AT-LARGE ADVISORY COMMITTEE
ALAC Statement on the Second Accountability and Transparency Review Team (ATRT 2) Draft Report & Recommendations

Introduction

Rinalia Abdul Rahim, ALAC member from the Asian, Australasian and Pacific Islands Regional At-Large Organization (APRALO) and ALAC Leadership Team member composed an initial draft of this Statement after discussion of the topic within At-Large and on the Mailing Lists

On 19 November 2013, this Statement was posted on the At-Large Second Accountability and Transparency Review Team (ATRT 2) Draft Report & Recommendations Workspace.

On that same day, Olivier Crépin-Leblond, Chair of the ALAC, requested ICANN Policy Staff in support of the ALAC to send a Call for Comments on the draft Statement to all At-Large members via the ALAC-Announce Mailing list.

On 21 November 2013, this Statement was discussed in the ALAC & Regional Leadership Wrap-up Meeting. During that meeting, the draft Statement was discussed by all present At-Large members, as well as those participating via Remote Participation.

The Chair of the ALAC then requested that a ratification vote be held on the Statement. Staff then confirmed that the vote resulted in the ALAC endorsing the Statement with 12 votes in favor, 0 votes against, and 0 abstentions.

You may review the result independently under: https://community.icann.org/x/ASefAg.

Summary
1. The ALAC appreciates the publication of the ATRT2 Draft Recommendations for Public Comment.
2. The ALAC views the Affirmation of Commitments' mandate for periodic organizational review and the work of the ATRT2 are crucial for enhancing, on a continuous basis, the culture and practice of accountability and transparency throughout ICANN.
   We agree with the ATRT2's general Recommendations that, in moving forward, ICANN needs to:
   - Establish clear metrics and benchmarks against which improvements in accountability and transparency can be measured;
   - Communicate clearly and consistently about its accountability and transparency mechanisms and performance; and
   - Improve and prioritize its AoC Review processes.

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The ALAC appreciates the publication of the ATRT2 Draft Recommendations for Public Comment. We view the Affirmation of Commitments' mandate for periodic organizational review and the work of the ATRT2 are crucial for enhancing, on a continuous basis, the culture and practice of accountability and transparency throughout ICANN.
We agree with the ATRT2's general Recommendations that, in moving forward, ICANN needs to:
- Establish clear metrics and benchmarks against which improvements in accountability and transparency can be measured;
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- Improve and prioritize its AoC Review processes.

The ALAC hereby submits the following comments on specific aspects of the draft Recommendations:

New ATRT2 Recommendations arising from issues addressed by ATRT1	ALAC Comment
1. Develop objective measures for determining the quality of ICANN Board members and the success of Board improvement efforts, and analyze those findings over time.	The ALAC supports this Recommendation.
2. Develop metrics to measure the effectiveness of the Board's function, and publish the materials used for training to gauge levels of improvement.	The ALAC supports the Recommendation to develop metrics to measure the effectiveness of the Board's function (i.e., performance and work practice) and suggests that it be made an explicit extension of the Recommendation that there will be a public reporting mechanism associated with those metrics so long as they do not deal with human resources and other confidential issues. While the publication of board training material is a good practice that informs the community, we suggest that it be mentioned separately or as a sub-area of focus.
3. Conduct qualitative /quantitative studies to determine if the qualifications of Board candidate pools improved once compensation was available, and regularly assess Director's compensation levels.	The ALAC supports this Recommendation, but suggests that the studies distinguish the effect of compensation on the qualifications of Board candidate pools provided by the Nominating Committee vis-à-vis Stakeholder Groups. The ALAC also suggests that the studies be oriented towards capturing the unanticipated consequences of compensation

	on Stakeholder Groups and their representation in the Board.
4. Develop complementary mechanisms for SO/AC consultation on administrative and executive issues to be addressed at the Board level.	The ALAC supports this Recommendation, which will eliminate the possibility of the Board acting in isolation without appropriate input on key issues of cross-community concern.
5. Determine how the proper scope of redaction could be reasonably confirmed.	The ALAC supports this Recommendation.
6. Undertake initiatives to enhance understanding and transparency of GAC deliberations, including publications of GAC meeting agendas, transcripts, rationales for decisions, and a formal process for notifying and requesting GAC advice; expanding public observation/participation in GAC conference calls, and restructuring meetings to better engage the community; and exploring ways to facilitate GAC early on ICANN's policy development processes.	The ALAC supports this Recommendation particularly as GAC advice and input to the Board have the potential for substantial impact.

We also strongly support the appointment of Liaisons from ACs and SOs to the GAC to facilitate better inter-constituency communication and understanding.

We believe that the availability of a strong and competent Secretariat would help the GAC achieve the goals stated in the Recommendations. |
| 7. Explore mechanisms to improve public comment through adjusted time allotments, forward planning regarding the number of consultations given anticipated growth in participation, and new tools that facilitate participation. | The ALAC strongly supports this Recommendation and suggests that each new issue posed for consultation should be accompanied with awareness-raising and capacity building initiatives to expand participation and lay the foundation for more informed contributions.

In addition, it is extremely important to ensure that the comment mechanisms allow sufficient time for intra and cross-regional consultations for stakeholders such as the At-Large, which has significant consultation requirements. |
| 8. To support public participation, ICANN should review capacity of the language services department versus the Community need for the service, and make relevant adjustments such as improving translation quality and timeliness and implementing continuous improvement via benchmarking of procedures used by international organizations. | The ALAC strongly supports the Recommendation to review the language services department's capacity against the community's need for service.

We suggest that the language services department work with the community to prioritize documentation/materials for translation, which may differ from constituency to constituency.

We also strongly recommend that the ICANN |

	Communications Department be involved in working with specific constituencies to make prioritized, translated information/ documentation available in a more understandable way to non-experts.
9. Consideration of decision-making inputs and appeals processes	The ALAC strongly supports this set of Recommendations.
9.1 Mandate Board Response to Advisory Committee Formal Advice ICANN Bylaws Article XI should be amended to include: *The ICANN Board will respond in a timely manner to formal advice from all Advisory Committees explaining what action it took and the rationale for doing so.*	We view Recommendation 9.1 (Mandate Board Response to Advisory Committee Formal Advice) to be extremely important so as to ensure that formal advice from all Advisory Committees are given due consideration by the Board.
9.2. Explore Options for Restructuring Current Review Mechanisms The ICANN Board should convene a Special Community Committee to discuss options for improving Board accountability with regard to restructuring of the Independent Review Panel (IRP) and the Reconsideration Process. The group will use the report of the Experts Group Report (ESEP) on Restructuring as one basis for its discussions.	We also believe Recommendation 9.3 (Review Ombudsman Role) to be important for the ALAC. The ALAC, and in particular the ALAC Chair, have called upon the Ombudsman in the past. Some of the services that have been provided to the ALAC have not been sanctioned by the Bylaws governing the Ombudsman and this needs to be rectified.
9.3. Review Ombudsman Role The Ombudsman role as defined in the Bylaws shall be reviewed to determine whether it is still appropriate as defined, or whether it needs to be expanded or otherwise revised to help deal with the issues such as: • A role in the continued process review and reporting on Board and Staff transparency. • A role in helping employees deal with issues related to the public policy functions of ICANN • A role in proper treatment of whistleblowers and the protection of employees who decide there is a need to raise an issue that might be problematic for their continued employment.	
9.4. Develop Transparency Metrics and Reporting As part of its yearly report, ICANN should include: A report on the broad range on	

Transparency issues with supporting metrics; A discussion of the degree to which ICANN, Staff and Community, are adhering to a standard of default transparency or where decisions to either use Chatham House Rule or redaction is made on a case by case basis and is documented in a transparent manner. • Statistical reporting on ICANN Board information and report disclosure, to include: The usage of the Documentary Information disclosure Policy (DIDP); Percentage of Board Book and other information that is released to the general public; Number and nature of issues that Board determined should be treated at either: Under Chatham House Rule / Completely confidential. • A section on employee whistleblowing activity, to include metrics on: Reports submitted; Reports verified as containing issues requiring action; Reports that resulted in change to ICANN practices; An analysis of the continued relevance and usefulness of existing metrics, including considerations on whether activities are being geared toward the metrics (aka, teaching to the test) without contributing toward the goal of genuine transparency; and Recommendations for new metrics. 9.5. Establish a Viable Whistleblower Program Adopt the One World Trust and/or Berkman Center Recommendations to establish a viable whistleblower program. The processes for ICANN employee transparency and whistleblowing should be made public. ICANN also should arrange for an annual professional audit of its whistleblower policy to insure that the program meets the global best practices.	
New Recommendations Arising From Issues Not Addressed by ATRT1 Recommendations	**ALAC Comment**
10. Improve the effectiveness of cross community deliberations 10.1. To enhance GNSO PDP processes and methodologies to better meet community needs and be more suitable for addressing	The ALAC strongly supports this set of Recommendations as they serve to improve the GNSO PDP processes and enable more effective participation, especially for groups that face high participation barriers such as

complex problems, ICANN should:

- Develop funded options for professional facilitators to assist GNSO PDP WGs, and also draft explicit guidelines for when such options may be invoked.
- Provide adequate funding for face-to-face meetings to augment e-mail, wiki and teleconferences for GNSO PDPs. The GNSO must develop guidelines for when such meetings are required and justified.
- Work with the GNSO and the wider ICANN community to develop methodologies and tools to make the GNSO PDP process more time-effective, resulting in quicker policy development as well as increasing the ability to attract busy community participants into the process.

10.2. The GAC, in conjunction with the GNSO, must develop methodologies to ensure that GAC and government input is provided to PDP WGs and that the GAC has effective opportunities to provide input and guidance on draft PDP outcomes. Such opportunities could be entirely new mechanisms or utilization of those already used by other stakeholders in the ICANN environment.

10.3. The Board and the GNSO should charter a strategic initiative addressing the need of ensuring global participation in GNSO PDP, as well as other GNSO processes. The focus should be on the viability and methodology of having equitable participation from: under-represented geographical regions; non-English speaking linguistic groups; those with non-Western cultural traditions; and those with a vital interest in GTLD policy issues but who lack the financial support of industry players.

10.4. To improve the transparency and predictability of the PDP process:

- The Board should clearly state the process for setting gTLD policies in the event that the GNSO cannot come to closure on a specific issue in a specified

the At-Large community.
In particular, we view Recommendations 10.1 and 10.3 to be extremely important for ensuring global participation in cross-community deliberations. The Recommendations will require dedicated funding resources for success.

We expect the strategic initiative in 10.3 to result in a plan as well as sufficient resources for implementation that will facilitate the participation of volunteers from under-represented geographical areas and regions; non-English speaking linguistic groups; those with non-Western cultural traditions; and those with a vital interest in GTLD policy issues but who lack the financial support usually available to industry players.

We strongly support and urge the ATRT2 to generalize the fourth bullet of 10.3 to facilitate having such volunteers in all areas and not just the GNSO PDP to ensure that the public interest is properly supported in all ACs and SOs.

time-frame. This resolution also should note under what conditions the Board believes it may alter PDP Recommendations after formal Board acceptance. • ICANN should add a step in the PDP Comment Process where those who commented or replied during the Comment Period can request changes to the synthesis reports in cases where they believe the Staff improperly summarized their comment.	
11.1 Institutionalization of the Review Process ICANN should ensure that the ongoing work of the AoC reviews, including implementation, is fed into the work of other ICANN strategic activities wherever appropriate. **11.2 Coordination of Reviews** ICANN should ensure strict coordination of the various review processes so as to have all reviews complete before next ATRT review begins, and with the proper linkage of issues as framed by the AoC. **11.3. Appointment of Review Teams** AoC Review Teams should be appointed in a timely fashion allowing them to complete their work over a minimum one (1) year period that the review is supposed to take place, regardless of the time when the team is established. It is important for ICANN staff to appreciate the cycle of AoC reviews, and that the Review Team selection process should begin at the earliest point in time possible given its mandate. **11.4. Complete implementation reports** ICANN 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. **11.5. Budget transparency and accountability** The ICANN Board should ensure in its budget that sufficient resources are allocated for Review Teams to fulfil their mandates. This should include, but is not limited to, accommodation of Review Team requests to appoint independent experts/consultants if	The ALAC supports this set of Recommendations.

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. 11.6. Board action on Recommendations The Board must address all AoC Review Team Recommendations in a clear and unambiguous manner, indicating to what extent they are accepting each Recommendation. 11.7. Implementation Timeframes In responding to Review Team Recommendations, the Board must 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.	
12. Financial Accountability and Transparency (Report Section 15) ATRT2 recommends that, in light of the significant growth in the organization, ICANN undertake a special scrutiny of its financial governance structure regarding its overall principles, methods applied and decision-making procedures, to include engaging stakeholders. 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. 12.2 As a non-profit organisation operating and delivering services in a non-competitive environment, ICANN should explicitly consider the cost-effectiveness of its operations when preparing its budget for the coming year. This should include how expected increases in the income of ICANN could be reflected in the priority of activities and pricing of services. These considerations should be subject of a separate consultation.	The ALAC supports this set of Recommendations.

12.3 As a non-profit organisation, every three years ICANN should conduct a benchmark study on relevant parameters e.g. size of organization, levels of staff compensation and benefits, cost of living adjustments, etc. 12.4 In order to improve accountability and transparency and facilitate the work of the Review Teams, ICANN's Board should base the yearly budgets on a multi-annual financial framework [covering e.g. a two- or three-year period] reflecting the planned activities and the corresponding expenses. The following year, a report should be drafted describing the actual implementation of the framework, including activities and the related expenses. This should include specified budgets for the ACs and SOs. 12.5 In order to ensure that the budget reflects the views of the ICANN community, the ICANN 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 enough time 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 between the ICANN Board and the Supporting Organizations and Advisory Committees to discuss the proposed budget.	