all the proceedings.

So with that said, people may be aware that AFRINIC had an election or had a members general meeting last year and at that meeting they wished to have an election and just prior to their general meeting they were informed that terms of the election were not valid by a court and therefore they would not be having an election at the meeting and that was last year at their AGM. They had their meeting but no election and this led them to a circumstance where they did not elect more directors and the number of directors they had seated dropped below the number they needed to be able to hold the board meeting. They were

the term is inquiry, inability to meet and with quorum and therefore conduct business and this is a challenging situation because a lot of what the board does in governing an organization requires formal meetings and formal determinations.

Furthermore, in order to have another election they would have had to have a meeting so they could neither have a board meeting nor could they hold an election. There were some attempts to petition the court in Mauritius to address this which were unsuccessful and then later on that year their president and CEO, Eddy Kayihura, his contract expired and so they were left without a CEO. So you have an organization operating without CEO and without board oversight.

This has led to a number of challenges and it wasn't clear how exactly AFRINIC was going to get back to normal governance. The most recent development or developments is that in September many of the seated directors their terms were going to end at the end of September and the Mauritius court heard a petition to appoint an official receiver and you hear about receivers being appointed for corporations generally when they're being liquidated or shut down in a bankruptcy act.

This was actually an appointment of an official receiver for purposes of continuing AFRINIC for maintaining its value and stability for establishing an election to get new directors and the hiring of a CEO. That was an order that was issued and there was an appeal made by one of the former directors of AFRINIC against that order. When that order for an official receiver came out the NRO, the number resource organization, which is how the RIRs coordinate our activities, we actually issued a statement which was praising the appointment of an

official receiver because we saw it as a clear timeline to restore normal governance to AFRINIC. The ability to have an election member-based election and have directors appointed.

With the appeal that's no longer on the table right now and it's unclear how AFRINIC will get a governing board back. I will say we've had a little oscillation. The appeal of the appointment of an official receiver to AFRINIC, the appeal was momentarily set aside. It was an injunction sought and then that was overturned. So we had a receiver, then we didn't have a receiver, and then we did, and now we don't again.

Right now, the appeal against the appointment of a receiver is pending. The official receiver has indicated that they won't act for AFRINIC obviously while appeals pending because you don't want to do anything that a court would eventually overturn. We're waiting for the hearing of the appeal against the appointment of the receiver and that hearing against that is a process that could be six to 12 months. So it may be that long while AFRINIC continues to operate without a board.

The staff, as I said in my opening remarks earlier this week, the staff has been doing a heroic job keeping our AFRINIC running. They don't have a CEO or a board so they have to act on their best judgment and do what they traditionally do to provide services. All of AFRINIC's services are continuing to be provided to its customers and so it's not a good situation but hopefully one that will work itself out in time in the court system in Mauritius so that AFRINIC can get back to normal governance. That's kind of the high level status of the latest for AFRINIC. I could go into hours of it but I'll try to do the best there. I see the second question

which is what is the ASO's plan to ensure RIR operational continuity and strengthen RIR governance and I guess I might as well address that.

Throughout this we've been making resources available to AFRINIC. We have provided technical resources, financial resources, the staff and an organization knows we're available to them if they have any need. I'll also say I'd like that ICANN has been forthright in their support both in terms of outreach and in terms of engagement with AFRINIC to let them know that ICANN is also standing by. The good news is that we've been involved in making sure AFRINIC knows if it needs something we're there to help and that could be financial or technical support. We've been able to overcome almost every issue with the support between ourselves and ICANN.

In terms of additional steps to strengthen governance, there's a few things we're doing. We do realize that RIRs are accredited through a process, an internet consensus policy called ICP2 and that is a policy that is for the recognition of a new RIR. We've realized that we don't have formal procedures for how to implement that. We created them sort of ad hoc but we'd like to have formal procedures for recognition of an RIR and then formal procedures when a review of an RIR and potentially an issue where de-accreditation is necessary.

We're going to work on developing those procedures and work with the community through the ASO AC, the Address Supporting Organization Advisory Council. We're also looking long-term. The AFRINIC situation has revealed that long-term over the next if we look out several years it might be good to update ICP2 and make a more robust framework for

RIRs and their commitments to each other and their commitments to ICANN.

And so we're also going to ask our ASO AC to work on that task of considering with the community in all the regions what long-term, what changes the obligations of RIRs should occur. But that's a policy process to some extent, and it's going to take probably multiple years. So those are two things, one short-term, so we have the procedures in place we need, one long-term to look at an update to ICP2. I guess on that second point I'd ask, Hervé, if you wanted to comment or add anything.

HERVÉ CLÉMENT:

For that, perhaps two other points regarding that. So regarding the AFRINIC community because there are two aspects. So there is the aspect of the AFRINIC organization first on the programmatic or the executive board, CEO, and the basis of that is the strength of the community, so the AFRINIC community, the Africa community on one hand, on the other hand, the membership as well because the membership was a power to vote for the election.

There was an event organized at the end of September in Johannesburg, the Africa Internet Summit, the IAS, sponsored by the ICANN. I know that the directors of the ICANN decided not to go. I had the opportunity to go and I could feel that the community in Africa is very concerned about the programmatic of governance, the region is going through. So I felt a desire on the strength to go.

So I don't know if it can be seen as a sign of hope, but I felt that. And always it's very important to support the community and to help them to be together, to have enough power to go ahead for that. That's one point and the other. So regarding more, so the multistakeholder aspect, so the ICANN organization, so I am the chair of the ASO address council. So we have a problematic with the AFRINIC, a direct problematic, in that there's no election possible anymore.

And so normally the ASO ACs comprise of 15 members, three for the five different regions. There is only one for the AFRINIC and from the beginning of 2024, there will be zero. So that's a philosophical problematic that there is no AFRINIC member and representative in the council. But we wanted also, and we needed to know if we could continue to fulfill our function, like the election of the CETA 9, CETA 10, et cetera, representative from NomCom, regarding this problematic of core.

So since more than one year we have worked on the update of our operational procedures. It was approved and voted by the ASO AC unanimously. So it was last Sunday and was, so thank you for that, approved by the NRO AC this morning. So with that, it's just a little part of the problem, but it's part of the problem. So the ASO AC will be able to continue to fulfill these functions. Thank you.

JOHN CURRAN:

Thank you, Hervé. Would you like me to address the last question?

CHRISTIAN KAUFMANN: Yes, please. I was about to ask. Thank you.

JOHN CURRAN: Is there anything else ICANN should be doing to better help the NRO ASO? I'd like to say, I can't think of anything offhand continuing the support we're getting. And that includes John Crain, if he's in the audience, who is being frequently borrowed to lend his insight into this and providing a resource for AFRINIC has been instrumental. The legal team, JJ, the ability to engage with Tripti and Sally on occasion and yourself. As long as we have continued access to discuss developments and paths forward, I think we're in pretty good shape.

CHRISTIAN KAUFMANN: Thank you. I speak for the rest of the people you have mentioned, but I guess this is exactly what we plan to do. Continue the path which we have and bring us all together.

JOHN CURRAN: If there's any questions from anyone else on the board I'd be happy to...

CHRISTIAN KAUFMANN: Do we as the board have more questions, comments? Does the NRO have more questions, comments? So we are all very much in sync. Here we go. Hans Petter.

HANS PETTER HOLEN: I felt I had to go off script. So I would just like to invite all the board members to our regional RIR events. So the RIPE NCC has an event in Rome last week of November and you're all welcome there and I know that the events in the other RIRs, if you haven't been to them, see if you can fit them into your travel calendar next year so that you can experience our community and the policy processes there. So just an encouragement from me and an invitation to come to Rome. Thank you.

CHRISTIAN KAUFMANN: Please. Sorry, Tripti.

TRIPTI SINHA: Well, thank you very much for the invitation and I was at the APNIC meeting and by the way I really enjoyed the event and I would encourage all my colleagues if you have an opportunity to join them at one of these meetings and I'd like to reassure you that you have our support in dealing with whatever we need to deal with. Thank you.

CHRISTIAN KAUFMANN: Thank you, Tripti. So anyone else? Three, two, one. Then it is, as Sean promised, very short and brief. Thanks a lot for attending and see you all soon. Thank you.

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