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1. Executive Summary

1.1. Introduction

This is the Draft Report of the Third Accountability and Transparency Review (ATRT3) in accordance with the ICANN Bylaws Section 4.6(b).

This review comes at a critical time for ICANN given its accountability and transparency framework has significantly evolved since the ATRT2 review was completed in December 2013. Elements which significantly contributed to this evolution include:

- Implementation of most of the ATRT2 recommendations (2014-2018)
- Implementation of the recommendations of the Cross Community Working Group (CWG) on Naming Related Functions. (2016)
- Implementation of the recommendations of the Cross Community Working Group on Enhancing ICANN Accountability - Work Stream 1 (CCWG-Accountability - WS1). (2016)
- Rejection by the At-Large Advisory Committee (ALAC) of 8 of the 16 recommendations made in the Final Report by the independent examiner responsible for the At-Large Review. (2018)
- Rejection or non-adoption by the ICANN Board of a significant number of recommendations from the Competition, Consumer Trust and Consumer Choice Review (CCT). (2019).
- Second Security, Stability and Resiliency of the Domain Name System (DNS) Review (SSR2) - Initially launched in March 2017 this was planned as a 1 year project which after 27 months is still incomplete.
- The flattening of ICANN's revenue stream which constrains its ability to undertake new projects such as PDP's and Reviews (and implement their results) going forward. To this end reviews are now required to prioritize and ensure the cost effectiveness of the recommendations they make.
- The implementation in June 2019 of new Operating Standards for Specific Reviews
- The publication of the ICANN's Accountability Indicators website.

It is also important to note that the recommendations of the Cross Community Working Group on Enhancing ICANN Accountability - Work Stream 2 (CCWG-Accountability – WS2) which was delivered to the ICANN Board in October 2018 and contains over 100 recommendations on accountability and transparency is, as of the publication of this report, still awaiting approval by the Board and implementation by the Organization.

As such, given the one-year time constraint, the ATRT3 has focused its attention on the issues suggested in the ICANN Bylaws Section 4.6 (b) (with a few additions) has concentrated its efforts on understanding the accountability and transparency situation in ICANN since the Transition (October 2016).

1.2. Subject Background

The Affirmation of Commitments¹ (AoC) between ICANN and the United States Department of Commerce signed on 30 September 2009 required ICANN to commit to undertaking several reviews:

- Ensuring accountability, transparency and the interests of global Internet users.
- Preserving security, stability and resiliency.
- Promoting competition, consumer trust, and consumer choice.
- Enforcing its existing policy relating to WHOIS, subject to applicable laws.

Reviews are important accountability mechanisms that are now required by ICANN Bylaws and are critical to maintaining a healthy multistakeholder model. The AoC Reviews are currently referred to as Specific Reviews and are mandated in section 4.6 of the Bylaws. They include the Accountability and Transparency (ATRT) reviews, the Competition, Consumer Trust and Consumer Choice (CCT) reviews, the Security, Stability and Resiliency (SSR) reviews and Registration Directory Service (RDS) reviews.

According to the Bylaws (Section 4.6(b)), the ICANN Board *'shall cause a periodic review of ICANN's execution of its commitment to maintain and improve robust mechanisms for public input, accountability, and transparency so as to ensure that the outcomes of its decision-making reflect the public interest and are accountable to the Internet community ("Accountability and Transparency Review").'*

The Bylaws continue to explain that *'the issues that the review team for the Accountability and Transparency Review (the "Accountability and Transparency Review Team") may assess include, but are not limited to, the following:*

- *assessing and improving Board governance which shall include an ongoing evaluation of Board performance, the Board selection process, the extent to which the Board's composition and allocation structure meets ICANN's present and future needs, and the appeal mechanisms for Board decisions contained in these Bylaws;*
- *assessing the role and effectiveness of the GAC's interaction with the Board and with the broader ICANN community, and making recommendations for improvement to ensure effective consideration by ICANN of GAC input on the public policy aspects of the technical coordination of the DNS;*
- *assessing and improving the processes by which ICANN receives public input (including adequate explanation of decisions taken and the rationale thereof);*

¹ <https://www.icann.org/resources/pages/affirmation-of-commitments-2009-09-30-en>

- *assessing the extent to which ICANN’s decisions are supported and accepted by the Internet community;*
- *assessing the policy development process to facilitate enhanced cross community deliberations, and effective and timely policy development;*
- *assessing and improving the Independent Review Process.*

Article 4.6 (vi) states that *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.* Additionally, there is a requirement that ATRT reviews be completed within 1 year.

The first ATRT review, ATRT1, handed in its final report on 31 December 2010² which included 27 recommendations on the following topics:

- ICANN Board of Directors governance, performance and composition (8).
- The role and effectiveness of the GAC and its interaction with the Board (6).
- Public input processes and the policy development process (8).
- Review mechanism(s) for Board decisions (4).
- Overarching Recommendation (1).

The second ATRT review, ATRT2, handed in its final report on 31 December 2013³ which included 38 distinct recommendations on similar themes as those of ATRT1.

The third ATRT review, ATRT3, was launched at the end of March 2019 and was mandated to hand in its final report by the end of March 2020.

1.3. Review Scope

In this context, and according to the ICANN Bylaws Section 4.6 (b) *“(ii) The issues that the review team for the Accountability and Transparency Review (the “Accountability and Transparency Review Team”) may assess include, but are not limited to, the following”:*

- Assessing and improving Board governance which shall include an ongoing evaluation of Board performance, the Board selection process, the extent to which the Board's composition and allocation structure meets ICANN's present and future needs, and the appeal mechanisms for Board decisions contained in these Bylaws;
- Assessing the role and effectiveness of the GAC's interaction with the Board and with the broader ICANN community, and making recommendations for improvement to ensure effective consideration by ICANN of GAC input on the public policy aspects of the technical coordination of the DNS;

² <https://www.icann.org/en/system/files/files/final-recommendations-31dec10-en.pdf>

³ <https://www.icann.org/en/system/files/files/final-recommendations-31dec13-en.pdf>

- Assessing and improving the processes by which ICANN receives public input (including adequate explanation of decisions taken and the rationale thereof);
- Assessing the extent to which ICANN's decisions are supported and accepted by the Internet community;
- Assessing the policy development process to facilitate enhanced cross community deliberations, and effective and timely policy development; and
- Assessing and improving the Independent Review Process.
- Assessing the extent to which prior Accountability and Transparency Review recommendations have been implemented and the extent to which implementation of such recommendations has resulted in the intended effect.
- The Accountability and Transparency Review Team may recommend to the Board the termination or amendment of other periodic reviews required by this Section 4.6, and may recommend to the Board the creation of additional periodic reviews.

To these the ATRT3 has added the following topics:

- Review of ICANN's Accountability Indicators (<https://www.icann.org/accountability-indicators>)
- Prioritization and Rationalization of Activities, Policies and Recommendations

1.4. Methodology

1.5. Summary Findings

1.6. Review Conclusions

1.7. Review Team Recommendations

2. (TBD)

3. Issue 1 – Board

3.1. Introduction

3.1.1. Item 1 of the ATRT Requirements in the Bylaws - Assessing and improving Board governance which shall include an ongoing evaluation of Board performance, the

Board selection process, the extent to which the Board's composition and allocation structure meets ICANN's present and future needs, and the appeal mechanisms for Board decisions contained in these Bylaws.

3.2. Information Gathering

3.2.1. Relevant ATRT2 Recommendations and Analysis

3.2.1.1. Recommendation 1 - The Board should develop objective measures for determining the quality of ICANN Board members and the success of Board improvement efforts and analyze those findings over time.

Implementation – The Board ensures that all Board members complete Board Member Skills Assessment and has developed both general on-boarding training programs for new Directors as well as individual training programs to address any gaps in skills to ensure Board members are properly equipped for the job. General Board training materials are available on the ICANN site. Overall these efforts have ensured that the quality of the Board as a whole has improved over time, but no detailed data is available to support this as required in the recommendation. It should be noted that measuring the quality of Board members and performing an analysis of this over time has not been done and that it would be futile to do so given the Board does not select its members. Improvements in the Nomcom as part of its review are addressing some of these issues in cooperation with the Board. As such one should conclude that this recommendation has been implemented as much as one could reasonably expect it to be implemented. Implementation assessment - Implemented.

Effectiveness – As it is not (or partially) implemented it is not possible to gauge effectiveness. Effectiveness assessment - NOT APPLICABLE

Conclusion - This recommendation has been implemented as much as is possible – as such no further action is required with respect to this recommendation.

3.2.1.2. Recommendation 2 - The Board should develop metrics to measure the effectiveness of the Board's functioning and improvement efforts, and publish the materials used for training to gauge levels of improvement.

Implementation

- The following indicators has been developed and published
 - Achievement of Globally Diverse Culture and Knowledge Levels – Board With the per region Distribution of Board Members: FY19
 - Achievement of Global Knowledge Development Programs – Board With 3 elements
 - Board Training by Fiscal Year
 - Board Composition: FY19
 - Board Training Sessions: FY19
- Regarding the measures the effectiveness of the Board's functioning and improvement efforts there is no specific information. Only some data about training. Implementation assessment - NOT IMPLEMENTED
- Regarding the publication of the materials used for training to gauge levels of improvement. Some information is available. Implementation assessment - PARTIALLY IMPLEMENTED

Effectiveness - As it is not (or partially) implemented it is not possible to gauge effectiveness. Effectiveness assessment - NOT APPLICABLE ****[PSK]
 What remains to be implemented? The online tools don't contain training from a leadership perspective.

Conclusion - Only part of the material used for training is published (like in 2016 only part 1 of Developing a High Impact Board). ATRT3 should consider making a Suggestion or Recommendation that the Board should develop metrics to measure the effectiveness of the Board's functioning and improvement efforts or if those measures exist to allow ATRT to evaluate them.

3.2.1.3. Recommendation 3 - The Board should conduct qualitative/quantitative studies to determine how the qualifications of Board candidate pools change over time and should regularly assess Directors' compensation levels against prevailing standards.

Implementation - This is broadly implemented by the BGC. There are annual skills surveys which are forwarded to the NomCom to help it identify any skill gaps in the current board. It is not known, whether if the SOs and ACs are informed about the skill survey so that SOs and ACs can take this into consideration when they select board directors. There are assessments of the Director's compensation but so far there was no review of the work of the

compensation committee and its recommendations. The Board has received a new compensation study in 2019 and is currently studying it.
implementation assessment - Implemented.

Effectiveness - With respect to " The Board should conduct qualitative/quantitative studies to determine how the qualifications of Board candidate pools change over time" - since this could not be implemented given that candidate selection is not the responsibility of the Board, it is impossible to assess its effectiveness.

With respect to " should regularly assess Directors' compensation levels against prevailing standards." Although this was implemented there is no information available to allow for an assessment of its effectiveness
effectiveness assessment – Not Applicable.

Conclusion - This recommendation has been implemented as much as is possible – as such no further action is required with respect to this recommendation.

3.2.1.4. Recommendation 4 - The Board should continue supporting cross-community engagement aimed at developing an understanding of the distinction between policy development and policy implementation. Develop complementary mechanisms whereby the Supporting Organizations and Advisory Committees (SO/AC) can consult with the Board on matters, including but not limited to policy, implementation and administrative matters, on which the Board makes decisions.

Implementation - This recommendation is effectively implemented in the GNSO but requires further Cross Community Engagement to be considered fully implemented when considering all ICANN communities. The observations regarding the identified GNSO WG, its Recommendations (adopted) and the consequent activity of the EPDP developed in this process, are accurate however the work of the CWG on CWG's like the outcomes and recommendations from the other GNSO WG on Non PDP Working Groups should be recognised here, and it is the combination of these that can act as foundation for the development of understanding set out as desirable in this ATRT2 Recommendation 4. This would aid in Community understanding of the differences between Policy Development and Implementation as well as the CWG mechanism for Non-Policy WG's. Implementation Assessment - Partially Implemented.

Effectiveness - As for effectiveness, with the information available, the implementation appears to have been effective - at the very least, in part, because this led to the adoption of the GNSO EPDP procedures which have clearly been used. However, it's difficult to determine the level of effectiveness since there aren't clear measures or metrics to refer to.
Effectiveness assessment - Partially Effective.

Conclusion - ?

3.2.1.5. Recommendation 5 - The Board should review redaction standards for Board documents, Document Information Disclosure Policy (DIDP) and any other ICANN documents to create a single published redaction policy. Institute a process to regularly evaluate redacted material to determine if redactions are still required and if not, ensure that redactions are removed.

Implementation The recommendation seems to be calling for a single unified policy - not merely a central hub where the different policies may be centrally accessed (which is what the implementation report delivered). The implementation doc specifically says that ICANN is declining to apply this policy to existing published minutes, instead focusing on looking forward to future board redactions. This is a resourcing decision which but it seems like an important caveat that would nonetheless stand in the way of marking this as wholly implemented. The report also notes, correctly, that the easiest way to implement this would be to track time sensitive harms at the time that records are created - but looking at the latest published Board minutes (<https://www.icann.org/resources/board-material/prelim-report-2019-06-23-en>) I can find no indication this is being done, even though certain redactions, related to ongoing negotiations, are a fairly typical example of the kinds of redactions that would often be time-tested. Implementation assessment - Not Implemented.

Effectiveness - Effectiveness assessment - NOT APPLICABLE since not implemented.

Conclusion - ?

3.2.1.6. Recommendation 9.1 - Proposed Bylaws change recommended by the ATRT2 to impose a requirement on the ICANN Board to acknowledge advice arising from any of ICANN's Advisory Committees.

Implementation - The Board has implemented a Board Advice Registry which is not part of the Bylaws. However, there is no time requirement to respond to advice which is entered in the Registry. There is a need for proper management and tracking of responses like a response management tool which may be related to project management but for tracking responses. Implementation Assessment - Partial Implementation.

Effectiveness - There is no consistency in the responses from the board. Hence some of the responses are not effective based on the request. Effectiveness assessment - Not Effective

Conclusion - The Board Advice Registry is a good step towards meeting the intent of this recommendation. The value of including this in the Bylaws is probably arguable and may not be worth pursuing. Setting minimum times for the Board to respond to advice from SOACs is challenging as implementing some advice requires time and resources which are usually not specified in the advice provided and often require ICANN to undertake an appropriate evaluation to produce an implementation plan. This being said the recommendation required "ICANN Board to acknowledge advice arising from any of ICANN's Advisory Committees." which the Board Advice web page does using the Board Advice Register Phases and Descriptions. A suggestion for improvement would be that ICANN implement a minimum time to provide an initial assessment of recommendations made to the Board by the SOACs.

3.2.1.7. Recommendation 9.2 - Review ICANN's existing accountability mechanisms through a community-comprised group.

Implementation - This is a recommendation that was subsumed into the CCWG -Accountability WS1 and WS2 and resulted in amongst other things the AC/SO Accountability Recommendations out of WS2. So, whilst ICANN.org has resolved the implementation of the ATRT2 recommendation 9.2 by "passing it on" the actual "implementation" of the WS2 recommendations at the time of this review has yet to begin. As such the purpose of the ATRT2 Recommendation has not been completed or effectively implemented, withdrawn or superseded. As such this can only be considered 60% completed. Implementation assessment - Partially Implemented.

Effectiveness - No evaluation of the effectiveness of this recommendation can be made given no WS2 recommendations have been implemented. Effectiveness assessment - Not Applicable.

Conclusion - This recommendation has been implemented by transferring it to the CCWG-Accountability WS2 – as such no further action is required with respect to this recommendation.

- 3.2.1.8. Recommendation 9.3 - Review of the Office of the Ombudsman, the role within ICANN, and whether the duties/scope of the Ombudsman should be expanded or changed in line with suggestions from the ATRT2.

Implementation - The ATRT2 recommendation for the evaluation of the ICANN Office of the Ombuds (IOO) was transferred to the CCWG-Accountability-WS2 to avoid overlap or duplication of work. To undertake this work the CCWG-Accountability-WS2 created an IOO sub-group (IOO SG). An external evaluator delivered a report that was considered by IOO SG in its final report.

This final report was part of the final report of the WS2. It included 11 recommendations. The review is completed but the implementation of the WS2 recommendations has not yet started. Implementation Status - Partially Implemented.

Effectiveness - The assessment of the effectiveness of the ATRT2 recommendation 9.3 cannot be made as the WS2 recommendation are not yet implemented. Effectiveness assessment - Not Applicable.

Conclusion - This recommendation has been implemented by transferring it to the CCWG-Accountability WS2 – as such no further action is required with respect to this recommendation.

- 3.2.1.9. Recommendation 9.5 - Conduct a review of the Anonymous Hotline policy and processes, implement any proposed modifications to policy and publish a report on results to the community.

Implementation – The review was conducted. WS2 made further recommendations on this topic which were in-line with the review recommendations. Implementation assessment - Implemented.

Effectiveness - There is no data currently available to perform an assessment of the effectiveness of this recommendation - Effectiveness assessment - Not Applicable.

Conclusion - This recommendation has been implemented and no further action is required with respect to this recommendation.

3.2.1.10. Recommendation 10.5 - The Board must facilitate the equitable participation in applicable ICANN activities, of those ICANN stakeholders who lack the financial support of industry players.

Implementation – Following the key word of FACILITATING, introduction of CROP, ICANN Leadership Development and other Pilot Programs would imply IMPLEMENTATION of the recommendation. The other key word is EQUITABLE may be difficult to assess but records show that there were pilot in-region programs as well as underserved participation through travel supports may have been good attempts. Jan 2015 ATRTR2 implementation report showed implementation of CROP as it was then. Implementation assessment - Implemented.

Effectiveness - There are no available statistics showing conversion rate of supports beneficiaries into active participants in various SO/ACs. This may make the quality of effectiveness somewhat difficult to assess but having some Fellows from underserved Regions / developing Countries have transitioned successfully, can pass as being effective. Effectiveness assessment – Partially Effective.

Conclusion – This is obviously a major recommendation which has met with some success. However, it is impossible to be able to decide if further action is required without having some formal information showing exactly what is being done and how effective it is. As such the ATRT3 should consider making a Suggestion or Recommendation along these lines.

3.2.2. In depth report and analysis on the issues where recommendations must be delivered by ATRT3.

- Relevant ATRT2 Recommendations and Analysis (see section 3.2.1)
- Board composition [To be work out]

3.2.3. Short report on all the other issues

The answers received by the Board WP can be found in Annex “ABC”

Board effectiveness and efficiency

This item will be reviewed through ATRT2 recommendations.

[Regarding WS2, I (SBT) suggest that we add somewhere a chapeau to explain why we have nothing to report on WS2 recommendations]

Board WP received inputs from staff about Board status advice report, Board training program and 360° reviews self-assessment of the Board.

Board composition [To be work out]

Last global reviews of the Board

Evolution of the composition of the Board

Election processes (Elected vs. nominated members)

Voting members: ASO, ccNSO, gNSO, At-Large, NomCom

Liaisons: GAC, IETF, RSSAC, SSAC

Finance - This issue is covered in Section 12 - Issue 10 – Prioritization and Rationalization of Activities, Policies and Recommendations

Board WP received the following inputs from staff about finance

Description of ICANN budgeting process.

Description of the project prioritization process, and the long-term financial stability considerations taken into account in the budgeting process.

Assessment of the evolution of the budget and its different elements in the last 5 years.

Finance processes?

Prioritization processes?

Long term financial stability?

Current priorities that Budget allocation is based on

Evolution of budget process in the past few years

Strategy - This issue is covered in section 12 - Issue 10 – Prioritization and Rationalization of Activities, Policies and Recommendations

Board WP received inputs from staff about strategy

Description of the processes

Strategic planning

Operating planning

Implementation

Feedback from the last strategic plans

Transparency mechanisms and checks and balances

⇒ mission ⇒ accountable to the community?

Board WP received inputs from staff about transparency mechanisms : the last 5 years Board's resolutions with their justification.

What is the current organization of ICANN (relationship between the empowered community and the Board, and the staff...)

Annual report (like to the NTIA)?

ATRT2 metrics

<https://community.icann.org/download/attachments/48350211/Recommendations%201-12%20%28Oct%202018%29.pdf?version=3&modificationDate=1541634404000&api=v2>

Board Appeal Mechanisms adequate for the needs of the community - the IRP component of this is covered in section 8 - Issue 6 – Assessment of the Independent Review Process (IRP). Other review processes were dealt with by the CCWG-Accountability WS1 and implemented in the Bylaws in October 2016.

Board WP received inputs from staff about the following first items

Reconsideration Process

Board Accountability Mechanism Committee (BAMC)

Board organization against reconsiderations

3.2.4. Results of Survey

3.2.4.1. 3 - Please indicate your satisfaction with the Board's performance overall

3.2.4.1.1. Individuals responses

Very satisfied		4	7.14%
Satisfied		27	48.21%
No opinion		9	16.07%
Somewhat dissatisfied		8	14.29%
Very dissatisfied		8	14.29%

3.2.4.1.2. Structure responses (not final data)

Very satisfied		1	9%
Satisfied		7	64%
No opinion		1	9%
Somewhat dissatisfied		2	18%
Very dissatisfied		0	0%

3.2.4.1.3. Consolidation

Very satisfied			9%
Satisfied			60%
No opinion			11%
Somewhat dissatisfied			17%
Very dissatisfied			4%

3.2.4.1.4. Analysis

3.2.4.1.5. Conclusion

3.2.4.2. 5 - Do you consider the diversity amongst Board members satisfactory?

3.2.4.2.1. Individual responses

Yes		28	52%
No		26	48%

3.2.4.2.2. Structure responses (not final)

Yes		4	36%
No		7	64%

3.2.4.2.3. Consolidation of responses

Yes			40%
No			60%

3.2.4.2.4. Comments

- The bylaw should be amended to reduce the maximum number of directors from any region to 4 and ensure rotational balance among people groups from the region.
- The Asia-Pacific region is considerably diverse and is the largest region within ICANN, with approximately 61% of the world's population and the global end-user population. This diversity and the size is not reflected in the Board's composition. Further
- Work on recruitment with Women on Boards organizations and other gender board diversification strategy.
- Yes, request that 50% of the candidates be women.
- Whilst EURALO has responded "No" to this question, our members recognise that diversity amongst Board members is improving, but it is still not as geographically, gender and

stakeholder balanced at it could be. Improvements are still in order.

EURALO agrees with the ALAC input that basically says that with only one seat on the board, there is absolutely no possibility to show any diversity from the perspective of individual end-users -- be it geographical, gender, language or any other. This is unfortunate, as such end users' experiences and input probably vary more than with any other stakeholder group/constituency.

Better representation of the individual end user on the Board would be a good thing. Currently, there is only one board seat occupied by an At-large-selected representative but even if another is not held but a direct representative, selecting one whose primary use of the internet is as an end user would be a good idea.

- NARALO - We think we lack any Youth representation or any Youth Shadow cabinet concept. It's also clearly not gender balanced. ALAC should have a second position on the board to provide a more balanced representation.

Work on recruitment with Women on Boards organizations and other gender board diversification strategy

3.2.4.2.5. Analysis

A 60% dissatisfaction with the diversity of the Board is significant. When respondents were asked what elements of diversity should be improved the main areas noted were Geographical (64%), Gender (60%) and Stakeholder Group or constituency (52%). What is interesting is the much stronger responses from the Structures regarding this.

	Structure	Individuals	Consolidated
Geographical/regional representation	67%	56%	64%
Language	17%	24%	19%
Gender	67%	40%	60%
Age	50%	20%	43%
Physical disability	17%	20%	18%
Diverse skills	33%	24%	31%
Stakeholder group or constituency	50%	56%	52%

3.2.4.2.6. Conclusion

- 3.2.4.3. 6 - How satisfied are you with the Nominating Committee's selection of Directors for the ICANN Board
- 3.2.4.4. 7 - Please indicate your satisfaction with the accountability of the Board under the new accountability mechanisms such as the Empowered Community:
- 3.2.4.5. 8 - Rate the mechanisms ensuring the Board's transparency
- 3.2.4.6. 9 - Do you think the mechanisms ensuring Board transparency need to be improved?
- 3.2.4.7. 10 - How would you rate the importance of the Board implementing the Transparency Recommendations from the CCWG-Accountability WS2?
- 3.2.4.8. 11 - Are you satisfied with the Board's decision-taking process?
- 3.2.4.9. 12 - Are you aware of the training program for the Board members?
- 3.2.4.10. 13 - Are you satisfied with the financial information that is provided to the public by ICANN?
- 3.2.4.11. 14 - How would you rate the usability of the financial information overall?
- 3.2.4.12. 19 - Have you ever filed a Documentary Information Disclosure Policy (DIDP) request with ICANN?
- 3.2.4.13. 20 - Do you believe the information ICANN makes available on the icann.org website should be better organized to facilitate searching for specific topics?
- 3.2.4.14. 21 - Do you believe the information ICANN makes available on the community wiki should be better organized to facilitate searching on the wiki?
- 3.2.4.15. 22 - Are you aware of ICANN's open data mechanisms, including the Information Transparency Initiative (ITI) or the Open Data Initiative (ODI), or about ICANN's transparency policies more generally?
- 3.2.4.16. 41 - Do you feel that the NomCom, as currently constituted, is a sufficient mechanism for fostering nominations that have adequate stakeholder and community buy in?
- 3.2.4.17. 41.1 - In your opinion what level of improvements would be required to correct this?

3.2.5. Other Information

3.3. Analysis of Information and Identification of Issues

3.4. Suggestions related to issues

3.5. Recommendations to Address issues

3.5.1. Identification of Recommendation 1.1 (Issue1, Recommendation 1)

3.5.1.1. Definition of desired outcomes, including metrics used to measure whether the recommendation's goals are achieved

3.5.1.2. Initial identification of potential problems in attaining the data or developing the metric

3.5.1.3. Suggested timeframe in which the measures should be performed

3.5.1.4. Definition of current baselines of the issue and initial benchmarks that define success or failure

3.5.1.5. Data retained by ICANN (no idea what this is about?)

3.5.1.6. Industry metric sources

3.5.1.7. Community Input

3.5.1.8. Surveys or studies

3.5.1.9. Consensus on Recommendation

3.5.2. Identification of Recommendation 1.2.....

4. Issue 2 – GAC

4.1. Introduction

4.1.1. Item 2 of the ATRT Requirements in the Bylaws - Assessing the role and effectiveness of the GAC's interaction with the Board and with the broader ICANN community, and making recommendations for improvement to ensure effective consideration by ICANN of GAC input on the public policy aspects of the technical coordination of the DNS.

4.2. Information Gathering

4.2.1. Relevant ATRT2 Recommendations and Analysis

4.2.1.1. Prologue

It is important to understand the special nature of the GAC when considering how ATRT3 assessed the implementation and effectiveness of the ATRT2 recommendations for the GAC.

The GAC is composed of government representatives who are, for the most part, participating as official representatives of their respective governments. As such these representatives are subject to a number of expectations as to how they can interact with the ICANN community and can rarely commit their governments to anything without prior formal authorization.

Additionally, these government representatives are trained to function in certain ways when participating in international fora such as ICANN and for the most part require the GAC to function in similar fashion.

As such the recommendations ICANN makes for the GAC via such processes as the ATRT reviews may have limited applicability in the GAC context.

- 4.2.1.2. Recommendation 6.1a – Convening “GAC 101” or information sessions for the ICANN community, to provide greater insight into how individual GAC members prepare for ICANN meetings in national capitals, how the GAC agenda and work priorities are established, and how GAC members interact intersessionally and during GAC meetings to arrive at consensus GAC positions that ultimately are forwarded to the ICANN Board as advice;

Implementation - ATRT3 - GAC has intersessional calls to define the agenda for ICANN meetings and to define its relevant points. This certainly does not show how GAC members prepare themselves for ICANN meetings at their own country– (this is not an appropriate demand anyway- they have the tools - previous agenda, links etc. -How they will be prepared is totally dependent on each country internal government arrangements and does not contribute to transparency or accountability to ICANN community.). The intersessional call allows members to make better preparations. This part of the recommendation was implemented. Regarding the process to arrive to consensus, GAC uses the work of writing the communiqué to reach consensus, but this is not a written process but more of a negotiation. GAC Operating Principles in its article 47, states that GAC shall look for consensus, under the United Nations definition. When consensus can not be reached all positions shall be written. Implementation assessment – Implemented.

Effectiveness - Regarding effectiveness there are some points to consider:

- a) Communicate language is not really clear yet so it can generate misinterpretations making the effort done to date not yet as effective as it should be.
- b) More clarity on which kind of consensus was reached (there is no evidence on how many members fully agreed, or disagreed during the process to reach consensus for instance)
- c) The consensus process itself is not clear for the community, as such not yet effective.

Effectiveness assessment – Not Effective.

Conclusion – One must keep in mind that the GAC is a special entity in ICANN and that the government representatives have many requirements placed on them from their governments and because of these a required to interact with others in a certain way. As such this recommendation has been implemented as much as it can be implemented and is also as effective as it can be for the GAC. If there is a desire for further improvements this would first require that there be some effective measurements of the processes we believe need improvements to be able to confirm that improvements are required and would be effective.

- 4.2.1.3. Recommendation 6.1 b - Publishing agendas for GAC meetings, conference calls, etc., on the GAC website seven days in advance of the meetings and publishing meeting minutes on the GAC website within seven days after each meeting or conference call.

Implementation - Agenda for meetings and calls are posted at the GAC website timely. Implementation assessment – Implemented.

Effectiveness - The information about agendas is easily available on the GAC website – the language and details and links are already published. All improvements done were quite effective, allowing community to easily find topics to be discussed in all meetings and, if interested, can also attend open meetings during ICANN meetings. Effectiveness assessment – Effective.

Conclusion - This recommendation has been fully implemented and is effective – as such no further action is required with respect to this recommendation.

- 4.2.1.4. Recommendation 6.1 c- Updating and improving the GAC website to more accurately describe GAC activities, including intersessional activities, as well as publishing all relevant GAC transcripts, positions and correspondence;

Implementation - GAC Website was fully improved and is kept updated. The website is always a work in progress due the evolving of issues and membership. All formal activities are on the calendar which includes a clear statement if it is open or closed session/ call and all documents are posted. Implementation assessment - Implemented

Effectiveness - For an External community member it is possible to find all issues and documents one is looking for on the website even if the interface is not very intuitive. Websites are normally a work in progress and we can consider the recommendation is Effective. Effectiveness assessment – Effective.

Conclusion - This recommendation has been fully implemented and is effective – as such no further action is required with respect to this recommendation.

4.2.1.5. Recommendation 6.1 d - Considering whether and how to open GAC conference calls to other stakeholders to observe and participate, as appropriate. This could possibly be accomplished through the participation of liaisons from other ACs and SOs to the GAC, once that mechanism has been agreed upon and implemented;

Implementation - GAC meetings are open during ICANN meetings as well as some other meetings. Calls are mostly closed to guarantee efficacy due the large number of members and due the nature of its members. Calls have their themes and agendas published ahead of time. This part of the recommendation is implemented as feasible, respecting nature of GAC members. Regarding Liaisons, GAC is open to receive Liaisons from AC/SOs. Liaisons were implemented depending on individual AC/SOs. Liaisons and even staff are helping to increase communication among GAC and other ACs and SOs. Implementation assessment - Implemented.

Effectiveness - Liaisons performance will depend upon the persons allocated to the position. We have examples of positive and effective liaisons that have improved the relationship with the GAC. The implementation is effective. (eventually one specific liaison may not contribute to the effectiveness but it is not the implementation fault, but the liaison itself.) Effectiveness assessment – Effective.

Conclusion – Overall this recommendation is implemented and effective. The effectiveness is directly related to the quality of the liaisons that are appointed to the GAC. ATRT3 may wish to consider suggesting that the GAC publish a list of suggested qualities or requirements for liaisons to assist SO/ACs to select the best candidates for this.

4.2.1.6. Recommendation 6.1 e - Considering how to structure GAC meetings and work intersessionally so that during the three public ICANN meetings a year the GAC is engaging with the community and not sitting in a room debating itself for closed sessions.

Implementation – The GAC has opened its F2F meetings to implement this recommendation. The GAC does not meet F2F like other SOs intersessionally and due the nature of its members' work this would not be possible: time dedicated to ICANN is quite limited for a number of governments. There are intersessional calls which focus on agendas and clarifying points demanded by members. Like many other groups inside ICANN the GAC decided to have those calls be closed. The reason is clear: The GAC now has more than 170 members and opening these calls could cause interference on the discussion of sensitive points for the members (political interest from anyone). Additionally, having even more people not focused on GAC issues (for instance: chats during the call or even not allow participants to talk would be rude) can compromise the efficiency of the call. Having F2F meetings open and with web presence, allows the community to share any points in an open ambience. Implementation assessment - Implemented.

Effectiveness – Many GAC members cannot dedicate much time to ICANN related issues outside of the F2F meetings. Intersession calls are usually dedicated to administrative issues and preparing the next F2F meeting. As such the GAC must use its F2F meetings to focus on and advance its work. This being said, the GAC has now opened all its F2F sessions to the public, has a series of liaisons with various SO/ACs and invites relevant SO/ACs to present to them and discuss issues of mutual interest. As such this recommendation, when considering the special nature of the GAC, is as effective as it can be. Effectiveness assessment – Effective.

Conclusion - This recommendation has been fully implemented and is effective as much as can be expected given the special nature of the GAC – as such no further action is required with respect to this recommendation.

4.2.1.7. Recommendation 6.1 f - Establishing as a routine practice agenda setting calls for the next meeting at the conclusion of the previous meeting;

Implementation - Agenda for next calls are posted on the website and the calendar is agreed between members. Implementation assessment – Implemented.

Effectiveness - It is clear and easy to find the calendars for the next meeting (for instance: 29 of July 2019 call - clarification on wording related to communiqué) and (August 8th 2019, leadership call). Effectiveness assessment – Effective.

Conclusion - This recommendation has been fully implemented and is effective – as such no further action is required with respect to this recommendation.

4.2.1.8. Recommendation 6.1 g - Providing clarity regarding the role of the leadership of the GAC;

Implementation - The GAC understood that they needed to enlarge the leadership team to provide better access to regions, bring cultural diversity to the debate and allow those views to be more active in the work of the GAC. This was implemented and posted at: <https://gac.icann.org/about/leadership-and-support#leadership> . The leadership team was enlarged to 5 vice-chairs and this required a change in the GAC Operating Principles - this was completed and can be seen at : <https://gac.icann.org/operating-principles/operating-principles-june-2017> . Implementation assessment - Implemented.

Effectiveness – The change to having 5 vice-chairs improved the effectiveness of the leadership team since it is implemented to reflect the geographic and developmental diversity of the membership, and as such will bring their visions to the work of the GAC leadership. With regions being better represented on the leadership team, members of that region have more and better access to the leadership to debate, understand issues and help in the consensus negotiation. The community itself can also get some benefits from this change since regional access to those members is easier (some of them participate in RALOS calls when they are invited) and allows for a better exchange of ideas. Effectiveness assessment – Effective.

Conclusion - This recommendation has been fully implemented and is effective – as such no further action is required with respect to this recommendation.

4.2.1.9. Recommendation 6.1 h - When deliberating on matters affecting particular entities, to the extent reasonable and practical, give those entities the opportunity to present to the GAC as a whole prior to its deliberations.

Implementation – The GAC is reaching out on such positions through liaisons as well as working groups. Several examples can be cited - <https://gac.icann.org/working-group/> and liaison, for instance with the ALAC allowed two relevant statements to be posted together as a work of the two ACs (GAC and ALAC, making clear the liaisons work can help communication, timely work and consensus between GAC and ACs and SOs). It is a work in progress - we can only consider this Partially Implemented given several issues of GAC interest are not debated in working groups, but this is because some processes were not well established with some of the AC/SOs. As we also stated in item 10.2(?????) it is also important to understand that to populate a WG is not an easy task for the GAC due the nature of its members who have limited time to dedicate to ICANN related activities. Having good liaisons is the best way to make it more effective using a clear process established beforehand. Implementation assessment - Partially Implemented

Effectiveness – It is difficult to measure the effectiveness of this using working groups. Liaisons in some cases are facilitating the engagement with the GAC prior to a decision. More analysis on effectiveness to AC/SOs could be done. Some complaints about advanced information was done by GNSO. Partially Effective.

Conclusion – Overall the implementation and effectiveness are currently satisfactory. However, ATRT3 may wish to consider suggesting or recommending continuous improvement via an ongoing commitment to a very proactive and deliberate improvement and effectiveness that early engagement brings.

4.2.1.10. Recommendation 6.2 - ATRT2 recommends that the Board work jointly with the GAC, through the BGRI, to facilitate the GAC formally adopting a policy of open meetings to increase transparency into GAC deliberations and to establish and publish clear criteria for closed sessions.

Implementation - This recommendation has “de facto been” implemented. The GAC open meetings policy has been implemented since ICANN 47 as is clearly identified on the GAC website (<https://gac.icann.org/>) and a search will easily lead to the relevant page where this type of information can be found. Implementation assessment - Implemented.

Effectiveness - Nevertheless, if we stick with the recommendation to “increase transparency into GAC deliberations” and considering the GAC’s special nature, the implementation has been overall effective. Effectiveness assessment - Effective (as much as possible).

Conclusion: Given the nature of the GAC this recommendation has been implemented as much as it can be and is as effective as it can be. As such no further action is required relative to this recommendation.

- 4.2.1.11. Recommendation 6.3 - ATRT2 recommends that the Board work jointly with the GAC, through the BGRI, to facilitate the GAC developing and publishing rationales for GAC Advice at the time Advice is provided. Such rationales should be recorded in the GAC register. The register should also include a record of how the ICANN Board responded to each item of advice.

Implementation - The improvements to the GAC Register of Advice which includes Board responses seems to meet the intention of this recommendation. In addition, a system has been put in place for the Board to follow up on all GAC advice (Action Request Register), see <https://gac.icann.org/activity/> . This ensures that no GAC advice can get lost, and there is a clear track to follow-up by Board reply. Implementation assessment – Implemented.

Effectiveness - The improvements seem to be effective in relation to the stated objectives. Effectiveness assessment - Effective

Conclusion – This recommendation has been fully implemented and is effective – as such no further action is required with respect to this recommendation.

- 4.2.1.12. Recommendation 6.4 - The Board, working through the BGRI working group, should develop and document a formal process for notifying and requesting GAC advice (see ATRT1 Recommendation 10).

Implementation - The current status is that there is a clear process operating between the Board and the GAC establishing times to send feedback on advice, time to respond, clarification calls etc. A Board member comment on this noted: "On the current Board-GAC interaction: there is a well-documented approach towards the lines of communications between Board and GAC, in which the GAC's Communique is central. It comes up at the end of every public GAC meeting and gets a formal response from the Board via a "scorecard" which is made available latest 4 weeks before the next GAC Public meeting. Agreed step in-between is a call for clarifying the questions from the GAC to the Board several weeks after the Communique was published". Already during public meetings, during the Board-GAC public session, the timeline for this is explicitly proposed, discussed and agreed. This process was put firmly in place in 2017 and has been followed diligently ever since to mutual satisfaction about the process – but not necessarily about the responses themselves. In addition, a system has been put in place to follow up on all GAC advice (Action Request Register), see <https://gac.icann.org/activity/> . This helps ensure that no GAC advice is lost, and there is a clear track to follow-up by Board reply. Implementation assessment – Implemented.

Effectiveness - It certainly improved the effectiveness of communications between the GAC and the Board. However, ATRT3 during it's interviews with the GAC at ICANN 65 noted that there was a lack of "closing the loop" at the end of the process. However, improvements to the BGRI processes since ICANN 60 have addressed the remaining issues. Effectiveness assessment - Effective.

Conclusion: This recommendation has been fully implemented and is effective – as such no further action is required with respect to this recommendation..

- 4.2.1.13. Recommendation 6.5 - The Board should propose and vote on appropriate bylaw changes to formally implement the documented process for Board-GAC bylaws consultation as developed by the BGRI working group as soon as practicable (see ATRT1 Recommendation 11). Increase support and resource commitments of government to the GAC (see ATRT 1 Recommendation 14)

Implementation - From the Implementation Report "The ICANN Bylaws approved by the ICANN Board on 27 May 2016, require a vote of 60% of the Board to reject GAC Consensus Advice, rather than the supermajority identified in this Recommendation. The ICANN Bylaw also requires that the

Board is only to give this special consideration to GAC Consensus advice that meets a specific definition for the term “Consensus”. The Bylaws went into effect in October 2016. Implementation Assessment - Implemented.

Effectiveness - Effectiveness assessment – Not Applicable

Conclusion: This recommendation has been fully implemented and is effective – as such no further action is required on this.

4.2.1.14. Recommendation 6.6 - ATRT2 recommends that the Board work jointly with the GAC, through the BGRI working group, to identify and implement initiatives that can remove barriers for participation, including language barriers, and improve understanding of the ICANN model and access to relevant ICANN information for GAC members. The BGRI working group should consider how the GAC can improve its procedures to ensure more efficient, transparent and inclusive decision-making. The BGRI working group should develop GAC engagement best practices for its members that could include issues such as: conflict of interest; transparency and accountability; adequate domestic resource commitments; routine consultation with local Domain Name System (DNS) stakeholder and interest groups; and an expectation that positions taken within the GAC reflect the fully coordinated domestic government position and are consistent with existing relevant national and international laws.

Implementation -

1 - The language barrier has been overall addressed as the spoken languages exceed U.N.O. language (Portuguese has been added vs UNO, see <https://gac.icann.org/meeting-services/attending-your-first-gac-meeting>). Such measures as overall information delivered on the GAC website, (see <https://gac.icann.org/about>) are proof of made progress in enhancing diversity and education. Travel Assistance, on the other side, encourages GAC participation by lowering eventual budget issues that selected countries and approved organisations might have felt vs participation of their Representative Teams (see <https://gac.icann.org/meeting-services/travel-assistance>).

Going further could imply organized teaching sessions for requesting members or “GAC 101 sessions” as recommended in ATRT2 “6.1 /a” but this recommendation can be considered as overall implemented

2 - Recommendations 6.1 to 6.3 represent a major recommendation corpus as far as ATRT2 GAC assessment is concerned. Major measures have been implemented further to these recommendations (see for example 6.1/b, 6.1/d, 6.1/e, 6.1/f, 6.1/g, 6.2), and while these matters

should still be considered as on-going work, this recommendation can be considered as implemented

3 - Reviewing GAC Operating principles, it appears some of them can be considered as addressing members Best Practices, see Principle 20 (commitment to efficiency vs voting principles) , Principle 41, 42 and 43 (Members statements and debates organization). In this sense this recommendation can be considered as partially implemented. On the other hand, while agreeing GAC nature makes it harder to enforce strict rules on its members, it seems a clear and non-offensive definition of “Best practices” as a “set of non-mandatory practices to facilitate efficiency and transparency of GAC work” could be established on a consensual basis and lead to further progress in GAC work efficiency. It is recommended that GAC Members explore this avenue.

Overall Assessment: Partially Implemented

Effectiveness -

1 - GAC attendees number is stable over the years 2016-2019 with a rough overage of 200 attendees per forum, forum category (Community, Policy, AGM) notwithstanding, with a slightly higher rate of Community forum participation . There is no major difference if we consider the participation per meeting nature, as the graphics show. It appears the recommendation implementation, while removing a certain number of barriers, has not been effective in enhancing participation. Further detailed studies would be necessary to target areas of improvement depending of the meetings".

Note: Overall Government/Intergovernmental organisations attendees (not necessarily participating in GAC) numbers are slightly higher but tend to be aligned in variation with GAC participation (AGM November 2016 being the exception: as a reminder, ICANN transitioned on September 30th, 2016). Hence it appears Governmental participations tends to concentrate on GAC attendance, so further measures to enhance Governmental participation can usefully be concentrated on this body.

2 - Considering previous analyses and GAC 2017 Operating principles, and while recognizing progress can still be made, this recommendation can be considered as overall effective.

3 - Reviewing GAC Operating principles, it appears some of them can be considered as addressing members Best Practices, see Principle 20 (commitment to efficiency vs voting principles) , Principle 41, 42 and 43 (Members statements and debates organization). In this sense this recommendation can be considered as partially implemented. On the other hand, while agreeing GAC nature makes it harder to enforce strict rules on its members, it seems a clear and non-offensive definition of “Best practices” as a “set of non-mandatory practices advised to facilitate efficiency and transparent GAC work” could be established on a consensual basis and lead to further progress in GAC work efficiency. Further work with GAC It is recommended that GAC Members explore this avenue. Overall Assessment: Partially Effective.

Overall Assessment: Partially Effective

Conclusion: Given the nature of the GAC this recommendation has been implemented as much as it can be and is as effective as it can be. As such no further action is required relative to this recommendation.

4.2.1.15. Recommendation 6.7 - ATRT2 recommends that the Board work jointly with the GAC, through the BGRI working group, to regularize senior officials' meetings by asking the GAC to convene a High-Level meeting on a regular basis, preferably at least once every two years. Countries and territories that do not currently have GAC representatives should also be invited and a stock-taking after each High-Level meeting should occur.

Implementation - This recommendation led to High-Level meetings being held in 2012, 2014, 2016 and 2018. Additionally, the Guidelines for GAC High Level Governmental Meetings have been published. However, no new meeting is currently planned. Implementation assessment - Implemented

Effectiveness - The meetings were well attended and the growth in GAC membership could be partially attributed to holding these high-level meetings. Effectiveness assessment - Effective.

Conclusion - This recommendation has been fully implemented and is effective – as such no further action is required with respect to this recommendation.

4.2.1.16. Recommendation 6.8 - ATRT2 recommends that the Board work jointly with the GAC, through the BGRI working group, to work with ICANN's Global Stakeholder Engagement group (GSE) to develop guidelines for engaging

governments, both current and non-GAC members, to ensure coordination and synergy of efforts.

Implementation - The GSE/GE and GAC had defined a guideline process for their coordination, that can be seen at: <https://gac.icann.org/principles-and-guidelines/public/guidelines-coordination-gse.pdf> and started to be implemented at the national level. Monthly calls for GSE/GE is now including GAC (in general leaderships) and reports are posted. "At the request of the GAC the reports were further revised to arrange information by regions and later the scope of the report was changed to cover three months of activity each time - two months of completed engagement as well as the next months planned engagement are reflected. With the agreement of the GAC leadership the frequency of the reports changed to bi-monthly when the scope of the reports was expanded". STAFF from both sides have weekly calls to keep track of notes, reports etc. Specially dedicated to Underserved Regions, a joint working group concluded a collaborative capacity-building workshop pilot program to increase outreach. Implementation assessment – Implemented.

Effectiveness – The recommendation is effective as demonstrated by:

- 1- GSE/GE AND GAC organized together the High-level meeting in Barcelona at ICANN 63 with a huge success.
 - 2- 2 GAC members had really grown hugely last year.
- Effectiveness Assessment – Effective.

Conclusion - This recommendation has been fully implemented and is effective – as such no further action is required with respect to this recommendation.

- 4.2.1.17. Recommendation 6.9 - The Board should instruct the GSE group to develop, with community input, a baseline and set of measurable goals for stakeholder engagement that addresses the following:
- a. Relationships with GAC and non-GAC member countries, including the development of a database of contact information for relevant government ministers;
 - b. Tools to summarize and communicate in a more structured manner government involvement in ICANN, via the GAC, as a way to increase the transparency on how ICANN reacts to GAC advice (e.g. by using information in the GAC advice register).
 - c. Making ICANN's work relevant for stakeholders in those parts of the world with limited participation; and,

d. Develop and execute for each region of the world a plan to ensure that local enterprises and entrepreneurs fully and on equal terms can make use of ICANN's services including new gTLD's.

Implementation - In response to Recommendation 6.9, this was a directive and the board gets regular reports on interaction from the GSE. The GSE team meets and collaborates with the regional teams where they collaborate and manage a joint calendar where they share the events.

In collaboration with the ICANN org's regional GSE and GE teams to facilitate regional discussions. GSE and GE then plan the work to identify and prioritize those activities for the coming year. Part of that planning process is the further development of the community wiki space to encompass the metrics, forums and regional projects. In practice, GSE/GE implementation in the regions is according to community priorities as expressed in the community-driven regional engagement planning and prioritization.

Implementation Assessment - Implemented

Effectiveness - This is a directive and the Board has regular reports on interaction from the GSE. Effectiveness assessment – Effective.

Conclusion - This recommendation has been fully implemented and is effective – as such no further action is required with respect to this recommendation.

4.2.2. Results of Survey

- 4.2.2.1. 15 - Should GAC accountability be improved?
- 4.2.2.2. 16 - Should GAC transparency be improved?
- 4.2.2.3. 17 - In your view are you satisfied with the interactions the GAC has with the Board?
- 4.2.2.4. 18 - In your view are you satisfied with the interactions the GAC has with the SO/ACs

4.2.3. Other Information

- 4.2.3.1. (text on interviews at ICANN 65?????)

4.3. Analysis of Information and Identification of Issues

4.4. Suggestions with respect to issues.

4.5. Recommendations to Address issues

4.5.1. Identification of Recommendation 2.1

- 4.5.1.1. Definition of desired outcomes, including metrics used to measure whether the recommendation's goals are achieved
 - 4.5.1.2. Initial identification of potential problems in attaining the data or developing the metric
 - 4.5.1.3. Suggested timeframe in which the measures should be performed
 - 4.5.1.4. Definition of current baselines of the issue and initial benchmarks that define success or failure
 - 4.5.1.5. Data retained by ICANN (no idea what this is about?)
 - 4.5.1.6. Industry metric sources
 - 4.5.1.7. Community Input
 - 4.5.1.8. Surveys or studies
 - 4.5.1.9. Consensus on Recommendation
- 4.5.2. Identification of Recommendation 2.2.....

5. Issue 3 - Public Input

5.1. Introduction

- 5.1.1. Item 3 of the ATRT Requirements in the Bylaws - Assessing and improving the processes by which ICANN receives public input (including adequate explanation of decisions taken and the rationale thereof).

5.2. Information Gathering

5.2.1. Relevant ATRT2 Recommendations and Analysis

- 5.2.1.1. Recommendation 7.1 - The Board should explore mechanisms to improve Public Comment through adjusted time allotments, forward planning regarding the number of consultations given anticipated growth in participation, and new tools that facilitate participation.

Implementation – There is a Report on ATRT2 Public Comments Enhancements that is very thorough. A minimum 40-Day Comment Period was set, the average number of days for the comment period is around 50. The 2 weeks deadline for Staff Summary Reports was reinforced, the new process provides for management escalation if the report is not published in time. All Public Comments Requests are redirected through Policy

Department and a Staff Advisory Committee was established. As such this is almost completely implemented. ATRT2 required "Forward planning regarding the number of public comments". Could not find any reference of this but it difficult to plan how many comments there will be. This recommendation was implemented as it was meant to be at the time it was made. Implementation assessment - Implemented.

Effectiveness - It seems that the Public Comment Process is functioning correctly and that the new tools have helped. Effectiveness assessment - Effective.

Conclusion –

5.2.1.2. Recommendation 7.2 - The Board should establish a process under the Public Comment Process where those who commented or replied during the Public Comment and/or Reply Comment period(s) can request changes to the synthesis reports in cases where they believe the staff incorrectly summarized their comment(s).

Implementation – Implemented as requested but never used. Given the difficulties with Reply Comment period this functionality was discontinued. Since there was never a request to change synthesis reports, even after publicising this option, and given the difficulties with the Reply Comment period where users would simply use this process to put in new comments both of these functionalities were discontinued without any significant protest from the community. Implementation assessment – Implemented.

Effectiveness – Given it was never used the implementation assessment is Not Effective.

Conclusion –

5.2.1.3. Recommendation 8 - The recommendation states: To support public participation, the Board should review the capacity of the language services department versus the community need for the service using Key Performance Indicators (KPIs) and make relevant adjustments such as improving translation quality and timeliness and interpretation quality. ICANN should implement continuous improvement of translation and interpretation services including benchmarking of procedures used by international organizations such as the United Nations.

Implementation – Many improvements have been made and all official UNO languages are systematically supported through ICANN. The only KPI's available and referred to in the implementation report are in the Accountability Indicators 1.1 (<https://www.icann.org/accountability-indicators>) which on show the number of sessions interpreted for ICANN meeting vs total number of sessions which seem to clearly fall short of what was requested in the recommendation. Additionally, the Implementation Report clearly indicates that no benchmarking has been done. The Implementation Report does show that there are efforts being made along the lines of continuous improvements but because of the lack of any real KPI's or Benchmarking it is difficult to assess the level of these efforts. Implementation assessment - Partially Implemented.

Effectiveness - As we have no real KPI's available for assessing effectiveness of this recommendation, the overall assessment is still not applicable as such. Effectiveness assessment - Not Applicable

Conclusion –

5.2.2. Results of Survey

- 5.2.2.1. 23 - Please rate how effective the current system of Public Comment consultations is for gathering community input.
- 5.2.2.2. 24 - Do you believe the concept of Public Comment, as currently implemented, should be re-examined?
- 5.2.2.3. 25 - Have you (or a group you directly contribute to) responded to a Public Comment consultation in the last year?
- 5.2.2.4. 26 - Should the responses made to Public Comments by individuals and external organizations/groups be considered equally?
- 5.2.2.5. 27 - Should the responses made to Public Comments by SO/ACs have more weight than other comments?
- 5.2.2.6. 28 - Should the responses made to Public Comments by the Board have more weight than other comments?
- 5.2.2.7. 29 - How useful are staff reports on Public Comments?
- 5.2.2.8. 30 - Do you agree that staff reports on Public Comments clearly indicate if suggestions made by the commenters were accepted and how they were accepted?
- 5.2.2.9. 31 - Do you agree that staff reports on Public Comments clearly indicate if suggestions made by the commenters were rejected and why they were rejected?

5.2.3. Other Information

5.3. Analysis of Information and Identification of Issues

Consider assessment and conclusion of ATRT2 recommendation 12.5 (12.2.1.6)

5.4. Suggestions with respect to issues.

5.5. Recommendations and Suggestions to Address issues

5.5.1. Identification of Recommendation 3.1

5.5.1.1. Definition of desired outcomes, including metrics used to measure whether the recommendation's goals are achieved

5.5.1.2. Initial identification of potential problems in attaining the data or developing the metric

5.5.1.3. Suggested timeframe in which the measures should be performed

5.5.1.4. Definition of current baselines of the issue and initial benchmarks that define success or failure

5.5.1.5. Data retained by ICANN (no idea what this is about?)

5.5.1.6. Industry metric sources

5.5.1.7. Community Input

5.5.1.8. Surveys or studies

5.5.1.9. Consensus on Recommendation

5.5.2. Identification of Recommendation 3.2.....

6. Issue 4 - Acceptance of ICANN Decisions

6.1. Introduction

6.1.1. Item 4 of the ATRT Requirements in the Bylaws - Assessing the extent to which ICANN's decisions are supported and accepted by the Internet community;

6.2. Information Gathering

6.2.1. Relevant ATRT2 Recommendations and Analysis

None.

6.2.2. Results of Survey

6.2.2.1. 32 - Do you believe the Internet community generally supports the decisions made by the Board?

6.2.2.2. 33 - Do you generally support the decisions made by the Board?

6.2.2.3. 40 - Are ICANN's mechanisms sufficient to generate policies which are acceptable to the global Internet community?

6.2.2.4. 40.1 - In your opinion what level of improvements would be required to correct this?

6.2.3. Other Information

6.3. Analysis of Information and Identification of Issues

6.4. Suggestions with respect to issues.

6.5. Recommendations to Address issues

6.5.1. Identification of Recommendation 4.1

6.5.1.1. Definition of desired outcomes, including metrics used to measure whether the recommendation's goals are achieved

6.5.1.2. Initial identification of potential problems in attaining the data or developing the metric

6.5.1.3. Suggested timeframe in which the measures should be performed

6.5.1.4. Definition of current baselines of the issue and initial benchmarks that define success or failure

6.5.1.5. Data retained by ICANN (no idea what this is about?)

6.5.1.6. Industry metric sources

6.5.1.7. Community Input

6.5.1.8. Surveys or studies

6.5.1.9. Consensus on Recommendation

6.5.2. Identification of Recommendation 4.2.....

7. Issue 5 - Policy Development Process (PDP)

7.1. Introduction

7.1.1. Item 5 of the ATRT Requirements in the Bylaws - Assessing the policy development process to facilitate enhanced cross community deliberations, and effective and timely policy development.

7.2. Information Gathering

7.2.1. Relevant ATRT2 Recommendations and Analysis

- 7.2.1.1. Recommendation 10.1 - To enhance GNSO policy development processes and methodologies to better meet community needs and be more suitable for addressing complex problems, ICANN should:
- a. In line with ongoing discussions within the GNSO, the Board should develop funded options for professional services to assist GNSO policy development WGs. Such services could include training to enhance work group leaders' and participants' ability to address difficult problems and situations, professional facilitation, mediation, negotiation. The GNSO should develop guidelines for when such options may be invoked,
 - b. The Board should provide adequate funding for face-to-face meetings to augment e-mail, wiki and teleconferences for GNSO policy development processes. Such face-to-face meeting must also accommodate remote participation, and consideration should also be given to using regional ICANN facilities (regional hubs and engagement centers) to support intersessional meetings. Moreover, the possibility of meetings added on to the start or end of ICANN meetings could also be considered. The GNSO must develop guidelines for when such meetings are required and justified, and who should participate in such meetings.
 - c. The Board should work with the GNSO and the wider ICANN community to develop methodologies and tools to allow the GNSO policy development processes to utilize volunteer time more effectively, increasing the ability to attract busy community participants into the process and also resulting in quicker policy development.

Implementation – This recommendation was based on the detailed evaluation and analysis of the GNSO Policy Development Process undertaken by InterConnect Communications for ATRT2, and three specific actions were recommended for ICANN to implement; paraphrased they were to a) develop, fund and ensure the availability of professional services to assist PDP WG's to "...include training to enhance work group leaders 'and participants' ability to address difficult problems and situations, professional facilitation, mediation, negotiation..." under guidelines to be developed by the GNSO; b) Provide adequate funding for "... for face-to-face meetings to augment e-mail, wiki and teleconferences for GNSO policy development processes..."; c) "The Board should work with the GNSO and the wider ICANN community to develop methodologies and tools to allow the GNSO policy development processes to utilize volunteer time more effectively, resulting in quicker policy development." We have observed the provision of some of these Professional Services (specifically facilitated meetings and mediation in the recent EPDP, but no generalised training or in-service development of current PDP WG Leadership has been observed. As well as face to face meetings (again most obviously for the EPDP); but no engagement with GNSO

and wider community as outlined in c) beyond the relevant input of some aspects of the Governance Evolution work being undertaken since ICANN 64, though we do note the current and ongoing work of the GNSO Council with its own PDP 3.0 development and so this seems to be not fully implemented but only partially. Implementation assessment – Partially Implemented.

Effectiveness - There is evidence that where the implemented actions have been utilised, they have been effective if not highly effective, based on anecdotal evidence at least, but not all proposed actions have been deployed or as yet implemented and so effectiveness can not be stated on these. Implementation Assessment - Partially Effective.

Conclusion –

7.2.1.2. Recommendation 10.2 - The GAC, in conjunction with the GNSO, must develop methodologies to ensure that GAC and government input is provided to ICANN policy development processes and that the GAC has effective opportunities to provide input and guidance on draft policy development outcomes. Such opportunities could be entirely new mechanisms or utilization of those already used by other stakeholders in the ICANN environment. Such interactions should encourage information exchanges and sharing of ideas/opinions, both in face-to-face meetings and intersessionally, and should institutionalize the cross-community deliberations foreseen by the AoC.

Implementation – As it was raised during the ATRT3 interviews with the community at ICANN 65, there is no process established between GNSO and GAC to facilitate communications related to issues that are key to both parties. There should be a complete process like the one defined between the Board and the GAC, with specific adjustments to fit into GNSO. The nature of GNSO makes it more difficult to do this with the GAC vs GAC-Board, but since this recommendation was made by ATRT2 both sides are trying to improve communications. This is a work in progress that needs to continue. Implementation assessment - Partially Implemented.

Effectiveness - Some alternatives to improve communication and effectiveness have been tested, but at this time we cannot consider the effectiveness. Effectiveness assessment - Not Applicable.

Conclusion -

- 7.2.1.3. Recommendation 10.3 - The Board and the GNSO should charter a strategic initiative addressing the need for ensuring more global participation in GNSO policy development processes, as well as other GNSO processes. The focus should be on the viability and methodology of having the opportunity for equitable, substantive and robust participation from and representing:
- a. All ICANN communities with an interest in gTLD policy and in particular, those represented within the GNSO;
 - b. Under-represented geographical regions;
 - c. Non-English speaking linguistic groups;
 - d. Those with non-Western cultural traditions; and
 - e. Those with a vital interest in gTLD policy issues but who lack the financial support of industry players.

Implementation – Implementation Assessment: Fully Implemented. The language of the recommendation and report makes it somewhat difficult to discern which programs are designed specifically to address this implementation. However, the Leadership Program, Community Regional Outreach Program, and mentorship efforts can all be considered to fulfill this recommendation.

Effectiveness - Implementation effectiveness has not been shown by the limited testing of such action. Effectiveness assessment - Partially Effective

Conclusion - ?

- 7.2.1.4. Recommendation 10.4 - To improve the transparency and predictability of the policy development process the Board should clearly state to what degree it believes that it may establish gTLD policy in the event that the GNSO cannot come to closure on a specific issue, in a specified time-frame if applicable, and to the extent that it may do so, the process for establishing such gTLD policies. This statement should also note under what conditions the Board believes it may alter GNSO Policy Recommendations, either before or after formal Board acceptance.

Implementation – Evidence to support implementation is limited to checklist type statement of 'implemented' and there has been little opportunity to test this is in fact the case. It is notable that this specific aspect of Board opinion or statement was lacking in the recent Board Resolution relating to its only partial acceptance of Recommendations from the work of the EPDP Phase 1. Implemented, but not tested.

Effectiveness - Implementation effectiveness has not been shown by the limited testing of such action. Effectiveness assessment - Partially Effective

Conclusion -

7.2.2. Results of Survey

- 7.2.2.1. 34 - Have you participated in or contributed to any Policy Development Process?
- 7.2.2.2. 34.1 - Did you have difficulty with any of the following?
- 7.2.2.3. 34.2 - Please rate your satisfaction with the transparency of the Policy Development Process (PDP)
- 7.2.2.4. 34.3 - Please rate how accountable the PDP process was to the community
- 7.2.2.5. 34.4 - Why have you not participated in any Policy Development Process?

7.2.3. Other Information

7.3. Analysis of Information and Identification of Issues

7.4. Suggestions with respect to issues.

7.5. Recommendations to Address issues

- 7.5.1. Identification of Recommendation 5.1
 - 7.5.1.1. Definition of desired outcomes, including metrics used to measure whether the recommendation's goals are achieved
 - 7.5.1.2. Initial identification of potential problems in attaining the data or developing the metric
 - 7.5.1.3. Suggested timeframe in which the measures should be performed
 - 7.5.1.4. Definition of current baselines of the issue and initial benchmarks that define success or failure
 - 7.5.1.5. Data retained by ICANN (no idea what this is about?)
 - 7.5.1.6. Industry metric sources
 - 7.5.1.7. Community Input
 - 7.5.1.8. Surveys or studies
 - 7.5.1.9. Consensus on Recommendation
- 7.5.2. Identification of Recommendation 5.2.....

8. Issue 6 – Assessment of the Independent Review Process (IRP)

Item 6 of the ATRT Requirements in the Bylaws - Assessing and improving the Independent Review Process.

The CCWG-Accountability Work Stream 1 (WS1) recommendation 7 made significant changes to ICANN's IRP process but could not complete the implementation of these prior to the completion of WS1. This WS1 recommendation was included in the ICANN Bylaws under Section 4.3(n)(i) and required the creation of an IRP Implementation Oversight Team (IOT - a CCWG) to undertake this work:

WS1 – Recommendation 7 - Implementation

The CCWG-Accountability proposes that the revised IRP provisions be adopted as Fundamental Bylaws. Implementation of these enhancements will necessarily require additional detailed work. Detailed rules for the implementation of the IRP (such as rules of procedure) are to be created by the ICANN community through a CCWG (assisted by counsel, appropriate experts, and the Standing Panel when confirmed), and approved by the Board, such approval not to be unreasonably withheld. The functional processes by which the Empowered Community will act, such as through a council of the chairs of the ACs and SOs, should also be developed. These processes may be updated in the light of further experience by the same process, if required. In addition, to ensure that the IRP functions as intended, the CCWG-Accountability proposes to subject the IRP to periodic community review.

Following this the IRP Implementation Oversight Team (IOT) was created in May 2016 with the assistance of the CCWG-Accountability. The objectives of the IRP-IOT were:

- Complete recommendations to update the supplementary rules of procedure;
- Develop rules for Cooperative Engagement Process (CEP);
- Address standards and rules governing appeals;
- Consider panelist term limits and additional independence considerations.

The IRP-IOT delivered an Updated Draft Interim ICDR Supplementary Procedures to ICANN on 25 September 2018. As indicated in the title these are interim rules which did not include the revisions to Time to file considerations and the Types of hearings.

Given the limited participation of IRP-IOT members since ICANN 63 in October 2018 there has been little progress since then. To address this issue Leon Sanchez, Chair of the ICANN Board Accountability Mechanisms Committee (BAMC), wrote to the leadership of the SO/AC's on 26 June 2019 requesting additional volunteers join the IRP-IOT to allow it to carry on with its work (<https://mm.icann.org/pipermail/iot/attachments/20190627/65c1a116/2019-06-26LeonSancheztoSOAC-Leaders-Repopulating-IOT-0001.pdf>).

In this context the ATRT3 concluded that it should not review the IRP as required in the ICANN bylaws given the IRP has recently undergone significant changes and further changes will be forthcoming once new members have been added to the IRP-IOT.

9. Issue 7 – Assessment of Relevant ATRT2 recommendations

9.1. Introduction

9.1.1. Item 7 of the ATRT Requirements in the Bylaws - Assessing the extent to which prior Accountability and Transparency Review recommendations have been implemented and the extent to which implementation of such recommendations has resulted in the intended effect.

9.2. Information Gathering

The ATRT2 Implementation Program Wiki⁴ contains a series of Executive Summaries documenting the implementation of the ATRT2 recommendations. The latest such Executive Summary is dated October 2018⁵ and was the starting point for ATRT3 assessing the implementation and effectiveness of the ATRT2 recommendations. This report noted all of the ATRT2 recommendations as implemented.

ATRT3 assessed each of the 47 distinct recommendations for implementation and effectiveness. The assessment criteria for implementation were Implemented, Partially Implemented or Not Implemented. The assessment criteria for effectiveness were Effective, Partially Effective, Not Effective or Not Applicable.

The table below summarizes the results of the ATRT3 assessment of the implementation of the ATRT2 recommendations (The October 2018 Executive Summary for ATRT2 implementation notes all of these as Complete).

ATRT2 Recommendation #	ATRT3 Assessment of Implementation	ATRT3 Assessment of Effectiveness	Comments
1	Implemented	Not Applicable	
2	Partially Implemented	Not Applicable	
3	Implemented	Not Applicable	
4	Partially Implemented	Partially Effective	
5	Not Implemented	Not Applicable	
6.1.a	Implemented	Not Effective	
6.1.b	Implemented	Effective	
6.1.c	Implemented	Effective	
6.1.d	Implemented	Effective	
6.1.e	Implemented	Effective	

⁴ <https://community.icann.org/display/atrt/ATRT2+Implementation+Program>

⁵ [https://community.icann.org/display/atrt/ATRT2+Implementation+Program?preview=/48350211/96214045/Recommendations%201-12%20\(Oct%202018\).pdf](https://community.icann.org/display/atrt/ATRT2+Implementation+Program?preview=/48350211/96214045/Recommendations%201-12%20(Oct%202018).pdf)

6.1.f	Implemented	Effective	
6.1.g	Implemented	Effective	
6.1.h	Partially Implemented	Partially Effective	
6.2	Implemented	Effective	
6.3	Implemented	Effective	
6.4	Implemented	Effective	
6.5	Implemented	Not Applicable	
6.6	Partially Implemented	Partially Effective	
6.7	Implemented	Effective	
6.8	Implemented	Effective	
6.9	Implemented	Effective	
7.1	Implemented	Effective	
7.2	Implemented	Not Effective	
8	Partially Implemented	Not Applicable	
9.1	Partially Implemented	Not Effective	
9.2	Partially Implemented	Not Applicable	
9.3	Partially Implemented	Not Applicable	
9.4	Implemented	Not Applicable	
9.5	Implemented	Not Applicable	
10.1	Partially Implemented	Partially Effective	
10.2	Partially Implemented	Not Applicable	
10.3	Implemented	Partially Effective	
10.4	Implemented	Partially Effective	
10.5	Implemented	Partially Effective	
11.1	Implemented?	?	
11.2	Implemented	Effective	
11.3	Implemented	Partially Effective	
11.4	Implemented	Not Applicable	
11.5	Implemented	Partially Effective	
11.6	Partially Implemented	Not Applicable	
11.7	Not Implemented	Not Applicable	
12.1	Implemented	Partially Effective	
12.2	Implemented	Effective	
12.3	Not Implemented	Not Applicable	
12.4	Implemented	Partially Effective	
12.5	Implemented	Partially Effective	

Summary					
Implemented	32	70%	Effective	16	35%

Partially Implemented	11	24%	Partially Effective	12	26%
Not Implemented	3	6%	Not Effective	3	6%
			Not Applicable	15	33%
Total	46	100%		46	100%

A complete copy of ATRT3's assessment of the ATRT2 recommendations can be found in Annex XXX of this report.

9.3. Analysis of Information and Identification of Issues

This section will focus on the general approach the Organization has used to report on the implementation of the ATRT2 recommendations while specific issues with specific ATRT2 recommendations are addressed in the various relevant sections of this report.

Although the October 2018 Executive Summary reports that all ATRT2 recommendations were implemented ATRT3's assessment of these found a number of recommendations which were either not implemented or only partially implemented.

These differences in assessment can be classified into three categories:

- Transferred to the CCWG-Accountability WS2 – ATRT2 recommendations 9.2 and 9.3 were transferred to WS2 and the October 2018 Executive Summary notes these as Complete when WS2 recommendations remain to be approved and implemented. As such it would have been more precise and effective to note these as either partially implemented or as having been transferred to WS2.
- Partially Implemented – ATRT2 recommendations 2,4,6.1h,6.6,8,9.1,9.2,9.3,10.1,10.2 and 11.6. Although there is no agreement on these being completely implemented the new Operating Standards for Specific Reviews which were approved in June 2019 should prevent any such misunderstandings on the status of implementation going forward.
- Not Implemented – ATRT2 recommendations 5, 11.7 and 12.3. Although the new Operating Standards for Specific Reviews should prevent such misunderstandings going forward it is of great concern that the organization can report these recommendations as Complete when this is clearly not the case.

Although this analysis clearly identifies some issues with the assessment of the implementation of ATRT2 recommendations the new Operating Standards for Specific

Reviews⁶ which was approved in June 2019 specifically addresses these issues in Section 4.2:

A preliminary²⁰ impact analysis of the desired impact of each recommendation, including the desired outcome, metrics to measure the effectiveness of the recommendations, and where possible the source(s) of baseline data for that purpose:

- o Identification of issue.*
- o Definition of desired outcome, including metrics used to measure whether the recommendations' goals are achieved.*
- o Initial identification of potential problems in attaining the data or developing the metrics.*
- o A suggested timeframe in which the measures should be performed.*
- o Define current baselines of the issue and initial benchmarks that define success or failure.*
- o Data retained by ICANN.*
- o Industry metric sources.*
- o Community input.*
- o Surveys or studies.*

Given the adoption of the new Operating Standards for Specific Reviews should address the more serious issues raised in this analysis there is no need for any further recommendations to mitigate the issues of Partially Implemented and Not Implemented going forward however it is a serious concern how the Organization could note recommendations as being implemented when they were not.

It is however unclear if the new Operating Standards for Specific Reviews would address the issue of transferring responsibility for implementation to another process as was the case for ATRT2 recommendations transferred to WS2. ATRT3 notes that in such cases implementation reports should clearly identify if the responsibility for the implementation of a Specific Review recommendation has been transferred to another process.

9.4. Suggestions relative to issues.

9.4.1. Implementation reports should never mark the implementation of AOC review recommendations as Implemented when this is clearly not the case as this weakens the credibility of the Organization vs the community.

⁶ <https://www.icann.org/en/system/files/files/operating-standards-specific-reviews-23jun19-en.pdf>

9.4.2. If the implementation of AOC review recommendations is transferred to another process the implementation report should clearly note this and factually report on the implementation of such recommendations and not simply mark these as implemented simply because they have been transferred.

9.5. **Recommendations to Address issues** – none.

10. Issue 8 – Assessment of Periodic Reviews

10.1. Introduction

Item 8 of the ATRT Requirements in the Bylaws - The Accountability and Transparency Review Team may recommend to the Board the termination or amendment of other periodic reviews required by this Section 4.6 and may recommend to the Board the creation of additional periodic reviews.

10.2. Information Gathering

10.2.1. Relevant ATRT2 Recommendations and Analysis

10.2.1.1. Recommendation 11.1 - The Board should ensure that the ongoing work of the AoC reviews, including implementation, is fed into the work of other ICANN strategic activities wherever appropriate.

Implementation - The AoC Reviews are currently referred to as Specific Reviews and are mandated in section 4.6 of the Bylaws. They include the Accountability and Transparency (ATRT) reviews, the Competition, Consumer Trust and Consumer Choice (CCT) reviews, the Security, Stability and Resiliency (SSR) reviews and Registration Directory Service (RDS) reviews. Implementation of recommendations is tracked in the <https://www.icann.org/resources/reviews/specific-reviews>. Implementation assessment - Implemented.

Effectiveness - Overall effective although there are some questions regarding how well some of the recommendations are implemented. However, the new Operating Standards should ensure that these types of issues are avoided going forward. Effectiveness Assessment - Effective.

Conclusion -

10.2.1.2. Recommendation 11.2 - The Board should ensure strict coordination of the various review processes so as to have all reviews complete before next

ATRT review begins, and with the proper linkage of issues as framed by the AoC.

Implementation - The reviews schedule to meet this objective was put up for public comment and finalized in 2015 and should allow for all reviews to be completed prior to the beginning of the next ATRT review. Unfortunately, SSR2 is not completed but this is due to exceptional circumstances.
Implementation assessment – Implemented.

Effectiveness – Although not everything went according to plan (CCT, SSR2) there were mitigating circumstances associated with these reviews.
Effectiveness assessment – Effective.

Conclusion –

10.2.1.3. Recommendation 11.3 - The Board should ensure that AoC Review Teams are appointed in a timely fashion, allowing them to complete their work in the minimum one (1) year period that the review is supposed to take place, regardless of the time when the team is established. It is important for ICANN to factor in the cycle of AoC reviews; the Review Team selection process should begin at the earliest point in time possible given its mandate.

Implementation - The Board can trigger any review, but it is no longer in charge of selecting the members of the (ex-AOC) review teams. The decision to start a RT is taken by both the Board and the empowered community. We can therefore consider this as implemented. Implementation assessment - Implemented.

Effectiveness - The effectiveness is limited for the moment as some of the (ex-AOC) reviews have been delayed or extended. Effectiveness assessment – Partially Effective.

Conclusion -

10.2.1.4. Recommendation 11.4 - The Board should prepare a complete implementation report to be ready by review kick-off. This report should be submitted for public consultation, and relevant benchmarks and metrics must be incorporated in the report.

Implementation - The ATRT2 Implementation Program Wiki contains a series of Executive Summaries documenting the implementation of the ATRT2 recommendations. The latest such Executive Summary is dated October 2018 and provides a variety of details information on the implementation. ICANN now has a process for tracking reviews and implementing recommendations as per <https://www.icann.org/resources/reviews#Specific>. It is expected that an implementation report, as per the web page, would be completed prior to the next similar review beginning. However, there is no public consultation on these, and no benchmarks or metrics can be found for the moment. The Board did approve the ICANN Reviews Terms of Reference in June 2019 which mandates that review teams going forward will have to include benchmarks and metrics with their recommendations which will go to public consultation. This is a variation of what was in the 2013 recommendation which is only implemented in 2019. Overall one would have to consider the recommendation implemented with significant modifications. Implementation assessment – Implemented.

Effectiveness - Given the new ICANN Reviews Terms of Reference have only been implemented in June 2019 and no review has used these yet it is impossible to assess their effectiveness. The new tracking of the implementation seems that it would also be effective in tracking the implementation, but this is also rather new and provides no historical data to allow for an assessment of effectiveness. As such the assessment of effectiveness is Not Applicable.

Conclusion –

- 10.2.1.5. Recommendation 11.5 - The ICANN Board should ensure in its budget that sufficient resources are allocated for Review Teams to fulfill their mandates. This should include, but is not limited to, accommodation of Review Team requests to appoint independent experts/consultants if deemed necessary by the teams. Before a review is commenced, ICANN should publish the budget for the review, together with a rationale for the amount allocated that is based on the experiences of the previous teams, including ensuring a continuous assessment and adjustment of the budget according to the needs of the different reviews.

Implementation - As stated in the Implementation Report "A standard process for budgeting for AoC reviews has been established via a budget worksheet. Developing budgets for the next round of AoC Reviews has been completed as part of the FY16 Operating Plan and Budget which was

approved by the Board in June 2015 and is currently underway for FY 17." which all evidence points to being exact including this ATRT3 Review. Implementation assessment – Implemented.

Effectiveness - From a transparency point of view the Review Fact Sheets provide great transparency into a review's progress on all fronts including financially. This brought to light the almost doubling of the expenses vs the original budget for the CCT review however it is unclear what accountability was associated with this. Effectiveness assessment – Partially Effective.

Conclusion -

10.2.1.6. Recommendation 11.6 - The Board should address all AoC Review Team recommendations in a clear and unambiguous manner, indicating to what extent they are accepting each recommendation.

Implementation - The Affirmation of Commitments mandated several *Specific Reviews* designed to address and 'ensure' Organisational Operational Improvements for ICANN.org. It is noted that full cycle(s) of AoC or Specific Reviews in addition to the Accountability and Transparency Reviews, have now been completed or are near finalisation i.e. Security, Stability and Resiliency Reviews (SSR1 and SSR2 currently underway); WHOIS Policy Review (WHOIS and RDS); and Competition, Consumer Choice & Consumer Trust (CCT). The recommendations from the initial round of AoC or Specific Reviews, were assessed in terms of their implementation or otherwise by either or both the following Specific Review or ATRT, and as a result of the earlier 'ambiguity or variable interpretation' of the Board and ICANN.Org's acceptance and implementation of recommendations from these reviews, ATRT2 Recommendation 11.6 calls for clarity and accountability in the way that the ICANN Board deals with Specific Review or AoC Review recommendations. After a recent 'communication issue' was resolved relating to the rationale associated with the Board's acceptance, let alone consideration of implementation of certain of the CCT-RT's recommendations ATRT3 assesses the implementation of this ATRT2 recommendation as 'partially implemented' at this stage. This assessment is also concerned with respect to the extended delay between Final Reporting and recommendations from the Cross Community Working Group on ICANN Accountability, Work Stream 2 and any action on Implementation of these recommendations, as well as no specific, detailed, clear and unambiguous statements from the Board regarding its acceptance or otherwise of the specific recommendations were made but rather general statements made regarding the Board's

intentions regarding "implementation of all WS2 Recommendations" being made prior to the final reporting being presented. Implementation at best can be listed as partial though nearly completed with 10-15% of task to be completed. Implementation assessment – Partially Implemented.

Effectiveness – Not Applicable

Conclusion –

10.2.1.7. Recommendation 11.7 - In responding to Review Team recommendations, the Board should provide an expected time frame for implementation, and if that time frame is different from one given by the Review Team, the rationale should address the difference.

Implementation - There are several issues with this recommendation. First review team recommendations for the most part have never included implementation requirements leaving this to the Board and the Organization to work out. Without a clear understanding of what is required to implement a recommendation it is impossible to plan its implementation unless the sole objective of the organization is to do so which is certainly not the case with ICANN. Secondly in the current financial environment at ICANN where projects are competing for resources and considering the requirements of ATRT 2 recommendations 12.2, 12.4 and 12.5, which were implemented, it is unrealistic to expect the organization will guarantee the implementation of recommendations without going through these processes. As such the recommendation is not implemented because it could not be implemented. Implementation Assessment - not implemented.

Effectiveness – Not Applicable given it was not implemented

Conclusion –

10.2.2. Results of Survey

10.2.2.1. 35 - How would you rate the effectiveness of the specific reviews (ATRTR, SSR, RDS, etc.) as they are currently structured in the ICANN Bylaws?

10.2.2.2. 36 - Should specific reviews (ATRTR, SSR, RDS, etc.) be reconsidered or amended?

10.2.2.3. 37 - How would you rate the effectiveness of organizational reviews, those reviewing SO/ACs as they are currently structured in the ICANN Bylaws?

- 10.2.2.4. 38 - Should organizational reviews be reconsidered or amended?
- 10.2.2.5. 39 - Should organizational reviews continue to be undertaken by external consultants?

10.2.3. Other Information

10.3. Analysis of Information and Identification of Issues

10.4. Suggestions Relative to Issues

10.5. Recommendations to Address issues

10.5.1. Identification of Recommendation 8.1

- 10.5.1.1. Definition of desired outcomes, including metrics used to measure whether the recommendation's goals are achieved
- 10.5.1.2. Initial identification of potential problems in attaining the data or developing the metric
- 10.5.1.3. Suggested timeframe in which the measures should be performed
- 10.5.1.4. Definition of current baselines of the issue and initial benchmarks that define success or failure
- 10.5.1.5. Data retained by ICANN (no idea what this is about?)
- 10.5.1.6. Industry metric sources
- 10.5.1.7. Community Input
- 10.5.1.8. Surveys or studies
- 10.5.1.9. Consensus on Recommendation

10.5.2. Identification of Recommendation 8.2.....

11. Issue 9 – Accountability Indicators

11.1. Introduction

11.1.1. Added to the requirements of the ATRT3 by its plenary in July 2019.

11.1.2. ICANN published the Accountability Indicators in 2019 at

<https://www.icann.org/accountability-indicators>. These are based on the five pillars of the Strategic Plan:

- Evolve and further globalize ICANN
- Support a healthy, stable and resilient unique identifier ecosystem
- Advance organizational, technological, and operational excellence
- Promote ICANN's role and multistakeholder approach
- Develop and implement a global public interest framework bounded by ICANN's mission

11.2. Information Gathering

11.2.1. Results of Survey

11.2.1.1. 4 - Please rate the effectiveness of the Accountability Indicators as they relate to Board performance as found in <https://www.icann.org/accountability-indicators> 3.3.

11.2.1.1.1. Individual responses

Very effective		1	2%
Effective		22	40%
No opinion		18	33%
Somewhat ineffective		7	13%
Ineffective		7	13%

11.2.1.1.2. Structure responses (not final data)

Very effective		0	0%
Effective		2	40%
No opinion		1	20%
Somewhat ineffective		2	40%
Ineffective		0	0%

11.2.1.1.3. Consolidated responses

Very effective			0%
Effective			40%
No opinion			38%
Somewhat ineffective			18%
Ineffective			3%

11.2.1.1.4. Analysis

[Considering that the consolidated responses only provide 40% support for the effectiveness of the accountability indicators combined with a 21% Somewhat Ineffective or Ineffective raises questions about how effective these accountability indicators actually are.]

11.2.1.2.

11.2.2. Other Information

11.3. Analysis of Information and Identification of Issues

11.4. Suggestions Related to Issues.

11.5. Recommendations to Address issues

11.5.1. Identification of Recommendation 9.1

11.5.1.1. Definition of desired outcomes, including metrics used to measure whether the recommendation's goals are achieved

11.5.1.2. Initial identification of potential problems in attaining the data or developing the metric

11.5.1.3. Suggested timeframe in which the measures should be performed

11.5.1.4. Definition of current baselines of the issue and initial benchmarks that define success or failure

11.5.1.5. Data retained by ICANN (no idea what this is about?)

11.5.1.6. Industry metric sources

11.5.1.7. Community Input

11.5.1.8. Surveys or studies

11.5.1.9. Consensus on Recommendation

11.5.2. Identification of Recommendation 9.2.....

12. Issue 10 – Prioritization and Rationalization of Activities, Policies and Recommendations

12.1. Introduction

12.1.1. Added to the requirements by the ATRT3 plenary in August 2019.

12.2. Information Gathering

12.2.1. Relevant ATRT2 Recommendations and Analysis

12.2.1.1. Recommendation 9.4 - Developing a full set of statistical data that will be published annually with each Fiscal Year Annual Report.

Implementation - The focus of the recommendation was on developing a full set of statistical data that will be published annually with each Fiscal Year's Annual Report. This was partially implemented in 2015 and has been continually improving in successive publications since then. Implementation Assessment – Implemented.

Effectiveness - In terms of effectiveness of the recommendation implementation, compliance as evidenced inclusion in annual reports publication could be satisfactory. However, on the community side, there are no metrics available to measure users' application of statistics obtained on the published data and hence determine if the implementation is effective or not. Effectiveness Assessment – Not Applicable.

Conclusion –

12.2.1.2. Recommendation 12.1 - The Board should implement new financial procedures in ICANN that can effectively ensure that the ICANN community, including all SOs and ACs, can participate and assist the ICANN Board in planning and prioritizing the work and development of the organization.

Implementation - This seems fully implemented. There has been community involvement. The Board does everything to include the community in every step with regard to planning and prioritizing ICANNs work. And it is listening to the community. Community members have noted that sometimes the workload for them is too much. One member of the ICANN Community Finance Group noted that he never had a question rejected and did see the CFOs work as "extremely transparent and responsive to any questions". It is also important to note that the Empowered Community now has to approve to budget. Implementation assessment – Implemented.

Effectiveness - Although the process is quite transparent and open to community input the sheer complexity and volume of information provided require significant knowledge and experience as well as time to participate effectively. Providing information which the average member of the community could understand easily and comment on effectively with only the requirement of investing a few hours would go a long way to increasing the Transparency and Accountability of the process. Effectiveness assessment – Partially Effective.

Conclusion –

12.2.1.3. Recommendation 12.2 - The Board should explicitly consider the cost-effectiveness of ICANN's operations when preparing its budget for the coming year, in keeping with ICANN's status as a non-profit organization operating and delivering services in a non-competitive environment. This should include how expected increases in the income of ICANN could be reflected in the priority of activities and pricing of services. These considerations should be subject of a separate consultation.

Implementation - As evidenced in the post IANA transition and CWG Accountability WS1 Bylaw changes this recommendation appears to be fully implemented with the current methodology for the annual preparation and reporting on the ICANN Operating Budget and Financial Assumptions which includes the longer-term strategic planning periods. Implementation assessment – Implemented.

Effectiveness - Effective

Conclusion -

12.2.1.4. Recommendation 12.3 - Every three years the Board should conduct a benchmark study on relevant parameters, (e.g. size of organization, levels of staff compensation and benefits, cost of living adjustments, etc.) suitable for a non-profit organization. If the result of the benchmark is that ICANN as an organization is not in line with the standards of comparable organizations, the Board should consider aligning the deviation. In cases where the Board chooses not to align, this has to be reasoned in the Board decision and published to the Internet community.

Implementation - This seems to be (unless there is source material or study done and not readily searchable within ICANN.org public records) marked as Done but it is not done nor is it clearly explained with a rationale as to why it was not done/superseded or not adopted by the Board as per the recommendation from ATRT2. Noting that both the early original One World Trust external review on ICANN Accountability and Transparency as well as the following one commissioned from ATRT1 recommendations which also recommended regularity in benchmarking studies. Recognising the difficulty in finding a good match for ICANN in type of organisation for benchmarking it is disappointing that an adoption of Accountability Indicators / KPIs / Metrics

etc., can be proposed as an alternative or in isolation from such occasional comparison exercises to cross organisational benchmarking. Not completed, not implemented, superseded or not done/rejected without rationale and clear explanation. Implementation assessment – Not Implemented

Effectiveness - No evaluation of the effectiveness of this recommendation can be made given it has not been implemented. Effectiveness assessment – Not Applicable.

Conclusion –

12.2.1.5. Recommendation 12.4 - In order to improve accountability and transparency ICANN's Board should base the yearly budgets on a multi-annual strategic plan and corresponding financial framework (covering e.g. a three-year period). This rolling plan and framework should reflect the planned activities and the corresponding expenses in that multi-annual period. This should include specified budgets for the ACs and SOs. ICANN's {yearly} financial reporting shall ensure that it is possible to track ICANN's activities and the related expenses with particular focus on the implementation of the (yearly) budget. The financial report shall be subject to public consultation.

Implementation - This is fully implemented. ICANN now performs public consultations on both strategy and financial planning topics. This is operationalized very effectively through two major processes. The formal process of the 5-year strategic plan development is performed by ICANN Org, This high level strategic plan is then open for public comment. There is evidence of extensive incorporation of community feedback into the strategic plan. The 5-year strategic plan is used to inform the annual operating financial plan for the organization, which is also published for public comment and revision. Additionally, the community's role in this process has been expanded post IANA transition whereby the Empowered Community has a veto right over the budget if it disagrees with the budget as presented. There was some thought to doing two years budgets, but that did not get acceptance from the community. implementation assessment is Implemented.

Effectiveness - Although the process is quite transparent and open to community input the sheer complexity and volume of information provided requires significant knowledge and experience as well as time to participate effectively. Providing information which the average member of the community could understand easily and comment on effectively with only the

requirement of investing a few hours would go a long way to increasing the Transparency and Accountability of the process.
Effectiveness assessment – Partially Effective.

Conclusion -

12.2.1.6. Recommendation 12.5 - In order to ensure that the budget reflects the views of the ICANN community, the Board shall improve the budget consultation process by i.e. ensuring that sufficient time is given to the community to provide their views on the proposed budget and sufficient time is allocated for the Board to take into account all input before approving the budget. The budget consultation process shall also include time for an open meeting among the Board and the Supporting Organizations and Advisory Committees to discuss the proposed budget.

Implementation - The current processes to develop the Strategic Plan, Five-Year Operating Plan, and Annual Operating Plan and Budget all incorporate a variety of methods to either provide outreach to the ICANN community and/or request input from the ICANN community through webinars and public comment periods. implementation assessment – Implemented.

Effectiveness - In terms of effectiveness, it's clear that methods for community input have been implemented and are effective as an outlet for community opinion. However, it's difficult to measure effectiveness in the sense of ensuring "the budget reflects the views of the ICANN community" without ongoing metrics or research to track the level of acceptance and approval within the community. Effectiveness assessment – Partially Effective.

Conclusion –

12.2.2. Results of Survey

- 12.2.2.1. 39 - Should the ATRT3 make recommendations about prioritization and rationalization of ICANN activities?
- 12.2.2.2. 39.1 - Should such recommendations include a process to retire recommendations as it becomes apparent that the community will never get to them or they have been overtaken by other events?
- 12.2.2.3. 39.2 - Should such recommendations aim to provide a general approach for prioritizing and rationalizing work for ICANN?

- 12.2.2.4. 39.3 - Should the mechanism for making recommendations on prioritization and rationalization only apply to PDPs, reviews and their recommendations, or include other operational aspects in ICANN?
- 12.2.2.5. 39.4 - Should the community or representative(s) of the community be involved as a decisional participant in any mechanism which makes recommendations for prioritizing and rationalizing work for ICANN?
- 12.2.2.6. 39.5 - Do you think the Empowered Community would be a good mechanism for making recommendations on prioritizing and rationalizing if its role was amended to allow this?

12.2.3. Other Information

12.3. Analysis of Information and Identification of Issues

Consider assessment and conclusion of recommendations 12.1, 12.3 and 12.4.

12.4. Suggestions Related to Issues

12.5. Recommendations and Suggestions to Address issues

12.5.1. Identification of Recommendation 10.1

12.5.1.1. Definition of desired outcomes, including metrics used to measure whether the recommendation's goals are achieved

12.5.1.2. Initial identification of potential problems in attaining the data or developing the metric

12.5.1.3. Suggested timeframe in which the measures should be performed

12.5.1.4. Definition of current baselines of the issue and initial benchmarks that define success or failure

12.5.1.5. Data retained by ICANN (no idea what this is about?)

12.5.1.6. Industry metric sources

12.5.1.7. Community Input

12.5.1.8. Surveys or studies

12.5.1.9. Consensus on Recommendation

12.5.2. Identification of Recommendation 10.2.....

13. Prioritization and Interdependencies of Recommendations