
ICANN82 | CF – Joint Session: ICANN Board and GNSO Council
Monday, March 10, 2025 – 15:00 to 16:00 PST

TRIPTI SINHA Welcome, everyone, to the first joint session of ICANN 82, and this is a joint session between the board and the GNSO. So, Greg, welcome to the GNSO. I assume you would like to go first?

GREG DIBIASE Thank you. Okay. So we have some questions that the board provided, and maybe we'll start with those, if that works for you.

TRIPTI SINHA Sure.

GREG DIBIASE Okay. On the first one, I don't think, at least I have a whole lot to say on this. In general, the GNSO is excited to provide feedback. You know, we think it's worthwhile to always be looking and taking a fresh look at how we meet and how we conduct our business. I will say it is worth noting that the GNSO, the different stakeholder groups and constituencies within the GNSO have diverging opinions. So one thing we kind of struggled with was the composition of the initial how we meet discussion group, and that there was just two representatives from the GNSO, but it's hard to capture the whole GNSO, and I think that will be, I think it's fine in this comment period. Each SG will be able to comment for

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themselves. But I think that was perhaps the concern that was articulated about the process so far is that, you know, there's not necessarily, like, a GNSO voice on something this complicated. There's going to be divergent opinions, and each of the different stakeholder groups are going to have different things to say. But that being said, we're excited to provide feedback. We think this is a worthwhile effort, and I think we can go from there.

TRIPTI SINHA

So before we move on, my colleagues here on stage, do you have any questions for Greg or members of the GNSO?

BECKY BURR

Yes, thank you. Curious if you feel comfortable giving us a sense of the range of views among the different constituencies.

GREG DIBIASE

So I don't think we have gone into great depth as the GNSO representative. I collected some feedback from the chairs, but it varied in how detailed it was. So, yeah, I don't think I can give that off the top of my head other than it does at times conflict, and I think there's new and interesting ideas beyond what the options that were listed are. Maybe I'll say that people weren't necessarily staying inside the lines of specific responses to specific questions and saying, you know, also consider this, which I think is a good thing.

TRIPTI SINHA

Okay, thank you, Greg. Yes, Chris.

CHRIS BUCKRIDGE

Thanks, Tripti. I was just curious, and again, maybe it's a little too soon to have any reflections, but how you found the discussion in this morning's session, whether that was sort of raised as the kind of options that you were interested in seeing that you'd heard from council members, whether there was a need for building on that further?

GREG DIBIASE

Yes, I guess I can only speak in my personal capacity on that session. I thought it was interesting. It raised ideas. It raised discussion in the group, but I'd have to wait to hear from my fellow councilors. If I have a fellow councilor that wants to give an opinion, I think we have time. We have a roving mic.

FARZANEH BADIEI

Thank you. Yeah, as Greg was saying, we did not go into the depth of discussion, but we did look at the motives of changing the meeting structure, and we wanted to have a little bit more information, whether that's led by the cost savings exercise, more efficiency, and we wanted to look at these things more strategically before we give an input to know also what led you to discuss this topic. We also had some ideas. I think different constituencies said there shouldn't be a registration fee. There are some elements that we should keep, and we also looked at maybe combining and changing the meeting structure so it's more efficient and

economical for the organization, that perhaps a public forum and the board meeting and the opening session could just have one big ballroom for the entire length of the week versus having it all spread out throughout the week. This is just to give you a bit of taste and break the silence what we discussed.

TRIPTI SINHA

Thank you. And to answer your question, you said what led to this, a couple of forcing functions. One is that the financial conditions led us to look at meetings and the costs and so forth, and also it's just good practice to look at prevailing practices every so often, and it had been 10 years since we had looked at this. So it's a good time to just refresh our methodology and approach to meeting structures and meetings in general. Any other comments from anyone? Yes, Greg.

GREG DIBIASE

One other comment that was shared from a couple of people in the GNSO that we should never lose sight of the focus on facilitating meetings in a way that helps us work. Making sure we facilitate the work is arguably the most important principle, and cost savings would be great, but there are, I think, a couple of counselors that mentioned that as a guiding principle, is making sure whatever changes are made, they help us do our job better.

TRIPTI SINHA

Absolutely. Thank you. Other comments or questions? Yes, Chris.

CHRIS BUCKRIDGE

Just to add, Tripti, to what you said, I think it's also just a reminder that the board and org and the new CEO president are mindful that we're just not going to continue to sleepwalk into the future, that everything is iteratively up for reconsideration as to what's the best way forward. To me, it's just another manifestation of that mindset that if there's a better way of doing things within ICANN and for the community, let's do it.

TRIPTI SINHA

Thank you, Chris. All right. Why don't we move on to the second question that we sent to you, Greg. And just to add some color to that, as you know, governments are responsible for crafting public policy, but we don't want that policy to be crafted in the absence of input from ICANN and, in general, from multi-stakeholders. So, over to you.

GREG DIBIASE

Thanks, Tripti. On this topic, we have Farzaneh.

FARZANEH BADIEI

Thank you. So, we discussed this with the council, and we have come up with a few ideas. Comprehensive documentation of policy rationale might be needed to illustrate to the governments why certain decisions have been made and clearly articulating the reasoning behind our policies, including explanations for the scope, any limitation in a government-friendly language. This

transparency ensures that governments and other stakeholders recognize that specific issues were considered and discussed at length for valid reasons not incorporated, whether they were not in ICANN mission or other matters. Such documentation aligns with ICANN's commitment to accountability and transparency as well. So we are not doing overdoing work. We just want to provide some government-friendly language that covers these. Then in order to also encourage that public policies are created in a way that aligns with the multi-stakeholder model, we should also adhere to the multi-stakeholder approach ourselves, encourage all ICANN participants to respect the outcomes of the multi-stakeholder process and avoid seeking alternative avenues when their desired outcome is not achieved. Upholding this principle maintains the integrity and effectiveness of our consensus-driven approach. Also, addressing stakeholders and government concerns is very important. Highlight how the multi-stakeholder approach effectively addresses these concerns, and if it doesn't, why? Whether it's not in ICANN mission or other matters. Emphasize our commitment to protecting registrants and end-users and others while serving the global public interest. The approach reinforces the value of collaborative policy development when meeting diverse needs. Another, we have many solutions. So another is to identify the laws that could affect ICANN and discuss the government's how to minimize the impact. So obviously, we are not telling the governments not to regulate, and sometimes they don't directly legislate about the internet, but the legislation can affect the internet. So we should talk to the governments about

how to minimize that impact through exemptions, licensing, and other issues, other means. And periodically mention how the multi-stakeholder model has enabled people globally to participate in a wide range of issue areas, even when their government has been absent or hasn't had the bandwidth to participate. It has also contributed to the prevention of internet fragmentation so far. Here are five.

TRIPTI SINHA

Thank you for this, and I have a quick follow-up question. So I understand your rationale for documenting everything and sharing that with government. So the modality that you would use is essentially a closer dialogue with the GAC. That would be our modality. Just wanted to make sure I understood that properly. And should we come into conflict, conflict as in disagreement. How would we work through that? What are your thoughts on that?

FARZANEH BADIEI

I will pass that on to my colleague, Desiree.

DESIREE MILOSHEVIC

Well, thank you for letting me take the floor. Thank you, Farzaneh, for passing this question. Of course, it does, and thank you, Tripti, for asking it. We do not have a dedicated team yet at GNSO that looks at this. This is a new area and a question that we want to explore. So not saying that we do not have the questions, but it obviously depends on a type of disagreement. If it does fall within the remit of GNSO, something that we do, whether it's looking at

the foundations that support all the networks and the governments have their own views of running it, the questions could be quite broad. But in terms of disagreement, we really advocate this capacity building approach where we would really explain what are the success stories and policies that the GNSO has done together with the community so that they really get a little bit to understand how a multi-stakeholder model works, because we do have a lot of constituencies with different views within the GNSO. So it's not that the GNSO makes the policy, it's the community that makes it. So there is already a broad consensus that we have achieved. And of course, governments working within ICANN and GAC are likely to understand that. So we weren't going outside of your remit. But that just gives you some sense. Thank you.

TRIPTI SINHA

Thank you. Are there any other questions?

MAARTEN BOTTERMAN

Yes, Maarten. Thank you for the answer, which is very thorough. It's about doing it together, everything. Now, what we see in the world today that more and more an agile response is expected. And if we cannot be agile within ICANN, how can we be agile in response to what happens in the outside world? We've seen things happening that were followed up by other things while we were still struggling to get our act together. So how can we best deal with that when urgent response is needed in the view of the GNSO?

FARZANEH BADIEI

Greg has his hand up. But before going to Greg, I just also want to, this is my personal opinion. I don't know why we keep saying that we are not getting our act together. We have been making policy all these years. We have made many policies that address that is within ICANN bylaws. We just came up like the transfer policy is going to be discussed at the GNSO council. And I just think that also giving them the impression that we are not doing stuff, it just takes some time to come to consensus on different issues. And sometimes we have to be clear what we can do at ICANN and what we cannot do at ICANN, what is outside of our mission. We cannot solve every internet problem at ICANN.

GREG DIBIASE

Thanks, Farzi. Great points. One note I'd have on, I guess, the disagreements category, the earlier those happen in the policy development process, the better. So this is like a theme we've been talking about and with the board. Is we want ICANN org to be thinking about implementation, not at some phase after all the recommendations are baked, right, but like in a continuum. And I think the same thing goes for the GAC, or that goes for governments. We want involvement at that earlier stage. And if there's a disagreement as policy is being developed, I think that's easier to resolve than if this is not addressed, the final report is voted on and adopted by the board, and then we have these conversations.

TRIPTI SINHA

Thank you, couldn't agree more. Early warning systems are the way to go with this. Chris.

CHRIS BUCKRIDGE

Thanks, Jyoti. And thank you, Farzaneh, and the council for the suggestions here. I think at a general level, what I wanted to say, I find really positive about them is the recognition that this is something that needs to happen at all layers in our discussions. And I think it's coming back to what Greg was saying about understanding where those disagreements might come up very early in the process. This isn't something that can be left to, well, say, extensive documentation of a board resolution. It's something that can be sort of discussed and explored and hopefully resolved much earlier in the process. And that can involve the council, it can involve other constituency groups. And so recognizing that and working to improve those processes, improve that awareness, I think is really important. So thank you for bringing that.

BECKY BURR

Becky. So I just want to add a slightly different flavor to the question, which is the how can we be useful when governments are creating policies that affect the internet? And I think ICANN has a good staff that are watching all of the areas where these kinds of policies would come up. But we all know that there can be lots of tangential policy developments that affect the internet and the

DNS. And so I do think that there is a useful eyes and ears bringing sort of what governments are doing,

TRIPTI SINHA

Thank you, Becky, absolutely. Any thoughts on that? Does anyone would like to contribute an opinion or counter opinion on that? All right. Thank you.

ANNE AIKMAN SCALESE

Hi, it's Anne. I'm remote until tomorrow. Thanks. I just wanted to mention that based on Desiree and Farzaneh's leadership, we within the GNSO Council also have established a small informal group that is meeting informally to track developments in the internet governance area, and that we're going to be talking to the GAC topic leads briefly, also some coordination through Desiree as the ccNSO liaison, maybe getting together with ccNSO to talk about this broad internet governance topic and exchange ideas. And so I think, you know, everyone agrees the way to go, as Becky, I think, has pointed out is that the government's relationships between GAC representatives and their governments are very important, and we'd like to be able to, you know, advocate for the MSM model in those contexts and in those meetings. But thank you to Farzaneh and Desiree.

TRIPTI SINHA

Thank you very much, and thank you for the GNSO for being proactive in this space. So Greg, those are our two questions. Now back to you.

GREG DIBIASE

Yeah, that sounds great. So our first topic is board readiness and continuous improvement. This has been a theme for the last year. Something we've been really working on, and we have Thomas to present our more recent efforts in this area.

THOMAS RICKERT

Thanks so much. As you know, the board did not adopt all recommendations coming out of the GNSO in recent years, and also coming out of cross-community working groups, I should add. This prolongs the process of getting recommendations implemented. It causes frustration with the volunteers if their work product is not operationalized. It makes ICANN processes look dysfunctional, potentially, and it may cause the trust in the multi-stakeholder model to be eroded. And therefore, the GNSO Council has formed a small team, the board readiness team, to look at ways of how we can improve our processes or identify root causes why policy recommendations coming out of the GNSO cannot be adopted by the board. We are specifically looking at the EPDP phase one and two, the one that dealt with the temporary specification, and also into the SubPro policy development process. As in these processes, we saw a couple of recommendations that were not adopted by the board. So far, we've conducted a series of interviews with working group

members, and we're hoping to discuss with some board members in the next couple of weeks what happened at the time because we think it's valuable to get insights from those who have been at the table when those working groups did their work. And just to illustrate this for everyone who's not following this process too closely, questions that we're asking the interviewees are, for example, were you, as a PDP working group member, surprised or unsurprised by the board's treatment of the recommendations? Did the PDP working group consider board reactions to potential recommendations during its deliberations? This could be an expected reaction or an explicit reaction, such as public comment or board liaison feedback. In the opinion of the PDP working group members, did the PDP working group believe they had sufficient expertise, resources, and information to develop a, quote-unquote, board-ready set of recommendations, i.e., ones that would avoid non-adoption? Would it have been possible to gain consensus in the working group if the board's concerns had been known beforehand, you know, had we done things differently? Should anything about the PDP process be amended to facilitate reaching consensus? And then, to what extent were the recommendations' implementability a requirement of the PDP groups' work? To what extent did we look at the operational costs to implement those recommendations? And did external requirements affect the quality or the readiness of the outcomes, you know, like the team composition, the representative model, or time constraints? Now, that's basically what we discussed in the first couple of interviews, but the format is pretty open, so

whatever insights the interviewers want to share with the group are valuable, and we are distilling those into a report that's going to the GNSO Council afterwards. And at this point, we would like to thank already the board members that are willing to discuss this for us. You know, this is, you know, just to be clear, this is nothing to be confrontational or anything, but I think the better we understand how the board works, it's not, you know, for those who might be concerned that we are planning to just do the board's bidding. That's also not true, but the more we know about the internal mechanics, the methodology by which you assess the recommendations, the more efficient we can be in our policy work.

TRIPTI SINHA

Thank you. I just wanted to let you know the board's bidding, our bidding is just to do what's right by the public interest. So with that, I'm going to turn it over to Chris Buckridge. He's going to respond on our behalf.

CHRIS BUCKRIDGE

Thanks Tripti, and thanks Thomas. So I'll start just to say from a personal perspective, it was great to be at the strategic planning session where this was discussed earlier in the year, and Becky was there with me as well. So it was, it is a really important and positive discussion to be having, and I know it came out of the strategic planning session from last year as well. So it's really built and developed over that time, and these, I think, interviews that you're conducting are a really practical way forward with that. Speaking obviously for the board, and to the board's position, there was a

response that the board provided to council, and I'll read the section just to be very clear, which is the board appreciates being included in this initiative and recognizes the clear benefits from working towards council recommendations that can more likely be adopted by the board. The board applauds the council's efforts to continually evolve and enhance the policy development process, and looks forward to contributing. So I think that's a very clear statement from the board, and I think we were all very endorsing of that. While that's the case, I think we're also aware that even with the best of intentions and procedural rigor, there may still be occasions where this comes to a position where the board, with different perspective, additional perspective, looking to the best interest of ICANN and community, is not able to adopt recommendations. I don't think that makes this effort any less important. It's about mitigating the risk, reducing the regularity with which this happens, but still having that important process there. We also recognize that it's part of a much broader effort on the council's part to improve the efficacy of the PDP and the council's ability to manage the PDP. Those efforts are very greatly appreciated, and we note the launch of the Standing Committee on Continuous Improvement, SCCII, I believe it's called, which Becky and I are both going to be contributing to, taking part in. Unfortunately, we weren't able to be there for the launch on Saturday, but looking forward to the future meetings of that group. We also understand and are very supportive that ICANN-ORG is looking to serve as a partner in improving the continuum as well, and has engaged with the GNSO during its working session. So I

think that connection with staff and with ORG is really important. And finally, I'll just say, because if I don't, Chris and Maarten will come after me, we appreciate the alignment of this effort with the FY26 to FY30 Strategic Plan, and especially the Strategic Goal 1.2, Enhance the Agility and Effectiveness of Policy and Advice Development.

TRIPTI SINHA

Thank you. Thank you, Chris. Any of my board colleagues would you like to add more?

BECKY BURR

So this is a great effort. It's a really wonderful effort, and the GNSO Council should be applauded for doing it. I just want to note that it's not just about GNSO policy recommendations. This is an issue that we have kind of across the board. So the work that you're doing can be more broadly usable in cross-community working groups and reviews, and all of the reviews, and all of the reviews, and all of the reviews,

TRIPTI SINHA

It's critically important in terms of understanding as policies come up if there are any public policy, global public interest kind of roadblocks that are there, but also really focusing on implementation. Is the recommendation you're making practically implementable? And it is not just an issue with, you know, GNSO

policy recommendations. It's an issue across the board that we have to grapple with.

KURTIS LINDQVIST

Thank you. Yes, good. I just want to add one thing that's maybe slightly tangential, but related to this was when we had the GNSO, my first meeting with the GNSO, when you had the strategic meeting as well. And when we had the then one-on-one, it was also raised with me and Rustan about the appreciation of having not just a formal interaction throughout the policy development, but also making sure that there is this ongoing discussion that was raised. And I think we, I just want to raise that we also believe that it's a very valuable tool in this process to have this understanding and having a less formal path as well to do the sharing of information to help advance policy development. I think that's very useful because we certainly appreciate it as well.

TRIPTI SINHA

Thank you, Kurtis. Other thoughts? All right, well, Greg, back to you.

GREG DIBIASE

So we had one more topic on, that is. So yeah, Thomas basically described, you know, maybe the fact-finding mission, finding where gaps potentially are that, you know, could undermine the process or in developing these recommendations and ultimately having them adopted by the board. We also wanted to talk about a more specific issue that we identified and try to actually address it. And so we've been talking about the hypothetical in the past of the

situation in which the board adopts a recommendation, then circumstances change and the board no longer believes that recommendation is in the global public interest. And so there's nothing specific in ICANN's bylaws or GNSO operating procedures on this. And we recognize the board is somewhat in a bind and that they've adopted this, but that responsibility to uphold the global public interest is at all times. So we kind of brainstormed a process at our last strategic planning session for addressing these, because, you know, when these situations happen, one of the unfortunate things that we've seen is there's all this back and forth. When there's not, when there's not a process, we go back and forth and we have calls and even like getting to what the issue is, wastes time and that hurts, that hurts the legitimacy of ICANN. So we are looking at a process in which a recommendation is adopted by the board, it is not yet implemented, because if it's implemented, then other processes would apply, you know, new policy would have to be made. It's implemented, or sorry, it's adopted, but it's not yet implemented. And then subsequently some circumstances change and the board determines it's no longer in the global public interest. So our process that we were considering at a high level is rather simple. The board comes back to the GNSO explaining the reasoning for why this is no longer in the global public interest or, you know, other reasons why this recommendation is no longer feasible in the board's perspective. They give the GNSO a chance to respond to that rationale and then also the chance to develop a supplemental recommendation. So kind of like we did on SubPro, right, with the recommendations that were unadopted, you know,

we had the small team go to work communicating with the board, identifying the problems and trying to knock them out. So that's, I guess, the high level idea. And so where we are in the process, we wanted to kind of give the high level idea to you all, see if it makes sense or there's other things to change. And then we would go to work with ICANN staff to figure out how to document this and figure out where the process would live, because that's also kind of an open question. Is this a GNSO process or a board process? So that's the, I guess, more specific idea. So I'll pause there and get reaction.

TRIPTI SINHA

So first, thank you very much. You're absolutely right. It puts the board, we get ourselves into a conundrum in how do you deal with a situation like that. We've had discussions on this. And Becky will address this in depth. So Becky, go ahead.

BECKY BURR

Thanks. And the conversation at the GNSO strategy session was very useful and I thought very productive. It is, this topic is really quite intimately tied to the last topic in terms of board readiness. So sometimes what happens is we get new information. That's what happened with the joint ventures issue. We adopted the SubPro recommendation about allowing joint ventures. We then got the NIRA report in and realized that what we thought would be a relatively easy thing was going to be an enormously complicated and pretty much unimplementable. And so I think the process that you're talking about, we have learned in the last couple of years that keeping things as conversational as possible is what works

best. We try to get engagement and conversation as little paperwork and letters and correspondence going back and forth over the transom as possible but really engaging and having a conversation, figuring out what works. The board has not discussed the approach in detail because it hasn't been, it just came to us relatively recently but there's nothing that jumps out at us. And we definitely welcome, you know, you hammering this out, proposing the structure, it sounds good and then figuring out where it should live in terms of documentation. Does it live in the operating procedures for the council, does it live someplace else? We definitely would like to get it documented. But as to where, I think we are not, we don't have a strong opinion on it. But we, just before I close, want to say we really appreciate the way in which the council was willing to engage on us. We had this not only in terms of the SubPro recommendation on joint ventures but we also had another issue that came up in terms of urgent requests. We've been dealing with them cooperatively but it is very useful to progress to having a procedure for dealing with it. Because no matter how perfectly board ready these things come, it's going to happen from time to time.

TRIPTI SINHA

Thank you, Becky. And just to emphasize what Becky said, basically I think keeping an open door policy is probably the best route to go. Keeping those doors of communications and early warning systems, just, you know, holler early on.

GREG DIBIASE

Yeah, thanks. I wanted to add one, two other things. So first, one of our counselors noted that, you know, this is GNSO specific but, you know, we're open to having other discussions about CCWGs because the same conundrum can arise. That's probably a different process and requires other coordination. But first we just wanted to note that, right, and be open to working on other iterations of issues like this. So that's the first point. And then the second point is on, you know, in the spirit of open collaboration, having board members at our strategic planning session was really helpful because I feel like there are points in the conversation where someone would be like, well, would the board be okay with this? And then we just turn to Becky and Chris and they'd be like, well, I can't say for sure but, you know, I think you're on the right track. And I think that's really helpful in developing these things as opposed to, you know, developing these in a silo, sending them over and like having no idea. So we at least had a sense that what I said right now might resonate.

TRIPTI SINHA

Thank you, Greg. Any other thoughts?

CHRIS BUCKRIDGE

Yes, Chris. Thanks, Tripti, and thanks, Greg. Well, to say, I think, highlighting what Becky was saying about the link between the last item and this one, because I think obviously with the board readiness, we're trying to minimize the occasions on which this is a question at all. And I think Tripti's comment about the openness and the conversational aspect of it is really important because in

making these more and more uncommon, or less and less common, what we're going to be left with are, I think, sort of the black swan events, the ones that we couldn't have anticipated or couldn't have worked through. So having that flexibility, having that sort of openness to really discuss how to resolve an unanticipated issue is going to be really important here. Not that that can't be documented in an approach, but that approach should have some flexibility within it to account for the unanticipated aspects.

TRIPTI SINHA

Thank you, Chris. Other thoughts?

GREG DIBIASE

One other thought occurred to me, and this wasn't on the planned agenda, so I apologize to councilors if they disagree with this statement. Since we're on the subject of communication and recommendations, I do think, and I think we communicated this, when, so after the supplemental recommendations on SubPro, there still were some recommendations that were rejected, and I think there was some rationale by the board, but I think there were some on council that still thought there could have been more in the way of rationale and, like, maybe a formal communication, like, I think we just learned about them in the board resolutions. Maybe a more formal, like, here was our thinking, and hopefully I'm not misremembering that.

BECKY BURR

If that happened, it shouldn't have happened. I think we were trying to be as interactive as possible, but it's entirely possible that you didn't get an early heads-up or a sufficiently detailed explanation. I think it's critical, I just, you know, Seb started a process a couple of years ago of really changing the relationship between the board and the GNSO council to make it more informal, more interactive, and the benefits of that are really showing up, but we still have to keep, we're learning new things and have to get it ingrained so that it's habit, so it's possible that we didn't get it perfectly.

DESIREE MILOSHEVIC

Yes, I'd just like to add that council has the strategic planning session once a year and we really appreciate boards present there. We had Chris and Becky there, and we have this continuation when we work on policy work and SubPro and load work, we'd like to continue that, and thank you for your support.

BECKY BURR

So we had talked about this in the board, we didn't put this on our question, and I know that this is a place where there's a diversity on the council, and so we're not expecting an answer, but just wanted to start the conversation about reviews and capacity on reviews and how we're going to deal with the ability of the community, the ability of org, the focus on all of these things that we have. And so, you know, we do have the continuous improvements thing that's on everybody's table. We have the pilot holistic review. We have issues, ATRT4 sort of hanging over us, and

I think I speak for the board in saying we are aware of capacity constraints calling on the same people in the community over and over and over again to be involved in these things, and so we're really going to want to hear from you on this issue. How do we go forward with these reviews? And this is the beginning of a conversation, and as I said, I am certain that there's some diversity of views across the council on that, so I'm not asking for a council position on it, but I am suggesting that we kick off this conversation, you know, thoughts on it.

GREG DIBIASE

Thanks, Becky. So, yeah, we haven't discussed this as a council, but I am relatively sure we did send a message on the ATR4, at least, and said we should defer this until all the work on ATRT3, is complete. So I think in general, we take a pragmatic approach, is how I'd describe it, and in terms of, you know, bandwidth constraints and volunteers, yeah, we're definitely sympathized with that. We had a slide in our last GNSO meeting where we looked at potential topics to address, and there's potentially more than we can tackle at the same time, so we have to do prioritization. And so I guess speaking from my perspective, you know, I'm sympathetic to bandwidth, encourage prioritization and, you know, flexibility when it makes sense.

THOMAS RICKERT

You know, if it weren't ICANN, if it were my personal matters, I would say, okay, let's just skip one round of reviews so that we get back on track, but unfortunately, it's a bylaw requirement, so we

are doomed to success with this. And what worries me is that we are still working on ATR3, we're still having some open issues with ATR4, we do not know whether there's going to be another deferral by the board, if I remember correctly, so I think that this probably warrants a separate discussion, how we plan this so that we don't overwhelm the volunteers with work and not frustrate them by, you know, letting them know, regardless of what you're doing now, it's likely going to be last in line while we are still trying to cope with the recommendations out of the last part one review. It's a tricky matter, but Becky and others will remember that when we did the CCWG accountability and worked on the structure for the reviews, this was a most important topic for so many stakeholders that I think we owe it to the rest of the world, so to speak, to deliver on those, I'm afraid.

TRIPTI SINHA

So, Thomas, we've had extensive discussions about this at the board, and we want to comply with our bylaws, and so we are seeking input because we are not in a good place right now with the current state of affairs. So, as Becky just said, you may not have a unified opinion as a council, but we won't hold you to anything, so, you know, please be candid if you have any thoughts that we can take back. Yes, Greg.

GREG DIBIASE

So, yeah, Thomas is right, right, we need to adhere to our bylaws. One thing, and I'm speaking just in a personal capacity, that I've never clearly understood is how willing the board is to make bylaw

amendments. Like, I feel like I've heard, wow, this is, like, we should really avoid it, the bylaws are already complicated, you know, we can't do it, and then I feel like I've also heard, like, well, if that's what the community wants, we'll do it. So, at least from my, because that's a part of this problem. Like, can we change these bylaw requirements to make the review schedule make sense? And I don't have a clear idea from, like, the board and ICANN org's perspective, like, what the appetite, how big a lift that is, what the appetite is. Hopefully that question makes sense.

TRIPTI SINHA

We haven't had a discussion on does this merit a bylaw change, but I can say that when it comes to bylaw changes, if it's the right thing to do, and it's the right time to make the change, and we have solid rationality behind it, I don't believe the board would be averse to it, but we have not had a discussion about that regarding this topic. But, yeah, but, you know, times change, and, you know, maybe it is time to look at that, but we have an obligation to comply with our current bylaws, and why we are in the situation we're in, we need to look at that, and perhaps it merits a deeper discussion, and could lead to a bylaw change, but we don't know yet.

BECKY BURR

Yes, Becky. So, I just want to, you're absolutely right, of course, we were at the table in the transition ATR, the accountability work stream, and those were important, but in a funny way, we didn't really deeply talk about why they were important and what we were trying to accomplish. They were part of the affirmation of

commitments, and so we brought them in. I think there's a fundamental question, what are those reviews for, and are they accomplishing what they're intended to do? So I think we should be really, I understand their accountability was incredibly important and they were viewed because they were the affirmation of commitment, viewed that way, but we should be willing to have a conversation about whether they are accomplishing what we wanted them to accomplish then, what we think needs to be accomplished now. It's eight years.

THOMAS RICKERT

If I may briefly respond to that, I don't want my previous intervention to be understood like I want to adhere to this forever. The thing is that at the moment the bylaws are what they are. I think we didn't question the rationale for the reviews at the time because we did not give the impression to the outside world that we are trying to strengthen ICANN's accountability and at the same time erode it. I thought that from the very beginning when I started getting involved with ICANN that the reviews are very onerous and that potentially the intervals for such an organization are too short and I think that if we agree I would be all in and I hope that councilors will not criticize me for saying that later, but I think we should look at both the scope of the reviews as well as the intervals.

TRIPTI SINHA

Thank you. Chris Chapman first and then Buckridge.

CHRIS CHAPMAN

Greg, I just wanted to say on that it's an opportunity to reiterate what I sense around the board. It's only a personal observation, but my sense is that whether it's travel, meeting structuring, more efficient ways of doing things, whether it's policy readiness, there's a real appetite to be pragmatic and address things afresh in the ICANN board. I also think that the propensity to amend bylaws in the right circumstances is on that same agenda. So I just wanted to use that opportunity to reiterate that message that there's a real appetite to be pragmatic, to move forward, to be much more productive and to get things done. So I want you to take comfort from that.

TRIPTI SINHA

Thank you, Chris.

CHRIS BUCKRIDGE

Chris Buckridge. A plus one to everything Chris just said, including the taking comfort part. No, I think I do see the need for pragmatism. I also acknowledge, as Thomas said, there is a bind here in relation to bylaws which we can't wish away. But I do think what none of us want to see and what would not be useful for the organization is for these accountability measures in the bylaws to become a tick box where you just say, okay, we've done what the bylaws said and that's the most important thing. The most important thing is to ensure accountability and that's going to evolve over time. So I think the challenge for us now is to thread the needle in complying with what our bylaws requirements are, but moving us to that point of evolved accountability at some point in

the future. So I think that having this conversation is essential to that.

TRIPTI SINHA

Thank you, Chris. Farzaneh, you'd like to share some thoughts?

FARZANEH BADIEI

Yes. I just wanted to, before Becky mentioned it, I wanted to say why are we doing these reviews? And these are all my personal opinion. And I haven't even discussed it with NCSG, do not kill me. So one of the things that, for example, in the review, a few years ago, we had an issue, we had a governance issue at NCSG that we were underrepresented on a committee. And we asked the board, and this is like ancient times, eight years ago, we asked the board, can we rebalance this? And they told us, you should participate in the review process. And we participated in the review process, but the problem was not solved. And so I think that the effectiveness of these reviews should also be considered. And we should think more about why we are doing these reviews. And if we have achieved our goals through these reviews throughout these years. Thank you.

TRIPTI SINHA

Thank you, Farzaneh. And I think the reason why we do these reviews is keeping us honest. These are accountability and transparency initiatives. And also, as organizations need to continue to improve, one way to improve is to do these reviews. So not familiar with what that review was, which didn't work out in your favor. But I think it is time to look at how effective these are,

and are we benefiting from the outcomes of these reviews? Yeah.
Any other thoughts on this?

ANNE AIKMAN SCALESE

I appreciate what Chris has said regarding threading the needle, because, and again, I'm speaking entirely personally, and my role on council is NomCom non-voting. I don't, you know, represent any constituency or stakeholder group. But it's just an observation that, in connection with the IANA transition, you know, as Becky mentioned, these reviews came out of the affirmation of commitments. And it was, I believe, part of the testimony in front of Congress in support of the IANA transition. So I think we need to be very, very careful about how we change accountability mechanisms that were meant to shore up our arguments for the IANA transition and meant to replace the affirmation of commitments. I think we need, again, to look at efficacy, as Farzia has mentioned, but also just are we affecting accountability in any way by what changes we may want to propose? Thanks.

TRIPTI SINHA

Thank you very much for that feedback. Other comments and thoughts on this? All right. Well, Greg, that brings us to the end of the session, I believe.

GREG DIBIASE

Mm-hmm. Thank you so much. I think this was really productive. We appreciate the time.

TRIPTI SINHA

Likewise, and on behalf of the board, thank you for joining us.

[END OF TRANSCRIPTION]