ISPCP Constituency comments on ATRT 2

The Internet Services Provider and Connectivity Provider Constituency (ISPCP) is pleased to provide the following comments to the Second Accountability and Transparency Review Team (ATRT 2) Final Report & Recommendations.

We particularly appreciated the thorough assessment of ICANN's implementation of the Recommendations of the three prior AoC Review Teams: this process of self assessment, as defined by the AoC, is essential to continuously improve mechanisms for public input, accountability, and transparency and to ensure that ICANN's decision-making is accountable to all stakeholders. Furthermore, Recommendations of ATRT2 concerning improvements to the Review process itself are also very useful to a continuous improvement of the AoC mechanism.

We hereby focus on recommendations offered to further improve ICANN's accountability and transparency.

ATRT 2 Report Rec. #	ISPCP comment
6.1 Increased transparency of GAC-related activities d. 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 liaisons from other ACs and SOs to the GAC, once that mechanism has been agreed upon and implemented; e. 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; h. When deliberating on matters affecting particular entities, to the extent reasonable and practical, give those entities the opportunity to present to the GAC as a whole prior to its deliberations. 6.2. ATRT2 recommends that the Board work jointly with the GAC, through the BGRI, to facilitate the GAC formally adopting a policy of open meetings to increase transparency into GAC deliberations and to establish and publish clear criteria for closed sessions.	Fully supported! As discussions have been initiated between the GAC and the GNSO re the participation of liaisons this could be a first step to enhance improvement of bilateral understanding. Increased transparency of the GAC related processes as recommended can facilitate the work on policy development and implementation.

ATRT 2 Report Rec. #	ISPCP comment
6.6. ATRT2 recommends that the Board work jointly with the GAC, through the BGRI working group, to 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 BGRI working group should consider how the GAC can improve its procedures to ensure more efficient, transparent and inclusive decision-making. The BGRI working group should develop GAC engagement best practices for its members that could include issues such as: conflict of interest; transparency and accountability; adequate domestic resource commitments; routine consultation with local Domain Name System (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.	This is an important measure with regards to the further evolution of ICANN. GAC members have a specific role in the debate about the multistakeholder model and their level of understanding is crucial.
7.1. The Board should 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.	As the number of Public Comments increased continuously over the past years timing is essential with respect to the limited community resources available. Deadlines set e.g. immediately after holiday periods like Christmas should be avoided.
9.1. ICANN Bylaws Article XI should be amended to include the following language to mandate Board Response to Advisory Committee Formal Advice: *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.*	We expect that this is not exclusively valid to Formal Advice from ACs rather than from all SO's as well.
9.5. The Board should arrange an audit to determine the viability of the ICANN Anonymous Hotline as a whistleblowing mechanism and implement any necessary improvements.	A very good recommendation and fully supported in light of the discussion about DNS safety and security as well as privacy and protection!

ATRT 2 Report Rec. #	ISPCP comment
10. The Board should improve the effectiveness of cross-community deliberations.	Although this recommendation together with its subtitles seems to be GNSO-centric it should be seen as a requirement to all SOs/ACs (+board). Bad examples in the past have shown that focus should be given on guidelines for structuring and chartering in order to facilitate cross-community activities.
10.1. To enhance GNSO policy development processes and methodologies to better meet community needs and be more suitable for addressing complex problems, ICANN should: a. + b.	Full support of these recommendations! The ISPCP constituency – through the GNSO council - is actively contributing to develop appropriate measures for the PDP improvements. Adequate funding such as recruiting of new active WG volunteers and F2F WG meetings is crucial.
c. The Board should work with the GNSO and the wider ICANN community to develop methodologies and tools to allow the GNSO policy development processes to utilize volunteer time more effectively, increasing the ability to attract busy community participants into the process and also resulting in quicker policy development.	"Volunteering" and "effectiveness" are not in contradiction. Behind volunteering there are (self)obligations to contribute and deliver. Maybe it's useful to think about incentifying of volunteers in conjunction with the measurement of effectiveness.
10.2. The GAC, in conjunction with the GNSO, must develop methodologies to ensure that GAC and government input is provided to ICANN policy development processes and that the GAC has effective opportunities to provide input and guidance on draft policy development outcomes. Such opportunities could be entirely new mechanisms or utilization of those already used by other stakeholders in the ICANN environment. Such interactions should encourage information exchanges and sharing of ideas/opinions, both in face-to-face meetings and intersessionally, and should institutionalize the cross-community deliberations foreseen by the AoC.	Full support! The ISPCP constituency – through the GNSO council - is actively contributing to the efforts to enhance the GAC early engagement in the policy development process. A crucial step is the improvement of bidirectional communication. Just one 90 mins discussion per ICANN meeting has turned out to be not sufficient.

ATRT 2 Report Rec. #	ISPCP comment
10.3. The Board and the GNSO should charter a strategic initiative addressing the need for ensuring more global participation in GNSO policy development processes, as well as other GNSO processes. The focus should be on the viability and methodology of having the opportunity for equitable, substantive and robust participation from and representing: a. All ICANN communities with an interest in gTLD policy and in particular, those represented within the GNSO; b. Under-represented geographical regions; c. Non-English speaking linguistic groups; d. Those with non-Western cultural traditions; and e. Those with a vital interest in gTLD policy issues but who lack the financial support of industry players.	This recommendation is welcome in addition to the constituency outreach efforts. The ISPCP also supports the GNSO Comment on this topic, which reads "The ATRT2 report documents how a very small group of dedicated volunteers carry an extraordinary proportion of the working-group load and correctly identifies this as a major concern. We note that simply increasing the pool of people aware of and in some way engaged with ICANN should not be viewed as the goal. Ultimately what is needed is a larger and more diverse group of active and effective volunteer participants in PDP working groups. Although outreach is an important part of the effort and crucial for bringing new volunteers to ICANN, the path to this goal should not end at simply recruiting a large diverse group of people. Rather, there needs to be a clear and well-supported progression for community volunteers to gain the skills, knowledge and experience needed to broaden the ranks of active PDP participants and leaders. We support reversing the current trend of too little focus on the recruiting, development and support of capable volunteer policymakers while increasingly following the expedient path of hiring expert panels, expanding staff and hand-picking "community representatives" through opaque "selection committees."
10.4. To improve the transparency and predictability of the policy development process the Board should clearly state to what degree it believes that it may establish gTLD policy in the event that the GNSO cannot come to closure on a specific issue, in a specified time-frame if applicable, and to the extent that it may do so, the process for establishing such gTLD policies. This statement should also note under what conditions the Board believes it may alter GNSO Policy Recommendations, either before or after formal Board acceptance.	It must clearly be stated that – according to the bylaws – the GNSO is the body within the ICANN community responsible for the gTLD policy development. The board has to frame the working conditions for the GNSO in an appropriate way that policy can be developed. The ISPCP could only concede that in the (theoretical) case of limited absence of gTLD policy the board may take action re the issue uncovered by a policy with the reservation to be replaced by a GNSO policy developed later.

ATRT 2 Report Rec. #	ISPCP comment
12. Financial Accountability and Transparency In light of the significant growth in the organization, the Board should 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	Full support! The ISPCP has actively participated in the community review of the budget for years, only to find its analyses missing or diluted beyond recognition in final budget submitted to the Board. For example, the ISPCP repeatedly questioned the rate of budget growth in recent years – which proved prescient given the recent announcement from the CEO that the rate of budget growth needs to decline. While our presentation containing that analysis was included in the budget packet, none of those recommendations had any impact on the budget that was proposed.
12.5. In order to ensure that the budget reflects the views of the ICANN community, the 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 sufficient time is allocated 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 Board and the Supporting Organizations and Advisory Committees to discuss the proposed budget.	Full support! Recent budget conversations between the ISPCP and the Finance department have been rendered virtually useless by the "back-loading" of the schedule – where early-stage conversations are started well after the budget has been essentially finalized by staff, leaving the impression that our extensive review, analysis and comments are basically window dressing so that staff can tick the "community input" tick box.

Finally, in light of the recent approved board resolution re the "President's Globalization Advisory Groups" we raise serious concern about the top-down approach taken. Facts have been set prior to adequate community participation, e.g. public comment. It is our fear that actions like this shall prohibit stronger community engagement as targeted by the related ATRT 2 recommendations. The board should take this into thorough consideration when implementing the recommendations.

Once again, the ISPCP constituency appreciates the opportunity to comment and their members are prepared to provide further input throughout the implementation of the recommendations.

Sincerely

Wolf-Ulrich Knoben

ISPCP Vice Chair