**New ATRT2 Recommendations arising from issues addressed by ATRT1**

1. Develop metrics to measure the effectiveness of the Board’s functioning and improvement efforts, and publish the materials used for training to gauge levels of improvement.

(Re: enhancing Board performance and work practices (ATRT1 4); Report Section 3)

1. Conduct qualitative/quantitative studies, that include diversity based on gender, nationality/geography etc., to determine if the qualifications of Board candidate pools improved once compensation was available, and regularly assess Director’s compensation levels.

(Re: Board compensation (ATRT1 5); Report Section 4)

1. Continue cross community engagement that develops an understanding of the distinction between policy, implementation and executive function.

(Re: policy vs. implementation vs. executive function distinction (ATRT1 6); Report Section 5)

1. Determine how the proper scope of redaction could be reasonably confirmed.

## Increased Transparency of GAC Related Activities

* 1. The Board should request that the GAC consider a number of actions to make its deliberations more transparent and better understood to the ICANN community. Where appropriate, ICANN should provide the necessary resources to facilitate the implementation of specific activities in this regard. Examples of activities that GAC could consider to achieve to improve transparency and understanding include:
* Convening “GAC 101” sessions for the ICANN community, to provide greater insight into how individual GAC members prepare for ICANN meetings in national capitals, how the GAC agenda and work priorities are established, and how GAC members interact intersessionally and during GAC meetings to arrive at consensus GAC positions that ultimately are forwarded to the ICANN Board as advice;
* Publishing agendas for GAC meetings, conference calls, etc. on the GAC website seven days in advance of the meetings, and publishing meeting minutes on the GAC website within seven days after each meeting or conference call.
* Updating and improving the GAC website to more accurately describe GAC activities, including intersessional activities, as well as publishing all relevant GAC transcripts, positions and correspondence;
* Considering whether and how to open GAC conference calls to other stakeholders to observe and participate, as appropriate. This could possibly be accomplished through the participation of a liaisons from other AC’s and SO’s to the GAC, once that mechanism has been agreed and implemented;
* Considering how to structure GAC meetings and work intersessionally so that during the three public ICANN meetings a year the GAC is engaging with the community and not sitting in a room debating itself; and
* Establishing as a routine practice agenda setting calls for the next meeting at the conclusion of the previous meeting.
  1. The Board should request that the GAC formally adopt a policy of open meetings to increase transparency into GAC deliberations, and establish and publish clear criteria for closed sessions.
  2. The Board should request that the GAC develop and publish rationales for GAC Advice at the time Advice is provided. Such rationales should be recorded in the GAC register. The register should also include a record of how the ICANN Board responded to each item of advice.
  3. The Board, working through the BGRI working group, should develop and document a formal process for notifying and requesting GAC advice. (see ATRT1 Recommendation 10)
  4. As soon as practicable, the Board should propose and vote on appropriate Bylaw changes to formally implement the documented process for Board-GAC Bylaws consultation as developed by the BGRI working group. (see ATRT1 Recommendation 11)

## Increase Support and Resource Commitments of Government to the GAC

*(see ATRT1 Recommendation 14)*

* 1. The Board and the GAC, through the BGRI working group, should identify and implement initiatives that can remove barriers for participation, including language barriers, and improve understanding of the ICANN model and access to relevant ICANN information for GAC members. The Board should request that the GAC analyze how it can improve its procedures to ensure more efficient, transparent and inclusive decision-making. The Board should suggest to the GAC that it develop a code of conduct for its members that could include issues such as: conflict of interest; transparency and accountability; adequate domestic resource commitments; routine consultation with local DNS stakeholder and interest groups; and an expectation that positions taken within the GAC reflect the fully coordinated domestic government position and are consistent with existing relevant national and international laws.
  2. The Board should regularize senior officials meetings by asking the GAC to convene a High Level meeting on a regular basis, preferably at least once every two years.
  3. The Board should request that GAC work with ICANN’s Global Stakeholder Engagement group (GSE) team to develop guidelines for engaging governments, both current and non-GAC members, to ensure coordination and synergy of efforts.
  4. The Board should instruct the GSE to develop, with community input, a baseline and set of measurable goals for stakeholder engagement that addresses the following:
* Relationships with GAC and non-GAC member countries, including the development of a database of contact information for relevant government ministers;
* Tools to summarize and communicate in a more structured manner government involvement in ICANN, via the GAC, as a way to increase the transparency on how ICANN reacts to GAC advice (e.g. by using information in the GAC advice register).
* Making ICANN’s work relevant for stakeholders in those parts of the world with limited participation; and,
* Develop and execute for each region of the world a plan to ensure that local enterprises and entrepreneurs fully and on equal terms can make use of ICANN’s services including new gTLD’s.

## Increase GAC Early Involvement in the Various ICANN Policy Processes

*(tied to ATRT1 Recommendation 12)*

* 1. [Tentative recommendation to be reexamined after receiving the report of the independent expert.] The Board, through the BGRI working group, should facilitate early engagement of governments, via the GAC, in ICANN’s policy development processes. Issues to consider include, but are not limited to: whether or not the current siloed structured of SO/AC’s is supportive of early GAC engagement; whether there is a systematic way to regularly engage with other stakeholders that facilitates information exchanges and sharing of ideas/opinions, both in face to face meetings and intersessionally; and, whether the Bylaws need to be amended to ensure that GAC advice is considered prior to policy recommendations being sent to the Board.

1. Explore mechanisms to improve public comment through adjusted time allotments, forward planning regarding the number of consultations given anticipated growth in participation, and new tools that facilitate participation.

(Re: improving public notice and comment processes (ATRT1 15-16); Report Section 9)

1. To support public participation, ICANN should review capacity of the language services department versus the Community need for the service, and make relevant adjustments such as improving translation quality and timeliness and implementing continuous improvement via benchmarking of procedures used by international organizations.

(Re: encouraging multilingualism (ATRT1 18, 19, 22); Report Section 10)

1. Consideration of decision-making inputs and appeals processes (Report Section 11)

9.1 Mandate Board Response to Advisory Committee Formal Advice

ICANN Bylaws Article XI should be amended to include:

The ICANN Board will respond in a timely manner to formal advice from all Advisory Committees explaining what action it took and the rationale for doing so.

9.2. Explore Options for Restructuring Current Review Mechanisms

The ICANN Board should convene a Special Community Committee to discuss options for improving Board accountability with regard to restructuring of the Independent Review Panel (IRP) and the Reconsideration Process. The group will use the report of the Experts Group Report (ESEP) on Restructuring as one basis for its discussions.

9.3. Review Ombudsman Role

The Ombudsman role as defined in the Bylaws shall be reviewed to determine whether it is still appropriate as defined, or whether it needs to be expanded or otherwise revised to help deal with the issues such as:

* A role in the continued process review and reporting on Board and Staff transparency.
* A role in helping employees deal with issues related to the public policy functions of ICANN
* A role in proper treatment of whistleblowers and the protection of employees who decide there is a need to raise an issue that might be problematic for their continued employment.

9.4. Develop Transparency Metrics and Reporting

As part of its yearly report, ICANN should include:

* A report on the broad range on Transparency issues with supporting metrics.
* A discussion of the degree to which ICANN, Staff and Community, are adhering to a standard of default transparency or where decisions to either use Chatham House Rule or redaction is made on a case by case basis and is documented in a transparent manner.
* Statistical reporting on ICANN Board information and report disclosure, to include:
* the usage of the Documentary Information disclosure Policy (DIDP)
* Percentage of Board Book and other information that is released to the general public
* Number and nature of issues that Board determined should be treated at either:
* Under Chatham House Rule
* Completely confidential
* A section on employee whistleblowing activity, to include metrics on:
* Reports submitted
* Reports verified as containing issues requiring action
* Reports that resulted in change to ICANN practices
* An analysis of the continued relevance and usefulness of existing metrics, including
* considerations on whether activities are being geared toward the metrics (aka, teaching to the test) without contributing toward the goal of genuine transparency
* Recommendations for new metrics

9.5. Establish a Viable Whistleblower Program

Adopt the One World Trust and/or Berkman Center recommendations to establish a viable whistleblower program. The processes for ICANN employee transparency and whistleblowing should be made public. ICANN also should arrange for an annual professional audit of its whistleblower policy to insure that the program meets the global best practices.

(Re: consideration decision making inputs and appeals processes (ATRT1 20, 23, 25, 26); Report Section 11)

**New Recommendations Arising From Issues Not Addressed by ATRT1 Recommendations**

1. Improve the effectiveness of cross community deliberations (Report Section 13)

10.1. To enhance GNSO PDP processes and methodologies to better meet community needs and be more suitable for addressing complex problems, ICANN should:

* Develop funded options for professional facilitators to assist GNSO PDP WGs, and also draft explicit guidelines for when such options may be invoked.
* Provide adequate funding for face-to-face meetings to augment e-mail, wiki and teleconferences for GNSO PDPs. The GNSO must develop guidelines for when such meetings are required and justified.
* Work with the GNSO and the wider ICANN community to develop methodologies and tools to make the GNSO PDP process more time-effective, resulting in quicker policy development as well as increasing the ability to attract busy community participants into the process.

10.2. The GAC, in conjunction with the GNSO, must develop methodologies to ensure that GAC and government input is provided to PDP WGs and that the GAC has effective opportunities to provide input and guidance on draft PDP outcomes. Such opportunities could be entirely new mechanisms or utilization of those already used by other stakeholders in the ICANN environment.

10.3. The Board and the GNSO should charter a strategic initiative addressing the need of ensuring global participation in GNSO PGP, as well as other GNSO processes.[[1]](#footnote-1) The focus should be on the viability and methodology of having equitable participation from:

* under-represented geographical regions;
* non-English speaking linguistic groups;
* those with non-Western cultural traditions; and
* those with a vital interest in GTLD policy issues but who lack the financial support of industry players.

10.4. To improve the transparency and predictability of the PDP process:

* The Board should clearly state the process for setting gTLD policies in the event that the GNSO cannot come to closure on a specific issue in a specified time-frame. This resolution also should note under what conditions the Board believes it may alter PDP Recommendations after formal Board acceptance.
* ICANN should add a step in the PDP Comment Process where those who commented or replied during the Comment Period can request changes to the synthesis reports in cases where they believe the Staff improperly summarized their comment.

1. Effectiveness of the Review Process (Report Section 14)
   1. Institutionalization of the Review Process

ICANN should ensure that the ongoing work of the AoC reviews, including implementation, is fed into the work of other ICANN strategic activities wherever appropriate.

* 1. Coordination of Reviews

ICANN should ensure strict coordination of the various review processes so as to have all reviews complete before next ATRT review begins, and with the proper linkage of issues as framed by the AoC.

* 1. . Appointment of Review Teams

AoC Review Teams should be appointed in a timely fashion allowing them to complete their work over a minimum one (1) year period that the review is supposed to take place, regardless of the time when the team is established. It is important for ICANN staff to appreciate the cycle of AoC reviews, and that the Review Team selection process should begin at the earliest point in time possible given its mandate.

* 1. . Complete implementation reports

ICANN should prepare a complete implementation report to be ready by review kick-off. This report should be submitted for public consultation, and relevant benchmarks and metrics must be incorporated in the report.

* 1. . Budget transparency and accountability

The ICANN Board should ensure in its budget that sufficient resources are allocated for Review Teams to fulfil their mandates. This should include, but is not limited to, accommodation of Review Team requests to appoint independent experts/consultants if deemed necessary by the teams. Before a review is commenced, ICANN should publish the budget for the review, together with a rationale for the amount allocated that is based on the experiences of the previous teams, including ensuring a continuous assessment and adjustment of the budget according to the needs of the different reviews.

* 1. . Board action on Recommendations

The Board must address all AoC Review Team recommendations in a clear and unambiguous manner, indicating to what extent they are accepting each recommendation.

* 1. . Implementation Timeframes

In responding to Review Team recommendations, the Board must provide an expected time frame for implementation, and if that time frame is different from one given by the Review Team, the rationale should address the difference.

1. Financial Accountability and Transparency (Report Section 15)

ATRT2 recommends that, in light of the significant growth in the organization, ICANN undertake a special scrutiny of its financial governance structure regarding its overall principles, methods applied and decision-making procedures, to include engaging stakeholders.

12.1. The Board should implement new financial procedures in ICANN that can effectively ensure that the ICANN Community, including all SOs and ACs, can participate and assist the ICANN Board in planning and prioritizing the work and development of the organization.

12.2 As a non-profit organisation operating and delivering services in a non-competitive environment, ICANN should explicitly consider the cost-effectiveness of its operations when preparing its budget for the coming year. This should including how expected increases in the income of ICANN could be reflected in the priority of activities and pricing of services. These considerations should be subject of a separate consultation.

12.3 As a non-profit organisation, every three years ICANN should conduct a benchmark study on relevant parameters e.g. size of organization, levels of staff compensation and benefits, cost of living adjustments, etc.

12.4 In order to improve accountability and transparency and facilitate the work of the Review Teams, ICANN’s Board should base the yearly budgets on a multi-annual financial framework [covering e.g. a two- or three-year period] reflecting the planned activities and the corresponding expenses. The following year, a report should be drafted describing the actual implementation of the framework, including activities and the related expenses. This should include specified budgets for the ACs and SOs.

12.5 In order to ensure that the budget reflects the views of the ICANN community, the ICANN Board shall improve the budget consultation process by i.e. ensuring that sufficient time is given to the community to provide their views on the proposed budget and enough time for the Board to take into account all input before approving the budget. The budget consultation process shall also include time for an open meeting between the ICANN Board and the Supporting Organizations and Advisory Committees to discuss the proposed budget.

1. The ATRT2 is also considering generalizing the fourth bulleted item of 10.3 to facilitate having such volunteers in all areas and not just the GNSO PDP, ensuring that the public interest is properly supported in all ACs and SOs. Comments on such a recommendation would be appreciated. This is an extension of the concerns listed in the PDP expert's report from the GNSO PDP to the breadth of ICANN's bottom-up activities. [↑](#footnote-ref-1)