

Subject: Reconsideration Request: ICANN Board Resolution 2025.05.19.01 – 2025.05.19.06 (Deferral of ATRT4)

Date: 31st May 2025

To: ICANN Board of Directors

From: ATRT3 Implementation Shepherds and supporting ALAC members

Subject: Request for Reconsideration of ICANN Board’s decision to defer ATRT4

I. Introduction

This Request for Reconsideration is filed pursuant to ICANN Bylaws Article 4, Section 4.2, which provides for reconsideration of an ICANN action or inaction that contradicts ICANN’s Mission, Commitments, Core Values, and/or established policies.

Specifically, we request reconsideration of the ICANN Board’s decision, adopted on 19 May 2025 (Resolutions 2025.05.19.01 – 2025.05.19.06), to defer the start of the fourth Accountability and Transparency Review Team (ATRT4). This decision contravenes ICANN Bylaw Section 4.6 (b) (vi), which mandates that the Accountability and Transparency Review shall be conducted no less frequently than every five years.

II. Background and Timeline

- The third Accountability and Transparency Review Team (ATRT3) was convened on 20 December 2018 and concluded its work in June 2020.
- Pursuant to Bylaw Section 4.6 (b) (vi), the next ATRT (ATRT4) should have been convened no later than 20 December 2023.
- The ICANN Board, citing operational considerations, initially decided to delay the start of ATRT4.
- On 19 May 2025, the Board adopted Resolutions 2025.05.19.01 – 2025.05.19.06, which further deferred ATRT4 until after the first cycle of the Continuous Improvement Program (CIP).
- The Board’s decision was taken despite ALAC Advice opposing this delay (https://atlarge.icann.org/en/advice_statements/14003).

III. Grounds for Reconsideration

The ICANN Board’s decision to defer ATRT4 is inconsistent with ICANN’s Bylaws and accountability commitments:

1. Violation of Bylaw Section 4.6 (b) (vi)

- o Bylaw Section 4.6 (b) (vi) states:

“The Accountability and Transparency Review shall be conducted no less frequently than every five years measured from the date the previous Accountability and Transparency Review Team was convened.”

- o The last ATRT (ATRT3) was convened on 20 December 2018. The five-year cycle required ATRT4 to be convened by 20 December 2023.
- o The Board's continued deferral of ATRT4 exceeds the mandated five-year cycle, directly violating this Bylaw provision.

2. **Contravention of ICANN's Mission and Core Values**

- o ICANN's Mission and Core Values emphasize accountability, transparency, and the need for periodic, community-driven reviews.
- o By delaying ATRT4 beyond the mandated period, the Board is undermining these values and reducing trust in ICANN's multistakeholder processes.

3. **Adverse Impact on the Community and Public Interest**

- o The ATRT process is a fundamental accountability mechanism designed to ensure that ICANN remains responsive to its community and operates in the public interest.
- o Postponing this review deprives the ICANN community of a critical opportunity to assess ICANN's performance and make improvements.

IV. Requested Action

We respectfully request that the ICANN Board:

Reconsider Resolutions 2025.05.19.01 – 2025.05.19.06 to the extent they defer the start of ATRT4 in violation of the Bylaws;

Immediately initiate the convening of the fourth Accountability and Transparency Review Team (ATRT4) in compliance with Bylaw Section 4.6 (b) (vi); and

Reaffirm ICANN's commitment to the principles of accountability, transparency, and periodic reviews as set forth in its Bylaws and core values.

V. Conclusion

This Request for Reconsideration is filed in good faith and in the best interests of the ICANN community and the public. We believe that adhering to the mandated timeline for ATRT reviews is essential to maintain trust in ICANN's governance and to fulfill the accountability commitments enshrined in the Bylaws.