# Pilot Holistic Review ToR Team Comments – 21 April Plenary Call

## Comments added between 14 April and 21 April Plenary Calls

**B. ATRT3 stated objective: "Review the accountability of SO/ACs or constituent parts to their members and constituencies (this will include an in-depth analysis of the survey results)." This will be addressed by the following proposed Holistic Review Pilot steps:**

    a. ==Review the accountability of SO/AC or constituent parts to their members and constituencies based on the results of the latest Organizational Reviews and resulting implementations and available surveys, if any.==

    b. Develop a set of guiding principles that could be applied across all structures in subsequent evaluations of accountability.

Note: ATRT3 recommended that each structure adopt an annual survey as part of their Continuous Improvement program, with the results of these surveys serving as an input to the Holistic Review.

**Matthew**: We have numerous sets of principles, and we also have a suggestion under C.a. that each structure adopt an annual survey. It worries me that we are talking about numerous sets of principles, there probably should be some coherence across those sets of principles and it is something that we should bear in mind. And if each structure adopts a different annual survey, one may lose that coherency when it comes to actual measurement of progress.

**NEW Sebastien (replying to Matthew)**: @Matthew It was a long discussion. Can it be suggested some common tools to "independent" bodies? I was and am all for. But it was not supported. We can review that.

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**C . ATRT3 stated objective "Review SO/AC/NC as a whole to determine if they continue to have a purpose in the ICANN structure as they are currently constituted or if any changes in structures and operations are desirable to improve the overall effectiveness of ICANN as well as ensure optimal representation of community views (but taking into consideration any impacts on the Board or the Empowered Community)." This will be addressed by the following proposed Holistic Review Pilot steps:**

    b. ==Whether changes to the structures and operations are desirable to improve the overall effectiveness of ICANN.==

**Matthew**: Building on what Avri said, we may want to think about the phrasing of B. It's more that there needs to be a mechanism of process for evaluating the impact but also, what impact the work being undertaken will have on the MSM. It's a two-way interaction. I think that needs to be reflected here.

**NEW Sebastien (replying to Matthew)**: @Matthew can we put at the same level MSM work and an ICANN review?

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***Comments during 21 April Plenary Call***

<mark>***Regarding definition of "good practices"***</mark>

**Matthew (CHAT):** I think we do need to expand the definition section beyond just acronyms.

**Pat (CHAT)**: @ Matthew +1. Common understanding of terms.
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**Deliverables**

<mark>4. Published deliverable: Draft report to be posted for Public Comment. (Use relevant ICANN org templates)</mark> **(pg. 6)**

**Avri**: I just wanted to check whether it was included in this or needed more discussion, there's talk in the deliverables about being engaged early, but is there a comment in this rewriting in terms of, at parallel to the public comment getting their evaluation. And we had talked about that that.

**Cheryl**: I think this goes back to some of what Matthew and I were talking about in last week's comments.  Depending on how you plan this thing, you can avoid the restrictions as far as in the construct of a formal public comments and use other tools such as engagement opportunities, webinars, early socialization, but also Community consultation which can have a specific feedback loop. Here is something, get back to us by this date, and that can be sort of put into that project planning. I think there's an opportunity, where there is a crossover between socialization, actual milestone points throughout a plan so it's almost ensures known opportunity for early engagement by the SOs and ACs.

**Avri**: Yes that that that sounds good, the thing that I was wondering, though, at the end of the day. Do we get an evaluation from each of the SOs and ACs on the ToR that's put in front of them, or are we just assuming we heard it all during all those sessions. Or are we looking for a point now perhaps quite the same as WS2 was but similar in that each of the SOs and ACs says, yep that's a ToR, we can live with. And I'm also hoping also that what we put in their output at the end also has that kind of step. So we're including that end of state step. Do we want that or not? I'm suggesting that we do, and I'm suggesting it from a board perspective. When you get ToRs or when you get results of something, and you've got uncertainty as to whether the various SOs and ACs agree with it or not, then there's a whole situation to be dealt with afterwards.

**Matthew (CHAT)**: Agree we do need that validation step.

**Cheryl**: I agree totally with you. If we get the sign off, that this is something each SO and AC can agree with or live with, at least, then that is part of their formal record, so when someone new comes in and doesn't understand the HR, that they have a record they can refer to. I think that's a very useful tool if we can get it done.

**Larisa**: Deliverable 7, would be a published deliverable final report to be approved or adopted by the SOs and ACs prior to being sent to the Board and the footnote, of course references the fact that that is not the way the procedure has worked in the past for

specific reviews, but this is one of those discussed and open for discussion process improvements.

**Cheryl**: I think what's important about this is the author contemplates the issue when we do not have uniformity. We may have a situation when they reach out of the Community, which for example, chooses not to respond. We need to try to foresee a problem in between every component part, each SO and AC has to agree or is this a majority of the Community agreeing in an almost complete and majority but not a full consensus. That's one we need to work on carefully.

**Sebastien**: We are talking about the final report of the HR here. Because we also need to discuss how we will deal with this ToR and how it will be accepted and taking care. But if we are talking about the final report, I will take just for the sake of the discussion, the point that the only place where it must be decided it's at the board level. The board needs to have the input of the SO and AC, but we don't need to ask them for a full consensus of all SOs and ACs. Therefore, we are not asking them to approve or to adopt if they want to do it, they do it, but if just want to say. Oh, we disagree, with this part or this part and they send that to the board. That's okay, if they say, we agree with a full report that's okay, too. Or we send that to the community as we did with WS1, and then we, ask all the SOs and ACs together to decide, but I think it's a work of the board. therefore, I would like not to have this approval by the SOs and ACs, we ask each SO and AC, to review it and to get that feedback, it could be yes, no and something in between.

**Cheryl (CHAT)**: It is information / input not so much approval then @SeB. Certainly need to pin that and dive into that more.

**Matthew (CHAT)**: It is essential that the Board knows where the community stands.

**Cheryl (CHAT)**: Knowing where is not adoption of course, that is Seb's point I believe.

**Cheryl (CHAT)**: Evaluation and feedback are different terms, yes. We need to discuss that more later.

**Matthew (CHAT)**: Agree, Cheryl.

**Avri**: So, I guess, we have a point to discuss and we should probably put this on the list to discuss later on. But I think it's essential to the board that they know. We could decide whether it needs to be a consensus, but I do believe the board needs to know where each of the SO and AC stands on it, and whether they can live with it or not. Perhaps the finesse in this is that it doesn't need to be approved and adopted, but it needs to be evaluated by each of them, to some extent, but why don't we save that as a conversation for later.
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**Timeframes (pg. 7)**

**Sebastien**: Just to be sure about the time frame, we put somewhere being on the cadence between HR and ATRT. But ATRT made much more. What is a link between continuous improvement program and the holistic reviews? And, whereas the other reviews, therefore, there is a full planning in the ATRT report. And for our need yes ATRT and the HR, but it's also linked on how we organize the continuous improvement program for each SO, AC, Board and NC, and so on.

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**A. ATRT3 stated objective: "Review the effectiveness of the various inter-SO/AC/NC collaboration mechanisms." This will be addressed by the following proposed Holistic Review Pilot steps:**
   a. Identify and aggregate inter-SO/AC/NC collaboration mechanisms.
   b. ==Develop a set of principles to be applied to reviewing effectiveness.== **(pg. 4)**
   c. Evaluate effectiveness.
   d. Develop a set of guiding principles that could be applied across all structures to be used in subsequent evaluations of effectiveness of inter-SO/AC/NC collaboration mechanisms.

**Matthew**: Do we have a set of principles, I mean we're talking about here, developing a set of principles, but I mean as a part of the Multi stakeholder model evolution and etc., have we not developed a set of principles that would be useful? Or do we have to develop a new set? I guess that's my concern about I think I've read this before, but my concern about all of these particular deliverables is the necessity to continue to develop principles and it would be interesting to know if they already exist, and if we can leverage what already exists.

**Larisa**: Excellent comment Matthew I think the idea was identify an aggregate what's already there, and perhaps rather than saying develop it would be leverage the existing practices or something like that. That probably will be applicable in many places in the document.

**Matthew (CHAT)**: OK, thanks. Good to hear.

**Pat (CHAT)**: Leverage and tailor where necessary a set of …

**Cheryl (CHAT)**: Leverage over "Develop". Yes indeed! So use terms like 'between' as opposed to "inter". Common language use seems a good way forward.

**Matthew (CHAT)**: +1 Cheryl – and include definitions section.

**Sebastien**: I will be very interesting to see what is already existing. But I am sure that here there is a very specific issue with the entire SO/AC relationship, and I am not sure that it was taken into account yet anywhere, if not maybe the HR will be not so necessary.

**Cheryl**: I recognize that there will be in formal principles that he started leveraging is a really great in that we should be doing as in this pilot. But I wanted to get us to check that when we're working where English is not the first language, what my mind clearly works in both the difference between inter and intra is, that there's a chance that doesn't work across the board. So I just wanted to get make sure we come back to. ATRT3 was very specific, but this is the between not the within part. I just want to make sure that in the writing of this, that it translates well.

**New Wolfgang**: I want to come back to Matthew's question about the principles or the criteria. So if you review what you have achieved, you need criteria so that you can measure, whether you are below or above it the criteria, then you can make some conclusions, how to improve and what you have achieved and what has to be addressed. And I think if it comes to the multi-stakeholder approach. Since its inception work in progress and we have certain milestones within the ICANN bylaws we have a number of criteria, but ICANN doesn't live in a vacuum. And in the broader environment, we have the declaration,

which has defined the seven or eight criteria for what we understand under the multi-stakeholder process, so I would recommend if we moved out the HR, not only to look into. The principles or criteria we have adopted within the ICANN context, but also to take into account what is the general understanding of the multi- stakeholder approach in the broader community. Because I'm now more active in the non-ICANN community, in particular in the areas of cyber security, and when I see is that a growing number of governments which we're excited about the multi- stakeholder model 10 years ago are now very skeptical. ICANN is not seen as the most attractive example which would water down arguments against the multi-stakeholder approach so and, in so far, it is a special responsibility for ICANN to demonstrate to the outside world that the multi-stakeholder model works. But to demonstrate this, again, you know my recommendation would be not only to have this inward looking what we have defined as principles and criteria within the ICANN community, in particular, and the bylaws or as a document, but also to refer to the global understanding of the multi-stakeholder approach and get a declaration from 2014 which was initiated by ICANN, to a certain degree. This is a good reference document which will also demonstrate the link between ICANN and the rest of the world.

**Sebastien**: I think Wolfgang has a good point if we can have some input from outside, and that would be interesting. I wanted to come back to what Cheryl said, and I think it's very important. How we deal the with the wording and, of course, with the worst translation here I don't think there is a to too much program with translation, but there is a problem with what we understand as inter and intra and it's not a question too much of language, but the use of the words may be difficult. It's why I suggest that in some of the A, B, C, D, we don't just use the same wording of ATRT3, but we try to say the same thing with other words. Like that it will be at the end of the reading totally understood that it's between the SO and AC inter SO and AC, and if we use three different words, it could be a good way to be better understood by everybody and in many different languages.

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**Avri**: Perhaps we can expand to say evaluate the effectiveness of all the tuples and triples and various relationships, the binary or the bilaterals, and the multilaterals and all of that, which is quite a complex. I'm not quite sure how we cleanly describe it, but, but it seems like we need to do something there.

**Cheryl (CHAT)**: So map and measure effectiveness and fitness of purpose mechanisms being used.

**Matthew (CHAT)**: Yes, but do we need to build a measurement mechanism?

**Pat (CHAT)**: Seems like clarity of process and ambiguity of expectations could be subcategories to evaluate effectiveness.

**'Tola (CHAT)**:

**Cheryl (CHAT)**: This is also why I noted 'fitness to purpose' as well as just "effectiveness", however measured.

**Sebastien**: I guess, without answering to how we will do the wording, there are different type of relationship between SO and AC and NC, there is a nomination, there is some link between SO and AC I could say a different type of relationship could be mapped and take into account and see if the big image is still working or not. That's something I think we can do, and doing that, we will evaluate the global effectiveness of the relationship between SO and AC and NC.

**Avri**: Let me see if I understood. As opposed to evaluating all of the matches in this matrix, we evaluate the types of relationships they have, and look at how well those types of relationships are at being used? Is that what I understood you to say?

**Sebastien**: Yes, I guess it's one way of doing the work. And once again I don't want to say that it is the only way possible, but it was just to try to explain what could be one way to measure the effectiveness between SO and AC.

**Matthew (CHAT)**: I suspect that we would have to poll members to see how effective those collaborations are.

**Wolfgang (CHAT)**: @ Matthew: At the end of the day any "Review" has to "measure" what has been achieved. There is no Need to re-invent the Wheel, but without clear criteria and a "measurement mechanism" the review will not deliver what the community wants to know.

**Matthew (CHAT)**: Completely agree - perhaps a Q for Org but has an assessment of these relationships been conducted in the past.

**Cheryl (CHAT)**: often via ATRT's Mathew e.g. Board : GAC ; GNSO : GAC etc.

**'Tola (CHAT)**: It's almost certain that though there is uniformity of purpose, relationships will definitely vary and so should be the measurement mechanism.

**Cheryl (CHAT)**: Not a mechanism.
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**Sebastien**: I am not sure that we will find a guiding principle to apply across ALL structures. The relationship between one organization another organization it's not the same that between A and B it's not the same between the A and C and C and B. Therefore, do we want

to have some single apply across all structures? It's something I would like us to think about. And I will answer definitely not, because we are the NC and NC is different for the GAC, and from ALAC, from the GNSO, and therefore we will not find something to apply across all. We need to find guiding principles to apply between organizations, but not all at once.

**New Avri**: Yeah, the word all is always scary and almost always inappropriate. Perhaps all for now can be struck as "across the structures" and leave it open and then we can wordsmith more later. So, we should replace the word "all" with the word "the" anywhere. In fact, we probably want to avoid absolute words like "all" in "every".

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*B.* **ATRT3 stated objective: "Review the accountability of SO/ACs or constituent parts to their members and constituencies (this will include an in-depth analysis of the survey results)." This will be addressed by the following proposed Holistic Review Pilot steps:**
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   Note: ATRT3 recommended that each structure adopt an annual survey as part of their Continuous Improvement program, with the results of these surveys serving as an input to the Holistic Review.

**Matthew**: Wasn't this a key element of work stream to the accountability of the SOs and ACs to their constituent parts to the Members? Wasn't there the mechanism for assessing that at that time? I'm wondering if we can leverage that.

**Giovanni (CHAT)**: Recommendation 6 of WS2 is all about SO/A accountability.

**Avri**: There's certainly text there that can be leveraged. I'm not sure that there's a formal plan.

**Sam**: There are parts of the report that reflect on it, there was SO and AC accountability as a portion of that report. But I think we'd have to look to see what else we could formally leverage from that. I would imagine some of that actually probably fit into ATRT3's inputs as well, because I believe that the texts that report was available for the ATRT3 review. There was a lot of good work that went into it, but I'm not sure there were a lot of formalization around some of the SO and AC accountability recommendations which might have led to this being here.

**Avri**: Yeah, that that's kind of matches my recall, that there's language so it's worth checking into. It's worth making sure that we haven't ignored it, but I'm not sure that we'll find the answer there necessarily.

**Sebastien**: I am not sure that it was so much about members, and I guess that's the novelty here, it's the members. We work about the accountability of the SOs and ACs, full stop. Therefore, we have something to take into account here quite different. In addition, therefore, we can bring what it's done in WS2 to that we will need to add two cents.

# Pilot Holistic Review ToR Team Comments – 21 April Plenary Call

**Cheryl**: The track that worked on accountability in WS2 was very aware of the great variability between where the constituent parts were, as well as the ACs and SOs were. And it focused its recommendations on baseline mechanisms of accountability like, having things publicly available, like how minutes should end, where they should not be published, etc.. So very much basic stuff but not a case of mechanisms that can be a checkbox measured, but it was a focus to say look at and look for harmonization where possible and baseline principles that should apply. And obviously things like it ATRT leverage of that type of thing, as well as an organizational review often have some time and space focus to recommendations on exactly these methods.

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   Note: ATRT3 recommended that each structure adopt an annual survey as part of their Continuous Improvement program, with the results of these surveys serving as an input to the Holistic Review. **(pg. 4)**

**Avri**: Here we're talking about it's not really how its applied across structures but it's how its applied within various structures. Because this is not like the inter one, this is the inter one or something like that, so I think those are two notes that I would put.

**Larisa**: I just wanted to add that everything you said makes sense and the thinking also was that in trying to establish some way of measuring how accountable different structures are to their members, there should be an overarching consistency across how this is done. So that, when the holistic review team, the next one, perhaps after the pilot, comes along they're able to use something that kind of cuts across the different structures in a way that makes sense and makes it all comparable.

**Cheryl (CHAT)**: Be useful IMO yes @Larisa.

**Cheryl**: I just wanted to make a note to clean and come back to. When we refer to surveys, especially reference to the wording specifically from ATRT3, I think we need to recognize in this pilot that those surveys, are very unlikely to be finished. The Community just hasn't got far enough along that pathway yet, to have done that, and so it's more applicable to following on holistic reviews studies to pilot that we're running with. I just think we need to maybe take that out and come back to it.

**Wolfgang (CHAT)**: I fully support SO/AC accountability (both within each SO/AC as well as among them) but what I observe IS that there is also a growing wish for "SO/AC Sovereignty" (within the Framework of the ICANN Bylaws). Insofar a consistent cross-silo approach is crucial for a holistic review.