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MICHELLE DESMYTER: Good morning, good afternoon, and good evening to everyone and welcome to the At-Large policy sessions three, ICANN accountability and transparency in the ICANN reviews, part two, on Wednesday the 20th of October 2021 at 18:30 UTC.

In order to save time, we will not be doing a roll call today. However, attendance will be noted from the Zoom room as well as the audio bridge. We have Spanish, French and Russian interpretation on today's call.

If you need a dial out to the Spanish, French or Russian lines, please send a direct message to staff with your preferred language and phone number.

Before we begin, I would like to remind everyone to please state your name when taking the floor each and every time and to speak slowly and clearly for accurate interpretation. If you would also keep your microphones muted when not speaking to prevent any background noise. Thank you very much, and with this, I turn the call over to you, Sébastien.

SÉBASTIEN BACHOLLET: Thank you very much. We will start the second session, and I will be short. I want to thank you for participating, to be back here. I want to thank all the speakers from the first session. I think it gave a good overview of the point of view of the different parts of ICANN, and now we will see how you react as a participant, and hopefully we will be able

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to find some way for the next phase regarding the reviews in general and the holistic review in particular.

With that, I will give the floor and the baton to run the discussion and question and answer with the participants to Heather, and then we will have at the end a concluding remark by Göran Marby, ICANN president and CEO, and I guess he will have the last word. Heather, take the floor, please.

HEATHER FORREST:

Thank you, Sébastien. very good morning, very early morning to you all from Tasmania. I'm pleased to take over the remainder of the session and facilitate. I noticed just as a housekeeping point, that León has made an excellent suggestion in the in the chat, which is that we take the agenda down. There we go. Although I'm much too large for it being so early in the morning, in your video screen. We can see each other's faces. That's helpful.

I recorded three questions from the prior session during the speakers' presentations. I'll work through each of those. And then we'll invite anyone else who'd like to raise a question of any of our participants or indeed general questions to do that.

The first question that I recorded from the previous session was that asked by Holly Raiche. She said there appear to be two views of the holistic review. Pat Kane talks about the review as looking at the spaces between the SOs and ACs and how they work together, whereas Steve DelBianco's view seems to be to look at the structures themselves, or at

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least a power imbalance. Are both views of a holistic review saying the same thing or reconcilable?

I suppose it might be helpful to start off with Pat and Steve, your thoughts on either of those interpretations that that Holly has noticed. Either Pat or Steve, do you have any thoughts?

PATRICK KANE:

Thanks, Heather. And I've put in into chat a response that basically said the idea around the holistic review is to be inter-SO/AC/NC whereas we're not trying to get to be intra-SO.

So I think Steve's specific use case appeared to be around balance or imbalance within the GNSO. So the holistic review would not take a look at that. That would be an evolved organizational review as we recommended towards the GNSO would take on a discrete piece of work and then attempt to come up with some conclusion.

STEVE DELBIANCO:

Thanks, Pat. I note that in the ATRT3 final report, one of the objectives of the holistic review was the second bullet, which said, quote, to review the effectiveness of the various inter-SO/AC/NomCom collaboration mechanisms. So Pat, looking for an opportunity here, I wanted to seize on that particular interaction mechanism. And I'll give an example.

Working groups in PDPs in GNSO have of late invited participation from SSAC, GAC, ALAC and even RSSAC. And we've had the good fortune of

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their participation for three years on the expedited PDP, the EPDP, on phase one, phase two, phase 2A. And that exercise showed that those communities interact in our mechanisms with some very serious involvement and bringing to the table ideas, proposals, such as Steve Crocker's proposal on how to handle things like the new field for legal person versus natural person. GAC and ALAC were involved in every single call as Alan and Hadia would indicate. And then the GAC Public Safety Working Group.

So the mechanism of their involvement was as a full-fledged working group member who participated in our mechanism, but they don't participate as a vote in GNSO. You would think their interest could be represented in a more interesting way if GNSO allowed GAC, ALAC and SSAC to participate in the actual voting that occurs in the GNSO. So Pat, that's an example of how the interaction mechanisms, which was more part of your objectives, would address potential structural issues on making sure that every AC and SO participates in the mechanisms. Thank you.

PATRICK KANE:

Thank you, Steve. So I understand what you're saying. But that's the objective of what the evolving organizational review for continuous improvement was supposed to be about, is working within that. And each structure can put together a definition of how they want to do their continuous improvement program. But the holistic review, again, was designed or thought through about from the perspective of how do we make certain that we are identifying accountabilities, and we're

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identifying responsibilities between the organization. So again, go back to the whitespace within the organization, how does that flow and how does that work? It was not intended to be a top to bottom, A to Z view on everything within ICANN from that type of holistic approach.

STEVE DELBIANCO:

That would feel very unwieldy if it had that monstrous scope. But I wanted to bring up a second mechanism that would not be addressed in the individual organization reviews. And that is a mechanism of how we compose the Board of ICANN. And that hasn't been touched in a long time, the 15 seats, eight of which are appointed by the NomCom and not all of which are voting seats on the ICANN Board.

So for instance, where would it be appropriate to investigate whether GNSO which is well over 95% of ICANN's revenue and probably 90% of ICANN's workload in terms of policy development, contract enforcement. So GNSO has two seats on the ICANN Board. And in terms of representation and balance, a number of us have suggested that the contract parties ought to have two, one for registrars and registries. And the noncontracted parties ought to have two, commercial and noncommercial.

This would solve a rather arbitrary mechanism where both contracted and noncontracted parties have to either take turns or select a candidate that is of neither perspective. Not such a problem, I think on the contracted party side, but it certainly has been a significant problem, a challenge on the Noncontracted Parties House.

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So that is a second mechanism, Pat. And I'm not anxious to suggest that the holistic review be a top to bottom, full 360 view of ICANN. That would be unwieldy. But I think the two examples of bringing up are things that would not be addressed in an organizational review since the organization review of GNSO is unlikely to look at the concerns of ALAC, GAC and SSAC as stakeholders on GNSO policies. Thank you.

PATRICK KANE:

Steve, thank you for that as well. And I think that your second example is probably more germane to a holistic review than the first one is. And I think that each organization again from a continuous improvement program would have those types of mechanisms, they would invite people to come in. And so then the holistic review would take a look at the processes within each of the organizations and so, whoever were to operate the holistic review would take a look at a GNSO review and the continuous improvement program that they implement, and make a suggestion around composition of those continuous improvement reviews. That is certainly the first bullet in the objectives that I went through. Now, it wouldn't be to solve the specific problem you're trying to solve. But it would be about addressing the processes that the continuous improvement program would be addressing.

Now on the second one, when you talk about the Board, the fourth item that we have in our objectives had to do with, does the organization or the structure still serve its constituents? And so if you felt that the composition of the Board no longer served the constituents, I could see

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where the fourth objective would be appropriate to you as part of that holistic review.

Again, I think that the imbalance or the balance that you talked about earlier, from GNSO, would not be but I could see where a discussion around does the Board still serve the constituency, be subject to the holistic review based upon the fourth objective.

HEATHER FORREST:

Thanks very much to both Pat and Steve for their additional comments on that. I'm just mindful that we want to try and avoid getting to too much of a back and forth between two people and open the floor. It is the case that everyone has the ability to raise hands and ask a question. At the moment, I'll suggest that we stick with this particular question. Is there anyone that would like to weigh in via the microphone on this particular point, on the idea of this sort of two—I won't say competing, but perhaps two nuanced views of the purpose?

I don't see anything on this particular point. In the meantime, what I'd like to do is I'd like to move on to a question that was raised by Christopher Wilkinson in the chat in the prior session, who wrote in relation to bylaw amendments. He said Sébastien's presentation mentioned some changes. How is that going to work? Who holds the pen? What is the negotiation and approval procedure for bylaw amendments post-transition? This is quite a technical point. Do we have a staffer on the call who might be able to walk us through the actual

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mechanics of fundamental bylaws changes? Might have to tee that up in the background.

GÖRAN MARBY: Can I make a comment?

HEATHER FORREST: Please go ahead, Göran.

GÖRAN MARBY: Bylaw changes come from different parts of the different inputs. For instance we have a proposed bylaw change from the ccNSO that we are starting the process. And sometimes the Board proposes bylaw changes like when we a couple of years ago added the Board Technical Committee as a Board committee. So the input could come from different places.

The outcome is always the same, it goes through a process where the empowered community has the final say and has to agree upon any particular bylaw change. So the empowered community as a defined entity within ICANN will always have an ability to abide or reject or do something with a potential bylaw change.

That is the real short cut of this. I'm trying to shy away from—I wasn't on the previous conversation so I don't know in what context that question came up. I hope I answered part of the question.



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HEATHER FORREST: Thanks, Göran. Just by way of background, quickly, the discussions— Sébastien's presentation, if you like, summarized the highlights of ATRT3 and some of the recommendations that came out of ATRT3 and what would be necessary to implement those recommendations. And some of them do indeed require bylaws amendments. So it was really purely a process question, not one that was generated in the context of that particular point. Avri, you have your hand up, so I'll turn to you now.

AVRI DORIA: Thank you. Yeah, just wanted to add one thing to Göran's description, and that is the step that after Legal has gone through all the possible wording and such, there is a public comment on any bylaws change before the board makes a decision on it. And then yes, after the decision is made on it, then it goes to the empowered community. And depending on whether it's a fundamental or regular bylaw, they either have to approve it or have to just allow it. Thanks.

GÖRAN MARBY: I can also add, so for instance if a review comes into the recommendation that the Board accepts that will give potential bylaw change, the process will be, as Avri said, there will be a legal proposal to go to public comment, comes back, amends, and then goes to the empowered community. So input could come from different places.

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HEATHER FORREST: Thanks very much to both Avri and Göran. I'll note before turning to Christopher that Mary Wong has very helpfully posted in the chat for those of you monitoring the chat that the process for fundamental bylaws amendments is outlined in Section 25.2 of the bylaws. And Mary has helpfully provided a link. So thank you, Mary. With that Christopher, please.

CHRISTOPHER WILKINSON: Good evening. Thank you. That was the fastest cooking and eating of my supper that I've ever been through in the last few weeks. I asked the question not innocently. First of all, the restrictions in the bylaws over the mandate of ICANN are currently being purveyed as an excuse for ICANN to be unable to act quickly and effectively, notably currently on the dossier of DNS abuse.

Which leads me to review the bylaws to see what would need to be changed in order for ICANN and notably this new entity, the [inaudible] or something, to actually take responsibility for aspects of DNS abuse.

More generally, 20 years ago the Board would propose unilaterally changes to the bylaws without any consultation or information to the stakeholders, which I once—I believe famously—described as a rather cavalier approach.

That being said, there are aspect of the present situation, and notably the credibility of the ICANN multi-stakeholder model-internationally, which almost certainly will require bylaw changes. So it is important that the community and all of us really understand in a practical way

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how it should be done. And it needs to be done in a way which does not require hundreds of hours of online negotiation in ICANN conference calls. Thank you.

HEATHER FORREST: Thanks, Christopher. Marita, you have your hand up. We'll turn to you.

MARITA MOLL: It's not directly on this issue, so I'll wait till we're done with this issue.

HEATHER FORREST: Excellent. Thank you, Marita. What I might do then, if you're willing, is I'll put you in the queue because I have one more question from the previous session, and we'll pick up with you after that. Any further thoughts on this, any further questions around the process for changing the bylaws? I think the process is fairly lengthy, but nevertheless it's straightforward.

All right, seeing no hands up on this particular point I would like to again pick up with a question from the previous session. Jeff Neuman asked what he characterized as a rather provocative point, which is I summarize it is, should review implementation ever be prioritized over PDP and implementation? And there was some discussion in the chat about the session that was conducted last week regarding prioritization.

I wonder, Xavier, if we might bring you in here just to clarify. Is it the case that prioritization encompasses reviews and CCWG and PDP, or

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what is the scope of prioritization? Can you set us straight on that, please, before we continue with this?

XAVIER CALVEZ:

Sure. Thank you. Thank you, Heather, for the question and for the question in the chat. So to clarify on the project that we're currently carrying out of developing a prioritization framework community based. Yes, the scope is intended to include both policy and review implementation work and CCWG implementation work for the purpose of ensuring that when decisions are made as to what priorities are, the overall work of the organization relative to implementation is considered. Because this work, the entirety of that scope of work, draws on both community resources that are the same and Org resources sometimes that are the same.

I have heard however a number of comments, read a number of comments in the chat that are assuming that as a result of that scope, including both policies and reviews, that they would be a single line of sequential work. I don't think that is an assumption that we should make, I think that there is parallel work that can happen of implementation for all of us as an ecosystem, and it's not like one policy only can be implemented and only when that is done, then a review can be implemented, etc. I think that there are obviously possibilities across our overall ecosystem to be able to work on the implementation of a policy as well as on the implementation of let's say, WS2 as well as working and planning on the implementation, let's say of a ATRT3. By the way, that's what we do today.

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So yes, the scope of prioritization project is designed at the moment based on the current input that we collected to be inclusive of all that work. But it's not, it shouldn't be assumed as a result that there will be a single line of work and that necessarily policy implementation will be in competition with review implementation. Though, clearly, all that scope of work should be taken into account. I hope that helps. And happy to further address any questions there is down the road. Thank you.

HEATHER FORREST:

Thank you, Xavier, very much appreciated. So we have a queue on this particular point that's formed, just as you were speaking, Xavier. We may come back to you. First Christopher, then Jeff, and then Göran. And again, for everyone's reminder, we'll come back to Marita after this particular question. So Christopher, please.

CHRISTOPHER WILKINSON:

Thank you. Look, I just refer to my reply to Jeff in the chat. The PDP— notably, subsequent procedures—will be implemented with great slowness, precisely because the dominant parties in the PDP have cooked up a document which in certain respects of public policy and international interest is so egregious that most of us outside the contracted parties bubble could not possibly accept it or recommend it. So I've said very clearly, delays are the result of the decisions of the majority in GNSO. That's got to stop, otherwise ICANN will be paralyzed, and insofar as it implements some aspects of GNSO policy, the whole multi-stakeholder model in ICANN will be criticized and attacked

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internationally. And that would be a great damage and mistake. Thank you.

HEATHER FORREST: Thanks very much, Christopher. Jeff, over to you.

JEFFREY NEUMAN: Thanks. And I'm not going to respond to that. I think that the general point was more about the result of policy development processes, plural, always should trump review team recommendations. Putting aside your feelings on the SubPro, there's also the RPM phase one PDP, there's of course the SSAD, that's being worked on, there's privacy proxy, there's thick WHOIS. There's a lot of policies that are still waiting to be implemented putting aside even SubPro.

So I think the point is ICANN has a very discrete mission. And what I'm always afraid of, and I make this comment probably at least once every five years or so, we get to a point where we get so bogged down in reviews and in processes and all this other stuff that the fear is we lose sight of what ICANN's mission actually is.

And so Xavier, I'm fine in a prioritization exercise, if we want to do sort of two tracks, one for like stuff that relates to substance and our mission, and the other with review team recommendations. That's a possibility. But even the thought of putting them all in the same bucket to me is scary, because we have a mission, and we can never lose sight of what that mission is.

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Otherwise, we can be the most accountable organization in the world. But if we don't do anything of substance then who cares, right? I mean, it just doesn't matter. And so the world looks to us to manage and administer the root zone. Right? That's number one. If we can't solve the various issues that are there that are referred to us, doesn't matter how accountable we are to each other. Thanks.

HEATHER FORREST:

Thanks, Jeff. I have Göran next.

GÖRAN MARBY:

It's hard to summarize. First of all, we have rules which are set by the community when it comes to the reviews we're doing. I think four years ago or whatever, we started talking about the amount of reviews. The fact of the matter is that we have like 250 review recommendations which are now to be implemented or reviewed. I was in a call this morning when the CCT review was brought up as something that has to be, my understanding, implemented before we can proceed to the next round.

So I guess that your point, Jeff, I don't disagree in general with it. It's just that I think it feels a little bit like we're looking for someone to say, "This is wrong, we should do something about it." But the community is actually the one who can do something about it.

Remember that there is also—and I think Steve pointed out in the chat that the way we do bylaw changes is much more [inaudible] transition. I

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totally agree with that. That is one of the most fundamental principles, that we have a good process of bylaw changes, because that is something that is fundamental to what ICANN does. I agree that [it might be discussed and we could change it.]

My point is really that this setup is done [inaudible]. I agree with Pat looking into the holistic review, looking into the places where we need to fix and address process that doesn't work or have to improve them or lack of existence of it. But at the end of the day, we need to do the work. And the reasons why we set up a department inside ICANN Org to handle priorities, why the Board set up a priority discussion, is to have this discussion. So it's like when I talk with my kids about how much money you're going to get. This is the amount of money we have and then we have to pay rent, and then this is how much money I can actually give you.

Because 80-90% of what we do every year is the same thing. Community support, policy support, and then we add on the recommendations, we do it—right now, catch-up effect. We need to prioritize, and I'm looking forward to a conversation with the community when you can say, yes, this should be higher priority than something else. Because that's what Xavier is trying to say. That's what we're looking for, the community saying that this one is more important than that one.

That would be a really good outcome of this one. Remember that when you prioritize something, you actually do have to deprioritize



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something. Right now, the input we're getting from different parts of the community is really, everything has a high priority. Thank you.

HEATHER FORREST:

Thanks, Göran. We'll turn to Alan Greenberg, please.

ALAN GREENBERG:

Thank you. I guess I have to agree at some level with Jeff. The bottom line is if we're very accountable but aren't actually doing a significant job at what we're supposed to be here for, we have a problem. At the other end of the scale, if we are doing a lot of work but are completely uncredible because of accountability, then that work has no value also. Somewhere, there has to be a balance. And yes, Göran is right, prioritization is one of the ways of doing it. But I think we also have to step back a little bit and make sure that we are not so worried about process that the list of administrative reviews and other things just grow to be so large that we end up spending too much of our time on that. And I think ICANN over the years gets more and more process oriented and more and more rules oriented, and has lost to a large extent the focus of actually being able to accomplish work effectively in reasonable amounts of time. So hopefully, the review can look at that aspect also and make sure that we are still fit for purpose. Thank you.

HEATHER FORREST:

Thanks, Alan, I'd like to pick up on a point in the chat before we turn the microphone over again. The question, I think there's a dialogue

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happening in the chat for those who aren't able to see it, as to, if I summarize, what do we do if we the community are not able to agree on prioritization? What happens then mechanically, what do we do? There are a different views in the chat as to let's say, one SO or AC having a different view from another SO or AC. I think it's also plausible to think about this from the perspective of within an SO/AC, that there may not be, let's say, the capability to reach a common decision as to as to how things should be prioritized. So what do we do in that event? Xavier, I see you put your hand up, we'll turn to you, please.

XAVIER CALVEZ:

Thank you, Heather. And I am not trying to turn this session into a topic about prioritization. So happy to leave it alone afterwards. But I think Jeff's point is important to consider, which is, how can the community all agree on a set of priorities? I said it differently, the same thing. Prioritizing within the multi stakeholder model is a very ambitious exercise. We've not really done this before as an ecosystem. We are by structure, by nature, an ecosystem that is open. Every voice counts and needs to be heard.

In that context, how do you prioritize? How do you say this topic is more important than this one when we are trying to listen to everyone? So it will not be easy. But having said that, should that mean that we don't try to listen, to enable the community to provide a voice as to what we think is more important? There may be things that are seen as either more important or more urgent or needing simply to be done in a

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different sequence of steps and therefore that there is an input that can be valid here even if that input takes different faces, different flavors.

Look at what we do with a public comment process today. The community in the various organizations or individuals who provide input into the public come in process provide an individual opinion, whether it's of an organization or of a person. And that input creates an opportunity for the organization to understand what the community says and thinks and wants about a given topic.

So this prioritization process is a little bit like a public comment process. But instead of being individually submitted input, it becomes a conversation in that everyone provides that input and out of that conversation at the very minimum, even if people do not agree with each other as to what priorities are, at least everyone will be better educated as to what another part of the community wants or what another part of the community thinks is important.

And as a group, as an ecosystem, we will be better informed about each other and we may have a chance to [inaudible] thinking, maybe these five things are more important than these other three things. And therefore maybe we're going to put a bit more effort into it. It's not going to be easy. But you know what? Every other organization does it. Not necessarily with a multi stakeholder model like we do, but we owe it to ourselves and to the users of the Internet to try to be as efficient as we can. And that takes prioritization. And we should put the efforts into it. It's not going to be easy. Thank you.

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HEATHER FORREST:

Thanks, Xavier. I think that's helpful. And I would certainly suggest that I don't believe that you've taken us off track with prioritization, I think it's important to talk about prioritization because, quite frankly, all roads lead the prioritization, if you like, and all roads lead from prioritization. So I think it's an important point. Jeff, I saw you put up your hand while Xavier was speaking, so I suspect it's on this point, so I'll turn to you.

JEFFREY NEUMAN:

I'll make it quick. And just to be clear, because Xavier, I actually did support you on that notion on the prioritization call that it should be a group comprised of the community that discusses these things amongst each other and not just in silos. I think that's important. I think what is a little bit worrisome to some of us is the fact that the process to figure out how to prioritize will take us another year and a half or two years, according to that big, heavily process oriented description of what we have to go through. And I think that might be—there's got to be easier, less time consuming, less resource intensive ways to try out a prioritization exercise.

Again, the whole point was, and I remember raising this to Fadi the very day he announced at an ICANN meeting about the IANA transition, where I said to Fadi, "Please tell me this is not going to take up any real time during ICANN meetings so we can actually get the things that we need to get done."

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Two years later, and a community that was unable to almost talk about anything else. That's what happened. So this is my warning again. And like I said, I usually make this warning about once every five years, so it's probably about due, which is that we just can't lose sight of what our mission is and what we need to do. And these other things, while important, should not distract from things like implementation of PDPs in general. Thanks.

HEATHER FORREST:

Thanks, Jeff, and Xavier. I think there were some really good points that were made there. And there's been some added comments in the chat. I suppose, Jeff, if we distill your comments, it's let's not lose sight of core business. But at the same time, it is worth acknowledging I think that the IANA transition process which you've identified, Jeff, that it did ultimately end in agreement by the community. But perhaps there is a point to be made about the time that it took. Mind you, Xavier has noted in the chat that that's certainly not the timeframe that we're aiming for in respect to the work we're discussing here. And Göran, we see your hand up, please.

GÖRAN MARBY:

Just wanted to reiterate one of the things that Xavier was saying. First of all, we brought this to the community together with the Board to have this discussion, because we believe that this is important for the community in general and the community [inaudible].

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So yes, we sort of forced the discussion, and I like all the inputs and the variety of views on this one, because that's why we brought it. Sometimes when you bring things into the community, you get harsh comments back like, why are you doing it like this? We do it because we want to be transparent in the process, that I think everybody supported.

The second part which I want to point out, this is something—we continue to do all the work. We are not prioritizing prioritization over everything else. We are continuing to do what we're doing, SSAD, we're supporting the ICANN staff, the ICANN staff is supporting policy work, we are implementing staff, we are doing compliance, we are doing all of those things all the time.

So it's not like we stopped working and are waiting for us to prioritize. We do a lot of work and we are transparent about it. We major projects, implementation of Work Stream 2, we have the SSAD, all of those things running right now. This is to create a mechanism for having a good conversation on a regular basis with the community, with the SO and AC leadership how to get the input to the Board and other ones, how to make prioritization. Because since I joined, Jeff, everybody has said we need to start prioritization. We need to have better transparency of this.

So we are delivering, the Board and the Org. And from the comments I get, I don't feel that you disagree with me on that notion. But I agree, we have to do this right, and that's why we're talking to you.

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HEATHER FORREST: Thanks, Göran. Sébastien.

SÉBASTIEN BACHOLLET: Thank you very much. I just want to remind you of the presentation we made at the beginning. ATRT3 came with five recommendations, and they were prioritized, because we were working under the new rules of procedure of the reviews.

And the ATRT, like other reviews, is [inaudible] of the community. Therefore, when you say we need to go back to the community, but we are, we were, ATRT3 was a community at that moment for that topic. And I have the impression that we are going in circles and rehashing some work. But I will stop here just to add one thing. ATRT3 came with a recommendation about prioritization. Therefore, it's not just ICANN Org and the Board who pushed this discussion, it's also the community through ATRT3 participation. And therefore, it's important that we are all on the same page that we need prioritization. But we have to discuss which one we have to prioritize, because ATRT was always supposed to be or was always the primus inter pares of the reviews and the one to prioritize against all others. I am talking about reviews, not about the overall work of ICANN. Thank you very much. And sorry to jump a little bit outside of running this meeting, but fortunately, Heather is here to do that for this part of the session. Thank you.

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HEATHER FORREST: Thank you, Sébastien. I think it's a good idea to branch back to first principles, which is the reason we're here, that ATRT recommendation set. Christopher Wilkinson, please.

CHRISTOPHER WILKINSON: Hi. Good evening again. Two short comments. Prioritization is—or should be—a straightforward management tool in relation to time delays and resources. What it is sometimes becoming in ICANN is a sort of repair tool for the failure of the multi-stakeholder model to produce consensus. I obviously—given my background—think of prioritization as a budgetary and management tool. And I think it should remain there.

On the question of consensus and PDPs versus management, structural and other reforms, allow me to say—I'm only half joking—to Jeff, give me six significant amendments to the PDP report on subsequent procedures and I could support—and I think I would carry a lot of the ALAC with me—the next round next week. But as long as GNSO is entrenched in what internationally I consider to be totally unacceptable presumptions, they are creating a significant delay in the whole procedure and the whole credibility of ICANN. Thank you.

HEATHER FORREST: Thanks, Christopher. Are there any further thoughts on this point? I suspect, actually, we've gotten into several different points. What kicked us off was the idea of prioritizing PDP work and review work as two separate buckets. Are there any further thoughts or comments on



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this? If not, I'm going to turn to a question that I've sort of gleaned from the chat.

Alright, I don't see anyone screaming to speak on this particular point. So with that, what I might do is turn us to sort of a synthesis of what's been said. In the previous session, León, you raised an interesting point in your remarks. You said the holistic review is a bit controversial because of the suggestions of the pilot.

I wonder, I've certainly heard many questions about the pilot, wanting to understand the pilot and what the purpose of the pilot is, and the scope of the pilot and the timeline of the pilot. I wonder if we might explore these. It seems to be an opportune moment. Does anyone have any specific questions on the pilot? Do we have anyone who would like to reflect? Perhaps Pat, or Cheryl, or indeed Org staff might like to reflect on the intentions as regards to the pilot. Perhaps León, you'd like to clarify your point. You said that the pilot was quite controversial. Any questions, comments, concerns about the pilot? Now's a good time to air them. Marita, please.

MARITA MOLL:

Yeah, thank you. I think there's a lot of confusion around the pilot. And as you said, we ought to be trying to clarify some of that. I think a pilot should be a short-term thing, which is very focused, very clear, and trying to present a roadmap as to how we address a larger problem. And so I hope that's how this holistic pilot is being considered. But from

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everything I've heard, I'm getting a little confused. I don't know anymore. Thank you.

HEATHER FORREST: Thanks, Marita. Holly, over to you.

HOLLY RAICHE: Before we talk about how the pilot is going to run, I'd like to understand the question. I'd like to go back maybe to Patrick's question. Is this about the spaces between the various SOs and ACs and how we communicate? Are we looking at the question of Steve and sort of inter-organizational power structures? If it's a pilot, can we agree on the question before we actually talk about process? Because my understanding of the original recommendation was, I think, addressed to the fact that we're silos, we don't necessarily talk—although when we have these sessions, we talk a lot. Is that communication enshrined in a process, is there something in the structures that stops the communication? Jeff is talking about we don't come to answers. I think we do. I think we can. So I guess I'd like to start with agreement on a question before we worry about process. Thank you.

HEATHER FORREST: Thanks, Holly. I think it would be very useful to the extent that we have someone who could comment on the community involvement in scoping the pilot. My understanding was that the community would be invited to participate in that, but I'm not sure what the timeline or a

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status of that is. Avri, I see you put your hand up, and I suspect it's on this precise point. So Manal, please forgive me, I'm going to turn to Avri.

AVRI DORIA:

Thank you. Yes, the pilot and whether a pilot is a short lead in or not. That is, for example, one of the reasons why wanting the community to discuss as a first part of this pilot on what the terms of reference are, what are the issues that are going to be covered adequately in the 18 months that this thing is supposed to last.

Now, one of the reasons that it is a pilot is because the questions that are outstanding on it make it too difficult to sort of write up the bylaws that create this thing yet. So therefore, a mechanism had to be created to, how do we have this holistic review? How do we set it up with full community participation from the beginning, without already having something defined in the bylaws when we're still not quite ready to say what it is because it is still an evolving concept with the community?

Yes, ATRT came out with its framing of what it would look like. But in the conversations even that we've seen today, nailing down the term of reference, nailing down the what are we going to be looking at, is indeed a difficult first step in this pilot. So that's one of the reasons why it is a pilot. I don't think it'll be quicker. In fact, we aren't planning at this point—the community may come in differently—for it to be shorter than the 18 months or longer than the 18 months. But to try and see, can a terms of reference be created by the community of what needs to be covered in this first holistic? And as it goes through its process, we'll

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learn what needs to be written in the bylaws, and then the bylaws will go through their whole process of review, decision, and EC approval. Thanks.

HEATHER FORREST: Thanks, Avri. Manal and Steve, you're our last hands up. I'm just mindful—I'd like to give Göran five minutes to conclude. So if I can limit Manal and Steve—

GÖRAN MARBY: I don't need any time.

HEATHER FORREST: Splendid. All right. Göran has ceded his time. With that, Manal, we'll turn to you. We'll just be mindful that we have seven minutes remaining, please.

MANAL ISMAIL: Thank you, Heather and Göran. I'll keep it short. Just seeking confirmation to my understanding, because I think Holistic by definition describes the scope of the pilot, and I'm assuming that by pilot, we mean we're testing before fixation but not that it is something on a smaller scale. Or do I understand this wrongly? Was I able to make my point clear? I mean holistic by definition says that everything is going to be looked at at the same time, so I'm assuming that holistic already

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describes the scope of the pilot. But the term “pilot” here is that we’re testing it before fixation. Did I get this right? Thank you.

HEATHER FORREST:

Thanks, Manal. Xavier has put in the chat it’s what he understands. I suppose perhaps where the conversation is coming out in the chat and here in some of the speakers’ comments is back to that earlier dialog that we had about, is this the spaces in between the SOs and ACs, the various groups in ICANN and how they work together, or is this the sort of internal process of those groups? I think that’s what’s unclear. I think we can all agree that we understand the meaning of holistic as that sort of macro level, that it covers everything. But I think it’s probably unclear as to exactly what everything is. With that, Sébastien, it you’ve put up your hand. We’ll turn to you, but we’ll give Steve DelBianco some time as well.

SÉBASTIEN BACHOLLET:

Start with him and I will be at the end. Thank you.

HEATHER FORREST:

All right. Steve, over to you.

STEVE DELBIANCO:

Thank you. I would recommend that we not pursue the third organizational review for GNSO until after the holistic review, since even if the holistic review looks only at the spaces in-between, the

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interactions, the holistic review can ask GAC, ALAC and SSAC whether the mechanisms for their interaction with the policies that emerge from the GNSO are mechanisms that adequately reflect their input on the public interest and policies that come out of GNSO. So that's just an example of where we should do the holistic review even if it is narrowly scoped to the spaces between and the interactions. And that will inform what some of the priorities would be in a GNSO review, which would ordinarily not even talk to anybody outside of GNSO. Thank you.

HEATHER FORREST:

Thanks, Steve. Sébastien, let's give you the last word, please.

SÉBASTIEN BACHOLLET:

Thank you very much. I just wanted to come back to the ATRT3 recommendation. And I will not read to you, but I feel that it's really summarizing the situation in two sentences at the beginning of this meeting, or what we are hearing here, it seems that we are forgetting what the aim and the work done by this team during this one year—and we don't just discuss about holistic review but there is something written in the ATRT3 who is not just say it's a review, holistic, we need to be the first and in 18 months ... There's much more in the content. And it must be useful to have in-depth knowledge of that and discussion. I understand why the Board came with a pilot. It's to avoid the necessity to change the bylaws, and it's a way to do it before changing the bylaws. Therefore, why not start with this discussion to see how we can do the next step? And it will be very good.

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I will stop here, I don't want to have the last word. We have two minutes. I really want to have Göran take this last word. I would like to thank you very much, all, for participating, all these great exchanges. And I hope that it will be useful for ICANN and therefore for all of us. Thank you very much. I give you back the floor, Heather.

HEATHER FORREST: Thank you, Sébastien. Göran, I believe Sébastien is invoking your name here. Whether or not you would like to give final remarks, I think Sébastien would like you to.

GÖRAN MARBY: I really appreciate this discussion, and I appreciate all the interactions with us. I have nothing more to say than I truly enjoyed this, as I often do.

HEATHER FORREST: Sébastien, technically, that counts as final remarks from the CEO.

SÉBASTIEN BACHOLLET: That's great. Thank you very much. We appreciate a lot all of your participation. I hope that it was useful. I will just say a last word. It could have been a public session during the ICANN meeting next week. I think the topic would have been useful for everybody, but I hope that the organization by ALAC and At-Large was good enough, and thank you for your participation. We hope to see you during the ICANN meeting. And I

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guess that there is another session from our friend from NARALO starting in a few minutes. Please come. It'll be trivia session and something different than we have done here, but very useful too for our health. And take care of every one of you, and see you soon. Heather, thank you for your help and thank you all for participating. Bye.

HEATHER FORREST: Thanks, everyone. Bye for now.

MICHELLE DESMYTER: Thank you so much, everyone. Meeting adjourned.

[END OF TRANSCRIPTION]