
ICANN79 | CF – ccNSO: Meeting with ccNSO Board Representatives Event
Wednesday, March 6, 2024 – 3:00 to 4:00 SJU

CLAUDIA RUIZ:

Hello and welcome to the ccNSO meeting with the ccNSO board reps. My name is Claudia Ruiz and I, along with my colleague, Susie Johnson, are the remote participation managers for this session. Please note that this session is being recorded and is governed by the ICANN expected standards of behavior. During this session, questions or comments submitted in chat will be read aloud if put in the proper form as noted. If you would like to speak during this session, please raise your hand in Zoom. When called upon, virtual participants will unmute their Zoom microphone. On-site participants will use a physical microphone to speak and should leave their Zoom microphones disconnected. Interpretation for this session will include English, Spanish, French, and Arabic. Please state your name for the record and the language you will speak if speaking a language other than English. For the benefit of the participants, please state your name for the record and speak at a reasonable pace. On-site participants may pick up a receiver and use their own headphones to listen to the interpretation. Virtual participants may access the interpretation via the Zoom toolbar. Thank you, and with that, I will now hand the floor over to Biyi Oladipo, session moderator. Thank you.

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BIYI OLADIPO:

Thank you, Claudia. Good afternoon, good morning, and good evening to everyone who is joining us for this session. Okay, it's a meeting with ccNSO appointed ICANN board members. My name is Biyi Oladipo from the .NG registry, and I will be moderating this session. Now the meeting, I don't want us to make it look too formal and too like you're having an interview session with Patricio and Katrina. So I want this to be as interactive as possible. Let's ask questions and seek for clarifications for various things. Yes, Katrina, you can stand with me. Good. Okay.

The whole objective of the session is for us to have clarifications to things that we're not very sure about. There are a few questions that come in when the session was published from the council, and then we're opening it up to everybody to come and ask questions of things that you're really not aware of, or maybe things that you know, but you're seeking clarifications around. So already the council sent in like four different areas of concern, and those are the IDN ccPDP3 retirement. How far with that? A few questions around that. And there's a ccPDP3 retirement, the ccPDP4 IDN, and also things around budget and things around risk management or risk averseness. So these are areas that we already have some questions on, but I would like to open it up to everybody to ask things that they need clarification on. And so please work on with me, Katrina Sataki and Patricio Poblete.

So I'll keep the ball rolling while we're all thinking about questions. First of all, we have a Mentimeter that's coming on. Please can we have the Mentimeter on? Now the whole objective of this, of the Mentimeter, is for you to type in areas of things that you would like to seek clarification on and ask them about. So you can either type an area or you type a question. So while we're waiting for that, I'll kick off the first question.

So the first question I have here is, what is the status of the retirement of the ccPDP3 retirement policy implementation?

PATRICIO POBLETE:

I'll take that one. First of all, I'm delighted to be here. This is the best time of each ICANN meeting when we come to meet with our colleagues. Sometimes it's not easy for us to be a lot of the time in here, particularly in this kind of meeting where we meet with all the constituencies, all the groups. So little time is left for us to be here, but here we are. As to the question, what about the retirement policy? I'm glad to say that today I'm in better shape to answer that than I was yesterday. Because you may have received notice that IANA has officially informed that they have concluded the implementation of the policy. They're ready with all their processes and documentation to handle any retirement requests for a ccTLD that might come up in the future. So they're done, and that's what they're telling us in that document that they published.

That has one additional implication, which is that the moratorium that got started way back when the ccNSO council asked ICANN to stop doing any retirements until we had a policy in place, that moratorium is now ending. So IANA is quite aware of that and ready to take their responsibilities with respect to any legacy cases, as they say.

BIYI OLADIPO:

All right. Thank you. I'm glad to know that that's moving on. Yes, Irina.

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- IRINA DANELIA: Hello, Irina, for the record. May I have a follow-up question? My understanding is that this policy would be applied only for the future cases. So whether any changes would happen, then this policy would be applied. But it has no retrospective – cannot be applied retrospectively.
- PATRICIO POBLETE: Not exactly like that. The policy is not retroactive. That much is clear and it is explicit. But the policy also says that it is the responsibility of the IANA to decide what to do with any cases that predate the policy, although there is a suggestion in the policy that this policy, even though it's not immediately applicable, it could be used as a model to apply to any other cases. But that's a suggestion to the IANA, not a requirement.
- BIYI OLADIPO: Okay. Thank you. Any other person with a follow-up question on this? All right. So there's none. There's a question in the Mentimeter and I would like any one of you to take it. Maybe Katrina starts and then we can — So the question says, what can you tell us about the CEO search?
- KATRINA SATAKI: This is the easiest question we will get today. We can tell you that all official information is published on the ICANN website. Please stay tuned and as soon as there are any news, they are published on the ICANN website.

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- BIYI OLADIPO: Katrina, that's a very easy way to sneak out of that question. Can you just give us a few things that you know?
- PATRICIO POBLETE: Yeah. I can add to what Katrina has said is that it is a confidential board process.
- BIYI OLADIPO: That's a nice one. Yes, Nigel.
- NIGEL ROBERTS: Well, I am expecting this to be a one-word answer and the same answer from both of you, but I'm going to ask it anyway. Are you happy with the selection pool of candidates that you've had in front of you?
- KATRINA SATAKI: We can neither confirm nor deny this.
- BIYI OLADIPO: Yes, David.
- DAVID: Thank you. Recognizing what you can't speak about, are you able to speak about estimated timeline until there's an announcement?
- KATRINA SATAKI: All official information will be published on the ICANN website.

BIYI OLADIPO: That sounds like an answer a politician would give.

KATRINA SATAKI: Oh, we're well-trained. Thank you.

BIYI OLADIPO: All right. Can we go to the next page of the Mentimeter? Oh, okay. No, sorry. I thought I saw a few more questions on it. Okay. So, the arrow, yeah? Okay. Thank you. Okay. So, the next one says, okay, we'll still go to the website to note this, so it's okay. Can you share board insights and plans regarding UN processes like GDC and WSIS+20?

KATRINA SATAKI: Well, I'll start and then Patricio will add. Well, first of all, everybody is welcome tomorrow to participate in a session which starts quarter past one local time, where you will hear all the updates that are really hot at the moment. On top of that, I would like to add that, well, again, if you look at the CEO goals, the goal number six talks about WSIS+20 and covers, well, again, everything that, well, this is a CEO goal, one of the things that the organization does and does very well and very seriously. It's a global engagement division of ICANN, currently run by Veni Markovski, and they are conducting many engagement sessions and trainings for UN officials, for diplomats, for everybody who is interested in learning more about DNS, about ICANN. ICANN was a very active participant during WSIS+10 process, and of course, also participate actively during WSIS+20, but we have to also recognize that ICANN is not a government, does not represent a country, so therefore we will look for loose alliances, loose collaboration with other organizations

that are involved in the process. And while I talk, I would like to recognize that we have more board members here, and I really would like to thank Danko, Jim, and Becky, who just joined us, and so if any of you would like to add to what we're desperately trying to cover here, it's more than welcome, because we really would like to give as much information as possible to our CISO colleagues. So any additions, Patricio?

PATRICIO POBLETE:

Not much else that I can add. This is a high priority for ICANN, the multi-stakeholder model that is at the heart of what ICANN does is something that might be at risk, or maybe not. ICANN is making as much as possible for that model to be recognized and continue to be the one that's applied to handle, to manage all these key resources of the internet. But as Katrina was saying, ICANN has some limits in what it can do because this is a UN process and it's the governments that participate, so I think this is one area where our community can really be key in its contribution in that each of us has relations, I guess talks, speaks with their respective government. The more information that they have on this, the better will be hopefully the result of all these processes. And I'd like to reiterate what Katrina said, and perhaps Danko or James or Becky may have kind of something on this or on anything else that comes in during the session.

KATRINA SATAKI:

I'd like to also add that I really enjoyed hearing about this playbook for ccTLDs, how to get engaged and how to talk to your governments that IGLC is planning, really very interesting. And I also would like to

recognize that during one of the bilateral sessions, CIRA and AUDA were brought up as great examples of those ccTLDs that get very much involved into the process. And I see that Jordan has something.

BIYI OLADIPO: Yes, Jordan has his hand up. So we have Jordan and then we'll come back to David.

JORDAN CARTER: Thanks. Oh, hello. Thanks Biyi, and hi everyone, Jordan Carter at .au. Thanks for the shout out, Katrina. And just on this area, I think you're right that it is an intergovernmental process at the UN and ICANN doesn't directly have a role in that. But what we're actually trying to fight for is the multi-stakeholder internet governance model where the UN is only a part of the framework. And so ICANN doesn't have to say, oh, we're not a country so we can't get involved. ICANN can do a lot. And I know you didn't say that, but the underlying tone of ICANN's approach to this has been shared with us in various forums. It'll be interesting to see if this is also consistent in tomorrow afternoon's geopolitical one. These are UN processes and we need to deal with them on their terms. And I guess my challenge to you and to the ICANN Org would be, let's change the terms. Let's not have this be only a discussion about what happens at the UN. Let's be a bit more bold and a bit more coordinated about leading a coalition of multi-stakeholder actors that can help mean that digital governance is done multi-stakeholder, which is what we should all be doing. And as part of that, we need to shape what the UN is doing, but it's only part of it. So let's not get captured in that governmental UN mindset. That's a comment, obviously.

KATRINA SATAKI: Absolutely. And again, as you noted, that's not what I said, but absolutely recognizing the fact that we are not a government, we still can do a lot. And as I said, I was really happy to hear that CCs, there's much we can learn from CCs and from the approach that CCs are taking.

BIYI OLADIPO: Right. Thank you. Yes, David.

DAVID MCAULEY: Thank you, Biyi. David McCauley speaking. So it's a segue, Katrina, to what you just said about the announcement, the IGLC developing a playbook. And among the resources I would recommend to the board is to listen to the Internet Governance Liaison Committee of a couple of days ago. And it was a short meeting, maybe an hour or an hour and 15 minutes, but it was a very good session that sort of morphed into being all about WSIS+20. And in it, you can hear, much like Jordan was just saying, you can hear what people's views are. The questions are very informative to hear what the questions were there and sort of pushing the limits of what is it that ICANN can do. It's just a good gauge, I would think, I would suggest, of some of the community feelings around this. So that's my recommendation is to listen to that session. Thank you.

KATRINA SATAKI: Yes. Thank you, David.

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- BIYI OLADIPO: Do we have any other questions on WSIS+20 or what the board is doing with GDC and all of that? If we don't have that, then we can move to the next one. And if you're just joining us, please join the Mentimeter and you can put in your questions online. Okay. This is asking how big is the retirement or transfer backlog?
- PATRICIO POBLETE: We were discussing—we don't know the exact number, but there is at least one, which is .su. I don't know if there is any other one. Board colleagues perhaps can help us.
- UNIDENTIFIED SPEAKER: Could I suggest that you talk to Kim and come back with a written response, as they say in Parliament?
- BIYI OLADIPO: Yes, please. James.
- JIM GALVIN: Yeah. So, Jim Galvin, for the record. My recollection from Kim's briefing, because he does tend to keep the board updated on what's going on, there's been a lot over the last decade or so, but the numbers really are down. I mean, if you want to ask, certainly for a written response, but I think, like you said, we're down in single digits here. There's at least the one. There might be one other one, but these things don't happen very often and they're just not there. So I'm not sure what information you're really looking for and asking for a number, you're welcome to ask for it, but the trend is down now that things are settled. They seem much,

much more settled now, is the message that I got from his briefing, without giving us an exact number, because he doesn't normally report the exact number.

KATRINA SATAKI: Well, retirement doesn't happen very often. Just it's a fact because countries do not disappear on a daily basis. But well, and transfers, exactly as Jim said, the numbers are very, very low.

BIYI OLADIPO: Alejandra?

ALEJANDRA REYNOSO: Yes, this is Alejandra speaking. Just to remind everyone that we are having just an informal conversation with our board members. So, this is nothing official or they're not necessarily giving us the board statement or official responses. So, let's keep it like that.

BIYI OLADIPO: So, nobody gets quoted.

PATRICIO POBLETE: The question merges retirement and transfers, but two different things, completely different things. The retirement had, as I said, we're in a moratorium. So, in that case, there might be a backlog that has accumulated. Transfers are processed as they come. Just recently, there was a transfer approved for Lebanon and also one for Cameroon.

And there may be some in the pipeline, but that's business as usual. There's no backlog in that case.

BIYI OLADIPO:

Okay, thank you. Next question. We're not going to get an answer to this one. So, let's go to the next one. Do you believe that the long delays in board vote after conclusion of ccPDP is in accordance with bylaws? Before you answer that, I'm going to add another one to it. What is the status update on the ccPDP retirement, sorry, review mechanisms and the recommendations, what's the relationship, what's the status of it? So, if we can add that to this, then you can answer.

KATRINA SATAKI:

Well, yeah, okay. I'll start with answering to Biyi question about the review mechanism. Well, the board received the board report with the policy recommendations from the ccNSO somewhere around June, if I'm not mistaken. And according to the bylaws, the first two steps are to publish the report for public comment. And another step is to ask the GAC for, if they have any formal advice. So the public comment period closed, now I don't remember when was it, October or November. When the report was written, all the comments were analyzed. And around mid-December, we received a response from the GAC saying that they will not provide any formal advice except the comments that they provided during the public comment period.

So after that, we started legal review of the recommendations. So starting reading sections two to six, and a little bit also section nine. And then legal people, when they start reading recommendations and think

about implementation, they all of a sudden discover that, well, it's not that clear. Everything that seemed clear in theory, once you start looking at it from a practical perspective, it might not be as clear. And so they started internal dialogue with support staff who provided support to the working group to identify if there are any, well, just trying to find common ground and understand what is meant in those particular cases where they are indicated.

Once we discover that there are some questions that cannot be answered so easily, we will get back to the ccNSO Council. These are the questions that we have regarding the policy, and then the ccNSO council will deal with those questions as it sees fit.

So that's where we are at the moment. But speaking about if that is in accordance with bylaws, I'd say yes. As I explained, the process, it is in accordance with the bylaws. And well, just to say that the board is not there just simply to rubber stamp whatever comes our way. We have certain responsibilities and we take them seriously. So we go through the process and we see if implementation of that particular recommendation is, well, how to implement it. As I said, think from a practical perspective.

So when everything is done and the review is done by, overseen by the board caucus, once we're done, the board caucus will recommend an action to the full board. So that is the process. And I see Stephen here. Sorry, Biyi.

BIYI OLADIPO: I thought Patricio wanted to add to that. If you add into it, we'll take Patricio and then we'll take Stephen.

PATRICIO POBLETE: Just that, as Katrina said, there is a process and the bylaws says that this proposal from the ccNSO should be put to a vote for the board. But following the process defined for that, and the process involves everything that Katrina has discussed, so it doesn't mean that it will be the week following after receipt of the policy or anything like that. When everything is ready, then it will be done. And our view is that that is perfectly in accordance with the bylaws.

BIYI OLADIPO: Okay. Thank you. Yes, Stephen.

STEPHEN DEERHAKE: Stephen Deerhake for the record. I just find it a little curious that Legal is now scratching their head over some aspects of this policy, given that we had them involved in the process as we worked through developing that policy. Thank you.

KATRINA SATAKI: Yes. Thank you, Stephen. And that's a very fair comment and observation. But again, as I said, I think that it absolutely makes sense. Because when you look at recommendations as they are written, they seem perfectly fine. But once you start thinking about practicalities and practical implementation, first of all, you may find that probably the language is not as clear as you thought at first. That's one thing. Another

thing, it may be read by different people. And again, that provides a different perspective. And actually, that's when I'm together with Patricio, we are liaisons to the ccPDP4 on IDNs. And I'm horrified, you know, because I'm just looking. Okay, everything seems fine. But once we start reading, and somebody just keeps asking me questions, and oh, okay, maybe it's not that fine as I thought. So yeah, I am horrified, because I don't know how I'm going to react once we start thinking about real practical implementation, and people who have never seen the policy before will start asking questions. But how is it meant? And then you start explaining, and then they keep asking questions, and all of a sudden, it's not as clear as you thought it was.

PATRICIO POBLETE:

If I can add, I think Stephen is right in that the participation of Legal in our working groups is the intention is that everything that could be pointed out later, should be pointed out as early as possible. But as Katrina says, it's different when you look at something from the point of view of how to make that operational. How's that really going to work as a procedure in practice, and then you may uncover gaps and things. And even if before, with your best intention, you tried that there shouldn't be any, there still might be a few. And also, if these are fresh eyes looking into it, they may uncover things that never nobody noticed before.

BIYI OLADIPO:

Okay, I think that also would talk to the issue of whether the process that we have is understood by everybody, is transparent enough, and is understood by everyone. So if it's not, maybe we'll need to start

thinking of how do we make the process transparent and open to everyone, so that we'll know what comes after what, and then we'll know how to guide the timing that we'll have around it. Because I think one of the frustrations that people are having is once the PDP gets out, once the recommendations get out of here, and it gets to the board, you don't have this ability anymore. Yes.

JORDAN CARTER:

Yeah, thanks. I think what the questioner probably had in mind was section 15 of Annex B. I've just had a quick look at it now. And it says, "The board shall meet to discuss the recommendation as soon as feasible after receipt of the board report from the issue manager, taking into account procedures for board consideration." Now, that is an interesting phrase. Now, ICANN Legal, I'm sure, can find an interesting construction of that part of the phrase. But what it goes on to say is, "The board shall, not may, shall adopt the recommendation unless by a vote of more than 66%, the board determines that such policy is not in the best interests of the community." So the board is not merely a rubber stamp, you correctly say, but the procedures that were put together in the ICANN IANA transition, which is only five or six years ago, I guess, maybe longer, seven, gosh, doesn't time fly. The board is not there to substitute its judgment for the judgment of the community that developed the policy. The policy is there, take it or leave it. That's what the bylaws say. That's my interpretation anyway. So I respectfully disagree with you when you say that you believe it's in accordance with the bylaws, because from what I'm reading, I don't think it is.

KATRINA SATAKI: In that case, let me ask you a counter question. Would you like ccNSO developed policies be implemented as they are intended?

JORDAN CARTER: Implementation is a staff matter.

KATRINA SATAKI: Exactly. But wait a minute. You can't give a text that is not well understood by staff and ask, "Okay, implement it." They may implement it, but the question is, will you be happy with that implementation? And then you'll say you've misinterpreted it, which is quite possible because people who read the recommendation read it differently than people who wrote it. And then now, if I may, I'll say something from my, again, my personal opinion. What I've noticed that, and probably discussed with some of you, is that recommendations very often are not written in the language that would be easy for those who implement. Recommendations are written as a consensus text, which is not necessarily understood by those who haven't participated in discussions.

JORDAN CARTER: No, I think that's entirely correct. And that's why the 66% is there. If the board feels that there's a problem with the recommendation, the implementation, you're welcome to reject it.

KATRINA SATAKI: But that's exactly why there is a process. In boards, we have a caucus which does exactly that. Looks at the recommendations, gets input

from staff who will have to work on implementation. And then with that, when everything is clear and there's no ambiguity, then it goes to implementation. And that is in the interest of everyone to ensure that recommendations are implemented as intended, not as understood by somebody who was asked to implement them.

BIYI OLADIPO: Okay, I think we need to move on on this so we don't run into a rabbit hole. Let's have the next question, please. Okay. It says the last meeting I heard that the ICANN CEO will be announced. Any reason leads to the delay? One line answer.

KATRINA SATAKI: Yeah, exactly. All official information has been published on the ICANN website. I can neither confirm nor deny.

BIYI OLADIPO: Okay, next one. Are there plans or intentions to have a dedicated regional hub for Africa instead of an engagement center? This has come up before.

PATRICIO POBLETE: I don't think we have information specific to that. ICANN has been very active in trying to promote the development of the internet in Africa. What's it called?

KATRINA SATAKI: Coalition for Digital Africa.

PATRICIO POBLETE: Exactly. But that's specifically as a possibility of regional hub. I have no information.

BIYI OLADIPO: Okay. And no other board member in the room has any information. Okay, let's go to the next one. I'm interested to hear from both of you what your top three priority areas of focus are for this year. You can pick calendar year or fiscal year.

KATRINA SATAKI: Okay, I'll start if I may. Well, as the chair of the caucus which now reviews ccPDP3 review mechanism policy, one of the top priorities definitely is to move forward and ensure that this policy is universally understood and is approved by the board and moves to implementation. That's number one.

Number two, again, as the chair of the board organizational effectiveness committee, reviews are on my table and very high on my priority list. And I'd like to make sure that community agrees and moves forward with the pilot holistic review. And apparently my understanding is that community also wants to move forward with ATRT4 this year. That's at least what we heard during one of the sessions. But we are looking forward to receiving any guidance from you guys. Yeah, and support your efforts in continuous improvement.

And number three, try to come up with some new ways how the board could engage with the community, make sure that you are happy you

get all information you need and you are satisfied with the way the board interacts with different groups and communities.

CHRIS DISSPAIN: I'm sorry, this is a specific question. Katrina, I'm not aware that the community has been asked if they want ATRT4.

ALEJANDRA REYNOSO: We received a letter from Theresa.

CHRIS DISSPAIN: And did we go back and say yes, we did?

ALEJANDRA REYNOSO: No, no, we haven't. We will discuss it tomorrow.

CHRIS DISSPAIN: Right, so you haven't got the answers yet. That was my point, sorry.

KATRINA SATAKI: That's what I said. That's what I heard from certain groups.

CHRIS DISSPAIN: Thank you. I had a heart palpitation. Thank you.

BIYI OLADIPO: Should we call some medicals? Can we get some water for Chris? Please.

ALEJANDRA REYNOSO: This is Alejandra speaking. Regarding perfecting or improving board communication, have you considered moving the bilateral meetings outside of ICANN meeting virtually so you guys can have more time with the community instead of being locked in a room all day receiving everyone? It's just a question.

KATRINA SATAKI: It's just a very good question. And this is something that we're definitely happy to discuss and maybe propose that we do that, yeah.

BIYI OLADIPO: Okay. Yes, Patricio, your priorities.

PATRICIO POBLETE: Well, as we expect that this time the council will approve the ccPDP4 proposal and will be heading our way, I suppose one of my priorities will be to try to, well, I'm assuming that still we have, by the way, we are ready at the board with the creation of a caucus to handle that. That was approved recently by the board governance committee. There will be a call for volunteers and I'm assuming that Katrina and I will be there by default and anybody else that's on the board that wants to be there. And as Katrina is plenty busy with the review mechanism, I kind of think that will be my task to chair this new caucus for the ccPDP4. And my priority would be there to try, first of all, to process it as quickly as we can, because even though this is subject to the processes that are in place for that and we cannot skip those processes, I think the intention

in the bylaws is that it shouldn't take forever, right? And so we'll try to do that as quickly as possible. But it's a matter that will require a lot of work for the board to understand well. It's not an easy subject, that of the one in the ccPDP4 proposal. So that will be one priority for me.

As a member of the board, also a priority of the board that I take it for myself is also contribute as much as possible for the next round of gTLDs to advance. As a person that comes from the ccTLD community, didn't think that would be a priority for me, but as a member of the board where we are, our loyalty or our task is to work for the ICANN community as a whole, I think that's something that needs to be done and needs to be done well. So we're well on our way to that, but it's taking a long time. And so we're both going to have to keep working for it to be a success.

And the third goal, I'm not sure what that would be. I'm involved in a number of committees. I'm in the tech committee, technical committee, risks committee, financial committee, and also the BAMC, which is the one that has to do with the reconsideration requests and everything that smells of litigation in ICANN. So it is a priority for me to try to contribute as best as possible in all those committees that I'm involved.

BIYI OLADIPO:

Thank you. And before I go to the last question, since you've mentioned the issue around risk, I think we should just quickly talk about -- oh, it's in the next question. So let's go to the next question. Okay. Good governance practice suggests that an organization's auditors should be

changed on a regular cadence, like 5 to 10 years. Does the board give any consideration or requiring the same for Legal?

KATRINA SATAKI: Well, I can certainly say that auditors are being changed, and that is happening.

DANKO JEVTOVIC: Danko here. I'm not on the audit committee. I was a couple of years ago. But as far as I remember, we are not changing the firm, but we are changing on a regular basis the partner in the auditing firm that is doing the audits of the different team, and that is kind of recommended policy. And this is for the audit committee.

KATRINA SATAKI: He reflected to my comment. We've changed the auditor. But speaking about requiring the same for Legal, I don't know, Jim, as the chair of the board risk committee, any comments on that?

JIM GALVIN: Yeah, I guess I'm not sure how to understand the question. It is true that, you know, we have a legal team, they're the staff. I wouldn't want to be changing them on a required every five to ten years. That's not any kind of ordinary practice that I'm familiar with. But it is true that most often the legal team for every kind of situation that comes up, they often engage an external legal team to provide them with advice for moving forward. And it is also true that the primary team that they have reached out to externally is most often Jones Day. And it's been like that for a

very long time. I'm not aware of any standing kind of requirement or ordinary suggestion to mandatorily be required to change such a thing. So it is an interesting question to ask. I think it's certainly reasonable to take that question on board as something to examine and go back and consider and see what our audit committee as well as the risk committee thinks about that. But I'm not aware of any kind of recommendation about that in the ordinary industry. Thanks.

BIYI OLADIPO:

Okay. Chris, I think Chris has a follow-on question.

CHRIS DISSPAIN:

It's a comment rather than a question. So a couple of things, really. One, I think Jim's right. There is no requirement. I mean, it has been -- I can say that it has been discussed on the board in the past. There is huge merit. First of all, as Jim says, the board doesn't -- ICANN doesn't just use Jones Day. They use many different firms of lawyers. There is huge merit in having a firm of lawyers who have a deep historical understanding of what is going on, especially in an area that is not a straightforward commercial one that most law firms would understand intimately. And I can say that when I -- for the 16 years that I was the CEO of AUDA, we had one law firm which we used because they made the effort to learn what it is that we did and learn how to deal with us properly. And there were discussions on our board on a number of occasions about whether we should move law firms for the sake of moving the law firm, for the sake of propriety in case and so on. There are very specific issues that matter in respect to audit. They are the same as they are for law firms. I think there may be reasons to change a

law firm, but it certainly shouldn't be done simply because it is a good idea to rotate to another law firm every five years or so. Thank you.

BIYI OLADIPO: Thank you. Yes.

UNIDENTIFIED SPEAKER: Yes, because Pablito referred to it, to be honest, I don't know if it is in every country in the world, but in my country, it is common best practice to, after a certain number of years, and in most cases, that's more than five, to change a consulting firm. And yes, Chris is right. There are a lot of reasons not to do that, but there are also some very good reasons to do that. And I think if it's longer than 10 years, the advantages of doing it or the risks of not doing it outweigh the disadvantages of doing it.

BIYI OLADIPO: So that brings me to the question of what's the nature of risk management at ICANN?

KATRINA SATAKI: Jim, as the chair of the board risk committee, may I ask you to start this?

JIM GALVIN: Thank you. I thought I would stand up for this just so everyone in the back here can see my face. The nature of risk management, let me answer that question the following way and then ask for more detail about what you really would like to know. ICANN as an organization

actually has a very mature risk management process. It was started about six years ago and it has grown into quite an organized, structured program. They have a full-on committee internally. It's a team of people. They evaluate risks throughout the organization for everything that it does. There's a well-defined risk log, a well-defined risk appetite statement that the organization acts within. The board gets its opportunity as the risk committee to have its oversight of all of that. So we have visibility into all of those activities. That kind of stuff is normally very confidential to the organization. One would not ordinarily expose your risk log or particular risk choices or controls that you seek to put in place or advertise. That would be considered a bit of a liability to expose that too far, but it is always visible in detail to the board. That is the job of the board risk committee to review those kinds of things.

Having said that, that's sort of my quick elevator summary of a presentation that we gave to the SOs and AC leaders earlier this week. Alejandra was there for that. All of the SOs, well, at least those who were in attendance at the meeting were there for that. We had a quick 10- or 15-minute presentation with more detail about the risk management framework and the elements of it and how it works and what ICANN does. I'm sure if that would be interesting to you, we could arrange to bring that here if folks want it or some other mechanism, whatever would work. But that's an introduction on that side of things. Is there a more detailed question that I could answer for you?

BIYI OLADIPO: Not quite sure who asked the question, but I think what the person wanted to know is if there is a risk management framework and what is ICANN's risk profile. Are we risk averse or are we... Jordan.

JORDAN CARTER: Hi, Jordan Carter for the record. I don't know where the question that you're talking about came from. It isn't on the screen and I didn't ask it. I don't know where it came from, I don't think. But on this question, from observation over 10 or so years and active in this community, it feels a bit like one of the risks that ICANN manages most closely is the risk of being in litigation. And so it's very legal heavy, very process dense, very slow moving, very, you know, if you have to do something, do it as late as possible. And the board can be conscious about that choice or it cannot be conscious about it. And one of the implications of that is that things happen slower than they might do. And innovation can be a bit harder than it might be. And some of those things might put the achievement of ICANN's overall mission at risk or slow it down, which is also a risk. So the board is responsible. You, Jim, and your committee are responsible for advising the board on how to balance those risks. I guess if I had a question about it would be, do you think that ICANN has the balance right today?

JIM GALVIN: So two parts to the answer. First, I will acknowledge that in the discussions that we've had with a number of other groups over the last few days, it is clear that there is a very widely held perception that ICANN legal in particular is a stumbling block. Is not really a wall, but

certainly there's a path that one has to go through in order to get things done.

I think what's important to know and to appreciate is what we took on board during the SO&AC leaders meeting is that we would look to provide some greater transparency about where some of the delays are. And in particular, if ICANN legal as it's providing advice to the board on how to progress things and the status of things, we would seek to make those rationales more visible to the community, especially when the board agrees with something that ICANN legal has provided to us as something that we need to consider. And that would be included in rationales and resolutions and such, and the way in which the board responds to recommendations and advice that it gets. So we would begin to do the second bit of this, which is having greater evidence that that's actually a true statement. It's a widely held belief that ICANN legal is sort of a stumbling block. The truth is we would very much like to see some actual data and evidence of that. And we took on, I took on specifically as an action from the SO&AC leaders meeting to actually look for that and set up mechanisms so that we can identify that and see it.

One element of that, the second thing that I would like to say is that there is the risk appetite statement that ICANN Org has. There's a public version of it, which is available on the website and it is out there. It says roughly that ICANN seeks to be a low to medium risk organization and seeks to achieve low to medium risk in everything that it does. That's not very granular, doesn't really provide a lot of insight into what's going on on the inside, but the message to the community here at large is that the risk committee has as a task this year to revisit the Org's risk

appetite statement. And in fact, we're actually actively engaged in that process right now. So the internal version, the much more granular version of all of that is deeply under review. And part of that process, I am now going to incorporate how do we add some measurements to that so we can see what's going on.

It's useful to keep in mind that a risk management framework is a multi-discipline, multi-departmental activity in ICANN. So whenever there is something going on, many groups in ICANN have to weigh in on the risks associated with it, not just ICANN Legal. So it is fair to say that many people like to point at ICANN Legal, not just externally, but even internally. But honestly, I can't speak from an evidence position as to whether or not that's really true. And I think it's important to make sure that we can gather that, understand it, and then we'll have more to say at some point in the future.

BIYI OLADIPO: All right. Thank you. Okay. So it's Nigel, 30 seconds and Byron, 30 seconds.

NIGEL ROBERTS: I'm going to make this very quick, actually. From the perspective of this ex-board member, ICANN Legal is not a stumbling block. In fact, my statement is that ICANN Legal is an enabler. You just have to know how to frame the questions you ask them. This is perhaps an unexpected perspective, but I want to highlight the fantastic work that I think John Jeffrey, Sam, and his team do for ICANN, much of which is not seen by

the community. That's just a comment, and that's my 30 seconds. Thank you.

BIYI OLADIPO: Okay. Thank you. Byron? Thank you.

BYRON HOLLAND: Thanks. Byron Holland, .ca for the record. The original question was mine, which really was about what do you perceive as the greatest risk to ICANN that the board is monitoring? And I completely recognize that in a risk register, there's going to be much that is not public and you don't want to share. I was thinking more along the lines of broad strategic risks that you're monitoring that certainly don't need to know detail, but what are the things that ICANN board is thinking about overall at a strategic level from a risk perspective? Or if you don't want to answer that, maybe I'll turn it around on a classic director's question is, Jim, what keeps you up at night in regards to managing risk?

JIM GALVIN: Too many things. Too many things. Let me first turn around and just say that we're always looking for insight from the community on your thoughts and expectations and concerns. So feel free to find a mechanism and a means to pass on messages and information. For me personally on the risk committee, what I think is a big threat to ICANN organizations strategically is the threat to the multi-stakeholder model. You're going to hear various versions of that and various vectors into that during the updates with respect to internet governance and all the regulations and stuff going on in the world. We really do have issues at

the large ICANN as a community. We all do. In the threat to the multi-stakeholder model in multiple different ways. And so if I personally were to pick something that I consider a big threat to ICANN as an organization at large, it would be to the multi-stakeholder model.

PATRICIO POBLETE: I think that this perception that legal in particular is a stumbling block, I think that it's well taken on our part, not conceding that it is Legal, but the fact that people don't have that perception is something that we'll have to take into account, gather data, try to work on an evidence-based manner and examine if there is such a thing of being the risk of being too cautious, and if that may have as a consequence another perception that ICANN is unable to get things done. Some time ago, that was also something that people were saying that ICANN can't get anything done, which of course is an exaggeration, but it has some kernel of truth in it. So we have to take all that into account and do our homework.

BIYI OLADIPO: Thank you. I really wish we could go on and on and on, we still have a couple more questions, but we have to stop at this point. So thank you so much everyone for coming. Let's say thank you to Katrina.

KATRINA SATAKI: Thank you very much. Thank you everyone.

BIYI OLADIPO:

Thank you, Jim. Thank you, Danko. And thank you, Becky. And for all of you, you've been very good participants. Thank you so much for being here.

[END OF TRANSCRIPTION]