Accountability and Transparency Review Team

Selection of Independent Expert and Update on ATRT Review

The Accountability and Transparency Review Team (ATRT) has selected the Berkman Center for Internet & Society at Harvard Law School as an Independent Expert to assist the ATRT in its review under the Affirmation of Commitments (AoC). The Berkman Center team is tasked to conduct an analysis of case studies that were suggested to the ATRT by the ICANN community during its interactions with the community at the ICANN meeting in Brussels, Belgium. Those case studies are:

> 1. the introduction of new gTLDs – the Expression of Interest proposal; the Implementation Recommendation Team; the role of the Governmental Advisory Committee (GAC); and vertical integration;
>
> 2. the .xxx domain application and decision; and
>
> 3. the DNS-CERT proposal

The Berkman Center team will undertake data collection, research and will conduct interviews on these case studies to provide the ATRT with analysis and recommendations to improve accountability and transparency under the AoC. The ATRT is charged with making final recommendations to the ICANN Board of Directors by December 31, 2010 and will utilize the findings, analysis and recommendations of the Berkman Center in its final recommendations.

The work of the Berkman Center will be conducted consistent with the following principles developed by the ATRT:

- Recommendations will be fact-based, far from impressions or personal opinions;
- The team will be guided by a selected number of case-studies involving review of relevant events for each case study through 17 June, 2010 (the starting date of the ICANN Brussels meeting);
- The case-studies are based on cases which were suggested by the community during the ATRT meetings in Brussels, namely new gTLDs, .xxx & DNS-CERT;
- The case studies will be used to identify processes and decision-making that demonstrated ICANN's accountability and transparency, as well as processes and decision-making that could be modified to enhance ICANN's accountability and transparency;
- Recommendations would be future looking and would hence suggest improvements to the current process; recommendations are not for the purpose of altering any past decisions or influencing of any ongoing processes;
- Merits/Reasons behind each recommendation would be also made public.

The Berkman Center's work will commence immediately and conclude on October 10, 2010.

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The ATRT's final recommendations will address ICANN's commitments under the AoC with a specific focus on the elements of paragraph 9.1. The ATRT has established four Working Groups to drive the ATRT's work in each of the areas set forth in paragraph 9.1. The relevant working groups will take the lead on data gathering, analysis, and initial assessment, based on agreed upon performance metrics and considering, among other things, the degree to with ICANN's decisions are embraced, supported and accepted by relevant stakeholders. The respective teams will address the following areas:

Working Group #1: Board performance, including governance selection, composition (necessary skill set mix), accessibility, decision-making, and dispute resolution/complaint handling.

Working Group #1 members are: Leader - Olivier Muron, Co-Leader - Fabio Colasanti, Willie Currie, Zhang Xinsheng, Chris Disspain and Brian Cute

Working Group #2: GAC role, including interactions with Board and community, the existence of shared and clearly understood expectations with respect to the GAC's role in ICANN's decision-making processes, the quality and actionability of GAC input, and ICANN's responsiveness to that input.

Working Group #2 members are: Leader - Willie Currie – Co-Leader ?, Manal Ismail, Fabio Colasanti, Erick Iriarte Ahon, Zhang Xinsheng, Larry Strickling, Chris Disspain and Brian Cute

Working Group #3: Community/Stakeholder engagement, including effectiveness and quality of ICANN support for the policy development process, the quality of PDP output and the extent to which the ICANN PDP develops consensus, including across stakeholder groups, the level and quality of public input into the ICANN process, and the extent to which such input is reflected in ICANN decision-making.

Working Group #3 members are: Leader – Cheryl Langdon Orr, Co-Leader ? - Warren Addelman, Olivier Muron, Erick Iriarte Ahon and Louis Lee

Working Group #4: IRB Independent Review of Board Decisions

Working Group #4 members include: Leader – Warren Adelman, Co-Leader ? - Cheryl Langdon Orr, Louis Lee, Larry Strickling, Chris Disspain and Brian Cute.

The ATRT thanks the ICANN community for its feedback and the Public Comment responses received to date. The ICANN community's input is a critical element of the Accountability and Transparency review. The ATRT welcomes additional Community feedback which can be submitted through this Public Comment site http://www.icann.org/en/public-comment/#atrt-community-feedback. When posted on July 9, 2010, this Public Comment site did not have a "close date" so as to afford ample opportunity to the Community to provide input to the ATRT. The ATRT's will develop draft recommendations to the ICANN Board that will be posted for distinct Public Comment period in mid-October.

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