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Exhibit B – ATRT Recommendations
Initial Implementation Plans
Staff Proposals, 28 Feb. 2011

ATRT Implementation Project, Recommendation 1, 2

The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).

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).

Responsible Entity: Board

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

Project's Lead Department: Legal

Project Manager: TBD

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Project Team Members: TBD

Project Manager/Team Advice:

Staff recommends that the Board adopt these recommendations.

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 have 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 work towards 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.

Preliminary 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 to assure proper staffing of Audit and Finance Committees.

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 needed.

Task 5: Include skill assessment on annual BGC workplan.

Task 6: Review scheduling for ongoing consultations with community regarding proper tailoring 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: Retain independent consultant to form Board training program.

Task 10: Implement consultant recommendation of Board training program.

Task 11: [NomCom] Revise call for nominations to include identified skill sets as well as any enhanced training commitments identified.

Task 12: Review need for revisions to ICANN Bylaws

Proposed Timeline:

By March 2011: Propose workplan items 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.

By June 2011: Initiate calls for skill set identification and prioritization by SOs and former Board members;

Initiate RFP for consultant for Board training consultant.

By late September 2011: Using SO/Board member inputs, BGC to create list of identified skills and matrix of Board members skills for current members.

By October 2011: Coordination of provision of skill set identification to the NomCom for inclusion in call for nominations for 2011 and consideration in selection.

Complete RFP process for Board training consultant and select vendor

Between November 2011 – March 2012: Create and implement consultation mechanism with community for further refinement of Board member skills selection.

By end of March 2012: Formal launch of Board training program; 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.

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.

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ATRT Implementation Project, Recommendation 3

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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.

Responsible Entity: Board and NomCom

ATRT proposed project deadline: ASAP but starting no later than next Nom Com (late 2011)

Project's Lead Department: Organizational Reviews (Operations Dept.)

Project Manager: TBD

Project Team Members: TBD

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 will hold consultations and public sessions to that effect at ICANN's Silicon Valley meeting in March 2011.

Staff will redraft the NomCom guidelines 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 Timeline:

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.

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ATRT Implementation Project, Recommendation 4

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Project Information:

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

Responsible Entity: Board

ATRT proposed project deadline: None listed

Project's Lead Department: Legal

Project Manager: TBD

Project Team Members: TBD

Project Manager/Team Advice:

Staff recommends that the Board adopt these recommendations.

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.

Preliminary 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 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: Provide leadership training to staff responsible for supporting Board committees to better serve the Board committees.

Proposed Timeline:

Immediate and continuing work: Task 3 is ongoing.

By October 2011, complete tasks 1, 2, 4, 7. Decide on fact of and scope of self assessment for 2011 as discussed in Task 6. Have plan for completion of task 8, identifying resource implications to determine if feasible to complete in FY2012 or if resource allocation is necessary for FY2013.

By January 2012, complete initial round of tools assessment and resource impact for inclusion in FY 2013 budget (task 5).

Proposed Resources:

Proper completion of the Board support needs will require approximately 2 additional FTEs in a Board support role, to uniformly coordinate workplans, committee processes and communication flows.

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.

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ATRT Implementation Project, Recommendation 5

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Project Information:

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

Responsible Entity: Board

ATRT proposed project deadline: Expeditiously

Project's Lead Department: Legal

Project Manager: TBD

Project Team Members: TBD

Project Manager/Team Advice:

Staff recommends that the Board not adopt this recommendation at this time, but give adoption and implementation further consideration as detailed below.

Privileged and Confidential Advice Set Forth Below

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Privileged and Confidential Advice Set Forth Above

Key Consultations:

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

Required public comment on Bylaws change.

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ATRT Implementation Project, Recommendation 6

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Project Information:

Project: 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.

Responsible Entity: Board

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

Project's Lead Department: Legal

Project Manager: TBD

Project Team Members: TBD

Project Manager/Team Advice:

Staff recommends that the Board adopt this recommendation with a modification of the proposed completion date.

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 will immediately undertake a categorization exercise, using the Resolution wiki unveiled during the Cartagena meeting. Staff will work to categorize Board action into policy/executive/administrative and other categories, and then review whether public comment was received on those items. After that categorization is completed, 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.

Preliminary 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.

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 Timeline:

By March 2011: Produce document identifying the current Bylaws-mandated and other required public comment based upon established practice.

By June 2011: Categorization of wiki actions complete and proposal produced for Board consideration.

By October 2011: Begin consultation on the categorization proposal, and integrate proposed categorizations into Board agendas on ongoing basis.

By March 2012: Categorization in place and levels of consultation are put into practice.

By June 2012: If Bylaws changes are necessary to address any policy development process related issues, proposed amendments should be nearing approval by the Board; Initiate community consultation on definition of policy.

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 3-4 months into implementation, however the community consultations required in 2012 will require approximately 10% of one policy FTE and legal FTE at minimum.

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.

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ATRT Implementation Project, Recommendation 7, 8

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Project Information:

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.

Responsible Entity: Board

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

Project's Lead Department: Legal

Project Manager: TBD

Project Team Members: TBD

Project Manager/Team Advice:

Staff recommends that the Board adopt these recommendations.

Much of the work called for in Recommendation 7 is already underway. While refinements are 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.
- As discussed in the Implementation Steps below, there is more work to be done to meet the recommendations.

There are some limitations that will have to be recognized when addressing Recommendation 7.

- 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. However, rationale statements will be 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. However, if directors wish to produce such statements, the Board (through a designated committee) could facilitate the creation of a template to assist the directors in the drafting of such statements. In addition, if any director makes a statement on the record of a meeting, that statement is included within the minutes of the meeting.
- 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.

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.

Staff is in the process of preparing 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.

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.

Preliminary 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.

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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 Timeline:

March 2011: Document setting forth conditions for redaction of Board materials posted, along with explanation of timing of the postings (Tasks 3, 7); Revisions completed to Board submission template (Task 2)

By end of March 2011: Begin process of receiving Board feedback on proposed rationale statements (Task 1)

By Sept. 2011: Board to consider feasibility of providing a template for individual director statements on votes (Task 5)

As soon as possible: Begin consideration of posting additional detail on the Board agenda, and implement changes as available (Task 4)

Timeline for completion of Task 8 is dependent on ATRT Recommendations 18 and 19.

Proposed Resources:

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

Privileged and Confidential Material Identified Below

Privileged and Confidential

Privileged and Confidential Material Identified Above

The time of .5 - 1 FTE within the Legal department could be solely dedicated to the creation of rationale statements for in-depth decisions. Every department that produces Board papers will devote additional resources to the production of rationale statements.

Meeting the remainder of the recommendations will not require substantial staff resources.

Key Consultations:

Board, and SOs/ACs.

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ATRT Implementation Project, Recommendation 9

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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

Project's Lead Department: GAC Liaison

Project Manager: GAC Liaison

Project Team Members: TBD

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 (JWG) included this issue in the Terms of Reference for its work, and discussions have been ongoing to assess what constitutes GAC advice. The JWG is expected to deliver its final report around the time of the ICANN March 2011 Meeting, though not before. Once the final report is provided, the Board as a whole will have an opportunity to review the recommendations within the report for acceptance or further clarification. Therefore, even at the time of the transmission of the JWG final report, the work required to fulfill this Recommendation 9 will not be completed. Given the ongoing work of the JWG, there is no feasible way that this recommendation can be completed within the time stated.

Depending on the scope of the JWG recommendation on this topic and the Board acceptance of that work, it may be necessary to constitute a separate joint group of GAC and Board representatives to work through later phases of consultation.

Preliminary Plan for Implementation:

Task 1: JWG submits its final report.

Task 2: Board reviews recommendations in JWG final report regarding how to clarify what constitutes GAC public policy "advice."

Task 3: Board determines whether to accept JWG final report recommendation. If yes, Board adopts resolution accepting JWG recommendation. If no, Board consults with GAC Chair to determine process for further joint Board-GAC consideration of this issue. Once Board and GAC reach agreement as to what constitutes GAC public policy advice under the Bylaws, Board adopts resolution reflecting same.

Proposed Timeline:

According to current estimates, the JWG will deliver its final report at the SVSF Meeting in March 2011.

The Board will then consider the JWG recommendation as soon as it is feasible. Depending on the scope of the JWG recommendations, the Board may determine to have the JWG report as a topic at its upcoming May retreat. While the internal operations of the Board on this broad of an issue cannot be completely forecast, it is likely that the Board could take action regarding acceptance of the JWG recommendations at or before its June 2011 meeting.

The remainder of the timeline for implementation is dependent upon the Board's decision. There will likely be further implementation work necessary if the Board accepts the recommendation set out in the JWG final report. If the Board rejects the recommendation, the Board would then initiate further consultation with the GAC on this issue, and a further timeframe for that work would have to be agreed upon between the Board and the GAC.

Proposed Resources:

If the Board accepts the JWG Final Report recommendation on clarifying GAC public policy advice, no requirements for additional resources are anticipated. If however the Board rejects the JWG 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, Board-GAC Joint Working Group

(No public comment anticipated)

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ATRT Implementation Project, Recommendation 10

The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).

Project Information:

Project:

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

Project's Lead Department: Legal

Project Manager: TBD

Project Team Members: TBD

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:

Task 1: Plan/design online record system

Task 2: JWG (or other) 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 Timeline:

By end of April 2011: Compile identified GAC advice and post in single location on ICANN website; Determine if external consultant is needed for design of more robust online tool to meet recommendation. If external consultant is needed, completion of robust tool may need to be completed within FY 2013. Seek advice from the Board/GAC JWG regarding the notification process and online tools.

By June 2011: Initiate discussions with GAC on proposed notification processes and content of online tools. Because of the interdependency with the other GAC-related recommendations, the deadline for the completion of this work is unknown.

Note: The proposed timeline for all work identified is subject to GAC availability and timely provision of responses

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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 Joint Working Group or other, as designated. No public comment anticipated

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ATRT Implementation Project, Recommendation 11

The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).

Project Information:

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

Project's Lead Department: GAC Liaison

Project Manager: GAC Liaison

Project Team Members: TBD

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 (JWG) included this issue in the Terms of Reference for its work, and discussions have been ongoing to assess these issues. The JWG is expected to deliver its final report around the time of the March ICANN Meeting, though not before. Once the final report is provided, the Board as a whole will have an opportunity to review the recommendations within the report for acceptance or further clarification. Therefore, even at the time of the transmission of the JWG final report, the work required to fulfill this Recommendation 11 will not be completed. Given the ongoing work of the JWG, there is no feasible way that this recommendation can be completed within the time stated.

The Board/GAC consultations are in the planning stages, and one of the anticipated outcomes of that work is a defined process for the good faith consultation. 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.

Establishing the timing for Board consideration of GAC advice may be premature at this time. Given the inaugural implementation of the consultation mechanism at the March 2011 meeting, the GAC and the Board may not be able to forecast the timing for implementation of this recommendation until after a few rounds of discussions.

Preliminary Plan for Implementation:

Task 1: JWG submits its final report.

Task 2: Board reviews recommendations in JWG final report regarding Recommendation 11.

Task 3: Board determines whether to accept JWG final report recommendations. If yes, Board adopts resolution accepting JWG recommendations. If no, Board consults with GAC Chair to determine process for further joint Board-GAC consideration of these issues. Once Board and GAC reach agreement on these issues, Board adopts resolution reflecting same.

According to current estimates, the JWG will deliver its final report at ICANN's March 2011 Meeting.

The Board will then consider the JWG recommendations as soon as it is feasible. Depending on the scope of the JWG recommendations, the Board may determine to have the JWG report as a topic at its upcoming May retreat. While the internal operations of the Board on this broad of an issue cannot be completely forecast, it is likely that the Board could take action regarding acceptance of the JWG recommendations at or before its June 2011 meeting.

The remainder of the timeline for implementation is dependent upon the Board's decision. There will likely be further implementation work necessary if the Board accepts the recommendations set out in the JWG final report. If the Board rejects the recommendation, the Board would then act to initiate further consultation with GAC on these issues, and a further timeframe for that work would have be agreed upon between the Board and the GAC.

Proposed Resources:

If the Board accepts the JWG Final Report recommendation on clarifying GAC public policy advice, no requirements for additional resources are anticipated. If however the Board rejects the JWG 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, Board-GAC Joint Working Group

(No public comment anticipated)

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ATRT Implementation Project, Recommendation 12, 13

The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).

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

Project's Lead Department: Policy

Project Manager: TBD

Project Team Members: TBD

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. Staff suggests that the Board and GAC agree on the best method for addressing implementation – either extending the current JWG or creating a new group to address implementation details.

Preliminary 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 indivdiuals (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 endnote for background information)[i|#_edn1] 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. [ii|#_edn2] 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 Timeline:

All of the immediate actions suggested above can be implemented by the March 2011 ICANN meeting.

Short-term actions proposed above can be implemented by December 2011.

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

The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).

Project Information:

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.

Project's Lead Department: GAC Liaison

Project Manager: GAC Liaison

Project Team Members: TBD

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.

Finally, the Board/GAC Joint Working Group (JWG) is expected to release its final report at the March 2011 ICANN meeting. The current draft addresses one element of this recommendation (ICANN engagement of high-level government officials) but further work remains to be done. The Board should review the final report for guidance on how to implement this recommendation.

Preliminary Plan for Implementation:

Task 1: JWG submits its final report in March.

Task 2: Board reviews recommendations in JWG 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 Timeline:

According to current estimates, the JWG will deliver its final report at the ICANN Meeting in March 2011.

The Board will then consider the JWG recommendation as soon as it is feasible. Depending on the scope of the JWG recommendations, the Board may determine to have the JWG report as a topic at its upcoming May retreat. While the internal operations of the Board on this broad of an issue cannot be completely forecast, it is likely that the Board could take action regarding acceptance of the JWG recommendations at or before its June 2011 meeting.

The remainder of the timeline for implementation is dependent upon the Board's decision. There will likely be further implementation work necessary if the Board accepts the recommendation set out in the JWG final report. If the Board rejects the recommendation, the Board would then action to initiate further consultation with GAC on this issue, and a further timeframe for that work would have be agreed upon between the Board and the GAC.

Proposed Resources:

Depending on the relevant recommendations in the JWG Final Report, it is very possible that implementation of this recommendation will require additional financial and human resources that have not been included in the FY12 budget proposal. In particular, additional support may be needed to "engag[e] nations in developing world;" to ensure "multilingual access to ICANN record;," and to engage "senior govt. officials on public policy issues on a regular & collective basis to complement existing GAC process." The draft GAC budget for FY12 seeks additional resources for translation services and travel support. 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: Board-GAC Joint Working Group; ICANN Board; GAC

ATRT Implementation Project, Recommendation 15

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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

Project's Lead Department: Policy

Project Manager: TBD

Project Team Members: TBD

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 and a survey developed to ask community members for their preferred ways to categorize topics under discussions. At the end of this process, staff can propose a public comment forum stratification plan that can be posted for public comment, finalized and implemented. 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 a process be put in place so that Public Comment requests based on a scale of low/medium/high priority.   When the item for Public Comment arises from an SO or AC, the process should include seeking the SO/AC input on the prioritization level applied.

Staff also recommends that the ICANN Public Comment web page be re-designed for clarity of the display. The current system based on "sorting by due-date" of Public Comments can be improved to provide greater details and background information. Later on, depending on the results of the survey (mentioned above), a more comprehensive and clear listing of Public Comments can be deployed with a more comprehensive sorting mechanism.

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 coordinate with other staff to implement a new coordination and clearance process. The level and depth of this coordination and clearance effort will depend heavily on the resourcing and support received. The "ICANN

Internal Public Comment Process" document, will 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: Create a new template for opening a public comment forum to collect and post the necessary information. This template would note the designated priority level (low/medium/high) by the SO/AC requesting the public comment period. 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, indicating what kind of input is expected.

Task 3: Create a new summary template 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: Develop an internal training program for ICANN Staff to provide guidelines and best practices for the processing of comments and to establish an understanding of the importance of their role in facilitating the Public Comment processes.

Task 5: Re-design the ICANN Public Comment web page for basic improvements such as:

- Directing attention first to the current Open issues, then listing the issues that are awaiting Summary/Analysis and finally to those Archived. This would involve a restructuring of the current interface to place a clear visual priority in the Open issue section.
- Deploying a clearer sorting mechanism for Public Comment processes.
- Including a notice for "Upcoming Public Comments".

Phase2:

Task 6: Staff conducts further research on an appropriate stratification system, and conducts a survey to collect additional input from the community.

Task 7: Based on the survey results, a stratification system will be developed and implemented for the Public Comment Process.

Task 8: Review the input provided by the community during the survey process (Task 6).

Task 9: Re-design ICANN's Public Comment web page based on inputs received

Proposed Timeline:

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

Tasks 4 & 5 (template for requesting a Public Comment period and the summary template) can be completed before June 2011.

Task 1, 2, 3 are estimated to be completed by August 2011.

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

Task 6-9 are estimated to be completed by December 2011.

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.

Once 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 proposed survey to collect community feedback on stratification, the outsourcing cost is estimated to be about $20,000 (this estimate is based on previous budget information, not on an actual quote).

Key Consultations:

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

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ATRT Implementation Project, Recommendation 16, 17

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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

Project's Lead Department: Policy

Project Manager: TBD

Project Team Members: TBD

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.

Technical Improvements:

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. This system needs to be improved. The primary problem is that the current Public Comment Forum runs on very old forum software. ICANN's web development team has been planning to transition the Forum to Confluence wiki software with modifications, but the task is not trivial.

It is envisioned that with the redesign of the ICANN website, the public comment forum interface can also be improved, allowing instant interaction and discussion between commenters if the participants would like to post their opinions in this manner. Staff already has considered this topic as part of the ongoing effort to redesign all of ICANN.ORG. At this stage, no deadline can be set for this improvement. In March, staff expects to contract with a web vendor to redesign ICANN.ORG. Because this relationship does not exist yet, staff cannot commit to what the vendor will or will not accomplish by June. However, staff will make ATRT recommendations a priority and an area of early focus in the redesign process. Staff will have more precise dates in April.

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.

Task 3: Integrate the technical improvements that are mentioned under the title of "Technical Improvements" above to Public Comment forum interface.

Proposed Timeline:

Task 1: Estimated to be completed by August 2011 (Within Phase 1 of Implementation for Recommendation 15)

Task 2: Estimated to be completed by December 2011 (Within Phase 2 of Implementation for Recommendation 15)

Task 3: TBA

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

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ATRT Implementation Project, Recommendation 18

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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

Project's Lead Department: Communications

Project Manager: TBD

Project Team Members: TBD

Project Manager/Team Advice:

Staff recommends that the Board adopt this recommendation, with a request for clarification that might result in a proposed modification.

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. Staff needs clarification, however, on what the ATRT intends by the phrase "access to … the policy development processes …". What is intended by this beyond the matter of multi-lingual documentation, "to the maximum extent feasible"? Is there an expectation that all facets of policy development be conducted in multiple languages? Is there an expectation that all policy development-related public comment forums be conducted in multiple languages? 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 real-time translations are done 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 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 as suggested below.

Preliminary Plan for Implementation:

To move forward with short-term improvements while allowing time for more extensive, long-term changes, staff proposes the following multi-phase approach:

1. By June 2011, Staff proposes to roll-out a new Language Services Policy which will provide processes and rules to be followed by all ICANN departments (including those that support the Board and SOs and ACs) related to services such as:
   a. Editing for Plain English
   b. Translation
   c. Interpretation
   d. Conference Call Interpretation
   e. 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 FY12. Additional studies may also be needed to examine how other organizations facing similar challenges handle their transition to becoming a multilingual organization.
3. 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 at a later date, 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?

Proposed Timeline:

Now through June 2011: ICANN Language Services Policy to be finalized and reviewed internally

19 June 2011: Language Services Policy to be provided to the Board, SOs and ACs (by/at ICANN June meeting)

1 July 2011: FY12 begins, ICANN Language Services Policy will be implemented

Proposed Resources:

The FY12 budget includes all the expenses related to bringing the ICANN Language Services Policy into place. The proposed budget for FY12 is $ 2.1, this budget includes all the proposed services included in the Language Service Policy except for the possible additional translations resulting from the outcome of work related to holding Public Comment Forums in multiple languages.

Please note, the cost for any translations and linguistic support related to the production of ICANN's web site in other languages (mirror sites), is not included in the FY12 budget.

Key Consultations:

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

ATRT Implementation Project, Recommendation 19

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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

Project's Lead Department: Legal

Project Manager: TBD

Project Team Members: TBD

Project Manager/Team Advice:

Staff recommends the Board adopt this recommendation with modification.

The Language Services department is already in the process of translating the 25 January 2011 Approved Resolutions into the UN languages, and the translations will be posted prior to the Silicon Valley Meeting. The approved Minutes of the 25 January 2011 meeting will be 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. As noted in response to Recommendation 7, the Board has already begun including draft rationale statements within the Approved Resolutions, to be finalized within the Minutes, and will be translated as part of each of these documents. In the event of particularly lengthy rationale statements, those specific items may not be available within the 21-day window. However, 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.

The usefulness of translating Board Preliminary Reports has to be determined in light of the costs of translation. Preliminary Reports are only posted for short periods of time, and are not maintained as official records of the Board meetings. However, because a main part of the Preliminary Report is the Approved Resolutions, the additional costs in producing the

Preliminary Report translations may not be high. Staff will continue to research the additional costs incurred, and will produce a further recommendation regarding this issue.

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.

Preliminary Plan for Implementation:

Task 1: Post translations of Approved Resolutions and Minutes from 25 January 2011 (including rationale statements), and implement internal process for ordering translations as part of the Resolution posting process for all future Board meetings

Task 2: Determine incremental costs of translating Preliminary Reports of Board meetings and provide recommendation on regularly creating translations

Task 3: Review Board briefing materials to create proposed guidelines regarding the translation of Board briefing materials, with a focus on translation of decisional materials. After 1 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 4: Post translations of ICANN Bylaws and implement internal process for notifying Language Services of future Bylaws amendments for timely translation and posting

Task 5: Continually monitor quality of Board decisional material translations to determine if new vendors are required

Proposed Timeline:

The first translation of Approved Resolutions (from the 25 January 2011 Board meeting) will be available prior to the Silicon Valley Meeting, and both the Minutes approved at the Board's meeting in Silicon Valley and the Approved Resolutions arising out of the meeting in Silicon Valley will be staged for translation in line with the ATRT's Recommendation. This translation and publication will continue for future meetings.

The translations of the ICANN Bylaws are estimated to be complete by the end of April 2011, and will be posted as soon as the translations are available.

Translations of Board briefing materials for the 25 January 2011 Board meeting will be available in April 2011. An initial guideline for translations of the Board briefing material will be made available in April 2011, as a companion to the guidelines for redactions that will be produced in response to Recommendation 8. By March 2012, staff will undertake a review of the scope of translation of Board briefing materials to determine if any refinements to the guidelines need to be recommended.

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.

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ATRT Implementation Project, Recommendation 20

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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

Project's Lead Department: Legal

Project Manager: TBD

Project Team Members: TBD

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.

Preliminary Plan for Implementation:

Task 1: Create decisional checklist for inclusion in Board briefing materials to provide a "quick look" for confirmation of necessary inputs

Task 2: 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 Timeline:

By April 2011: Create decisional checklist for inclusion in Board briefing materials; create interim template for use in SO output from PDP activities.

By June 2011: Initiate community consultation on assuring proper inputs into the policy development process

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

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ATRT Implementation Project, Recommendation 21

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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: NOT LISTED

Project's Lead Department: Policy

Project Manager: TBD

Project Team Members: TBD

Project Manager/Team Advice:

Staff recommends that the Board adopt this recommendation.

The implementation will require communication and coordination among staff and the community. Staff compiling the list of activities should be careful towill identify 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 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 staff to collect possible public comment forum topics that are likely to be raised by the SOs, ACs, Board and staff in the coming year. This process starts in December.

Task 2: Before the end of February of the following calendar year, the list of possible topics likely to be under consideration is published on the ICANN Public Comment web page under the placeholder of "Upcoming Public Comments" (see Implementation for ATRT Recommendation 15 on changes to the Public Comment web page).

Proposed Timeline:

A first attempt at coordinating an annual list can be implemented by June 2011. A more fulsome roll-out could be implemented for the 2012 calendar year.

Proposed Resources:

No significant resources are required.

Key Consultations:

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

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ATRT Implementation Project, Recommendation 22

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Project Information:

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

ATRT proposed project deadline: none listed

Project's Lead Department: Human Resources (Operations Dept.)

Project Manager: TBD

Project Team Members: TBD

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 Timeline:

Task 1: By March 2011 complete review and update of all current appropriate job postings.

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.

Task 3: By April 2011complete review and update of appropriate position descriptions.

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.

Key Consultations:

Staff

ATRT Implementation Project, Recommendation 23

The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).

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 experts

Project's Lead Department: Legal

Project Manager: TBD

Project Team Members: TBD

Project Manager/Team Advice:

Staff recommends that the Board adopt this recommendation with revision to the timeline.

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.

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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.

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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.

Preliminary 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

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Privileged and Confidential

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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 Timeline:

By June 2011: RFP drafted and posted and vendor selection process underway

The scope and time require 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 6 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.

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The resources required for implementation of the recommendations will be assessed after the expert report is received.

Staff resources to initiate the RFP and to support the work of the experts will be significant. During the period of time that experts are preparing their report, it is estimated that at least one FTE from the Legal Department will need to dedicate approximately 10-15% percent of his or her time to support and coordination work.

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.

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ATRT Implementation Project, Recommendation 24

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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

Project's Lead Department: Legal

Project Manager: TBD

Project Team Members: TBD

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 is currently conducting a search for a new Ombudsman. 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. Within the active search to fill the Ombudsman position, adherence to internationally recognized standards for Ombudsman function is an important qualification.

After the 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.

Preliminary 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 Timeline:

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

The purpose of this page is to 1) collect staff advice for the Board on ATRT recommendations, 2) define the preliminary plan for implementing each ATRT recommendation (project), 3) propose a timeline for completion of the project, 4) provide a cost estimate (budget), and estimates of staff and resources needed to complete the project (including identifying staff team members, if needed), and 5) identify key entities to be consulted about and/or involved in the implementation (including stakeholder communities).

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

Project's Lead Department: Legal

Project Manager: TBD

Project Team Members: TBD

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 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.

Preliminary 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 Timeline:

The template, timeline, and improvements to the Reconsideration Request page will be completed by the end of June 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. The remainder of consultations will take place in fulfillment of the work required to implement Recommendation 23.

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ATRT Implementation Project, Recommendation 27

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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 organ-ization 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.

Project's Lead Department: CEO's Office

Project Manager: TBD

Project Team Members: TBD

Project Manager/Team Advice:

Staff recommends that the Board adopt this recommendation.

Preliminary Plan for Implementation:

- Task 1: As part of the ATRT report implementation, 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 2: An "Accountability & Transparency Dashboard" will be developed and regularly updated for public review of ICANN's performance in this area.
- Task 3: 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 each January.

Proposed Timeline:

- Task 1: By March 2011 metrics will be proposed for each ATRT recommendation; additional benchmarks and metrics will be provided by June 2011
- Task 2: By March 2011 staff will issue an initial "dashboard" which will be expanded upon and regularly updated; all relevant ATRT recommendations will be represented in the dashboard by June 2011.
- Task 3: November - December 2011 performance data will be collected; assessment will be posted in January 2012.

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.