# Registries Stakeholder Group Statement

**Issue: Third Accountability and Transparency Review Team (ATRT3) Final Report**

Date statement submitted: **31 July 2020**

Reference url: https://www.icann.org/public-comments/atrt3-final-report-2020-06-16-en

Background[1]

The Accountability and Transparency Review is mandated by ICANN Bylaws Section 4.6(b) to examine ICANN's execution of its commitments to maintain and improve robust mechanisms for public input, accountability, and transparency so as to ensure that the outcomes of its decision-making reflect the public interest and are accountable to the Internet community. ATRT3 Wiki: https://community.icann.org/display/atrt/ATRT3

- **ATRT3 Final Report** : https://www.icann.org/en/system/files/files/atrt3-report-29may20-en.pdf

- Previous RySG Comments and feedback on the issue:
  - RySG comment on the ATRT3 Draft Report (31 January 2020)
  - The RySG feedback on the ATRT3 online survey (September 2019)

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## Registries Stakeholder Group (RySG) comment:

## I. Introduction and Overarching Comments

The Registries Stakeholder Group (RySG) appreciates the opportunity to provide comments on the Third Accountability and Transparency Review Team (ATRT3) Final Report. We are directing these comments to the ICANN Board of Directors as it considers whether or not to accept the recommendations of the ATRT3 and refer to relevant portions of our recent comments on the ATRT3's Draft Report, which are available here.

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[1] *Background: intended to give a brief context for the comment and to highlight what is most relevant for RO's in the subject document – it is not a summary of the subject document.*

## II. Comments on ATRT3 Suggestions and Recommendations

| Section 3 - Public Input<br><br>(ATRT3 report section 3.4.1)<br><br>To ICANN org<br><br>Priority Low<br><br>Full Consensus | Public Comment proceedings<br>ICANN org shall institute the following changes:<br><ul><li>Each Public Comment proceeding shall clearly identify who the intended audience is.</li><li>Each Public Comment proceeding shall provide a clear list of precise key questions in plain language that the public consultation is seeking answers to from its intended audience.</li><li>Where appropriate and feasible, translations of the summary and key questions shall be included in the Public Comment proceeding and responses to Public Comment proceedings in any of the official ICANN languages shall always be accepted.</li></ul><br>With regards to other types of public input ICANN org shall:<br><ul><li>Develop and publish guidelines to assist in determining when a Public Comment process is required vs. alternate mechanisms for gathering input.</li><li>Develop and publish guidelines for how alternative mechanisms for gathering input should operate including producing final reports.</li><li>Develop a system similar to and integrated with the Public Comment tracking system for all uses alternate mechanisms to gather input.</li><li>Publish the complete "Public Comment Guidelines for the ICANN Organization."</li><li>Resolve the issue of blog posts collecting feedback information when the "Public Comment Guidelines for the ICANN Organization" state that they "will not be used as mechanisms for collecting feedback."</li></ul> |
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RySG Comment:

- 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.

| Section 7 - Assessment of the Implementation of ATRT2 Recommendations<br><br>(ATRT3 report section 7.4.1)<br><br>To  ICANN org<br><br>Priority Low<br><br>Full Consensus | ICANN org shall review the implementation of ATRT2 Recommendations in light of ATRT3's assessment of these and complete their implementation subject to prioritization (see recommendation on the creation of a prioritization process). |
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RySG Comment:

- 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.

| Section 8 - Assessment of Periodic (now Specific) and Organizational Reviews<br><br>(ATRT3 report section 8.4)<br><br>To ICANN org, Board, SO/AC<br><br>Priority High<br><br>Consensus | ATRT3 recommends that the Board and ICANN org:<br>• Suspend any further RDS and SSR Reviews until the next ATRT.<br>• Allow one additional CCT Review following the next round of new gTLDs.<br>• Continue with ATRT Reviews with a modified schedule and scope<br>• Evolve the content of the Organizational Reviews into continuous improvement programs in each SO/AC and Nominating Committee (NC).<br>• Add a Holistic Review, as a special Specific Review, which will look at all SO/AC/NC and their relations.<br>• Implement a new system for the timing and cadence of the reviews. |
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RySG Comment:

- 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.

| **Section 9 - Accountability and Transparency Relating to Strategic and Operational Plans including Accountability Indicators**<br><br>(ATRT3 report section 9.4.1)<br><br>To ICANN org, Board<br><br>Priority Medium<br><br>Full consensus | • ICANN org shall provide a clear and concise rationale in plain language explaining how each goal, outcome, and operating initiative is critical to achieving the results of the one it is supporting.<br>• ICANN org shall provide a clearly articulated in plain language specific criteria defining success which shall be S.M.A.R.T for each goal strategic or not), outcome (targeted or not), and operating initiative.<br>• 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 (as defined in this recommendation) for each goal (strategic or not), outcome (targeted or not), operating initiatives etc., found in both of these documents and post it for public consultation prior to finalizing. Once finalized, ICANN org will append these to the 2021-2025 Strategic Plan and 2021 Operating Plan and use the criteria defining success in reporting on the progress of any relevant goal, outcome, operating initiative, etc.<br>• ICANN org shall publish an annual status report on all Strategic Plan and Operating Plan objectives, goals, outcomes, and operating initiatives which will include the above requirements as well as an assessment of progress to date.<br>• ICANN org shall publish an overarching report at the conclusion of a strategic plan starting with the FY2016-2020 Strategic Plan. |

RySG Comment:

- The RySG supports this recommendation, as this is generally in line with comments we've made about the Strategic Planning process and other topics.

| Section 10 - Prioritization and Rationalization of Activities, Policies, and Recommendations<br><br>(ATRT3 report section 10.4)<br><br>To ICANN org<br><br>Priority  High<br><br>Full consensus | ATRT3 recommends the following guidance for ICANN org in the creation of a 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 Board or ICANN org feels appropriate:<br><br>The Board and ICANN org shall use the following guidance for the creation of a community-led entity tasked with operating a prioritization process. All SO/ACs shall have the option of participating or not in this process. Those SO/ACs wishing to participate in the prioritization process shall have one member per SO/AC. Additionally, the Board and the org shall also each have a member. The Board and ICANN org shall also take into account the following high- level guidance for the prioritization process:<br><br>• Shall operate by consensus of the individual SO/ACs, Board, and org members that are participating in the prioritization process.<br>• Shall consider WS2 Recommendations, which are required to complete the IANA transition and are subject to prioritization but must not be retired unless this is decided by the Board.<br>• Must be conducted in an open, accountable, and transparent fashion and decisions justified and documented.<br>• Shall integrate into the standard operating and financial plan processes.<br>• Can prioritize multiyear implementations but these will be subject to annual re-evaluation to ensure they still meet their implementation objectives and the needs of the community.<br><br>Shall consider the following elements when prioritizing recommendations:<br><br>• Relevance to ICANN's mission, commitments, core values, and strategic objectives.<br>• Value and impact of implementation.<br>• Cost of implementation and budget availability.<br>• Complexity and time to implement.<br>• Prerequisites and dependencies with other recommendations.<br>• Relevant information from implementation shepherds (or equivalents). |
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RySG Comment:

- 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.