

Pilot Holistic Review ToR Team Comments – 12 May Plenary Call

ATRT3 stated objective components	Holistic Review Pilot Target: Jan 2023	Self-Assessment by each SO/AC/NomCom & Continuous Improvement	Holistic Review Target: Jan 2031??? <i>(see below for sequence of activities)</i>
Continuing purpose	Develop principles & criteria in recognition of diversity of the MSM based on consultation with SO/AC/NomCom	Apply principles & criteria, publish self-assessment; implement improvements	Evaluate self-assessment, additional fact finding and analysis, formulate findings, make recommendations, etc.
What if there is no continuing purpose or change is warranted?	Framework for determining how to address a structure that may not have a continuing purpose - restructure or remove?	Apply framework to identify structural changes within each organization, if applicable	
Contribution to the overall effectiveness of ICANN	Develop principles & criteria in recognition of diversity of the MSM based on consultation with SO/AC/NomCom	Apply principles & criteria, publish self-assessment; implement improvements	
Optimal representation of community views	Develop principles & criteria in recognition of diversity of the MSM based on consultation with SO/AC/NomCom	Apply principles & criteria, publish self-assessment; implement improvements	

Sebastien: Two points. The first one is that. I know that we call the pilot the pilot, but it's not the pilot because we will not do the same in the next reviews. Any why I say that is because the last time we had this type of rethinking of the old ICANN was 20 years ago and we can't wait seven years more. Therefore, it's a time, even if it's called a pilot. My second point is that developing principal & criteria in consultation with SO/AC/NomCom, definitely, but I guess we need to add Board and org. Because it's not just a question of SO/AC/NomCom, it's the Holistic

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Review so it's everyone. Therefore, I think we need to be consultation with the other groups also.

Sebastien: I just want us to consider that we, we are in a situation where the continuous improvement will not be starting in some parts of the organization and self-assessments maybe not done, therefore, I would like that we add that we can take also the output of the organizational review as it was done up to now, we don't need just to use the new tool suggested by ATRT3, but also what is the current situation. It will improve with the continuous improvement program for the next review, but that for the moment, take what we are suggesting.

Cheryl (CHAT): recognise and record/publish the unique aspects will also be a boon IMO.

Matthew (CHAT): my understanding was that the continuous improvement processes would feed into and inform the Holistic review.

Daniel: Continuous improvement is a constant process.

Cheryl (CHAT): The Pilot can establish some baselines however.

Larisa: It's an excellent point and one that we actually thought through and began to explore because as the self-assessment is beginning to take shape it sounds an awful lot like what is a separate recommendation made by ATRT3 for implementing a continuous improvement program. Kind of as an evolution of organizational reviews, so it sounds very much like that, and it was pointed out, I think, by Pat, and maybe Cheryl that it was the intent of ATRT3 that would be like a synchronized or you know kind of a partner recommendation to this. So it may be that in rolling out the holistic review program it kind of embodies and incorporates the principle of continuous improvement of each SO and AC.

Cheryl (CHAT): latest Org Review outputs as input, Yes.

Matthew (CHAT): agree good idea.

Avri: I just wanted to make a quick point that I think Sebastian brought in a new point that we hadn't discussed yet. We had talked about looking at what the various groups may or may not have been doing for continuous self-improvement on their own, based upon their readings of ATRT3 or otherwise, but the notion of also including the previous regular reviews that had been done, so that they also would be input for this process. And I just want to make sure that we've captured that, and you know it's a good point.

Sebastien: Thank you, Avri. That's exactly what I was thinking, thank you for translating. My second point is that it's what we write that in ATRT3 that the continuous improvement program will inform, but if you look to the calendar we set up, it will not start before the first pilot, therefore it's for the future. And for what we have to do for the pilot, we need to find

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other way to have information on how to do this part of the review it's why I suggest to add what we have, it's a current organizational review.

Sebastien: I just want to be sure, what is the level of granularity of the organization, we are considering? Because we write, I would say, for simplicity of writing very often, SO/AC/NC. But in fact the question would be at a more granular level to constituency for example NARALO in the At-Large and other, just to try to explain why I am putting that on the table, when the DNSO was split into then GNSO and the ccNSO. Therefore, we can say DNSO no longer has any purpose, but in fact it's a little bit more nuanced than just the bigger level of SO and AC. Yes, we disband the PSO and ICANN create other structure, but it's why I want just to be sure that we agree on that, and that we reference it somewhere in the document, but just in my head, and our heads, if we agree on that.

Avri: Okay, thank you. And I guess there's two questions, one I wanted to ask Matthew whether there was something that he wanted to add other than just in the chat. But I also want people to look at that it is going further in this conversation than just the SOs, ACs and NomCom having included org and Board. And wanted everyone to take a look at that, since that i'm not sure to degree to which that was everybody's understanding before. So, I just want to make sure of that, and I guess it fits for Cheryl and with some of the others from ATRT3, but I did want to get other people's understandings and their views on that.

Matthew: So, I definitely recognize and understand your point that these may it may not be explicit, but I would have a hard time believing that once we get into a discussion around structures, that stakeholder groupings also not would also come to the fore in terms of questions about their continuing purpose in terms of those stakeholder groupings. So, I think there's an inevitability about that, so I would expect it to occur, whether it's explicit or not.

Larisa: I just wanted to clarify the last point that you made, which was a reference to what Sebastian said to include the board and org. My understanding was that this was in developing the principles and the criteria, the consultation should also involve board and org was that not correct?

Avri: Sebastien, would you like to jump in and clarify?

Sebastien: I would say, in one way it's both. Yes, we need to consult with them and its way where we discuss that. But now if we agree with that, the second point is that we need to consider, and I guess the answer would be yes, but is the Board still something we need? Is the org still something we need? It's pushing the ball a little bit too far, but yes, we need to put that in the document. Regarding what Matthew just said, we have to be careful of one thing, they are part of the Community and I don't know members who considers that the Holistic Review can't go inside SO and AC or into a structure. Therefore, it's why I would like to be sure that we agree, and we should to the community that what is the level of granularity this Holistic Review can go to. Because if we don't write it, we are sure that the Review Team will get into trouble because people will say "you can't discuss that", and for example, you can't split the DNSO into

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organizations, because you can't go inside. You can just disband it or change it, but not into this detail. Therefore, its why I would like some precision writing on what is the level.

Cheryl: I think we're getting a reasonable body of support for the process to clearly include org and Board, so that one looks like it's clear enough. That being said, I think we need to be careful with that next level of explicitness. Because Matthew, for example, automatically stakeholder groups. Stakeholder group is going to be not terribly applicable to something like a NomCom and certainly is not the right terminology for the various of the advisory committees. So, I think what we need to do is recognize that words are important here and if we're going to be explicit, and I think we should, that we use something like component parts or something similar. So, if clever people can come up with a generic term that indicates that there are component parts or aspects that can be looked at, then how deeply that dive goes is still perhaps it a point that can be negotiated. But it allows the dive to at least be considered. And where do you stop? Do you just stop at an NARALO or do you just stop at an RIR? Let's be explicit but let's be general in our terms.

Vanda: Two points that I would like to raise. One, it concerns me a little bit related to the org because I do like to avoid any kind of interference inside the administration of the org. So is something that we need to be careful about. The second point that I believe I agree with Cheryl, we go through the formal levels that exists in definition inside the Board, inside ICANN, and its by-laws. So, it's by-laws will be involved, if there's nothing in the by-laws then it's not necessarily involved in that. For instance, ALS is not our business to go through each one of them, that is the concern to define too deeply on that. So, for me it's following by-laws it's okay, it's not we just ignore and go up from that level and that's it to avoid any kind of problems in the future.

Cheryl (CHAT): Components as defined within the ByLaws that is both general and specific enough @Vanda

Maarten: It may also be good for next time to see how by-laws support this or not. And, if so, I don't see you can't change them, but at least good to be aware. And I couldn't find it quickly, but of course there's things described in here also with ATRT3 and what reviews cover, so let's make sure we've got a good understanding of that. I don't at the moment, if there is someone here that does, then that helps but I think it deserves a good look.

Avri: I wonder if there were any other comments from the board side of our team, any you know concerns or issues that that that you see with this that that haven't been brought up yet or that should be emphasized or said differently? Or are you fine with this as it's been presented? Obviously, people have to get a chance to read it, and then have a further discussion on it, but just wanted to see whether there's anyone that had any, especially if it's clarification questions of some sort. Is it correct to say that this this paper will be put either on the website or sent or both to the members of the team relatively soon?

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Larisa: Yes, absolutely we will make sure that the thought paper is available and circulated tool and posted on the wiki page.

Matthew: This maybe it's further down in the document or I'm just I've missed it somewhere, but would it be possible to have a timeline set out to that date of January 2031?

Larisa: It's a good question. The timeline that you see is basically, applying the guidelines that are included in the ATRT3 recommendations for the cadence and the timing and scheduling of the future reviews. As you know we are in May now, and we are anticipating that in June the ToR draft would be complete with go out for public comment. Then the next milestone, estimated based on at this going out for public comment and various other activities, that the Holistic Review Pilot team would be selected and would begin its work in January 2023, with the intent to have their work completed within 18 months. That brings us to June of 2024 when the Holistic Review Pilot Team would conclude their work and deliver final report. Then the Board has up to six months to take action on that so that takes us to roughly January 2025 when the Board would take action on the Holistic Review Pilots report. And ATRT3 recommendation set out a trigger that the next ATRT, which is would be ATRT4 would begin, two years after the board took its first action and the Holistic Review recommendation. So that's how we get to January of 2027. So, the ATRT4 would begin their work, and they have 12 months to do their work so essentially by the end of 2027 or December ATRT4 would deliver its final report. And we just added an observation here that, since ATRT4 or ATRTs in general, have the ability to review Org Reviews and Specific Reviews and kind of react on how prior review recommendations are being implemented, they could, include a point of view or a recommendation on whether timing and cadence or configuration, of ICANN Reviews should be revisited at that time. And then the cycle would begin again, the Board would have up to six months to take action and those recommendations which takes us to June of 2028. And then, again according to the ATRT3 directive, the next Holistic Review would begin two and a half years after the board approved the first recommendation from ATRT4. So that is how we get to January of 2031 by kind of a strict application of the timeline and the cadence spelled out by ATRT3.

Sebastien: I was hoping to start the Holistic Review in June, but I will say I agree with you that it's now a good goal is to start in January 2023 then we have six months in one fiscal year and last year in the second fiscal year and it's easier than to be on three fiscal years. And yes, it's a good application of what we suggest during ATRT3. I don't know if it's included in the work we have to do, but I hope that the work will be done to see how and when the continuous improvement program is organized and the different steps suggested by ATRT3 taken into account. Not to delay it too much, I don't think that it's a good idea to wait for the end of the Holistic Review, and I hope that stuff will take that into account both to start, officially, some continuous improvement as soon as possible. Or at least at the same time as the Holistic Review.

Larisa: On that last point Sebastian, I just wanted to clarify that continuous improvement recommendation also went through the prioritization pilot exercise. While we're waiting for the

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Planning Team to kind of take all the outputs from the recent prioritization discussions, it is at the moment handled as a separate recommendation, but, as I mentioned earlier in going through this process and really thinking about how the Holistic Review Program could be implemented and operationalize in a way that is reflective of ATRT3 intent, the two recommendations do appear to converge quite a bit. That's been noted, and we'll have to come back with some thoughts and ideas for how to handle that from a prioritization and planning perspective.

Avri: Okay, I would encourage people as soon as it's available to not only take a read, and it is short. But to also start commenting on it and do not wait for our next meeting. We do have a list that's just begging for some good substantive discussions. And you know the schedule we're on becomes more and more difficult, the more we concentrate all discussions in these meetings so please once you've had a chance to read it you've got a question, it's clarification you've got an issue, you've got any sort of comment that needs to be made on it. Maybe you ought to put some of them in the document but also, bring them out to the list so people can see them, so that those that aren't necessarily able to make every meeting can perhaps write a comment and be included. And that we don't need to do all the discussion in the meeting. Let's go back to the agenda.

Socialization Discussion

Avri: The socialization returns to the action Item 23 that the pilot TEAM members were going to use the email list to exchange ideas for how a list of evidence-based findings should be socialized and discuss at the next meeting. I don't remember seeing a lot of discussion there yet, so we could open it up to discussion now. But wondering whether anybody has anything they need to say about this now, or whether we should move it off a week to give people actually the chance to exchange ideas on the mailing list.

Jason: I'd just like to point out that although the socialization was limited to deliverable one, the evidence-based findings. It's also referenced in the context of deliverable six, which is socializing the report with SOs and ACs for their approval or adoption prior to setting to the board.

Avri: Okay does anybody have anything to say about that one. That I'm not sure to what extent that almost doesn't fall into common practice unless someone believes that there isn't common practice. Now the whole notion of socialization to the SOs and ACs may sound a little different but, quite often reports are sent out for public comment and there's a request made to the SOs and ACs. Now, the one thing that's not in here yet is if we are indeed adopting the notion that at the end of this process, we're looking for an appraisal that borders on a yay or nay from SOs and ACs. If we're going to ask for that, then that is a slightly different process that will have to think about a little bit more. But, and please someone correct me if I'm wrong that the socialization of the draft and the socialization of the final could mostly use a standard process.

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Sebastien: The question of socialization I think it's important to socialize, not just on SO and AC but all Community and I guess to socialize it with ICANN org and ICANN Board. The problem is that if we want to have to introduce a new way of accepting the report a by-law mandated review, there is a group who send a request for comments and then send a report to the board. If the board wish to have the input of the SO and AC, of course, for both they can do that can. I am intrigued by the fact that which SOs and ACs can send a representative or participant to review and then the review team is aware. And if the Review Team after our agreement of, I don't know each of the majority of SO and AC before to submit to the board it's a different type of work, and it's not what it's meant today in a by-law mandated Review. Therefore, we have to be careful on how we do that. I am not sure that it's such a good idea to try to start that with this Review, but if the group wants to there, we have to work on the detail and how it will work and that's when we just need also need to keep the 18 months, don't put too much on this team within 18 months.

Avri: Let me, let me take off my mind that this hadn't tried aware of complete neutrality on these issues, since I have a very strong opinion on this one and then I'll back off it. One of the things that worked really well with WS2 is that even though everybody that was in the decision-making group or the recommendation making group had been appointed by a group, they were also sort of acting in their personal capacity when they were doing the work. Certainly, in reviews, while picked by the group's and in the group's, there isn't a consistency that everyone is working as a representative of their group, they're acting as a member of the Review with individual responsibilities and such. One of the things that we see on occasion, is that Reviews come out and there's a certain amount of discomfort or lack of full understanding or lack of full acceptance from a particular SO or an AC. And so, on something as critical as a Holistic that wants to take the whole ball of wax and reconfigure it, if they decide to do so, seems the kind of thing that really should come back to get the SO / AC acceptance at least non objection. And that can be discussed. Now, this would not be something that was done within the 18 months because it would be based on the final, it would be something that was probably done within the board six months. You know, we do a public review and, yes, we can request a SO or AC viewpoint and if that's the way it's to be done that's good. But I really do want to sort of, say, at least, think about this that having buy in from the SOs and ACs on the final product seems almost critical to me on something especially like a Holistic. Now I'll put back on my try to be as neutral as I know how hat.

Cheryl (CHAT): the 'buy in' from AC/SOs is desirable if we can get it.

Matthew (CHAT): I agree Avri

Sebastien: Avri, I don't think we disagree. My point is like I don't want the Review Team to be stuck with that work and not able to fulfill the 18 months. Workstream 2 we didn't have any final dates; it was not written at the beginning that we need to fulfill the work in 18 months. But the buy in by the Community, by part of the Community or by all SOs and ACs, it's very good. And if it's done after by the board, yes, of course, definitely. If it's included in 18 months,

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just to be a question that they don't lose time with a lot of other work that needs to be done. That's my point.

Sam (CHAT): This "buy-in" is used other places - there's typically a chartering organization approval step at the end of CCWGs, before the reports are submitted to the Board.

Avri: Martin, you since you're here, even though not formally, how does that strike you as workable in terms of the Board not only doing a public comment but also doing a specific request of the SOs and ACs on something like a Holistic? And that could indeed be something that when by-laws are written for Holistic, it could conceivably be included. But just asking you, from the perspective of a board chair, does that seem like a reasonable approach? And apologies for putting you on the spot.

Maarten: I'm thinking of it, what I'm very much aware of that, that we are set up in three big groups, the Community with a specific function of being responsible for policy and priorities, and org to support it and a Board for the fiduciary part. So, it's percolating in my head. I don't say no, I don't say yes, but it's interesting. As such, as you know, we do have our continuous improvement process with a review we do every year and individual board member reviews, that we do as well. So that element for sure is something from which we can share experiences and things like that. Another element is that early engagement with Board as such, is something we talked about a lot at the moment and think about how can we do that without taking over the responsibility of the Community. So, it's these kind of elements that are playing in my mind, but good discussion.

Avri: Thanks. And I'd like to ask, it not necessarily today because I know it takes time to think through, for org and especially the legal side that would eventually have to create a by-law to sort of let that that mull at the back of their minds as to whether it's feasible reasonable, within the limits.

Sebastien: Just to add what Martin said, without providing to the responsibility of the Board and just to have some eventual discussion, the only place where we have multistakeholder body is the Board of ICANN, don't forget that.

Avri: I don't think we ever do but thank you for the reminder.

Sebastien: I have the impression that you forget it sometime. But I am sure that the Holistic Review will be able to discuss that because I think it's one important point to be discussed.

Objective Section of ToR

Jason: I just wanted to point out that there are comments to these objectives, but I think some of them might be answered by the thought paper. So, I just wanted to introduce that into everyone's frame of reference.

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Avri: Thanks, and in fact I was, I was going to point that out once we were looking at the objectives. And basically, to an extent, the thought Paper does touch them all, but I just wanted to make sure, while we were in our last seven minutes that within these three the three remaining objectives. First of all, if you see a way in which the thought paper that's just discussed has an effect on A, B, or D please shout it out, but also just wanted to see if there was any additional comments or any you know responses to comments. I guess at some point we're going to need to sort of do a change in language to meet the comments and that, I believe, is what happens between after our next meeting before we're supposedly going to be at the point of looking at a whole paper again. Please correct me if I'm misunderstanding. So, we talked about the review of effective this well that does fit in. So, I guess, my question starts to be as I think about this is how much does this need to be answered, in other words, we have objectives for the holistic review, but if we start to follow the notions in C in the thought paper, do these sort of get reshuffled and collapsed into a different kind of organization is the question that I start to have. Because it is correct what Jason pointed out that when we do the work as mentioned in C, it really isn't just C we're talking about its A, B and D also. I'm just wondering if there any other thoughts on that.

Larisa: As we look at objective A let's just say, review the effectiveness of the various inter SO / AC collaboration mechanisms, that that could certainly benefit from the methodology outlined in objective C, but also there's been some really good discussion and the fact that this could be evaluated and one could look at all the different existing collaboration mechanisms and that could be a good starting point for the Holistic Review pilot to take a look at. And the probably somewhat similarly in objective B review the accountability of SOs and ACs or their constituent parts to their members I believe it's in this area that we already referenced the latest organizational reviews. So, they're a little bit different from C in certain regards that there seemed to be a clear path forward to work that could be done, whereas C was a bit more expansive in the need of definition and principles.

Jason: To you and Larisa's point, there are similarities, but if you look at the process that C is trying to achieve on establishing a baseline for assessment, I think that really cuts to the core of a lot of the questions and a lot of the issues that were raised in the comments on the other three objectives.

Avri: For the next step in the discussions, but please if there's something that's missing from comments or noted in the language, please shout out on the list or on the chat it'll be caught either way.

Maarten: Just thinking of, maybe totally the wrong time, and then we will continue to contemplate it, it's also it's a guiding principle, a lot about the principle's evaluation, but also the support for carrying out this work, right? If you talk for instance about the practical solutions, you know within the Board we also talked about maybe we can support for working groups, etc., that people get the right training or that to use independent expertise. Now here

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we have the expertise from the org team on Reviews and that is an essential part of the effectiveness. Thank you. Does it make sense?

Avri: It does, and I think that's part of the package of the Review should consult with the Board also and talk to them and see. But also, we're constantly adding mechanism.

Sebastien: To two quick points, the first one is that we have also within the Community, with some knowledge about reviews and within the Board also, Avri is a very good example. And my second point is when you consider that it will be a good time to have a fresh document with no comment that we can restart, but because here it's from my point of view so complicated to see what it is, where we are, what is the comments. That's maybe if somebody can give you some aggregation of other comments and then give us a new document will be great.