Current Bylaws Language	Working Draft (new/changed text appears in red or ~~strike-out~~ text)	Notes, Comments, Questions
Bylaws re reconciling competing Core Values In performing its mission, the following core values should guide the decisions and actions of ICANN: [Core Values Listed] These core values are deliberately expressed in very general terms, so that they may provide useful and relevant guidance in the broadest possible range of circumstances. Because they are not narrowly prescriptive, the specific way in which they apply, individually and collectively, to each new situation will necessarily depend on many factors that cannot be fully anticipated or enumerated; and because they are statements of principle rather than practice, situations will inevitably arise in which perfect fidelity to all eleven core values simultaneously is not possible. Any ICANN body making a recommendation or decision shall exercise its judgment to determine which core values are most relevant and how they apply to the specific circumstances of the case at hand, and to determine, if necessary, an appropriate and defensible balance among competing values.	Fundamental Commitments and Core Values In ~~performing~~ carrying out its mission, ~~the following core values should guide the decisions and actions of~~ ICANN will act in a manner that complies with and reflects ICANN's Commitments and respects ICANN's Core Values, both described below. These Fundamental Commitments and Core Values are ~~deliberately expressed in very general terms, so that they may~~ intended to apply ~~provide useful and relevant guidance~~ in the broadest possible range of circumstances. ~~Because they are not narrowly prescriptive, the~~ The specific way in which they apply, individually and collectively, to each new situation ~~will necessarily~~ may depend on many factors that cannot be fully anticipated or enumerated. ~~; and because they are statements of principle rather than practice,~~ Situations may ~~will inevitably~~ arise in which perfect fidelity to all ~~eleven~~ Fundamental Commitments and Core Values simultaneously is not possible. To the extent a Commitment must be reconciled with other Commitments and/or one or more Core Values in any particular situation, such reconciliation must be: a. Justified by an important, specific, and articulated public interest goal that is within ICANN's Mission and consistent with a balanced application of ICANN's other Commitments and Core Values (a "Substantial and Compelling Reason in the Public Interest"); b. Likely to promote that interest, taking into account competing public and private interests that are likely to be affected by the balancing; c. Narrowly tailored using the least restrictive means reasonably available; and d. No broader than reasonably necessary to address the specified Substantial and Compelling Reason in the Public Interest. To the extent a Core Value must be reconciled with one or more other Core Values in any particular situation, such reconciliation must further and be substantially related to a Substantial and Compelling Reason in the Public Interest. In either situation, the ICANN decision maker engaged in such reconciliation must document its application of the relevant reconciliation standard in writing.	*ICANN's Mission Statement articulates WHAT is in scope and out of scope for ICANN. ICANN's "Core Values" articulate HOW ICANN is to carry out its Mission. The Working Party acknowledges that in some situations the Core Values may be in tension with one another, requiring a decision maker to reconcile the competing values to achieve ICANN's Mission. ICANN's current Bylaws describe this process and permit the decision maker to exercise its judgment in order to achieve "an appropriate and defensible balance among competing values."* *While some degree of flexibility is needed, the language in the current Bylaws provides no principled basis for undertaking any necessary reconciliation. The proposed language articulates the standard to be applied when an ICANN decision maker is required to reconcile competing values. To facilitate this process and to limit opportunities for abuse, the CCWG proposes to create a two-tiered values statement consisting of fundamental ICANN "Commitments" and "Core Values."* *To the extent that this kind of reconciliation would impinge on one or more of the fundamental Commitments, the proposed language would require the decision maker would be required to meet a high bar, demonstrating that any balancing is necessary and likely to achieve an important public interest goal, and narrowly tailored to achieve that goal. To the extent competing Core Values must be reconciled, we propose a more flexible standard. In each case, we propose to require the decision-maker in any reconciliation situation to document how it applied the relevant standard(s).*