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Third Accountability and Transparency Review Team (ATR3)

Update to the Community @ ICANN66



November 2019

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Background on Accountability and Transparency Reviews

New Operating Standards for Specific Reviews

- After a fulsome process new Operating Standards for Specific Reviews were introduced in June 2019 which were immediately applicable to any ongoing (at the choice of the RT) or future Specific Reviews.
- The most important changes made were with respect to the requirements for Specific Reviews making recommendations.

New Requirements for Recommendations

New requirements to test potential recommendations:

- What is the intent of the recommendation?
- What observed fact-based issue is the recommendation intending to solve? What is the “problem statement”?
- What are the findings that support the recommendation?
- Is each recommendation accompanied by supporting rationale?
- How is the recommendation aligned with ICANN’s current and future strategic planning, the ICANN Bylaws and ICANN’s mission?

New Requirements for Recommendations

- Does the recommendation require new policies to be adopted? If yes, describe issues to be addressed by new policies.
- What outcome is the review team seeking?
- How will the effectiveness of implemented improvements be measured?
- What is the target for a successful implementation?
- How significant would the impact be if not addressed (i.e., very significant, moderately significant) and what areas would be impacted (e.g., security, transparency, legitimacy, efficiency, diversity, etc.)?

New Requirements for Recommendations

- Does the review team envision the implementation to be short-term (i.e., completed within six months), mid-term (i.e., within 12 months), or long-term (i.e., more than 12 months)?
- Is related work already underway? If so, what is it and who is carrying it out?
- Who are the (responsible) parties that need to be involved in the implementation work for this recommendation (i.e., community, the ICANN organization, the ICANN Board, or a combination thereof)?

ATRT2 Recommendations

- ATRT2 completed its work in December 2013 proposing 12 recommendations with 46 distinct components.
- The majority of recommendations focused on the Board and the GAC.
- Implementation of ATRT2 recommendations began in 2014 and was reported as completed in 2018.
- ATRT3 was mandated to review the implementation and effectiveness of these.

Background on ATRT3

ATRT3 Background

- ATRT3 held its first meeting on April 1st, 2019 and must complete its work by March 30th 2020 (originally scheduled to launch in January 2018 per the Bylaws but delayed due to the Transition).
- ATRT3 was originally composed of 18 members as follows:
 - 4 from ALAC
 - 1 from the ccNSO
 - 1 from the GAC
 - 7 from the GNSO
 - 1 from RSSAC
 - 3 from SSAC
 - 1 from the ICANN Board

ATRT3 Strategy on Recommendations vs Suggestions

- ATRT3 has opted to make both recommendations and suggestions (in some cases strong suggestions) in its final report due to the new requirements for recommendations.
- ATRT3 will limit making recommendations to topics which it believes are of critical importance.

Sources of Information for the Topics to be Assessed

Sources of information for the topics to be assessed

- ATRT2 recommendations and implementation reports
- Status/results of other Specific and Organizational Reviews
- ATRT3 survey
- Accountability indicators
- ICANN65 – Interactions with the community including interviews

Sources of information for the topics to be assessed

- Specific information requested by ATRT3 from the Board and ICANN Org.
- Continuous Improvement at ICANN
- Other relevant information that is publicly available
- Strategic plan
- Budgets

Sources of information for the topics to be assessed

- Coordination with other ongoing efforts which are relevant
- WS2-IT for the Implementation of CCWG-Accountability
WS2 Recommendations
- MSM (Evolving ICANN's Multistakeholder Model)
- Board Prioritization work
- IRP-IOT work
- NomCom Review
- Input from presentations at ICANN66

ATRT2 Recommendations & Implementation

Summary of ATRT3 Assessment of ATRT2 Recommendations

- The ICANN org implementation report of October 2018 noted that all ATRT2 recommendations had been implemented.
- ATRT3's assessment is:
 - 53% were completely implemented
 - 29% were partially implemented
 - 18% were not implemented

ATRT3 Survey

ATRT3 Survey: General Information

- ATRT3 conducted two surveys, one for individual respondents and one for Structures (SO/ACs, including GNSO constituent bodies and RALOs) from August 20th to September 23rd, 2019.
- The survey for Community Structures was essentially the same survey that was proposed to individuals but with the possibility to input text comments on a number of questions.
- 15 of 17 SOs, ACs, GNSO constituent bodies and RALOs responded to the Structures survey (2 GNSO constituent bodies did not respond).
- 88 individuals responded to the survey but only about 50 answered all the questions.

ATRT3 Survey: Summary of Responses

The strongest responses were in relation to the following topics for questions:

- Prioritization
- Specific and Organizational Reviews
- Diversity of Board members
- Public comment process
- Support for Board decisions

ATRT3 Survey: Main Issues of Interest for ATRT3

- Given the strong support for Board decisions it was not included as an issue for ATRT3 to consider.
- ATRT3 did add the issue of GNSO policy development based on its assessment of the ATRT2 recommendations and other input.
- The list of priority topics:
 - Prioritization
 - Specific and Organizational Reviews
 - Diversity of Board members
 - PDPs
 - Public comment process

Accountability Indicators

Accountability Indicators

- ATRT3 is reviewing the accountability indicators

Prioritization

Prioritization

- In response to the ATRT3 survey question “Should the ATRT3 make recommendations about prioritization and rationalization of ICANN activities?” 73% of Individuals and 92% of Structures responded Yes.
- There was a similar focus in responses to the public comment on evolving the Multistakeholder Model.

Prioritization

- ATRT3 is currently awaiting further information from the Board to pursue this topic

Reviews

Reviews: Specific Reviews

- ATRT3's consideration of Specific Reviews comes at a time when:
 - ICANN, for the first time in its history has placed some of the recommendations from such a Review (CCT) in to pending status
 - ICANN has significantly increased the requirements for Review Teams wishing to make recommendations with the new Operating Standards for Specific Reviews.

Reviews: Specific Reviews

- In response to the ATRT3 survey question “How would you rate the effectiveness of the specific reviews (ATRT, SSR, RDS, etc.) as they are currently structured in the ICANN Bylaws?” 49% of Individuals found them effective while only 16% of Structures found them Very Effective or Effective.
- In a companion question asking “should Specific Reviews (ATRT, SSR, RDS, etc.) be reconsidered or amended” 78% of Individuals and 90% of Structures responded Yes.

Reviews: Organizational Reviews

- ATRT3's consideration of Specific Reviews comes at a time when SOs and ACs are increasingly dissatisfied with the results of these reviews (the ALAC rejected 8 of the 16 recommendations from its review).
- In response to the ATRT3 survey question "How would you rate the effectiveness of Organizational Reviews, those reviewing SO/ACs as they are currently structured in the ICANN Bylaws?" 41% of Individuals 42% of Structures found them Effective.
- In a companion question asking " should Organizational Reviews be reconsidered or amended" 85% of Individuals and 82% of Structures responded Yes.

Reviews: Recommendation considerations by ATRT3

ATRT3 concludes that reviews as they are currently implemented have not been sufficiently effective for some of the following reasons:

- Lack of coordination and overlap between reviews sometimes results in conflicting recommendations
- Too many reviews
- Reviews have to compete for ICANN's resources
- Lack of time or lack of resources
- Failure to properly implement some recommendations and report this
- Difficulty to have a systemic and holistic view

Reviews: Recommendation considerations by ATRT3

The possibilities ATRT3 is considering to address this situation include:

- Constitute a single permanent entity in ICANN to coordinate reviews as they currently stand and independently assess implementation of recommendations
- Replace all Specific Reviews with one review and all Organizational Reviews with one review
- Replace all Specific Reviews and all Organizational Reviews with one review

Diversity on the Board

Diversity on the Board

- In response to the ATRT3 survey question “Do you consider the diversity amongst Board members satisfactory?” 48% of Individuals and 69% of Structures responded No.
- In a companion question regarding which diversity elements were missing:
 - Individual respondents identified Geographical/Regional representations (56%) and Stakeholder group or Constituency(56%)
 - Structures identified Gender (76%), Geographical/Regional representations (70%) and Stakeholder group or Constituency (52%)

Diversity on the Board

- Given the Bylaws specify how voting Board members are selected (SO/ACs and NomCom) it would be difficult for ATRT3 to recommend modifying this delicate balance without launching a major process to formally study this.
- As such ATRT3 is considering suggesting that SOs and ACs which nominate voting Board members voluntarily accept to alternate their nominations based on gender.

Public Consultations

- In response to the ATRT3 survey question “Please rate how effective the current system of Public Comment consultations is for gathering community input.”
 - Individual responses to the first question were 50% Effective or Very Effective vs 48% which rate it as Somewhat Ineffective or Ineffective.
 - Structure responses to the first question were 75% Effective or Very Effective vs 25% Somewhat Ineffective or Ineffective.

- In a companion question “Do you believe the concept of Public Comment, as currently implemented, should be re-examined?”
 - Individual responses were 88% in favor of re-examining the concept of public comments vs 12% against.
 - Structure responses were 54% in favor of re-examining the concept of public comments vs 46% against.

Public Consultations

- In response to the ATRT3 survey question “Would you 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?”
 - Individual responses provide a very clear indication with 82% Agree or Strongly Agree vs 10% Disagree or Strongly Disagree
 - 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

Public Consultations

- Obviously Individual respondents have identified that there is an issue for them with respect to public consultations.
- The notion of including “short and precise questions regarding the subject matter in a Survey Monkey or similar format” resonated with Individuals but the use of surveys in public consultations were rejected because they could be easily abused.
- The notion of ensuring that public comments include “short and precise questions regarding the subject matter” would go a long way towards addressing the issues brought up by these questions.

PDPs

- Under consideration by ATRT3

Summary & Public Consultation on ATRT3 Draft Report

Public Consultation on ATRT3 Draft Report

- ATRT3 is currently planning to publish its draft report for public consultation by mid-December 2019 and closing at the end of January 2020.
- ATRT3 is also aware of the fact that there will be a number of other important public consultations that will be held in parallel (Auction Proceeds....).
- In order to help mitigate the workload on the community and in line with its suggestion for public consultations ATRT3 will also include in its public consultation on its draft report an augmented executive summary as well as a list of questions it would appreciate feedback on from the community.



Thank You and Questions

ATRT3 wiki: <https://community.icann.org/x/QK7DAw>

Email (publicly archived): input-to-atrt3@icann.org