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CHERYL LANGDON-ORR

Good morning, good afternoon and good evening. My name is Cheryl Langdon-Orr, I'm one of the two co-chairs of the Third Accountability and Transparency Review Team, known as ATRT3. Today we've got a webinar, which is the second of our series of webinars presented in the last 24 hours on our Draft Report for Public Consultation from our recent work.

We have with us today a slightly light audience but a few people hopefully will join, however we had an excellent turnout earlier and so we've certainly done some outreach. On our call today, it is a webinar so we won't be talking any sort of rollcall but I do want to recognize that not only do we have number of our Review Team members but you'll also hear from a few of them today as we go through our various slides.

You'll hear from a couple of the topic leaders, as well as from myself, Cheryl Langdon-Orr, co-chair Pat Kane. You'll also be hearing from Daniel, from Sebastien and from Vanda, all of whom will be taking sections of today's presentation. With that, we'll get going through our presentation and we will take some questions at the end.

What we would like you do however, so you don't lose your train of thought is if you have a question as we go through today's slides, please just pop it into the chat with the usual bracketing and title of question, so that we capture those as we go through and we will deal with those as we open the floor for question and answer towards the end. Of course, will we open all the microphones as well to take your Q and A in a more dynamic form. With that administration and general introduction over, if you could forward the slide please Brenda.

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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Today's presentation, I'll give you a brief overview of what we're going to be looking at. We'll be looking at our background on the Accountability and Transparency Review Team 3 ATRT3 Draft Report. We'll be looking at the key findings, key recommendations and suggestions. Key questions, which we are seeking input in our current public comment and we'll be looking at of course a Q and A.

Just by my background and we will be going through this very briefly because we are aware that many of you, although perhaps not all of you, have had the chance of hearing some of this material before at some of our face to face interactions and of course we like to recognize that we've had a few audience for our weekly accountability and transparency review team calls.

This third Accountability and Transparency Review is being carried out in accordance with the ICANN Bylaw section [inaudible] 4.6. The ATRT3 held its first meeting on the 3<sup>rd</sup> to 5<sup>th</sup> of April in 2019 and we must hand in our final report within 12 months of that date. This is bylaw mandated 12-month limitation on our work and we'll note of the record, that we are the only team is so limited by the Bylaws. That means, that by the 5<sup>th</sup> of April 2020, we're going to be handing in our final report.

ATRT3 has opted in our work to make both recommendations and suggestions. In some cases, these are strong suggestions. In our final report, this is due to the new requirements for recommendations that we'll go through in a little bit more detail shortly. The determination if an item is a suggestion or a recommendation, will be finalized in our

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ATRT3 Final Report [inaudible] from our interim one. Next slide please, Brenda.

The Operating Standards for Specific Reviews adopted in June 2019, were retroactively applied to the ATRT3 working. These new Operating Standards for specific reviews, are to date untested and the ATRT3 is the first review which will be making these recommendations or making its recommendations under these new standards.

We recognize that as a leader tester or as the first review team that are working under such principles and standards that we are also going to be getting very valuable feedback on how workable or otherwise they are but we have undertaken to apply these operating standards to whether we make something a recommendation, so titled or not.

The ATRT3 concluded that not all of our recommendations or things would traditionally termed as recommendations as seen other previous review teams could or indeed should meet these requirements in the new review standards.

As such, ATRT3 recommendations which do not need all the requirements will be labeled suggestions. However, the ATRT3 has been assured that all its recommendations and its suggestions, will be considered similarly by the ICANN Board. That's a very important point for us.

The ATRT3 scope. ATRT3 assessed the following scope items. We're assessing and improving board governance, assessing the role and effectiveness of the Government Advisory Committee, known as the GAC. Assessing and improving the process by which ICANN receives

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public input. The 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.

We went on to assessing and improving of the Independent Review Process, the extent to which prior accountability and transparency review recommendations previous teams have been implemented. Specific and organizational reviews, a review of ICANN's accountability indicators and work on prioritization and rationalization of activities, policies and recommendations.

Our ATRT3 considerations, it's important to understand the specific nature of the GAC and with this, I'm going to be handing over to one of the leads on the work of the Government Advisory Committee, Vanda Scartezini. Over to you, Vanda.

VANDA SCARTEZINI:

I'm Vanda Scartezini, thank you all for attending this webinar. I'm from Latin American and Caribbean Region. I call you attention for some points for the GAC. When you read, I hope you comment, our report, it's important to understand how different GAC is and the specific nature of assessing not only the ATRT2 but also, related to all the surveys and comments we received because GAC is usually composed of official governments.

Because of that, they about the expectation of their own governments and normally cannot to commit to anything prior to a formal authorization of their own government. The recommendations ICANN

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community can make for the GAC via such process as the ATRT review may have limited applicability or normally have to be adapted to fit into this GAC context. We expect that you have those points in mind when reading our report. Thank you.

CHERYL LANGDON-ORR: Thank you very much, Vanda. Our ATRT3 Methodology. We reviewed the implementation and effectiveness of the 46 distinct ATRT2 recommendations. We conducted a major survey of individuals and instructors, support organizations, advisory committees, as well as the GNSO constituent bodies and the regional At-Large organizations of the At-Large committee. We did this on a wide range of relevant topics.

The results of the survey can be found Annex B of our draft report. We held interviews and meetings with the community at ICANN65 and at ICANN66. We received briefings from various groups such as, ICANN Org's Public Comment Team, the Nominating Committee Review Implementation Working Group and indeed the leadership of specific review teams that are currently running and recently passed.

We reviewed the ICANN accountability indicators in detailed. Reviewed a large number of ICANN documents. Requested and received a number of clarifications from ICANN Org. With this, I'm going to hand over to my fellow co-chair, Pat Kane. Over to Pat.

PAT KANE: Hello everyone. Thank you, Cheryl. This is Pat Kane. We're going to through the Key Finding Section and this area will take a look at what

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the review team discovered on ATRT2 recommendations, as well as go through some of our survey results.

As Cheryl mentioned, there were 46 distinct ATRT2 recommendations and we received report from ICANN Staff, indicating that they were all 100 percent complete. Upon our own review, we found for what we believe in terms of that assessment is that 60 percent of them were actually completed, 23 percent were partially implement and that would be that they were either somewhat done or they were implemented in a different manner then what's prescribed in the ATRT2 recommendation and that 17 percent were actually not implemented.

This led to a lot of the recommendations we're having in the prioritization areas, so we'll come back to that. What we do believe, is that with the new operating standards for the specific reviews, that this divergence in assessment is probably not going to be a problem going forward.

Here are the survey results, what I'm going to go through are those items that we received strong recommendations or strong [inaudible] both individuals and structures. We sent out to two separate groups, structured the AC's and SO's, as well as having individuals respond. I'm just going to read through these and add some commentary as we go through.

Do you believe the information ICANN makes available on the ICANN Org website should be better organized to facilitate searching for specific topics? Clearly, there is some frustration with that particular

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topic in terms of being able to identify and retrieve information from the ICANN website.

Should the ATRT3 make recommendations about prioritization and rationalization of ICANN activities? Absolutely from both individuals and structures, should such recommendations include a process to require recommendations are it becomes apparent that the community will never get to them or they've been overtaken by other events.

This goes back to the assessment on the ARTR 2 recommendations, whether they were done or not, in terms of if we can have a process to deliberately address recommendations we'll never get to, then we'll be able to retire them and not necessarily have to say they've been completed or complete another process, so I think this was very helpful in our prioritization commentary.

Should the community or representatives of the community be involved as a decision participant in any mechanism which makes recommendations to the prioritizing and rationalizing work for ICANN?

Absolutely, this is probably one of the strongest comments we got. That really comes to, these are community recommendations. The community should absolutely be involved helping to recommend what the priorities are or recommend what should be retired.

How would you rate the effectiveness of the specific reviews as they're currently structured in the ICANN Bylaws? There's this satisfaction, especially amongst the structures around the specific reviews and how effective they are.

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Some of the commentary that we received over time, is that they're costly, they are lengthy, you'd have a few volunteers that do a lot of work, as well as, going back to the ATRT2 recommendations again, that we're not getting full complete view of what we're actually accomplishing in terms of those recommendations over time.

Should specific reviews be reconsidered or amended? Yes, and we've got some recommendations coming up on review teams.

Should organizational reviews be reconsidered or amended? Strong from both individuals and structures and then please rate how effective the current system public comment consultation is for gathering community input. Only 50 percent of the individuals were positive about the public comments and 88 percent of the respondents were in favor of reexamining the concept of public comments and you'll hear some commentary.

This was interesting, I don't know if everybody on the call today has actually seen the accountability indicators but we received was that 50 percent of the structures are unaware of the existence of the accountability indicators and of those that were, two thirds of them found the indicators ineffective and that being that they weren't really measuring what they were intended to measure, so we've got some comments on that as well.

We're going to start off with the key recommendations here. I'll do a few of them and then we're going to move to Daniel and Sebastien to talk about the reviews.



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The Board should ensure that the first Competition, Consumer Trust and Consumer Choice, second RDS, the Cross Community Working Group, Work Stream 2 Review Teams provide Implementation Shepherds as defined in the Operating Standard for Specific Reviews, so they can actually steward the recommendations through so that there's consistency in what the review teams or working groups intended by their recommendations.

One of the things we found when we reviewed ATRT2 recommendations was there was some confusion on the team, as to what was actually intended to be accomplished by the recommendation. We were able to go back and have conversations with members of ATRT2, but it was clear that as time when on, there was some disconnect between what was written several years ago and what was being discussed today. Having a steward, having a shepherd, is really important in terms of recommendations that we have.

The implementation of specific review recommendations is transferred to another process. If we were to suggest something in a review team it would end up in a working group, the Board should ensure that any implementation reporting should clearly note this and ensure factual reporting on the progress of that implementation within the new group that's addressing that particular recommendation.

Issues with respect to prioritization. There is very strong support within the review team to have or within the survey to have the review team make recommendations on prioritization. Now, one of the things we recognize as the review team, is that there are several conversations going on right now about prioritization.

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The Board itself has been going through a prioritization process. The evolution of the multi stakeholder model process has been going, it's talking about prioritization as well. The review team suggests that we create a community led entity tasked with the development and operation of a prioritization process outside what we've been talking about.

Creating the prioritization process, over all we believe that the operating standards for specific review could serve as great base for developing this community led process. The community members participating in this process should have significant experience in ICANN and have actively participated in a major process, whether that be a community working group, cross community working group, examples of workstream one, workstream two, as well as expedited policy development process, not necessarily the one that's going on right now, but as an example of a significant even that's going on across the community.

Members should include and must include representatives from the Board and the ICANN Organization. The community should lead this prioritization process. They should have a fixed one-year term to complete the task.

I think we found that while there's a challenge in the ARTR 3 with having the one-year window, it's certainly driving us to make decisions that we recommend that for this particular process. The community led entity should have access to services of a professional facilitator, should the work group request and need one.

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Again, in terms of the prioritization process itself, we believe that the operating standards that were adopted in June, could serve as a fantastic base, fantastic foundation for this process. We think the review should be conducted annually and have the community driving it, with participation of the Board and the ICANN Organization. Even though it's annually, there should be a process in place for handling exceptional circumstances.

A new recommendation comes up that has meaning or impact to a community above and beyond some of the things we're working on now. If you have budget issues, there should be a process to convene this group on a as need basis should exceptional circumstances arise. It also must be conducted in an open and transparent fashion, so that each decision is justified and documented.

The prioritization process should apply to all recommendations from CWG's, CCWG's, both organizational and specific reviews, as well as other community driven recommendations. The prioritization process will be across all of that, all of those recommendations and ranking them as across the community.

The prioritization process should only consider information that's provided. The process itself should not go out, should not have to go out and gather additional information, financial evaluations, etc.

The prioritization process should address and probably will address multi year projects but each of these projects we recommend be evaluated on the annual basis to either continue, to fund, to retire or pause.

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The review team, with these issues should be considered with respect to prioritization. Budget availability, cost of the implementation, complexity and time to implement, any prerequisites or dependencies that may in other recommendation, the value and impact of implementation and of course, relevance to ICANN's mission, commitments, core values and strategic objectives.

Fundamentally, these priorities should be based upon, how do we get the biggest bang for the dollars we have available? As well as the most meaningful items that we can impact the operation and the value that an organization like ICANN community can deliver to constituencies and to the end users of the internet. That's the section on prioritization.

We're now going to talk about the specific and organizational reviews and I'd like to turn it over to Daniel to introduce the topic. Thank you.

DANIEL NANGHAKA:

Thank you very much, Pat. It's Daniel for the record. With reference to the specific and organizational review that the ATRT3 review team could not come up with a consensus on a single proposal to address the issues related to organizational and specific reviews. As we did manage to narrow down the options down to two distinct possibilities for this draft report. We are seeking input from the community through the public comment, to assist the team, the ATRT3 team in coming up with a conclusion on how this topic is addressed in our final report.

There are two options in this case, the first option is to keep the current set of specific and organization reviews as they are given more important accountability mechanisms for the community in

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combination with a new oversight mechanism to manage to the review and the implementation of the respective recommendations.

The new oversight mechanism should be responsible for the independent accountability office, in this case, this office maybe similar to the office of the Ombudsman but with respect to the oversight. This includes responsibility of the SO/AC's accountability, as well as the coordination of the reviews at the implementation of the respective recommendations.

The impact of this option is that one, the initial impact on the schedule would be limited. Sebastien will be presenting on the review timeline. Also, there will be no changes in the current format or the duration of the reviews, which is the one-year organizational reviews and the specific reviews with potential extensions for the specific reviews.

Also looking at the impact -- to the creation of a new oversight body, which is potentially an independent body, which would mainly ensure proper implementation of the review and recommendation and coordination of reviews. For instance, in every seven years verses the current give year that the review processes that are in place.

With this, I'm going to hand over to Sebastien, who's going to take us through the second option. Sebastien, you have the floor.

SEBASTIEN BACHOLLET:

Thank you, Daniel. Sebastien Bachollet speaking. Yes, I will go to option two and we will have the organization review first and then specific reviews and we will have combined schedule. In option two

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organization two, we suggest to maintain the current concept of individual organization review for SO/AC but we suggest to conduct them in a three to five-day workshop focused on SO/AC self-inspection in a context of continuous improvement.

These reviews will be conducted every three years or more frequently as determined by each SO/AC. The reports of these reviews will [inaudible] a new holistic review, that's a very important point. This new holistic review would focus on the improvement made by all and each SO/AC as presented in the organizational review report, as well as on the interaction between SO's and AC's.

This new holistic review would be conducted every seven years, for a maximum duration of 12 to 18 months, to allow for the implementation and maturing of the recommendations made by the individual organizational review and those of the previous holistic review.

Specific reviews, that includes the accountability and transparency review, the security, stability and resiliency reviews, the competition, consumer trust and consumer review and the registration directory service review, formerly WHOIS review.

Accountability and review, as well as the relevance option of portion of competition, consumer trust and consumer choice and the registration directory service would be combined into a single accountability and transparency review, which will be conducted every seven years for a maximum duration of 12 to 18 months to allow for implementation and maturing of the previous recommendations by this review. Security and

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stability reviews could either be a three to five-day workshop or a more traditional review period depending on topic.

Here you can see, I'm sorry it's little, a comparison between option one at the top of the page and option two at the second part of the page. Each breakdown speaking to specific reviews and organizational review.

As you can see, if you take the [inaudible] first proposal, option one, the color change at the bottom of the page, quite dramatically, years where they are a lot of things going on at the same time and we may wish to edit it this if we go option one. If we go with option two, one of the [inaudible] review and that's why it's only green except for one year, in fact one year.

As you know, we are in discussion with ICANN to a possible next run of new gTLD. If it happens, we have taken the assumption that it will arrive in 2022. The next and last review of the competition consumer trust and consumer choice will be held in 3025 and after that it will be -- specific review will be retired but specific element or relevant elements from CCT review and RDS will be integrated into ATRT4. Security stability and residency review will be three to five-day workshop, held periodically as called for the technical community.

Organizational reviews, each SO/AC would have at least two reviews in each of the seven cycles. Each three to five-day workshop should focus on priority items and can be scheduled per SO/AC preferences, at least every three years. With that, I will give the mic over to Cheryl please. Thank you very much.

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CHERYL LANGDON-ORR: Thank you very much Sebastien. I'm going to take you through a few extra slides now. The first one of which is looking at the issues with respect to public comments. The accountability transparency review team number three recognizes that individuals, especially those whose mother tongue is not English or who lack detailed technical knowledge, may find it challenging to provide meaningful input on long and often complex documents that are published for public comment only in English. Key elements to comment on may be difficult to identify without reading the entire document.

Further issues with respect to public comments, we strongly suggest that public comments not only seek general input on entire documents but that they also do the following. They clearly identify who the intended audience is, generally ICANN community, the technical community, legal experts, etc. This will allow potential respondents to quickly understand if they wish to invest the time to produce comments.

This is not meant to prevent anyone from commenting but rather is meant as a clarification on who is best suited to comment. Each public comment proceeding should also provide a clear list of precise, key questions in plain language that the public consultation is seeking answers from and from its intended audience.

The results of these questions should be included in the staff report on the public comment proceeding. Where appropriate and feasible, translations of a summary and precise key question should be included in the public comment proceedings, which would also allow for responses in the official ICANN languages.



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We also look into accountability indicators and here, ATRT3 suggests that ICANN undertake a communications effort to make the community aware of the accountability indicators. Part of this effort could include a formal presentation of these at ICANN meetings.

ATRT3 further strongly suggest that ICANN rapidly understand a serious review of its accountability indicators to ensure that these do the following. Meet a stated objective in each section and subsection. Provide data that is useful as an accountability indicator. Provide data that can inform decision making processes and present data that is up to date.

Key question, per suggestions for public comment. You'll find all of this in Section 5 of our report. ATRT3 is including a list of topics and questions it believes are critical comment from respondents in this current public comment period, these are Recommendations with respect to specific and organizational reviews.

They are suggestions with respect to prioritization. Public comment, this current public comment on the third accountability and transparency review teams draft report, the ATRT3 draft report will close on the 31<sup>st</sup> of January 2020, at the end of this month. Comments after this date may not be considered due to ATRT3 tight timeline. Ladies and gentlemen, there will be no extensions.

We meet in the early first weeks of February to consider the comments that I gathered to this draft report public comment period and we are bylaw bound to complete our reporting by early April and so whilst comments maybe received after our closing date, no extensions will be

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given and there is no commitment to comments received late being taken into consideration.

Let's take you through the report layout very briefly. Sections 3, 4, 5, 7, 10 and 12 of the report are all structured similarly. You will find in each of the sections, introduction, information gathering information, ATRT2 work, ATRT3 survey and other information. You will find the analysis of information and identification of issues. You will find suggestion relative to issues and any recommendations we make to address issues.

Further, in other parts of our report you will find at the beginning, Section 1, a summary, key points and questions for public comment, this is pages listed here, pages five to 16 of the report. Special section for the public comment, this is a condensed version, which highlights all the key points from the report. This section has already been translated into all the ICANN languages.

The next section you will find is our executive summary, which we admit, is similar in some respects to Section 1 but includes a listing of all recommendations and suggestions. You will then on to look at the sections looking at the various issues. You'll find Issue 1 around the Board and Board related issues. Issue 2 around the Government Advisory Committee.

Here you'll find things that deal with government advisory committee related issues. Issue 3, which is all to do with Public Input, dealing with ICANN's translation services and the public comment processes. Issue 4, the acceptance of ICANN decisions and here they ATRT3 survey concluded that there was in fact general acceptance of ICANN decisions.

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Issue 5, the policy development process, this deals with all the PDP related issues. Issue 6, which is the assessment of the independent review process, the IRP and this is undertaken by the cross community working group accountability workstream two.

Issues 7, which is the assessment of relevant ATRT2 recommendation, they were made quite some time ago and in ICANN was vastly different to the one we're operating in today and this a holistic view of how ATRT2 recommendations were or were not implemented. Issue 8 is the assessment of periodic and organizational reviews, dealing with these issues and as you know, we asking specific questions about that.

Issue 9, which is about the accountability indicators and we've made ATRT3 comments on accountability indicators in this section. Issue 10, which is the prioritization and rationalization of activities, policies and recommendations. Here, as you know, we've asked specific questions and seeking input on this area. The next section is the support organization and accountability and substructures accountability and here we're looking at the results of our own survey in concern with the questions to the SO/AC's on accountability.

Then prioritization and interdependencies of recommendations, which is yet to be determined, will be the next section and this per the requirements of the new operating standards for specific reviews. Here we will prioritize our suggestions and our recommendations in a final report.

Then we have three very significant annexes. In annex A, the first one, you'll find the accountability and transparency review team number two

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analysis details. Here, you'll find our analysis of all the ATRT2 recommendations. In the next section, annex B, we will see the detailed survey results and analysis and this is from our own ATRT3 survey. Then section C, the final annex, you'll find the government advisory committee input from ICANN65 in specific detail.

With this, I'm going to hand back to my co-chair Pat and we will go through the questions that we received in chat and then open the floor. Over to you Pat.

PAT KANE:

Thank you, Cheryl, very much. As Cheryl said, we'll go through the group chat questions, which we've had one so far. You can put your question in there or since we still have about 15 minutes, if you'd like to ask a question directly, please raise your hand and I will call upon you once we get through each question.

The first question we've got is from Alfredo Calderon and the question is, on the budget availability, if the initiative considered is multi annual, how will the budget be assigned? Will this budget assignment need to be considered annually or will it be a carryover item in the annual budget?

Alfredo, I don't recall specifically having a discussion on this particular topic but I would imagine you would end up with, there would have to be some kind of project plan that would [inaudible] so we have an understanding what the rate of spend was and the timing of the spend, so you could put that into the budget.

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Now, that would probably be a topic for the recommended team that has the one year mandate based on our recommendation, would take that on specifically but my guess is that you'd have to have a multiyear project plan so you could take a look at what the budgeted costs of the work plan would look like. Thank you.

I see no more questions in chat and I see no raised hands in the participant window. If there are no more questions, I'd like to thank you on behalf of the review team for attending this morning, this evening, this afternoon. If you have any follow up questions, feel free to ship them along to us and we look forward to any comments that you may provide and help us with getting through to our final report. Thank you all very much.

**[END OF TRANSCRIPTION]**