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STATUS: Pending Ratification

Process (to be retitled Ratification, if ratified)

On 30 August 2022, the Public Comment proceeding opened for the [Pilot Holistic Review Draft Terms of Reference](#). An At-Large [workspace](#) was created for the Public Comment submission. The At-Large Operations, Finance, and Budget Working Group (OFB-WG), decided it would be in the interest of end users to develop and submit an At-Large Advisory Committee (ALAC) statement. Cheryl Langdon-Orr, At-Large representative to the Terms of Reference Holistic Review Pilot, volunteered to draft the initial ALAC statement.

On 30 August 2022, Cheryl Langdon-Orr drafted the initial ALAC statement, which was posted to its workspace by ICANN Policy staff in support of the At-Large community. The recommendations and At-Large positions were discussed during weekly OFB-WG calls and the ICANN75 At-Large Operations Update held in September. At-Large members were invited to provide input during the OFB-WG calls and via email.

On 11 October 2022, the OFB-WG finalized the At-Large Public Comment submission. The ALAC chair, Jonathan Zuck, requested that the statement be ratified by the ALAC before submission to the ICANN Public Comment feature.

On [to be added], staff confirmed the online vote resulted in the ALAC endorsing the statement with [to be added] out of 15 votes in favor, [to be added] votes against, and [to be added] abstentions. Please note [to be added] of ALAC Members participated in the poll. The ALAC Members who participated in the poll are (alphabetical order by first name): [to be added]. You may view the results here.

AT-LARGE ADVISORY COMMITTEE

ALAC Statement on the Pilot Holistic Review Draft Terms of Reference (ToR) Public Comment Proceeding.

Executive Summary

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). As with other recommendations made by ATRT3, this recommendation is fully supported, as outlined in the January 2020 ALAC [statement](#).

The ALAC and At-Large community strongly endorse the principle of a regularized Holistic Review as part of the overall ICANN org Review cycle. Therefore, we support the proposed draft Terms of Reference (ToR) while the Holistic Review is in this pilot phase.

The ALAC and At-Large welcome this opportunity to respond to the specific questions posed in the call for Public Comment. Please note that the ALAC and At-Large:

- **Support the Pilot Holistic Review Terms of Reference** as drafted.
- **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.
- **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**.
- **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**.

To clarify the above points, we have provided more detailed comments on the pilot Holistic Review ToR document, as outlined below.

1. Overarching Comments

- a. The Holistic Review is a crucial component of the ICANN org Reviews process and of the Evolution of the ICANN Multistakeholder Model work.
- b. "Pilot" terminology should be more clearly justified.
- c. ALAC/At-Large support the Holistic Review as becoming integrated into the overall ICANN org Bylaw-mandated Reviews process.

2. Section II - Mission, Objectives, Deliverables, and Timeframes

- a. ALAC/At-Large strongly support the objectives and deliverables as outlined in the draft ToR.

- b. ALAC/At-Large support the timeframes as described; however, seek the most expedient implementation of this Review (including all necessary preparation for it) as possible.
 - c. ALAC/At-Large strongly advise that planning for the Holistic Review must start as soon as possible.
- 3. Section III - Approach to Work, Decision-making and Methodology, Roles and Responsibilities, Support from ICANN org, Outreach**
- a. ALAC/At-Large propose that it would be advantageous for a non-voting, impartial chair to be appointed independently from any Supporting Organizations and Advisory Committees (SOACs) directly appointed representatives.
 - b. ALAC/At-Large advise ICANN org to contract a suitable and experienced technical writer to support the Review Team. This is essential.
- 4. Section IV - Definitions and Acronyms**
- a. ALAC/At-Large propose revisions to some of the existing definitions and acronyms, which are unclear in their current form.

In summary, the ALAC/At-Large show strong support for the process and see this Public Comment proceeding as an opportunity for the ALAC/At-Large to contribute comments that help ensure a rapid start to the long-awaited Holistic Review.

Introduction

This statement is from the perspective of the ALAC and the At-Large community, who are mandated to act in the best interest of individual Internet users. We 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.

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. The ToR establish the [criteria](#) set by the ICANN Board in regards to the initiation of the first Holistic Review as a "...pilot to be operated pursuant to community-agreed upon ToR and relevant elements of the Operating Standards for Specific Reviews." The Holistic Review continues to be a priority for the ALAC and At-Large community.

Concurrently, ICANN org has also explored a new method of community input into its [planning prioritization process](#) for the Annual Budget and Strategic Planning cycles. For this pilot, a small team appointed by the SOACs discussed, negotiated, and arranged initiatives related to Specific Reviews into a prioritized matrix for active implementation. This initial prioritization pilot, which led to ICANN org's "Planning Prioritization Framework v2," addressed the implementable yet outstanding list of recommendations from previous Specific Review teams and Cross Community activities. The list included recommendations from Work Stream 2 (WS2) of the Cross Community Working Group on Enhancing ICANN Accountability (CCWG-ACCT) and uses a community engagement model encouraged by ATRT3 to keep recommendations separate. For the Planning

Prioritization Framework pilot, the ALAC was represented by Cheryl Langdon-Orr and Jonathan Zuck. Among the recommendations prioritized in the Prioritization Framework pilot was the Holistic Review pilot (ATRT3 Rec 3.5). Given the Holistic Review's high priority as an output of the Prioritization Framework pilot, the ALAC/At-Large are also pleased to support the allocation of suitable and sufficient resources be made available by ICANN org to implement this pilot as part of a regular cadence of reviews.

In May 2022, "the community's prioritization team assigned the Pilot Holistic Review with the highest priority level, prompting ICANN org to begin the process of implementation design and planning the steps needed to secure Executive and ICANN Board approval of funding and resourcing." However, if the Holistic Review cannot follow the recommendations made by the community's prioritization team, then the project should be assigned multi-year resourcing abilities. The ICANN org Supplemental Fund for Implementation of Community Recommendations (SFICR) should be considered as a method to fund the Holistic Review given that adequate and predictable resourcing is crucial to the success of this project.

ALAC/At-Large strongly support the purpose and potential of the Holistic Review as a recommendation from ATRT3. At-Large supports these ToR for the pilot of a Holistic Review, subject to our comfort with any and all consequent edits of a non-substantive or substantial nature, as a result of this Public Comment, during this pilot phase.

1. Overarching Statements

Topics that ALAC/At-Large believe need to be addressed in the ToR include:

- a. Degree, if any, to which internal SOAC structures are subject to the Holistic Review.
- b. Consideration of the roles and responsibilities of the various SOACs, stakeholder groups, constituencies, and structures with respect to each other.
- c. Consideration of any activities already ongoing for continuous improvement in the various structures.
- d. Relationship to work already underway regarding the Enhancing the Effectiveness of ICANN's Multistakeholder Model project.
- e. Development of a specific remit for the Holistic Review Team, while in the pilot phase.
- f. Prompt implementation of recommendations made by the Review Team that address the most critical gaps or issues identified as of the highest priority.

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.

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. The model cannot evolve without addressing the bigger issues outlined in the ToR. Although work is currently underway in various areas of friction identified by the community, and ongoing work is resulting in continuous improvement in some processes, the ICANN multistakeholder model is in dire need of a "refresh." The overall question of roles and responsibilities of the ICANN community as well as ICANN org and the ICANN Board can only be addressed through a process such as anticipated by the Holistic

Review. A Holistic Review of ICANN at this stage of our entity's evolution should not be delayed or avoided.

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.

2. Comments on Section II - Mission, Objectives, Deliverables and Timeframes

2.a Objectives and Deliverables as outlined in the ToR.

ALAC/At-Large support the format of this section. The section clearly outlines the expectations of the Review Team for the Pilot Holistic Review. We note that this section goes considerably further than most previous terms of reference for workgroups and review teams. In particular, the table format allows the highly specific deliverables to be clearly understood and the mapping to each stated objective easy to follow. We not only support this approach for this ToR but also encourage the use of a similar format in future terms of reference or work group charters developed by ICANN org and its SOACs.

2.b Timeframes as described in the ToR.

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. In the next section, we expand on our comments related to the completion of the review.

2.c Preparatory opportunities to ensure optimal outcomes.

As mentioned above, we suggest there would be a greater likelihood of a more complete and accurate understanding of the Timeframes in general and the possible timeline and project activities of the Review Team's required work, if additional and preferable graphic-based information was provided. Along with this, it may be an added advantage if the ICANN Community

could set their expectations for and utilize some placeholder planning of their activities and programs around key preparatory dates (such as the calling for and assignment of Review team members, etc.) and other possible opportunities. These opportunities include, early or prerequisite outreach and engagement or simply awareness-raising activities that, if properly planned, executed and attended, should also aid in the effectiveness and timeliness of the Pilot Holistic Review as well as optimize its outcomes, and the communities' acceptance and endorsement of its reporting and recommendations. We recognise this may in itself require additional Small Team Cross Community planning but hope it is an idea worthy of at least consideration.

3. Comments on Section III - Approach to Work, Decision-making and Methodology, Roles and Responsibilities, Support from ICANN org, Outreach

ALAC/At-Large appreciate the clarity and detailing of the described Guiding Principles regarding the scope of work and expected approaches to be taken by the Pilot HR Team. The specification of the relevant ICANN Bylaws provisions as well as the relevant ICANN Board-approved Operating Standards for Specific Reviews make it clear that these are applicable, to be referenced, and to be utilized. It also serves to ensure that the Holistic Review, as proposed in the ATRT3 Recommendation 3.5 is a Specific Review, albeit an overarching ICANN org review, will need to eventually be articulated in the ICANN Bylaws.

We note the detailing of the matters such as 'Decision-making and Methodology,' 'Roles and Responsibilities...', 'Support from ICANN org...', and 'Outreach', whilst extensive, will ensure that the Review Team operating within the ToR has clarity on these often time-consuming discussions from the outset. Further, the wider community will have clarity regarding operations of the team and clear expectations regarding progress and communications.

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. . To be clear, such essential support from a suitably qualified and experienced technical writer should be sought, selected and contractually confirmed so that they are engaged with the appointed Review Team from the outset of its work.

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.

4. Comments on Section IV - Definitions and Acronyms

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 CCWG-Accountability/WS2 work). Further planning and execution of these opportunities should be as inclusive of the relevant ICANN Community as possible and clearly detail methodologies to be deployed i.e. should there be email blasts? Chats in the hallway (or the bar) at meetings? Something else? This need not be an exhaustive list but indicative to show types of possible tools to be used.

5. Closing Comments

The ALAC/At-Large appreciate the opportunity to comment on these ToR for the Pilot Holistic Review. However, the ALAC/At-Large remain concerned that this Public Comment proceeding was not opened until the end of August and has a timeline that closes on 20 October 2022, with reporting by the start of 4 November 2022. Even with all due haste, kicking off the Pilot Holistic Review process at the beginning of 2023 is still going to be a challenge. Although we accept that the pilot is to be started and progressed in the most expedient way possible, we understand that this will require efficient and effective preparation and planning of project aspects and workflow, before the actual start of the Review being done. Both of these phases will require Community support in a timely manner and this may extend the timeline and will require efficient preparation and planning of multiple aspects before the actual start of the Review. To minimize risks of time slippage here it seems essential that proper *prior* preparation occurs and is carried out in a well-planned and clearly understood manner.

ALAC/At-Large notes that the Public Comment proceeding for the ToR states that the ICANN Board "would also welcome input on the pilot Holistic Review scheduling and timing in light of other community and stakeholder work." We believe that the expediency and effectiveness of this pilot Holistic Review is integral to the implementation and conduct of other essential community and stakeholder continuous improvement initiatives. These would include initiatives outlined and

envisaged in the recommendations from previous cross community activities and Specific Reviews, such as CCWG-Accountability Work Stream 2 and ATRT3. Relating specifically to ATRT3, we support the recommendations related to the initial and following Holistic Reviews for ensuing Reviews and SO/AC/NomCom Continuous Improvements.

To reiterate our responses to the specific questions posed in the call for Public Comment please note ALAC/At-Large:

1. **Support the Pilot Holistic Review Terms of Reference** as drafted.
2. **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.
3. **Further 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.**
4. **Particularly 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.**

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/At-Large appreciate that the ToR for the Holistic Review are important to frame during this pilot phase.

ALAC/At-Large recognize and appreciate the work ICANN org and the ICANN Board are doing in support of evolving ICANN, and specifically note that the contributions made through the Holistic Review process will no doubt be highly significant to this evolution.