ATRT Recommendations
Proposed Implementation Plans
October 2011

ATRT Implementation Project, Recommendations 1, 2

Project Information:

Project:

1.   Board should establish formal mechanisms for identifying the collective skill-set required by the Board (in time to enable integration of recommendations into next NomCom process beginning in late 2011):

    a.   Benchmarking Board skill-sets against similar corporate and other governance structures;

    b.   Tailoring required skills to suit ICANN's unique structure and mission through open consultation process, including with SOs and ACs;

    c.   Reviewing these requirements annually, and provide as formal starting point for NomCom each year;

    d.   Publishing outcomes and requirements as part of NomCom's call-for-nominations (starting with next NomCom – late 2011).

2.   Board should regularly reinforce and review training and skills building programs (at least every 3 years).

ATRT proposed project deadline: Late 2011 (Next NomCom cycle)

Responsible Entity: Board

Project's Lead Department: Legal, with assistance from NomCom coordination

Project Manager/Team Advice:

Staff recommends that these recommendations generally be accepted and subject to ongoing work.

The portion of the recommendation regarding benchmarking (Rec 1.a) is likely to require the retention of consultants, and staff recommends that the process of skill identification and refinement first be viewed as a Board and community effort, prior to spending funds for a benchmarking exercise. The ICANN Board has already received some inputs into skills identification; the 2008 Independent Review of the Board, as well as the comprehensive list of skills identified within the ATRT report. Because of the unique structure of ICANN, comparison with other organizations may be of limited utility at this time. In addition, the staff supporting the Board has access to materials and trainers at major associations dealing with corporate directorships, and those materials can be used in further refining a baseline for community discussion.

The work produced by the Board, and the discussions with the NomCom, have to take into account the Board turnover issue, with clear identification of skills held by the Board members

with terms ending and the gaps that may be faced on the Board if those skill sets aren't considered in the selection of directors.

The remainder of the work recommended should proceed toward adoption. However, the need for community consultation and input, as well as coordination with NomCom processes, may require additional time for implementation. The Chair of the NomCom has already started informal consultations towards the implementation of this item, and the continued cooperation of the NomCom (as anticipated) is essential. Further, the NomCom Review Final Report includes a recommendation on the drafting processes for solicitation of advice from the Board and SO/AC Chairs, work that is currently underway within the NomCom, including reference to how such a process can be formally included within NomCom procedures.

The current state of work within ICANN towards these measures is promising. The BGC has been very active in creating a framework for enhancing the skills of the Board. More information about this work can be found in reference to Recommendation 4.

Upon completion of the consultations described above, the ICANN Bylaws on the NomCom should be reviewed to determine if any amendments are recommended to formally recognize this work.

Plan for Implementation:

Task 1: Review 2010 Board Governance Committee work to identify Board member skill sets, both in terms of committee needs and individual Board member skill identifications.

Task 2: Compile list of specific skills necessary for independent directors.

Task 3: Solicit SO, NomCom and At-Large input on skills considered in making appointments to ICANN Board and prioritization of those skills.

Task 4: Poll past ICANN Board members and Liaisons for identification of skills necessary for service on the ICANN Board and the training that would be beneficial.

Task 5: Determine process to achieve Board member participation in skill assessment presently on annual BGC workplan.

Task 6: Review scheduling for ongoing consultations with community regarding applicability of skill sets to ICANN.

Task 7: Coordinate conversation between NomCom Chair and Chair of Board to identify scope of information requested from Board for skill assessment, in respect of the independence of the NomCom processes.

Task 8: Coordinate with SOs and the At-Large on consideration of skill assessment for future selection.

Task 9: [NomCom] Iinclude identified skill sets as well as any enhanced training commitments identified in call for nominations.

Task 10: Review need for revisions to ICANN Bylaws

Proposed Milestones/Timeline:

Milestone 1: Detailed implementation plan approved/posted - Done

Milestone 2: Interim trainings and orientations - Done

Milestone 3: Provide skill set information for 2012 NomCom Call for Nominations, which should include additional skill sets information.

Milestone 4: Design training program.

Milestone 5: Training & skills building, and skill set identification plans finalized, documented, and embedded in standard operating procedure (SOP)

By May 2011: Propose additional workplan items, if needed, for BGC agenda regarding skill set selection and outreach. Include provision of skill set identification to NomCom as annual item of work. Begin information consultation with the NomCom to prepare for receipt of Board inputs. – Initial work done

The BGC is in a process of forming a plan to have the community consultation regarding Board skill set identification, and this will likely include the initiate calls for skill set identification and prioritization by SOs and former Board members, which will be subject to refinement based on a later, more fulsome consultation.

As a skill set identification iterates, the BGC will work to identify current skills on the Board, and will work in coordination with the NomCom to provide that identification for inclusion in call for nominations for 2012 and/or consideration in selection.

Milestone: Formal launch of Board training program in 2012; interim trainings and orientations may occur.

Milestone: 2012 NomCom Call for Nominations includes additional skill sets information.

After 2012, community consultation on skill sets, determine if outside consultant needed to assist in benchmarking to other organizations.

Training and skill identification will be ongoing processes. Staff is currently working to engage external training resources to assist in the design of appropriate training programs, and a formal training session was offered in March 2011.

Proposed Resources:

FY 2011 (immediate): Legal, NomCom and Policy staff resources for coordination of outreach and compilation of skill sets.

FY 2012: Legal, NomCom and Policy staff resources for coordination of consultation and implementation.

FY 2012: Board Training Consultant, budget requested (est cost: $50,000); implementation of training programs (est cost:$150,000). Future trainings will be budgeted in future FY.

FY 2013: Consider allocation for future outside consultant work on skills assessment and budgeting.

Key Consultations:

BGC and Board as a whole to oversee skill set identification and participate in identification exercised;

NomCom, GNSO, ccNSO, ASO and At-Large Community, for consultation on skill set identification;

Prior Board members and Liaisons

Potential public comment period in 2011-2012 for community consultation on Board skills after first skills identification completed.

ATRT Implementation Project, Recommendation 3

Project Information:

Project: Board & NomCom should increase transparency of NomCom's deliberations & decision-making process; e.g. explain timeline, skill-set criteria before process starts, & explain choices made at the end.

ATRT proposed project deadline: ASAP but Starting no later than next Nom Com – late 2011

Responsible Entity: Board and NomCom

Project's Lead Department: Operations/Organizational Reviews

Project Manager/Team Advice:

Staff recommends that the Board adopt this recommendation.

This recommendation is in line with the already adopted NomCom Review Implementation Plan, which was approved by the Board as part of ICANN's Organizational Review processes and followed the NomCom Review Working Group's Final Report making recommendations relating to this issue. Implementation can be done in two ways: a) by voluntary NomCom action, mainly informally, supported by Board/BGC and NomCom guidelines, or b) formally, by specifying the recommendation's provisions as detailed requirements in the ICANN Bylaws. Staff advice is to follow approach a), which enables more rapid implementation and flexibility for future enhancements. The only drawback of a) compared to b) is that the statutory independence of NomCom does not guarantee that future NomComs will follow the chosen approach. If this is considered a problem, an added process-oriented provision may be justified in the Bylaws as a basis for compliance with the recommendation.

Preliminary Plan for Implementation:

The current NomCom has already taken voluntary steps to comply with the recommendation and held consultations and public sessions to that effect at ICANN's Silicon Valley meeting in March 2011.

Staff will redraft the NomCom guidelines and/or web site with processes needed to implement this recommendation, in consultation with with the NomCom, SIC and BGC. These consultations will also aim to identify any Bylaws changes that may be advisable and, if needed, staff will draft such for public comment and subsequent Board adoption.

A questionnaire/public comment period will provide feedback concerning the voluntary efforts of this year's NomCom and will further inform drafting of guidelines and Bylaws changes if needed.

All actions shall be finalized to enable full implementation with the launch of NomCom 2012.

Proposed Milestones/Timeline:

Milestone 1: Detailed implementation plan approved/posted - Done

Milestone 2: Consultations, outreach and information sharing by 2011 NomCom - Done

Milestone 3: New internal procedures and code of conduct - Done

Milestone 4: New mandatory guidelines and or Bylaws (with public comment as necessary) (draft guidelines under review by BGC)

Milestone 5: Documented, embedded in standard operating procedure (SOP)

March 2011: NomCom consultations and public sessions at ICANN's March meeting.

March - July 2011: Consultations, redrafting of guidelines and, if needed, Bylaws changes.

August- September 2011: Questionnaire/public comments to gauge satisfaction with current NomCom's efforts to follow the recommendation. Public comment period for any Bylaws changes.

October 2011: Finalization of guidelines in light of public comments. Adoption of any agreed Bylaws changes. Launch of NomCom 2012.

Proposed Resources:

The plan mainly requires efforts from the current NomCom and Legal staff and does not require additional budget resources to any appreciable degree.

Key Consultations:

NomCom2011, BGC, SIC, ALAC, ccNSO and GNSO.

ATRT Implementation Project, Recommendation 4

Project Information:

Project: 4. Board should continue to enhance Board performance & work practices.

ATRT proposed project deadline: None listed

Responsible Entity: Board/BGC

Project's Lead Department: Legal

Project Manager/Team Advice:

Staff recommends that this recommendation generally be accepted and subject to ongoing work.

This work is already ongoing and Staff suggests it continue. In addition, the Board training programs identified for implementation under ATRT Recommendation #2 are expected to provide further refinement to Board performance and work practices.

The BGC has been active in enhancing Board practices, including the standardization of Committee charters - requiring Committee annual review of activities and standardizing committee work practices. Highlights of this work include the Audit Committee identification of committee best practices, and the recent revisions to the Audit Committee and Finance Committee Charters.

For both 2009 and 2010, the Board has conducted self-appraisals in an attempt to continue to identify where work improvements can be made. While "full-blown" self-appraisals are likely not necessary on an annual basis, some form of regular self-appraisal is of value, particularly as the Board membership evolves. The Board is also continually working with the CEO to enhance the Board's performance through better definition of staff roles and Board roles, and through the continued improvement of staff briefing papers to the Board. The work processes of the Board should also be improved through the better definition and utilization of consultation processes, to create clear channels of communication as well as predictability of cycles of information for use in Board decisions.

In addition, work is already underway to review the tools the Board uses in performing its work. The enhancement of tools is anticipated to facilitate communications among Board members, and to reduce the burden on each member in performing his or her duties. Finally, staff is actively working on how to enhance the Board Support functions to allow the Board to work more efficiently.

Plan for Implementation:

Task 1: Complete the 2010 self-appraisal work for BGC review and public posting.

Task 2: Create annual work plan for each Board Committee, including annual review of committee charter.

Task 3: Continue refinement to Board papers to address Board member needs in information and work flow.

Task 4: Clarify and define process for flow of communications to/from Board/staff and Board/community.

Task 5: Review tools necessary for the fulfillment of Board responsibilities and research feasibility of providing a standardized tool set to each Board member.

Task 6: BGC, with the Board Chair, to review the scope and regularity of Board self-appraisals as tools for improvement of Board performance.

Task 7: Survey Board members to determine if any further regularized reporting from staff would improve Board performance.

Task 8: Subject to resource availability, provide leadership training to staff responsible for supporting Board committees to better serve the Board committees.

Milestones/Timeline:

Milestone 1: Detailed implementation plan approved/posted - Done

Milestone 2: Committee 2011 work plans complete - Done

Milestone 3: Update information tools and work flow processes

Milestone 4: Implement additional mechanisms to improve Board performance

Milestone 5: Document and embed in standard operating procedure (SOP) relevant mechanisms and processes

Immediate and continuing work: Task 3 is ongoing.

The Board has discussed the 2010 appraisal at its Istanbul retreat, and work is being done towards posting of the appraisal. Based on the outcomes of the 2010 appraisal, the BGC needs to decide on fact of and scope of self assessment for 2011 as discussed in Task 6.

All Board Committees either already have, or are in process of developing, an annual work plan.

Based on outcome of budgetary discussions, leadership training may be available in FY2012 or FY2013, though task 8 is not critical to the successful implementation of this recommendation.

Consideration of Board tools should be considered for inclusion in the FY2013 budget.

Proposed Resources:

Proper completion of the Board support needs will require approximately additional FTEs in both a Board support role as well as additional legal counsel nees, to uniformly coordinate workplans, committee processes and communication flows. Since the release of the ATRT report, one FTE has already been hired to perform a Board support role. It is anticipated that

at least two further FTEs are required in the legal/Board secretary department, at an approximate resource need of US$340,000.

If a self-assessment is completed in 2011, approximately US$5000 is necessary for external consultants.

Key Consultations:

BGC, Chair of Board, all Board Committees, all staff supporting Board committees.

No public comment period will be required to meet this recommendation. However, the successful revision of public comment processes will be key in assisting the Board in modifying its internal practices.

ATRT Implementation Project, Recommendation 5

UPDATED October 2011

Project Information:

Project: 5. Board should implement compensation scheme for voting Board Directors.

ATRT proposed project deadline: Expeditiously

Responsible Entity: Board/BGC

Project's Lead Department: Legal

Project Manager/Team Advice:

Staff supports an appropriate review of Board compensation, following relevant laws and restrictions on non-profit organizations.

In furtherance of this recommendation, proposed revisions to the Board Conflicts of Interest Policy and the ICANN Bylaws have been posted for public comment. These revisions allow the Board to consider the question of compensation. Regarding whether compensation is appropriate and recommended levels, an Independent Valuation Expert has been retained to advise the Board on this issue.

Privileged and Confidential Advice Redacted

Proposed Milestones:

Milestone 1: Detailed implementation plan approved/posted - Done

Milestone 2: Research complete if tasked - Done

Milestone 3: Public comment - Done

Milestone 4: Board decision/s

Milestone 5: Documented and embedded in standard operating procedure (SOP)

Key Consultations:

Board of Directors as a whole, and possible assistance by designated committees of the Board

Required public comment on Bylaws change.

ATRT Implementation Project, Recommendation 6

UPDATED October 2011

Project Information:

Project: 6. Board should clarify the distinction between issues that are subject to ICANN's policy development processes & those matters that are within the executive functions performed by staff & Board, and develop complementary mechanisms for consultation in appropriate circumstances with the relevant SOs & ACs on administrative & executive issues that will be addressed at Board level.

ATRT proposed project deadline: As soon as possible, but no later than June 2011

Responsible Entity: Board/BGC

Project's Lead Department: Legal, with assistance from the Policy department.

Project Manager/Team Advice:

Staff recommends that the Board accept this recommendation with a modification of the proposed completion date, subject to ongoing work.

While work to implement the recommendation will be well underway in advance of the June 2011 suggested deadline, completion of implementation is not feasible in that time period. Historical analysis should be conducted to classify the various actions taken by the Board in the past and identify whether an SO/AC was consulted prior to Board action. The classification of actions and decisions within ICANN will be a helpful exercise for the entirety of the organization in addressing the recommendations of the ATRT. The categorization called for will inform the proper structure of public comment processes or consultation for each type of action or decision, and in the creation of consultation mechanisms that are more useful than the "one size fits all" model used today. This work may also assist the Board in improvements to its work practices, through better identification of more administrative items.

In order to create a framework to competently address this recommendation, staff undertook a partial categorization exercise, using the Resolution wiki unveiled during the Cartagena meeting. Staff categorized a group of Board actions into policy/executive/administrative and other categories, and then review whether public comment was received on those items. In coordination with Staff working on the implementation of Recommendation 15, regarding stratification of public comment, the initial categories have been considered. The BGC is now considering proposed paths forward to guide further implementation. Consultation with the SOs and ACs will likely be necessary to identify the appropriate levels of consultation needed for each type of decision.

Another challenge posed by this recommendation is the lack of clear definition – organization wide – of what constitutes a new "policy" rather than "implementation advice" or other type of Board action. The appropriate level of consultation may vary depending on the circumstance, such for a policy/not policy decision, and the need to recognize that many consultations on

policy-related decisions should be coordinated prior to reaching the point of Board action. A community consultation will likely be necessary on this item. However, such a consultation should not take place prior to establishing a baseline understanding of categorization.

Staff has been working closely with the team implementing Recommendations 16-17 regarding public comment, as similar categorization work will be part of the new public comment scheme. Staff will work closely with the Recommendation 16-17 team and consider the community input regarding the usefulness of the attempts to better classify the types of items released for community comment, to avoid duplication of effort.

Plan for Implementation:

Task 1: Prepare document identifying current requirements for public comments prior to Board action, based in Bylaws, operating procedures or in established practice.

Task 2: Undertake a categorization exercise using the Resolution wiki, to assign each type of action taken and the scope of consultation prior to the Board's decision. Include historical public comment periods to aid in categorization.

Task 3: After completion of the categorization exercise, create a proposal for Board and community consideration regarding the categorization and levels of consultation needed prior to Board action. The consultation on the refinement of the public comment periods will inform this work.

Task 4: As part of the Board's setting of the agenda, categorization of the type of actions under consideration by the Board to be identified.

Task 5: Determine if references to the Policy Development Processes within the Bylaws have to be refined to reflect the distinction between policy creation and other decisions.

Task 6: Initiate community consultation on better definition of policy work within the organization, based upon the baseline created through the categorization work.

Proposed Milestones/Timeline:

Milestone 1: Detailed implementation plan approved/posted - Done

Milestone 2: Research - Done

Milestone 3: Propose & refine categorization and consultation procedure – In process

Milestone 4: Finalize/document consultations procedures and embedd in standard operating procedure

By March 2011: Produce document identifying the current Bylaws-mandated and other required public comment based upon established practice. This document has been presented to the BGC for consideration.

In conjunction with the public consultation on Recommendations 16-17, complete the categorization of wiki actions, and provide BGC with a proposal regarding possible distinctions.

After BGC review, initiate community consultation on the proposed distinctions/levels of consultations required for various Board actions.

Proposed Resources:

Legal Department support for this implementation will consume approximately 30% of one FTE. Policy department support will consume approximately 10% of one FTE, particularly during the creation of a proposal. The heavy resource allocation will likely end approximately three-four months into implementation, however the community consultations required in 2012 will require at a minimum 10% of one policy FTE and 10% of one legal FTE.

Key Consultations:

ICANN Executive Staff, ICANN Board, and all ICANN SOs/ACs, particularly SOs with active Policy Development Processes. A public comment period is likely once the Board approves a proposal for categorization for community consideration.

ATRT Implementation Project, Recommendation 7, 8

Project:

7.   Board should:

7. 1 Promptly publish all appropriate materials related to decision-making processes – including preliminary announcements, briefing materials provided by staff & others, detailed Minutes, and individual Directors' statements relating to significant decisions.

7.2 Publish a "thorough and reasoned explanation of decisions taken, the rationale thereof, and the sources of data and information on which ICANN relied" and "ICANN should also articulate that rationale for accepting or rejecting input received from public comments & the ICANN community, including [SOs & ACs]."

8.   Board should have a document produced and published that clearly defines the limited set of circumstances where materials may be redacted and that articulates the risks (if any) associated with publication of materials. These rules should be referred to by the Board and staff when assessing whether material should be redacted and cited when such a decision is taken.

ATRT proposed project deadline: Immediately, for 7.1 and 7.2. Start of March 2011 ICANN meeting 8.

Responsible Entity: Board/BGC

Project's Lead Department: Legal

Project Manager/Team Advice:

This recommendation has been adopted and is now a part of standard operating procedures.

The work called for in Recommendation 7 is already underway. While refinements will be made as necessary, the implementation has begun. The milestones already achieved include:

- As of June 2010, the briefing materials provided to the Board have been posted along with the approved minutes of that Board meeting. The first meeting the briefing materials posting was completed for was the 22 April 2010 meeting. The postings have continued for every meeting since.
- The comprehensive nature of the Board minutes has been improved, and staff will continue to reflect the Board's detailed discussions.
- As of the 25 January 2011 meeting, staff began including proposed rationale statements in Board submissions, addressing the items set forth in the Affirmation of Commitments. If the Board does not propose significant modification to the draft rationale statements, those draft statements will be posted with the Approved Resolutions for each meeting. This practice was instituted on 27 January 2011, with the posting of the 25 January 2011 Approved Resolutions. The rationale statements will be

considered final when posted with the Minutes as approved for each meeting. The rationale statements are to address the sources of data and information, as well as to address community input accepted and rejected. Given that some decisions are far more straightforward than others, there are varying levels of rationale statements being produced (light, medium and heavy). The more substantial the comment and the more significant the decision, the broader the rationale statement will be. As the categorization work proceeds in accordance with Recommendation 6 above, the categorizations may be of use in determining the level of rationale statement necessary.

- Minutes: Detailed discussion is not available in actions taken on the Consent Agenda. In an effort to improve Board performance, the Board implemented a consent agenda process to quickly address items that the Board does not require discussion to address. Rationale statements are now provided for the actions taken on the Consent Agenda.

- Individual Director Statements: There is no obligation for directors to produce statements in support of any vote. In addition, if any director makes a statement on the record of a meeting, that statement is included within the minutes of the meeting. The BGC may wish to consider the feasibility of creating a template to assist the directors in the drafting of such statements, if they wish to produce one.

- Rationale Statements For Items Arising Out of the ICANN structure: As discussed in response to ATRT Recommendation 20, there are some items that are presented to the Board, such as policy recommendations arising out of the SOs, for which the Board has to rely upon the proper inputs being considered and rationale statements being prepared. The Board's decision on the policy matter should not be considered an opportunity to re-weigh the community inputs into the policy development process; such a result would be a failure of accountability. The work described in ATRT Recommendation 20 will help cure this limitation.

- Redaction of Board materials: Staff prepared a document defining the set of circumstances used when redacting Board briefing materials. The Defined Conditions for Non-Disclosure set forth in the Documentary Information Disclosure Policy (DIDP) currently guide the set of circumstances associated with redaction of the Board briefing materials. While these DIDP conditions will remain the baseline for redactions, there is great value in producing a document to guide staff and inform the community on the specific issue of redaction of Board materials. As evidenced through the very publication of the Board briefing materials, ICANN has narrowed the previously-applied scope of its application of the conditions for non-disclosure in favor of increased transparency and accountability. The document was posted in March 2011. Of note, beginning with the 12 December 2010 Board meeting materials, the basis for each redaction was set forth on every page where a redaction occurred. A review of how to best cite to the circumstances requiring a redaction will continue.

New work to be done to meet the recommendations

In terms of "preliminary announcements", it is understood that the ATRT is referring to the detail of the notice provided to the community regarding the items under discussion on the Board's upcoming agenda, and whether action on the item is anticipated. Consideration needs to be given on what level of detail can be placed on the publicly-posted agenda, when

balanced with the need to post agendas as soon as practicable. Staff will begin to review how additional detail can be provided and will start to incorporate additional detail into the agendas as soon as possible.

Plan for Implementation:

Task 1: Obtain Board feedback on the sufficiency of the rationale statements being drafted and modify statements accordingly.

Task 2: Revise internal Board submission templates to set out a template to produce a proposed rationale.

Task 3: Continue practice of posting Board materials with approved minutes, and produce description of timing of Board material posting for release to the community.

Task 4: Include more detail on posted Board agendas, to identify: (1) a better description of issue before the Board; (2) whether action is anticipated on the item. The inclusion of detail will be an iterative exercise, and should be performed in a manner that maximizes the public availability of agendas.

Task 5: Board to consider feasibility of producing template for individual director statements on votes and whether such templates are needed.

Task 6: Draft document setting forth conditions for redaction of Board material and make publicly available.

Task 7: Refine redaction of Board materials to indicate basis for redactions.

Task 8: In coordination with Language Services team, determine best process for timely posting of translation of Board materials.

Proposed Milestones/Timeline:

7.1

  Milestone 1: Detailed implementation plan approved/posted - Done

  Milestone 2: Post Board materials & Directors statements when provided - Done

  Milestone 3: Procedures documented and embedded in standard operating procedure (SOP) – Done

7.2

  Milestone 1: Detailed implementation plan approved/posted - Done

  Milestone 2: Regularly post rationales - Done

  Milestone 3: Finalize rationale template (including rationale for accepting or rejecting input received), and document & embed procedures in SOP – Done

8

Milestone 1: Detailed implementation plan approved/posted - Done

Milestone 2: Post Redaction Guidelines and document & embed procedures in SOP - Done

Nearly all tasks within this recommendation have been implemented and integrated into standard operating procedures.

Remaining tasks will be performed on an ongoing, as needed basis, such as the refinement of rationales based upon continual Board feedback, and the evaluation of the need for a template for individual director statements.

Continual work is being done to enhance the level of information available to the community, including refinement of the Board agenda, as well as evaluation of the scope of translation of the Board Briefing materials.

Proposed Resources:

Resources for translations of materials is addressed within staff response to ATRT Recommendations 18 and 19.

Privileged and Confidential Material Redacted

Key Consultations:

Board, and SOs/ACs.

ATRT Implementation Project, Recommendation 9

Updated 19 Oct 2011

Project Information:

Board, acting through the GAC-Board joint working group (JWG), should clarify what constitutes GAC public policy "advice" under the Bylaws

ATRT proposed project deadline: By March 2011

Responsible Entity: GAC and Board

Project's Lead Department: GAC Liaison

Project Manager/Team Advice:

Staff recommends that the Board adopt this recommendation with a modification to the proposed project deadline.

The Board/GAC Joint Working Group's (JWG's) report includes recommendations on this issue, which are outlined below and can be built upon to implement this ATRT recommendation. To summarize:

> The Board and GAC should issue a joint communication to the ICANN community articulating a shared view of what constitutes public policy "advice" under the bylaws. The communication should reiterate the views expressed in the JWG Final Report. It should indicate that written, explicit advice from the GAC constitutes "advice" as used in the bylaws.

> The Board and GAC should also discuss whether and how to distinguish between consensus advice and other advice and their significance under the ICANN bylaws.

> Finally, the GAC should amend its Operating Principles to include a description of the process it follows to develop consensus-based GAC advice (e.g. by incorporating the UN definition of consensus into Principle 47).

Preliminary Plan for Implementation:

Under a resolution adopted at the 17 September 2011 Board Meeting, the Board Governance Committee was directed to recommend the composition of a working group of the Board to lead the Board's coordination with the GAC on the implementation of recommendations of the JWG and the GAC-related recommendations of the ATRT. Once constituted, this working group will meet with GAC members to review the Staff recommendation and oversee the implementation of this recommendation. Based on decisions by the new joint working group,, Staff will develop an implementation plan and timeline. Initial ideas are included below for consideration.

Task 1: Pursuant to the Resolution adopted at the 17 September 2011 Board Meeting, the Board Governance Committee provides a recommendation to the Board on the composition of a working group of the Board to lead the Board's coordination with the GAC on the implementation of recommendations of the JWG and the GAC-related recommendations of the ATRT. Board accepts the recommendation and the new working group begins coordinating with the GAC.

Task 2: New joint Working Group of Board and GAC members review the following excerpt from the final JWG Report section entitled, "Objective 1 GAC advice to the Board (below):

What constitutes GAC advice?

The Bylaws require the Board to take due account of GAC advice, but do not provide a detailed definition of what constitutes GAC advice, place any limitation on what form such advice should take or require that it be consensual. In addition, the Bylaws also provide that "the GAC may adopt its own charter and internal operating principles or procedures to guide its operations". GAC members have worked on the basis that any explicit advice, in any written form, constitutes the kind of advice foreseen in the Bylaws.

In practice, the GAC produces various kinds of written advice for communication to the Board, including:

1) letters signed by the GAC Chair on behalf of the GAC.

2) communiqués endorsed by the GAC at the conclusion of each GAC face-to-face meeting.

3) overarching "principles" documents, typically developed over successive face-to-face GAC meetings.

4) "issues" documents, including interim issues documents.

As reflected in the Bylaws, the focus of the GAC is on public policy advice. Such advice constitutes the majority of advice that is issued by the GAC.

There are also instances where the GAC generates advice on matters related to the effectiveness of ICANN's procedures for facilitating interactions between the ICANN constituencies in support of policy development. For example, the comments formulated by the GAC on the frequency of ICANN meetings.

The GAC Chair also provides advice verbally. However, in these instances, the Chair is expected to represent agreed GAC views on public policy-related matters. The Chair can also be expected to provide advice in relation to mundane procedural matters that do not have the same "representational" implications for the GAC membership.

"Formal" advice

In the past, the Board has sought to clarify whether GAC advice in a particular instance should be viewed as "formal". However, the ICANN Bylaws and GAC Operating Principles make no reference to the formality of advice produced. Again, the Bylaws instead reference GAC advice that has a public policy aspect to it. The JWG does not

consider it worthwhile to pursue efforts to distinguish between "informal" and "formal" GAC advice.

Policy development process

Policy development at ICANN is an iterative process. As such, GAC advice to the Board must frequently be developed in stages as new information becomes available and GAC members have the opportunity to further reflect on a particular matter. It is not uncommon for the GAC to offer advice in stages for the purpose of clarifying, revising or reiterating views as an ICANN policy development process unfolds.

It is also worth noting that the Bylaws call for GAC advice to go solely to the Board, rather than to the other Supporting Organizations and Advisory Committees.

GAC consensus

As per Principle 47 of the GAC *Operating Principles, the* GAC first seeks consensus. In practice, the vast majority of GAC advice to the Board has been consensus advice.

Providing consensual advice to the Board has several advantages:

- Seeking common views provides a means for presenting the Board with a coherent message and presumably, this makes it easier for the Board to incorporate GAC advice into its final decision;
- it identifies common public policy priorities at the global level;
- it maintains consistency with ICANN's iterative approach to policy development, allowing GAC members to develop and adapt their own national views on the basis of the arguments presented by other countries.

The GAC's Operating Principles also note that if it is not possible to reach consensus then a full range of views can be presented to the Board. An appropriate balance in approach therefore would be for the GAC to identify consensus where it exists, record where it doesn't exist (and describe the various positions) and provide advice to the Board in a timely manner. If the GAC emphasizes consensus too much in its efforts to provide advice, it could be at the expense of both providing a full account of the variety of views and being able to provide advice in a timely manner.

Task 2: New joint working group reach clear understanding of what constitutes GAC advice, taking into account the findings of the JWG Final Report.

Task 3: New joint working group discuss and reach agreement on whether and how to distinguish explicitly between two types of GAC advice and the significance of each under the bylaws: 1) GAC consensus advice and 2) other advice communicated by the GAC to the Board that does not reflect a consensus position. Only the first would trigger bylaw requirements for the Board to consult with the GAC in the event that the Board indicates an intention not to follow the GAC consensus advice. For GAC advice that does not reflect consensus, the Board would receive the advice but the bylaw requirements regarding Board consideration of the advice would not apply. The Board and GAC would further discuss how the GAC could clarify which type of advice it is providing in its written communications to the Board.

Task 4: Consistent with JWG Recommendation 4 under Objective 1, the GAC would revise its Operating Principles document to define the term consensus and the manner in which consensus is achieved. Currently, Principle 47 calls for GAC work to be done by consensus wherever possible but neither explains what is meant by the term "consensus" nor does it describe the means of achieving consensus or determining when consensus exists.

Task 5: New joint working group releases communication to the Community clarifying what constitutes GAC public policy advice under the bylaws.

Proposed Milestones/Timeline:

Milestone 1: Detailed implementation plan approved/posted

Other Milestones to be determined

Based on decisions by the new joint working group, staff will develop an implementation plan and timeline.

Proposed Resources:

If the new joint working group recommends following the JWG Final Report recommendation on clarifying GAC public policy advice, no requirements for additional resources are anticipated. If however the new joint working group deviates from the JWG Final Report recommendation, it is possible that additional staff resources and financial resources to support Board-GAC consultations on this issue will be required.

Key Consultations:

Board, GAC, New Board-GAC Joint Working Group

(No public comment anticipated)

ATRT Implementation Project, Recommendation 10

Updated 19 Oct 2011

Project Information:

Project:

10. Board, acting through the JWG, should establish a more formal, documented process by which it notifies the GAC in writing of matters that affect public policy concerns to request GAC advice ICANN should develop an on-line record of each request to, & advice received from, the GAC along with the Board's consideration of & response to each advice.

ATRT proposed project deadline: By March 2011

Responsible Entity: GAC and Board

Project's Lead Department: Legal

Project Manager/Team Advice:

Staff recommends that the Board adopt this recommendation with a modification to the proposed deadline.

Given the inaugural consultations with the GAC, as well as the need to involve the GAC in the creation of a meaningful process of notification, there is no feasible way that this recommendation can be completed within the time stated. In addition, the stated time is not sufficient to properly design a useful online mechanism for the tracking of GAC advice and the Board's response thereto.

As seen in the 28 October 2010 meeting, ICANN has started producing charts identifying GAC advice or communications on a variety of topics. The creation of a single online record tracking the GAC advice will be a helpful tool as the Board and the GAC address the consultation processes. However, the types of information that will be populated in such an online record will likely need to be a topic of discussion between the Board and the GAC, and is dependent upon the definition of GAC "advice", as sought through Recommendation 9. In addition, the information that will be used to populate this system is partially dependent upon the rationale documents that are now being produced. Internal planning for such a tool should commence.

The creation of a process for notification of the GAC is a multi-faceted issue. For GAC/Board interactions, the JWG (or another group as designated by the Board and GAC) should work to obtain some clarity on the GAC's expectations of notification and timing of such matters. However, the issue of GAC participation and engagement at the policy development level also must be addressed. The timing of GAC/Board discussions relating to earlier policy recommendations can result in modifications of policy decisions reached through the defined policy development processes – a result that may be avoided through earlier engagement in

policy development processes. The outcomes of ATRT Recommendations 12 and 13 will be helpful to this discussion.

Preliminary Plan for Implementation:

Under a resolution adopted at the 17 September 2011 Board Meeting, the Board Governance Committee was directed to recommend the composition of a working group of the Board to lead the Board's coordination with the GAC on the implementation of recommendations of the JWG and the GAC-related recommendations of the ATRT. Once constituted, this working group will meet with GAC members to review the staff recommendation and oversee the implementation of this recommendation. Based on decisions by the new joint working group, staff will develop an implementation plan and timeline. Initial ideas are included below for consideration.

Task 1: Plan/design online record system

Task 2: Designated Board representatives to consult with GAC on proposed notification process as well as the scope of items the GAC wishes to have included in the online tracking system

Task 3: Upon completion of consultation, the notification process should be documented and made publicly available

Task 4: While planning is done to create a robust online tool for tracking of GAC advice, staff to compile identified GAC advice and post in a single location on the ICANN website

Task 5: Staff to create process for continued population of items in the online record system, reflecting updates in a timely fashion

Proposed Milestones/Timeline:

Milestone 1: Detailed implementation plan approved/posted

Other Milestones to be determined

Based on decisions by the new joint working group, staff will develop an implementation plan and timeline.

Proposed Resources:

Potential external consultant to design online record tool: Approximately US$50,000

Additional staff resources will be necessary to support the consultation on the process, as well as ongoing maintenance of a record tool. These resources will be partially addressed in staff response to ATRT Recommendation 13.

Key Consultations:

ICANN Board, GAC, and New Joint Working Group. No public comment anticipated.

ATRT Implementation Project, Recommendation 11

Updated 19 Oct 2011

Project Information:

11. Board & GAC should work together to have the GAC advice provided & considered on a more timely basis; Board, acting through the JWG, should establish a formal, documented process by which the Board responds to GAC advice. This process should set forth how & when the Board will inform the GAC, on a timely basis, whether it agrees or disagrees with the advice & will specify what details the Board will provide to the GAC if it disagrees with the advice; process should also set forth procedures by which GAC & Board will then "try in good faith & in a timely efficient manner, to find a mutually acceptable solution." Consider establishing other mechanisms by which Board & GAC can satisfy the Bylaw provisions relating to GAC advice.

ATRT proposed project deadline: By March 2011

Responsible Entity: GAC and Board

Project's Lead Department: GAC Liaison

Project Manager/Team Advice:

Staff recommends that the Board adopt this recommendation with a modification to the proposed project deadline. The Board/GAC Joint Working Group's (JWG's) report includes recommendations on this issue, which are outlined below and can be built upon to implement this ATRT recommendation. The work set out in Recommendation 9 and 10 will also guide the implementation of this Recommendation, as a definition of advice, as well as a defined process for notification of a potential decision, will necessarily impact a process for when and how that advice is to be provided to the Board.The creation of the online tool as discussed in Recommendation 10 will help provide tracking from which a more formal process can be generated, and will also assure that items of GAC advice are not disregarded as the Board proceeds to action.

Preliminary Plan for Implementation:

Staff recommends that the Board adopt this recommendation with a modification to the proposed project deadline.

The Board/GAC Joint Working Group's (JWG's) report includes recommendations on this issue, which are outlined below and can be built upon to implement this ATRT recommendation. Under a resolution adopted at the 17 September 2011 Board Meeting, the Board Governance Committee was directed to recommend the composition of a working group of the Board to lead the Board's coordination with the GAC on the implementation of recommendations of the JWG and the GAC-related recommendations of the ATRT. Once constituted, this working group will meet with GAC members to review the staff

recommendation and oversee the implementation of this recommendation. Based on decisions by the new joint working group, staff will develop an implementation plan and timeline. Initial ideas are included below for consideration.

The work set out in Recommendation 9 and 10 will also guide the implementation of this Recommendation, as a definition of advice, as well as a defined process for notification of a potential decision, will necessarily impact a process for when and how that advice is to be provided to the Board. The creation of the online tool as discussed in Recommendation 10 will help provide tracking from which a more formal process can be generated, and will also assure that items of GAC advice are not disregarded as the Board proceeds to action.

Task 1: New joint working group discuss the following relevant excerpt from "Objective 1" section of the Final JWG Report:

Board process for receiving GAC advice

Pending further clarification regarding Board processes for receiving GAC advice and contending with receiving conflicting advice, the JWG makes the following observations.

If the Board only acknowledges GAC advice when disagreeing, seeking clarification or revision to GAC advice, it is not possible for the GAC to know what the Board intends to do with all advice received.

For example, ICANN/IANA has not been referencing the 2005 GAC *Principles and Guidelines for the Delegation and Administration of Country Code Top Level Domains* (2005) but rather an earlier version of the document.

How can this circumstance be avoided in the future? Some form of register, accessible on a public web-site, could be useful. For example, the SSAC website (see http://www.icann.org/en/committees/security/ssac-documents.htm) offers a comprehensive and up-to-date list of all SSAC "reports and advisories" since 2001. The GAC has no similar register to refer to.

Board process when conflicting advice

There are various examples of the GAC providing advice that is, or potentially is, in conflict with views coming from other parts of the ICANN community. Better clarity on how the Board addresses conflicting advice would assist in the development of recommendations related to GAC advice.

While it is not clear how many times the Bylaw provisions on the rejection of GAC advice have been applied, it appears that the Board rarely considers rejecting GAC advice on the basis that the Board is taking actions "inconsistent" with GAC advice.

Reviewing past examples of GAC advice with the assistance of the Board could be illustrative:

1. GAC recommendations to the Board regarding WHOIS studies related to the generic top level domains. In this case, the Board referred GAC recommendations to the GNSO, rather than consulting with the GAC or implementing this advice.

2. GAC advice on "geographic" terms at the second-level for new gTLDs. Based on consultations within the Board, the GAC Chair went back to the GAC for additional advice in order avoid triggering Board rejection. In this case, the Board had indicated that not all GAC advice was implementable.

Finally, the JWG has taken note of the very positive results of the agreement reached by the Board and the GAC during the December 2010 Cartagena meeting to hold focused face-to-face exchanges to review the outstanding GAC concerns regarding the introduction of new gTLDs. The GAC's decision to reflect these concerns in a "Scorecard" facilitated the substantive and constructive meetings in Brussels and San Francisco, in February and March, 2011 respectively. The JWG supports this format as an effective means of engaging the GAC and Board more directly regarding public policy concerns, as well as the related and critical issue of how GAC advice is considered by the Board.

Recommendations

While recognizing that the Board will wish to further clarify matters regarding the issues that have been raised regarding GAC advice to the Board, the JWG is proposing the following recommendations, which are responsive to/consistent with the ATRT Recommendations:

1. That the Board create a transparent register or consistent record to make apparent whether/when/how the Board has taken into account and/or responded to particular advice from the GAC. The development of the register should also identify consistent methods of notating written GAC advice.

2. That the Board develop a process for formally notifying the GAC of pending issues and policy development processes of potential interest to the GAC, which would be provided on a regular basis. A complementary element of the process would include more formal, written requests for advice to the GAC, clearly identified as such. This approach could also be a useful component of the proposed register.

3. That the Board and the GAC schedule more routine face-to-face exchanges on pending substantive matters that raise public policy issues, to more effectively identify when and whether the GAC's views might lead to consensus advice that the Board might ultimately disagree with. Such meetings should be scheduled with sufficient time (e.g. 2-4 hours) during ICANN meetings and for at least an hour via conference call on an intersessional basis. That the Board and GAC seek agreement on the ICANN-staff drafted "Process for Consultations between the ICANN Board of directors and the Governmental Advisory Committee, including those required pursuant to Article XI, Section 2.1.j of the ICANN Bylaws.

4. That the GAC amends its *Operating Principles* to include a description of the process it follows to develop consensus-based GAC advice (e.g. by incorporating the UN definition of consensus into Principle 47).

Task 2: Staff believes that each of the recommendations are reasonable and can be implemented. Recommendations 1, 2 and 4 are addressed separately in the implementation plans for ATRT Recommendations 9 and 11. New joint working group considers staff proposal to adopt JWG Recommendations 3 in order to implement this ATRT Recommendation.

Task 3: New joint working group recommends appropriate frequency, duration and method of scheduling Board-GAC face-to-face exchanges and intersessional conference calls..

Task 4: New joint working group reviews and revises as appropriate the ICANN-staff drafted "Process for Consultations between the ICANN Board of directors and the Governmental Advisory Committee, including those required pursuant to Article XI, Section 2.1.j of the ICANN Bylaws.

Task 5: New joint working group submits recommendations for implementing Tasks 2 and 3 to the Board for approval.

Proposed Milestones/Timeline:

Milestone 1: Detailed implementation plan approved/posted

Other Milestones to be determined

Based on decisions by the new joint working group, staff will develop an implementation plan and timeline.

Proposed Resources:

If the new joint working group recommends following the JWG Final Report recommendation 3 noted above, no requirements for additional resources are anticipated. If however the new joint working group deviates from the JWG Final Report recommendation, it is possible that additional staff resources and financial resources to support Board-GAC consultations on this issue will be required.

Key Consultations:

Board, GAC, New Joint Working Group

(No public comment anticipated)

ATRT Implementation Project, Recommendation 12, 13

Updated 19 Oct 2011

Project Information:

12. The Board, acting through the GAC-Board joint working group, should develop and implement a process to engage the GAC earlier in the policy development process.

13. The Board and the GAC should jointly develop and implement actions to ensure that the GAC is fully informed as to the policy agenda at ICANN and that ICANN policy staff is aware of and sensitive to GAC concerns. In doing so, the Board and the GAC may wish to consider creating/revising the role of ICANN staff support, including the appropriate skill sets necessary to provide effective communication with and support to the GAC, and whether the Board and the GAC would benefit from more frequent joint meetings.

ATRT proposed project deadline: None Specified

Responsible Entity: GAC and Board

Project's Lead Department: Policy

Project Manager/Team Advice:

Staff recommends that the Board adopt these recommendations.

To implement these recommendations, there is a wealth of existing tools and resources that the GAC can take advantage of and that can be easily customized to the GAC's interests and needs. Additional short and long-term actions, as described below, can be taken to implement these recommendations. It is important to keep in mind that the GAC itself will have an important role in successfully implementing these two closely connected recommendations.

Under a resolution adopted at the 17 September 2011 Board Meeting, the Board Governance Committee was directed to recommend the composition of a working group of the Board to lead the Board's coordination with the GAC on the implementation of recommendations of the JWG and the GAC-related recommendations of the ATRT. Once constituted, this working group will meet with GAC members to review the staff recommendation and oversee the implementation of this recommendation. Based on decisions by the new joint working group, staff will develop an implementation plan and timeline. Initial ideas are included below for consideration.

Propsoed Plan for Implementation:

Immediate Actions:

- Monthly Policy Update – While in the past each GAC member was encouraged to subscribe individually to receive this newsletter directly, the publication also could be sent directly to the GAC email list every month (if GAC allows).

- There are other newsletters prepared by ICANN (and available to each GAC member) that the GAC might also be interested in and for which the same action could be taken, such as the Compliance Newsletter: http://www.icann.org/en/compliance/newsletter/.
- GAC members currently are able to participate in the pre-ICANN meeting policy update interactive webinars staff conducts for all interested individiuals (e.g. http://www.icann.org/en/announcements/announcement-04feb11-en.htm); Policy Staff could provide a special alert and invitation to GAC members for these sessions.
- All of the GNSO's policy development working groups are open to all individuals, including GAC members; Policy Staff could provide a special alert and invitation to GAC members to participate in their individual capacities (or on behalf of individual countries).
- Individual GAC members are also free to comment on topic of interest during public comment forums; while staff recognizes that this input still does not constitute "GAC advice", it does allow input from individual government perspectives to be heard and open forums are highlighted in the Monthly Policy Update.
- The GAC could consider assigning volunteers to act as liaisons to SO and other AC working groups that are of broad interest to the GAC (understanding that a "liaison" would not be representing the GAC, but could act as a conduit for more detailed, or GAC-nuanced information); this is already standard operating procedure between the GAC and the ccNSO in working groups that are mutually considered of interest (the ccNSO currently invites the GAC to participate in or liaise with all working groups that potentially touch on policies or practices that may be relevant to the GAC).
- As with all of ICANN's Advisory Committees, the GAC has the right under the bylaws to "raise an issue for policy development" (for the GNSO this is specified under 1.c of Annex A, for the ccNSO this is specified in section 1.d of Annex B); the ALAC has taken advantage of this ability to initiate GNSO policy work on more than one policy issue, yet the GAC has never done so; ICANN Policy staff can meet with the GAC and describe what this Bylaws provision means and how it might be used.
- In the event that a Task Force is formed according to the rules of the ccNSO PDP, the GAC may appoint to two GAC representatives or more to a Task Force, following a formal request (section 5.a Annex B); in the event no Task Force is formed, the Chair of the ccNSO shall formally request the Chair of the GAC to offer opinion or advise as part of the ccPDP (section 8.b of Annex B).
- Upon receipt of the Final Report under a ccNSO PDP, the ccNSO Council shall formally send an invitation to the Chair of the GAC to invite the GAC to offer opinion or advise on the Final Report (section 9.a of Annex B).
- Other ACs and SOs have occasionally requested speakers who are active on various policy issues (ICANN staff members, Working Group chairs, etc.) to attend their in-person and conference call meetings to brief them on work of interest; the GAC could invite speakers on topics of interest at any time.
- Preparation of Issue Briefs, presentations and background papers by staff on topics of interest to the GAC could be provided by staff; these are typically prepared for the GNSO Council when reports are prepared, and the briefings also could be given to the GAC at times convenient to them.
- ICANN staff can help the GAC identify high-priority, and new and emerging topics that may be timely for workshops or discussion sessions at ICANN meetings.

- Historically the GAC has collaborated with both the GNSO and ccNSO on policy topics of mutual concern and interest (e.g. ccNSO/GAC Issues Paper on IDN ccTLDs, IDNC WG, Cross-SO/AC working group on Recommendation Six of the new gTLD implementation); these joint groups have produced important results to aid informed policy making and could be further encouraged where appropriate.
- To the degree that the GAC is in a position to formulate input into current policy working groups, (see end note i for background information) that input can be considered by working group participants, as would be the case with comments received from other advisory committees within ICANN. This would be a very positive contribution to pending, bottom-up, policy development processes engaged in by all the SOs.
- Currently the Chair of the GAC is notified of any proposal raising *public policy issues* on which any SO or AC is seeking public comment. Going forward, Policy staff can provide specific notice to the GAC on a broader set of policy activities that might be of interest to the GAC, and provide briefings, if desired. It could be that the GAC has an interest in providing a government view on a broader range of topics, and if informed about a broader set of policy activities, the GAC might identify public policy implications or considerations not previously articulated.

Short-term Actions:

- Extend the JWG's charter to address implementation of these recommendations, or form a new Board/GAC group to do so, with staff support as needed;
- The GAC can consider re-instating one or more official "liaisons" to the GNSO Council and to other ACs and SOs where none may be active currently.
- Staff can work with the Board and GAC to identify new ways for the GAC to participate earlier in the policy development process.
- Continue the dialogue the GNSO started with the GAC at the ICANN Cartagena meeting about the efficacy of joint SO/AC working groups. This addressed: whether there are any limitations to participation by the GAC and individual GAC representatives in cross-community working groups; if so, what those limitations might be; what subjects are suitable or eligible for cross-community WGs (CWGs); and what the role of the SOs and ACs should be in reviewing/approving a CWG report. Staff thinks this dialogue could have important consequences for how the GAC and other Advisory Committees might advise the Supporting Organizations and their working groups in the future, recognizing that this also is a longer-term project.
- Recently there have been cases where investigative or exploratory work conducted by an ICANN Advisory Committee has led to subsequent policy action on the part of a supporting organization. (See end note ii) Recognizing that the GAC may only be in a position to comment on selected issues, or within specified timeframes, the GAC could consider how it might take best advantage of additional staff support and a more regular information flow on policy matters to weigh in earlier when and where it can do so. For example, the GNSO can often anticipate many months ahead certain topics that it will likely solicit SO and AC or community comments on. These could be flagged for the GAC early on so that selected topics can be considered "pre-emptively". In addition, the GAC could consider communicating more through correspondence such as the letter sent to the ICANN Chair from the GAC Chair on behalf of the GAC on the WHOIS

studies, other than relying primarily on formal communiqués delivered during public ICANN meetings. Where feasible, this might help provide more timely input.

Long-Term Actions:

- (If requested by the GAC) assign additional Policy staff to support the GAC, and additional Secretariat support to help share information and publications from other SOs and AC that might be of particular interest to the GAC.
- Encourage the GAC to find ways within its own structure to contribute policy insights and expertise earlier in the policy development process – to explore additional ways that might assist the GAC to provide meaningful input earlier in policy development processes that are in the formative stages of community consideration. For example, there may be ways that could enable the GAC to provide collective input to pending policy work more readily in the future. The duration of public comment periods are likely to be extended in many cases as a result of other of these recommendations. This might provide the GAC with greater time to consider a pending policy matter than the shorter intervals sometimes conducted in the past. There is also a "capacity-building" element that may be necessary to help the GAC figure out best how it can provide input earlier in the policy development process.
- The Board and GAC should determine how frequently they should hold joint meetings and how these meetings should be planned and structured for optimal results. Staff notes language in the current bylaws that allows the GAC to "put issues to the Board directly", and in light of this ATRT recommendation, staff suggests that the Board and GAC set aside additional time for at least one additional joint meeting a year (which could be coincident with a public ICANN meeting) that focuses exclusively on early information sharing on a pre-selected policy topic or topics that is understood to also be of significant public policy interest to the GAC. The purpose would be to engage in an early exchange of ideas on a timely issue "of the day". Staff recommends that the SOs be consulted to determine if they have issues under discussion that might benefit from an early exchange of ideas between the Board and the GAC, and whether there are questions that could be proposed as a foundation for that discussion.
- Consider the need to review the Bylaws to determine if any amendments are needed to reflect the enhanced processes.

Proposed Milestones/Timeline:

Milestone 1: Detailed implementation plan approved/posted

Other Milestones to be determined

Based on decisions by the new joint working group, staff will develop an implementation plan and timeline.

All of the immediate actions above were offered to the GAC by the March 2011 ICANN meeting.

Short-term actions proposed above can be implemented by December 2011 and await GAC guidance.

Longer-term options such as staffing, and reworking existing GAC processes to provide more capacity for early input on policy making would be dependent on budget allocation and GAC support for considering changes to existing ways of providing input on policy matters.

Staffing a separate Board-GAC meeting with a new agenda will also take incremental resources to arrange and prepare briefing papers.

Proposed Resources:

Up to one additional FTE executive/senior-level Policy staff support and incremental Secretariat support to distribute policy-related documents, coordinate GAC communications with Policy Staff and other SO/ACs as appropriate, and for related administrative assistance.

Key Consultations:

- Internal consultation involving the Policy, Legal and GAC-related staff and with HR and the CFO regarding the potential staffing and budget implications.
- Consultations with the GAC Secretariat.
- Consultation with the Board and GAC about improvements and proposals that they would see as most useful, and with the Board/GAC working group designated to conduct this work and the options they identify has having the greatest potential (draft report contains a great deal of useful information and observations, but also identifies some challenges with previous efforts to improve the situation, for example, use of liaisons in the past).
- Direct consultation between the GAC and the Board whether they think they would benefit from more frequent joint meetings, and if so, how those meetings should be structured and organized to achieve maximum results.

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i. Background: As reflected in the Bylaws, the focus of the GAC is on public policy advice. The Bylaws note that the GAC should provide advice particularly on "matters where there may be an interaction between ICANN's policies and various laws and international agreements or where they may affect public policy issues". Such advice constitutes the majority of advice that is issued by the GAC, but is only a subset of policy issues being discussed by ICANN policy making bodies. It is also worth noting that in the case of GNSO and ASO policy proposals the ICANN Bylaws call for GAC advice to go solely to the Board, rather than to the other Supporting Organizations and Advisory Committees. While the Board could certainly convey GAC advice on a particular matter to a pending SO or AC working group if one exists, at times it may be preferable for the GAC to provide advice directly. In the case of the ccNSO, the GAC is formally requested to either participate in a task force or offer its advice to the ccNSO Council if no task force is formed on issues relevant to the GAC. The GAC also can be requested by the ccNSO to offer its advise or opinion on the ccNSO's final recommendations.

Since policy development at ICANN is a bottom up, iterative process, policy working groups benefit significantly from input that is provided as early in the consideration process as possible. Typically today, the Board considers policy recommendations only once they have been fully discussed and analyzed by one or more SO working groups, and only after the relevant Supporting Organization has reviewed the issue and associated recommendations and has made an official recommendation to the Board. If the Board reaches out to the GAC once it receives a recommendation from an SO for action, most of the policy development process would be complete and it can be difficult to consider fully GAC concerns or suggestions at such a late point in the process.

The GNSO is in the process of changing its Policy Development Process (PDP) and is placing new emphasis on early information gathering activities that should be conducted even before a PDP is launched. In light of this, it may be useful to consider some of the barriers that have made it relatively difficult for the GAC to provide advice early in the policy development process, and to encourage the GAC to develop proactive advice that can be directed to specific working groups where it can be considered "in real-time".

Note that staff is not suggesting that these recommendations preclude in any way the options currently afforded to the GAC and to the Board under the ICANN Bylaws to advise the Board on policy matters.

The Policy Department has a wealth of expertise and information on a broad range of policy topics of interest to the GAC, and some excellent opportunities exist to communicate this information to the GAC more regularly and in a more targeted way. Many tools could be implemented with minimal funding right away. With additional funding, more senior policy staff resources could also be assigned to help the GAC engage earlier in the policy development process, and more Secretariat functions to help the GAC keep more informed of those policy activities that are of greatest interest to the GAC in a systematic and thorough way.

ii. For example, early work by the SSAC, which wrote several papers analyzing deficiencies in WHOIS, led to GNSO focus on studies and further GNSO documentation of those deficiencies. Early concerns identified by the ALAC relative to the recovery of expired domain names led to a GNSO policy development process that is currently underway and is considering changes to improve the situation. When the GAC has provided input on policy and other matters in the formative stages, such as the GAC's detailed and extensive set of recommendations that it provided in April 2008 on WHOIS studies, the input has been of significant value. In the case of the WHOIS studies, the GAC input was instrumental in helping to define the studies ultimately selected by the GNSO to pursue. This was also true with the ccNSO-GAC IDNC WG recommendations on the fast track process.

ATRT Implementation Project, Recommendation 14

Updated 19 Oct 2011

Project Information:

14. Board should endeavor to increase the level of support & commitment of governments to the GAC process; encourage member countries & organizations to participation in GAC & place particular focus on engaging nations in developing world & need for multilingual access to ICANN records; Board also should work with GAC to establish a process to determine when & how ICANN engages senior govt. officials on public policy issues on a regular & collective basis to complement existing GAC process.

ATRT proposed project deadline: None provided.

Responsible Entity: GAC and Board

Project's Lead Department: GAC Liaison

Project Manager/Team Advice:

Staff recommends that the Board should approve and implement this recommendation.

Governments play an extremely important role in the ICANN multi-stakeholder environment. Currently, more than 100 nations have representatives on the Governmental Advisory Committee but not all are heavily engaged or committed to ICANN or the multi-stakeholder model. Some governments advocate for ICANN's role to be subsumed into an Intergovernmental organization (IGO) such as the UN or the ITU. Many others have not declared a position and others appear not to be aware of ICANN and the role it plays. For some GAC members, it is not clear how much support they have for their involvement with ICANN from their governments.

Increasing GAC membership and making it easier for GAC members to participate in ICANN is important for the future success and legitimacy of the organization. While most of this recommendation calls for Board action, it cannot be implemented without the cooperation and support of the GAC. Progress will require joint dialog, planning and execution by the Board and GAC.

Under a resolution adopted at the 17 September 2011 Board Meeting, the Board Governance Committee was directed to recommend the composition of a working group of the Board to lead the Board's coordination with the GAC on the implementation of recommendations of the JWG and the GAC-related recommendations of the ATRT. Once constituted, this working group will meet with GAC members to review the staff recommendation and oversee the implementation of this recommendation. Based on decisions by the new joint working group, staff will develop an implementation plan and timeline. Initial ideas are included below for consideration.

Plan for Implementation:

Task 1: Board and GAC consider the following staff recommendations for addressing each of the elements of Recommendation 14:

- Encourage member countries & organizations to participation in GAC & place particular focus on engaging nations in developing world & need for multilingual access to ICANN records: **Increase travel support to fund additional GAC members per year to attend ICANN meetings; increase interpretation and translation services support. These changes are reflected in the draft FY12 budget which includes $210k for ICANN meetings travel support and $250k for outreach support.**
- Board also should work with GAC to establish a process to determine when & how ICANN engages senior govt. officials on public policy issues on a regular & collective basis to complement existing GAC process. **Hold annual meeting of high-level government officials at ICANN international meeting. Most funding would come from meeting budget to support board-govt meeting and reception/dinner.**

Task 2: Board and GAC direct JWG to incorporate these recommendations into final report regarding how to enhance effective governmental participation in ICANN.

Task 3: Board determines whether to accept JWG final report recommendation. If yes, Board determines how best to work with GAC to implement each of the elements of the recommendation and considers whether to adopt a resolution reflecting same. If no, Board consults with GAC Chair to determine process for further joint Board-GAC consideration of this issue.

Proposed Milestones/Timeline:

Milestone 1: Detailed implementation plan approved/posted

Other Milestones to be determined

To be determined based on decisions by new joint working group.

Proposed Resources:

Additional funding would be required for increased GAC travel support and increased interpretation and translation services. The draft GAC budget for FY12 seeks additional resources for each of these items. It does not contain a request to support senior government officials' engagement with ICANN. Those expenses may fall properly under the meetings budget. Regardless, without further detail on the parameters of senior government engagement at ICANN meetings, it is not possible to forecast what those expenses may be.

Key Consultations:

New Joint Working Group; ICANN Board; GAC; BGRC

ATRT Implementation Project, Recommendation 15

Updated 14 Sept 2011

Project Information:

15. The Board should, as soon as possible but no later than June 2011, direct the adoption of and specify a timeline for the implementation of public notice and comment processes that are distinct with respect to purpose (e.g. Notice of Inquiry, Notice of Policy Making) and prioritized. Prioritization and stratification should be established based on coordinated community input and consultation with staff.

ATRT proposed project deadline: ASAP but no later than June 2011

Responsible Entity: Board/PPC

Project's Lead Department: Stakeholder/Policy

Project Manager/Team Advice:

Staff recommends that the Board adopt this recommendation with modification of the due date. The need for this modification is explained below.

Many improvements can be made to ensure that the Public Comment Notices are clear, understandable and provide sufficient information in plain language so that interested parties can decide quickly and easily which topic they want to follow and comment upon.

Stratification: Staff performed an initial assessment of public comment forums over the last two years and notes that the topics are extremely varied and do not fit neatly into common categories, such as a Notice of Inquiry or Notice of Policy Making. Further consultation with the ICANN community will be required in order to develop a more standardized categorization linked to ICANN policy and procedures. Staff recommends that additional research be conducted, a stratification list be developed internally and via a Focus Group some community members are asked for feedback on this list. At the end of this process, staff can propose a public comment forum stratification list that can be posted for public comment for wider community input. This stratification work may be assisted by the categorization work identified in response to ATRT Recommendation 6 (on distinguishing between policy and staff functions).

Prioritization: Solicitations for public comments at ICANN typically cover a broad array of topics of interest to diverse stakeholders, but most are very important to some sub-set of the ICANN community. Staff should not be placed in a position of deciding on the importance or priority of one public comment request over another, as this is neither appropriate nor useful to a broad and diverse community.

Staff recommends that necessary improvements in the re-design of Public Comment Pages are made so that the reader makes the prioritization decision themselves without explicit mention of it as a data token.

The current page is hard to read, displaying all open, closed and archived public comments in one page. They lack of standardization in both content and presentation, navigation is not clear and the page designs are cluttered, resulting in lack of focus (e.g., Open vs. Closed) and too much content replication (e.g., background/history).

Staff recommends that the ICANN Public Comment web page be re-designed for clarity of the display by means of standardization of both content and presentation (supported by new Staff templates), clear navigation, clean page designs, each page singularly focused (e.g., Open, Recently Closed, Upcoming) and minimizing the content duplication.

It should be noted that the implementation of a Language Service Policy may affect the implementation timeline for this recommendation.

Preliminary Plan for Implementation:

Staff proposes a two-phase deployment for a successful implementation of this recommendation. Phase 1 focuses on more immediate changes that can be made, while Phase 2 contains improvements that will take more time to implement due to the complexity of the tasks involved.

Phase 1:

Task 1: The Sr Dir Participation and Engagement will work with other staff to implement a new coordination and clearance process if the required resources (1 additional FTE) are provided. The level and depth of this coordination and clearance effort will depend heavily on the resourcing and support received. An "ICANN Internal Public Comment Process" document, will be created to provide clear guidance on how public comment forums should be started, carried out, and concluded by both ICANN Staff and by the other stakeholders (ICANN Board, SOs, ACs).

Task 2: A new template will be created for opening a public comment forum to collect and post the necessary information. By using this template, all essential information will be collected to ensure a clear and concise notice is posted on the ICANN Public Comment web page.

Task 3: A new summary template will be created to ensure that the "summary and analysis" that is posted at the conclusion of all public comment processes by the responsible ICANN Staff meets the communities' needs.

Task 4: ICANN Staff guidelines and best practices for the processing of comments will be developed.

Task 5: Re-design ICANN Public Comment web pages. Basic improvements include:

- Direct attention first to the current Open issues: Public Comment landing page opens with the list of "Open Public Comments" at a given time.
- Links point to other Public Comment categories such as Upcoming Public Comments (ATRT recommendation 21), Recently Closed Public Comments and Archived Public Comments.
- Little or no page scrolling is required

- Each Public comment forum box follows a standardized key data elements with minimized content duplication and display key info links that are easy to find and are placed in standard location
- Each Announcement page for each public comment follows standard sections for consistency and thoroughness

Task 6: Staff conducts further research and develops an appropriate stratification list, collects feedback internally on the list.

Task 7: Staff works to form a Focus Group for an initial consultation on the stratification list.

Phase2:

Task 8: Feedback from the Focus Group is incorporated.

Task 9: Stratification list goes out for a Public Comment period for wider community input, together with the other elements of the implementations required by ATRT recommendations 16-17.

Task 10: Re-design ICANN's Public Comment web page based on inputs received.

Proposed Milestones/Timeline:

Milestone 1: Detailed implementation plan approved/posted - Done

Milestone 2: Update processes & templates, and publish & maintain annual list of upcoming comment periods - Done

Milestone 3: Redesign public comment webpage - Done

Milestone 4: Incorporate Stratification, Prioritization and Technical Forum Improvements, as appropriate

Milestone 5: Documented and embedded in standard operating procedure (SOP)

Phase 1: (Most tasks in Phase 1 can be performed simultaneously.)

End of June 2011 - Tasks 2 - 5 (mainly templates and the guidelines for Staff and the re-designed Public Comment Webpages) will be completed.

End of August 2011 – Task 6 -7

Execution and completion of Task 1 depends on the resourcing.

Phase 2: (Tasks in Phase 2 are more time consuming and they have external dependencies requiring consultation and coordination.)

End of December 2011 - Task 8-10 are estimated to be completed.

Proposed Resources:

Staffing: 6 FTEs will need to devote at least 20% to 40% of their time to this implementation plan within the proposed timeline above.

If the improved ICANN Internal Public Comment Process is put in place, additional resources will be needed for oversight and maintenance. It is estimated that one new FTE support for the Sr Dir Participation will be required for the continuing management and coordination of the Public Comment Process.

For the project management support from a Policy Consultant the cost is estimated to be $20,000.

Key Consultations:

Internal Executive Team and Staff, Board and Public Participation Committee, SOs and ACs, ICANN Community via Focus Group and Public Comment

ATRT Implementation Project, Recommendation 16, 17

Updated 14 Sept 2011

Project Information:

16. Public notice and comment processes should provide for both a distinct "Comment" cycle and a "Reply Comment" cycle that allows community respondents to address and rebut arguments raised in opposing parties' comments.

17. As part of implementing recommendations 15 and 16, timelines for public notice and comment should be reviewed and adjusted to provide adequate opportunity for meaningful and timely comment. Comment and Reply Comment periods should be of a fixed duration.

ATRT proposed project deadline: Prior to June 2011

Responsible Entity: Board/PPC

Project's Lead Department: Stakeholder/ Policy

Project Manager/Team Advice:

Staff recommends that the Board adopt this recommendation with a modification of the deadline.

Recommendations 16 and 17 are understood to have two aspects: structural improvements for the commenting cycles (see Staged description below); and technical improvements to the Public Comment interface.

Structural improvements:

Staff proposes a two-staged Public Comment Process that will be deployed:

Stage 1: Comment:

This period will be a minimum of 30 days. It can be set for a longer term or extended based on clear and explicit announcement of the requesting entity. The 30-day comment period will start when the Public Comment material is published on the ICANN Public Comment web page. During and prior to this 30-day Comment period, all interested stakeholders of the ICANN Community will be encouraged to provide their inputs.

Stage 2: Reply Comment:

This period will be a minimum of 15 days, starting immediately after the close of the 30-day comment period. This period will allow interested parties an opportunity to review all comments submitted during the 30-day Comment period and add additional points or materials.

All the comments received within the entire minimum 45 days (Comment Period + Reply Comment Period) will be taken into account in the summary and analysis process.

The end date of the entire Comment and Reply Comment periods cannot be later than a week before the regularly-scheduled Board meeting where action on the item for Public Comment is anticipated. This will allow the completion of summary and analysis prior to the Board being asked to make a decision.

With regards to Recommendation 17 and "fixed duration" for the stages of Public Comments, staff suggests that only a fixed "minimum" time be required. Since ICANN's stakeholders have different needs and some issues may require more time than others, Staff believes flexibility on timelines is warranted. Establishing a minimum timeline and issuing clear announcements will help achieve the goal of collecting meaningful and timely comments.

Long-term Technical Improvements:

In parallel with completing implementation of this Recommendation (as detailed above), Staff has taken the initiative to explore a significant change to the forum software.

The current forum system for ICANN Public Comments does not provide an easy and user-friendly mechanism to reply to a particular comment that has been made by another participant.

It is envisioned that a wiki based public comment forum interface will allow instant interaction and discussion between commenters if the participants would like to post their opinions in this manner. Staff believe that providing a threaded discussion environment as a complementary element to ATRT recommendations will be useful, maximizing transparency and assisting the link in the thought process between comments and corresponding replies to them. However, the task is not trivial. Switching to a threaded discussion environment is a big change and further testing and community consultation is required to find out whether or not this kind of interaction is preferred for the ICANN Public Comment Processes.

Preliminary Plan for Implementation:

Task1: Staff develops the two-staged Public Comment period as described briefly above and posts it for public comment.

Task 2: Based on inputs received, implement a new Public Comment structure, making all necessary web page changes, and announcements. This completes implementation of these Recommendations

Task 3: (Related to, but going beyond, these Recommendations) Integrate the technical improvements that are mentioned under the title of "**Long-term** Technical Improvements" above to Public Comment forum interface.

Proposed Milestones/Timeline:

Milestone 1: Detailed implementation plan approved/posted - Done

Milestone 2: Develop and solicit public comment on proposals for Comment/Reply Cycles (including timing) and Technical Forum Improvements - Done

Milestone 3: Implement, as appropriate, and document and embed in standard operating procedure (SOP)

End of August 2011 - Task 1: Estimated to be completed.(within Phase 1 of Implementation for Recommendation 15)

End of December 2011 - Task 2: Estimated to be completed (within Phase 2 of Implementation for Recommendation 15).

A schedule for additional work beyond implementation of these Recommendations (Task 3, Long-term Technical Improvements) will be developed in the future.

Proposed Resources:

Staffing: 6 current FTEs will need to devote at least 20% to 40% of their time to this implementation plan within the proposed timeline above.

The proposed implementation may require changes to ICANN's By-laws as well as some specific changes to the PDPs or operational procedures of some ICANN supporting organizations or advisory committees. ICANN Legal and Policy teams as well as the SOs/ACs may need to devote extra resources to this area.

ICANN's Translation policy may also affect the proposed resources required as well as the timelines described above.

Key Consultations:

Board, Public Participation Committee, SOs and ACs, ICANN Community via Public Comment

ATRT Implementation Project, Recommendation 18

Updated 19 October 2011

Project Information:

18. The Board should ensure that access to documentation within the policy development processes and the public input processes are, to the maximum extent feasible, provided in multi-lingual manner.

ATRT proposed project deadline: None specified

Responsible Entity: Board/PPC

Project's Lead Department: Communications

Project Manager/Team Advice:

Staff recommends that the Board adopt this recommendation, with the understanding that steps 2 and 3 of the Preliminary Plan for Implementation will not take place before FY2013; and seeks approval to support the "Technical Improvements" section of Recommendation #15 by including multilingual support for the policy development-related public comment forums to be conducted in multiple languages.

ICANN is engaged in significant translation activities in support of its policy development processes, but staff recognizes that more can be done. Staff understands the intent, with respect to the ATRT recommendation, that "documentation" within the policy development processes and the public input processes be provided in a multi-lingual manner. Public comment on communities' needs in this area, of course, also would be valuable.

The Board approved "Translation Principles" in February 2008 as part of the "Accountability and Transparency Frameworks and Principles." The Policy Department has had a Translations Policy in place since October 2008. Although many other ICANN documents and web page postings are available in translated form, and interpretation support is provided for key events at ICANN meetings, there is no single translations policy that applies to all of ICANN's publications, documents or public input processes and meetings. This is not to say that everything should be translated equally. The policy department's Translations Policy recognizes that SOs and ACs may have differing needs, and sets guidelines for translations of web postings for each SO and AC accordingly.

Staff recommends that the ICANN Language Services Manager take steps to propose an ICANN-wide Language Services Policy and Procedures as suggested below.

Preliminary Plan for Implementation:

To address the need for short-term improvement while allowing time for the more extensive, long-term changes (e.g., ICANN web site in multiple languages), staff proposes the following multi-phase approach: **(Some dates have changed; please see the "Milestones/Timelines" section below.)**

1. By August 2011, Staff proposes to roll out a new "Language Services Policy and Procedures" to replace the original "Translation Programme." This new document will provide the processes and rules to be followed by all ICANN departments (including those that support the Board, SOs and ACs) related to services such as:
   a. Editing for Plain English
   b. Translation
   c. Interpretation
   d. Conference Call Interpretation
   e. Real Time Transcription (RTT) (Scribing)
   f. Transcriptions (After the fact transcription of audio files)
2. Once the ICANN English web site has been revamped, an assessment will be conducted to determine cost and time needed to produce mirror sites in the other five U.N. languages. The production of ICANN sites in other languages will not be scheduled to take place in FY2012. Additional studies may also be needed to examine how other organizations facing similar challenges have handled their transition to becoming a multilingual organization.
3. During FY2012, Staff will research and seek community input on whether and how ICANN's public comment forums should be multi-lingual. Issues addressed will include:
   - Should all public comment forums be run in other languages in addition to English? If yes, which languages?
   - What is the impact on timing, as allowing comments in different languages would also mean translating those comments back to English?
   - Often, translations are available later than the publication of the English version of a document. Does that mean that a public comment forum does not start until all versions are available and can run for the same time?
   - What would be the budgetary impact?

If the outcome from this research and assessment results in the implementation of multi-lingual public comment forums, the implementation of this new support will begin in FY2013. This will allow time to plan and assess all the related work to be done from an engineering standpoint, as well as the inclusion of such support within the Language Services budget structure.

Proposed Milestones/Timeline:

Milestone 1: Detailed implementation plan approved/posted - Done

Milestone 2: Review & update Language Services Policies and Procedures document - Done

Milestone 3: Review of Language Services Policies and Procedures document by ICANN executive team, the Board, and SOs/ACs

Milestone 4: Post Language Services Policies and Procedures document for Public Comment

Milestone 5: Finalize Language Services Policies and Procedures, and document and embed in standard operating procedure (SOP)

1 November 2011: Language Services Policy and Procedures to be provided to the executive team for review.

15 November 2011: Language Services Policy and Procedures to be provided to the Board, SOs and ACs for review.

15 December 2011: Language Services Policy and Procedures to be posted for Public Comment

1 February 2012: ICANN Language Services Policy and Procedures will be implemented

Proposed Resources:

The FY2012 budget includes all expenses related to putting the ICANN Language Services Policy and Procedures in place. The proposed budget for FY2012 is $ 2.1; this budget includes all proposed services in the Language Services Policy and Procedures document. Exclusions are the possible addition of translations resulting from the outcome of work related to holding Public Comment Forums in multiple languages; and the cost for any translations and linguistic support related to the production of ICANN's web site in other languages. If a need is identified, these projects will be proposed in the FY2013 budget.

Key Consultations:

Policy, Legal, Communications Staff, Board, SOs, ACs, Community

ATRT Implementation Project, Recommendation 19

Project Information:

19. Board should publish its translations (including rationale) within 21 days of take a decision (in languages called for in ICANN Translation Policy).

ATRT proposed project deadline: None listed

Responsible Entity: Board/BGC

Project's Lead Department: Legal

Project Manager/Team Advice:

Although not yet formally adopted by the Board, this recommendation is already implemented as part of standard operating procedures, with modification. Staff recommends that this recommendation be formally accepted.

The 25 January 2011 Approved Resolutions into the UN languages, were posted prior to the Silicon Valley Meeting. The approved Minutes of the 25 January 2011 meeting were also made available in translated versions within 21 days of the approval of the minutes. Staff is in the process of creating a workflow for the continued translation of these materials within the timeframe set forth in the Recommendation, and this process has produced timely translations for all Resolutions and Minutes in 2011. This translation work includes the rationale statements, in the event of particularly lengthy rationale statements, those specific items may not be available within the 21-day window. If that should ever occur, every attempt will be made to complete all rationale translations within 21-day window, and the unavailability of individual rationale statements will not delay the posting of the other translated materials.

Staff recommends that the translation of Board Preliminary Reports is not feasible nor a good use of ICANN resources.   Preliminary Reports are only posted for short periods of time, and are not maintained as official records of the Board meetings. A main part of the Preliminary Report is the Approved Resolutions, which are provided in translated form, and the incremental costs in producing additional translation of the limited information available in the Preliminary Report are, in the aggregate, quite high.

Work is also being done to coordinate the translation of Board briefing materials. To best maximize resources within the organization, usage of translated Board briefing materials should be monitored and reviewed within a year's time to determine if it may be more feasible to move to a translation-upon-request model for selected items within the briefing materials. As some items within the briefing materials are not in furtherance of Board decisions (such as press clips and informational reports from third parties) the value of translating such materials may be minimal when compared to the cost of translation. To address these concerns, staff will propose guidelines for Board briefing materials translations with a focus on the translation of deliberative materials.

Because much of the Board and community work is dependent upon the ICANN Bylaws, ICANN will be producing translations of the ICANN Bylaws in the UN Languages as soon as

possible. The work is already underway. Staff is also coordinating a workflow to obtain timely translations of amendments to the Bylaws as approved by the Board.

The Language Services department is aware of the need to prioritize the translation of Board decisional work. In addition, Language Services will be working closely with the Legal department to monitor the quality of the translations of Board decisional documents to assure the high quality of translations made available to the public.

Plan for Implementation:

A process for the posting of translations of Approved Resolutions and Minutes has already been initiated.

Task 1: Review Board briefing materials to create proposed guidelines regarding the translation of Board briefing materials, with a focus on translation of decisional materials. After one year's time, review the usage of Board briefing material translations to determine if another mode of identifying documents for translation should be implemented.

Task 2: Post translations of ICANN Bylaws and implement internal process for notifying Language Services of future Bylaws amendments for timely translation and posting

Task 3: Continually monitor quality of Board decisional material translations to determine if new vendors are required

Milestones/Timeline:

Milestone 1: Detailed implementation plan approved/posted - Done

Milestone 2: Develop guidelines - Done

Milestone 3: Implement translation process, regularly posting translated Board material; document and embed in standard operating procedure (SOP) - Done

By March 2011, the posting of translations of Approved Resolutions and Minutes has been integrated into internal processes.

The goal for posted translations of the ICANN Bylaws is August 2011.

Staff will continue to revise and produce guidelines for the posting of Board briefing materials to test the costs of producing translations.

Proposed Resources:

ICANN Language Services staff budgeted the translations discussed above for US$125,000 within FY12. The actual cost could substantially exceed the budgeted amount; the Board briefing materials are over 200 pages for each meeting, sometimes over 300. With the inclusion of rationale statements, the Approved Resolutions for each meeting will be nearly twice the length of the 2010 postings. Additional resources may be necessary.

The internal staffing to request translations of existing material is incremental.

Key Consultations:

The translations will assist organization-wide in community consultation.

At the time of the review of the scope of Board briefing material translation, community consultation/public comment may be needed.

ATRT Implementation Project, Recommendation 20

UPDATED October 2011

Project Information:

20. Board should ensure that all necessary inputs that have been received in policy making processes are accounted for and included for consideration by the Board; to assist this the Board should adopt & post a mechanism (e.g. checklist or decision template) that certifies what inputs have been received & are included for Board consideration.

ATRT proposed project deadline: As soon as possible

Responsible Entity: Board/BGC

Project's Lead Department: Legal with assistance from the Policy Department

Responsible Entity: Board

Project Manager/Team Advice:

Staff recommends that the Board adopt this recommendation.

The work to address this recommendation is two-fold. First, the Board can implement a checklist process to confirm that necessary inputs have been considered, for submission to the Board as part of its briefing materials. Second, processes can be implemented to address a void that currently exists in assuring that the necessary inputs were considered at the SO level during a policy development process. The Board needs to be provided with documentation of the comprehensive work and inputs into policy development processes.

The policy development work done at the SO level should evolve to assure that the necessary inputs are made, and the outcomes of that process need to include documentation of those inputs. Currently, Annex A of the ICANN Bylaws spells out the seven requirements that must be included in a GNSO Council Report to the Board (to be prepared by staff within five days of a GNSO Council decision to make a recommendation to the Board), so in the GNSO policy development process, extensive detail is required today. The reports arising out of the ASO Global Policy Development Process include reference to public forums and discussions within each RIR. The ccNSO PDP, set forth in Annex B to the ICANN Bylaws, requires certain inputs to be included within reports to the Board

These reports from the SOs can be enhanced through work already underway towards creating Board rationale statements (introduced for the 25 January 2011 meeting). The template for Board Rationale Statements can be refined for the SOs in order to provide information to the Board on the inputs received. The creation of templates to be used by the SOs in the policy development processes may be helpful.

In addition, a review of inter-SO/AC provision and use of liaisons may also facilitate the provision of necessary inputs into SO-level policy work. Currently, the Bylaws do not clarify

the expected role of liaisons to the various SO/ACs. These liaisons could be assigned the responsibility for making sure that the represented SO/AC's input is submitted during the PDP in a timely manner. Finally, achieving commitments on the timely completion of summary and analysis of public comments will also create some discipline around the acknowledgement of and consideration of inputs.

The SO-focused items are suggested to avoid the situation where the Board would send items back to the SO for re-evaluation of its policy recommendations for the purpose of considering the inputs of other SO/ACs into the PDPs. It is important to note that due to the variations among the SO's policy development work, the extent of impact of these recommendations may vary.

A full integration of these practices may require changes to the Bylaws or the SO operating procedures, as applicable, to clarify the use of liaisons, or to revise policy development processes.

A GNSO Working Team has released a Final Report on proposed revisions to the GNSO Policy Development Process, for consideration by the GNSO Council. If the Council approves of the recommendations in that report, there will then be a required public comment period regarding the Bylaws revisions to effectuate those recommended changes. The broader community response to this public comment period may provide some additional insight for consideration.

In addition, the ongoing work in relation to Recommendations 16-17 in improving the public comment cycle should help provide more assurance that the community has an opportunity to meaningfully participate, as well as provide standardization to the production of comment and summary analyses documents.

Plan for Implementation:

Task 1: The BGC to consider whether a decisional checklist for inclusion in Board briefing materials would assist in confirmation of necessary inputs into decisions.

Task 2: In coordination with policy-making bodies within ICANN, create an interim template for SO usage identifying the information necessary for a robust Board consideration of policy recommendations, using the requirements and processes stated in the current Bylaws/PDPs where applicable.

Task 3: Engage in a consultation with the SOs and ACs to address how inputs can be received and better documented, including the use of liaisons and the creation of templates to document receipt of input in policy development processes.

Task 4: Create the templates identified within the community consultation, if any.

Task 5: Review Bylaws and SO Operating Procedures to determine extent of changes needed, if any, to meet the changes identified in the community consultation.

Task 6: Establish commitments for timely completion of public comment summaries/summary and analysis (dependent upon work in Recommendation 16-17)

Proposed Milestones/Timeline:

Milestone 1: Detailed implementation plan approved/posted - Done

Milestone 2: Develop and solicit input on checklist, if appropriate, and interim template for use by policy-making bodies within ICANN

Milestone 3: Develop mechanism to ensure all inputs identified in checklists are provided to Board within decision-making process

Milestone 4: Finalize, document and embed in standard operating procedure (SOP)

After Dakar meeting: Create interim template for use in SO output from PDP activities, to inform a decisional checklist or other mechanism for inclusion in Board briefing materials;.

After production of checklist for use in SO output, and in coordination with the review of the GNSO PDP, facilitate community consultation on assuring proper inputs into the policy development processes at the SO level.

Dependent upon the length and outcome of the consultation, the remaining implementation steps will be set forth after the consultation

Proposed Resources:

The creation of the checklist and interim template will take approximately 10 hours each from Legal and Policy staff.

The completion of the interim template will add additional time to each report prepared by policy staff supporting the SOs.

The consultation will require approximately 10-15% of policy support FTEs each supporting the various SOs.

Key Consultations:

The Board (possibly through a designated committee) for the creation of a decision template.

All ICANN SOs/ACs

ATRT Implementation Project, Recommendation 21

Project Information:

21. The Board should request ICANN staff to work on a process for developing an annual work plan that forecasts matters that will require public input so as to facilitate timely and effective public input.

ATRT proposed project deadline: June 2011

Responsible Entity: Board/PPC

Project's Lead Department: Stakeholder/Policy

Project Manager/Team Advice:

Staff recommends that the Board adopt this recommendation.

The implementation of a process to collect and post annual work plans/projects that will require public inputs will require communication and coordination among staff and the community. Staff compiling the list of activities should be careful to note that any annual plan is a projection only. In addition, staff may identify that there are sub-parts to anticipated work that may require additional consultation – for example, if a proposed work item arising out of an SO/AC projects is likely to require a Bylaws change, the public input on that resulting Bylaws change should be identified as well as the public input on the substantive discussion within the SO/AC. This exercise will likely result in a better understanding of the internal timing and processes among all parts of the ICANN structure.

Preliminary Plan for Implementation:

Task 1: Sr Dir Participation and Engagement coordinates with ICANN Staff and the SO/AC/SG Leaders to collect possible public comment forum topics that are likely to be raised in 2011, utilizing existing work plans or ongoing projects/programs.

Task 2: Publish the 2011 list on the newly designed Public Comment-Upcoming page.

Task 3: A draft process is developed for collecting and publishing Upcoming Public Comments on a regular basis, based on a calendar year.

Task 4: Share draft process with the PPC and SO/AC Leaders at Singapore meeting and incorporate feedback

Proposed Milestones/Timeline:

Milestone 1: Detailed implementation plan approved/posted - Done

Milestone 2: Publish 2011 list and develop annual process - Done

Milestone 3: Repeat annually, document and embed process in standard operating procedure (SOP) - Done

Task 1-4: End of June 2011 (given that these are approved by Board and Singapore Meeting can be utilized for Task 4).

Proposed Resources:

No significant resources are required.

Key Consultations:

ICANN Staff/Executive Team, Board and Board Committees, SOs and ACs

ATRT Implementation Project, Recommendation 22

Project Information:

Board should ensure that senior staffing arrangements are appropriately multi-lingual, delivering optimal levels of transparency.

ATRT proposed project deadline: none listed

Responsible Entity: Board

Project's Lead Department: Human Resources/Operations

Project Manager/Team Advice:

Staff recommends that the Board adopt these recommendations.

This work is already ongoing and Staff suggests that it continue. In addition, it is recommended that position descriptions and job posting be updated to reflect the desire for multiple language skills in order to deliver optimal levels of transparency. It is also is recommended that ICANN identify language learning opportunities for senior staff to learn new languages, as appropriate.

Of the eight current members of the executive staff, seven speak at least a basic second language (other than English) and many are at least tri-lingual.

Preliminary Plan for Implementation:

Task 1: Review all appropriate job descriptions and update to reflect the desire for multiple language skills.

Task 2: Review all appropriate job postings and update to reflect the desire for multiple language skills.

Task 3: Ensure all candidate review forms completed on candidates for senior staff positions include a section on multiple language skills.

Task 4: Identify language training programs to be made available to senior staff.

Proposed Milestones/Timeline:

Milestone 1: Detailed implementation plan approved/posted - Done

Milestone 2: Update all job postings, revise candidate review forms and position descriptions - Done

Milestone 3: - ID language training programs for staff - Done

Milestone 4: Document and embed in standard operating procedure (SOP) - Done

Task 1: By March 2011 complete review and update of all current appropriate job postings. (This was completed)

Task 2: By March 2011 all candidate review forms to be completed on candidates for senior staff will include a section on multiple language skills. (This was completed)

Task 3: By May 2011complete review and update of appropriate position descriptions. This is dependent upon a separate job description review project relating to compensation - to ensure the best use of resources the position descriptions will only be reviewed once.

Task 4: By June 2011 identify language training programs to be made available to senior staff; and by July 2011 implement, as appropriate, language training programs for senior staff.

Proposed Resources:

Activities will be done by current Human Resources staff; no additional FTEs are required. Language training programs will be sourced by HR staff and an estimated $15,000 USD will be needed in the next fiscal year. Position description reviews will be done in conjunction with ICANN's outside compensation consultant - this activity is already scheduled and budgeted.

Key Consultations:

Staff

ATRT Implementation Project, Recommendation 23

Project Information:

23. Board should implement the Improving Institutional Confidence (IIC) Recommendation 2.7 that calls on ICANN to seek input from a committee of independent experts on the restructuring of its three review mechanisms; see ATRT guidance for review, including direction to look at mechanisms in IIC Recommendations 2.8 & 2.9; upon receipt of experts' final report, Board should take actions on the recommendations.

ATRT proposed project deadline: As soon as possible but no later than June 2011 to seek input from a committee of independent expert

Responsible Entity: Board/BGC

Project's Lead Department: Legal

Project Manager/Team Advice:

Staff recommends that the Board adopt this recommendation with revision to the timeline, pending approval of budget.

It is unclear whether the ATRT is calling for the completion of the work of independent experts by June 2011, therefore it must be clarified that only the identification of experts will be completed by that time.

In 2009, Paul Twomey independently retained experts to conduct a review of this work arising out of the Increasing Institutional Confidence/President's Strategy Committee report. The proposed Bylaws revisions that were posted for comment in 2009 were based upon the work of those experts. While the outcomes of that work can be useful in the work called for in this Recommendation, the expert review needs to be redone. Not only was there a lack of transparency in the work performed by Twomey's selected experts; the community then rejected the expert recommendations through the public comment process.

New experts should be retained. This will be a costly and timely endeavor, through scoping the RFP, expert selection, and supporting the work of the experts.

Privileged and Confidential Advice Redacted

The experts' recommendations will need to be posted for public comment prior to Board action. The costs of implementation of the recommendations (such as the formation of standing independent panels, etc.) will have be considered and budgeted. Upon implementation, Bylaws revisions will need to be made, as well as changes to the Accountability and Transparency Framework.

Plan for Implementation:

Task 1: Staff to draft RFP for team of independent experts and post according to the ICANN Procurement Guidelines

Task 2: Complete expert selection and complete contract negotiation

Task 3: Experts design and perform research to reach recommendations

Privileged and Confidential Advice Redacted

Task 5: Expert report posted for public comment

Task 6: Board action on expert report, taking public comment into consideration

Task 7: Required Bylaws changes drafted (to the extent not included within the expert report) to implement Board action

Task 8: Upon approval of Bylaws changes, modify other publications/postings within ICANN to reflect new accountability mechanisms

Task 9: Implementation work to roll out new/revised accountability mechanisms

Proposed Milestones/Timeline:

Milestone 1: Detailed implementation plan approved/posted - Done

Milestone 2: Experts hired and recommendations delivered

Milestone 3: Recommendations considered; actions taken, if appropriate

Milestone 4: Final action documented and embedded in standard operating procedure (SOP)

Currently Pending Budget Approval Within three months of approval of budget: RFP to be drafted and posted, to commence vendor selection process.

The scope and time required for the independent experts may be one item for consideration in reviewing responses to RFPs. It is anticipated that this work could be complete and a final report provided within six months of the initiation of work, but that timeline may require modification. Given the import of the work of the experts to ICANN's future accountability, a focus on quality of review should be emphasized over a quick turnaround.

The time to ultimate implementation of the expert recommendations cannot be estimated without identification of what those recommendations entail.

Proposed Resources:

The expert work is anticipated to be performed within FY 2012. The cost for retaining experts to perform this work is anticipated to cost anywhere between US$200,000 - $500,000.

Privileged and Confidential Advice Redacted

Key Consultations:

Upon completion of the report, a public comment period will be required. There may be additional public comment periods on further outcomes from this work, including Bylaws revisions.

It is anticipated that the experts will consult with many parts of the ICANN structure in performing research, particularly as it relates to the inclusion of the community in accountability mechanisms.

The Board as a whole will also need to be consulted during the research and implementation phases.

While the experts will design their own workplan, it can be anticipated that they will consult with external sources such as Ombudsman organizations, the ICDR (provider for the current Independent Review Panel) and others.

ATRT Implementation Project, Recommendation 24

UPDATED October 2011

Project Information:

24. Assess Ombudsman operations and relationship between Board & Ombudsman, and if needed, bring into compliance with internationally recognized standards for Ombudsman function and Board supporting the function

ATRT proposed project deadline: ASAP but no later than March 2011

Responsible Entity: Board/BGC

Project's Lead Department: Legal

Project Manager/Team Advice:

Staff recommends the Board adopt this recommendation with modification to the timeline to allow for the new Ombudsman to be active in the review of the Ombudsman/Board relationship.

ICANN has appointed a new Ombudsman, after the inaugural ICANN Ombudsman left ICANN on 31 January 2011.

The transition to a new Ombudsman will assist in the assessment of how the role can mature within ICANN. .

Now that a new Ombudsman is retained, a joint review of the Ombudsman Framework – a review between the Ombudsman and the Board (through a committee designated by the Board) – will be a first step in evolving the Ombudsman role as called for within this Recommendation. The review should focus on enhancing the independence of the Ombudsman role within ICANN as well as the Board-Ombudsman relationship, and adherence to internationally-recognized standards. A more in-depth review of the Ombudsman role is called for within Recommendation 23, therefore it would not be prudent to engage outside resources to review the operations of the Ombudsman role in response to this Recommendation while planning for the broader review is underway.

As part of the review, Board should consider making public the metrics for the Ombudsman's bonus compensation.

Plan for Implementation:

Task 1: Complete selection process for new Ombudsman

Task 2: Upon selection, the Board (through a designated committee) to undertake a review of the Ombudsman Framework, in consultation with the newly-selected Ombudsman, to review the Ombudsman role and relationship with the Board

Task 3: Board approval of Ombudsman Framework (for public posting)

Task 4: To the extent permitted under relevant privacy and employment-related laws, publication of metrics used to assess the Ombudsman's eligibility for bonus compensation

Proposed Milestones/Timeline:

Milestone 1: Detailed implementation plan approved/posted - Done

Milestone 2: Approve Ombudsman framework, (if necessary after input from new Ombudsman)

Milestone 3: Document and embed in standard operating procedure (SOP)

Upon hiring of the new Ombudsman, the process for reviewing the Ombudsman relationship should begin immediately. Achieving Board approval of a revision to the Ombudsman Framework is dependent upon the scheduling of Board meetings and as well as the meetings of any committee designated by the Board to perform the review. Any improvements in the function of the role or the Board/Ombudsman relationship should be put into practice as soon as possible without awaiting formal approval of the Framework.

Proposed Resources:

Much of the required resource to complete this review will come from the Ombudsman.

A small amount of staff time will be required to support the Board in the fulfillment of this review.

Key Consultations:

The Board (through a designated committee) will be a key consultation for this review. No additional outside consultations are anticipated.

ATRT Implementation Project, Recommendation 25 & 26

Project Information:

25. Clarify standard for Reconsideration requests with respect to how it is applied & whether the standard covers all appropriate grounds for using the Reconsideration mechanism.

26. Board should adopt a standard timeline and format for Reconsideration Requests & Board reconsideration outcomes that clearly identifies the status of deliberations and then, once decisions are made, articulates the rationale used to form those decisions.

ATRT proposed project deadline: As soon as possible, but no later than October 2011

Responsible Entity: Board/BGC

Project's Lead Department: Legal

Project Manager/Team Advice:

Staff recommends the Board adopt Recommendation 25 as part of its acceptance of Recommendation 23. Staff recommends the Board adopt Recommendation 26, with a note that the improvements anticipated through the implementation of Recommendation 26 will provide some of the clarification of application called for within Recommendation 25.

Recommendation 25 is inherently linked to the independent expert review called for in Recommendation 23; a determination of whether the standard for Reconsideration covers "all appropriate grounds" and the application of the Reconsideration mechanism should not be separated from a broader review of ICANN's accountability mechanisms.

Pending the outcome of the independent expert's review of the Accountability processes, including the Reconsideration process, actions can be taken to enhance the information provided surrounding the Reconsideration process. Staff has already started work on some of these enhancements.

First, the Reconsideration Request page on the ICANN site can be modified to serve as a better source of information regarding Reconsideration Requests. Potential improvements include noting the status of each Reconsideration Request (such as: submitted and under consideration; dismissed; or acted upon) along with the publicly posted documents for each Request. Another improvement is to provide a link to the Board action arising out of each Reconsideration Request. Since the time that Staff responded to the ATRT's questions, staff has already started to include active links to Board Actions for more recent Reconsideration Requests (See Reconsideration Requests 10-1, 10-2, and 10-3) to make this information easier to find. Staff will continue this improvement work to provide active links for more historical requests, as well as any follow-up action required for implementation of the Board decision. Improvements in the provision of information will not only improve the historical record on individual Reconsideration Requests, but will also provide a real-time status on any pending Requests.

Second, a clear depiction of the Bylaws-mandated timeline for consideration of Reconsideration Requests can be produced and placed on the Reconsideration Request page. This will provide a common understanding of the timing of the Reconsideration process. As recently seen with the .JOBS Charter Coalition Request, the timeline is not always predictable; the Requester waived strict adherence to some of the times set in the Bylaws.

Third, the committee responsible for hearing Reconsideration Requests (currently the BGC) can incorporate the new form of a Rationale Statement – as included with Board decisions as of 25 January 2011 – into its recommendations. Particularly in recent years, the committee recommendations on Reconsideration Requests are drafted to address the inputs received within the Reconsideration Process, often citing directly to source documentation within the public record and how the inputs were considered in reaching the recommendation. The inclusion of the more formal Rationale Statements will also provide the assessment of impact, and will add additional rigor to the recommendation/decision process. The committee's recommendation and rationale will both be made available to the Board for consideration in any decision on the committee's recommendation, as the recommendations are made available today.

Fourth, a template for the submission of Reconsideration Requests will be created and made available within the ATRT's suggested timeframe.

Plan for Implementation:

Implementation of Recommendation 25 will follow the implementation plan for Recommendation 23.

To implement Recommendation 26:

Task 1: Modify the Reconsideration Request page to include status indicators for all Requests

Task 2: For all Requests, the Reconsideration Request page will be modified to provide information on Board action arising out of the committee recommendations, as well as related links to further implementation efforts, if any

Task 3: A graphic timeline documenting the Reconsideration Process as set forth in the Bylaws will be created and posted

Task 4: A suggested template for the submission of the Reconsideration Process will be posted for public use

Task 5: Future committee recommendations arising out of the Reconsideration Request process will include rationale statements

Proposed Milestones/Timeline:

25

 Milestone 1: Detailed implementation plan approved/posted - Done

Milestone 2: Clarify standard for Reconsideration requests (dependent upon Rec. 23)

Milestone 3: Document and embed in standard operating procedure (SOP) (dependent upon Rec 23

26

Milestone 1: Detailed implementation plan approved/posted - Done

Milestone 2: Modify Reconsideration webpage - Done

Milestone 3: Implement graphic timeline, template, rationale statements - Done

Milestone 4: Document and embed in standard operating procedure (SOP) - Done

The template, timeline, and improvements to the Reconsideration Request page will be completed by the end of July 2011, in advance of the ATRT's suggested deadline

Proposed Resources:

The improvements to the Reconsideration Request page and creation of the template will require approximately 20 hours of one Legal FTE's time, and will require support from the Communications and Marketing Team in implementing the website improvements.

Key Consultations:

The BGC, as the committee that is responsible for hearing Reconsideration Requests, will be consulted on the scope of rationale included. That consultation will have to take place in coordination with the consideration of future Reconsideration Requests, to be sure that the necessary information is captured. In addition, no Requests have been received since the Board began providing rationales to support the Board actions, and the BGC will need to review how the information provided within the Board's rationale statements may affect the consideration of Requests seeking reconsideration of Board actions.

Consultations will also take place in fulfillment of the work required to implement Recommendation 23.

ATRT Implementation Project, Recommendation 27

Updated 6 Sept. 2011

Project Information:

27. Board should regularly evaluate progress against these recommendations & the accountability & transparency commitments in the AoC, & in general analyze the accountability & transparency performance of the whole organization to annually report to the community on progress made & to prepare for the next ATRT review; all evaluation should be overseen by Board.

ATRT proposed project deadline: One year after Board action on ATRT recommendations implementation.

Responsible Entity: Board

Project's Lead Department: CEO's Office

Project Manager/Team Advice:

Staff recommends that the Board adopt this recommendation.

Preliminary Plan for Implementation:
- Task 1: Staff will provide the Board and the public with regular updates on the ATRT report implementation status
- Task 2: As part of the ATRT report implementation, after proposed Implementation Plans are approved by the Board, Staff will propose metrics for each ATRT recommendation and additional benchmarks and metrics as appropriate to track ICANN's broader accountability and transparency commitments.
- Task 3: An "Accountability & Transparency Dashboard" will be developed and regularly updated for public review of ICANN's performance in this area.
- Task 4: Each year staff will conduct an organization-wide assessment of ICANN's performance against the accountability and transparency commitments in the Affirmation of Commitments and the ATRT recommendations. The assessment will be posted for public comment and submitted to the Board annually.

Proposed Milestones/Timeline:

Milestone 1: Detailed implementation plan approved/posted - Done

Milestone 2: Regular status reports on implementation - Done

Milestone 3: Metrics for each recommendation and ATRT "dashboard"

Milestone 4: Annual fiscal year assessment/report

Milestone 5: Documented and embedded in standard operating procedure (SOP)

- Task 1: Beginning February 2011, staff is periodically posting ATRT status reports and details on ATRT recommendation implementation on ICANN 's website (on the "Accountability & Transparency" webpage); staff also is providing the public with updates on ATRT-related activities through other means (e.g. blog postings, webinars, speeches, etc.)
- Task 2: By October 2011 initial metrics will be proposed for each ATRT recommendation for Board review and guidance; additional benchmarks and metrics will be provided by as implementation of recommendations progress.
- Task 3: By October 2011 staff will issue a "dashboard" tracking performance which will be expanded upon and regularly updated; all relevant ATRT recommendations will be represented in the dashboard as implementation of recommendations progress.
- Task 4: As directed by the Board, performance data will be collected annually and an assessment will be posted either after the end of the calendar year or the end of the fiscal year.

Proposed Resources:

Current FTEs will be used and an estimated US$25,000 will be needed for research and consulting services.

Key Consultations:

Staff, Board, community via public comment process.