Worksheet of Public Comments on Pilot Holistic Review

Note: the table below has been compiled as part of ICANN org's Staff Report preparation, and includes illustrative comments, but does not represent a complete and exhaustive list of comments.

Comments featured/referenced in the published Staff Report: https://itp.cdn.icann.org/en/files/specific-reviews/summary-report-pilot-holistic-review-draft-terms-reference-12-12-2022-en.pdf		
Theme	**Comment**	**Submitter**
Supportive submissions	"The At-Large Advisory Committee (ALAC) and the At-Large community are clear on the purpose and potential of recommendation 3.5 from the Third Accountability and Transparency Review Team (ATRT3)."	ALAC
	ALAC and the At-Large community "have been very involved in both the ATRT3 Specific Review that recommended a Holistic Review and the drafting team that developed the ToR for the initial pilot (Terms of Reference Team). The ALAC appointed representatives to the ATRT3 (Sebastien Bachollet, Cheryl Langdon-Orr, Daniel Nanghaka, and Vanda Scartezini), who then continued as four of the five shepherds for the implementation of the ATRT3 recommendations."	ALAC
	"Support the Pilot Holistic Review Terms of Reference as drafted."	ALAC
	"Agree that the Holistic Review Program outlined in Section II of the Draft Terms of Reference provides a clear approach to accomplishing ATRT3's objectives while addressing the information gaps identified by the ICANN Board."	ALAC
	"Agree that the steps and the deliverables associated with each ATRT3 recommendation 3.5 objectives, as described in Section II of the Terms of Reference, are clearly defined and outline the scope of work for the Pilot Holistic Review."	ALAC
	"Appreciate the clarity that the steps and the deliverables associated with each ATRT3 Recommendation 3.5 objective, as described in Section II of the Terms of Reference, explain how Supporting Organizations, Advisory Committees, Nominating Committee, as well as their constituent parts, participate in the process of establishing a Holistic Review Program."	ALAC
	"At-Large and ALAC understand that while the first Holistic Review is to be considered a pilot, we advocate for the Holistic Review to eventually be incorporated as an integral part of the ICANN org Bylaw mandated Review process."	ALAC
	"The Holistic Review Pilot Project is an unprecedented effort that will significantly contribute to improving ICANN Reviews and the multistakeholder model. ALAC/At-Large support the establishment of the Holistic Review as part of the overall ICANN org Review process, rather than remaining a pilot."	ALAC

	"AFNIC support the proposed Holistic Review. While the Term of reference could be fine-tuned, we consider that the key steps outlined in the ToR to address the objectives set forth in recommendation 3.5 provide a clear approach allowing for a timely start of the pilot holistic review."	AFNIC
	"as member of ATRT3 and involved with the concept and justification of Pilot Holistic review I am totally in favor of the approach and the general idea of this "pilot project."	VS
	GAC "is encouraged to see this effort progressing – including the May 2022 decision by the community prioritization team to assign the Pilot Holistic Review the highest priority level. The GAC supports this progress…"	GAC
	"Section II of the Draft ToR document does a good job outlining the objectives and deliverables of the pilot effort and addressing specific information gaps identified by the Board."	GAC
	"The objectives and deliverables identified in the Draft ToR document (see pages 5-9 of the document) effectively track the relevant and applicable ATRT3 recommendations regarding a new holistic review."	GAC
	"The GAC supports the general use and application of the existing ICANN Operating Standards for Specific Reviews in the context of this pilot effort. Those standards will provide a useful foundational guide for the Pilot Review Team and will ensure a measure of institutional consistency between this effort and previous ICANN review endeavors."	GAC
	"The GAC supports the framework of the Outreach Plan identified in the draft document. Regular updates to the community will ensure that the pilot effort maintains a constant momentum."	GAC
	"We appreciate the work that went into developing a way to implement what we regard as an important recommendation of the ATRT3 to ensure accountability of the SO/ACs and consider structural changes to improve representation of community views."	BC
	"the BC appreciates the broad scope of the review mandate from ATRT3."	BC
	"We strongly agree with the intent of the 3rd ATRT3 objective – "Review SO/AC/NC as a whole to determine if they continue to have a purpose in the ICANN structure or if changes in structures and operations are desirable. However, we anticipate lack of consensus on this point within the NCPH because certain constituencies would be averse to adjusting their present advantage."	BC

Concern: Clarity of the Holistic Review's scope	"It is the ccNSO Council's understanding that - as noted in Section II Background – a number of community groups have varying "interpretations of the intended scope and purpose of the Holistic Review." This divergence in interpretation was confirmed by the questions, responses and discussions of community members, members of ATRT3 and staff during the 11 October 2022 webinar."	ccNSO Council supported by the RrSG and RySG
	"Regarding reviewing the purpose and structure of the ccNSO, we note that this is one of the core questions of "Organizational Reviews" (ICANN Bylaws section 4.4). The ccNSO Council believes that the implications and impact of inclusion of purpose and structure in Holistic Reviews must first be understood and agreed upon by potentially affected parties. It is inappropriate for this work to be done within the PHR [emphasis in original]. Without proper phasing and gating, there is a high risk that this topic will adversely impact the Pilot itself and that it will be very difficult to mitigate any outcomes from the PHR that sections of the community disagree with."	ccNSO Council supported by the RrSG and RySG
	"The last paragraph of the Background (Section II, p3) mentions that there is not a universal understanding or agreement on the intended scope of the Holistic Review and makes reference to a discussion during an ALAC meeting. The SSAC considers that such a reference should not feature in a Terms of Reference document. Rather, these Terms of Reference should make very clear what the scope of the Holistic Review is and any disagreement on the documented scope should be highlighted and resolved through the Public Comment Process."	SSAC
	"The lack of clarity and unnecessary complexity create barriers to success for the review. In addition, the review as outlined in the Draft Terms will require an inordinate amount of time from community members that are already suffering from severe volunteer fatigue due to the complex work required to manage the substantive issues that we believe should already have had more progress such as DNS Abuse, Access to Domain Name Registration Data, etc. The Draft Terms contain a lot of "make work", documentation, and again will not lead to actions that can actually improve ICANN's ability to achieve its mission."	IPC
	"The draft ToR document accounts for this challenge by assigning the Pilot Review Team to initially produce a work plan that will achieve that 18-month timetable (see page 10), but the Draft ToR document should provide some flexibility for the Pilot Review Team to petition the Board to extend the period if it appears necessary. Given the foundational aspect of this pilot effort, an endeavor that could ultimately result in the creation of new ICANN Bylaws, it is important that the work be done correctly and that the Pilot Review Team be given sufficient time and sufficient ICANN staff support to assure thoroughness and thoughtfulness."	GAC

	"To ensure the success of the overall effort, select Board members and members of the ToR Drafting Team will need to make themselves available on a regular basis at the beginning of and throughout the service of the Pilot Review Team to offer guidance and interpretation of various expectations that perhaps could not be reasonably specified prior to the beginning of the work. This consultation availability will be an important resource for the Pilot Review Team."	GAC
Concern: Lack of identified dependencies	"Further, it is clear from the Scorecard document that "A Holistic Review should also be looked at in light of other dependencies, including those relating to other Specific and Organizational Reviews and related workstreams (emphasis added)." Again, it is inappropriate for this work to be done within the PHR [emphasis in original]. To understand these and other dependencies and hence the scope of the Holistic Review and a PHR, there should first be a fact-finding process. This could map all activities related to an item to be reviewed within the Holistic Review and a PHR. Such factfinding would lead to understanding if and/or how various workstreams and/or processes focus on the same element(s) included in the scope of the Holistic Review and a PHR."	ccNSO Council supported by the RrSG and RySG
Concern: Lack of independent examination within the Holistic Review	"the review must be performed including as reviewers' parties designated by processes independent of all SO's and AC's. The vetting process through the SO's and AC's in the recent years (since it was instituted) has given rise to more insidership than ever and this in turn has weakened the reviews to the point of making some of them unworkable. The Board must be at freedom to designate external members".	AP
	"The RySG is also concerned by the omission of external review of structures moving forward. This is a concern the RySG raised in previous comments on the ATRT3, and we are conscious that this omission stems from the ATRT3 recommendation. However, given the complexity of the process and challenges we have identified with the Holistic Review, the RySG feels it is appropriate to reiterate this concern. The RySG understands and agrees that a program of continuous improvement is important and appreciates that structures have the option of including external review in their continuous improvement efforts. However, the RySG is concerned that not mandating instances of external review risks mitigating the effectiveness of continuous improvement programs and encouraging capture of those groups."	RySG
	"Rather than providing for an independent review of the structures themselves, it appears that the Holistic Review focuses on self-assessments by insiders that have little interest in seeing a change to the status quo other than to potentially improve their own positions within the community."	IPC

Concern: Community's ability to support the Pilot Holistic Review work	"based on the Terms of Reference of the PHR, 21 volunteers are expected to be actively involved for 18 months. This not only impacts them and their community group, but, maybe more importantly, the organization for which they work. In addition, the community groups are expected to provide feed-back and updates during these 18 months and will therefore need to monitor progress actively. With the uncertainties already discussed in this process, it will be the subject of extensive lobbying, negotiations and possibly conflict and disagreement within and between various stakeholder groups. All of this will draw large amounts of community energy and attention and require large amounts of work from all volunteers selected for the duration of the PHR as proposed to meet the specified timeframe. The Council believes that both aforementioned aspects with respect to members of the PHR volunteers and expectations of the ccNSO and other groups, will create a natural bias of the review team towards volunteers from larger organisations. The Council also believes that expecting the ccNSO and others to stay actively involved over 18 months on top of their priority work items, is unrealistic."	ccNSO Council supported by the RrSG and RySG
	"The lack of clarity and unnecessary complexity create barriers to success for the review. In addition, the review as outlined in the Draft Terms will require an inordinate amount of time from community members that are already suffering from severe volunteer fatigue due to the complex work required to manage the substantive issues that we believe should already have had more progress such as DNS Abuse, Access to Domain Name Registration Data, etc."	IPC
Suggested edits *(Note: the Staff Report did not feature a stand-alone category of "suggested edits". To the extent suggested edits were related to overarching themes, the comments were included*	"In the Section titled 'Objectives, Deliverables and Timeframes' under the heading 'Closure and Review Team Self-Assessment' (Section II, p4), the first bullet point states "...the next step would be adding the Holistic Review to the Bylaws...". This bullet point should also state that any Specific or Organizational Reviews that the Holistic Review will replace should be concurrently removed from the Bylaws."	SSAC
	"In the Section titled 'Objectives, Deliverables and Timeframes' in the Table Column titled "Objectives" (Section II, pp4-5), Task C b. ii. states "Develop a framework for addressing the possibility that a given structure or its component parts do not appear to have a continuing purpose and/or for creating a new structure. This framework would serve as a guide to inform whether to restructure or remove the no longer relevant component." The SSAC suggests that this paragraph include the possibility of adding a new structure with a role that had not previously been covered."	SSAC
	"In the Section titled "Approach to Work" under the heading "Guiding Principles (Section III, pp9-10), it would much more helpful to specifically state the principles rather than referencing multiple other documents."	SSAC

under those themes.)	"In the Section titled 'Objectives, Deliverables and Timeframes' (Section II, p4), the use of the term 'structure(s)' is quite confusing. In the last 2 bullet points of the first paragraph, the phrases "applied across all SO/ACs" and "applied across all ICANN structures" are used. It is unclear whether these terms are intended to have the same or a different meaning in both contexts. It would be helpful in Section IV: Definitions and Acronyms to define the term "structures" and then further explain what is meant by the term "all ICANN structures". It would also be helpful to review the use of the term 'structure(s)' everywhere in the document to ensure that its intended scope and meaning are unambiguous"	SSAC
	"The SSAC considers that the mission of the review would be improved by a minor expansion of the scope to consider if there are any interests not currently represented within the current ICANN structures (e.g., DNS operators and Security Practitioners) and if these interests can be accommodated within existing SO/ACs, or if new structures need to be introduced. This could be incorporated into the third bullet point of the mission."	SSAC
	"We suggest a clear and concise mapping of the ToR topics against current practices within ICANN could identify gaps or issues that were missed and that must be addressed. We believe such mapping would be of use to the Review Team, parts of the community who have been closely involved in the ATRT3 process and outcomes, and archives to support the historical memory of this work."	ALAC
	"The Holistic Review must clarify roles and responsibilities within ICANN and identify improvements necessary to the overall multistakeholder model. We emphasize the successful execution of the Holistic Review pilot and the following cycles as outlined in the ATRT3 recommendations are crucial to the evolution of ICANN's multistakeholder model."	ALAC

"The introduction of the ToR must articulate expectations for what work is to be completed by the end of the pilot phase and what work is expected to commence. For example, the methodology and criteria for conducting regularized Holistic Reviews after the initial pilot ends must be developed and refined during or as a result of the pilot. The term "pilot" has been a source of some confusion within At-Large and no doubt in the rest of the community. Although there is a pilot Holistic Review incorporated into the current ToR, an arguably more significant part of the work is to develop a methodology for conducting such a Review. Every Review, regardless of the detail, includes a component of designing its internal processes. In this case, the Holistic Review is an entirely new concept. The "pilot" will have a significant task to deduce exactly how such a Review can take place, once mandated in the ICANN Bylaws with productive and implementable results. It would be helpful if the name of the Review gives some flavor to this part of its work. Regardless, the ALAC/At-Large propose that the introduction to the ToR must spell this out clearly. Notwithstanding the time spent on the design of the review, the ALAC/At-Large expect that the pilot review will use the design to produce actual review results."	ALAC
"The ToR should reference graphics used by ATRT3. The ALAC/At-Large recognise that the 'Timeframes Section' accurately reflects the ATRT3 Recommendations. However, we believe that the wider ICANN Community might understand this more clearly if the ToR document referenced the graphics used by ATRT3, (with appropriate ALT tags so that persons with disabilities can also understand the graphics). The use of graphics would provide more depth to this section. Also, an additional timeline graphic with an expanded explanation of the Review Team's own predicted timeline of activities within the 18 months of operation will help ensure the on-time completion of the review."	ALAC
"ALAC/At-Large advise ICANN org to contract a suitable and experienced technical writer to support the Review Team's work. Taking into consideration the possible complexity of deliberations, the crafting of executable outcomes and recommendations from a Holistic Review of ICANN, and the desire for the full scope of work to be carried out within the given 18-month duration of the review process, ALAC/At-Large advise that an experienced technical writer is essential for this Review to be successful."	ALAC

"In addition, ALAC/At-Large propose that it would be advantageous for a non-voting impartial chair to be appointed independently from any SOAC direct representation role. A call for 'Expressions of Interest' for suitably qualified and experienced volunteers to serve in such a leadership and process administrative capacity could be made in parallel with the call for appointments to the Review Team of members by the SOACs and Nominating Committee (NomCom). The selection and confirmation of such an appointment could be made with wider community involvement perhaps by a panel of SO/AC/NomCom leaders or their delegates, and/or by an ICANN Board sub-committee such as the Organizational Effectiveness Committee (OEC). We believe this will minimize the risks of perceived or actual bias from the chair. It also ensures that the SO/AC/NomCom appointed members can fully engage as representatives and not have their efforts diluted by the demands of effective chairing where the process is both new to the organizations and community, and the likelihood of contention is high."	ALAC
"ALAC/At-Large suggests some revision to the listed 'Definitions and Acronyms': 1. Community -- this definition should more clearly explain to the average reader how the term is used in the ICANN context. 2. Consensus -- Yes, it is a form of decision-making. But a clear definition is needed as it is used differently within the various SOs and ACs. How does ICANN intend to implement it for the Holistic Review? Unanimity? 90% agreement? Rough Consensus? (IETF's "humming" implementation is interesting, but not possible in our situation even without the need for virtual or hybrid meetings.) Propose to add URLs to the commonly used definitions utilized in the GNSO Policy Development Process (PDP) Guidelines, the Operating Standards for Reviews, and the ICANN Consensus Playbook. 3. Inter-SO/AC/NomCom collaboration mechanisms -- Either we need a definition of what those mechanisms are, or an URL to where they are laid out. A link to a flow chart or graphic would be useful. 4. Operating Standards for Reviews -- Need to link to the Operating Standards for Reviews. 5. SO/AC -- Propose to link to the relevant sections of the ICANN Bylaws. 6. NomCom -- Ought to explain more about what ICANN NomCom is and/or link to relevant sections of the ICANN Bylaws. 7. Socialize -- Greater details as to how this is to be implemented, ALAC/At-Large believes any socialization on the part of ICANN org should be transparent (considering other recommendations from ATRT3 and	ALAC

	"Other commenters have pointed out the various uses of the terms "SO-ACs" or "all ICANN. structures" throughout the Draft ToR document. The GAC supports the addition of the term "structures" to the "Definitions and Acronyms" section of the Draft ToR document and a thorough re-review of the draft to assure the consistent use of that terminology."	GAC
	"The GAC supports the addition of other information to the Draft ToR document including: o The expected composition of the Pilot Review Team (by number and representation) o Specific commitments from ICANN org regarding the expected staff resources that will be devoted to this pilot effort. To come close to meeting the ambitious objectives and timetable of this effort, adequate staff support in document drafting, document production and comprehensive project management services will be critical. o The circumstances and degree to which suitably qualified consultants could be secured by ICANN org to undertake work for the Pilot Review Team (similar to the way in which consultants were engaged to undertake Organizational Reviews)."	GAC
	"The GAC agrees with other commenters that the overall mission of the pilot holistic review would be improved by an expansion of the scope to consider if there are any interests not currently represented within the current ICANN structures (e.g., DNS operators, security practitioners or other identified groups of interested stakeholders) and if these interests can be accommodated within existing SO/ACs, or if new structures need to be introduced. This concept could be incorporated into the third bullet point of the mission."	GAC
	"It would be helpful for the following additional information to be included in the Terms of Reference: ● Review Team composition (by number and representation) ● Accessibility to suitably qualified consultants to undertake work for the Review Team (Similar to the way in which consultants were engaged to undertake Organizational Reviews)"	SSAC
Expressing Confusion/Seeking Clarification (Note: the Staff Report did not	"Further, since Holistic Reviews are proposed by ATRT3 to be on an 8-year cycle does this mean that the first truly holistic review substantive Holistic Review would not take place until 2030 or later? Is this actually what is intended by the Draft Terms? If so, what is the justification in placing all other organizational and structural reviews on hold pending a review which is more than eight years away?"	IPC

did not feature a stand-alone category of "expressing confusion/seeking clarification". To the extent epressions of confusion and suggestions for clarification were related to overarching themes, the comments were included under those themes.)	"In addition, by definition, a holistic review needs to be done by persons able to look at the whole of ICANN first from an outside perspective as opposed to reviewing from within. ICANN Bylaws 4.4, which the ATRT3 recommendations are meant to reflect, state that: (a) The Board shall cause a periodic review of the performance and operation of each Supporting Organization, each Supporting Organization Council, each Advisory Committee (other than the Governmental Advisory Committee), and the Nominating Committee (as defined in Section 8.1) by an entity or entities independent of the organization under review [emphasis added]. The goal of the review, to be undertaken pursuant to such criteria and standards as the Board shall direct, shall be to determine (i) whether that organization, council or committee has a continuing purpose in the ICANN structure, (ii) if so, whether any change in structure or operations is desirable to improve its effectiveness and (iii) whether that organization, council or committee is accountable to its constituencies, stakeholder groups, organizations and other stakeholders." This requirement of independence appears to be entirely missing from the Draft Terms."	IPC
	"Members of our constituency with decades of experience in Internet governance and ICANN-related activities had a tough time interpreting what the Draft Terms actually mean, much less what they are trying to achieve. We recommend that ICANN take a different approach to the Draft Terms. Specifically, that ICANN focus the Draft Terms with one objective, namely, to enable those outside the ICANN ecosystem to be informed of ICANN's successes and learn about what ICANN is doing to improve in areas where there are ongoing challenges. We think these objectives can be met within the holistic review recommended by ATRT3."	IPC
	"Comment 1: The proposed Terms of Reference require the Review Team to conduct two distinct categories of tasks: ● Conduct the first Holistic Review, and ● Develop and document guidelines for future Holistic Reviews. The latter is a very significant task, and it should be recognised that the Pilot is likely to consume much more time and resources than future Holistic Reviews. Since future reviews are stipulated to be completed within 18 months, it therefore seems unlikely that this Pilot Holistic Review could completed within that same timeframe when the additional task of developing and documenting procedures must be undertaken. It is important that the TORs create a realistic expectation of the duration of the review and it would be helpful if the TORs specifically made allowance of additional time for this latter task. Past experience shows that cross-community efforts relying on volunteer commitments have great difficulty in achieving ambitious time targets."	SSAC

Objectives, Deliverables & Timeframes "Bullet Point 4 asks the PHR to propose the skill sets required for future Holistic Review teams. This implies that the PHR is not of itself an actual review yet in other places in the document it seems clear that it is, in fact, an actual review. In any event, nowhere is there any mention of the skill sets required for members of the PHR team. Even if it is NOT an actual review there is significant work to be done to ensure that those on the team have the necessary skills to conduct it."		ccNSO Council supported by the RrSG and RySG
"Questions unanswered or left for the pilot review itself to decide - Why is there a lack of independence – why self-assessment only?"		ccNSO Council supported
"The GAC would support the interpretation that a "holistic" review should prioritize review of community interaction capabilities and implementations but also acknowledges that the ATRT3 Final Report specifically noted that the "holistic" review would need to serve the Section 4.4 ICANN Bylaws requirements for "periodic" and "independent" reviews of community structures (see https://www.icann.org/en/system/files/files/atrt3-report-29may20-en.pdf at page 68). This matter should be clarified in the Draft ToR document "Mission" section to avoid unnecessary community debates about the purpose and scope of the pilot review specifically or future holistic reviews generally."		GAC
"In several areas of the Draft ToR document, the phrase "in cooperation with SOs and ACs" is used but the specific nature of that "cooperation" is not articulated. It is important to alert the ICANN community structures to how their cooperation will be sought and incorporated into the pilot effort. Such clarity is important for the communities as they conduct their annual FY23 work planning and will be a vital factor in managing timetable expectations for the overall pilot effort."		GAC
"The BC is worried that the Pilot – as currently outlined -- will become bogged down in the profusion of "process issues," and inhibit sufficient attention to the difficult, sensitive, but core issues of SO/AC accountability and structural improvements. We would urge a streamlining of the process set forth in Section II so it is not so overwhelming and discourages thoughtful participation from across the ICANN community."		BC