

Staff Report of Public Comment Proceeding

Third Accountability and Transparency Review Team (ATRT3) Final Report

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Public Comment Proceeding

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Important Information Links

Announcement
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View Comments Submitted

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Section I: General Overview and Next Steps

The Accountability and Transparency Review is one of the four Specific Reviews anchored in [Section 4.6](#) of the ICANN Bylaws. These specific reviews are conducted by community-led review teams which assess ICANN's performance in reaching its commitments. Reviews are critical to helping ICANN achieve its mission as detailed in Article 1 of the Bylaws.

On 1 June 2020 the [third Accountability and Transparency Review Team](#) (ATRT3) submitted its final report to the ICANN Board. The [ATRT3 Final Report](#) contains five recommendations with regard to ICANN accountability and transparency in the following areas:

- Public input
- Assessment of the implementation of ATRT2 recommendations
- Amending Specific and Organizational Reviews
- Accountability and transparency relating to Strategic and Operational Plans including accountability indicators
- Prioritization of review and Cross-Community Working Group on Enhancing ICANN Accountability, Work Stream 2 (WS2) recommendations

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

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

Next Steps

Per the Bylaws ([Section 4.6\(a\)\(vii\)\(C\)](#)), the Board shall consider the ATRT3 Final Report within six months of receipt, i.e., by 1 December 2020. The Board will consider a feasibility analysis and impact assessment of the implementation of recommendations, which will take into account initial cost and resource estimates and dependencies with other ongoing efforts within the community, and the report of the Public Comment submissions received.

The Board will then direct implementation of the recommendations that are approved and provide written rationale for the decision if any recommendations are not approved.

Section II: Contributors

At the time this report was prepared, a total of eleven (11) community submissions had been posted to the forum. The contributors are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor’s initials.

Organizations and Groups:

Name	Submitted by	Initials
Middle East Space Community	Nadira Al Araj	ME
Generic Names Supporting Organization (GNSO) Council	Ariel Xinyue Liang	GNSO
Country Code Names Supporting Organization (ccNSO) Council	Katrina Sasaki	ccNSO
Intellectual Property Constituency (IPC)	Heather Forrest, Chantelle Doerksen	IPC
Internet Service Providers & Connectivity Providers (ISPCP)	Osvaldo Novoa	ISPCP
Business Constituency (BC)	Steve DelBianco	BC
gTLD Registries Stakeholder Group (RySG)	Samantha Demetriou	RySG
At-Large Advisory Committee (ALAC)	At-Large Staff	ALAC
Governmental Advisory Committee (GAC)	Robert Hoggarth	GAC
Non-Commercial Stakeholders Group (NCSG)	Rafik Dammak	NCSG
Registrar Stakeholder Group (RrSG)	Zoe Bonython	RrSG

Individuals: None

Section III: Summary of Comments

General Disclaimer: This section intends to summarize broadly and comprehensively the comments submitted to this public comment proceeding but does not address every specific position stated by each contributor. The preparer recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

For the purposes of this summary section, comments have been organized according to the following categories:

- Overarching Comments
- Procedural Concerns
- Public Input (R1)
- Assessment of the implementation of ATRT2 recommendations (R2)
- Amending Specific and Organizational Reviews (R3)
- Accountability and transparency relating to Strategic and Operational Plans including accountability indicators (R4)

- Prioritization of review and Cross-Community Working Group on Enhancing ICANN Accountability, Work Stream 2 (WS2) recommendations (R5)
- Implement a Moratorium on Organizational and Specific Reviews (S1)
- Other Comments

Overarching Comments

[ccNSO](#) – “We fully support the spirit of all recommendations and believe that the ICANN as a whole will benefit from the proposed improvements, especially, changes in the number and cadence of reviews and recommendations related to the Strategic and Operational Plans.”

[BC](#) – “While the BC is very grateful to the review team’s (RT) hard work, we are very concerned regarding some of the recommendations which, ironically, apparently endeavor to remove [emphasis in original] many of the only remaining mechanisms that hold ICANN accountable to its stakeholders (as noted in the BC’s participation in a [final report minority statement](#), and again in this comment). The BC details its rationale below but offers the overarching thought that now is the time for additional transparency and accountability for ICANN, not less. For an organization that purports to laud these attributes, it is critical that ICANN Org lives up to its duties of accountability to the community.”

[ALAC](#) – “We find the ATRT3 recommendations to be clear, appropriate and actionable. We thus support all five recommendations and urge the ICANN Board to adopt them as a strategic priority towards enhancing the accountability and transparency culture within ICANN. The ALAC also considers that the Board and the ICANN organisation should take into account all suggestions made by ATRT3 in annexes A and B. They offer a good opportunity to advance ICANN’s accountability and transparency.”

[RrSG](#) – “Accountability and transparency are two vital components of ICANN, and are integral in demonstrating that ICANN is a trusted steward of the Internet’s unique identifiers. It is the position of the RrSG that the ICANN Board accepts all of the recommendations in this report, and instructs ICANN Org to implement the recommendations. The RrSG notes that the ICANN Community cannot (and should not) be dis-empowered from being able to call for additional transparency and accountability.

“As noted in the report, as of November 2019, there were 161 Specific Review recommendations and 164 Organizational Review recommendations (for a total of 325 recommendations) pending. Inaction on these recommendations by the Board represents a waste of resources- in terms of both time of community members and ICANN org budget. It is disheartening for community members to dedicate significant time and effort for reviews, only for ICANN to not implement the recommendations. It is paramount for the accountability of ICANN that the ICANN Board adopt and instruct ICANN Org to implement recommendations from ICANN community reviews. Failure by ICANN to implement the recommendations has a demoralizing effect that further reduces volunteer participation.”

Procedural Concerns

[ME](#) – “For the organizational reviews, we find that some of the recommendations go against what the community thought during the public comment.”

[IPC](#) – “While we appreciate the efforts of the members of the ATRT3 Review Team, we have grave concerns about both the process and substance of the recommendations of the Final Report. In terms of concerns with the substance of the recommendations, these relate in particular to the recommendations on Reviews, both Specific and Organizational.

“Some of these concerns were communicated, albeit unsuccessfully, through our colleagues representing the Business Constituency (BC) and Internet Service Providers and Connectivity Providers Constituency (ISPCP) on the ATRT3 Review Team. We see this Public Comment Submission as an opportunity to emphasise for the Board’s consideration particular points which we believe put ICANN at a considerable disadvantage in delivering upon its mission going forward. **In particular, we start from the perspective that Specific Reviews must embody and model the transparency (Article 3) and accountability (Article 4) the ICANN Bylaws require of ICANN. How are we to expect ICANN to uphold these fundamental values when the Review Team charged with evaluating these has not acted accordingly?**” (emphasis in original).

The IPC details the following concerns with ATRT3’s processes (abbreviated):

- “The pathway from Draft Report to Final Report is opaque.”
- “The Review Team has failed to act in accordance with one of its own Bylaws mandates, which is “assessing and improving the processes by which ICANN receives public input (including adequate explanation of decisions taken and the rationale thereof).”
- The ATRT3 “failed to proactively provide or document explanations for the significant differences between the Final Report and the Draft Report.”
- “Public Comment Submissions are not treated with equal weight.”
- The ATRT3 document titled ‘Explaining Difficult Issues’ “mischaracterized public input as it relates to Organizational Reviews.”
- “Few substantive decisions of the ATRT3 are recorded in the [Decisions Reached](#) log.”
- “Documented concerns about the Review Team’s use of Skype channels have still [emphasis in original] not been addressed.”
- “The ATRT3 Final Report does not provide the definition or methodology utilized to reach ‘consensus’ designations.”
- “Lack of community support for the proposed Holistic Review is not accurately captured in the ATRT3 Final Report.”
- “The community was initially given one week to review the so-called ‘Final Report’ (minus its annexes, and in addition to the as yet unexplained ‘Explaining Difficult Issues’ document) and provide input through ATRT3 representatives... One week was grossly inadequate to accomplish this important task with such wide-ranging impacts on the future of ICANN.”
- Community review of the Final Report prior to submission to the Board was “significantly hindered by various seemingly minor faults and omissions which, in the aggregate, and in combination with the extremely limited time allowed, made it very challenging to prepare a meaningful and fully detailed Minority Statement.”
- “How has the overwhelming feedback from the Review Team’s surveys of both individuals and structures in favour of Organizational Reviews continuing to be conducted by external consultants (Final report p 206) been taken into consideration when recommending to make this optional and subject to budget? How is this budget

to be safeguarded for something expressed as optional, but which the community so clearly desires?”

- The proposed Holistic Review “appears to have originated with one Public Comment submission made in a personal capacity by one of the Co-Chairs of the ATRT3... It is not clear how this personal submission has come to be adopted by the Review Team.”

The IPC concludes: “We believe that ATRT3’s working methodology is inconsistent with the ICANN Bylaws and simply cannot serve as a model for ICANN Org’s operations or for future Review Teams. The outcomes of such a flawed process cannot reasonably and reliably guide ICANN’s evolution into its next phase. Our collective future, reputation and integrity are at stake. **We therefore request that the Board remand the ATRT3 Final Report to the ATRT3 Review Team to reflect upon the Public Comments submitted in this and the previous Public Comment process (Draft Report), re-evaluate its recommendations in light of those submissions, document clearly and precisely decisions reached and the methodology used and analysis undertaken to reach them, and provide to the Board a revised Final Report that clearly demonstrates all of these Achievements**” (emphasis in original).

[ISPCP](#) – “We have objections to the procedures followed by the ATRT3 regarding the significant difference between the recommendation on Reviews in the Draft Report, presented to Public Comment, and the corresponding recommendation in the Final Report. The recommendation in the draft report regarding organizational reviews differs greatly from the corresponding recommendation in the Final Report and it wasn’t proposed in any of the public comments to the Draft Report.

“Also, regarding procedures, it is to be noted that, even though 78% of the individuals and 90% of the Structure expressed in the Survey (Annex B) their support for the use of external consultants in the reviews, and this was also supported in many of the comments to the Draft Report, there is no mention of external consultants in the recommendation on reviews. Even when in the Bylaws is clearly stated that the Organizational Reviews should be done ‘by an entity or entities independent of the organization under review’, this has been overlooked with the argument that allowing the participation of all the SO/AC guarantees independence, which is a highly controversial statement. We think this reduces the transparency of the reviews and diminishes the accountability of the SO, AC and NomCom.

“Finally, Annex E was submitted to the whole of the ATRT3 as a draft and was never discussed prior to its inclusion in the Final Report. This Annex contains the answers of the ATRT3 to the Public Comments on the Draft Report, besides it no having been discussed inside the ATRT3, we don’t know who drafted it or who reviewed it, the fact is that, regarding in particular to Reviews, some comments were overlooked or mischaracterized.”

[BC](#) – “In addition to the specific matters outlined below, the BC, over time, became concerned with procedural irregularities within the RT. Specifically:

- The working methods of the group did not fully support transparency and inclusive discussion. For example, it became clear that some inter-team communications were conducted on Skype or in similar channels, without participation by the broader group.

- There has not been sufficient documentation of the group’s work and level of consensus achieved. To the BC’s participants, the final report reads more like justification of outcomes vs. explanation.
- There was insufficient time to draft an impactful minority statement (which the CSG – BC, IPC, and ISPCP eventually filed as part of the report).”

“The BC also has concerns with the substance of the RT’s recommendations. Namely:

- There are significant differences between the initial and final reports, and no real accounting provided for how, or if, public comment on the initial report was taken in.
- Public comments don’t align with the output of the final report, particularly regarding the suspension or elimination of certain ICANN reviews. This is in conflict with the advice of the community.
- Proposing a holistic review is a significant change to the review process. While the idea may be a good one, the BC suggests it should be done as a complement to the review process instead of a sweeping replacement of existing processes.”

[RySG](#) – The RySG states that absence of the requirement to use external independent experts to conduct Organizational Reviews “is contrary to the results of the survey conducted by ATRT3 which found the overwhelming majority of structures and individuals supported the continued use of external consultants to conduct Organisational Reviews (Annex B, p 206).”

ATRT3 Recommendation: Public Input (R1)

[ME](#) – “We do not believe that this is a low priority recommendation as on at least one occasion during 2019, ICANN had issued calls for comments on important issues but the community missed them because it was not a part of formal public comment channel. The ICANN org needs to address this issue immediately and fully implement the ATRT group’s recommendations regarding public input.”

[BC](#) – “Anyone in the ICANN community may -- and should be permitted to -- comment on any matter of concern, including those who have not contributed to policymaking. The BC is concerned that specifying the audience of a comment could discourage comment submissions or otherwise deter participation via comments. The specificity goal may be laudable, but the BC cautions against unintentional dissuading of participation in ICANN processes.”

The BC noted that it is “skeptical” of the element of the ATRT3 recommendation that pertains to ‘other types of public input’. The BC notes, “Public comments are a trusted, longstanding and valuable mechanism for the community to provide its views. It’s unclear, first, how it would be decided whether or not a public comment process is warranted or not and, second, what ‘alternate mechanisms for gathering input’ may be. The BC fears this could be a ‘slippery slope’ whereby discourse on an issue, no matter the forum or source, could be collected and presented as formal input -- opening the process to gaming and lack of accountability. Would, for example, comments or feedback on a blog post or voiced during a presentation be accepted as formal input? How would sources be verified? The BC is not interested in limiting the community’s ability to interact and provide feedback; however, it’s important that we take care regarding how such input is collected and characterized. Without further context, the BC finds this recommendation worrisome.”

[RySG](#) – “As noted in its comments to the Review Team on the Draft Report, the RySG strongly supports this recommendation and encourages the Board to adopt it. We note, however, that while specific questions are helpful to guide public comments, when it implements this change, ICANN Org should also note that comments/input do not need to be restricted to ONLY those questions. Comments/input made outside of specific questions should also be considered by the body publishing the work out for public comment, and reflected in public comment summaries. To reiterate, we particularly encourage the implementation of a system that allows community members to more efficiently track all comment and input opportunities.”

ATRT3 Recommendation: Assessment of ATRT2 Recommendations (R2)

[ME](#) – “We would suggest to the ATRT3 to revisit ATRT2 recommendations, which are not implemented to make sure that they are all designed to be S.M.A.R.T. and necessary to be implemented. Furthermore, it will be helpful to have a report on why some of the recommendations of ATRT2 are not implemented (or not implementable).”

[GAC](#) – “These comments focus on those assessments where the ATRT3 concluded that an ATRT2 recommendation had been either partially implemented or was not fully effective or if there was not enough information to determine the effectiveness of the implementation effort.”

For ATRT2 Recommendation 6.1(a), the GAC notes the following points:

- “Regarding point ‘a’, GAC Members find it difficult to give credence to the observation that the ‘Communique language is still not clear’. The ATRT3 offers no support or explanation for that statement.”
- “Regarding point ‘b’, the GAC Operating Principles clearly state the definition of GAC Consensus and the process for achieving it... Additionally, the GAC Communique drafting process is conducted in open plenary sessions for the entire community to observe. Those sessions are recorded, transcribed and interpreted in the 6 UN languages and Portuguese.¹ If the GAC achieves consensus as defined in its operating principals, then Consensus GAC advice is included in the GAC Communique. If no consensus is reached for sharing specific advice to the Board on a particular topic, then – typically - the Communique will not include any GAC Consensus advice on that topic.”
- “Regarding point ‘c’, the GAC is concerned that despite a clearly written Operating Principle and completely open Communique drafting sessions, that its process for reaching consensus is still, somehow, ‘not clear to the community’.”

The GAC notes, “the above concerns notwithstanding, the GAC Leadership will discuss how this process might be made more visible to non-GAC community members and will work with the GAC Support staff to investigate the practicality of evolving the Communiqué drafting and consensus process to make it more generally visible to interested members of the ICANN community.”

¹ See example, <https://66.schedule.icann.org/meetings/1116861>

On ATRT2 Recommendation 6.1(d): “The GAC appreciates these suggestions and the GAC Leadership will work with the GAC Support staff to develop recommendations consistent with these ideas for consideration by the full GAC.”

On ATRT2 Recommendation 6.1(h): “The GAC appreciates the suggestion offered by the ATRT3. The GAC Leadership will work with the GAC Support staff to develop internal recommendations consistent with these sentiments for consideration by the full GAC.”

On ATRT2 Recommendation 6.6: “The GAC is disappointed that the ATRT3 assessment in this area was not more operationally focused but appreciates the suggestion offered and will consider exploring the avenue suggested.”

On ATRT2 Recommendation 10.2: “The GAC appreciates the suggestion offered by the ATRT3. The GAC Leadership will work with the GAC Support staff to develop recommendations consistent with these sentiments for consideration by the full GAC.”

[RySG](#) – “While we do not disagree with this Recommendation, the RySG was disappointed to see that the ATRT3 did not make any suggestions regarding how the implementation of ATRT2 Recommendations should be prioritized - at least in relation to each other, if not in relation to the broader context of the community’s workload - during its extensive analysis of those Recommendations.”

ATRT3 Recommendation: Assessment of Periodic (now Specific) and Organizational Reviews (R3)

[ME](#) – “We support the ATRT3 recommendations related to specific reviews including the ICANN holistic review that we find more than necessary, especially to Review SO/AC/NC as a whole to determine if they continue to have a purpose in the ICANN structure as they are currently constituted or if any changes in structures and operations are desirable to improve the overall effectiveness of ICANN as well as ensure optimal representation of community views. For the organizational reviews, we find that some of the recommendations go against what the community thought during the public comment.”

[GNSO](#) – “While the perception and reality of ‘review overload’ is valid, the fact that Specific and Organizational Reviews are provided for in the ICANN Bylaws as an accountability mechanism means that any major changes must be weighed very carefully. The ICANN Board has ultimate responsibility for these reviews and has shown that it is able to exercise some flexibility in scheduling. This could be explored further with the Board and the community.

“With regard to Specific Reviews, the Council suggests that timing of further Registration Directory Service (RDS) and Competition, Consumer Trust and Consumer Choice (CCT) Reviews should be informed by the outcomes of current policy development work being undertaken by the Expedited Policy Development Process (EPDP) on Temporary Specification for gTLD Registration Data; the New gTLD Subsequent Procedures PDP; and the Review of All Rights Protection Mechanisms in all gTLDs PDP. Scheduling of Security, Stability, and Resiliency (SSR) Reviews should carefully take into account key ICANN security and stability responsibilities and the evolving nature of the environment in which these must be met.

“With regard to Organizational Reviews, it could be argued that Supporting Organizations and Advisory Committees (SOs/ACs) should, as simple good practice, already be undertaking continuous improvement of the type recommended. The GNSO Council, for example, has been doing so for some time through strategic planning sessions, the PDP 3.0 initiative, improved program and project management tools, and opening meetings to observers. Further improvements for all community structures should flow from implementation of the Cross-Community Working Group on Enhancing ICANN Accountability Work Stream 2 (CCWG-Accountability WS2) Recommendation on SO/AC Accountability. However, removing a regular external review (usually conducted by independent examiners engaged by ICANN org) would seem to remove not just an important external accountability measure but also a valuable resource to assist with continuous improvement.”

[ccNSO](#) – “We fully support the spirit of all recommendations and believe that the ICANN as a whole will benefit from the proposed improvements, especially, changes in the number and cadence of reviews and recommendations related to the Strategic and Operational Plans.”

“On page 73, the Report suggests that ‘at least every three years each SO/AC/NC will undertake a formal process to evaluate and report on its continuous improvement activities which will be published for Public Comment’. Executive summary on page 23 says ‘At least everyone years each SO/AC/NC will undertake a formal process to evaluate and report on its continuous improvement activities which will be published for Public Comment.’ We support the proposed frequency of three years and propose the text on page 23 to be adjusted accordingly.”

“We believe that ‘Each SO/AC/NC shall perform a comprehensive annual satisfaction survey’ would be an unnecessary burden to the volunteer community. Such frequent comprehensive surveys will wear out volunteers and will not bring any additional value. We suggest that the frequency of the surveys matches the frequency of reports on continuous improvement activities, i.e. every three years or more often if the particular SO/AC sees necessary.”

[IPC](#) – “Recommendations pertaining to Section 8 - Assessment of Periodic (now Specific) and Organizational Reviews have not been justified by documented evidence and analysis. It is not clear what the Review Team has relied upon to reach the following recommendations in particular.

“Suspension of SSR2: On what basis is this recommended, given that the Review Team has not yet completed its work?”

“Only one further CCT Review: The IPC fully supports future CCT Reviews being ‘clearly scoped’, time limited, and based on a framework of data, but struggles to understand from the ATRT3 Final Report how the elimination of future CCT Reviews solves the problems identified.

“Eliminating RDS Reviews: ATRT3 states that the work of the EPDP will clearly impact the need for RDS Reviews. How, specifically, has the Review Team taken account of the EPDP Phase 1 Recommendations, or indeed Phase 2 draft recommendations? Again, how does eliminating RDS Reviews solve the *specific problems identified?*” (emphasis in original).

“Organizational Reviews: These are recommended to be replaced by a continuous improvement program, the assessment of which could be conducted by independent contractors if ‘the SO/AC/NC desires and the budget permits’. How has the overwhelming feedback from the Review Team’s surveys of both individuals and structures in favour of Organizational Reviews continuing to be conducted by external consultants (Final report p 206) been taken into consideration when recommending to make this optional and subject to budget? How is this budget to be safeguarded for something expressed as optional, but which the community so clearly desires?”

“Lack of community support for the proposed Holistic Review is not accurately captured in the ATRT3 Final Report. The proposed Holistic Review constitutes one of the most significant changes proposed by the Final Report, in the face of critical input from Public Comment submissions. A change of this magnitude cannot simply be put to the ICANN Board without fulsome explanation and opportunity for the community to better understand how their questions and concerns raised in Public Comment have been taken into account. This idea appears to have originated with one Public Comment submission made in a personal capacity by one of the Co-Chairs of the ATRT3, which ‘propose[d] consideration of a full redesign of the nature of the Reviews Program to permit a continuous improvement plan inclusive of a pattern of more regular, shorter, smaller highly focused internal reviews/audits/ examinations; less frequent wider ranging or ICANN Holistic Review and occasional External or Independent Examination/audit/review methodologies being deployed’². It is not clear how this personal submission has come to be adopted by the Review Team.”

[ISPCP](#) – “The ATRT3 Final Report recommendations of Section 8 (Assessment of Periodic (now Specific) and Organizational Reviews) have not been adequately justified. Specific and Organizational Reviews are the only practical accountability mechanisms remaining, and they should not be curtailed. The following are points of particular concern because they undermine the recommendations reached by the ATRT3:

“The suspension of SSR Reviews because SSR2 has not yet completed its work. Postponing the decision on when and if any future SSR Review might take place until the conclusion of ATRT4 effectively means that decision is pushed off until 2027 at the earliest, unless the Board overrules the ATRT3 recommendation.

“Removing RDS Reviews. The Final Report states that the work of the EPDP will clearly impact the need for RDS Reviews, it is not clear how.

“The substitution of the independent Organizational Reviews with self-reviewed Continuous Improvement Programs. It is not clear how this recommendation, which is quite different from the proposal in the Draft Report, was developed. We support the original idea of maintaining the independent Organizational Reviews but limiting their duration to one year as for the ATRT.

“An explanation is required to disclose how ‘consensus’ has been determined on Section 8. The minority dissent statements submitted by 4 of the 16 members of the ATRT3 questions the designation of ‘consensus’ for these recommendations.”

² <https://mm.icann.org/pipermail/comments-streamlining-org-reviews-proposal-30apr19/attachments/20190714/70b04b7c/CLOPublicCommentonStreamliningOrganisationalReviews-0001.pdf>

[BC](#) - The BC makes comments on the following elements of the ATRT3 recommendation:

“Suspend any further RDS and SSR Reviews until the next ATRT: The BC finds this proposal unacceptable. This would delay important reviews for far too long. Alternatively, the community may want to consider combining RDS and SSR reviews, since RDS is a core component of SSR. Further, to the subject of scope, the BC disagrees with the RT’s idea that the scope of SSR Reviews needs to be considered by the next ATRT once SSR2 is completed. The BC believes the scope of an RT should adhere to the bylaws and be decided by the RT members. One RT within ICANN should not control the scopes of other RTs.”

“Continue with ATRT Reviews with a modified schedule and scope: The BC observes that if there is a reduction in specific and organizational reviews -- which we do not agree with -- it does not seem appropriate that the ATRT Review would be the only surviving review. Regardless, the ICANN bylaws currently mandate ATRT reviews on an every five year schedule. The BC does not object to continuation of that schedule.”

“Evolve the content of the Organizational Reviews into continuous improvement programs in each SO/AC and Nominating Committee (NC): While continuous improvement programs may be productive and useful, the BC is concerned such programs would not be as rigorous as formal organizational reviews and therefore would lack the thoroughness and community perspective required for constructive progress. The BC reiterates its belief in the necessity of formal reviews. Further, the BC refers the community to the [final report](#) from CCWG on Accountability Workstream 2, which underlines the necessity of accountability within the community.”

“Add a Holistic Review, as a special Specific Review, which will look at all SO/AC/NC and their relations: The BC believes any additional review should complement, not replace, existing reviews. There is too much risk of non-transparency and confusion if one holistic review, conducted every seven years, replaces organizational and specific reviews. The BC does [emphasis in original] believe now is a good time to examine the structure of the GNSO, however, with an eye toward making the structure fairer and less subject to capture and veto.”

“Implement a new system for the timing and cadence of the reviews: The BC agrees with the need for a new system for timing and cadence. However, this should not be handled solely by the GNSO or other single SO or AC. This should be a community-wide discussion.”

The BC notes substantive concerns with the recommendations, as noted in the above ‘Procedural Concerns’ section of this report. The BC concludes, “The BC fully realizes there are inefficiencies in the current review system and applauds creative thinking about how to remediate them. However, it is critical that accountability and transparency be maintained -- if not enhanced -- as part of any systemic overhaul. The RT’s recommendations fall short of that need.”

[RySG](#) – “The RySG is not opposed to the concept of evolving the Organizational Reviews into continuous improvement programs. However, the RySG raises the following concerns:

“The shift to continuous improvement should not create an undue burden to community members who are already dealing with large volumes of substantive work;

“While the recommendation does not explicitly exclude the use of external, independent experts/facilitators, the RySG is concerned the absence of this requirement will deter groups from using independent experts/facilitators. Further, this absence is contrary to the results of the survey conducted by ATRT3 which found the overwhelming majority of structures and individuals supported the continued use of external consultants to conduct Organisational Reviews (Annex B, p 206). External, independent experts/facilitators provide a safeguard against capture by creating a set time for all members of a group to provide their views to a neutral third party.

“The new system for timing and cadence is welcome but consideration of those topics cannot be divorced from consideration of the scope of reviews, as we mentioned in last comment.

“The RySG appreciates the intent of the ATRT3 to streamline the Specific Review process by suspending SSR and RDS reviews until the next Accountability and Transparency Review, given the unknown future status quo and ongoing work respectively. However, the RySG is concerned by the prospect that the RDS and SSR functions will undergo no form of review for an indeterminate period of time. There must be functions in place, or at a minimum a commitment to introduce functions, for the replacement of RDS and SSR reviews either as an interim or permanent measure, to uphold the tenets of transparency and accountability underpinning ICANN’s mission.”

[ALAC](#) – “The ALAC follows the ATRT3 Review Team in recognizing the need for a readjustment of current review processes, allowing for them to be better aligned with community needs and available resources. The ALAC views this recommendation as a much-needed shift from obligatory to adaptable and coordinated (by Holistic Review) review processes granted to individual constituencies. This shift is a rational step towards streamlining community efforts and increasing the efficiency of available resources, especially those offered by individual end-user stakeholders, as represented by the At-Large. With that, the ALAC supports the ATRT3 suggestion to introduce changes to the current structure of reviews, specifically by having the ICANN Board implement a moratorium on launching any new Organizational and Specific Reviews until it has made a decision on this recommendation, as per Section 8 of the report).”

[NCSG](#) – “It is important to note that the NCSG welcomes the changes and improvements made by the ATRT3 team on Option 2. However, while we feel that the time and cadence issues might be solved with the calendar model presented and that Specific Reviews can be done adequately within a year, the changes introduced on Specific Reviews must be weighted and more well evaluated by the community and ICANN Board.”

“The NCSG agrees and supports that the Registration Directory Service (RDS) should be suspended until the next ATRT due to the current ongoing Expedited Policy Development Process (EPDP) on Temporary Specification for gTLD Registration Data, since its final report could understand for the termination of RSD Review.

“Regarding the Competition, Consumer Trust and Consumer Choice (CCT) Review, the NCSG agrees with the decision of keeping another CCT Specific Review due to the upcoming round of new gTLDs and suggests that the outcomes of current policy development work by the New gTLD Subsequent Procedures PDP and the Review of All Rights Protection Mechanisms should be considered when the ICANN Board evaluate the timing of the CCT Specific Review.

“However, the NCSG does not support the suspension of the Scheduling of Security, Stability, and Resiliency (SSR) Review. While it is understandable that the scope and responsibility of some groups should be included in the upcoming SSR Review (as stated by ATRT3 report), the SSR2 Draft Report [received a large number of supporting comments](#) of the community, and the critics addressed by the [SSAC on the SAC10](#), and by the [NCSG on our Public Comment](#), can still be solved at their final report. It is not reasonable to end a three-year process currently in the adjustment phase until the next ATRT, presumed to be held in 2026, according to the final report calendar of Reviews.”

“About the Organizational Reviews, the NCSG is skeptical about the effectiveness of the recommendations made since the SO/AC should already be undertaking continuous improvement of the type recommended. Also, as the SSAC previously stated in their Public Comment at the Draft Report, this type of suggestion adds "bureaucracy to what should be an ongoing internal process of self-improvement within each SO and AC. The way in which each SO/AC conducts its own ongoing self-improvement should be a matter for that group". The PDP 3.0 initiative by the GNSO Council, for example, already serves as a continuous improvement as suggested by the ATRT3.”

[RrSG](#) - “Regarding Holistic Reviews, the RrSG recommends that they be conducted more frequently than every eight years. For example, there have been significant changes to the ICANN org and ICANN community between 2012 and 2020. Conducting Holistic Reviews every three years may improve the efficiency of the reviews, and reduce the scope.

“For reviews and self-improvement conducted by (and for) the Supporting Organizations (SO), Advisory Committees (AC), and the Nominating Committee, the RrSG recommends that the continuous improvement efforts be more than just self-implemented. There should be opportunities for external feedback and comments (from other SOs and ACs), which should be incorporated into the improvement efforts. The RrSG is concerned that previous feedback for reviews of SOs/ACs have been ignored. Thus, there should be a mechanism introduced that requires the implementation of review recommendations and/or a process by which the SO/AC in question must adequately prove why implementation is not workable.

“The RrSG would like clarification on whether the Holistic Review will involve a formal audit process, whether such audits will be internal or external, and if there is a formal audit, then it should conform to an ISO standard (e.g. ISO 19011).”

ATR3 Recommendation: Accountability and Transparency Relating to Strategic and Operational Plans including Accountability Indicators (R4)

[ME](#) - “We support the recommendations of the ATR3 on Accountability and Transparency Relating to Strategic and Operational Plans including Accountability Indicators.”

[ccNSO](#) – “We fully support the spirit of all recommendations and believe that the ICANN as a whole will benefit from the proposed improvements, especially, changes in the number and cadence of reviews and recommendations related to the Strategic and Operational Plans.”

“Please consider adding a deadline to the suggestion ‘ICANN org shall publish an overarching report at the conclusion of a strategic plan starting with the FY2016-2020 Strategic Plan’.”

[BC](#) – The BC makes comments on the following elements of the ATRT3 recommendation:

“For the 2021-2025 Strategic Plan and 2021 Operating Plan, ICANN org shall produce a document listing the required rationales and specific criteria defining success...: The BC is mostly in agreement with this recommendation. To assess if a goal is successful according to the guidelines, specific criteria must be collected and tracked, as is recommended here. Definitions of success and/or failure should be data driven assessments.”

“ICANN org shall publish an overarching report at the conclusion of a strategic plan starting with the FY2016-2020 Strategic Plan: The BC recommends org doing so, with the report being subject to public comment.”

[RySG](#) – “The RySG supports this recommendation, as this is generally in line with comments we’ve made about the Strategic Planning process and other topics.”

[ALAC](#) – “The At-Large community has long supported the metrics-based approach to community work and participation, among others through the creation of the [ALAC Subcommittee on Metrics](#). Adjusting all community processes to a clear metrics framework would significantly benefit the work done by the diverse, intercultural multistakeholder community, as it currently stands. With that, the ALAC advises the ICANN Board to take under careful consideration the recommendations on metrics and reporting, as per section 9 of the report.”

ATRT3 Recommendation: Prioritization of Review and Cross-Community Working Group on Enhancing ICANN Accountability, Work Stream 2 (WS2) Recommendations (R5)

[ME](#) - “We consider the creation of a **community-led entity** [emphasis in original] tasked with operating a prioritization process for recommendations with its proposed composition a good approach. Nevertheless, we don’t want it to create a community burnout especially for the fully volunteer ones, which may turn into a ‘community-led’ entity functioning with only those who are paid for their participation in ICANN activities.”

[GNSO](#) – “The GNSO Council does not disagree with the Problem Statement for this set of Recommendations with regard to implementation outcomes of Specific and Organizational Reviews and Cross-Community Working Groups. However, the Council does have reservations about the creation of a new entity for priority-setting and, in essence, clearing a backlog should be assessed carefully, especially from the implementation point of view. The ICANN Board should accept ultimate responsibility for implementation of what has been approved and ensure that there is continuous assessment of progress in consultation with the community.

“There may be scope for enhancing existing mechanisms to ensure better transparency and accountability in this area. For example, community scrutiny of and input to the strategic and financial planning cycle could include whether, and precisely how, programs and indicators link to approved review recommendations. Many SOs/ACs, including the Council, already have budget and planning processes that include or could include a priority-setting dimension that captures proposals not obviously implemented. Cross-community coordination could be explored through existing mechanisms such as a more collegial approach by the

Empowered Community when dealing with issues mandated for it by the Bylaws such as scrutiny of the ICANN draft budget, or substantive review and discussion in the regular meetings of community leaders and ICANN Org.

“There are also other proposals concerning prioritization of work that have arisen from the initiative on Enhancing the Effectiveness of ICANN’s Multistakeholder Model (MSM) and are contained in the ICANN document which is out for public comment in parallel with the ATRT3 Report (see pp. 10 and 12-13 of that document). The complete range of proposals in the MSM initiative and ATRT3 needs to be assessed with regard to efficiency, effectiveness and, not least, impact on the resources the community can make available both in the current difficult circumstances and in the longer term.

“If a new entity is established, the Council notes that having one member for each SO/AC would leave the diverse range of community interests represented within the GNSO under-represented.”

[ccNSO](#) – “As the Report does not specify how those elements should be considered and which element has more weight, it might cause certain issues in the future. For example, does ‘Cost of implementation and budget availability’ allow a recommendation to be declared of a low priority if it is expensive? Or, does ‘Complexity and time to implement’ grant the same if the implementation process of a recommendation is a complex one? Please consider adding weight or any other metrics to those elements. We also recommend adding another element ‘Cost of not implementing recommendation’.

“Furthermore, it should be mandated that the first element ‘Relevance to ICANN’s mission, commitments, core values, and strategic objective’ is considered, firstly, by the team that comes up with a recommendation, secondly, by the community that comments on it, and, thirdly, by the Board prior to adopting it.”

[BC](#) – “The BC seeks clarification from the RT on this recommendation, as it’s not entirely clear how such a mechanism would work alongside the prioritization recommendations RT members already make.

“Would this group be able to override RT members’ input on prioritization? If implementation shepherds are helpful and provide valuable input, why should they be replaced by this mechanism?”

“Allowing a small group to review and make a decision on RT recommendations does not adhere to the multistakeholder process. The creation of such a group could lead to decisions being overridden that involved months of fact finding, discussion and compromise. Recreating the voting structure of the GNSO in this small group would dilute the ability of the CSG and its three constituencies -- ISPC, IPC and BC -- to provide input and a voice to issues that are of great concern to their members. This is a duplicative process and allows a small group to influence the Board and ICANN org with a voice that would not represent the whole ICANN community. Should such a process proceed, it’s extremely important to the BC that such an entity be carefully and fairly constructed so as to avoid capture or to provide veto power.

“The BC does not believe ICANN org should be a decisional participant in such a structure. The BC notes that, prior to publication of a final report, RT members review all

recommendations with ICANN org representatives -- further, a Board member reviews recommendations with other Board members and provides feedback on feasibility or difficulty to implement. The BC suggests more interaction with the Board and RT members to ensure Board members understand recommendations and priorities.”

[RySG](#) – “The RySG has previously underscored the need for better prioritization of various work efforts across the community, but expressed some reservations about the establishment of a standalone entity in our feedback to the ATRT3 Draft Report. There also needs to be a process - whether it goes through this new prioritization entity or not - to retire certain recommendations when it becomes clear that they should not be pursued, which could be for a variety of reasons.”

[ALAC](#) – “The ALAC and the At-Large community it represents advises the ICANN Board to implement the proposed creation of a community-led entity, tasked with conducting a prioritization process for recommendations made by former and current review teams as well as cross-community groups. The ALAC fully supports all efforts made by the community to further advance this effort, as it views it of top priority to ensure further efficiency of the multistakeholder model. The Internet end user community represented by At-Large, much like other constituencies, faces significant challenges with prioritizing both: policy work, as demanded by ongoing policy development processes often impacted swiftly and directly by outside factors, as well as continuous community improvement, as recommended by various internal review documents. The creation of a dedicated task force, providing clear guidance and accessible language on ICANN community priorities, needs and obligations would be of great benefit to the further development of Internet end user representation as well as better understanding of community needs.”

[NCSG](#) – “The NCSG agrees on the statement at the ATRT3 Final Report that several recommendations were not implemented, and the lack of prioritization results in significant delays in implementation, causing some suggestions to no longer be applicable or desirable. However, we do not support creating a new community-led entity tasked with operating a prioritization process for recommendations made by review teams, cross-community groups, or any other community related budgetary elements.”

“The creation of a standing group, community-led entity, to perform prioritization work does not recognize existing mechanisms and processes that could be leveraged, with the NCSG considering it not be the suitable approach to solve the immediate problem of prioritization and resourcing over 325 recommendation[s].”

“The changes regarding transparency and accountability are too vague, not calming the concerns of the community regarding this problem.”

“Another problem in this recommendation lies in the ‘annual process’ of the entity. As IPC stated before in their Public Comment, an annual prioritization process ‘should be given a fixed one-year term to complete its task’ means that as soon as the task is concluded for one year, it will start up again. This would, therefore, appear to envisage the creation of an effectively permanent small group of ‘ICANN insiders,’ who will then operate in a top-down manner. This is not a true cross-community-led process.

“The ATRT3 team also fails in addressing or considering the ongoing parallel discussions of [Enhancing the Effectiveness of ICANN's Multistakeholder Model](#)

[\(MSM\)](#), which approaches the topic of prioritization and is currently also at the phase of Public Comments.”

“The Board shouldn't proceed with the creation of a Community-led Entity since there are already ongoing processes and mechanisms that could be used to prioritize. Nonetheless, there are strong transparency and accountability issues that weren't well addressed and solved. However, if the Board wishes to proceed, the NCSG recommends making the number of appointees of each SO/AC to be equivalent as of the ICANN Board to maintain representation and diversity at the entity; More details about operating procedures and working methodology are also needed before establishment.”

ATRT3 Suggestion: Implement a Moratorium on Organizational and Specific Reviews (S1)

[ALAC](#) – “The ALAC supports the ATRT3 suggestion to introduce changes to the current structure of reviews, specifically by having the ICANN Board implement a moratorium on launching any new Organizational and Specific Reviews until it has made a decision on this recommendation, as per Section 8 of the report).”

[NCSG](#) – “The NCSG agrees with the suggestion for the ICANN Board to uphold any new Organizational and Specific Reviews until it decides on the recommendations presented in Section 8 of the ATRT3 Report.”

Other Comments

EPDP Accountability and Transparency (PROLOGUE of the ATRT3 Final Report)

[GNSO](#) – “The Council appreciates the SSAC’s important role and acknowledges its representatives on the ATRT3 Team are perfectly entitled to express their views. However, the SSAC is one of the many structures within ICANN and its views and perspective of the EPDP should not be taken as representative of the entire community or the ATRT3 Team. Furthermore, dissatisfaction with the progress or potential outcome of the ongoing EPDP should not be conflated with accountability and transparency issues. As such, the Council believes the language in the Prologue of the ATRT3 Final Report perhaps should have been more explicit in pointing out that these concerns came from a minority statement.”

ATRT3 Survey Question 15 – Should GAC accountability be improved?

[GAC](#) – “The ATRT3 assessment of community survey reactions seems to have prompted some of the Review Team’s suggestions regarding the clarity of the GAC Communique and GAC efforts to reach consensus. The GAC welcomes the ATRT3 recognition that community expectations seem ‘inconsistent with the charter of the GAC’ and the GAC leadership will consider the suggestions offered by the ATRT3.”

ATRT3 Survey Question 16 – Should GAC transparency be improved?

[GAC](#) – “Over the last few years, the GAC has made many improvements regarding the transparency of its meetings, deliberations and work efforts. GAC members have worked to more broadly to participate in ICANN cross-community efforts regarding policy and organizational operations. The committee expects this approach to continue.”

ATRT3 Survey Question 17 – In your view are you satisfied with the interactions the GAC has with the Board?

[GAC](#) – “GAC leadership will discuss this suggestion and consider developing recommendations regarding the pursuit of joint messaging with the Board on the success of their interactions.”

ATRT3 Survey Question 18 – In your view are you satisfied with the interactions the GAC has with the SO/ACs?

[GAC](#) – “The GAC notes the value of building and maintaining productive relationships with other ICANN communities and welcomes this suggestion. The GAC Leadership will explore further mechanisms that can improve those relationships, particularly with the GNSO communities.”

Section IV: Analysis of Comments

Reference Table: ATRT3 Recommendations	
#	Recommendation
R1	Public input
R2	Assessment of ATRT2 Recommendations
R3	Assessment of Periodic (now Specific) and Organizational Reviews
R4	Accountability and Transparency Relating to Strategic and Operational Plans including Accountability Indicators
R5	Prioritization of Review and Cross-Community Working Group on Enhancing ICANN Accountability, Work Stream 2 (WS2) Recommendations
S1	Given the recommendation in Section 8 of its report ATRT3 is proposing significant changes to Organizational Reviews and Specific Reviews, ATRT3 strongly suggests that the ICANN Board implement a moratorium on launching any new Organizational and Specific Reviews until it has made a decision on this recommendation.

Commenters did not comment nor were required to provide input on all recommendations. The information in the table below was assembled based on comments with a clear indication of support, objection or concern for specific recommendations and was designed to help readers visualize and navigate through level of support. The table is not intended to be a substitute for reading the full comments.

Support (S): Contributor supports the recommendation. Support with caveats or comments (S#): Contributor supports the recommendation, or most elements of the recommendation, with significant caveats or comments. No Support (NS): Contributor does not support the recommendation, or most elements of the recommendation. /: Contributor does not indicate support or non-support for the recommendation.						
	R1	R2	R3	R4	R5	S1
ME	S	/	S	S	S ⁸	/
GNSO	/	/	NS	/	NS	/
ccNSO	S	S	S ²	S	S ⁹	/
IPC	NS	NS	NS	NS	NS	/
ISPCP	/	/	NS	/	/	/
BC	NS	/	NS	S	NS	/
RySG	S ¹	S	S ^{3, 4, 5}	S	NS	/
ALAC	S	S	S	S	S	S
GAC	/	/	/	/	/	/
NCSG	/	/	NS	/	NS	S
RrSG	S	S	S ^{6, 7}	S	S	/
Totals						
S	4	4	2	6	2	2
S #	1	-	3	-	2	-
Total (S and S #):	5	4	5	6	4	2
NS	2	1	5	1	5	-
/	4	6	1	4	2	9
Grand Total:	11	11	11	11	11	11

Summary of caveats and comments (*indicated in above superscript #*)

RySG R1 S¹: While specific questions are helpful to guide public comments, comments/input should not be restricted only to those questions.

ccNSO R3 S²: Frequency of the surveys should match the frequency of reports on continuous improvement activities, i.e. every three years (or more often if the particular SO/AC sees necessary).

RySG R3 S³: Groups may be deterred from using independent experts/facilitators. External, independent experts/facilitators provide a safeguard against capture by creating a set time for all members of a group to provide their views to a neutral third party.

RySG R3 S⁴: Consideration of timing and cadence of reviews cannot be divorced from consideration of the scope of reviews.

RySG R3 S⁵: There must be functions in place, or a commitment to introduce functions, for the replacement of RDS and SSR reviews either as an interim or permanent measure.

RrSG R3 S⁶: Holistic Reviews should be conducted more frequently than every eight years.

RrSG R3 S⁷: A mechanism should be introduced that requires the implementation of review recommendations, and/or a process by which the SO/AC in question must adequately prove why implementation is not workable.

ME R5 S⁸: Creation of a community-led entity could lead to community burnout.

ccNSO R5 S⁹: Clarity should be provided as to how to weigh the elements considered when prioritizing a recommendation.

Summary of Analysis

Public comments highlight that there is a broad and diverse range of community viewpoints across a number of elements of the ATRT3 Final Report, in particular with regard to the recommendations pertaining to Specific and Organizational Reviews, and Prioritization of Review and Work Stream 2 Recommendations. The following sections intend to provide detail around which elements of the recommendations are generally supported by contributors, and highlight the areas where contributors raise concerns, or do not support the recommendation.

Procedural Concerns

The [IPC](#), [ISPCP](#) and [BC](#) express concerns with the accountability and transparency of the ATRT3 processes. The [ME](#) and [RySG](#) also note concerns related to processes by which ATRT3 arrived at their final recommendations. Concerns include, for example:

- “The Review Team has failed to proactively provide or document explanations for the significant differences between the Final Report and the Draft Report.”
- “For the organizational reviews, we find that some of the recommendations go against what the community thought during the public comment.”
- “This absence [of the requirement to use external consultants for Organizational Reviews] is contrary to the results of the survey conducted by ATRT3 which found the overwhelming majority of structures and individuals supported the continued use of external consultants to conduct Organisational Reviews.”
- “Community Public Comment Submissions are not treated with equal weight.”
- “There has not been sufficient documentation of the group’s work and level of consensus achieved.”
- “The working methods of the group did not fully support transparency and inclusive discussion. For example, it became clear that some inter-team communications were conducted on Skype or in similar channels, without participation by the broader group.”

- “There has not been sufficient documentation of the group’s work and level of consensus achieved.”
- “Lack of community support for the proposed Holistic Review is not accurately captured in the ATRT3 Final Report.”
- “This idea [for a Holistic Review] appears to have originated with one Public Comment submission made in a personal capacity by one of the Co-Chairs of the ATRT3... It is not clear how this personal submission has come to be adopted by the Review Team.”
- “The ATRT3’s working methodology is inconsistent with the ICANN Bylaws and simply cannot serve as a model for ICANN Org’s operations or for future Review Teams. The outcomes of such a flawed process cannot reasonably and reliably guide ICANN’s evolution into its next phase.”

ATRT3 Recommendation: Public Input (R1)

- Five contributors support the recommendation.
- Two contributors do not support the recommendation.
- Four contributors do not comment on the recommendation.

BC and IPC do not support the recommendation, although the [BC](#) is the only contributor that notes specific concerns with several elements of the recommendation. The BC “is concerned that specifying the audience of a comment could discourage comment submissions or otherwise deter participation via comments.” Further, the [BC](#) notes, “it’s unclear, first, how it would be decided whether or not a public comment process is warranted or not and, second, what ‘alternate mechanisms for gathering input’ may be.”

The [ME](#) calls for the recommendation to be considered a higher priority than the ‘low priority’ categorization assigned by ATRT3. The [RySG](#) notes that “while specific questions are helpful to guide public comments, when it implements this change, ICANN Org should also note that comments/input do not need to be restricted to ONLY [emphasis in original] those questions.” Further, [RySG](#) encourages “implementation of a system that allows community members to more efficiently track all comment and input opportunities.”

ATRT3 Recommendation: Assessment of ATRT2 Recommendations (R2)

- Four contributors support the recommendation.
- One contributor does not support the recommendation.
- Six contributors do not comment on the recommendation.

The [ME](#) suggests ATRT3 “revisit ATRT2 recommendations, which are not implemented to make sure that they are all designed to be S.M.A.R.T. and necessary to be implemented.”

While the [GAC](#) does not comment on the overarching ATRT3 recommendation, it reacts to ATRT3’s assessment of implementation of ATRT2 recommendations impacting the GAC, and ATRT3’s suggestions as to what needs to be done to consider implementation complete. In general, the [GAC](#) notes support for the ATRT3’s suggestions.

The [RySG](#) notes that “while we do not disagree with this Recommendation, the RySG was disappointed to see that the ATRT3 did not make any suggestions regarding how the implementation of ATRT2 Recommendations should be prioritized - at least in relation to each

other, if not in relation to the broader context of the community's workload - during its extensive analysis of those Recommendations.”

ATRT3 Recommendation: Assessment of Periodic (now Specific) and Organizational Reviews (R3)

- Five contributors support the recommendation.
- Five contributors do not support the recommendation.
- One contributor does not comment on the recommendation.

The [ME](#) and [ALAC](#) support the recommendation as is.

The [ccNSO](#), [RySG](#) and [RrSG](#) support the recommendation overall, but note some caveats or concerns, such as:

- “Such frequent [annual] comprehensive surveys will wear out volunteers and will not bring any additional value....The frequency of the surveys [should match] the frequency of reports on continuous improvement activities, i.e., every three years or more often if the particular SO/AC sees necessary.”
- “While the recommendation does not explicitly exclude the use of external, independent experts/facilitators, the RySG is concerned the absence of this requirement will deter groups from using independent experts/facilitators... External, independent experts/facilitators provide a safeguard against capture by creating a set time for all members of a group to provide their views to a neutral third party.”
- “The new system for timing and cadence is welcome but consideration of these topics cannot be divorced from consideration of the scope of reviews.”
- “There must be functions in place, or at a minimum a commitment to introduce functions, for the replacement of RDS and SSR reviews either as an interim or permanent measure, to uphold the tenets of transparency and accountability underpinning ICANN's mission.”
- “[Holistic Reviews] should be conducted more frequently than every eight years... Conducting Holistic Reviews every three years may improve the efficiency of the reviews, and reduce the scope.”
- “The RrSG would like clarification on whether the Holistic Review will involve a formal audit process, whether such audits will be internal or external, and if there is a formal audit, then it should conform to an ISO standard (e.g. ISO 19011).”
- “Continuous improvement efforts [should] be more than just self-implemented. There should be opportunities for external feedback and comments (from other SOs and ACs), which should be incorporated into the improvement efforts.”
- “There should be a mechanism introduced that requires the implementation of review recommendations, and/or a process by which the SO/AC in question must adequately prove why implementation is not workable.”

The [GNSO](#), [IPC](#), [ISPCP](#), [BC](#), and [NCSG](#) do not support the recommendation. Concerns raised by these contributors include overarching and/or procedural concerns as well as concerns about specific elements of the recommendation, such as:

Overarching concerns:

- “The ATRT3 Final Report recommendations of Section 8 (Assessment of Periodic (now Specific) and Organizational Reviews) have not been adequately justified.”
- “A change of this magnitude cannot simply be put to the ICANN Board without fulsome explanation and opportunity for the community to better understand how their questions and concerns raised in Public Comment have been taken into account.”
- “Any additional review should complement, not replace, existing reviews. There is too much risk of non-transparency and confusion if one holistic review, conducted every seven years, replaces organizational and specific reviews. A reduction in reviews does not seem appropriate as now is the time for additional transparency and accountability for ICANN, not less.”
- “While the perception and reality of ‘review overload’ is valid, the fact that Specific and Organizational Reviews are provided for in the ICANN Bylaws as an accountability mechanism means that any major changes must be weighed very carefully.”

Specific Reviews:

- “Timing of further Registration Directory Service (RDS) and Competition, Consumer Trust and Consumer Choice (CCT) Reviews should be informed by the outcomes of current policy development work being undertaken by the Expedited Policy Development Process (EPDP) on Temporary Specification for gTLD Registration Data; the New gTLD Subsequent Procedures PDP; and the Review of All Rights Protection Mechanisms in all gTLDs PDP.”
- “Scheduling of Security, Stability, and Resiliency (SSR) Reviews should carefully take into account key ICANN security and stability responsibilities and the evolving nature of the environment in which these must be met.”
- Suspending RDS and SSR reviews would “delay important reviews for too long.”
- “On what basis is [the suspension of SSR2] recommended, given that the Review Team has not yet completed its work?”
- It is not clear “how the elimination of future CCT Reviews solves the problems identified.”
- “How does eliminating RDS Reviews solve the *specific problems identified?*” (emphasis in original).
- “Lack of community support for the proposed Holistic Review is not accurately captured in the ATRT3 Final Report... A change of this magnitude cannot simply be put to the ICANN Board without fulsome explanation and opportunity for the community to better understand how their questions and concerns raised in Public Comment have been taken into account.”
- “The scope of an RT should adhere to the bylaws and be decided by the RT members. One RT within ICANN should not control the scopes of other RTs.”
- “If there is a reduction in specific and organizational reviews ... it does not seem appropriate that the ATRT Review would be the only surviving review.”

Organizational Reviews:

- “It is not clear how this recommendation, which is quite different from the proposal in the Draft Report, was developed.”
- “SO/AC[s] should already be undertaking continuous improvement of the type recommended.”

- “Further improvements for all community structures should flow from implementation of the Cross-Community Working Group on Enhancing ICANN Accountability Work Stream 2 (CCWG-Accountability WS2) Recommendation on SO/AC Accountability.”
- “Removing a regular external review (usually conducted by independent examiners engaged by ICANN org) would seem to remove not just an important external accountability measure but also a valuable resource to assist with continuous improvement.”
- “The shift to continuous improvement should not create an undue burden to community members who are already dealing with large volumes of substantive work.”

ATRT3 Recommendation: Accountability and Transparency Relating to Strategic and Operational Plans including Accountability Indicators (R4)

- Six contributors support the recommendation.
- One contributor does not support the recommendation.
- Four contributors do not comment on the recommendation.

Contributors generally support this recommendation. No contributors raise specific concerns or objections to the recommendation. A few contributors offer specific comments on the recommendation. The [ccNSO](#), for example, proposes adding a deadline to the suggestion “ICANN org shall publish an overarching report at the conclusion of a strategic plan starting with the FY2016-2020 Strategic Plan.”

ATRT3 Recommendation: Prioritization of Review and Cross-Community Working Group on Enhancing ICANN Accountability, Work Stream 2 (WS2) Recommendations (R5)

- Four contributors support the recommendation.
- Five contributors do not support the recommendation.
- Two contributors do not comment on the recommendation.

Contributors generally support the problem statement of this recommendation and agree that prioritization is an important issue that needs to be addressed. However, a majority of public comments do not support the recommendation itself.

The [GNSO](#), [BC](#), [RySG](#) and [NCSG](#) express concerns about creating a community-led entity tasked with operating a prioritization process for recommendations, for reasons such as:

- “The creation of a standing group, community-led entity, to perform prioritization work does not recognize existing mechanisms and processes that could be leveraged.”
- “There may be scope for enhancing existing mechanisms to ensure better transparency and accountability in this area.”
- “The ATRT3 team also fails in addressing or considering the ongoing parallel discussions of [Enhancing the Effectiveness of ICANN’s Multistakeholder Model \(MSM\)](#), which approaches the topic of prioritization.”
- “More details about operating procedures and working methodology are also needed before establishment.”
- “It’s not entirely clear how such a mechanism would work alongside the prioritization recommendations RT members already make...The creation of such a group could

lead to decisions being overridden that involved months of fact finding, discussion and compromise.”

- “Recreating the voting structure of the GNSO in this small group would dilute the ability of the CSG and its three constituencies -- ISPC, IPC and BC -- to provide input and a voice to issues that are of great concern to their members.”

ATRT3 Suggestion: Implement a Moratorium on Organizational and Specific Reviews (S1)

Only two contributors comment on this suggestion; both the [ALAC](#) and [NCSG](#) express support.