

## **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 Commitments<sup>1</sup> (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);*

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<sup>1</sup> <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 2010<sup>2</sup> 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 2013<sup>3</sup> 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;

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

<sup>3</sup> <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

**Conclusion** - Only part of the material used for training is published (for example 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 ATRTs 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 are no clear measures or metrics to refer to. Effectiveness assessment - Partially Effective.

**Conclusion –** There is no meaningful metric to show any particular improvement of the wider ICANN Community understanding the difference between Policy Development and Implementation of Policy as was called for by this Recommendation. ATRT3 does recognise and appreciate the considerable work already done in the GNSO regarding Non-PDP and Cross Community WG Processes, however this is not an example of ongoing and Board facilitated Cross Community Engagement. This being said, it does not properly implement what was in the recommendation - as such ATRT3 will be suggesting that ICANN.org develop a framework for policy implementation which will allow the community to understand, follow and to some level participate in the implementation process. Additionally, with regards to SO/ACs consulting with the Board ATRT3 will be recommending that the Agenda and the materials (those available at the time of publication) for all types of board meetings be published 14 days in advance of the meeting unless there are exceptional circumstances. In such exceptional circumstances a notice explaining the reasons for the delay and when the agenda and material would be available will be posted 14 days prior to the meeting of the Board.

- 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 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>) there is 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** – ATRT3 believes that the efforts made in response to the recommendation regarding “...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.” has not been Implemented nor Effective. As such, ATRT3 Suggests this be rectified by completing the Implementation of a ‘single redaction policy’ as well as the adoption and adherence to effective processes in support of the requirements of the recommendation..

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 keyword, EQUITABLE, may be difficult to assess although records show that there were pilot in-region programs as well as underserved participation through travel support. These may count as good attempts towards being equitable. It's important to note that January 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-](https://community.icann.org/download/attachments/48350211/Recommendations%201-12%20%28Oct%202018%29.pdf?version=3&modificationDate=1541634404000&api=v2)

[12%20%28Oct%202018%29.pdf?version=3&modificationDate=1541634404000&api=v2](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. Please indicate your satisfaction with the Board's performance overall

#### 3.2.4.1.1. Responses

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Very satisfied	4	7%	0	0%	2%
Satisfied	27	49%	8	62%	58%
No opinion	9	16%	2	15%	16%
Somewhat dissatisfied	8	14%	3	23%	21%
Very dissatisfied	8	14%	0	0%	4%

#### 3.2.4.1.2. Comment

- AT-LARGE - The Board is certainly trying to find its way in a post transition world, with static or declining revenue projections, the disruption of the GDPR and far too many suggestions for organizational reform in the near term. That said, the behavior of the Board is of people doing “their best,” but not necessarily a reflection of increased accountability to the community. Unfortunately, the optics are just the opposite. It is important that the Board as a whole be accountable and not just attempt to portray that picture. A few examples of lack of accountability rise to the top.

It is perceived that the Board unilaterally “paused” the SSR2 for reasons they deemed sufficient but yet appeared to be the result of the review team asking uncomfortable questions and differences in opinion between one board member and the SSR2 team leadership. This is simply NOT something the Board would have allowed to happen pre-transition. The notion of the Board shuttering an accountability mechanism is ridiculous and therefore that event should have been handled differently in consultation with the community.

Second, after setting a precedent of accepting ALL recommendations from review teams, the Board chose the very first review after the transition, the CCT Review, to suddenly become conservative about organizational reform. While it’s true

that accepting all of the previous recommendations was a mistake and led to poor implementation, the optics of that sea change at that time were certainly not good. The board needs to take the extra step of involving the community in decisions that, in particular, involve changing expectations around accountability.

- EURALO Input: The ICANN Board is composed of members of the community as well as other people chosen by the Nominating Committee. Whilst some compensation is received by Board members, these are primarily volunteer positions which actually require a lot of work. Given these parameters, one could say that the Board performance is satisfactory overall. However, this is over-shadowed by the unpredictable nature of some of the Board's decisions, more specifically, the inability of the Board to come up with reasonable rationale for some of its decisions. Such rationale forms a key part of the Board's accountability, as it is through the communication of its decision-making reasons, that the community can see whether its recommendations were upheld or not.

#### 3.2.4.1.3. Analysis

Consolidated responses of 60% saying they are Satisfied or Very Satisfied vs 25% which are Somewhat Dissatisfied or Very Dissatisfied produces a net of 35% that are satisfied with Board performance is not very strong.

#### 3.2.4.1.4. Conclusion

The consolidated dissatisfaction of 26% is significant and warrants ATRT3 considering making a recommendation or suggestion to address this.

This, at least in part, is related to ATRT2 recommendation 2 which recommended "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." Which was assessed as only partially implemented and impossible to assess the effectiveness given there were no effective metrics provided.

**3.2.4.2. How does your Structure feel regarding the Board’s interaction with your SO/AC? (Question only for structures)**

3.2.4.2.1. Response

Response	Structure #	Structure %
Very satisfied	0	0%
Satisfied	7	50%
No opinion	1	7%
Somewhat dissatisfied	5	36%
Very dissatisfied	1	7%

3.2.4.2.2. Comments

- AT-LARGE - The At-Large experience with the Board is a mixed bag. On the one hand, the board was very open to modifications to the recommendations of the At-Large Review that didn’t make sense and have worked with the AT-LARGE to execute a more specific plan to address the findings.

On the other hand, it is, and to some extent, has always been the case that the organization is mostly focused on the welfare of the industry it supports and less so on the individual end users that ultimately feel the impact of ICANN policies. The entire operational readiness effort surrounding a new round is focused entirely on the convenience and predictability enjoyed by applicants. Again, the optics of stressing that first rather than basic operational readiness for growth of the DNS seems backward and gives the appearance that the board is more concerned about revenue than a secure and stable internet with high consumer trust.

We have been well represented by our At-Large representatives, but they have been a lone voice that represents the interests of global end-users. Our present Board representative makes great efforts to spread himself across the many At-Large involvements and to attend as many meetings as he can to present Board information or just to answer questions and to take our views back to the Board. From Leon’s support and intervention, At-Large was able to get the backing we needed to hold the ATLAS



and also gained some important support for our At-Large Review Implementation.

- AT LARGE – AFRALO - We welcome Nomcom 2019 selection of 2 incoming African board members replacing the current outgoing African board members. The nomcom should always ensure regional/gender diversity in the board composition.
- AT-LARGE-EURALO – Very Dissatisfied - The experience of EURALO with the Board has been solely confined to interaction between EURALO and the Board. Whilst the ICANN CEO has made strides to have a regular call with RALOs, neither the Board as a whole nor the Board Chair have attended any EURALO call or meeting. So, for end users, the ICANN Board is even less accessible than the ICANN CEO - so the following paragraph may come as a surprise to some Board members:

There is a genuine concern amongst participants in our RALO that the Board is essentially concerned about the wellbeing of ICANN finances above and beyond the public interest and that this influences many Board decisions in matters of income, for example through allowing ICANN's operational readiness to open another round of new gTLD applications that could provide further income for ICANN. This reinforces the concern that appeals from our community for a stable Internet with high consumer trust have fallen on deaf ears, by being overshadowed with the Board's concern to promote a dynamic, growing DNS industry. The majority of end users are not domain name registrants and the needs of this majority are regularly ignored by the Board.

- GNSO- BC – Somewhat Dissatisfied - because board often fails to distinguish BC as a unique constituency. The BC is under the label of CSG (Commercial Stakeholder Group), but the BC is not represented by the CSG.
- GNSO- IPC – Somewhat Dissatisfied - The IPC only formally interacts with the Board as part of the Commercial Stakeholders Group at ICANN meetings. The current House structure of the GNSO Council lumps together unrelated or only tangentially

related interests, denying an opportunity for these communities to reflect the unique interests and concerns of their constituents at ICANN. When the IPC does get to interact with the Board, the face-to-face meetings revolve around prepared statements being read to the Board. By contrast, we find informal discussions with GNSO appointed Board members valuable. The IPC welcomes a more constructive engagement with the Board in which the Board could leverage the IPC's expertise in matters of intellectual property law.

- GNSO- RrSG – Somewhat Dissatisfied - At the 2019 GDD Summit, the RrSG, alongside the RySG, previously raised our desire to improve what are sometimes felt to be unconstructive interactions (for both sides) between CPH & the Board by changing the format of the meeting. Our proposal was to break out into small groups, each with at least one Board Member on it, that would discuss specific, pre-advised, topics and then share the key talking points and takeaways with the plenary. Topics and actions items from CPH and Board interactions should be tracked to improve accountability. The CPH hopes to trial this alternative format at ICANN66 in Montreal.
- GNSO-RySG - Somewhat Dissatisfied - The structure of the Board's interactions with community groups during ICANN meetings has been unsatisfactory for some time now. Our members get little value out of the meeting with the Board on Constituency Day, particularly because the questions and responses feel preplanned and there is little room for the Board to speak freely. That said, the RySG does feel that other forms of outreach by the Board have been an improvement, including the increased visibility that has been provided by efforts like the Chair's blog posts prior to and following Board workshops. We have also been very pleased with having Becky Burr as our CPH-appointed Board member, as she is proactive in providing the RySG with relevant updates and makes herself available to discuss Board-related matters with the RySG.

#### 3.2.4.2.3. Analysis

Satisfaction 50% vs dissatisfaction of 43% produces a net of 7% rating of satisfaction. This indicates that there is an issue. All of the written comments were from either GNSO components or AT-LARGE components.

3.2.4.2.4. Conclusion

The level of the concerns raised by the GNSO components may not meet the requirement for ATRT3 to generate a recommendation but could certainly warrant one or several Suggestions.

**3.2.4.3. Do you consider the diversity amongst Board members satisfactory?**

**3.2.4.3.1. Responses**

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Yes	28	52%	4	31%	36%
No	26	48%	9	69%	64%

Those that responded No selected the following reasons for their response (multiple selections allowed):

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Gender	10	40%	7	88%	76%
Geographical/regional representation	14	56%	6	75%	70%
Stakeholder group or constituency	14	56%	4	50%	52%
Age	5	20%	3	38%	33%
Language	6	24%	1	13%	15%
Diverse skills	6	24%	1	13%	15%
Physical disability	5	20%	1	13%	14%

**3.2.4.3.2. Comments**

- AT-LARGE - The Board is supposed to be composed of individuals working for the common interest of the community. How do we make sure they understand individual end-user needs better and consistently project those needs? After all, these end-users form the largest ultimate beneficiary group to ICANN’s mission to ensure the stable and secure operation of the Internet's unique identifier systems, per its Bylaws. At-Large is charged with acting

in the interest of end-users and at the ICANN Board level, endeavours to do so through its rigorously selected Board member. But with only one At-Large selectee 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.

suggestions for improvements - At-Large to have two selectee seats on the Board. Alternatively, there should be more structured avenues and opportunities for At-Large to influence discussions at the Board beyond just providing AT-LARGE Advice and the existing joint sessions at ICANN meetings.

- AT LARGE – EURALO – No - 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 as it could be. Improvements are still in order.

EURALO agrees with the AT-LARGE 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.

Suggestions for improvements - The ICANN NomCom should strive to select people that are stakeholders unconnected to the domain name industry. The AT-LARGE should be afforded an additional Board seat.

- AT-LARGE - NARALO – No - We think we lack any Youth representation or any Youth Shadow cabinet concept. It's also clearly not gender balanced. AT-LARGE 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
- GAC – No - GAC members have observed that, if Board liaison positions are excluded, only 4 out of 15 elected Board members are female. This ratio could be improved. GAC members have also noted that Board members with strong connections to “Western” and “developed” countries tend to be more strongly represented than from emerging or less developed countries. (Concept and similar language proposed by Switzerland)
- GNSO – RrSG – No - The RrSG would welcome a Board that was composed of more than 30% women and with greater representation from the Asia Pacific region (other than Australia and New Zealand to better reflect cultural diversity in this vast region which has 50% of the global Internet users) and sub-Saharan Africa.
- GNSO – RySG – No - It would be useful to have more Board members with a greater understanding of the DNS industry.
- Individual – No - 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.
- Individual – No - 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.
- Individual – No - Work on recruitment with Women on Boards organizations and other gender board diversification strategy.
- Individual – No - Request that 50% of the candidates be women.

### 3.2.4.3.3. Analysis

A 64% consolidated dissatisfaction with the diversity of the Board represents a significant issue. The individual responses are almost tied at 52%/48% but the structure responses are 70% dissatisfied which is significant.

### 3.2.4.3.4. Conclusion

There is obviously a significant and widespread concern amongst the ICANN community regarding diversity. ATRT3 will consider making a recommendation regarding Board Diversity and should consider referencing the CCWG-Accountability WS2 recommendations on diversity.

## 3.2.4.4. How satisfied are you with the Nominating Committee's selection of Directors for the ICANN Board

### 3.2.4.4.1. Responses

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Very satisfied	7	13%	1	8%	9%
Satisfied	27	50%	8	62%	59%
No opinion	10	19%	2	15%	16%
Somewhat dissatisfied	4	7%	1	8%	8%
Very dissatisfied	6	11%	1	8%	9%

### 3.2.4.4.2. Comments

- AT LARGE – EURALO – Very Satisfied - The ICANN Nominating Committee is doing an excellent job in its selection to address Board imbalance.
- GNSO – BC – Dissatisfied - As described in the BC comment in Jun-2019 on Multistakeholder model evolution:  
One factor that fuels in-GNSO disputes is the limited number of GNSO seats on the Board, which are only 2 of the 15 seats. Considering that gTLDs are responsible for 98% of ICANN's revenue and for most of ICANN's policy work, 2 seats seems like an insufficient representation for the GNSO. One way to get

around this would be to give 2 of the 8 NomCom seats to the GNSO. This would still allow the NomCom to name 6 of the 15 board members, while giving more room to accommodate the many stakeholders of the GNSO. A potential working model would be that each of these GNSO stakeholder groups would get one board seat: Registrars, Registries, Commercials, Non-Commercials.

The BC suggests that the weighted voting be removed, the structure of the GNSO Policy Council be returned to its former state, and that the balance of representation on the Board is better considered, so that all stakeholders feel properly represented and thus more willing to engage in a more productive manner, knowing that their voice would ultimately have a clear carrier on the Board.

- GNSO – RySG – No Opinion - It is the RySG’s understanding that the NomCom is encouraged, or perhaps instructed, to seek out candidates outside of the domain industry. As mentioned previously, the RySG believes that Board members would benefit from a stronger understanding of our industry. Therefore, we believe this discrepancy should be reconciled to ensure that the NomCom are identifying candidates with the right skills to serve successfully on the Board.
- RSSAC – Somewhat Dissatisfied - The ICANN Board could benefit from Directors with more technical abilities. Generally, the ICANN Board could benefit from a higher level of technical expertise

#### **3.2.4.4.3. Analysis**

The consolidated results of 68% of respondents that are Satisfied or Very Satisfied vs. 17% that are Somewhat dissatisfied or Very Dissatisfied produces a net of 51% that are satisfied which is a very good result overall. The GNSO-BC comment is more about representation on the Board and the voting structure of the GNSO than the NomCom. The RySG recommendation that Board members should have greater understanding of the domain name industry is noted with the understanding that ICANN should represent all types of users.

#### 3.2.4.4.4. Conclusion

Given the nature of the stakeholder community in ICANN one should consider the consolidated net of 51% satisfaction as very good. One should also consider the upcoming changes that will be implemented in the NomCom following the acceptance of the recommendations from it's review<sup>4</sup>. ATRT3 will not be making any Recommendations or Suggestions regarding this issue.

#### 3.2.4.5. Do you feel that the NomCom, as currently constituted, is a sufficient mechanism for fostering nominations that have adequate stakeholder and community buy in?

##### 3.2.4.5.1. Responses

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Yes	26	54%	4	36%	41%
No	22	46%	7	64%	59%

##### 3.2.4.5.2. Comments

- AT LARGE – EURALO – No - Yes, for members of the ICANN Board selected by the NomCom. No for AT-LARGE members selected by the NomCom - often, the person selected has not been adequately briefed about what to expect and a pre-appointment meeting with the AT-LARGE Leadership Team would probably help clear this misunderstanding prior to the person taking on this position.
- AT LARGE – NARALO – No - Not all the people that are sent to the NomCom have the experience to do a good vetting. So/AC should be more careful as to the people that the select to the NomCom.
- CCNSO - Either the number of NomCom members needs to be lowered for over-represented communities (GNSO, AT-LARGE) or the number of members from other under-represented SO/ACs

<sup>4</sup> <https://www.icann.org/resources/reviews/org/nomcom>



needs to be increased. For the sake of efficiency (financial and otherwise) the first solution is preferred.

- GAC – (no response) - GAC Answer - The GAC has a dedicated working group addressing NomCom matters and based on recent discussions with the NomCom leadership (e.g., at the ICANN64 Kobe, Japan meeting) the GAC has been able to establish and share specific and formally recommended criteria for NomCom consideration in the future selection of prospective ICANN leaders (see for example 6 August 2018 Letter from Manal Ismail to Zahid Jamil). The GAC hopes to continue that effort in the years to come as the GAC discussions about NomCom representation continue.
- RSSAC – No - We believe the technical community should carry more weight in the Nominating Committee in order to add a technical component to the diversity matrix.

#### **3.2.4.5.3. Analysis**

Individual responses and the consolidated responses are essentially split on this question 54 Yes to 46 No produces a net 8% Yes which is extremely low. Structures at 64% No vs 36% yes producing a net of 28% No which is also very low.

#### **3.2.4.5.4. Conclusion**

Given the individual and consolidated responses are essentially split, the 72% satisfaction rate with the NomCom in the previous question and the fact that the NomCom is in the process of implementing the recommendations which are the result of its review it would seem inadvisable for ATRT3 to make recommendations or suggestions regarding the NomCom based on the results of this question.

#### **3.2.4.6. Please indicate your satisfaction with the accountability of the Board under the new accountability mechanisms such as the Empowered Community.**

##### **3.2.4.6.1. Responses**

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Very satisfied	5	9%	0	0%	2%
Satisfied	21	38%	5	38%	38%
No opinion	13	24%	5	38%	35%
Somewhat dissatisfied	11	20%	3	23%	22%
Very dissatisfied	5	9%	0	0%	2%

#### 3.2.4.6.2. Comments

- AT-LARGE - Again, a mixed bag. AT-LARGE views ranged from satisfied to somewhat dissatisfied. On the one hand, the Board attempts to react quickly to community disapproval but doesn't behave like an accountable body at the outset. The true mechanisms available to the Empowered Community have not yet been brought to bear so it is difficult to measure their effectiveness in holding the Board accountable.
- AT LARGE – EURALO – Somewhat Dissatisfied - On the one hand, the Board attempts to react quickly to community disapproval but doesn't behave like an accountable body at the outset. It remains to be seen whether the Board will bow to vested interests within the ICANN community or still be able to make decisions in the public interest.
- GNSO – IPC - It is difficult to assess the accountability of the Board under the new accountability mechanisms as a situation has not yet arisen where they have been tested.
- GNSO – RrSG - This question seems premature because not all the new accountability mechanisms have been implemented. In other words, they have not been tested or used. For example, the Independent Review Process Implementation Oversight Team and the GNSO Drafting Team to Further Develop Guidelines and Principles for the GNSO's Roles and Obligations as a Decisional Participant in the Empowered Community are still ongoing three years after the completion of the IANA stewardship transition.

#### 3.2.4.6.3. Analysis

The consolidated response of 40% Satisfied or Very Satisfied vs 24% Somewhat Dissatisfied or Very dissatisfied produces a net of 16% Satisfied or Very Satisfied which very weak and is representative of both the Individual and Structure responses.

It seems that, as the comments indicate, several respondents were trying to respond based on the use of the EC's powers some of which have not been used.

3.2.4.6.4. Conclusion

ATRT3 will not be making any recommendations or suggestions with respect to this question.

**3.2.4.7. Rate the mechanisms ensuring the Board's transparency**

3.2.4.7.1. Responses

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Very effective	5	9%	0	0%	2%
Effective	20	34%	7	54%	49%
No opinion	12	20%	4	31%	28%
Somewhat ineffective	12	20%	2	15%	17%
Ineffective	10	17%	0	0%	4%

Do you think the mechanisms ensuring Board transparency need to be improved? (Question to individual respondents only)

Response	Individual #	Individual %
Yes	42	80%
No	11	20%

3.2.4.7.2. Comments

- GNSO – IPC - We note that the Board needs to balance the need to have full and frank discussions while also providing rationales for their decisions. While there have been improvements in Board transparency over the years, there are still issues with the late publication of Board and Board committee agendas. Minutes

of the Board and Board Committee meetings are also often published weeks after the meeting was held. Board correspondence is published on an apparently ad hoc basis on the Correspondence page, with some letters being posted within days, while other letters may not be posted for weeks.

- GNSO – RySG – Somewhat ineffective - The RySG suggests that the schedule of Board meetings should be posted in advance and that agendas for those meetings should be published as far ahead of the meetings as possible. At the very least, publishing the agendas ahead of the meetings should be standard operating procedure. Knowing what the Board will be discussing and when would be very useful to the community and would significantly enhance the overall transparency of the Board’s deliberations.

We also suggest that ICANN Org work on improving the website where Board information is posted to make it easier to find content about Board discussions and resolutions.

#### 3.2.4.7.3. Analysis

Individual responses of 43% Satisfied or Very Satisfied vs 37% Somewhat Dissatisfied or Very dissatisfied producing a net of 6% Satisfied or Very Satisfied is extremely low.

Structure responses of 54% Satisfied or Very Satisfied vs 15% Somewhat Dissatisfied or Very dissatisfied producing a net of 39% Satisfied or Very Satisfied which is good.

However, the individual question “Do you think the mechanisms ensuring Board transparency need to be improved? “ which had responses of 80% requiring improvements to Board transparency when coupled with the comments from the IPC and RySG are significant.

#### 3.2.4.7.4. Conclusion

Chronic tardiness in posting agenda of Board, Board committee meetings and minutes of these meetings is a failure of transparency. ATRT3 will consider making a recommendation for the issues raised in

the responses to this question which could be inspired by ATRT2 recommendation 6.1B that was made for the GAC.

**3.2.4.8. How would you rate the importance of the Board implementing the Transparency Recommendations from the CCWG-Accountability WS2?**

3.2.4.8.1. Responses

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Very Important	31	58%	10	77%	72%
Somewhat important	13	25%	1	8%	12%
No opinion	6	11%	2	15%	14%
Somewhat not important	2	4%	0	0%	1%
Not Important	1	2%	0	0%	0%

3.2.4.8.2. Comments (none)

3.2.4.8.3. Analysis

Consolidated responses of 84% which rated this as Very Important or Somewhat Important vs 1% for Somewhat Not Important or Not Important producing a net of 83% Very Important or Somewhat Important is very strong indication of support.

3.2.4.8.4. Conclusion

ATRT3 will consider recommending that the Board approve and prioritize the implementation of the CCWG-Accountability WS2 recommendations on transparency.

**3.2.4.9. Are you satisfied with the Board’s decision-taking process?**

3.2.4.9.1. Responses

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Yes	29	56%	6	55%	55%
No	23	44%	5	45%	45%

#### 3.2.4.9.2. Comments

- AT-LARGE - Any expression of satisfaction in the Board's decision-taking process is dependent on an ability to hold the Board accountable for its decisions. While a level of transparency is present in the Board's decision-taking process - i.e. by way of public forums, open meetings, publication of minutes and resolutions as well as access to the records of its various committees - it is important not to conflate transparency with accountability. While transparency is necessary for accountability in many instances, it is certainly not sufficient.
- AT LARGE – EURALO – No - The Board's transparency has improved over time. Its accountability gained through explaining the rationale for decisions and providing verifiable feedback on Stakeholder input still requires improvement.
- GAC – Yes - GAC Answer – There is always room for improvements to decision taking. As a result of implementing certain ATRT2 recommendations, communication and coordination between the Board and the GAC has improved over the last few years as expectations have been established and met for timely Board review and considerations of GAC consensus advice. In certain instances where consideration of GAC advice has been deferred, there is communication explaining why that transpires.

Separately, the ICANN org staff has established an inventory of GAC advice to assist interested parties in researching and understanding how past advice has been considered and processed.

- GNSO – BC – No - ICANN's oversight of the Internet's unique identifiers involves decisions that affect business users and registrants. However, the BC believes that Board should be more explicit in acknowledging when there are conflicting priorities of businesses versus contract parties. And we believe that the board's recent decisions with respect to GDPR shows that risks and concerns of contract parties are given greater weight than concerns and risks of business users and registrants.

- GNSO -RrSG - The RrSG believes the Board should place more trust in the bottom-up policy development process and avoid a repeat of the way in which it handled the protracted IGO protections issues. For example, Table 2, Inventory of GAC Advice in a recent letter from the Board to the GAC shows there are still 11 open items related to IGO protections:  
<https://www.icann.org/en/system/files/correspondence/botterman-to-ismail-10sep19-en.pdf>.
- GNSO – RySG – No - The process by which the Board reaches decisions is very difficult for the community to follow in many cases. While the addition of the rationale to every published Board resolution has been a substantial improvement, it is still often hard to determine the process that went into reaching those decisions in the first place. We aren't even sure if all Board decisions are unanimous (minus abstentions). One suggestion is for ICANN to publish how individual Board members vote on specific issues, another might be to publish summaries of the main discussion points covered prior to taking votes. We also suggest that making Board governance documents more accessible on the ICANN website could help community members better understand the Board's decision-making process.

#### 3.2.4.9.3. Analysis

Consolidated responses of 55% Yes vs 45% No producing a net of 10% Yes is an extremely weak result.

#### 3.2.4.9.4. Conclusion

This is partially related to the previous point on Board transparency and the comments made by the AT-LARGE and RySG are well taken. ATRT3 will consider making Recommendations or Suggestions to address the issues raised in the responses to this question.

### 3.2.4.10. Are you aware of the training program for the Board members?

#### 3.2.4.10.1. Responses

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Yes	21	38%	11	79%	68%
No	34	62%	3	21%	32%

#### 3.2.4.10.2. Comments

- GAC – Yes - The GAC Chair now participates in the Board member on-boarding process to help new Board members understand the role and importance of active government participation in ICANN processes.

#### 3.2.4.10.3. Analysis

What is important is the inversion of responses between Individuals and Structures.

#### 3.2.4.10.4. Conclusion

Obviously is there is an awareness issue with respect to this topic for individuals in the community. ATRT3 will consider making a Suggestion to address this.

### 3.2.4.11. Are you satisfied with the financial information that is provided to the public by ICANN?

#### 3.2.4.11.1. Responses

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Very satisfied	10	17%	0	0%	4%
Satisfied	22	38%	7	58%	53%
No opinion	12	21%	2	17%	18%
Somewhat dissatisfied	12	21%	3	25%	24%
Very dissatisfied	2	3%	0	0%	1%

How would you rate the usability of the financial information overall?

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Very useful	12	21%	2	17%	18%
Somewhat useful	23	40%	5	42%	41%



No opinion	16	28%	2	17%	19%
Somewhat not useful	6	10%	3	25%	21%
Not useful	1	1%	0	0%	0%

#### 3.2.4.11.2. Comments

- AT-LARGE - The office of the CFO provides a great deal of information and has begun an excellent process to involve the community in the budget. At the same time, HOW decisions are made is not always obvious and ideally financial information presented to various SO/ACs should be tailored to that Structure/group rather than in the form of general overview. Get to brass tacks. And it would be an achievement if ICANN’s financial data could be included in the ITI / ODI framework
- AT LARGE – EURALO – Somewhat dissatisfied - The office of the CFO provides a great deal of information and has an excellent ongoing process to involve the community in the budget. ICANN has really improved this process over the years. At the same time, how decisions are made and who makes them is seldom obvious and ideally financial information presented to various SO/ACs should be tailored to that Structure/group rather than in the form of general overview.
- GNSO – RrSG – Somewhat dissatisfied - Comments from the RrSG on financial information provided by ICANN typically include requests for greater context and/or justification for how the finances are calculated. The RrSG would appreciate greater detail and transparency from ICANN in their budgets.

#### 3.2.4.11.3. Analysis

Responses to the first question were similar for both group and the consolidated results are 59% Satisfied or Very Satisfied vs 21% Somewhat Dissatisfied or Very Dissatisfied producing a net of 38% Satisfied or Very Satisfied which shows weak support for the satisfaction of users.

Individual responses to the second question of 61% Useful or Very Useful vs 11% of Somewhat Not Useful or Not Useful produces a net of 50% Useful or Very Useful which is a strong result.

Structure responses to the second question of 59% Useful or Very Useful vs 25% of Somewhat Not Useful or Not Useful produces a net of 34% Useful or Very Useful which is a weak result.

3.2.4.11.4. Conclusion

A consolidated satisfaction of 59% is acceptable but the 21% of Somewhat dissatisfied or Very Dissatisfied is of concern.

ATRT2 Recommendations 12.1 and 12.4 were directly related to this topic and the effectiveness assessments for both of these recommendations noted that “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.”

Additionally, the comments provided by the respondents include some good suggestions.

As such ATRT3 should make some Recommendations or Suggestions with respect to the issues raised by the responses to this question.

**3.2.4.12. Have you ever filed a Documentary Information Disclosure Policy (DIDP) request with ICANN?**

**3.2.4.12.1. Responses**

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Yes	0	0%	0	0%	0%
No	52	100%	14	100%	100%

3.2.4.12.2. Comments (none)

3.2.4.12.3. Analysis (not applicable)

3.2.4.12.4. Conclusion

Given none of the individuals or the structures who responded used the DIDP process one can conclude that the materials that are required by the community are generally available to the community. As such the ATRT3 will not be making any Recommendations or Suggestions with respect to the responses to this question.

**3.2.4.13. Do you believe the information ICANN makes available on the icann.org website should be better organized to facilitate searching for specific topics?**

3.2.4.13.1. Responses

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Yes	42	82%	12	100%	96%
No	9	18%	0	0%	4%

Do you believe the information ICANN makes available on the community wiki should be better organized to facilitate searching on the wiki?

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Yes	44	85%	11	100%	96%
No	8	15%	0	0%	4%

3.2.4.13.2. Comments (none)

3.2.4.13.3. Analysis (none required)

3.2.4.13.4. Conclusion

ATRT3 will consider making recommendations or suggestions with respect to the responses to these questions.

**3.2.4.14. 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? (37,28)**

#### 3.2.4.14.1. Responses

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Yes	33	63%	10	71%	69%
No	19	37%	4	29%	31%

#### 3.2.4.14.2. Comments

- GAC – Yes - The GAC has been previously briefed about the ITI effort by ICANN org Communications staff – see <https://gac.icann.org/sessions/gac-introductory-webinar-series-information-transparency-initiative-iti>.

Back at ICANN 60, the GAC and AT-LARGE prepared and published a joint statement calling for the ICANN org to do a better job at “enabling inclusive informed and meaningful participation in ICANN. The reply from the Board and ICANN org regarding that statement largely relied on the expected benefits that would flow from the ITI project. A copy of that joint statement can be found here - <https://gac.icann.org/publications/20171031-joint-statement-gac-At-Large.pdf> - for ATRT3 Review Team reference.

#### 3.2.4.14.3. Analysis

A consolidated response of 69% Yes indicates strong awareness.

#### 3.2.4.14.4. Conclusion

ATRT3 will not be making recommendations or suggestions with respect to the responses to this question.

### 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.....
- 3.5.3.**

## **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 or may have to be adapted to fit into 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) Communique 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 8<sup>th</sup> 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 AT-LARGE allowed two relevant statements to be posted together as a work of the two ACs ( GAC and AT-LARGE, 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 with respect to this recommendation.

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 average 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. Should GAC accountability be improved?

4.2.2.1.1. Responses

Response	Structure #	Structure %
Yes	8	73%
No	3	27%

Response	Individual #	Individual %
No significant improvements needed	3	6%
Minor improvement needed	12	23%
No opinion	7	13%
Yes, some improvements needed	17	32%
Yes, significant improvements needed	14	26%

#### 4.2.2.1.2. Comments

- AT-LARGE - We understand that the GAC members operate largely on national governments' mandates, which directly impacts the character for the constituency and the AC. Yet from the end user perspective we would welcome more targeted dialogue on how to best represent individual interest in the ICANN community. Issues such as universal acceptance, security or human rights are at the focus of both ACs, yet their processes and, effectively, accountability mechanisms, are structured differently. We strongly believe that the recent efforts of joint meetings and WGs will naturally allow for more transparency and, effectively, enhance GAC accountability.
- AT LARGE – AFRALO - Although work is based on consensus, it's important to document the details of the different/conflicting views of the GAC members.
- AT LARGE – NARALO - Not sure if they have any processes that deal with this issue. If not, they should have.
- GNSO – BC – Yes - The BC recommends that GAC members from EU governments be accountable for decisions taken by their member governments with respect to GDPR and Whois.
- GNSO – RySG - The RySG is unsure how to answer this question, as we understand that GAC members are accountable to the governments they represent.

#### 4.2.2.1.3. Analysis

Roughly consolidating responses from Structures and Individuals gives 69% in favour of improving GAC accountability vs 24% for not doing so or minor improvements giving a net of 45% in favour of improving GAC accountability which is fairly strong.

4.2.2.1.4. Conclusion

ATRT3 will consider making Recommendations or Suggestions based on the responses to this question as well as its evaluation of the relevant ATRT2 recommendations.

4.2.2.2. Should GAC transparency be improved?

4.2.2.2.1. Responses

Response	Structure #	Structure %
Yes	7	58%
No	5	42%

Response	Individual #	Individual %
No significant improvements needed	4	8%
Minor improvement needed	13	25%
No opinion	6	11%
Yes, some improvements needed	14	26%
Yes, significant improvements needed	16	30%

4.2.2.2.2. Comments

- AT-LARGE - While we understand that the GAC members operate largely on national governments' mandates, we would welcome more enhanced dialogue with the highly influential GAC. Providing more information on the background of GAC positions and engaging in dialogue with their constituencies would likely significantly improve the current consensus building mechanisms within the community. We have welcomed the joint At-

Large/GAC initiatives of joint working meetings and shared capacity building and look forward to expanding on this recent, highly positive experience. We are convinced enhanced interaction with the other advisory committee that represents a comparably broad yet structurally different scope of individual interests will largely improve the consensus building process within the community. We would welcome efforts from other stakeholder groups to join in this process.

- AT LARGE – AFRALO - More public debate and decision-making
- GAC – Yes - The GAC has taken voluntary steps to conduct a thorough review of its existing operating principles, forming a standing working group to undertake the task of reviewing the current operating principles and recommending amendments, updates and new principles to enable the GAC to function as a full member of ICANN’s empowered community into the future. The working group, formed at ICANN64 in Barcelona, Spain is first establishing clear documented guidelines and procedures for how the GAC can form and manage working group efforts in topics of interest to governments and intergovernmental organizations. Subsequently, the working group will review and assess all of the 54 GAC Operating Principles to determine process and procedure areas that merit additional clarity or updates.

Notably, since 2015, the GAC has established a broad “open meeting” policy. As a result all GAC plenary sessions during an ICANN Public Meeting are open to the public and all members of the ICANN community. Recordings and transcripts of those sessions are also made available on the ICANN org Meetings web site.

- GNSO – BC – Yes - The BC recommends that the GAC be explicit and transparent when there are conflicting priorities among GAC member nations, especially regarding freedom of expression and privacy. In particular, the BC suggests that the GAC openly acknowledge its conflicting priorities when advising ICANN about how to adjust WHOIS in reaction to the EU’s GDPR regime.

#### 4.2.2.2.3. Analysis

Roughly consolidating responses from Structures and Individuals gives 58% for improving GAC accountability vs 40% for not doing so or minor improvements giving a net of 18% in favour of improvements to accountability which is quite weak.

#### 4.2.2.2.4. Conclusion

ATRT3 will consider making Recommendations or Suggestions based on the responses to this question as well as its evaluation of the relevant ATRT2 recommendations.

4.2.2.3. In your view are you satisfied with the interactions the GAC has with the Board?

#### 4.2.2.3.1. Responses

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Very satisfied	2	4%	0	0%	1%
Satisfied	20	38%	8	62%	56%
No opinion	12	23%	5	38%	35%
Somewhat dissatisfied	11	21%	0	0%	5%
Very dissatisfied	8	14%	0	0%	4%

#### 4.2.2.3.2. Comments

- GAC – Satisfied - As a result of implementing certain ATRT2 recommendations, communication and coordination between the Board and the GAC has improved over the last few years as expectations have been established and met for timely Board review and considerations of GAC consensus advice. In certain instances where consideration of GAC advice has been deferred, there is communication explaining why that transpires.

At the ICANN63 meeting in Barcelona, the GAC and members of the ICANN Board agreed to change the name of the existing BGRI to the new Board-GAC Interaction Group (BGIG) - as evidence of the commitment to continued interaction and active cooperative efforts between the Board and the GAC. The new “BGIG” name

reflects a renewed commitment to the collaborative work of the GAC and Board members. It is expected that the BGIG will continue to explore initiatives and opportunities that can improve the GAC's operations and facilitate meaningful interaction with the ICANN Board.

Additionally, GAC members have publicly encouraged the Board (at ICANN65 in Marrakech) to promote more substantive dialogue between the Board and GAC members as a way to try to overcome the somewhat traditional ritualization and formalization of previous interactions. Formality and spontaneity can be complementary and equally productive methods for interaction.

- GNSO – RySG – Satisfied - The RySG has been encouraged by the increased visibility into the Board's interactions with the GAC, particularly via the Communique Scorecard process. We also appreciate having the opportunity to contribute to the GNSO Council's input on the GAC Communique, which gets shared with the Board prior to the Board responding.

#### 4.2.2.3.3. Analysis

Structures responses were 62% Satisfied or Very Satisfied vs 0% Dissatisfied or Very dissatisfied giving a net of 62% being Satisfied or Very Satisfied which is very strong.

Individual responses were 42% Satisfied or Very Satisfied vs 35% Dissatisfied or Very dissatisfied giving a net of 7% for being Satisfied or Very Satisfied which is very weak.

#### 4.2.2.3.4. Conclusion

Results would seem to indicate that Structures have been following the recent evolution of the GAC-Board relationship more closely than individual members of the community. There have been significant improvements as presented in the GAC comment which would align with the Structures very strong net of 62% being Satisfied or Very Satisfied. ATRT3 should consider making Suggestions asking the Board and GAC to better communicate the recent improvements in their relationship.

4.2.2.4. In your view are you satisfied with the interactions the GAC has with the SO/ACs?

4.2.2.4.1. Responses

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Very satisfied	4	8%	1	8%	8%
Satisfied	19	37%	8	62%	55%
No opinion	9	17%	2	15%	16%
Somewhat dissatisfied	15	29%	1	8%	13%
Very dissatisfied	5	9%	1	8%	8%

4.2.2.4.2. Comments

- GAC – Satisfied - With the pace of GAC participation changes in recent years, it has been observed that information sharing with various parts of the ICANN community is valuable to help GAC members understand the context of various DNS issues. Occasional dialogue with members of other ICANN communities can enhance communications and information sharing and create connections that can be relied on as new policy and operational topics are introduced and discussed.

The GAC holds regular bilateral meetings with other ICANN advisory committees and supporting organizations (including the AT-LARGE, ccNSO and GNSO) at ICANN public meetings. At recent public meetings, the GAC has interacted with other groups from the gTLD space in a variety of ways including the RSSAC leadership, SSAC members, contracted parties (registries and registrars), business, intellectual property and noncommercial interests.

GAC members observe that the ICANN SOs and ACs must still work together to address the long-standing issue of topic/issue prioritization that continues to challenge the community.

- GNSO – RrSG – Somewhat dissatisfied - Typically the GAC has little time to meet with each SO/AC, which the RrSG appreciates is due to the amount of meetings they need to fit into any schedule. With less time, the session tends to be more



informational and there is less opportunity for dialogue that leads to action. However, the RrSG would like to recognise the very beneficial and action-oriented meetings that are now regularly held with the PSWG.

- GNSO – RySG – Very dissatisfied - The RySG has few opportunities to interact with the GAC directly, and unfortunately, one of the most notable recent interactions was when the GAC issued sweeping advice on new gTLD applications, particularly on what it called “Category 1” strings. The RySG has attempted to establish better communication with the GAC, including through meetings with the full GAC or the PSWG, but otherwise the interactions are extremely limited.

#### 4.2.2.4.3. Analysis

Structures responses were 70% Satisfied or Very Satisfied vs 16% Dissatisfied or Very dissatisfied producing a net of 54% being Satisfied or Very Satisfied which is strong.

Individual responses were 45% Satisfied or Very Satisfied and 38% Dissatisfied or Very dissatisfied giving a net of 7% for being Satisfied or Very Satisfied which is very weak.

#### 4.2.2.4.4. Conclusion

Overall it would seem that SO/AC interactions are rated very positively by the SO/ACs. This being said, the RySG concerns are noted and follow on Suggestions or Recommendations from ATRT3’s assessment of the ATRT2 recommendations relevant to this could help improve the situation.

### 4.2.3. Other Information

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

### 4.3. Analysis of Information and Identification of Issues

Items where recommendations or suggestions are noted or recommended:

- 4.2.1.5 ATRT2 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;

- 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.
- 4.2.1.9 ATRT2 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
  - 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.
- 4.2.2.1.4 Survey GAC Accountability
  - ATRT3 will consider making Recommendations or Suggestions based on the responses to this question as well as its evaluation of the relevant ATRT2 recommendations.
- 4.2.2.3.4 Survey GAC-Board
  - It would seem that the Structures have been following the recent evolution of the GAC-Board relationship more closely than individual members of the community. There have been significant improvements as presented in the GAC comment which would align with the Structures very strong net of 62% being Satisfied or Very Satisfied. ATRT3 should consider making Suggestions asking the Board and GAC to better communicate the recent improvements in their relationship.
- 4.2.2.4.4 Survey GAC-SOACs
  - Overall it would seem that SO/AC interactions are rated very positively by the SO/ACs. This being said, the RySG concerns are noted and follow on Suggestions or Recommendations from ATRT3's assessment of the ATRT2 recommendations relevant to this could help improve the situation.
  - GNSO – RySG – Very dissatisfied - The RySG has few opportunities to interact with the GAC directly, and unfortunately, one of the most notable recent interactions was when the GAC issued sweeping advice on new gTLD applications, particularly on what it called “Category 1” strings. The RySG has attempted to establish better communication with

the GAC, including through meetings with the full GAC or the PSWG, but otherwise the interactions are extremely limited.

- Related to 4.2.1.9 ATRT2 recommendation 6.1.H
- Also related to policy development so could punt this to that section given this is about overall satisfaction of SOACs about their interactions with the GAC which got a good score. If we do so we could modify the Conclusion of 42244 to say this will be considered in the PDP section.

#### **4.4. Suggestions with respect to issues.**

4.4.1.1. ATRT2 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.

Overall this recommendation is implemented and effective. However, the effectiveness is directly related to the quality of the liaisons that are appointed to the GAC. As such ATRT3 is suggesting that the GAC publish a list of recommended qualities or requirements for liaisons to assist SO/ACs to select the best candidates.

4.4.1.2. Significant progress has been made with respect to GAC-Board relations since the publication of ATRT2 especially in the last few years. The survey question asking Individuals and Structures the following question “In your view are you satisfied with the interactions the GAC has with the Board?” produced mixed net results of 62% of Structures being Satisfied or Very Satisfied vs 7% for Individual respondents. As such ATRT3 is suggesting that the Board and GAC work on communicating this better to individual members of the community.

4.4.1.3.

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

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** – This recommendation has been implemented but was not effective – as such no further action is required with respect to this recommendation.

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** – Some significant improvements have been implemented to the benefit of the community, but the establishment of effective measurements seems to be an ongoing issue (see section on Accountability Indicators). ATRT3 will consider making a Suggestion with respect to the assessment of this recommendation.

## 5.2.2. Results of Survey

### 5.2.2.1. Please rate how effective the current system of Public Comment consultations is for gathering community input.

#### 5.2.2.1.1. Responses

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Very effective	2	4%	1	8%	7%
Effective	23	46%	8	67%	62%
No opinion	1	2%	0	0%	0%
Somewhat ineffective	16	32%	3	25%	27%
Ineffective	8	16%	0	0%	4%

Do you believe the concept of Public Comment, as currently implemented, should be re-examined?

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Yes	44	88%	7	54%	62%
No	6	12%	6	46%	38%

#### **5.2.2.1.2. Comments**

- GAC – While the GAC has no formal opinion regarding this question generally as it pertains to public comments, it is notable that the GAC has made various efforts to provide its inputs and views earlier in the policy development process when there are cross community working groups on certain topics and during those times when a supporting organization process enable GAC participation and contributions (e.g., IGO Curative Rights Protection Mechanisms). This method for input and participation remains a work-in-progress.
- GNSO -RySG – Effective - The current system of Public Comments is effective for gathering community input. Information on Public Comments is centralised on the ICANN website and there is a clear process to submit input. However, we note that, on an increasingly regular basis, the Community is invited to provide comments and input outside the public comment proceedings. Sometimes these announcements are hidden in blog posts or wiki pages and lack transparency with regard to the publication of received input.

#### **5.2.2.1.3. Analysis**

Individual responses to the first question were 50% Effective or Very Effective vs 48% which rate it as Somewhat Ineffective or Ineffective producing a net of 2% Effective or Very Effective which is a very low indication of effectiveness.

Structure responses to the first question were 75% Effective or Very Effective vs 25% Somewhat Ineffective or Ineffective producing a net of 50% Effective or Very Effective which is a good indication of effectiveness.

Individual responses to the second question were 88% in favour of re-examining the concept of public comments vs 12% against producing a

net of 76% in favour which shows extremely strong support in favour of re-examining.

Structure responses to the second question were 54% in favour of re-examining the concept of public comments vs 46% against producing a net of 8% in favour which shows very weak support in favour of re-examining.

This dichotomy clearly indicates a gap between individuals and structures when it comes to public consultations.

**5.2.2.1.4. Conclusion**

The objective of public consultations is to allow as many members of the community as possible to contribute to the subjects of public comments so these processes can be effective tools in assessing input from all parts of the community.

These results clearly indicate that there is a portion of the community which has issues with how effective public comments are and that the concept should be reviewed.

ATRT3 accepts that the responses to these questions have flagged some serious issues which it will consider in its Recommendation or Suggestions on Public comments.

**5.2.2.2. Have you (or a group you directly contribute to) responded to a Public Comment consultation in the last year?**

**5.2.2.2.1. Responses**

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Yes	40	82%	10	71%	74%
No	9	18%	4	29%	26%

Those that responded Yes were also asked how many public consultations they replied to in the last year.

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
1	2	4%	0	0%	1%



2	23	46%	1	11%	20%
5 or more	1	2%	3	33%	26%
10 or more	16	32%	5	56%	50%

Those who replied No were asked what prevented them from doing so:

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Did not have the time to produce a detailed response	3	38%	0	0%	9%
Subject was too complex	2	25%	0	0%	6%
Consultation document was too long	2	25%	0	0%	6%
Language issues	0	0%	0	0%	0%
Time to respond was too short	1	13%	0	0%	3%
Other	2	25%	2	100%	81%

#### 5.2.2.2.2. Comments

- GAC Answer – “Did not have the time to produce a detailed response” and “Time to Respond was too short”. Not all Public Comment Forums address matter of priority interest to governments. But, among those issues where GAC members may be interested but are not able to file comments as a committee, available time is a substantial issue. Unlike other members of the ICANN community, government representatives often need to share drafts and points of view within their government structure. Typical ICANN comment periods (even 45-days) can often prove too short to enable the GAC to fully develop consensus views among its members. As a result, individual GAC members may have to resort to file their own comments.

For a number of GAC members the length of public comments, the complexity of the topic terminology and the general issues being discussed can also complicate the ability to sufficiently absorb and prepare collective responses in a timely manner - given the comment-time provided. This context is the reason the

GAC has commented in other fora regarding the critical need for ICANN to provide sufficient background and summary resources to help GAC and other community participants understand the issues at hand so that they can provide informed feedback and input.

**5.2.2.2.3. Analysis**

82% of Individual respondents have responded to at least one public comment in the last year which is impressive but does not give one an idea of the general participation of individuals to public comments.

71% of Structure respondents have responded to 2 or more public consultations. However, one has to consider that in many cases SO/ACs will respond for their constituent bodies which are included in Structures.

**5.2.2.2.4. Conclusion**

It would seem obvious that those individuals who regularly respond to public comments would also respond to this survey and as such may not provide a good indication of the true numbers for individual respondents in the community. The results of the previous question clearly indicate that re-examining the concept of public comments to allow greater participation is supported.

**5.2.2.3. Would your Structure respond more often to Public Comments if the consultation included short and precise questions regarding the subject matter in a Survey Monkey or similar format?**

**5.2.2.3.1. Responses**

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Strongly agree	9	18%	1	7%	10%
Agree	32	64%	3	21%	32%
No opinion	4	8%	6	43%	34%
Disagree	3	6%	3	21%	18%
Strongly disagree	2	4%	1	7%	6%

**5.2.2.3.2. Comments**

- GAC – Agree - Specific targeted questions may prove more useful for the more complicated issues that are raised by some ICANN topics. However, one common approach may not fit all topic circumstances.
- GNSO – RySG – Disagree - Precise survey questions do not always make it easy to respond as a group. Closed questionnaires (like this one) are tricky as respondents can interpret questions differently; they also limit the out-of-the box thinking and bringing in new ideas.

#### 5.2.2.3.3. Analysis

The Structure results do not provide any indication given they are split 28% Agree or Strongly Agree, 43% No Opinion and 28% Disagree or Strongly Disagree producing a net of 0% in Agree or Strongly Agree.

The Individual results on the other hand provide a very clear indication with 82% Agree or Strongly Agree vs 10% Disagree or Strongly Disagree producing a net of 72% Agree or Strongly Agree which is very strong.

#### 5.2.2.3.4. Conclusion

ATRT3 accepts that the responses to these questions show very strong support for this option by Individual respondents which it will consider in its Recommendation or Suggestions on Public comments.

#### 5.2.2.4. Should the responses made to Public Comments by individuals and external organizations/groups be considered equally?

##### 5.2.2.4.1. Responses

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Strongly agree	16	32%	1	8%	14%
Agree	18	36%	3	25%	28%
No opinion	3	6%	1	8%	8%
Disagree	11	22%	5	42%	37%
Strongly disagree	2	4%	2	17%	14%

#### 5.2.2.4.2. Comments

- GAC Answer – Disagree. While all points of view can have merit in certain circumstances, consensus views on ICANN policy matters that are expressed by governments through the GAC should be accorded substantial weight and it would be inappropriate to weigh them equally with responses by individuals. In many respects, the current ICANN Bylaws recognize this appropriate consideration.
- GNSO – RySG - The RySG is unsure of the exact meaning of questions 33 and 34. Comments submitted by an individual person should have a different weight than a comment developed and supported by an entire stakeholder group. When a stakeholder group or constituency reaches agreement to develop and submit a comment, the recipient of that comment should consider the size of the SG/C and the amount of organizations (or individuals) that the group represents.

#### 5.2.2.4.3. Analysis

What is striking about the responses to this question is the mirror duality between Individuals and Structures. 68% of Individuals Agree or Strongly Agree that all comments should be considered equally vs 33% of Structures. Inversely 59% of Structures Disagreed or Strongly Disagreed vs 26% for Individual respondents.

This gives us for Individuals a net of 42% Agree or Strongly Agree vs a net of 26% Disagree or Strongly Disagree for structures which is strong dichotomy between Individuals and Structures.

#### 5.2.2.4.4. Conclusion

ATRT3 will consider these responses in a holistic fashion when looking into making Recommendations or Suggestions regarding public comments.

#### 5.2.2.5. Should the responses made to Public Comments by SO/ACs have more weight than other comments?

**5.2.2.5.1. Responses**

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Strongly agree	7	14%	1	8%	9%
Agree	17	34%	8	62%	55%
No opinion	5	10%	1	8%	8%
Disagree	15	30%	3	23%	25%
Strongly disagree	6	12%	0	0%	3%

**5.2.2.5.2. Comments (none)**

**5.2.2.5.3. Analysis**

Individual responses do not provide any significant information with 48% who Strongly Agree or Agree vs 42% which Disagree or Strongly Disagree for a net of 6% Strongly Agreeing or Agreeing which is extremely weak. Structures results however, paint quite a different picture with 70% who Agree or Strongly Agree vs 23% which Disagree or Strongly Disagree producing a net of 47% Agree or Strongly Agree which is quite a strong result.

**5.2.2.5.4. Conclusion**

Obviously, Structures will be biased when responding to this question which should be considered by ATRT3 in making any Recommendations or Suggestions based on these results.

ATRT3 will consider these responses in a holistic fashion when looking into making Recommendations or Suggestions regarding public comments.

**5.2.2.6. Should the responses made to Public Comments by the Board have more weight than other comments?**

**5.2.2.6.1. Responses**

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Strongly agree	4	8%	0	0%	2%
Agree	13	27%	3	21%	23%

No opinion	8	16%	6	43%	36%
Disagree	14	29%	4	29%	29%
Strongly disagree	10	20%	1	7%	10%

**5.2.2.6.2. Comments**

- GAC Answer – No opinion. There have been rare occasions where the Board has needed to comment on certain matters being considered by the ICANN community (e.g., the IANA transition), but those circumstances should be rare. When the Board seeks public comments on certain policy recommendations it should be open to listening to and considering views from the SOs and ACs.

**5.2.2.6.3. Analysis**

Consolidated results of 26% of Agree and Strongly Agree vs 39% of Disagree or Strongly Disagree producing a net of 13% Disagree or Strongly Disagree which is quite weak but provides a fair assessment of all the inputs.

**5.2.2.6.4. Conclusion**

ATRT3 will not be making Recommendations or Suggestions regarding the results of this question given the weak support for any change.

**5.2.2.7. How useful are staff reports on Public Comments?**

**5.2.2.7.1. Responses**

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Very useful	8	16%	2	14%	15%
Somewhat useful	28	56%	11	79%	73%
No opinion	6	12%	1	7%	8%
Somewhat not useful	5	10%	0	0%	3%
Not useful	3	6%	0	0%	1%

**5.2.2.7.2. Comments**

- GAC – Useful - The production of staff summary reports of public comment submissions are an important resource used by some GAC members to help them follow certain ICANN proceedings. They should be continued. There may be areas where those documents could be improved and specific suggestions should be welcomed, including the application of “plain language” standards and the provision of specific textual explanation of concepts rather than simply providing web links to background documents.
- GNSO – RySg – Useful - The staff reports are useful to get an overview of what others sent in, but they remain summaries and often the original thoughts are lost in dilution.

**5.2.2.7.3. Analysis**

Consolidated results of 88% rating the reports as Somewhat Useful or Very Useful vs 4% who rated them as Somewhat Not Useful or Not Useful produces a net of 84% Somewhat Useful or Very Useful which is extremely strong.

**5.2.2.7.4. Conclusion**

ATRT3 will not be making Recommendations or Suggestions regarding the results of this question given the strong positive outcome.

**5.2.2.8. Do you agree that staff reports on Public Comments clearly indicate if suggestions made by the commenters were accepted and how they were accepted?**

**5.2.2.8.1. Responses**

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Strongly agree	4	8%	1	7%	7%
Agree	17	35%	4	29%	30%
No opinion	8	16%	1	7%	9%
Disagree	14	29%	6	43%	39%
Strongly disagree	6	12%	2	14%	14%

**5.2.2.8.2. Comments**

- GAC – Disagree – The staff reports on public comments offer a helpful summary of public comments and some information about the next steps in a particular matter, but as they generally are prepared well BEFORE any actual decisions are reached they do not consistently provide reliable information about the treatment or resolution of comments.
- GNSO – RySg – Strongly disagree - The staff reports published at the end of the public comment proceeding are mostly limited to a summary or first analysis of the comments and are published before changes are implemented to the draft report or document that was published for public comment.

We acknowledge that after a WG considers the comments, they do publish a final report where they state how they treated comments. This information is not included in the staff report and not made available on the public comment webpage.

#### **5.2.2.8.3. Analysis**

Individual results are neutral with 43% Agreeing or Strongly Agreeing vs 41% Disagreeing or Strongly Disagreeing producing a net of 2% Agreeing or Strongly Agreeing.

Structure results of 57% who Disagree or Strongly Disagree vs 36% who Agree or Strongly Agree producing a net of 21% Disagree or Strongly Disagree which is weak.

#### **5.2.2.8.4. Conclusion**

ATRT3 will use the comments in a holistic fashion, including the need to have this information published at some point, when considering making Recommendations or Suggestions with respect to public comments

#### **5.2.2.9. Do you agree that staff reports on Public Comments clearly indicate if suggestions made by the commenters were rejected and why they were rejected?**

##### **5.2.2.9.1. Responses**



Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Strongly agree	2	4%	1	7%	6%
Agree	19	38%	4	29%	31%
No opinion	11	22%	1	7%	11%
Disagree	10	20%	6	43%	37%
Strongly disagree	8	16%	2	14%	15%

**5.2.2.9.2. Comments**

- GAC Answer – Disagree – The staff reports on public comments offer a helpful summary of public comments and some information about the next steps in a particular matter, but as they generally are prepared well BEFORE any actual decisions are reached they do not consistently provide reliable information about the treatment or resolution of comments. GAC members have suggested that an additional staff report be incorporated into the public comment process to provide this follow-up information for community review.
- GNSO – RySg – Strongly disagree - The staff reports published at the end of the public comment proceeding are mostly limited to a summary or first analysis of the comments and are published before changes are implemented to the draft report or document that was published for public comment.

We acknowledge that after a WG considers the comments, they do publish a final report where they state how they treated comments. This information is not included in the staff report and not made available on the public comment webpage.

**5.2.2.9.3. Analysis**

Individual results are neutral with 42% Agreeing or Strongly Agreeing vs 36% Disagreeing or Strongly Disagreeing for a net of 6% agreeing which is extremely weak.

Structure results of 57% who Disagree or Strongly Disagree vs 36% who Agree or Strongly Agree producing a net of 21% Disagree or Strongly Disagree which is weak.

#### **5.2.2.9.4. Conclusion**

ATRT3 will use the comments in a holistic fashion, including the need to have this information published at some point, when considering making Recommendations or Suggestions with respect to public comments

#### **5.2.3. Other Information**

(public comment usage statistics requested 20190925)

### **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. Do you believe the Internet community generally supports the decisions made by the Board?

##### 6.2.2.1.1. Responses

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Yes	29	62%	9	90%	83%
No	18	38%	1	10%	17%

##### 6.2.2.1.2. Comments (none)

##### 6.2.2.1.3. Analysis

Consolidated result of 83% of respondents believe the Internet community generally supports the decisions of the Board vs 17% who disagree producing a net of 66% agreeing which is very strong.

Individual respondents were not as strong with 62% Yes vs 38% No producing a net of 24% which is weak but still positive.

##### 6.2.2.1.4. Conclusion

ATRT3 will not be making recommendations or suggestions with respect to the responses to this question.

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

##### 6.2.2.2.1. Responses

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Yes strongly support	7	14%	0	0%	4%
Yes, support	24	50%	9	82%	74%

No opinion	7	14%	2	18%	17%
No, do not support	6	12%	0	0%	3%
No, strongly do not support	5	10%	0	0%	3%

**6.2.2.2.2. Comments (none)**

**6.2.2.2.3. Analysis**

Consolidated responses of 78% of Support or Strongly Support vs 6% of Do Not Support or Strongly Do Not support produces a 72% Support or Strongly Support which is very strong.

Individual responses of 64% vs 22% producing a net of 42% support which is not as strong but still supportive.

**6.2.2.2.4. Conclusion**

ATRT3 will not be making recommendations or suggestions with respect to the responses to this question.

**6.2.3. Other Information (None)**

**6.3. Analysis of Information and Identification of Issues**

As the analysis of the survey responses clearly indicate there is widespread support for decisions made by the Board. As such ATRT3 will not be making any Recommendations or Suggestions with respect to this issue.

**6.4. Suggestions with respect to issues. (None)**

**6.5. Recommendations to Address issues. (None)**

**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** – Given that the success and effectiveness of any GNSO policy development effort can be strengthened by non-biased, focused and consensus oriented leadership with experience in negotiation, facilitation and mediation and the recognition that ICANN over the last six years has sought volunteer leaders from within the community with these skills as opposed to developing them from within the community as recommended in ATRT2 accounting for the nuances of our community, the ATRT3 will be making recommendations to further development working group leaders in our community.

Given that the competition for resources to not only implement recommendations and working group outcomes but to actually facilitate policy development is high within the ICANN community and that the technology for remote and distributed team facilitation has evolved over the past six years, ATRT3 recognizes that the ATRT2 recommendations to fund at a greater face to face meetings has occurred, however the development of tools and regional hubs with exceptional communication services have not yet been made available. ATRT3 will be making recommendations to provide for short range travel options to permanent ICANN operated micro-hubs that greater facilitate participation and effectiveness in global meetings while reducing the amount but not the quality of volunteer participation and input.

- 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** - ATRT3 recognizes that the history between the GAC providing and the GNSO accepting input into the policy development process has been and remains inconsistent per this ATRT2 recommendation. While the community may believe that there is no process established between the GAC and the GNSO to facilitate participation there are examples such as the Public Safety Working Group that has engaged early and consistently on topics where clear positions are established and reinforced early enough for the GNSO to consider as part of the policy deliberation and recommendation process. The ATRT3 intends to make recommendations that reinforce the successes that exist for areas where they are absent, such that input is facilitated and addressed between the GAC and the GNSO in a formal and direct manner as opposed to through and around the ICANN Board while recognizing that the multi-stakeholder environment exists as a global tool to achieve consensus between all as opposed to an absence of objection.

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** - ATRT3 recognizes that there were sufficient programs implemented in support of this ATRT2 recommendation, but to date they have not been seen as fully effective. Given that the community has embarked on a discussion of the evolution of the multi-stakeholder model that has specifically identified volunteer burnout and geographic under-representation as issues, we see clearly that more can be done. ATRT3 will be making recommendations and/or suggestions that address inclusion, the efficient use of volunteer resources while addressing the rising costs of face to face participation for a global community. Reduced time commitment, recognition of global travel limitations and rising costs require a focus on remote and distributed participation with exceptional and reliable communication and facilitation tools.

- 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** - The ATRT3 recognizes that a tool that is available to the Board to drive the expedited development of GNSO policy meets this recommendation of the ATRT2. It is still to be seen if the EPDP can be effective as a consensus tool for not only the development but also the implementation of GNSO policy as the only test to date is currently under way and while GNSO recommendations have been accepted, deferred or otherwise rejected by the Board, there appears to be a stand off between ICANN Org and the implementation community as to what the recommendations clearly mean. ATRT3 will not be making recommendations in this area as the ATRT2 recommendation is just now being tested and may come to conclusion too close to the end of ATRT3s limited time, but the ATRT3 may provide recommendations on a more limited set of results and analysis.

## 7.2.2. Results of Survey

### 7.2.2.1. Have you participated in or contributed to any Policy Development Process?

#### 7.2.2.1.1. Responses

Only asked to Individual respondents

Response	Individual #	Individual %
Yes	34	69%
No	15	31%

Those responding No were asked what prevented them from doing so:

Response	Individual #	Individual %
Time required	7	47%
Scope too large or unclear	6	40%
Level of knowledge required	5	33%
Other	3	20%
Calls at unwrookable hours	1	7%
Language issues	1	7%

**Those responding Yes were asked if they had difficulties**

Response	Individual #	Individual %
Time required	28	85%
Level of knowledge required	20	61%
Scope too large or unclear	16	48%
Calls at unwrookable hours	11	33%
Language issues	2	6%
Other	2	6%

**Those responding Yes were also asked to rate their satisfaction with the transparency of process:**

Response	Individual #	Individual %
Very satisfied	3	9%
Satisfied	18	53%
No opinion	5	15%
Somewhat dissatisfied	4	12%
Very dissatisfied	4	12%

**Those responding Yes were also asked to rate the accountability of the process:**

Response	Individual #	Individual %
Accountable	6	18%
Somewhat accountable	15	44%
No opinion	7	21%
Somewhat not accountable	4	12%
Not accountable	2	6%

**7.2.2.1.2. Comments (none)**

**7.2.2.1.3. Analysis**

Its is interesting that 69% of individual respondents said that had participated in a PDP. One must assume that individuals who participate in PDP's are also more likely to respond to this type of survey vs those who do not creating a certain amount of bias.

Difficulties encountered by individuals. It is interesting to note that those who participated in a PDP and those who did not both rated the Time Required as the top issue followed by the Level of Knowledge and the Scope being too large.

With regards to the question on rating the transparency of the process 62% were Satisfied or Very Satisfied vs 24% were Somewhat Dissatisfied or Very Dissatisfied producing a net of 38% Satisfied or Very Satisfied which is weak.

With regards to the question on rating the accountability of the process 62% rated it as Accountable or Somewhat Accountable vs 18% rating it as Somewhat Not Accountable or Not Accountable producing a net of 44% Accountable or Somewhat Accountable which is good.

**7.2.2.1.4. Conclusion**

Obviously, some PDP's there are a number of things which continue to be issues for those wishing to participate or participating in PDPs. These include the time required, level of knowledge and issues surrounding the scope of certain PDP's.

ATRT3 will consider these issues, the results of the relevant ATRT2 recommendations as well as the results of survey question on public comments in making any Recommendations or Suggestions with respect to the Policy Development Process.

**7.2.2.2. Are ICANN's mechanisms sufficient to generate policies which are acceptable to the global Internet community?**

**7.2.2.2.1. Responses**

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Yes	25	53%	5	38%	42%
No	22	47%	8	62%	58%

**7.2.2.2.2. Comments**

- AT-LARGE - The global Internet community is by far larger than the usual ICANN suspects. How does ICANN say what is acceptable or not to stakeholders not active within the ICANN ecosystem? Hence, there is always the danger of serving the needs of the squeaky wheels instead of focusing on those not in the building. While ICANN valiantly upholds the Multistakeholder, bottom-up model in developing and implementing policy decisions which are accepted by its community, much could be done to improve the organization’s exploration of the impact of its decisions on the larger global Internet community, especially individual internet users.
- AT LARGE – EURALO – No - EURALO has concern that appeals from our community for a stable Internet with high consumer trust have fallen on deaf ears, by being overshadowed with the Board’s concern to promote a dynamic, growing DNS industry. The majority of end users are not domain name registrants and the needs of this majority are regularly ignored by the Board - and the community powers reinforce the power that ICANN’s direct communities, most of whom have a stake in domain names either by being in the domain name industry ecosystem or by being a domain name registrant, have over the Board, to the detriment of Internet end users that use the DNS as part of their Internet use - browsing the Web, sending and receiving emails, etc.

One of the ways to improve the decisions of the policy development is that in policy making, the GNSO and the Board conduct a simple litmus test to their decisions: does the decision affect an end user in a positive or negative way. If both, then which one outweighs the other?

- AT LARGE – NARALO - The PDP process should be more lean and should take a determined time to be done. WG charters that are tasked to work on the policy development should be precise (more than they are now).
- CCNSO - ICANN’s mechanisms are too heavy and too slow to provide timely response to the issues that the global Internet community is facing.
- GNSO – BC – No - The BC believes that the board gives greater weight to the risks and concerns of contract parties, relative to concerns and risks of business users and registrants.
- GNSO – IPC - As clearly identified in the GNSO Council’s PDP3.0 project launched in 2018, policy development within ICANN suffers from various inefficiencies, including “social loafing”, lack of representativeness, unwillingness to compromise, and lack of accountability. The IPC’s responses to the “Evolving the Multistakeholder Model” ([https://www.ipconstituency.org/assets/ipc-position-papers/2019/2019\\_06June\\_13%20IPC%20Comment%20re%20Evolving%20MSM.pdf](https://www.ipconstituency.org/assets/ipc-position-papers/2019/2019_06June_13%20IPC%20Comment%20re%20Evolving%20MSM.pdf)) and PDP3.0 ([https://www.ipconstituency.org/assets/ipc-position-papers/2018/2018\\_08August\\_16%20IPC%20Comment%20on%20PDP%203%20point%200%20-%20Final.pdf](https://www.ipconstituency.org/assets/ipc-position-papers/2018/2018_08August_16%20IPC%20Comment%20on%20PDP%203%20point%200%20-%20Final.pdf)) address many of these shortcomings and propose solutions for their improvement. The relevance of these earlier efforts makes clear that the ICANN community is not dealing efficiently or holistically with current problems; rationalisation of efforts is needed here!
- GNSO – RrSG – No - The time required to develop and implement policy is often excessive and when there are external deadlines involved (as with the EPDP) it puts enormous pressure on the volunteers involved to dedicate more time than they typically have. A better balance between efficiency and inclusivity needs to be found.
- GNSO – RySG – Yes - We answered ‘yes’ on this question because we consider the PDP process an appropriate mechanism and the Review Teams are on the right track, despite some hiccups.

- RSSAC – Yes - As a member of the technical community, the RSSAC believes that these mechanisms should improve collaboration with the broader technical community to further establish technical feasibility of policy proposals.

#### **7.2.2.2.3. Analysis**

Individual responses of 53% Yes vs 47% No produce a net of 6% Yes which is extremely weak.

Structure responses of 38% Yes vs 62% No produce a net of 24% Yes which is weak.

#### **7.2.2.2.4. Conclusion**

Obviously, there is no strong agreement surrounding this point but the ATRT3 will consider the points raised in the comments in making any recommendations with respect to PDPs.

#### **7.2.2.3. What role should SO or ACs play in fostering buy-in from their community to ICANN’s policymaking? (Only asked of Structures)**

- AT-LARGE - Hopefully a fairly significant role. Ideally, SOs and ACs should all have some mechanism to reach beyond themselves for a broader consensus whenever possible. This is certainly our goal, albeit a difficult challenge for AT-LARGE and At-Large.

At present ‘formal’ buy-in is sought by way of the public comments process. While we believe seeking public comment is a necessary concept in ICANN’s policy-making, and calls for public comment which deal with brief, uncomplicated subject matters may not present severe issues, the same cannot be said for the way public comments are sought for multi-year PDPs tackling wide-ranging and complex subject matters. In these cases, by the time such a report is put out or a call for comment is made, even for a 30-day period, it is for all intents and purposes, too late. And increasingly, many of the public comment subjects are complex, and simply communicating their import to relevant communities within 30 days is a challenge, let alone getting meaningful feedback in 30 days. This is a particular challenge

for AT-LARGE when we aim to help At-Large members understand and respond to issues within a short timeframe.

Improvements - The AT-LARGE continues to examine several options to improve fostering buy-in from At-Large to ICANN's policy-making.

It has been mentioned on several occasions about the long timeframes that have been required for some of these PDPs which go beyond the timeframe of commitment that many of our members, who are volunteers, can contribute to such efforts. With a handful of exceptions, people cannot readily commit 3-5 years for any given PDP. Further, current mechanisms are too slow for the decision making processes inside ICANN, and in some cases, too complicated and/or onerous, particularly for public comments. Therefore, insofar as complex subjects go, we would support any effort for better scoping of PDP charters in order to generate less complex outputs for public comment. And ideally, socialization of positions and solicitation of feedback should begin long before a public comment process.

Having said that, we accept that it may not be feasible to totally break down complex issues for consideration by multiple PDP or CCWGs, but in such cases, a 30 day comment period is still simply not enough time to foster buy-in. So, in the first instance, the AT-LARGE would consider identifying WGs which require At-Large participation and having several AT-LARGE/At-Large members or two on those WG whose role would be to understand the issues well enough to explain them to At-Large as they are being considered and to bring them back to At-Large for discussion - by way of the AT-LARGE CPWG - for consensus building towards positions to be adopted by AT-LARGE.

As part of implementing recommendations in the At-Large Implementation Review Plan, the AT-LARGE has begun working on a number of operational improvements including developing a set of versatile KPIs for assessing community efforts, policy input and effective outreach. This would help to attend to the challenge of representative community feedback.

- AT LARGE – AFRALO - Cross community policy development is a critical element for a wider community buy-in to any proposed policy

Improvement - Advice our members/ALS contribute to the policy development process

- AT LARGE – EURALO – EURALO discusses the public consultations as well as work taking place in PDPs both on its mailing list and during its monthly calls. Its members also participate in the AT-LARGE’s consolidated policy working group, their primary source for quality updates. SOs and ACs should continue to reach out to their members for input into these fundamental processes.

Improvements - Current mechanisms are too slow for the decision making processes inside ICANN, and in some cases, too complicated and/or onerous, particularly for public comments. Yes, once the public consultation is underway, there is a very limited time to talk to members, listen, and then formulate a response. Ideally, socialization of positions and solicitation of feedback should begin long before a public comment process. A lot more needs to be made to explain the issues and their direct impact on end users.

- AT LARGE – NARALO - Include/Invite all SO/AC members to be part of any PDP WG BY directly requesting the inclusion to the corresponding SO in charge of the PDP.
- CCNSO – Information sharing, participation in the work of ICANN.

Improvement - By setting clearer priorities and not wasting valuable resources on things that are not considered important by the ccTLD community.

- GAC - GAC Answer – The general demographic of government participation in matters relevant to ICANN ‘s responsibilities necessitates constant communication, education and information sharing about the functions of the Domain Name System (DNS) and ICANN’s role and responsibilities in the operations and management of the DNS space. Informed government understanding of ICANN’s role for both GAC participants and their government colleagues is an important component of the GAC role in ICANN. The GAC currently works on this responsibility by partnering with the ICANN Government Engagement (GE) team on planning and conducting capacity building workshops both regionally around the world and in conjunction with



ICANN public meetings. Every couple of years, the GAC-GE partnership on organizing a High Level Governmental Meeting of government leaders helps to promote this effort as well.

How to improve - With appropriate consistent dedicated resources from the ICANN org, the GAC and GE would be able to conduct more workshops and reach larger audiences.

- GNSO – BC - SOs and ACs are, by definition, representative of the stakeholders they were designed to serve. Buy-in is therefore inherent in the SO/AC work, provided that the SO/AC adhered to best practices in being representative and accountable to their stakeholders.

However, an SO such as the GNSO has inherent tension between contract parties and non-contract parties in the GNSO. It is therefore very challenging for GNSO to say that it has achieved buy-in when its recommendations were not the result of GNSO consensus.

- GNSO – IPC - We must be more specific than simply referring to “ICANN’s policy-making”. The Bylaws ascribe uniquely to the GNSO the role of policy-making in respect of gTLDs, and similarly the ccNSO for ccTLDs. These two SOs have a clear role to play in how policy-making occurs, and should consider how to more effectively and efficiently engage the wider ICANN community. This is a step that happens before other SO/ACs consider whether to “foster[] buy-in from their community” to these processes.

Improvement - See IPC comments on PDP3.0:

[https://www.ipconstituency.org/assets/ipc-position-papers/2018/2018\\_08August\\_16%20IPC%20Comment%20on%20PDP%203%20point%20-%20Final.pdf](https://www.ipconstituency.org/assets/ipc-position-papers/2018/2018_08August_16%20IPC%20Comment%20on%20PDP%203%20point%20-%20Final.pdf).

- RSSAC - The RSSAC is involved in PDPs when sought for input. To the extent possible, RSSAC also tracks the recommendations of PDPs for potential impact to the Root Server Operator community.

Improvements - The RSSAC welcomes opportunities to provide technical education and information to inform PDPs. If necessary, RSSAC provides direct contributions via Public Comment or may

consider active participation in a PDP depending on its scope and potential impact on the Root Server Operator community.

### **7.2.3. Other Information (None?)**

## **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 Wiki<sup>5</sup> contains a series of Executive Summaries documenting the implementation of the ATRT2 recommendations. The

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<sup>5</sup> <https://community.icann.org/display/atrt/ATRT2+Implementation+Program>

latest such Executive Summary is dated October 2018<sup>6</sup> and was the starting point for ATRT3 assessing the actual as opposed to declared degree of implementation and effectiveness of the ATRT2 recommendations. The October 2018 report noted that all of the ATRT2 recommendations had been implemented, and ATRT3 was however aware that for several reasons, including the known transfer of some issues to other ICANN activities such as the ICANN-CCWG WS2, whose Recommendations are yet to be implemented, actual implementation in measurable terms and to degrees of effectiveness may be at variance with this status claim.

ATRT3 assessed each of the 47 distinct recommendations for degrees of implementation and effectiveness. The assessment criteria ATRT3 used 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 auditable 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	
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	

<sup>6</sup>[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)

6.4	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 issues with specific ATRT2 recommendations are addressed in the various sections of this report where relevant.

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 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.
- Not Implemented – ATRT2 recommendations 5, 11.7 and 12.3.

Although this analysis clearly identifies some issues with the assessment of the implementation of ATRT2 recommendations the new Operating Standards for Specific Reviews which was approved in June 2019 specifically addresses these issues in Section 4.2:

*A preliminary 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 that 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 from ATRT3, to mitigate the issues of Partially Implemented and Not Implemented going forward. However, it is a serious concern how the Organization could report recommendations as being implemented when they were not.

It is however unclear how 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 recommends that in such cases implementation reports should clearly indicate 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. The Organization should seek to understand how recommendations which were not implemented were reported as implemented in the Executive Summary reports and take any necessary corrective measures.
- 9.4.2. If the implementation of Specific Review recommendations is transferred to another process should ensure that any implementation reporting should clearly note this and factually report on the progress of the implementation of such recommendations.

#### **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** – This recommendation has been implemented and is assessed as being effective, as such ATRT3 will not be making any Recommendations or Suggestions as a result of its assessments.

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** – This recommendation has been implemented and is assessed as being effective, as such ATRT3 will not be making any Recommendations or Suggestions as a result of its assessments.

It is however important to note that the ATRT3 survey is asking respondents if Specific Reviews should be “reconsidered or amended” and that the results may lead ATRT3 to make Recommendations or Suggestions for doing this.

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** - This recommendation has been implemented and is assessed as being partially effective due to exceptional some circumstances, as such ATRT3 will not be making any Recommendations or Suggestions as a result of its assessments.

It is however important to note that the ATRT3 survey is asking respondents if Specific Reviews should be “reconsidered or amended” and that the results may lead ATRT3 to make Recommendations or Suggestions for doing this.

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, 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** – As outlined in various sections of this Report ATRT3’s assessment of the implementation report (the product of implementation of this ATRT2 Recommendation 11.4) found this report / summary documentation as at Oct 2018, that the overall accuracy of the Report was significantly lacking. ATRT3 also recognises the implementation and likely positive effects of the new tracking options in the Reviews section of the ICANN website as well as the new, as at June 2019, Reviews Terms of Reference. However, given the significant issues ATRT3 has identified with the Organization’s implementation and reporting of implementation of the ATRT2 recommendations coupled with the untested changes which should address this ATRT3 will be Suggesting (recommending?) that the Board conduct a

public consultation annually on the implementation status of the various Specific Review recommendations.

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** – The ATRT3 recognises and endorses the importance of Recommendation 11.5 of ATRT2, we also note that while a degree of Implementation has occurred and budget forecasting for Specific Reviews has occurred within recent Operating Plan and Budget cycles, and due to the inclusive nature of this consultation in these processes there is a provision for improved transparency and a degree of accountability as well. The particular matter raised in the Recommendation by ATRT2 vis a vi “..that sufficient resources are allocated for Review Teams to fulfill their mandates” is an issue that merits ongoing and particular attention and regular review. To this end it is Suggested by ATRT3 that particular attention is required to this, as part of the regular Budget and Operations Planning cycle requirements.

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 with respect to the "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** – ATRT3 continues to support this notion and further endorses for action and will make a Suggestion that ICANN.org promptly and completely implements the Recommendation of ATRT2 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”.

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** – As stated in the Implementation assessment this recommendation was not implemented because it could not be implemented. As such ATRT3 will not be making any Recommendations or Suggestions as a result of its assessments.

## 10.2.2. Results of Survey

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

#### 10.2.2.1.1. Responses

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Very effective	0	0%	1	8%	6%
Effective	24	49%	1	8%	18%

No opinion	14	29%	3	25%	26%
Somewhat ineffective	8	16%	7	58%	48%
Ineffective	3	6%	0	0%	2%

**Respondents were also asked if specific reviews (ATRT, SSR, RDS, etc.) be reconsidered or amended:**

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Yes	35	78%	9	90%	87%
No	10	22%	1	10%	13%

#### **10.2.2.1.2. Comments**

- AT LARGE – AFRALO - Follow up is needed to ensure that the recommendations implemented is basically reflects the concerns raised by the community.
- GNSO – BC - When the board develops the Terms of Reference for an Organizational Review, this should be informed by recommendations solicited from the community.
- GNSO – RySg - The CCT Review is missing in this question. We would like to refer to the RySG comments on Specific Reviews submitted in February 2018 and February 2019.

#### **10.2.2.1.3. Analysis**

Individual responses rating the effectiveness are 49% Effective or Very Effective vs 22% Somewhat Ineffective or Ineffective producing a net of 27% Effective or Very Effective which is weak.

Structure responses rating the effectiveness are 16% Effective or Very Effective vs 58% Somewhat Ineffective or Ineffective producing a net of 42% Somewhat Ineffective or Ineffective which is somewhat strong and opposite of the individual results.

The companion question asking “if specific reviews (ATRT, SSR, RDS, etc.) be reconsidered or amended” produced some very strong results with Individual responses of 78% Yes vs 22% No producing a net of 56% which is a strong result for reconsideration or amendment while Structure

responses of 90% Yes vs 10% No produced a net of 80% which is extremely strong.

**10.2.2.1.4. Conclusion**

Individuals and Structures disagree on the effectiveness or the Specific Reviews with weak positions, but it is important to note that 55% of Structures responded that these Reviews were Somewhat Ineffective or Ineffective. This being said both strongly agree that these Reviews should be reconsidered or amended.

ATRT3 should consider making Recommendations or Suggestions regarding Specific Reviews.

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

**10.2.2.2.1. Responses**

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Very effective	0	0%	0	0%	0%
Effective	20	41%	5	42%	41%
No opinion	8	16%	2	17%	17%
Somewhat ineffective	15	31%	5	42%	39%
Ineffective	6	12%	0	0%	3%

**Respondents were also asked if organizational reviews be reconsidered or amended:**

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Yes	39	85%	9	82%	83%
No	7	15%	2	18%	17%

**Respondents were also asked if organizational reviews continue to be undertaken by external consultants:**

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Yes	31	79%	8	89%	87%
No	8	21%	1	11%	13%

#### **10.2.2.2.2. Comments (none)**

#### **10.2.2.2.3. Analysis**

Individual responses rating the effectiveness are 41% Effective or Very Effective vs 43% Somewhat Ineffective or Ineffective producing a net of 2% Somewhat Ineffective or Ineffective which is extremely weak.

Structure responses rating the effectiveness are 42% Effective or Very Effective vs 42% Somewhat Ineffective or Ineffective producing a net of 0% Effective or Very Effective.

The companion question asking “asked if organizational reviews should be reconsidered or amended” produced some very strong results with Individual responses of 85% Yes vs 15% No producing a net of 70% Yes which is an extremely strong result for reconsideration or amendment while Structure responses of 82% Yes vs 18% No produced a net of 62% Yes which is very strong.

The final question “if organizational reviews continue to be undertaken by external consultants” also produced some very strong results with Individual responses of 79% Yes vs 21% No producing a net of 58% Yes which is a very strong result for continuing with external consultants while Structure responses of 89% Yes vs 11% No produced a net of 78% Yes which is extremely strong.

#### **10.2.2.2.4. Conclusion**

In both cases Individuals and Structures cannot agree if Organizational Reviews are effective or not but it is important to note that 55% of Structures responded that these Reviews were Somewhat Ineffective or Ineffective. This being said both strongly agree that these Reviews should be reconsidered or amended.

ATRT3 should consider making Recommendations or Suggestions regarding Specific Reviews.

### **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. Has your Structure looked at the ICANN Accountability Indicators? (Only asked on the Structures survey).**

**11.2.1.1.1. Responses**

Response	Structure #	Structure %
Yes	6	50%
No	6	50%

**11.2.1.1.2. Comments (none)**

**11.2.1.1.3. Analysis (none required)**

**11.2.1.1.4. Conclusion**

Obviously, there is a communication gap if 50% of Structures are unaware of the existence of Accountability Indicators.

ATRT# will consider making a Suggestion that the Accountability Indicators should be the subject of a communications effort by ICANN.

**11.2.1.2. 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.](https://www.icann.org/accountability-indicators)**

**11.2.1.2.1. Responses**

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Very effective	1	2%	0	0%	0%
Effective	22	40%	2	33%	35%
No opinion	18	33%	0	0%	8%
Somewhat ineffective	7	13%	4	67%	53%
Ineffective	7	13%	0	0%	3%

**11.2.1.2.2. Comments (none)**

**11.2.1.2.3. Analysis**

Individual responses were 42% Effective of Very Effective vs 26 Somewhat ineffective or Ineffective producing a net of 16% Effective of Very Effective which is very weak.

Structure responses were 33% Effective of Very Effective vs 67% Somewhat ineffective or Ineffective producing a net of 34% Somewhat ineffective or Ineffective which is weak and in the opposite direction of the Individual results.

#### **11.2.1.2.4. Conclusion**

The 67% of Structures which find the Accountability Indicators Somewhat Ineffective is of concern which is strongly echoed by the assessment of these by the ATRT3.

ATRT3 will consider making Recommendations or Suggestions regarding the Accountability Indicators based on the responses to these questions and its assessment of these.

#### **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** – As stated in the Implementation assessment this recommendation was implemented. As such ATRT3 will not be making any Recommendations or Suggestions as a result of its assessments.

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** – As noted this recommendation has been implemented but as stated in the Effectiveness assessment there could be improvements to allow for greater participation.

As such ATRT3 will consider making Suggestions to improve the process to allow for greater participation.

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** - As stated in the Implementation assessment this recommendation was implemented and is effective. As such ATRT3 will not be making any Recommendations or Suggestions as a result of its assessments.

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** – Benchmark studies, if done properly, are an effective tool in helping to assess accountability. Given that this ATRT2 recommendation was made in December 2103 and that the requested benchmark study has not yet been produced at the time of the writing of this report in 2019 is of great concern to ATRT3.

The implementation report of October 2018 noted that:

*12.3 – ICANN currently identifies targets in its KPI Dashboard which informs the Annual Report that is reviewed and approved by the ICANN Board. Benchmark references will be included in the KPI Dashboard once a comparable non-profit organization is identified. The estimated time for the first benchmarking study to be completed is FY18.*

As such ATRT3 will be making a Recommendation with respect to this assessment.

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** - As noted this recommendation has been implemented but as stated in the Effectiveness assessment there could be improvements to allow for greater participation.

As such ATRT3 will consider making Suggestions to improve the process to allow for greater participation.

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** – Given the recommendation has been assessed as implemented but only partially effective ATRT 3 will consider making Recommendations or Suggestions with respect to gathering sufficient data to track the level of acceptance and approval within the community.



## 12.2.2. Results of Survey

### 12.2.2.1. Should the ATRT3 make recommendations about prioritization and rationalization of ICANN activities?

#### 12.2.2.1.1. Responses

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Yes	35	73%	11	92%	87%
No	13	27%	1	8%	13%

#### 12.2.2.1.2. Comments

- GNSO – IPC - The prioritization and rationalization of ICANN activities is the responsibility of ICANN Org working in cooperation with the representative leaders of the SO/ACs. The role of the ICANN Board is to act as a check and balance on the Organization’s activities. SO and ACs have specific remits, and their outputs should inform the prioritization and rationalization of ICANN activities as is set out under the Bylaws.
- GNSO – RrSG - The RrSG believes this should primarily be the responsibility of the ICANN Board, who in turn should liaise with the GNSO Council with regard policy related work.
- RSSAC – Yes - ATRT3 could propose indication of prioritization and rationalization of ICANN activities for the consideration of the ICANN Board. Then the ICANN Board in consultation with the ICANN community should consider the allocation of support and resources from ICANN org.

#### 12.2.2.1.3. Analysis

Individual responses of 73% Yes vs 27% No produce a net of 46% Yes which is a strong result.

Structure responses of 92% Yes vs 8% No produce a net of 84% Yes which is extremely strong.

**12.2.2.1.4. Conclusion**

ATRT3 should make recommendations about prioritization and rationalization of ICANN activities.

**12.2.2.2. 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?**

**12.2.2.2.1. Responses**

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Yes	29	85%	11	100%	96%
No	5	15%	0	0%	4%

**12.2.2.2.2. Comments (none)**

**12.2.2.2.3. Analysis**

Individual responses of 85% Yes vs 15% No produce a net of 70% Yes which is an extremely strong result.

Structure responses were 100% Yes which is absolute.

**12.2.2.2.4. Conclusion**

ATRT3 should make Recommendations which 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. Should such recommendations aim to provide a general approach for prioritizing and rationalizing work for ICANN?**

**12.2.2.3.1. Responses**

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Yes	32	91%	10	91%	91%
No	3	9%	1	9%	9%

#### 12.2.2.3.2. Comments (none)

#### 12.2.2.3.3. Analysis

Individual responses of 91% Yes vs 9% No produce a net of 82% Yes which is an extremely strong result.

Structure responses of 91% Yes vs 9% No produce a net of 82% Yes which is an extremely strong result.

#### 12.2.2.3.4. Conclusion

ATRT3 should produce recommendations aim to provide a general approach for prioritizing and rationalizing work for ICANN.

#### 12.2.2.4. 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?

##### 12.2.2.4.1. Responses

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
PDPs and Reviews	19	54%	5	45%	48%
Include other operational aspects	16	46%	6	55%	52%

##### 12.2.2.4.2. Comments

- RSSAC - Include other operational aspects - Prioritizing the technically feasibility of projects
- Individual – how transparency is handled across ICANN's activities
- Individual – ICANN org implementation of recommendations
- Individual – Finance
- Individual – Regional public forums as were held in the run up to the 2011 gTLD round

- Individual – staffing, budgetary
- Individual – outreach, operational readiness
- Individual – ccwg and other work undertaken by more than one SO or AC
- Individual – Meeting strategy including regional/specialist meetings
- Individual – bringing ICANN meetings to the essence

**12.2.2.4.3. Analysis**

Individual responses of 54% Yes vs 46% No produce a net of 8% Yes which is an extremely weak result.

Structure responses of 45% Yes vs 55% No produce a net 10% No which is extremely weak.

**12.2.2.4.4. Conclusion**

There is no clear consensus for either choice. This will be considered when ATRT3 is developing recommendations as indicated by the responses to the other survey question in this section.

**12.2.2.5. 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?**

**12.2.2.5.1. Responses**

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Yes	34	97%	10	100%	99%
No	1	3%	0	0%	1%

**12.2.2.5.2. Comments**

- GAC – Yes. The ICANN community leadership (made up of the chairs of the current ICANN Supporting Organizations and Advisory Committees) regularly interacts among its members and with ICANN executives, so there is already an informal exchange of those ideas. Further linkages in this area of community

prioritization may take place in the context of the ongoing proceeding entitled Next Steps to Improve the Effectiveness of ICANN’s Multistakeholder Model (see <https://www.icann.org/public-comments/multistakeholder-model-next-steps-2019-08-27-en>) and that is the appropriate forum for those discussions.

**12.2.2.5.3. Analysis**

Individual responses of 97% Yes vs 3% No produce a net of 94% Yes which is almost absolute.

Structure responses were 100% Yes which is absolute.

**12.2.2.5.4. Conclusion**

ATRT3 Recommendations on prioritizing and rationalizing work for ICANN should include the community or representative(s) of the community as decisional participants.

**12.2.2.6. 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?**

**12.2.2.6.1. Responses**

Response	Individual #	Individual %	Structure #	Structure %	Consolidated %
Yes	26	76%	8	80%	79%
No	8	24%	2	20%	21%

**12.2.2.6.2. Comments**

- Individuals – General comments
  - too many particular and hidden interests of participants
  - Empowered Community has a very specific role that should not be expanded
  - The group is small

- The empowered community is currently (still) dominated by Contracted parties and the IPR lobby. Repeatedly denying ICANN's responsibility for the public interest and the conditions of competition.
  - I don't think the EC has emerged as a visible and effective entity.
  - Not with the current Bylaws; possibly with proper mandate,
  - The EC as it is currently composed was selected to a more general purpose.
- Individuals who responded No.
    - Boards
    - No. Not until the empowered community is radically rebalanced.
    - Possibly
    - Yes, possible.
    - A "body" similar to the EC but separately selected
  - AT-LARGE – No - We answered no to provide opposing perspectives which makes certain respective assumptions.

On the one hand, if the Empowered Community was to be the only option available then the Empowered Community would be a good mechanism and assuming that the Bylaws are amended to allow this. Because the only alternative is a CCWG which we do not believe would be an effective mechanism for this important task.

On the other hand, if another body of authority similar to the Empowered Community could be constituted, then the Empowered Community should conceivably remain strictly as a grievance-raising mechanism per the Bylaws, separated from another mechanism designed to make recommendations on prioritizing and rationalizing work.

- CCNSO - Only 5 of ICANN's SO/ACs are DPs. The remaining ACs should be part of the process too.

- GAC – No. The Empowered Community should only be used as defined in the ICANN Articles of Incorporation and Bylaws.
- GNSO – RrSG - GNSO Council with regard to policy related work.

#### **12.2.2.6.3. Analysis**

Individual responses of 76% Yes vs 24% No produce a net of 52% Yes which is a very strong result.

Structure responses of 80% Yes vs 20% No produce a net of 60% Yes which is also a very strong result.

Overall very strong support for using the Empowered Community as a mechanism for making recommendations on prioritizing and rationalizing if its role was amended to allow this.

#### **12.2.2.6.4. Conclusion**

In its Recommendations on prioritizing and rationalizing ATRT3 should include using the Empowered Community as a mechanism for making recommendations on prioritizing and rationalizing and considerations on amending its role to allow it to do 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. SO/AC and sub-structures Accountability**

#### **13.1. Survey**

##### **13.1.1. What procedures do you have in place within your Structure for electing NomCom representatives?**

###### **13.1.1.1. Responses**

- AT-LARGE - The AT-LARGE Rules of Procedure paragraph 18.5 provides for the 5 AT-LARGE Representatives to the ICANN Nominating Committee (one from each ICANN region) to be selected by the AT-LARGE in consultation with the RALOs. While RALOs make recommendations to the AT-LARGE on candidates from their respective regions, it is AT-LARGE which makes the final decision on its list of regional representatives on the Nominating Committee. The selected representatives on NomCom must command the respect and confidence of the fifteen members of AT-LARGE because they are the representatives of AT-LARGE charged to select appointees to various constituencies of ICANN, including the Board and the AT-LARGE in particular, whom they deem best meet the needs and interests of ICANN overall and/or each receiving constituency.

18.5 AT-LARGE Representatives to the ICANN Nominating Committee, one from each ICANN region, will be selected by the AT-LARGE in consultation with the RALOs.(At-Large RoPs 20160909)

- AT LARGE – EURALO - A call for candidates is made on the EURALO mailing lists. If one candidate application is made, the EURALO Board discusses the application and a consensus call is made on the EURALO mailing list to recommend this name to the AT-LARGE. If more than



one candidate applies, then an election is held using secret ballot with the electorate being EURALO members. Individual members of the region vote through their EURALO Individuals representative.

- AT-LARGE -LACRALO - Regional election. We have a regional organization structure that consists of 4 sub-regions to seek the greatest possible regional diversity.
- AT LARGE – NARALO - We do this through our elections procedure as indicated in our Rules and Procedures document
- CCNSO -  
[https://ccnso.icann.org/sites/default/files/filefield\\_10978/appointme nt-nomcom-delegate-05nov08.pdf](https://ccnso.icann.org/sites/default/files/filefield_10978/appointme nt-nomcom-delegate-05nov08.pdf)
- GAC - The prospect of GAC participation in the ICANN NomCom has been discussed for some time within the committee and is still subject to further discussions. As a result, the GAC has not appointed a delegate to serve on the NomCom for many years.
- GNSO – BC - Nomination by any member, followed by election by all members.
- GNSO – RrSG - The RrSG elects NomCom reps from Members who hold voting status
- GNSO – RySG - We elect our NomCom reps along with our other leadership positions. Candidates are nominated by RySG members in good standing and each nomination must be seconded by another member and accepted by the candidate him/herself. We then hold elections and the candidate that receives a majority of votes is selected to serve as the NomCom rep.
- RSSAC - The procedure for selecting the RSSAC liaison to the Nominating Committee is defined in RSSAC operational procedures. [See page 11: <https://www.icann.org/en/system/files/files/rssac-000-op-procedures-23oct17-en.pdf>]

13.1.2. Does your Structure have formalized or instituted term limits for membership?

- AT LARGE – EURALO – No
- AT LARGE – NARALO - No
- AT-LARGE -LACRALO - No
- CCNSO – No.
- GAC - Term membership of RALO-appointed AT-LARGE members is limited by their availability as well as by the RALO’s measure of their contribution on the AT-LARGE and to the RALO itself. It is unusual for AT-LARGE members to be on the AT-LARGE for more than 2-3 two-year terms so that they can share the opportunity for participation in the decision- making body among other RALO aspirants.

Term membership of NomCom appointees to the AT-LARGE is normally at two consecutive years, however some high performers have been returned by the NomCom for a further term of service.

- GNSO – BC – No
- GNSO – IPC – No
- GNSO – RrSG – No
- GNSO – RySG – Does not apply
- RSSAC - Yes

### 13.1.3. Does your Structure have formalized or instituted term limits for leadership?

- AT LARGE – EURALO – No
- AT LARGE – NARALO – Yes
- AT-LARGE -LACRALO – Yes
- CCNSO – No.
- GNSO – BC – Yes

- GNSO – IPC – Yes
- GNSO – RrSG – Yes
- GNSO – RySG -Yes
- RSSAC - Yes

13.1.4. What is your Structure’s feedback regarding its selection of Board members or non-voting Liaisons to the Board?

- AT LARGE – EURALO - Very Positive from a RALO perspective. The EURALO vote has always been directed by its members.
- AT LARGE – NARALO - The process in place is very convoluted and at the end it works. However, the people running it are all volunteers which takes that effort away from policy work.
- AT LARGE – NARALO - Recently, the ccNSO Council adopted a new guideline for selection of Board members. A more detailed analysis of the new procedure will be done after it had been applied.
- CCNSO – Recently, the ccNSO Council adopted a new guideline for selection of Board members. A more detailed analysis of the new procedure will be done after it had been applied
- GAC - The non-voting liaison to the ICANN Board has traditionally and consistently been filled by the GAC Chair since the formation of the GAC. The process for such a selection is not formally documented in the GAC Operating Principles. The Board is simply notified when the GAC Chair changes and the new chair is accepted onto the Board. This matter will be addressed by the GAC working group that is reviewing the GAC operating principles in due course.
- GNSO – BC - per our comment in Jun-2019 on Mutistakeholder model: One factor that fuels in-GNSO disputes is the limited number of GNSO seats on the Board, which are only 2 of the 15 seats. Considering that

gTLDs are responsible for 98% of ICANN's revenue and for most of ICANN's policy work, 2 seats seems like an insufficient representation for the GNSO. One way to get around this would be to give 2 of the 8 NomCom seats to the GNSO. This would still allow the NomCom to name 6 of the 15 board members, while giving more room to accommodate the many stakeholders of the GNSO. A potential working model would be that each of these GNSO stakeholder groups would get one board seat: Registrars, Registries, Commercials, Non-Commercials.

The BC suggests that the weighted voting be removed, the structure of the GNSO Policy Council be returned to its former state, and that the balance of representation on the Board is better considered, so that all stakeholders feel properly represented and thus more willing to engage in a more productive manner, knowing that their voice would ultimately have a clear carrier on the Board.

- GNSO – IPC - The IPC is involved with the selection of the Board member to fill seat 14. The Non-Contracted Parties House has recently agreed to a procedure for the selection of this Board member <https://gnso.icann.org/sites/default/files/file/field-file-attach/ncph-election-procedures-seat-14-03jun19-en.pdf>. The IPC has supported this procedure <https://mm.icann.org/pipermail/comments-ncph-election-procedures-seat-14-03jun19/attachments/20190624/04fa1db7/IPCCommentreProposedBoardSeat14ElectionProcedures24Jun2019-0001.pdf>.
- RSSAC - The procedure for selecting the RSSAC liaison to the ICANN Board has worked well for RSSAC since instituted in 2016. It is defined in RSSAC operational procedures. [See page 11: <https://www.icann.org/en/system/files/files/rssac-000-op-procedures-23oct17-en.pdf>]

#### 13.1.5. Does your Structure have a transparency policy?

- AT-LARGE – Yes - While we do not have a specific transparency policy, there are references in our Rules of Procedure that indicate At-Large meetings and processes to be, in general, open and accessible to the public.

For example, paragraph 14.4.4 -- Most AT-LARGE and At-Large meetings and electronic communications are open, archived and viewable by the public. Care must be taken so as to not violate any obligations of confidentiality or violate the privacy of others. (At-Large RoPs 20160909)

Last revision of our Rules of Procedure - 2016

- AT LARGE – EURALO – Yes - Whilst EURALO does not explicitly have a transparency policy documented, its rules of procedure explain its main channel of discussion as the EURALO Discuss mailing that has open membership and open archives, as well as the EURALO Board mailing list that has open archives. It also uses open Wikis to conduct its business. EURALO does not have a private mailing list. Emails pertaining to private information about an individual are not distributed on the mailing list for privacy reasons, in which case private email is used. Unless required for confidentiality reasons, EURALO business is conducted on its mailing lists.

Revised in 2018 during discussions of the EURALO Rules of Procedure.

- AT-LARGE -LACRALO – No - During our elections the vote is configured to know who votes for which option proposed. This result is public at the end of the election process – Not yet revised.
- AT LARGE – NARALO – No.
- CCNSO – No.
- GAC – Yes

Description - The GAC operates under a traditional practice of transparency during its deliberations at ICANN public meetings. All GAC plenary sessions are open to the entire ICANN community and feature remote participation and simultaneous interpretation in the six United Nations languages plus Portuguese. This principle of openness continues during the GAC Communiqué drafting sessions. Transcripts and recordings of the sessions are also provided for public view on the ICANN meetings web pages.

Additionally, the GAC Operating Principles provide two specific references to the principle of transparency. Consideration 3(iii) of the GAC Operating Principles acknowledges that “ICANN’s decision making should take into

account public policy objectives including, among other things: ... transparency and non-discriminatory practices in ICANN’s role in the allocation of Internet names and address[es]”. Also, GAC Operating Principle 35 provides that in the election of GAC leadership, “The voting process must be secure, fair, independent and transparent. See - <https://gac.icann.org/operating-principles/operating-principles-june-2017>

Revision - GAC Answer - The GAC has taken unilateral steps to conduct a thorough review of its existing operating principles, forming a standing working group to undertake the task of reviewing the current operating principles and recommending amendments, updates and new principles to enable the GAC to function as a full member of ICANN’s empowered community into the future. Review of the GAC’s transparency principles will likely be addressed by the GAC working group that is reviewing the GAC operating principles in due course.

- GNSO – BC – Yes - Transparency is required in multiple parts of the BC Charter, at [https://www.bizconst.org/index.php?option=com\\_content&view=article&id=34:charter&catid=20:site-content&Itemid=131](https://www.bizconst.org/index.php?option=com_content&view=article&id=34:charter&catid=20:site-content&Itemid=131) – revised in 2017.
- GNSO – RrSG – No
- RSSAC – Yes - RSSAC operational procedures outline how minutes of meetings, including RSSAC decisions, are to be published. [See: <https://www.icann.org/en/system/files/files/rssac-000-op-procedures-23oct17-en.pdf>]. RSSAC operational procedures are reviewed annually.

#### 13.1.6. Does your Structure have a conflict of interest policy?

- AT LARGE – EURALO – Yes - EURALO does not have a conflict of interest policy as such but respects the minimum criteria for an ALS application to reduce the potential for a conflict of interest.

Evaluation component – Yes - Due diligence is performed by ICANN Staff at the time of ALS application. For individual membership applications, due diligence is performed by the Board of the EURALO Individual Users.

- AT-LARGE -LACRALO – Yes with the operating principles.

- AT LARGE – NARALO – No.
- CCNSO – No.
- GAC – No
- GNSO – BC – Yes - Policies regarding conflicts of Interest appear several times in the BC Charter, at [https://www.bizconst.org/index.php?option=com\\_content&view=article&id=34:charter&catid=20:site-content&Itemid=131](https://www.bizconst.org/index.php?option=com_content&view=article&id=34:charter&catid=20:site-content&Itemid=131)

Evaluation component - . The BC Credentials Committee is charged with the responsibility of ensuring all issues pertaining to membership eligibility (including conflicts of interest) are sorted before admission into membership.

- GNSO – RrSG – Yes - <https://rrsg.org/wp-content/uploads/2018/06/RrSG-Charter-6.0-May-2018.pdf> (no evaluation component).
- RSSAC - No

13.1.7. Has your structure ever experienced or perceived challenges related to conflicts of interest?

- AT LARGE – NARALO – Yes
- GAC – No
- GNSO – RrSg – Yes

#### **14. Prioritization and Interdependencies of Recommendations**