
MONTREAL - Accountability Transparency Review Team (ATRT) 3 Update
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MANAL ISMAIL, GAC CHAIR: Good morning, everyone, if you can please take your seats, we're starting our discussion with the third ICANN accountability and transparency review team. So thank you, everyone. And thank you to our guests here from ATRT3. We have to my right, I have Cheryl and Pat, co-chairs of the ATRT3. I have Liu, our own Liu, the GAC nominee to ATRT3. We have also Vanda and [indiscernible] from the GAC working party. And I think we'll be first hearing an update on progress within the review team. And as you all know, the GAC is within the scope and focus of the review team. It's also one of the four work parties or working groups or Work Tracks, whatever you name them. We have been working inter-sessionally with the review team on answering the community survey but also some specific questions for the GAC, and we stand ready to cooperate in whatever form or shape. So with this, allow me to hand over to you, Cheryl.

CHERYL LANGDON-ORR: Thank you so much. Cheryl Langdon-Orr, for the record. And Manal, always a pleasure to come join you in the GAC room. And

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we appreciate you are taking the time early in the day to listen to us and our little update as we head towards our reporting phase of our work. We wanted to take you through a little tour this morning. The slide deck is available to you, and we will [indiscernible] highlights and holidays, rather than going through the depth of everything in the presentation. Should you wish to dig deeper, we are available and following up after today back up, we want to value your time and perhaps take time for questions later on.

So today a brief background on why we're doing what, we'll give you some information about the sources of information on the topics we're focused on and what you can predict we will be making features in our report. We'll be looking particularly at the ATRT2 recommendations and what we think happened to those and looking at the ATRT3 survey and want to thank you all for the amount -- and it was a wonderful amount -- of information we got from that survey. We're very pleased with the responses, and that includes that came in from the government advisory committee. We'll gloss over accountability indicators because every time I ask a room of people who has actually looked at that, they go what? But they do exist and perhaps that is saying a lot about how useful they are, and we may be making suggestions on that.

Focus on prioritization, and Pat will taking deeper into that because this really is one of the main features of this meeting, and if we could have the next slide, please, obviously we have already looked into reviews, diversity on the board shall public consultation, seems we have a variety now and attention drawn to the fact that how does one interact with a blog instead of a formal public comment that targeting also we are looking at and suspect the GAC may have strong opinions about that. PDP, and that will pretty much take us what you can expect from our draft report. And once more, thank you very much. Now we are working under different standards than any other review team, and Pat is going to tell you about that.

PAT KANE:

So as of June, the standard operating procedures in terms of developing recommendations for review teams has changed a little bit, the bar has been raised and new requirements for what a recommendation is. What we're working under is of course the identification of the recommendation, the definition of desired outcomes including metrics we would like to measure them by, initial identification of potential problems in developing the metric, and then suggested time frames to where we believe these recommendations should be introduced by to be most effective and meaningful.

Go through and take a look at the current baselines, where are we today and how do we improve from there. Data possessed by ICANN or in the community that would be relevant or applicable to the recommendation, third party or industry metrics we could include as well. Also community input, surveys, we will talk a little bit this morning and then required a consensus on recommendation. When looking at ATRT2 recommendation, completed in December also six years, the 12 recommendations with 46 components, completed in 2018, and ICANN staff reported 100 percent of the recommendations implemented and ATRT3 was part of the process to review those implementations and make assessment as to how they were implemented and how effective those implementations were.

CHERYL LANGDON-ORR: Thank you, Pat, and if it's not a picture, it didn't happen. You all know that. ATRT2 completed its work in December 2013 and posted 12 recommendations with 46 components, the majority of the recommendations were focused on the board and the GAC. Implementation of the recommendations began in 2014 and reported as complete in 2018, and that is the data that we started with. ATRT3 mandated to review the implementation and effectiveness of those as each review team remains on the work of the one before.

And again, ATRT3 held its first meeting on the auspicious April Fool's Day, the 1st of April, hope it wasn't a joke, needs to complete its work by March 30, 2020, this is because we are the only review team that is by law mandated and time bound if for a 12-month period, so we don't have a choice about how long we operate. We operate for 12 months. That is it. Yes, we do know that we should have been running a year earlier at least but we also know that understand very well with the transition work and everything else that was going on, why it was delayed. Original composition was 18 members, and you can see that and we certainly value those who have continued, a small attrition but we don't believe that has affected our effectiveness or the representation we have amongst our team.

ATRT3 has opted to make recommendations -- capital R recommendations -- and suggestions and in some cases strong suggestions, Pat has talked to you about the gating, the new processes we have to go through so you will see less recommendations from our review team than previous review teams, whether ATRT or other forms of specific review. But it doesn't mean we're not going to make suggestions and very strong suggestions, which we assume will be looked at and taken into consideration in future planning. We are, however, going to limit our recommendations to those topics we believe are critical, important, and timely now. Because not that many others aren't

important, it's just what we can do short-term with the resources available.

PAT KANE:

Thank you, Cheryl. This is Pat. So when we took a look at the ATRT2 recommendations and again, received report from ICANN staff that 100 percent of the recommendations complete, but in our assessment, we found that 50 percent of the recommendations were completely implemented, and 18 percent were not. In some cases we had very proscriptive recommendations and when we evaluated what was the wording with the recommendation even if the recommendation had found another way to be implemented, so we were very -- did you meet it, not meet it, in terms of our evaluation. Some of the concerns we are hearing in terms of the implementation process and looking at review and implementation as a segment of a review -- is that if we are reporting that they're done from staff and the assessment comes in and we're not done in terms of our assessment there's a bunch of reasons why. And maybe it's okay, but we have to have a deliberate process to retire recommendations that aren't going to get done or overcome by [indiscernible] because in ATRT2, at the recommendation of commitments and today under empowered community. So a reason processes to identify really why those are.

So on the ATRT3 survey, we sent out a survey for individuals and for structures and our respondents, we had 15 of 17 structures invited to participate, responded and then 88 individuals respond and 50 of those answers anticipated questions, they were the same surveys except within the structures, opportunity to add additional information in terms of a comment and not just where do you rate the effectiveness of the question. And what we found in that survey was the strongest indications for ATRT3 to look into things were these items, prioritization, specific and organizational reviews, diversity of the board members, the public comment process, and support for board decisions.

So when we took a look at the details in that and the responses, what we found was that there was support for the board decisions and we were actually not going to consider making commentary based upon the survey for the board decisions. We did have a lot of commentary around the policy development process and ATRT2 recommendations so the priorities the team has decided upon are prioritization, specific and organizational reviews, diversity of board members, PDPs and the public comment process. It's not surprising that prioritization and the reviews have bubbled up to the top, because we're hearing that through the multi-stakeholder model evolution engagement where Brian [indiscernible] is leading and also from the ICANN board paper published earlier this week and we had a session on two days ago.

So when we take a look, we'll change the standard presentation a little bit in that we will take a look at some of the specific draft recommendations that we're considering and debating on right now that we have not GAC. So ATRT2 made 16 distinguish recommendations relating to the GAC of the 12 and 46 some opponents we talked about before, 13 were completely implemented and we believe 3 were partially implemented, so nice to see the ones pertaining to GAC all implemented to at least some degree. So in the results of the survey from the GAC on the specific questions, these are the responses and what we received. Should the GAC accountability be improved, 73 percent structures responded yes. Transparency improved? 54 persons of the structures responded yes. In your view are you satisfied with the interactions the GAC has with the board? 64 percent responded yes. And are you satisfied with the interaction with the SO/AC? And 71 percent of the structures responded yes.

So I'll take you through draft recommendations, these are not final, we have not determined the level of consensus yet that we have here, will just share some those today. Please feel free to ask questions along the way. ATRT3 suggests that the GAC public a short list of suggested qualities or requirements for liaisons to assist SO/AC to select the best candidates to be GAC liaisons. ATRT3 suggests that the GAC in conjunction with ICANN should provide or takes for liaisons so they understand the environment

of the GAC as well as the expectations for liaisons. ATRT3 suggests that the GAC continue to commit to its improvement efforts focusing on ensuring early engagement with relevancy, I have found that really important.[reading] ATRT3 strongly suggests that the GAC develop and implement accreditation process. ATRT3 suggests that the GAC in addition to suggestion for 4.4.1.1, and 4.4.3.1. Continue its continuous improvement efforts and focus on making the communicate clearer to improve ability to integrate the GAC's recommendations into our work.[reading] suggests that the GAC and board develop joint messages about the current state of the interactions and mechanisms which support these and ATRT3 suggests that the GAC considering the success of the current mechanisms in place for interacting who the board work with the GNSO to implement similar mechanisms to facilitate interactions between the GAC and GNSO. Just getting into defining recommendations, suggestions and strong suggestions, that report will be published through. And Cheryl, if you will take us through to the next slide. And take a look at what we would do from our engagement and public consultation.

CHERYL LANGDON-ORR: ATRT3 currently planning to public draft report for public consultation by mid-December 2019 and closing that at the end of January year 2020, also aware that there will be a number of

other important public consultations that will be held in parallel, such as auction proceeds, not got a lot of choice. In order to mitigate the workload on the community and in line with our own suggestions you will find in the report on public consultation, we will include in this particular draft report a augmented auxiliary summary, so that may help you get response and plan for responses -- and of course a list of questions. So while we welcome a response to the full report, there will be key questions which we are taking input on. [refer to screen] and obviously we will be looking forward to this feedback from the community.

With that, we hope we have some questions. Particularly because we focused on you are the only group that has had this sneak peek of what we think we might be talking about with recommendations to the government advisory committee.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Cheryl and Pat. I already have two questions but maybe I can give chance to GAC colleagues first.

OLGA CAVALLI, GAC VICE-CHAIR: Thank you very much for the work you are doing. Could you clarify one of the recommendations that talks about whole government perspective or something like that? And another question, sorry, is there any insight from

ATRT3 about the participation of GAC in the NomCom? Thank you.

CHERYL LANGDON-ORR: Thank you for that question, Olga. Cheryl Langdon-Orr, and I may take the responses in the reverse order. With regard to the NomCom aspects, we have worked very closely on what is happening in the nominating committee review implementation, and we are aware that that is, the rebalancing question is firmly in that group's work so we are not making specific recommendations other than the work of the nominating committee review implementation needs to be attended to and watched closely. So that's our dealing with that.

In terms of the first one, what we heard -- and not just from parts of the organization outside of the government advisory committee but in fact from members of the government advisory committee as well. With some governments it's very difficult to work out a homogenous view of one department may be different from another. We may have situations where someone is sent as a representative, but the other parts of government do not understand that that person is in fact making presentation and that the whole of the government approach is that terminology. If we need to explain in our simple language what that means, so the variety of governments that we hope may think about this and

take this up as an opportunity, then please do let us know, because we will work with you to put the appropriate language in so the intent is clear. So perhaps if you can help us with that, we would very much appreciate it. Thanks.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Argentina, and thank you, Cheryl. Yes, Burkina Faso, please, go ahead.

BURKINA FASO: [non-English word or phrase] this is Burkina Faso. Thank you very much, Manal. I have a question on the summary recommendations that was proposed by ATRT3. The team referred to a summary that they were going to make available to the government representatives. I wanted more details about that and why is it important to have such a document so we can make a better follow-up. Thank you very much.

MANAL ISMAIL, GAC CHAIR: Just waiting for the transcripts to finish, and we will answer right away.

CHERYL LANGDON-ORR: Cheryl Langdon-Orr, for the record. Certainly, one of the things we are very aware of and discussed in the ATRT3 is the desire to

have simple language used and quite easily understood executive summaries in not just our work but the work of ICANN in general, of course no surprise for anyone who knows I have some connection back to the at large advisory committee and of course put out joint statements in the in the past on this very thing, so surprise, surprise. One of the things we thought would be useful was if there was an augmented executive summary that an advisory committee member could take the parts to their government and have that as a report back to get a response if desired. So to try to make your job easier, rather than have an interpretive process to ensure almost a ready to go resource, part of a tool kit, so that's our intention. We think that would be a good practice, and we would like to think it was a practice that may be taken up in other parts of ICANN in documentation. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Burkina Faso, for the question and Cheryl for the answer. Any other questions? Okay. Maybe I can ask mine. So two things. First regarding the suggestions versus recommendations. And whether -- I mean recommendations are clear to me. Suggestions I'm not sure. Are they less urgent? Are they optional? So this is the first question.

And my second question would be related to the answer you will give but it will be in terms of the following. ATRT3 review and how

would [indiscernible] the suggestions. Should they be optional. And one third question, if I may, since I already have the floor, on the discrepancy between what you assessed in terms of completion and what has been reported, and whether this has to do with misinterpretation of the recommendation itself or maybe leaving some parts so that maybe when we are doing new recommendations maybe we bulletize to make sure all parts covered to know where the discrepancy came from.

PAT KANE:

They kind of roll together. So when you take a look at the recommendations and having only 53 percent of them in our assessment been complete within six years, do you have the right recommendations and are you focusing on the most important items you can define and call it specifically what the review team, ATRT3, will recommend in the future in terms of what we think is most impactful and given where we are on the CCRC2 process, how do we look at that when trying to balance resources and time and money. So all of those things came together in terms of what are the most meaningful recommendations, and ATRT3 only has a three, like all ATRT3s and what can we focus on there and then items we think are good ideas that we probably can't get to the level of requirements of the recommendations because of the standard operating procedures under at this time, we figured we would take a look and say yes, good idea, think about it and

hopefully these suggestions will find their way into work streams that address each of those recommendations. So I'm not certain I would call them optional at this point in time, have not really talked about that, but in terms of the suggestions themselves being part of good ideas that could glom onto another piece of work, that's hopefully where we're taking these items.

The third question which was around the completion themselves, one of the things we found because six years following ATRT2 is that we're not really certain what the intent was six years ago with those recommendations and we have asked folks from back then and memories change and we have talked to -- I talked to Fiona, talked to Brian and others in terms of the intention and it seems to have evolved from that point in time. So a suggestion we're considering is to have a review team shepherd, continue on after we put the recommendation and a focus on those things so we don't lose what the intent is of those recommendations moving forward so when we get to ATRT4 or whatever the reviews are like at that point in time, there's somebody saying this is what we meant and they are part of the living document itself.

MANAL ISMAIL, GAC CHAIR: Thank you Cheryl and Pat, this is very helpful. Any other questions or comments? Okay. If not, then thank you again very much, Cheryl, Pat, Liu Yue, and we are happy to continue

cooperation, and anything that we can help facilitate your work or provide more information, please let us know. And for GAC colleagues, you now have ten minutes back so a longer coffee break. After the break there will be a GAC proposed cross community session on DNS abuse. It is taking place in the main room, and then after the lunch break, we will be meeting here again at 1:30, please. So thank you, everyone.

[END OF TRANSCRIPT]