
ICANN85 Mumbai | CF – Review of Reviews
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CHRISTIAN WHEELER

Hello and welcome to the Review of Reviews Plenary Session at ICANN85. My name is Christian Wheeler and I am the participation manager for this session. Please note that this session is being recorded and is governed by the ICANN Community Participant Code of Conduct, ICANN Expected Standards of Behavior, and the ICANN Community Anti-Harassment Policy.

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When called upon, virtual participants will be given permission to unmute on Zoom. On-site participants will use the physical microphone in the middle of the room to speak. Please state your name for the record, the language you will speak if speaking a language other than English, and speak at a reasonable pace. I'll now hand the floor over to Chris Disspain. Thank you.

CHRS DISSPAIN

Actually, we have decided to hand the floor to Avri.

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AVRI DORIA

Hi, I'm Avri. Welcome. Hello, everybody. It's really nice to see so many of you come. It's nice to see so many online. We have been talking to everyone a lot over this last week about review of reviews. We have tweaked some of the words before you in the chart based upon some of those conversations. And we'll now, you know, go over some of those tweaks in the wording in our table.

We're pretty much going to stick with a walk-through parts of the table, since that seems to be the most efficient way to do it. Most of all, after we've sort of said a little bit about things, we'd really like to hear from you all. We've heard a lot over the week, but there's a lot more I'm sure there is to hear. So, with that, I will pass it off to Chris who will actually start taking us through the first rows of this table. Thanks.

CHRIS DISSPAIN

Thanks, Avri. And just so everybody knows, one of the people online is Manal, who's our other co-chair. So, Manal, if she wants to intervene, will hopefully stick her hand up in the room and we can hear from her. So, I'm going to start with what used to be called Bucket A. We've kind of abandoned buckets now, and it's accountability and transparency.

What we're going to do is we're going to look at the focus and methodology for that, then we're going to take some comments and questions, then Avri's going to take us through C, which is the

structural review, and comments and questions, and then we'll work our way through, and hopefully at the end of the hour we'll have covered everything. And this is the sort of, as Avri said, the final of our collection of input from you in Mumbai.

So, the purpose of reviews is to assess whether ICANN is fulfilling its mission, commitments, and core values, as set out in the ICANN bylaws, in a transparent and accountable manner. And that's the top line of the table. And it does that, reviews do that by reviewing. And the first review is an accountability and transparency review. And the focus of that is ICANN's execution of its commitments in its articles, its bylaws, its strategic plan, and its financial and operational plan.

And the methodology and intended outcomes is that the review team evaluate the extent to which ICANN is delivering on its mission, commitments, and core values by, A, examining specifically scoped community-prioritized existing procedures and processes and the outcomes and progress achieved in respect to the goals set out in the planning documentation. Planning documentation being the strategic plan and the operational plan and all that other stuff. B, recommending improvements where necessary.

And C, identifying key development areas that may strengthen effectiveness in support of the mission. Now, that's pretty much what the accountability and transparency reviews do now. But the difference is we're suggesting introducing a scoping step so that

instead of having a review team being put together and then sending them off into a room and saying, you decide what you want to do a review on.

And if you recall, the bylaws say you can review whatever you like, but you should look at certain things, and it lists what those things are. Rather than doing it that way, we're suggesting that there is a step before that, and that step is that the community, and we'll talk about what that means in a minute, runs a scoping exercise, and it says, for this particular accountability and transparency reviews, this is the scope, and these are the priorities, and then the review team goes into action.

Why are we recommending that? Well, there's a couple of reasons. Firstly, it makes sense to us that if you know before you start what the scope of the review is, then you can put people on the review team who have knowledge and expertise of the particular things that you are reviewing. So, if one of the reviews in the scope was, let's just say, looking at ICANN's implementation processes, looking at how it implements policy, you would obviously put policy people onto the review team.

Each of the SOs and ACs will put policy people onto the team. If, however, it was reviewing something to do with the sort of technical aspects, then you might want to put a different set of people onto the team. So, that's one reason for doing it. Second reason for doing it is that it provides some flexibility. Why? Well, one of the issues that we have to deal with is that if you say we're

going to do an accountability and transparency review every five years, five years is just an example, first thing I have to say is, well, five years from when?

So, is it five years from the end of the review? Five years from implementation being finished? Five years from when? The advantage of having a scoping team that looks at it in, say, year four, is that they can look at what's happening and they can say, well, the implementation of the last accountability and transparency review is still going on.

We think that whilst we want to run a review in year five, we think it needs to be a very narrow review that maybe only deals with one subject because we don't want to overload the system with too much stuff to implement. Or it might be possible even, and these are just suggestions, it might even be possible for them to say, actually, we're going to flip the review by a year and do it in year six so that the implementation has a chance to be finished.

So, those are the reasons why we think that there should be a scoping team and why we think that that makes sense from the point of view of providing clarity around what you're reviewing and flexibility around how big each of those reviews is and so on. So, before I ask if anybody has any comments on that, Avri, do you want to say anything else?

AVRI DORIA

I just wanted to add one thing. In addition to the scoping aspect that's been added to this one, you'll also just notice by the creation of some of the other columns that some of the work that is now seen as part of the ATRT is actually offloaded. For example, reviewing reviews and some of that work. That that work is actually offloaded to a different set of work so that in addition to limiting the scope of what it looks like, it also has fewer jobs to do, and therefore allowing it to do it in a shorter time.

CHRIS DISSPAIN

Thanks, Avri. And I just realized I didn't cover one other point, which is we said we were going to have a scoping team and that was going to be community. So, how are we going to do that? Our current recommendations, we currently think that the best way of doing that is to have a team of the leaders of the SOs and ACs, so the chairs and vice-chairs of the SOs and ACs.

The reason why we think that's probably the best way is because each of those SOs and ACs has elected those people to lead them. And so, it kind of makes sense that they would be in the scoping team. But for clarity, it's not intended that they would be operating as individuals. They would be clearly going back to their SOs and ACs. There would be a process where the SOs and ACs would say, we think these are the really key items that need to be reviewed.

They would be bringing those items from their SO and AC into the room with the other leaders, and then they would be working out what the priorities were and what this upcoming review should do.

Now, again, this is just a suggestion. Anybody else has another idea of how you would make the community scoping, how you would people the community scoping team? Obviously, we're very interested in hearing that. Manal, did you have anything you wanted to say on this before we see if anyone has any comments or questions?

MANAL ISMAIL

Thank you, Chris. You've covered the two and every very well. So, everything you've said would allow the review team to hit the ground running and not waste time also in agreeing on this poll. Thank you.

CHRIS DISSPAIN

Thanks, Manal. So, I know that we have a hand up in the Zoom room. If anyone in this room wants to make any comments, you can go to the microphones in the center and we'll be happy to hear from you. But right now, we're going to go to the Zoom room, and I think it's Michael Palage.

MICHAEL PALAGE

Thank you. Michael Palage, for the record. Chris, I guess my comment here with this being community prioritized, what are the safeguards to account for potential capture by the community? Because if the community has been captured and just has an economic interest to maintain the status quo, doesn't that prevent

the overall objective? So, what are the capture safeguards that the group is currently envisioning? Thank you.

CHRIS DISSPAIN

Well, I think your question is predicated on the possibility that the whole of the ICANN community has been captured. I'm not suggesting that that's not possible, but I think it's unlikely. But the point is that the leadership of each of the SOs and ACs, I mean, it's a disparate body of SOs and ACs that come from all sorts of different viewpoints of these things.

And the idea is, as I said, they're going to be using the bottom-up approach to bring topics to the room. But if you're saying, well, how about if all of the SOs and ACs suddenly become, to use your expression, sort of just there for the protection of commercial interests, I think that's a far bigger problem for ICANN than us worrying about whether or not they would not review the right things.

And we would have a huge issue that we'd have to deal with irrespective of the reviews, I think. But having said that, I think that there are safeguards across the SOs and ACs, and the only edge case that I can think of that would be an issue is if all of the SOs and ACs or the majority of the SOs and ACs were in a position where they were, to use your term, captured. Avri, do you want to say something?

AVRI DORIA

Yes, I tend to think that if all of the ACs and SOs were cooperating to a particular end, that is not necessarily called capture. That's an indication that we really have, as was being said, a much more serious problem that we need to deal with, the kind of thing that we saw when the transition was starting, that there was an overall movement and we had to do something other than what was planned. But I would hardly call all of the ACs and SOs having a similar point of view capture, I would think of it as an indication of a problem.

CHRIS DISSPAIN

And just to add to that, I think the structural review is it solves that problem to a degree because there will be a mechanism for looking at the ICANN structure. And if it's been captured, then obviously that's something that may well come out in the structure review. But that said, so we can talk a bit more about that when we get to the structure review. We have microphones.

MICHAEL PALAGE

Can I respond there, Chris?

CHRIS DISSPAIN

Yes, of course, you can, Michael.

MICHAEL PALAGE

Thanks. So, with regard to capture, so let's just take the GNSO and look at that. The chair of the GNSO over the last say 10 to 15 years,

has generally been someone that from the contracting party has been the chair. And the reason is it's such a demanding job that it generally has to be someone within the industry whose employer will allow them to dedicate that much time.

Similarly, if you look in the Registry Constituency, the leadership of the Registry Constituency has generally involved the same large stakeholders holding one or multiple seats within the ExCom during that same period of time. So, again, I think it is important to look at, are there potential problems with underrepresentation/capture that will negatively impact what you're trying to do? Just trying to sit there and get facts.

CHRIS DISSPAIN

Thank you. I take your point, and we'll take that input in and bring it up when we next meet. I think Sébastien was first, then Rafik, then Jim. Sébastien, go ahead.

SÉBASTIEN BACHOLLET

Thank you very much. Sébastien Bachollet on the floor. I will use the interpreters to address this matter in French. So, I have a couple of issues to address. What's the required timeline in order to identify the topics to be addressed by a review? Because if you add one year of work to this review, this is one year plus ten months, that is a lot of time. So, how can we organize this?

Second item, and I'm asking this now, but I could have asked that at the end of my intervention in the event session. Well, we have a

global overview of all the reviews, because if we're reviewing every five years, it means we have a review every year because there's five different reviews, and we will not have solved our core issue which is rationalizing the whole system of reviews.

And my final item is the following; to train the teams, we will empower presidents and vice presidents of SO/ACs. Why not? But in that case, it means you are creating another entity. We've already empowered the community, should we not further empower the community, integrate everyone in it to further this axis of work?

Furthermore, at the Board, the NomCom appoints people to the Board in order to have independent directors. This is a crucial aspect of the Board. I know the Board is often bedeviled in most of these discussions, but it is an entity that gathers all the stakeholders, including independent directors. So, let's not forget this approach to the work. Thank you.

CHRIS DISSPAIN

I'm not going to address, that's a lot of input, all of which is very welcome. And I know you're always on our calls, so we can go through that on our next set of calls. Just to say, I may have misunderstood, but just to say the intention is that this is a very lightweight scoping process. We have discussed, we did discuss at the very beginning of this, of our deliberations on this, the possibility of using the empowered community model, and I think

the vast majority of the people in the CCG thought that that was probably not the right thing to do.

It's not built for that. We'd have to make significant changes to the bylaws to make that happen, whereas this is intended to be -- the SO and AC leaders meet anyway informally before each meeting.

We think that we can build some accountability and transparency mechanisms into this particular role that they would carry out, but there's a lot of work to be done to figure out how to build that, so your input is acknowledged, and we will come back to it, as I said, in our calls. I'm going to go to Rafik, and then I'm going to go to the question-and-answer pod. Rafik, go ahead.

RAFIK DAMMAK

Thanks. Rafik Dammak, NCSG Chair. I get the trend has been for a while to get SO/AC chairs involved and represented in several initiatives to make maybe its matter efficiency or make it very easy in particular for ICANN Org to communicate and coordinate with the different groups. But when we appoint, elect or select a chair, it's not for the purpose to be everywhere and it doesn't mean they can speak for all the topics.

So, I do believe that we should avoid kind of setting in stone this kind of idea that for any like this coping team that it has to be the SO and the AC chairs. Because we need also to acknowledge the kind of diversity, if we take like the GNSO, the GNSO chair is coming from the Council.

It's probably better to have representatives from the GNSO or from the ccNSO and so on than trying to every time to leverage the SO and AC chairs, even if it's a matter of efficiency or whatever reason. So, I think it's better to find another form than this.

CHRIS DISSPAIN

So, Rafik, thank you. Yes, I think that, first of all, it would be do we chairs, vice-chairs, and there's an argument for saying with GNSO you might go to the SG level, but we can talk about that. But that dovetails with a comment or question from Kathy, which is Kathy Kleiman, which is in the Q&A, which says, what do you think of the SO and AC's appointing alternates to the scoping team?

As they already have a lot on their plate, they might want to work with and through an alternate, and that seems to me to make perfect sense. Again, the key is that it's a small team, that it's an empowered team, and it comes from the SOs and ACs. And there's also a comment in the chat from David McAuley that says, why not add the co-chairs of the previous ATRT reviews to the SO and AC chairs and vice chairs if they're available?

And again, I think that's very valid and sensible input because you start to build a knowledge base and the chairs of the SOs and ACs, sorry, the previous chairs of the Accountability and Transparency Review will probably have very good stuff to add. Avri, did you want to say something?

AVRI DORIA

Two things. One, he should be on the list. His hand keeps going up. I think the fact that we're talking about it as the chairs is kind of like a first approximation. I don't actually think in the group or elsewhere we've actually gone through a careful look at what the other possibilities are. I know I want to draft all the multi-service stakeholder award winners that have been selected by the community for that kind of task.

It's not something we've talked about, purely my own fantasy, but there are lots of groups of people who have been selected by the community for one reason or another who have been given trust by the community. And I think if we talk about it a bunch, we can find an appropriate one if the chairs is not appropriate.

CHRIS DISSPAIN

Thank you, and thank you, Rafik. Did you want to say something else?

RAFIK DAMMAK

No.

CHRIS DISSPAIN

Okay, thank you. Jim, and then we're going to go to a Q&A question from Anil.

JAMES GALVIN

Thank you, Chris. Jim Galvin, ICANN Board representative to the review CCG. I just want to put a question on the record for

consideration by the group. I don't expect an answer to it right now. This CCG is constructed in a way in which it includes Org and Board representatives to participate as equal members.

It struck me that you said SO and ACs, and I agree that seems like sort of a natural thing, but why wouldn't we also include a board rep and an org rep as part of that group and give them the opportunity to do that? And I'd like that considered as part of the discussions in the group. Thanks.

CHRIS DISSPAIN

Thank you, Jim, and absolutely. I mean, if you remember when we set this up in the first place, the chair said we want the Board to be participants, not just liaisons, and I think there's a lot to be said for involving the Board representatives rather more closely in some of this work. So, thanks, and if I could ask you to remember to bring that up on the call, on our calls, that would be very helpful. Robert.

ROBERT GUERRA

Sure, Robert Guerra of SSAC, I'm a member of the group. Rafik kind of took some of my comments, but I think what I'm hearing is when we talk about different entities or groups that are going to be participating, we just need to take a look at with care. There's mention about empowered community, but not all ACs are a member of that, such as the SSAC.

For SO/AC chairs, that has been part of the conversations we've had in the SSAC. While we don't have an issue with that, I think where

some of us have an issue, is that SO/AC chairs, though increasingly being involved in different discussions, are not a formal body. And whether there needs to be more definition to that and some accountability, and maybe the larger picture is there is interest and importance to have the community involved.

There needs to be accountability to that. And depending on the type of review, that expertise, whether it's security, whether it's elsewhere, participate in that discussion. Let's not get lost on who's coming in because we have a lot of other items to discuss as well.

CHRIS DISSPAIN

Thanks, Robert. I agree. And all of that input is incredibly valid and valuable. Anil has said in the Q&A, "Do you think that budget may be a stepping stone for any type of review needed?" Kind of, yes. Later on in the table, and everybody has access to the table, so you can look at it, it does talk about one of the things that we looked at is the scoping team comes back and says there are 27 things we'd like next ATRT to look at, and then we need to look at the budget and say, well, that's great, but we actually don't have the budget for that.

We only have the budget for you to look at four things or something. So, yes, there is an intention that the process building to the review will at least in part look at the budget that's going to be required. But of course, over time, this stuff will become second

nature, and so therefore the budget will adjust properly so that we are able to do whatever it is that we choose to do.

I'm going to suggest that we stop on this particular aspect now and move on to the structural review, which Avri's going to take us through. Avri, go ahead.

AVRI DORIA

Thank you. And just before I stop at structural review, just in case anybody is worried that CIP assessment is being forgotten. One of the things that we've said on that one, it is a pilot at the moment, and it will obviously need a post-pilot assessment of some sort. And therefore, putting it in the regular rotation and all of that is very difficult now. So, therefore, we're setting it aside while talking about all else that is going on. But as a pilot, it will sort of need its own review.

Okay. So, structural review has been sort of, according to many, a missing element from our reviews over the years. We've had the same structure for a very long time. Within the structural review, we've basically had a question of, if you're doing a review of the structure, what are you doing? Are you doing the overall notion of Supporting Organizations and ACs and NomCom and how they make the organization as a whole, including Board, and how that fits in. Is that it?

And so that's the option one, which is focused on the structure of the ICANN multi-stakeholder model as a system. And there's not,

at that point, diving into each one, but taking a systemic view to what we are working with, to what we live within, and seeing does it work, does it not work, does it need changes? It's also the kind of place where we look at issues possibly of, well, we're missing some elements in this systemic view and perhaps.

So, for example, at the moment, if a new supporting organization for a new type of group were to be needed, we really have absolutely no way of considering it or of putting it. Likewise, if an SO or an AC was no longer reasonable, that's hard to imagine, then it would deal with, I had to say it was no longer, I got some funny smiles along the way. Then there needs to be a place where those larger systemic conversations can be taken.

So, are there gaps? Are there redundancies and things like that? And that would be, as one way of looking at it, looking at this option is sort of the fundamental base option of any structural review, is look at the structure from the systemic point of view. Then the second issue that we've had is the more specific view. It's looking at the details of a specific portion of this structure, whether it's delving deeper into whether an advisory committee is functioning in a good way. Are there problems?

And this is something that comes out of the CIP reviews, for example. One of the examples we use is of a structure that says, we work really well, we all cooperate nicely, we have great relations with all of the other organizations. And some of the other organizations say, no, you don't. So, you find yourself in that

situation is how do you delve into it? How do you look at it? Then we come to the question, and this is questions that the group has been discussing and it's questions that we look for more information on is how do you do that?

How do you approach that? First of all, is this a mandatory part? Is every N number of years? You do a deep dive on different parts of the organization, just kind of like a health check. Is this something that you only, and therefore it's required when it's your turn? Is this something where only if you ask for it, if one of the particular SOs says, we've got some issues, we're really having a hard time settling those issues because one side of the group versus another side of the group have issues, how do you then decide?

Do they have to request that there be a review of the structures at sort of the more individual layer, or is that imposed upon them, and if so, and as you'll see as you look down this column at the other rows, there's the whole question of who gets the commentary from it. Even if it's a mandatory review, does that mean that the recommendations are mandatory, or are they, you can be forced into a mandatory review, but then you get to decide whether you accept the recommendations or not.

So, there's a real lot in here. But these options one and two are not an either or so much as an approach or as something additive. And I think I did the first pass. Is there anything that I left out that you want to add? And also Manal.

CHRIS DISSPAIN

I just wanted to add a couple of perspectives that came up in the ccNSO discussion on this yesterday, which I think might be useful. I think a number of the SOs and ACs would say that their immediate reaction to this would be, no, don't look at our structure unless we've asked you to. But when we started to peel back the layers of this in the ccNSO, then where we came to was a point where we said, well, actually, what matters is what's the status of the recommendations.

So, if you're looking at a particular SO and AC in a structural review, what is the status of those recommendations? If those recommendations are going to go to that SO or AC and they're going to be able to be dealt with in that SO and AC, then probably the only reasons not to do it is because of the workload. But if those recommendations were to go to the Board, and the Board was to have the say as to whether or not the recommendations from the structural review of the ccNSO, for example, were implemented, that's a different point.

So, I think it's important to think about it in that way. And if you think about what the old system of reviews was, the expert, I can't remember what they were called, but where experts arrived and got paid lots of money to tell us how they thought we should structure ourselves. If you look at that, those recommendations always went to the SO and AC themselves.

And in a number of cases, those recommendations were rejected, either as a whole or some of those recommendations were rejected. So, having it as mandatory doesn't necessarily mean that you have to accept the recommendations. It just means that the community as a whole, as part of a structural review, is looking at the structure of an SO or an AC.

And some might say that that's actually quite a healthy thing to have happen, because oftentimes you don't know, as I say ad nauseum, a fish can't see water. So, the ccNSO is not necessarily the best judge of itself. Manal, did you want to make any comments at this point?

MANAL ISMAIL

Thank you, Chris. And we're still having this discussion within the GAC, but I would say the review will not differ much from the ccNSO. So, definitely, we don't want a top-down thing, but if recommendations are being done to the relevant SO or AC, it might then make sense. But I don't want to preempt discussion within the GAC.

AVRI DORIA

I also have a quick question, and I just want to check. Is Mike's hand a current request to speak or something from before?

CHRIS DISSPAIN

It's gone down.

AVRI DORIA

It's gone down. Okay. Thank you, Mike. Okay. Please, Robert.

ROBERT GUERRA

Sure. This is Robert again. I think maybe another point of possible input to this process, to the structural review, is maybe the findings of the continual impugment process. And so, if a community is taking input from itself and evaluating itself, and that's not necessarily it's kind of stuck or it's not identifying things that could be looked at when a structural review is taking place, so different puts of feedback.

I think another item that I mentioned in our discussions is what triggers a process. It's not necessarily is there a particular point where this takes place outside of a normal schedule, that the community is saying something's going on other than ad hoc, which I see as a different process. So, I think good work so far, and I'm keen to hear from the community on the different options that they like or alternatives they might propose.

AVRI DORIA

Thank you. I did not notice. Thank you, Sébastien. Rafik, please.

RAFIK DAMMAK

Thanks, Avri. Rafik Dammak speaking, NCSG Chair. Just a quick comment. Thanks. Quick comment. I mean, option one seems, I think, good, because it's more coming from the SO and AC to start

such process. But my main comment, it's about the language and option, too. I can understand what you mean, dynamics, composition, and representation, but I had a hard time to understand the meaning of placement. So, if you can go maybe further in detail to explain what does it mean in such context.

AVRI DORIA

Thank you. I'm not sure. The word placement, if you read option two, we say in terms of dynamics, okay, it's understandable how do all the parts interact with each other? Placement, composition, and representation.

CHRIS DISSPAIN

Good question.

AVRI DORIA

Yeah, I mean, the first thing that comes to my mind is, does a particular presentation, does a particular grouping, is it in the right place? In other words, should it be in a different SO/AC stakeholder group? if we're talking about a constituency? So, that would be my, but I think it's a good item for us to sort of put brackets around and go check the intent and the usage of the word. I've just sort of been reading it and said, yeah, is it in the right place? But I don't really know if that was the original intention that we had when we put it in there.

CHRIS DISSPAIN

Thanks for bringing it up, Rafik.

AVRI DORIA

Please, Sébastien.

SÉBASTIEN BACHOLLET

So, my name is Sebasten Bachelet. I represent the Internet Society of France, and I'm a member of EURALO. As for the issue, and I'm not talking in the name of ISOC, but I would like, I would believe it is important to have a third option, and to say it is absolutely indispensable to look at the structures if it is required. And if we must look at one or two structures, we have to outline this clearly in the document.

Two different approaches. Either we have to examine all of them, or we examine those that must be examined. And we can ask the review team if they believe that one structure must be analyzed. I'm going to just to come up with an example. Imagine that ALAC believes everything is all fine, but in the forms that are sent back, one of the questions that is asked is a question about languages.

And you could maybe envisage splitting At-Large in two, with the English speakers and the non-English speakers. Of course, it's an absurd example, but this is the kind of debate that has to take place, and I believe that this structural review is the right place for this debate, so I believe we should have a third option.

CHRIS DISSPAIN

Can I respond to that?

AVRI DORIA

Thank you. It's a good thing to make a note of.

CHRIS DISSPAIN

I just got a couple of comments to make about that. Sébastien, I think you're absolutely right and I think if you think about this, another example would be the ccNSO, IDN ccTLD managers and ASCII ccTLD managers, you could imagine a possibility that that may be better dealt with by having two separate organizations. We have a question in the Q&A pod.

AVRI DORIA

There's a QA pod, and there's also --

CHRISTIAN WHEELER

Manal had her hand up as well, and she has two questions.

AVRI DORIA

So, I'll start with Manal, then we'll go to the QA pod, and then we'll come to Jordan, please.

MANAL ISMAIL

Thank you, Avri. I was trying to also respond to Rafik, noting that option two is a proposal by GNSO ISPCP. So, it's literally a copy and paste from their proposal. So, on the word placement, I have the

same understanding as yourself, but we'll have to check with the submitter. Thank you.

AVRI DORIA

Thank you, Manal. Okay, please, from the pod.

CHRISTIAN WHEELER

We have a question from Andrew Campling. “By selecting from within the community in this way, there is a risk that you only have voices that are comfortable with the status quo. How can you inject challenge into the discussion?”

CHRIS DISSPAIN

Andrew, thank you. That's a question in respect to the first matter that we were dealing with. It's a good question, and we'll take it. We'll discuss it on our next call.

AVRI DORIA

There is another question in the pod, too. We might as well take that one now before moving on. Pardon me, Jordan.

CHRISTIAN WHEELER

Yes, a question from Juan Manuel Rojas. “Should structural reviews include clearer indicators for measuring whether stakeholder groups have the resources, support, and institutional space necessary to effectively contribute at ICANN?”

AVRI DORIA

Thank you. I think that's actually a very good idea of things we should add. If you look at some of the other rows in this, we're looking at what are some of the aspects of a particular part of a review. So, that would seem to me one of the aspects that we should look at in terms of we've looked at things like budget, we've looked at things like bandwidth. I think that that is part of those discussions and is a really good discussion to have when you're doing a structural. So, I think we'll add it to the pile of questions we're asking. Please, Jordan.

JORDAN CARTER

Thanks, Avri. Good morning, everyone. My name is Jordan Carter, .au. I just wanted to raise in this plenary something I raised at the ccNSO engagement on this yesterday, which is to help distinguish between the two options, it might be helpful for the working group to tease out a little bit more clearly what the underlying purpose of the structural review is. I

f one of its purposes is to be able to, for want of a better term, solve problems in a particular SO/AC, that might not otherwise be addressed, the option two one might be more suitable. But if the only purpose of the review is to take that high-level systemic look at the ICANN system as a whole, option one might be better. So, there's a section on focus and there's the word outcomes from the review.

I think as you continue to work on this and draft it, if you can get really, really, really clear on what a review is designed to do, and maybe even saying explicitly what it is not designed to do, that will help us all assess these better. So, just a suggestion for the future work.

AVRI DORIA

Thank you. Yeah, in fact, throughout the work, there are longer descriptions in places. Everything won't necessarily all fit, and I think it's a really good thing to make a note of to be more explicit about the purpose. Please.

PHILIPPE FOUQUART

Philippe Fouquart, I'm Chair of the ISPCP.

CHRIS DISSPAIN

Closer to the microphone, Philippe.

PHILIPPE FOUQUART

I'm Philippe Fouquart, Chair of the ISPCP. I will speak French because I can. As for the use of the word placement and the comments of Manal and Rafik, I believe the intention of the ISPCP, my organization, is the one that Avri brought up. It's about properly locating the structure within the final result.

That being said, this should not be interpreted as the will of the ISPCP, but it is something that pertains to all the structures that will be examined. My organization will also supplement the previous

contribution with another one pertaining to Bucket C in the future works of this team.

AVRI DORIA

Thank you very much.

CHRIS DISSPAIN

If I could just add one other thing about this, because it's important to remember that structural changes in the SO and AC are not necessarily only as a result of a structural review of that SO and AC. It's possible. The structural changes in an SO and AC may be required because the overarching review of the structure of ICANN means new things are arriving.

So, if you remember, Steve Crocker has said on numerous occasions he thinks that DNS resolvers should have a home in ICANN. Now I have no idea whether that's a sensible idea or not, but the point is that if they did, then they'd have to go somewhere. And if they were to go to their own place in ICANN, that would mean that there would then need to be consequential changes to the structure of the Board and stuff like that.

And if they were to go, for example, and again, just as an example, into the GNSO, there would then need to be changes to the structure of the GNSO. So, structural changes don't just flow automatically from a review of the individual SO and AC. Christian, did you have something? Yeah.

CHRISTIAN WHEELER

Michael Palage has his hand raised.

AVRI DORIA

Michael, please.

MICHAEL PALAGE

Thank you. Thank you, Avri. Michael Palage for the record. I just want to direct the chairs to the exchange in the chat room regarding the documented, I would say, capture by those with a direct link to either an ICANN accredited contracting party, registry, or registrar. So, I just want that on the record. Thank you.

AVRI DORIA

Thank you. Okay. Do we have any other at the moment? No. Okay. And it gives us a good time now to move on to one more of the columns that we've got here. And so, I'll pass it to you.

CHRIS DISSPAIN

Thank you, Avri. So, we're going to look now at the last column, which currently says ad hoc/on-demand review. We were very proud of ourselves when we came up with ad hoc review, but it's abundantly clear that that's a daft name, so we're saying on-demand review. What's the purpose of this? Well, the focus would be an emerging topic that meets the criteria for review, specifically

one that doesn't involve policy considerations, obviously, and it cannot be adequately addressed through other discussions.

And the methodology would be simply to address a narrowly scoped topic that qualifies for review based on established criteria. So, what might be included in this? Well, in our examples, and it may very well be included in the bylaw that would necessarily be required to set up having the concept of an on-demand review, this is where things like the SSR review or the WHOIS review would happen. ATRT3 recommended that those reviews, I can't remember how many of them, there are three or four of them, be suspended, and that ATRT4 should look at getting rid of them.

We think that actually there's an elegant solution, which is that you simply say that in an on-demand review box, they could be dealt with there when there is a demand to do so. Now, what is that demand? Good question. We don't know that yet, but there will need to be thresholds put in place that say X number of SOs/ACs coming together and saying, we want a review on whatever it is, would be the way you would have that demand.

And if you think about the way the empowered community works, that works on the basis of a required number of SOs and ACs saying something to make things happen. So, we're not unused to that. It's something that we are used to dealing with and something that we could very relatively easily bring into force in respect to this.

And it would obviously be an SO and AC's use whatever processes they use internally to come to a decision. In the case of the GAC,

one assumes it would be GAC advice and the GAC would say we advise there should be a review on X. And in the case of the ccNSO, it would be a member's vote and so on and so forth. So, the idea is that this gives us the flexibility. It contributes to not having review tumbling into review tumbling into review because you're not saying there will be six reviews, four reviews, and they will run on a cadence. That makes it challenging.

It means that you can consider whether the demand for a review can be looked at and you can say, yes, we agree that there should be the review, there is the demand, but that needs to happen at the end of this year, not now, because we're launching new gTLDs in April or May or whenever it is.

So, there's a built-in flexibility mechanism that contributes towards dealing with a cadence issue that we've always had with a review not just tumbling into itself when it's next turn to happen, but also tumbling into the other reviews. Avri, did you want to add anything to that?

AVRI DORIA

Not much, except for, and actually perhaps Jonathan will want to speak to it, but there was sort of a notion that if you look at the original definition of ad hoc from the Latin, it may be an appropriate name. It's just that it's not the way we all use it anymore, and therefore it becomes an uncomfortable name for many. As an aside, it's one of those unfortunate first name

instances where you come up with a very clever first name and then you're stuck explaining it forever.

CHRIS DISSPAIN

Exactly. Though I will say that I made a presentation at the ASO yesterday morning on this and I told them that we started off with ad hoc and moved to on-demand and they had been looking for a new name for what they call their ad hoc audits.

So, they have shamelessly plagiarized our on-demand, and we'll now call them on-demand audits. So, that seemed to chime with them, which gives us some encouragement that we may actually be on the right track in respect to on-demand. Comments, questions? Oh, sorry, Manal, my apologies. Manal, anything from you on this?

MANAL ISMAIL

Thank you, Avri. I'm sorry. Thank you, Chris.

CHRIS DISSPAIN

Okay, so I'm guessing nothing from you on it. So, do we have any comments and questions from the room on this or in the pod? No, we don't. Okay, so it's open.

AVRI DORIA

We have ten minutes left.

CHRIS DISSPAIN

Yes, we do. So, it's open mic now. You can come and talk about anything that you want to talk about. Anything we've already discussed, anything that you think we should be thinking about, we really, really, really want to hear from you. Sébastien, go ahead.

SÉBASTIEN BACHOLLET

Thank you. I believe it would be great to have other speakers coming up to the stage. A quick item pertaining to on-demand or ad-hoc reviews. It would be great to change the person on which the burden of proof rests. We could have somebody looking at when reviews or what needs to be reviewed. We could have someone in charge of looking at what needs to be reviewed and let's not wait for something urgent, and then we have to organize a review urgently.

I have another item I want to address. I have a cause for concern. ICANN is now in charge of the IANA functions, and it has a number of obligations. Among these obligations were a number of your reviews. Now, nobody is telling us you have to do this review or carry that other obligation. So, in terms of topics up for reviews, how far can we go without going against our stewardship of IANA functions? And this also echoes the budget issues.

Do we have the budget or do we not have the budget? There are a number of reviews that are mandatory. We need to carry out some reviews in order to ensure stewardship of IANA functions, but then we need the budget. We need the budget for IANA functions and

we need budget for the reviews. We must not have any budgetary issues in terms of reviews. Thank you.

AVRI DORIA

In terms of the reviews that came out of the transition, those were specifically left out of our scope for this particular bit of work that we're doing. Now, as time goes on, I think one of the things you said is something we really have to consider is for these, let's call them ad hoc and use that word for a while, how they actually get initiated. How is it that we decide one is needed? How is it that we decide that a new one, one we've never done, should be done?

Those are things that I don't think we've gone into yet. And I wonder, just one thing that we didn't say at the beginning about the stage that we're at in this, we've been defining types of review mechanisms, and we've been looking at attributes of those reviews as we transition from this being the second phase of this project, the third, where we start basically putting down on paper actual reviews that were going to come. And this is not the three of us, the four of us sitting here, but the whole group are going to come to the community with next time of what are we actually suggesting.

We'll have to get into some of those details like how do you figure out that you need to do an ad hoc on a topic you've never done before? In terms of the budget, again, that wasn't put on our list of things. I have not, though, noticed a dearth of opportunities for people to talk about the budget.

It isn't necessarily one of the areas I've paid attention to a lot, but we seem to always be talking about it, always be going through a budget process of one sort or another, and there seems to always be an opportunity to raise an issue about something that is insufficiently budgeted. So, not a time to go through it now, but I think I'd like to understand more about this feeling that we don't have budget for reviews. Let me go to Edmon.

EDMON CHUNG

Oh, did you want to go? Sorry.

CHRIS DISSPAIN

No, it's just okay. We've got Anil in the chat. Sorry, Anil in the Zoom room and Edmon. I'm going to close the queue at that point because we have five. Ah, I'm not going to close the queue at that point. I'm going to close the queue. And then we'll quickly sum up. So, let's go to Edmon, then Anil, and then the gentleman there. Thank you.

EDMON CHUNG

Thank you. Edmon here. So, I was thinking a little bit about the ad hoc. First of all, I like it, whatever name you call it. I think it's a very important addition to solve some of the issues. Just thinking through, when Chris said, it might be a GAC advice, that, to me, wouldn't look like a very narrowly scoped thing.

So, we might need a scoping team as well, it's just like the first bucket, and add it to there so that we really narrow it down because

the mechanism now in vision probably doesn't create that narrow scope.

And I want to add one more thing is that there's some discussion about having the team and making it longer. I actually think it's not the starting line that we should be worried about. It's the finishing line. Doing this early gets us through to the finishing line a bit faster. And that's the whole point, and I totally support this approach.

CHRIS DISSPAIN

Thanks, Edmon. I think we're going to go to Anil now.

ANIL JAIN

Thank you, Chris. I'm talking about the process of this review. Now, it is an interesting part whether the review should be undertaken by people inside ICANN, or it should be totally by experts, outside experts which can undertake the review, or it can be a combination of both internal resources as well as external experts on the issue. There are pros and cons of all possibilities, and how we are going to select a particular approach and why. Thank you.

CHRIS DISSPAIN

So, Anil, thank you. Every one of the reviews that we're suggesting would include the possibility of adding expert advice and input, because we think, obviously, that that's important, and whether that is something that the scoping team would decide or the review

team, I suspect the scoping team would decide it, but nonetheless, it's a very good point, and we have considered it, and we will continue to do so.

ANDREW CAMPLING

All right. Thank you. Andrew Campling, not speaking for anyone. Just really repeating the question I put in the pod for the first section, but I think it's applicable here. Just as an observation, a lot of the input here is being drawn from within the community. You may laugh at the thought that that might mean that you're largely asking people that are broadly comfortable with the status quo.

That might feel a bit of a laughable comment, but possibly. So, how do you inject challenge into this, whether that's maybe from the independent directors or from other minority or dissenting voices so that you don't just keep doing what you're doing because the people that are doing it think it's a good thing?

CHRIS DISSPAIN

It's an excellent question and something that we need to take away and think about. It's a valid point that the community -- I mean, look, this community exists and is strong because of stress. And the stress holds buildings up. And stress, this AC against this AC, in the sort of the stress of opposing views, is what makes this community work.

But it's a valid point that we all effectively live in the same ocean, and so therefore maybe sometimes we should find ways of looking for outside challenges. So, accept it, and we'll take that into our deliberations. Avri, do you want to make any closing comments?

AVRI DORIA

Not really, other than what seems to always come up is, yes, we're probably going to need both the insider and the outsider to really cover any particular issue. And we've got just a minute left, and Manal may have a last word to add.

CHRIS DISSPAIN

Manal, anything from you?

MANAL ISMAIL

Thank you, Chris. Just bringing to everyone's attention the discussion in this chat, also on ad hoc reviews for their knowledge.

CHRIS DISSPAIN

Thank you.

MANAL ISMAIL

And just before giving you the floor back, we look forward to the continued input from the community and hope they can help us meet the deadline of August. Thank you.

CHRIS DISSPAIN

Thanks, Manal. So, next steps for us are to take all of the input we've received this week, work it all through, go away, do some more work, come back with this adjusted into the next iteration, and aim to be in Seville with a well-crafted, hopefully CCG consensus-based proposal for the community.

We are relying on you to work with us during this period before Seville, so we will probably end up running a series of webinars open to everybody so that we can check our feelings or our interpretation of the inputs that we've received. Avri, anything else from you?

AVRI DORIA

The thank you's. The thank you to all the staff that's been keeping us online. The thank you to those that's been interpreting. And thank you. Keep talking to us, really. Just keep sending us stuff. Keep talking. Keep writing papers. Thanks.

CHRIS DISSPAIN

Thanks, everybody.

CHRISTIAN WHEELER

I think you may stop the recording.

[END OF TRANSCRIPTION]