**ATRT2 Templates**

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**A. Analysis of previous review teams recommendations**

**ATRT 1, Recommendation #6**: The Board should clarify, as soon as possible but no later than June 2011 the distinction between issues that are properly subject to ICANN’s policy development processes and those matters that are properly within the executive functions performed by the ICANN staff and Board and, as soon as practicable, develop complementary mechanisms for consultation in appropriate circumstances with the relevant SOs and ACs on administrative and executive issues that will be addressed at Board level.

* Summary of ICANN’s assessment of implementation including actions taken, implementability and effectiveness

Staff’s report states that “ICANN addressed all portions of this recommendation in implementation. Please see 2012 ATRT Implementation Summary (www.icann.org/en/news/in-focus/accountability/atrt-project-list-workplans-29jan13-en.pdf) and the 2012 Annual Report on ATRT Implementation (<http://www.icann.org/en/news/in-focus/accountability/atrt-implementation-report-29jan13-en.pdf>). Completion of this implementation project inspired further discussion about the distinction between policy and implementation issues that is still ongoing within the community, most recently in a public session in Beijing.”

“Because of the work undertaken for Recommendation 6, ICANN also published a paper on the Community Input and Advice Function (http://www.icann.org/en/news/in-focus/accountability/input-advice-function-24sep12-en.pdf), which has led to an ongoing dialogue in the community. There were sessions in both Toronto and Beijing on this topic, and ICANN staff has since produced a paper for public comment on Policy v. Implementation (http://www.icann.org/en/news/public-comment/policy-implementation-31jan13-en.htm) to help frame and move the discussion forward.”

“Community now has a defined set of terms to use when discussing and categorizing Board actions. The follow-on work has reinitiated a challenging debate within the community regarding policy vs. implementation roles and how the community provides advice to the Board.”

“Every substantive action taken by the Board is now accompanied by an identification of the type of action and the consultation expected or conducted prior to Board decision.”

“ICANN has not identified any baseline in place from which this recommendation could be measured. Please see ATRT1 Final Report (https://www.icann.org/en/about/aoc-review/atrt/final-recommendations-31dec10-en.pdf) for what ATRT1 stated as the baseline.”

* Summary of community input on implementation, including effectiveness
* Summary of other relevant information

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* ATRT2 analysis of recommendation implementation (e.g. complete, incomplete or ongoing)

Implementation is incomplete and work on the issue is ongoing. ATRT2 views this Recommendation as still critical to providing clarity for the Community that is particularly important in the multi-stakeholder environment. A continuing lack of clarity about “policy v. executive function” or “policy v. implementation” causes uncertainty at best and distrust at worst about whether ICANN Staff is acting within the scope of its proper executive function or whether ICANN is acting in a “top down” as opposed to “bottom up” manner. As in any organization or community, a clear understanding of respective roles, responsibilities and process is foundational to cohesion and successful interaction.

Some maintain that distinguishing between policy and implementation is either too difficult a task or so esoteric that clear lines – and hence clarity for the Community and ICANN – are not achievable. While perfect clarity may not be achievable, failure to develop a workable framework that lends clarity to roles, responsibilities and processes in matters of implementation and policy will only continue to foster questions and unnecessary concerns about the bottom up, multi-stakeholder process in ICANN.

* ATRT2 assessment of recommendation effectiveness [Includes rationale for the recommendation.]

The Recommendation has not been effective. While implementation efforts have engaged the Community in a dialogue concerning the policy v. implementation issue, the Community and ICANN appear no closer to clarity on this matter.