

Staff Report of Public Comment Proceeding

Short-Term Options to Adjust the Timeline for Specific Reviews			
Publication Date:	9 August 2018		
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Public Comment Proceeding		Important Information Links	
Open Date:	14 May 2018		
Close Date:	6 July 2018 Extended to 31 July 2018		
Staff Report Due Date:	23 July 2018 Extended to 14 August 2018		
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Section I: General Overview and Next Steps			
<p>On 14 May 2018, ICANN organization opened a public comment forum on short-term options pertaining to current reviews to address the workload of the volunteer community and impact on ICANN resources.</p> <p>Specifically, the aim of the public comment proceeding was to invite feedback on options on whether and how to adjust the timeline for two Specific Reviews to alleviate existing strain on volunteer and ICANN resources. The two reviews initially included for consideration for short-term options were the third Accountability and Transparency Review (ATRT3) and the second Registration Directory Service Review (RDS-WHOIS2). On 5 June 2018, the chair of the RDS2 review team posted a letter to the public comment forum, asking for all references to RDS2 to be removed from the public comment proposal. In response to that letter, on 6 June 2018, ICANN organization removed the RDS-WHOIS2 options and references and posted an updated Short-term Public Comment at the request of the Review Team.</p> <p>In response to community requests, ICANN org extended the deadline for comments until 31 July 2018, resulting in a 78-day public comment period.</p> <p>In total twelve submissions were posted to the public comment forum. Three submissions in June were either in reference to the RDS option that was later removed or requests for further input. None of them contained input into the options pertaining to ATRT3; see also: https://mm.icann.org/pipermail/comments-specific-reviews-short-term-timeline-14may18/2018q2/thread.html.</p> <p>Nine submission addressed the three options with regard to the start date for ATRT3 and they are summarized below; see also: https://mm.icann.org/pipermail/comments-specific-reviews-short-term-timeline-14may18/2018q3/thread.html.</p>			
Next Steps			
The Organizational Effectiveness Committee of the ICANN Board (OEC) will identify recommendations to the ICANN Board on which option received the most support and when ATRT3 should be launched.			

Section II: Contributors

At the time this report was prepared, a total of nine (9) community submissions had been posted to the forum. The contributors are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

Organizations and Groups:

Name	Submitted by	Initials
Security and Stability Advisory Committee	Andrew McConachie	SSAC
United States Governmental Advisory Committee Representative	Ashley Heineman	US - GAC
Business Constituency	Steve DelBianco	BC
At-Large Advisory Committee	Evin Erdogdu	ALAC
Registrar Stakeholder Group	Zoe Bonython	RrSG
gTLD Registries Stakeholder Group	Samantha Demetriou	RySG
Non-Commercial Stakeholders Group	Rafik Dammak	NCSG

Individuals:

Name	Affiliation (if provided)	Initials
Cheryl Langdon-Orr		CLO

Section III: Summary of Comments

General Disclaimer: This section intends to summarize broadly and comprehensively the comments submitted to this public comment proceeding but does not address every specific position stated by each contributor. The preparer recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

ICANN organization outlined three short-term options relating to ATRT3:

- **Option A:** “No change”. This option proposes that the review move forward as scheduled, with no further delay
- **Option B:** “Limit review to implementation of prior recommendations”. This option would see the ATRT3 scope focus only on evaluation of the implementation of ATRT2 recommendations.
- **Option C:** “Commence RT work upon Board action on CCWG-WS2 recommendations”. This option would defer the start of the review until Board action on CCWG-WS2 recommendations, with the work of the Review Team to start no later than 30 June 2019 and conclude within twelve months, as prescribed in the Bylaws.

The summary table below provides an overview of all responses, as indicated in their public comment submissions.

Response Summary Table

	Supports (1 st choice)	Could Support (2 nd choice)	Could support (3 rd choice)	Opposition	Total
Option A	US-GAC, RrSG, NCSG, CLO	BC, ALAC	RySG	SSAC	4x support; 3x could support; 1x opposition
Option B	BC, RySG		Cheryl Langdon-Orr	US Government, NCSG, RrSG, ALAC, SSAC	2x support; 1x could support, 5x opposition
Option C	SSAC, US-GAC, ALAC	RySG, Cheryl Langdon-Orr		NCSG, RrSG, BC	3x support; 2x could support; 3x opposition

General observations

Community feedback mainly focused on the scope of ATRT3 and the significance of ATRT3 in general.

Scope

Most commentators voiced the opinion that the decision regarding ATRT3’s scope should rest with the review team, not ICANN org or the Board. This is further underlined by the fact that only two submissions supported Option B, which would see ATRT3 conducted with a limited scope.

Significance of ATRT3

The US government stated that “in a post IANA Stewardship transition environment [...] community reviews are critical. It is imperative that ICANN’s processes be trustworthy and effective because the community has complex issues to solve.”

The NCSG pointed out that “delaying the review will lead to critical reactions from the community”, not least because, as Cheryl Langdon-Orr also stated: “Specific Reviews and ATRT in particular, are a priority for resource allocation in that they reflect an important accountability measure and as such should have a high if not essential priority for resource allocation.”

Involvement of experts

The Registrars Stakeholder Group suggested that “as a mechanism to ensure the ATRT3 Review proceeds in a timely (and therefore budget friendly) manner, the RrSG would further suggest that it be led by experts rather than the whole community.” After asking for clarification, the RrSG explained that by this they mean to support “subject matter experts from within the ICANN Community [who] should be sought out to give input and direction to the ATRT3 Review and provide general leadership to the group. [The RrSG is] not explicitly referring to the role of Chair, but the need for participants capable of creating and working within targeted objectives and discussion rather than depending on the whole ICANN community to drive it forward.”

Below you find a high-level overview of the comments submitted by the public comment contributors:

SSAC

- SSAC shares the widespread concerns within the ICANN Community on the number of concurrent reviews, including the demands these place on ICANN Community members and on ICANN resources and budgets.
- SSAC is considerably constrained in its ability to be directly involved in and provide public comment on such reviews due to its small, all-volunteer composition, and heavy demands for its primary SSR advice
- SSAC supports Option C “Commence RT work upon Board action on CCWG-WS2 recommendations” which proposes to defer the start of the review until after Board action on Cross Community Working Group Workstream 2 (CCWG-WS2) recommendations.
- SSAC also agrees that the scope should focus on the evaluation of implementation of Second Accountability and Transparency Review (ATR2) recommendations and other limited topics to avoid duplication or overlap with CCWG-WS2 topics.
- Noting that the CCWG-WS2 recommendations have only recently been proposed to and not yet approved by the Chartering Organizations, it appears unlikely that the Board will consider these recommendations until early 2019. The SSAC therefore considers that it is more logical that the commencement date of this review be specified as 6 months after the Board action on CCWG-WS2 recommendations rather than 30 June 2019

US-GAC

- We could support either Options C or A as described in the document.
- The United States does not support Option B. This option has the ICANN Board and/or staff preemptively determining the scope of the ATRT3, something we find unacceptable.
- The United States expects that the scope of the ATRT3 be subject to community discussion and ultimately determined by the Review Team itself rather than be constrained and predetermined at the outset.
- The United States is cognizant of the constraints faced by the community in conducting and participating in ICANN Reviews and is willing to consider creative ways to release some of this strain as long as it does not result in unreasonably prolonged delay.

- In a post IANA Stewardship transition environment, these community reviews are critical. It is imperative that ICANN's processes be trustworthy and effective because the community has complex issues to solve.

BC

- The Business Constituency (BC) has a significant preference for Option B. We indicated Option C as our 3rd choice on the form above, but the BC does not support that option.
- We note that these potential adjustments for ATRT3 are in response to unique circumstances attributable to the simultaneous development efforts for Work Stream 2 accountability and transparency measures. Therefore, this process of ICANN adjusting the scope and/or timing of a community-driven Specific Review is a unique response that should not create any precedent for other Specific Reviews.

ALAC

- For the ALAC, the best option is the option C, to be started no later than end of June 2019. With this option, the review team will be in charge of the evaluation of implementation of prior review recommendations and other topics, with no duplication or overlap with CCWG-WS2 implementation. Although the WS2 Rec will not likely have been implemented, there should be no prohibition on ATRT3 looking at them.
- As a second option the ALAC could agree on option A. If this option is selected the ALAC suggests that the work of the review team goes from the 2018 AGM to 2019 AGM.

RrSG

- The Registrar Stakeholder Group (RrSG) is pleased that steps are being taken by ICANN org to address the increasing pressure and workload on community volunteers that has resulted from an ever greater number of ICANN Reviews needing to be run at the same time.
- Reducing the number of Reviews in general would offer ICANN org budget savings in the short-term and relieve volunteer workload. However, the RrSG does not believe that Specific Reviews are an appropriate target for adjusted timelines, as will be explained below, and so do not advocate for any change to the ATRT3 timeline.
- With regards to the ATRT3, another reason for this Review to proceed as planned is because the final report should then be ready 3 years after the IANA transition and this will be of key importance and interest to the ICANN community.
- As a mechanism to ensure the ATRT3 Review proceeds in a timely (and therefore budget friendly) manner, the RrSG would further suggest that it be led by experts rather than the whole community.
- In summary the RrSG believes that the timelines for Specific Reviews should remain as they are and that ICANN should instead look to Organizational Reviews for opportunities to adjust their timelines to relieve volunteer workload and make budget savings.
- With this in mind, regarding the ATRT3 Review, of the three (3) options ICANN Org has proposed, the only option that RrSG supports is A) No change.

RySG

- The RySG prefers option B.
- With regard to option C, we'd like staff to clarify what happens if or when the Board doesn't take action on the CCWG-WS2 recommendations as scheduled and how this would influence the envisaged start of the Review Team no later than 30 June 2019.

NCSG

- The NCSG has carefully reviewed this proposal, and we support the option of “no change” and ask that the ATRT3 review move forward as scheduled, with no further delay.
- We are unable to support options B or C. The community is always strained, and volunteers are always exhausted. We [cannot] envision any point or time in the future where we can get knowledgeable volunteers that are fresh with no other professional burden
- While some of the other review timelines could be altered due to the nature of the review there are no justifiable reasons for delaying the ATRT3 review. Delaying the review can indeed, as stated in the Options document, “Potentially (receive) critical reaction that ICANN is delaying its accountability commitments by deferring the review.” We believe such a reaction will also be received if ICANN goes 1 with Option B
- There is a concern that only some of the CCWG-WS2 recommendations overlap with ATRT. If procedurally possible, those in charge of the implementation plans of the recommendations of CCWG-WS2 should work with the ATRT review team to discuss the potential or perceived overlap and to work on mitigating those issues.

CLO

- Please record my preferences in the order as A,C then B.
- The ALAC considers, and I wholeheartedly agree, that at any moment the volunteers are putting a lot of resources on various projects. I make the further points that in my opinion:- 1. There is no [assurance] that deferring the start of the work will change the availability of volunteer resources. 2. There may be a positive effect from any delayed option choice, upon ICANN staff resources but that should not be a top priority from a Community perspective staff resourcing will need to be balanced and provided to match need as a 'cost of doing [good] business for ICANN' and as such staff resourcing should be appropriately dealt with, regardless of what options are determined and actioned [in] terms of Reviews in the short term
- Volunteers will always have plenty to do, and are especially likely to be running low on energy after major efforts several of which have recently run or are about to be run. BUT that in my detailed and considerable experience it is the Organisational Reviews, not the Specific Reviews and especially the ATRT's that demand the most extensive commitment in terms of widespread Community volunteering, being limited to, in the main, the demands upon the Review Teams themselves.
- I strongly believe that Specific Reviews and ATRT's in particular, are a priority for resource allocation in that they reflect an important Accountability measure and as such should have a high if not essential priority for resource allocation.
- Even if an A or B choice was made this in all probability might mean the Review Team not being feasible to start its work (on a strict 12 month time limitation) [before] October or early November 2018 and in fact, running from one ICANN AGM to another might actually have advantages.

Section IV: Analysis of Comments
<p>From the response overview table, it appears that Options A and C received most support and, perhaps crucially, least opposition.</p> <p>As indicated above, next, Organizational Effectiveness Committee of the ICANN Board (OEC) will identify recommendations to the ICANN Board on which option received the most support and when ATRT3 should be launched.</p>