

JOHANNESBURG – Empowered Community’s Cross Community Forum on Proposed Fundamental Bylaws Amendments

Tuesday, June 27, 2017 – 08:00 to 09:00 JNB

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STEPHEN DEERHAKE: Good morning. Can I get everybody to take their seats? That includes you, Alan. And can we get this started?

And can I get the next slide, I guess, which is just the intro?

Can I have the next slide? Oh.

CHRIS DISSPAIN: One second. Patience, patience.

STEPHEN DEERHAKE: My apologies. I didn't know she was up here.

UNKNOWN SPEAKER: (Off microphone.)

STEPHEN DEERHAKE: Yeah. Exactly.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

Good morning. Welcome to the first-ever ICANN community public forum. I want to thank you all for showing up at this early hour.

My name is Stephen Deerhake and I'm the representative to the Empowered Community Administration from the ccNSO. Joining me this morning are Paul Wilson, substituting for John Curran and representing the Address Supporting Organization, Alan Greenberg representing the At-Large Advisory Committee, James Bladel representing the Generic Names Supporting Organization, and Thomas Schneider representing the Governmental Advisory Committee.

CHRIS DISSPAIN: Who is absent.

STEPHEN DEERHAKE: We note the absence of the GAC.

[Laughter]

Also joining us is Chris Disspain from the ICANN board, who will make the case for and answer community questions about the proposed fundamental bylaw change that brings us together this morning.

I would be remiss in not thanking ICANN staff for their help in both the scheduling and logistics for this first-ever community forum. It's been a learning experience for all of us.

We are gathered here this morning on an historic occasion, the first-ever community forum under the post-NTIA bylaws which came into effect on 1 October 2016.

I'd like to take a couple of minutes to outline the role of the Empowered Community in this process, the role of the Empowered Community Administration in this process, introduce the proposed fundamental bylaw change, and then turn the floor over to my ECA colleagues, if they wish to make any remarks.

After that, I will turn the floor over to Chris, who will make his case for the proposed bylaw change and answer any questions from the community about the proposed bylaw.

Excellent.

The post-NTIA ICANN bylaws have enshrined in them the concept of the Empowered Community. You that are sitting here this morning are that community. You provide checks on certain activities and decisions of the ICANN board. Among them -- and what brings us here today -- is an oversight function

when the ICANN board proposes a change to what is known as a fundamental bylaw.

Your responsibilities as the Empowered Community are to ask questions this morning about this proposal and then return to your various ACSO silos to debate the merits of the proposal and to guide your respective ACSO leadership toward a decision to either support, oppose, or abstain from a decision with respect to the board's proposal.

The role of the Empowered Community Administration is strictly clerical. We do not participate in any decision-making. Instead, we push paper. We push paper back and forth between the ICANN secretary and the ICANN decisional participants, we make requests of ICANN to organize community forums such as this one today, and we count the votes of the ACSOs and report the result back to the ICANN secretary.

I want to bring to the community's attention that ICANN has set up an Empowered Community Web site within the overall ICANN Web site, and it can be accessed by scrolling down to the bottom of the ICANN home page and clicking on "Empowered Community" under "Accountability and Transparency."

I also understand that the various ACSOs are also setting up Empowered Community-related Web sites within their ICANN Web site sections.

Next slide.

Besides the right to approve fundamental bylaw changes, changes to the ICANN articles of incorporation, and asset sales, the Empowered Community also has other powers. Among these are the power to reject certain things such as ICANN budgets, IANA budgets, and operating and strategic plans.

Additionally, the Empowered Community may appoint and recall individual ICANN board members, or if it's really unhappy with the way things are going, it has the power to recall the entire ICANN board.

It also has certain inspection and investigation powers and can also reject public technical identifier governance actions and it also has powers regarding community reconsideration requests.

Next slide.

The proposed fundamental bylaw change before us seems straightforward. The Board Governance Committee has come to the conclusion that they are unable to give the reconsideration process proper attention on a timely basis, and they wish,

therefore, to establish a new board committee devoted to handling the reconsideration process. The proposed change does not in any way alter the reconsideration process; it only transfers responsibility for that, carrying out the reconsideration process, from the Board Governance Committee to a new board committee.

But it's up to you, the Empowered Community, to consider the proposal and decide within your various ACSOs whether or not you believe this is an improvement over the current structure.

Next slide.

There are some time frames and decision-making criteria that you should be aware of.

First, the ACSOs have a 21-day period, beginning at the end of this ICANN public meeting, in which to make their decision and notify the Empowered Community Administration.

Second, the Empowered Community Administration then has only 24 hours to tally the votes of the various ACSOs and forward that result to the ICANN corporate secretary.

Lastly, note that approval of this bylaw change requires a "yes" vote from at least three ACSOs and no more than a single "no" vote. If either requirement is not met, then the proposed bylaw

change fails and the current bylaw remains in effect. This is a pretty high hurdle for ICANN to clear.

Next slide.

ICANN likes slides as drawings. They're actually quite helpful. This slide illustrates the time line I just described regarding the ACSO decision-making period and the tight turnaround time for the Empowered Community Administration to tally and report the voting results. I presume this slide set will make its way onto the ICANN Web site eventually, so if one wants to study this diagram in detail, it should be available there.

I also cannot recommend enough the process diagrams that ICANN has displayed next door. They're an amazing piece of work and are well worth a close look to figure out what we're doing.

Next slide.

Can you skip the next one, actually. Skip that one.

Great.

Lastly, the displayed slide provides the relevant pointers to the proposed bylaw and committee charter changes.

And with that, I wish to the turn the floor over to any of my ECA colleagues who may wish to offer brief comments.

Alan, do you want to start or --

ALAN GREENBERG: Sure.

STEPHEN DEERHAKE: -- I can start with James and work my way down.

UNKNOWN SPEAKER: Start with James.

STEPHEN DEERHAKE: We're going to start with James.

JAMES BLADEL: Good morning and welcome. I'm James Bladel. I am the interim representative to the Empowered Community Administration on behalf of the GNSO.

The GNSO has two houses, four stakeholder groups, and five constituencies, so gathering all of those voices and positions and synthesizing them into a single action into participating into

the Empowered Community is part of my task as a conduit for whatever the community is instructing me to do.

The good news is, I think that in this particular case we haven't heard a lot of controversy surrounding this particular change, the proposed amendment to this fundamental bylaw, but we are, of course, still working through our community to gather those opinions.

I think the challenge that we have is -- first off, is we're still deciding how we are going to continue to participate within the Empowered Community, and we have two work efforts underway.

One is on our docket for tomorrow, which will determine how we select our representative to the Empowered Community Administration.

And then the second is a little bit of a longer bit of work where we are defining our bylaws, our operating procedures, and how we will surface issues, how we will discuss them, how we will agree upon them, and how those will all percolate up to that designated representative.

All of those things are unfortunately still in the works and so we're working on an interim basis for this particular community forum.

The second challenge is the time frames. The -- as Steve had mentioned, we have a lot of 21-day windows that are hard-coded into the bylaws, and that's going to be a challenge for the GNSO as I imagine it will be for some of the other communities, if any of these time lines don't mesh with your existing meeting calendars and you start to have to have intersessional discussions to ensure that the participation in the Empowered Community occurs within that 21-day window which is mandated by the bylaws.

We're going to tackle all of these things tomorrow during our meeting, and again between now and our meeting in July and as we go forward, but we are working through all of these challenges. We recognize that this is the first time out and we are still learning a bit as we go and that we're very mindful of the precedents that we're setting for future issues that might be a little more controversial or will generate a little bit more discussion amongst our community.

So that's where we stand on the GNSO side, Stephen, and I'll be happy to take questions later during the Q&A.

STEPHEN DEERHAKE: Thank you. Thomas, do you have any comments on behalf of the GAC?

THOMAS SCHNEIDER: Thank you. Well, it will sound more or less identical to what James has just said. The GAC has decided that they -- for the time being, the GAC chair is representing the GAC in the ECA. We are working on our internal procedures on how to deal with all of this and have decided that we'll use a pragmatic approach and work on an interim basis and see how this goes.

And we also struggle with the 21 [sic] deadlines. We don't know yet how we are supposed to work within these deadlines, but we'll give our best to actually make that happen, and we'll continue to discuss it for the -- after today. Thank you.

STEPHEN DEERHAKE: Thank you, Thomas.

Alan?

ALAN GREENBERG: Thank you very much.

The ALAC does have some rules in place. They are very bare-bone rules, but we are officially, you know, empowered to take decisions and we have a process to do that.

The time lines don't worry me quite as much because certainly in the case of fundamental bylaws, there has to be a public comment ahead of time and that gives a fair amount of time to start putting together positions, not necessarily waiting for the 21 days, and we do regularly make decisions between meetings, so that's not -- shouldn't be a problem.

Now, when a really onerous issue comes up, how we'll handle that will be a completely different question.

In the case of this particular issue, we do have a couple of comments, and one of them was in our -- in the statement we made to the public comment.

That is, we would have preferred to see something a little bit more detailed in terms of the scope of the committee that we were being asked to approve, with the full understanding the board might well change it all afterwards, but nevertheless, the - - you know, we feel the community should be given a fair amount of detail.

There's also been a concern expressed on whether this really had to be done right now, if there was any great urgency on it, and could it not have been deferred till after the CCWG finished its deliberations. Thank you.

STEPHEN DEERHAKE: Thank you, Alan.

Paul, do you have any remarks on the address side?

PAUL WILSON: Thanks, Stephen.

Good morning. I'm Paul Wilson, also an interim member of this group. Just very briefly, the ASO councils, the address council and the NRO executive committee, have considered the changes and we don't have any comment or concern at this point. Thanks.

STEPHEN DEERHAKE: Thank you. With that, I'm going to turn the floor over to Chris who will make the case for the bylaw and who also will entertain questions from you. Thank you.

CHRIS DISSPAIN: Thank you, Stephen.

Morning, everyone. So I'm going to briefly explain the board's thinking of why we decided to make this change and ask you to endorse it. And then there are four or five people around the room with microphones and signs that say 1, 2, 3, 4, 5. So if

you've got questions, just go to one of those when we're ready and they will give you the microphone.

I don't have enough hands. Hang on.

Okay. So a bit of background. Just -- the BGC itself, the Board Governance Committee, currently has nine responsibilities and roles. It assists the board to enhance its performance. It leads the board in its regular performance evaluations and reviews. That's the board as a whole and the individual board members.

It creates and recommends a slate of nominees for leadership positions on the board and the various committees that the board has. It has oversight of the board's code of conduct compliance. It has the administration of the conflicts of interest policy. It recommends corporate governance guidelines to the board. It deals with the appointment of the Nominating Committee chair, chair-elect, et cetera. And it deals with reconsideration requests and the ombudsman's own motions. So the ombudsman -- if the ombudsman wants to launch his own investigation into something on his own behalf, he needs the BGC to approve that.

In the dim and distant past, the reconsideration requests side of this were, in fact, run by a different committee. And some time

ago, and I mean really quite some considerable time ago, that was folded into the BGC.

The new gTLD program and all of that stuff that's coming from that and follows from that saw a significant increase in the number of reconsideration requests and other legal issues. And so relatively -- towards the end of last year, the BGC started talking about whether we should perhaps set up a separate committee again to deal with it.

Now, there are several reasons for that. One is because over the number of reconsideration requests -- and it is correct to say that the BGC was getting concerned that it would not be able to devote its full attention to those. But in reality, it's actually the other way around. In reality, the BGC because of the time lines that are mandated has to devote its time to those reconsideration requests. And what was happening was that the BGC wasn't getting the opportunity to devote the time and attention that it needed to all of the other things that the BGC is supposed to do.

The second reason is because if you -- if you think of that list that I have just read out, that is a seriously diverse set of skills required. But the reconsideration requests, ombudsman's own motion, and legal stuff generally -- so, you know, analyzing the results of an IRP, for example -- has a fairly discrete set of skills

required and they're mostly around the law, understanding the legal implications of the bylaws, et cetera.

And those of you who have enjoyed working your way through the bylaws -- and I know Stephen is one of those. In fact, he has shown me his markup of the bylaws which is a joy to behold -- will understand that these are complicated documents and they need to be carefully considered when you're looking at reconsideration requests and legal matters.

So from that point of view, from a skill set point of view, it made sense for us to say, look, if we have a special set of skills required for a separate committee that is almost intensely legal from the general board governance skills which are more to do with having been on boards before, understanding how you govern a board, understanding about performance evaluation, understanding about facilitation and that sort of thing. So that was the board's thinking.

And in all honesty, we could, in fact, probably have found a way of doing it without changing the fundamental bylaw. But we felt that we wanted to embrace the new ICANN post the transition and the most straightforward way of doing it, rather than trying to find a fix, if you will, was to actually approach it head on and say, This is a change to the fundamental bylaw. Let's do it. And it does also have the added extra advantage, as I think several of

you have already said, of road testing this particular process for something that is not particularly controversial. So we thought that was probably a sensible thing to do.

Finally, before I open up for questions, just to be absolutely clear, it is -- the reason why the request is limited to reconsideration requests going to this new committee is because that is the only responsibility of this committee that is a part of the fundamental bylaw. There is nothing in the bylaw about this committee being the committee that discusses in the first instance with ICANN legal the results of an IRP and then reports back to the board. That doesn't need to be part of this process because it's not mandated in the bylaws. But the reconsideration requests is mandated in the bylaws.

So that's it. That's the explanation. Happy to take questions. We've got Sam here from ICANN legal to tell me when I'm completely wrong. The board are here as well, mostly.

So questions? Comments? Anything at all? Okay. Good. So that's it then.

[Laughter]

We can all have breakfast.

Steven.

STEVE DelBIANCO: Thank you. Steve DelBianco with the business constituency. We were among the five groups that submitted public comments when the board notified of the change, and the BC supports the change to the fundamental bylaws.

We did go on to offer some advice on the charters for the Accountability Mechanism Committee. And I fully understand that as written today the bylaws permit the board to create and modify the charters for its committees without necessarily public input and certainly without invoking a process like the one we're going through this morning.

We put the comments in on the charters, and it would be my assumption that those charters are on the minds of the board when it decided to make the change.

But, Chris, just to clarify, those charters aren't likely to be discussed or debated this morning at this process.

CHRIS DISSPAIN: No. But the input from the community in respect to those charters is certainly something we will take into -- we'll take into account.

STEVE DeBIANCO: And in taking that into account, I just note that the staff report analyzing the public comments sort of just treated these notions of charter comments as something at the end by noting that the board doesn't have to consult with the community on the charter.

So I get that. I just encourage the board when it does its charter revision to reach back in to the substantive comments that we made on the charter since they're not in the staff report anymore.

CHRIS DISSPAIN: Understood. Thank you very much.

STEPHEN DEERHAKE: Chris, if I could, a quick housekeeping note.

CHRIS DISSPAIN: Steve.

STEPHEN DEERHAKE: We have roving microphones. So if you do have a question, just wave your hand around and somebody will get to you.

CHRIS DISSPAIN: Kavouss.

KAVOUSS ARASTEH: Good morning to all of you. Just a question, perhaps I missed something. The name of this committee, board Accountability Mechanism Committee? Is that the name please?

CHRIS DISSPAIN: Yes.

KAVOUSS ARASTEH: Why this name has been selected? It's the Reconsideration Committee. Why board and Accountability Mechanism Committee, why? So simple, Committee for Reconsideration or Reconsideration Committee? Is there a particular reason?

And then not to ask the floor again, the procedures of the actions to be taken by this and members of that, is it possible to explain? Thank you.

CHRIS DISSPAIN: Okay. I'll do my best.

So it's the Accountability Mechanisms Committee because there's not just reconsideration requests. There are own

motions from the ombudsman. And it's envisaged that the committee will also assist -- excuse me, sorry. The committee will also assist ICANN legal in respect to other outflow from the accountability mechanisms. So as I said earlier, as an example, when you get a decisional, an IRP, an independent review process, that comes into ICANN and the board has to look at and analyze that. And it makes sense that the board has a committee that does that. And right now that committee is actually the BGC. It's not part of the bylaws that that's what it does, but in, essence, that's what it does. So that's going to be transferred along with the reconsideration requests to this specialist committee that is going to be peopled with board members who have particular experience.

Now, your other question was in respect to the process. In respect to the reconsideration requests, that process under the new bylaws -- and I'm almost guaranteed to get it wrong here. So, Sam, help me out when I do.

The process under the new bylaws is that a reconsideration request comes in. Outside counsel -- no, it goes to the ombudsman. And the ombudsman has a look at it. The ombudsman then comes back to us with a recommendation or the ombudsman can say, I'm not going to look at this one

because I have been involved in some way in this matter in the past.

The BGC receives the recommendation from the ombudsman and then the process continues through the BGC. And the other big change is that in the past, reconsideration requests in respect to staff matters have been decided or could be decided by the BGC, finally. And then other stuff went to the board. But now everything goes to the full board with a recommendation of the BGC. There is a very, very, very, very useful chart somewhere which we can doubtless provide. Sam.

SAMANTHA EISNER:

This is Sam Eisner from ICANN legal. One other big change that came in with the bylaws is there's now a hard stop on the timing with which the BGC can complete its work on reconsideration and the board as a whole. And so in the past, there's been some language about feasibility and some reconsiderations, as some have noted, have taken longer. But there are actually very hard stops. So it creates a lot of pressure on the schedule.

CHRIS DISSPAIN:

And that's another reason to have a separate committee. And those of you in your SO and AC administrations who are struggling with the hard stop that you will put in with respect to

this of 21 days will understand how difficult it can be to meet those deadlines. And if you can find administrative ways of helping to make that happen, that's quite useful.

Do I have anybody else? Jordan.

JORDAN CARTER: Thanks, Chris. Jordan Carter, .NZ, from the ccNSO. When this came through, it seemed a little bit strange on the face to me that this whole process would need to be used for the realignment of some responsibilities between a board committee and a new board committee.

Did the board consider asking for this fundamental bylaws amendment to be to take this out of the fundamental bylaws?

CHRIS DISSPAIN: No.

JORDAN CARTER: Okay.

CHRIS DISSPAIN: That would be a matter for you guys to work out.

I mean, look, the reason -- the only reason why this committee change is required to go through this process is because the BGC handling reconsideration requests is in the fundamental bylaw. If the board wants to set up a committee for widgets, it doesn't need to come to the community to ask for that. If the board wants to take the current Organizational Effectiveness Committee's role and divide that up into three or something, that's not something -- but this is very, very specific to the fact that the reconsideration requests are part of the fundamental bylaws. And the responsibility for those is, therefore, part of the fundamental bylaws.

So I think -- I think this is probably a one-off. But, as I said, it's also quite a useful exercise for you all to get up early this morning.

Edmon, I think.

EDMON CHUNG:

Edmon Chung here. Just curious, what's the benefit of creating this new committee versus perhaps a subcommittee of the Board Governance Committee?

CHRIS DISSPAIN: Which was precisely what I was referring to, in essence, when I said we could have perhaps found another way to do it. There are issues around it because of is a subcommittee a subset of the people on the BGC? Is the subcommittee of the BGC a different set of people? How do you deal with it? Does it then have to report up to the BGC, and would the BGC then have to, in essence, redo the work to ensure that it was meeting the fundamental bylaw?

In the end, we decided that the simplest and easiest process and also the process that pays the most respect to the importance of these accountability mechanisms was actually to have a separate committee.

Go ahead.

EDMON CHUNG: And do you envision overlap of the committee members between -- the BGC is still going to be --

CHRIS DISSPAIN: There will be some overlap, yes. It's practically guaranteed there will be some overlap, I'd say, yeah.

Cherine.

CHERINE CHALABY: The overlap happens across all committees.

CHRIS DISSPAIN: Yes.

CHERINE CHALABY: Basically board members usually on two, sometimes three committees. But we're trying -- this one we will try to put as many board members with legal skills, that understand the bylaws into this one. There may be one or two of them on other committees as well, okay? But it will not be the same people in both committees, in both of these two committees.

CHRIS DISSPAIN: Thanks, Cherine.

Alan, do you have any questions and comments from your side?

ALAN GREENBERG: My only comment was the same one that Steve made, that in making a public comment asking for more details on the charter, we didn't expect it just to be get tossed aside and say,

"Don't worry," pat us on the head and said, "Well think about it later."

We're being asked for permission to change this bylaw and create the committee. It would have been nice to see some answers there.

CHRIS DISSPAIN:

Point taken.

Jorge.

JORGE CANCIO:

Thank you and good morning, Chris. Jorge Cancio from Switzerland for the record.

I just was wondering whether you could very succinctly summarize what the public-policy implications of this change are, because that's a consideration that is being made in the GAC in order to guide our interventions in Empowered Community. So perhaps in a couple of sentences, I would appreciate that.

Thank you very much.

CHRIS DISSPAIN: Well, thank you for that question. There are those who would say that I'm incapable of being succinct, and I'm certainly not an expert on public interest policy.

To be honest, I'm not sure that there are, other than to say that it's -- I would argue it's a more efficient and effective way of dealing with it, and it's likely to mean that reconsideration requests are dealt with more -- in a more timely and more focused manner because there is a specialist committee available to do that. That would be my immediate response.

Kavouss, you want the floor again? Go ahead.

KAVOUSS ARASTEH: Just for curiosity. Did you really need to change this existing committee with the new committee or you could it -- do it as exists, but you wanted to try how the Empowered Community works? Make a little bit of trial to see how it works, and it's good preparation for the other important issues.

I'm just asking, was it really necessary to make this change?

Thank you.

CHRIS DISSPAIN: Yes. Yes, the Board did not make this change just so we could allow you guys to have a test run of the Empowered Community. We decided to make the change, and I would describe it as an extra-added benefit that we were able to bring in this process and use it in something that is -- is not likely to be particularly controversial.

Mark.

MARK CARVELL: Yes, thank you, Chris. Good morning. Mark Carvell, UK government.

You made great emphasis on skill sets and collating skill sets, and so on, and that's perfectly logical and understandable.

My question is whether that has any impact on appointments to the Board in terms of ensuring that you do have this committee populated by people with the expected capacity in terms of legal skills, and so on.

Thank you.

CHRIS DISSPAIN: Thanks, Mark. That's a really good question. Of course the easy response is to say we've always got too many lawyers and, therefore, it doesn't matter.

But, yes, in the sense that -- but no more than it does already, in the sense that if you take the Nominating Committee as an example, each year the Board provides the Nominating Committee with a letter -- and, in fact, I think that's now going out to all of the SOs and ACs, with a letter with what the Board thinks the gaps are. And we're actually now in a process of massively improving that. So we're doing a Board skill survey.

We do a Board skill survey every year for the committee slating process, but we're doing a slightly deeper one this year. We're actually doing -- the BGC is going to run a GAC analysis across that and see what those gaps are. And we hope to then be able to be more -- to inform the community in a more timely manner that we really need X, whatever X may be. In the past, it's kind of been, you know, just a sort of ad hoc process. I mean, I'm reminded of when I was chairing the ccNSO and I think Demi stood down from the Board, and we asked the Board what do you want in replacement? What sort of skills do you want in replacement? At that time, the Board said we want people with Board experience. So we gave them Mike Silber, which may or may not have been a good thing (laughing).

We gave them Mike, who had Board experience. He was on the Board -- he wasn't a ccTLD manager. He was on the board of the CCs. So that's the kind of level it used to be. We're trying to make that much more formulated now. And so, yes, it will make a difference, but probably no more than it does already, and we're improving the processes to make sure we can meet those skill set requirements.

Cherine.

CHERINE CHALABY:

I just want to respond to Alan and Steve's comment about the sense that they wanted to make sure that their public comments are taken into account. Steve and Alan, when the Board passed the resolution in May to kick off this process for a fundamental bylaw change, in that resolution it says you have to take into account the charter concerns raised in the public comments. So the BGC cannot escape this because this is an instruction from the Board to do so. And you will know, like all our charters, once this is done, it's going to be posted for you to see it, and it's very visible to everybody. So we will definitely take your concern into account.

CHRIS DISSPAIN:

Thank you, Cherine.

Yes, Alan.

ALAN GREENBERG: I can't speak on behalf of the business constituency, but in our case, the real issue -- thing we're saying is we would like to understand this more before being asked to say yes or no. We're going to, after this meeting, enter into a pretty short period where we have to make -- pass judgment.

Now, in this case, maybe it is somewhat moot again because this isn't the most onerous of things. But if we raise an issue in the public comment preceding it, it's because we feel that, indeed, our decision might well be hinged on it. Thus, the "don't worry, we'll handle it later," was not what we were expecting.

CHRIS DISSPAIN: Steve, did you want to say something?

STEVE DELBIANCO: Thanks. Steve DelBianco with the BC.

Cherine, I appreciate that the expressions and comments that the BC made with respect to the charter will be taken on board. Unlike the ALAC, the BC didn't condition its approval of the

fundamental bylaws change on those charter changes. Those charter suggestions were there in an advisory capacity.

Thank you.

CHRIS DISSPAIN: Okay. Thanks, Steve.

Anyone else before we -- I hand you back to Stephen?

STEPHEN DEERHAKE: Chris, I've got one.

CHRIS DISSPAIN: Yes, Stephen.

STEPHEN DEERHAKE: Among the public comments was one that expressed some concern that by forming this new board committee and transferring these reconsideration requests over to that new committee that this would impose further delay on the processing of those outstanding reconsideration requests. So my question really is twofold. How will the transfer of pending reconsideration requests be handled and what's the impact on the timeliness of the resolution of those requests?

Thank you.

CHRIS DISSPAIN:

Thank you. Those of you who were in Madrid for the GDD will know that this also came up there.

The answer is that we'll make sure that there is no impact. There were a number of reconsideration requests that are currently delayed, in abeyance, call them what you will, because of an investigation that's going on in respect to some claims from an IRP decision. We'll be providing an update in respect to that I think this week, I believe, to see where we are with that. But that's what's causing the delay.

The transmission of the responsibility across to the new committee doesn't affect that, and neither does the -- and neither would it affect any nuance.

The point that was raised in Madrid was a personnel question, which is, well, if you're going to have a new committee, then how can you pick up a reconsideration request that's already in process and have a decision made by perhaps a bunch of new people?

Now, that's true. It's also true every year when the BGC changes -- if the BGC changes its -- its members. But I said at the

microphone in Madrid that we would ensure that the parties who have put in their reconsideration requests -- well, obviously, first of all, we do assure that any new people are properly briefed. We do that anyway. But in the case of some of those parties, they've actually made oral presentations to the BGC about their reconsideration requests, and I've committed that we will allow them, if they wish to do so, to make those again. And if they don't, we will obviously make the transcript and the recording of those sessions available to any new members of the committee, as we would, in fact, in respect to the BGC after the AGM at the end of this year if there are new members.

James.

JAMES BLADEL: Yeah, thanks, Chris. James speaking. And I think you sort of touched on my question there at the end that there wouldn't necessarily -- this change -- the result of this change wouldn't require anyone to resubmit any pending --

CHRIS DISSPAIN: No.

JAMES BLADEL: -- reconsideration requests or any materials once again. So it's not necessarily that you'd have to go back and redo some of that work.

Is it possible that this change, perhaps not for those that are currently pending but for those future cases that we would see, and I think what we're hearing is the Board anticipates that this would be a faster process for future reconsideration filings?

CHRIS DISSPAIN: The Board anticipates that it will be much easier to meet the new mandate -- mandated timelines having a separate committee. And whilst we would obviously meet those mandated timelines with the BGC, because they're mandated, we think we will struggle far more to do that. We think that having the separate committee actually provides the necessary important -- in fact, in some cases, essential -- focus on the very important issues of reconsideration requests.

I think, probably, Stephen, we are done, and I'll hand it back to you.

STEPHEN DEERHAKE: Going once, going twice. No more questions?

CHRIS DISSPAIN: Ah, Kavouss. Yes.

KAVOUSS ARASTEH: Yes, I understand that unless otherwise specified, the amended bylaw would not be retroactively applicable. So do you have an answer to that?

CHRIS DISSPAIN: Yes. The committee -- the committee has not been set up in the belief that the bylaw change will be accepted. So the committee doesn't exist until such time as, a), the bylaw change is accepted, and then the Board goes through the process of actually setting up and populating that committee.

STEPHEN DEERHAKE: Any more questions? Going once. Going twice.

Okay. I believe we have come to the end of this particular community public forum. I want to thank everyone for turning out early this morning. I want to thank everyone for their questions. I want to thank Chris for his participation and advocating this particular bylaw change.

And lastly, I want to thank ICANN staff, the translators, and the GAC for the use of their room. We finished a little early. So thank you very much, and have a great day.

[END OF TRANSCRIPTION]