

Third Accountability and Transparency Review Team (ATR3) Report



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29 May 2020 (publication)
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- ⊙ Over the course of its work, several unforeseen events have occurred that ATRT3 considers **subjects for accountability and transparency review** of the Board, the ICANN organization (org), and the community
- ⊙ ATRT3 chose not to address (but) hopes that these can be considered in a future Holistic Review, ATRT Review or other relevant process
 - **Proposed change of ownership of the .ORG registry**
 - **The Expedited Policy Development Process**
 - **The accountability and transparency issues related to Domain Name System abuse**
 - **COVID-19 consequences for ICANN**

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ATRT3 makes five
recommendations

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⦿ High Priority – Section 8

○ Specific Reviews

- RDS Reviews (suspension)
- CCT Reviews (one additional and clearly scoped)
- SSR Review (suspension)
- ATRT Reviews
 - ATRT Reviews should continue essentially as they are currently constituted but with enhancements

○ A new **Holistic Review** of ICANN shall be set up

- ⊙ **High Priority – Section 8**

- **Organizational Reviews**

- ICANN shall evolve the content of Organizational Reviews into continuous improvement programs in each SO/AC/NC

⦿ **Timing considerations**

- The first Holistic Review shall start no later than one year after approval by the Board of the first ATRT3 recommendation
- The next Holistic Review shall start no later than every 2.5 years after approval by the Board of the first recommendation of the latest ATRT review
- This cadence would ensure a minimum of two continuous improvement assessments for each SO/AC/NC prior to holding the next Holistic Review
- The launching of any other review activities should be suspended while a Holistic Review is active

◎ Objectives

- Review continuous improvement efforts of SO/AC/NC based on good practices
- Review the effectiveness of the various inter-SO/AC/NC collaboration mechanisms
- Review the accountability of SO/ACs or constituent parts to their members and constituencies (this will include an in-depth analysis of the survey results)
- Review SO/AC/NC as a whole to determine if they continue to have a purpose in the ICANN structure as they are currently constituted or if any changes in structures and operations are desirable to improve the overall effectiveness of ICANN as well as ensure optimal representation of community views (but taking into consideration any impacts on the Board or the Empowered Community)

Continuous Improvement Program

- ⊙ To be established with ICANN by each SO/AC/NC
 - Common base between all SOs, ACs and the NC
 - Customization, to best meet the needs of each individual SO/AC/NC
- ⊙ To be implemented within 18 months of this recommendation being approved by the Board
- ⊙ To include
 - Annual satisfaction survey of members/participants (by RALOS and aggregation)
 - The results of these would be public and used to support the continuous improvement program as well as input for the Holistic Review
 - Regular assessment
 - At least every 3 years to evaluate and report (including by the Board)
 - Published for Public Comment
 - Holistic Review to consider a minimum of two assessment reports and related public comments
 - Details of the assessments to be defined (taking into consideration budget)
 - Be conducted by an independent contractor
 - By having an intensive one to five-day workshop

⦿ High Priority – Section 10

- ⦿ ATRT3 recommends that all SO/ACs should have the option of participating in this annual process. Those SO/ACs wishing to participate in the prioritization process shall have one member per SO/AC. Additionally the Board and the org shall also each have a member. The Board shall also take into account the following high-level guidance for the prioritization process:
 - Shall operate by consensus of the individual SO/ACs, Board, and org members that are participating in the prioritization process.
 - Is meant to have a continuous dialogue with ICANN org during the preparation of the budget.
 - Shall consider WS2 recommendations which are required to complete the IANA transition and are subject to prioritization but must not be retired unless this is decided by the Board.
 - Must be conducted in an open, accountable, and transparent fashion and decisions justified and documented.
 - Shall integrate into the standard Operating and Financial Plan processes.
 - Can prioritize multiyear implementations, but these will be subject to annual reevaluation to ensure they still meet their implementation objectives and the needs of the community.
 - Shall consider the following elements when prioritizing recommendations:
 - Relevance to ICANN's mission, commitments, core values, and strategic objectives.
 - Value and impact of implementation.
 - Cost of implementation and budget availability.
 - Complexity and time to implement.
 - Prerequisites and dependencies with other recommendations.
 - Relevant information from implementation shepherds (or equivalents).

- ⦿ **Accountability and Transparency Relating to Strategic and Operational Plans including Accountability Indicators**

- ⦿ **Medium Priority - Section 9**
 - ICANN org in strategic plans and operational plans shall provide a clear and concise rationale in plain language explaining how each goal, outcome, and operating initiative is critical to achieving the results of the one it is supporting (e.g., For each strategic goal there must be a rationale as to how it is critical for its strategic objective).
 - ICANN org in its strategic plans and operational plans shall have a clearly articulated, in plain language, specific criteria defining success which shall be S.M.A.R.T (unless appropriately justified) for all goals (strategic or not), outcomes (targeted or not), operating initiatives, etc.

⦿ **Medium Priority - Section 9**

- For the FY2021-2025 Strategic Plan and FY2021 Operating Plan, ICANN org shall, within six months of approving this recommendation, produce a supplementary document using the criteria defining success in reporting on the progress of any relevant goal, outcome, operating initiative, etc. to create a listing of required rationales and specific criteria defining success (as defined by ATRT3 in this recommendation) for each goal (strategic or not), outcome (targeted or not), operating initiatives, etc. that are found in both of these documents and post it for public consultation prior to finalization. Once finalized ICANN org will append these to the FY2021-2025 Strategic Plan and FY2021 Operating Plan and use the criteria defining success in all reporting on the progress of any relevant goal, outcome, operating initiative, etc.

⦿ **Medium Priority - Section 9**

- ICANN org shall publish an annual status report on all Strategic Plan and Operating Plan goals, outcomes and operating initiatives. This should clearly assess each of the elements presented in the Strategic and Operating Plans (goals, outcomes etc.) clearly indicating what progress was made vs the target in concise and plain language. Prior to being finalized the report will be submitted for Public Comment.
- ICANN org shall publish an overarching report at the conclusion of a strategic plan starting with the 2016-2020 Strategic Plan. This should clearly assess each of the elements presented in the strategic plan its text (objectives, goals, outcomes) clearly indicate if it was attained or not and justify that assessment in concise and plain language. The report shall conclude with a section distilling the results of the assessments and how this could be applied to following strategic plans or their revisions. Prior to being finalized the report will be submitted for Public Comment.

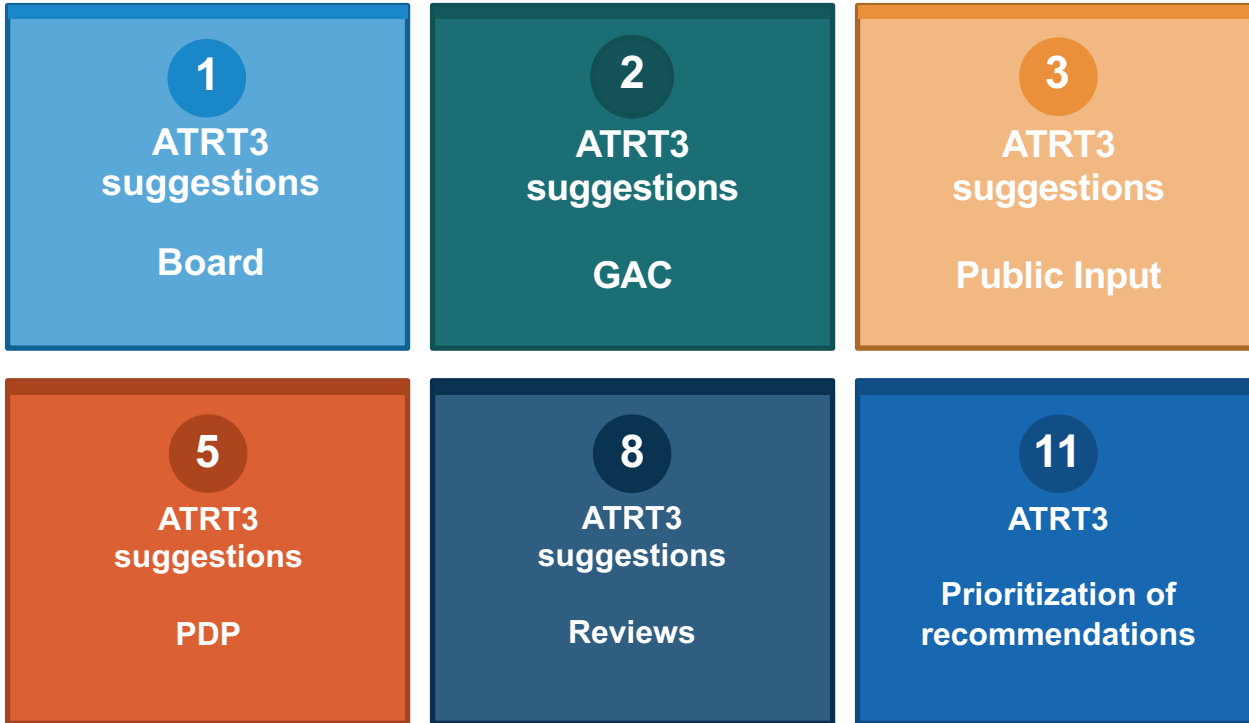
⦿ Low Priority – Section 3

- ⦿ To maximize the input from each Public Comment proceedings ICANN org shall update the requirements per the following
 - Each Public Comment proceeding shall clearly identify who the intended audience is (general community, 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 is rather meant as clarifying who is best suited to comment
 - Each Public Comment proceeding shall provide a clear list of precise key questions in plain language that the public consultation is seeking answers to from its intended audience
 - Where appropriate and feasible, translations of the summary and key questions shall be included in the Public Comment proceeding and responses to Public Comment proceedings in any of the official ICANN languages shall always be accepted
 - Results of these questions shall be included in the staff report on the Public Comment proceeding

- ⦿ **Low Priority – Section 7**
- ⦿ ICANN org shall review the implementation of ATRT2 Recommendations in light of ATRT3's assessment and complete their implementation subject to prioritization (see recommendation on the creation of a prioritization process).

⦿ **Low Priority – Section 3**

- ⦿ Additionally, with regards to other types of public input ICANN org shall
 - Develop and publish guidelines to assist in determining when a Public Comment process is required vs. alternate mechanisms for gathering input
 - Develop and publish guidelines for how alternative mechanisms for gathering input should operate including producing final reports
 - Develop a system similar to and integrated with the Public Comment tracking system which will show all uses of alternate mechanisms to gather input including results and analysis
 - Publish the complete “Public Comment Guidelines for the ICANN Organization.”
 - Resolve the issue of blog posts collecting feedback information when the “Public Comment Guidelines for the ICANN Organization” state that they “will not be used as mechanisms for collecting feedback.”



ATRT3 Suggestions: Board (Section 1)

ATRT2/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.

- The Board should establish the same targets it uses for publishing agendas and minutes of Board meetings for the agendas and minutes of all its official committees and publish these in the accountability indicators.
- All of the relevant indicators of Board performance should be grouped in a single area of the accountability indicators.
- Board minutes should indicate how members voted, including in Executive Sessions.
- Board minutes should include, in addition to the rationale, summaries of the main discussion points covered prior to taking votes.

ATRT2/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.

- Similarly to Reviews and the implementation of Review recommendations ICANN should provide a centralized system to track the development, approval, and implementation of policy by the SOs.
- Additionally, ICANN should, in a similar fashion to its **Action Request Registry for ACs**, institute a section on its website to track requests and communications from SOs and associated follow-on actions if any are required.



ATRT3 Suggestions: Board (Section 1)

ATRT2/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.

ICANN implement a maximum time to provide an initial assessment of recommendations which require action that are made to the Board by the SO/ACs.

ATRT2/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.

ICANN should complete the implementation of the reviewer's recommendations as well as those of the CCWG-Accountability WS2 on this topic

ATRT3 Suggestions: Board (Section 1)

ATRT2/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.



ATRT3 suggest that ICANN continue to support and enhance the following programs (among others): Fellowship, NextGen, ICANN Academy Leadership Programs, and CROP. ICANN should also continue to improve the options for remote participation, including captioning

ATRT2/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.

ATRT2/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.

ATRT3 suggests that the budget consultation process be improved to allow for greater community participation by providing a plain language summary of the proposed budget as per the suggestions ATRT3 has made with respect to Public Comment proceedings of this report

ATRT3 Suggestions: Board (Section 1)

ATRT2/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.

ATRT3 suggests that the Board implement ATRT2 Recommendation 12.3. ATRT3 understands that ICANN does perform some benchmarking related to salaries. However, this is only one element of the ATRT2 recommendation. If no comparable organization can be found for performing overall benchmarking, then the benchmarking activity should be broken down into component parts for which comparable organizations can be found in a similar fashion to what was done for salaries.

ATRT2/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.

ATRT3 suggests ICANN conduct regular surveys of the community to gather data to track the level of acceptance and approval within the community that the budget reflects the views of the ICANN community.

ATRT3 Suggestions: **GAC** (Section 2)

ATRT2/Recommendation 6.1d - 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

- ATRT3 suggests that the GAC publish a short list of suggested qualities or requirements for liaisons to assist SO/ACs to select the best candidates to be GAC liaisons.
- ATRT3 suggests that the GAC, in conjunction with ICANN, should provide orientation for liaisons to the GAC so they understand the environment of the GAC as well as the expectations for liaisons.

ATRT2/Recommendation 6.1h - 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

ATRT3 suggests that the GAC continue to commit to its improvement efforts focusing on ensuring early engagement with relevant SOs and ACs on matters of importance to the GAC

ATRT3 Suggestions: **GAC** (Section 2)

ATRT2/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 a 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.

ATRT3 suggests that the GAC continue with improvements in this area

ATRT3 Suggestions: Public Input (Section 3)

ATRT2/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.

Given ATRT2 Recommendation 8 was not completely implemented, ATRT3 strongly suggests that ICANN perform and publish some type of **quality measurements with respect to its language services**. These could include, for example, regular user satisfaction surveys at ICANN meetings for interpretation and obtaining a rating as to the quality of the translation of documents from members of the community who use these translated documents.



- ATRT3 recognizes that there are several significant activities being undertaken in parallel by other parts of the ICANN Community that will potentially have wide ranging effects on the current gTLD PDP process. These include the GNSO Council's work on "PDP 3.0," the results of the GNSO's EPDP process and outcomes from the current work on the 'Evolution of the ICANN Multistakeholder Model,' none of which will likely deliver results prior to ATRT3 submitting its final report. Therefore, ATRT3 has deemed it as premature to make any specific recommendations or suggestions regarding gTLD PDPs.
- However, regardless of the results of these other processes, the **ATRT3 strongly suggests that any proposal to change the current gTLD Policy Development Process clearly enhance, and not in any way reduce or restrict, the open, equitable and collaborative nature of the ICANN multistakeholder model nor adversely affect the security and stability of the DNS.**

ATRT3 Suggestions: Reviews (Section 8)

ATRT2/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.

Given the significant issues ATRT3 has identified with ICANN's implementation and reporting of implementation of the ATRT2 recommendations coupled with the untested changes which should address this, ATRT3 suggests that:

- The Board follow through with requesting an Implementation Shepherd (Section 4.5 of the Operating Standards) from ATRT3 for the implementation of its suggestions and recommendations
- ICANN open a Public Comment Proceeding on its implementation of the ATRT3 suggestions and recommendations such that the Implementation Report is available at the launch of the next ATRT type review (recognizing ATRT3 will be making recommendations with respect to Specific Reviews).

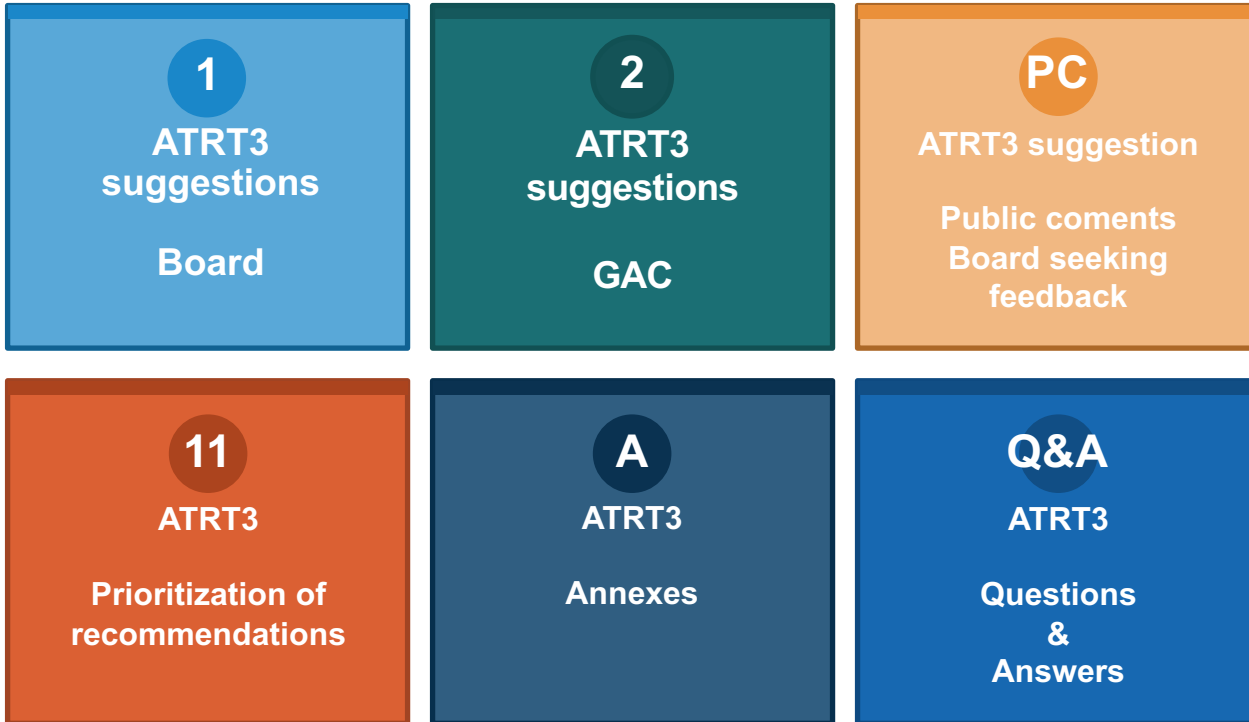
ATRT2/Recommendation 11.5 - The ICANN Board should ensure in its budget that sufficient resources are allocated for Review Teams to fulfill their mandates. This should include, but is not limited to, accommodation of Review Team requests to appoint independent experts/consultants if deemed necessary 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.

ATRT3 suggests that Review Teams assess their allocated budget with staff once they have established a work plan. Review Teams should be allowed to request reasonable and justified amendments as necessary to ensure they can complete their task. The Review Team and staff should review the budget at regular intervals during the course of the project and could request to have it amended it under exceptional circumstances.

ATRT3 Suggestions: Reviews (Section 8)

ATRT2/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.

ATRT3 suggests that the Board implement this recommendation as it was originally proposed by ATRT2.



ATRT3 Suggestions: Board (Section 1)

Survey (1): Please indicate your satisfaction with the Board's performance overall

ATRT3 will make the same suggestions here as it did in the conclusion of the assessment of ATRT2
Recommendation 2:

- The Board should establish the same targets it uses for publishing agendas and minutes of Board meetings for the agendas and minutes of all its official committees and publish these in the accountability indicators.
- All of these relevant indicators of Board performance should be grouped in a single area of the accountability indicators.
- Board minutes should indicate how members voted, including in executive sessions.
- Board minutes should include, in addition to the rationale, summaries of the main discussion points covered prior to taking votes.

Survey (2): How does your Structure feel regarding the Board's interaction with your SO/AC? (Question only for structures)?

ATRT3 suggests that the Board should take concrete steps to ensure that Board members continue to regularly meet with the community at ICANN meetings, including the sub-components of the GNSO and At-Large, but that these interactions be less formal and allow sufficient time for a true dialogue on questions of interest to those community members.

ATRT3 Suggestions: Board (Section 1)

Survey (3): Do you consider the diversity amongst Board members satisfactory?

Given the Bylaws specify how voting Board members are selected (SO/ACs nominated, EC confirmed, 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 suggests that the SOs and ACs that **nominate voting Board members to the ICANN Board**, voluntarily consider their nominations based on crucial aspects of Board diversity, giving particular attention to gender criteria.



Additionally, ATRT3 notes that the Empowered Community should consider the Bylaws requirements on diversity when considering the confirmation of Board members.

Survey (7): Rate the mechanisms ensuring the Board's transparency

ATRT3 makes the same suggestions here as it did in the conclusion of the assessment of ATRT2 recommendation.

ATRT3 Suggestions: Board (Section 1)

Survey (9): Are you satisfied with the Board's decision-taking process?

ATRT3 makes the same suggestions here as it did in the conclusion of the assessment of ATRT2 recommendation.

Survey (10): Are you aware of the training program for the Board members?

ATRT3 strongly suggests that once ATRT3's suggestions related to ATRT2 Recommendation 2 are implemented, the Board undertake a communications exercise to familiarize the community with these new processes and its training program.

ATRT3 Suggestions: Board (Section 1)

Survey (11):

- Are you satisfied with the financial information that is provided to the public by ICANN?
- How would you rate the usability of the financial information overall?

Regarding communicating budget information to the community, especially for Public Comment proceedings, ATRT3 suggests that the Board and ICANN org

- Adhere to the suggestions regarding Public Comments made in this report relative to public consultations
- Tailor budget information for SO/ACs so that they can easily understand budgeting relative to SO/ACs

Survey (13): Do you believe the information ICANN makes available on the icann.org website should be better organized to facilitate searching for specific topics?

ATRT3 suggests that the next ATRT (or equivalent review) **evaluate** the results of the implementation of the **ITI initiative**.



ATRT3 Suggestions: **GAC** (Section 2)

Survey (15): Should GAC accountability be improved?

ATRT3 suggests that the GAC, in addition to other GAC suggestions, pursue its continuous improvement efforts and focus on making the GAC communicate clearer. This would facilitate the community's ability to take in GAC advice and properly consider it in the context of any relevant ongoing work.

Survey (17): In your view are you satisfied with the interactions the GAC has with the Board?

ATRT3 suggests that the GAC and the Board develop joint messaging about the current state of their interactions and the mechanisms which support these.

ATRT3 Suggestions: **GAC** (Section 2)

Survey (18): In your view are you satisfied with the interactions the GAC has with the SO/ACs?

ATRT3 suggests that the GAC, considering the success of the current mechanisms that are in place for interacting with the Board, work with the GNSO to implement similar mechanisms to facilitate interactions between the GAC and the GNSO.

- **Public Comment** (<https://www.icann.org/public-comments/atrt3-final-report-2020-06-16-en>)
 - **Open Date: 16 June 2020**
 - **Close Date: 31 July 2020**
- **Current Status:** The [ATRT3 Final Report](#) is issued for Public Comment to inform Board action on the ATRT3's final recommendations.
- **Next Steps:** Per the ICANN Bylaws ([Section 4.6\(a\)\(vii\)\(C\)](#)), the Board shall consider the [final report](#) within six months of receipt of the final report, i.e. by 1 December 2020.
- The Board will consider a feasibility analysis and impact assessment of the implementation of recommendations, which will take into account initial cost and resource estimates and dependencies with other ongoing efforts within the community, and the report of the Public Comment submissions received. The Board will then direct implementation of the recommendations that were approved and provide written rationale for the decision if any recommendations are not approved.
- [Third Accountability and Transparency Review Team \(ATRT3\) Final Report](#)
 - [ES](#) / [FR](#) / [RU](#) / [ZH](#) / [AR](#)
- ATRT3 Final Report Prologue and Executive Summary in each of the official language of ICANN
 - [AR](#) / [ES](#) / [FR](#) / [RU](#) / [ZH](#)

ATRT3 Suggestion: Board seeking feedback

ATRT3 makes a further suggestion in its 1 June 2020 [letter](#) to the ICANN Board, on which the Board welcomes community feedback on during this Public Comment proceeding

"Given the recommendation in Section 8 of its report ATRT3 is proposing significant changes to Organizational Reviews and Specific Reviews ATRT3 strongly suggests that the ICANN Board implement a moratorium on launching any new Organizational and Specific Reviews until it has made a decision on this recommendation."

- ⦿ **High Priority Recommendations**

- **Recommendation from Section 8 regarding Assessment of Specific and Organizational Reviews**
- **Recommendation from Section 10 regarding Prioritization and Rationalization of Activities, Policies, and Recommendations**

- ⦿ **Medium Priority Recommendation**

- **Recommendation from Section 9 regarding the Accountability and Transparency of Strategic and Operating Plans including accountability indicators**

- ⦿ **Low Priority Recommendations**

- **Recommendation from Section 3 regarding Public Input**
- **Recommendation from Section 7 regarding the Assessment of the Implementation of ATRT2 recommendations**

- ⦿ **A: Detailed analysis of the implementation and effectiveness of ATRT2 recommendations including suggestions**
- ⦿ **B: ATRT3 survey results and analysis**
- ⦿ **C: ATRT3 assessment of the ICANN org accountability indicators**
- ⦿ **D: Comparing ATRT3's proposal on organizational reviews to the bylaws and the ICANN board's public comment submission (31 January 2020) on the third accountability and transparency review team (ATRT3) draft report**
- ⦿ **E: Public comment analysis**
- ⦿ **F: Fact sheets**
- ⦿ **G: Participation**
- ⦿ **H: Minority statements**

Engage with ICANN – Thank You and Questions



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