

ATLAS II Recommendation 27

N o.	Recommendation	Recipient	Thematic Group Source	Assignees	Status
27	The Board must implement ATRT2 Recommendation 9.1, regarding Formal Advice from Advisory Committees.	ICANN Board	TG5	<ul style="list-style-type: none"> AL AC 	COMPLETE

Summary

Implementation Details

The implementation of the CCWG-Accountability Work Stream 1 [proposal](#) is underway and the ICANN Bylaws have been amended accordingly. The [new ICANN Bylaws](#) (adopted by ICANN Board on 27 May 2016) has incorporated the [ATRT2 Recommendation 9.1](#). Specifically, [Section 12.3](#) states:

*Each Advisory Committee shall determine its own rules of procedure and quorum requirements; provided that each Advisory Committee shall ensure that the advice provided to the Board by such Advisory Committee is communicated in a clear and unambiguous written statement, including the rationale for such advice. **The 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.***

In the CCWG-Accountability Work Stream 1, At-Large Community appointees not only actively participated, but also often held Chair or Vice Chair positions in leading the work, shepherding the processes, and influencing the outcome. In addition, At-Large members diligently followed up on the incorporation of ATRT2 Recommendation 9.1 via ICANN channels beyond the CCWG-Accountability, such as during meetings with the ICANN Board.

Evidence suggests that the ICANN Board already started to develop mechanisms to timely communicate Board actions in response to advice from Advisory Committees. For example, after the ALAC submitted the [Proposal for Multi-Year Planning of At-Large RALO Face-to-Face Meeting](#) in late April 2016, ICANN Finance and members of the ICANN Board responded by [holding teleconference](#) and providing detailed [written feedback](#) in May 2016. With approval from the ICANN Board, ICANN Finance adopted the recommendations in the Proposal in early June 2016.

Next Step

At-Large will remain a watching brief on the implementation of Section 12.3 in the new ICANN Bylaws and provide feedback for potential improvements of the Board response mechanism.

Actions:

- ☒ 2015/09/02: Olivier Crepin-Leblond to ask the Board Chairman re the implementation of Rec 27; Olivier Crepin-Leblond will ask ALAC Chair's permission first.
- ☒ 2016/06/14:
 - ☒ [Olivier Crepin-Leblond](#) to check whether the ATRT rec 9.1 is incorporated in the new ICANN bylaws
YES it is:

Section 12.3.

PROCEDURES

Each Advisory Committee shall determine its own rules of procedure and quorum requirements; provided that each Advisory Committee shall ensure that the advice provided to the Board by such Advisory Committee is communicated in a clear and unambiguous written statement, including the rationale for such advice.

The 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.
 - ☒ Heidi Ullrich to forward the question to Board Support, Rinalia Abdul Rahim and possibly Steve Crocker to address this during ICANN56

Notes:

- 9.1. ICANN Bylaws Article XI should be amended to include the following language to mandate Board Response to Advisory Committee Formal Advice: "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."
- Board has accepted all the recommendations and asked for implementation, but the ALAC may bring this up with the Board if we don't hear updates by ICANN 52 Singapore
- 2015/09/09:
 - The Board has approved the ATRT2 recommendations a year ago or earlier and now the recommendations should have been implemented. Nonetheless, we have not heard any update re the implementation
 - Sebastien Bachollet recommended that it may be worthwhile to follow up with CCWG-Accountability and CWG-IANA on this recommendation. In particular, CCWG-Accountability will work on the bylaw change related matters, so this recommendation can be taken care of by the CCWG. The CCWG's work with regard to community empowerment mechanism and the extent of bylaw change is an ongoing process

- Olivier Crepin-Leblond points out that it is uncertain whether the outcome from the CCWG-Accountability will trump the ART2 recommendations. Another concern with the CCWG-Accountability work is that it seems to strengthen the SOs and weakens the ACs, but it may just be an speculation; one worrisome scenario would be that the advice from advisory committee will have less impact and the Board will not treat the advice from advisory committees as formal advice.