

Registries Stakeholder Group Statement



Pilot Holistic Review Revised Draft Terms of Reference

Date statement submitted¹: 27 November 2023

Reference url:

<https://www.icann.org/en/public-comment/proceeding/pilot-holistic-review-revised-terms-of-reference-tor-28-09-2023>

Background²

The ICANN Board is seeking the community's input on the proposed [Pilot Holistic Review Revised Draft Terms of Reference](#). This is an update to the first version posted for Public Comment in August 2022 and has been modified to reflect the four primary issues raised during the first Public Comment proceeding:

- The scope of Holistic Review is unclear
- There is a lack of independent examination in the Holistic Review
- There is a lack of identified dependencies
- The community might not have the ability to support the Pilot Holistic Review work

The ToRs are also shortened and revised to include more direct language and clearer deliverables.

Documents

- [Pilot Holistic Review Revised Draft Terms of Reference](#)
- [ToR Development Team revised ToR Cover Note](#)

Related RySG comments

- [RySG comment on the Pilot Holistic Review Draft Terms of Reference](#) (10 Nov 2023)
- [RySG comment on the Third Accountability and Transparency Review Team \(ATRT3\) Final Report](#) (31 July 2020)
- [RySG comment on the Third Accountability and Transparency Review Team \(ATRT3\) Draft Report](#) (31 January 2020)
- [RySG comment on Updated Operating Standards for Specific Reviews](#) (19 February 2019)
- [RySG comment on Operating Standards for ICANN's Specific Reviews](#) (2 February 2018)

Registries Stakeholder Group Comment

The Registries Stakeholder Group (RySG) welcomes the opportunity to provide comments on the Pilot Holistic Review (PHR) Revised Draft Terms of Reference. The RySG also reiterates its support for the ATRT3 recommendation for instituting a new holistic review of ICANN, and the Board's decision to initiate a Pilot Holistic Review as a test-bed for the scope and extent of such reviews.

¹ This is a copy of the text submitted via the ICANN Public comment platform.

² Background: intended to give a brief context for the comment and to highlight what is most relevant for RO's in the subject document – it is not a summary of the subject document.

1. Do you support the Pilot Holistic Review Revised Terms of Reference as drafted?

The RySG is generally supportive of the Pilot Holistic Review Revised Terms of Reference. The RySG agrees that the scope of the pilot is to establish the criteria for future Holistic Reviews, which will focus on evaluating and improving the overall interfacing, interaction and effectiveness of the ICANN multistakeholder community. However, the review of the purpose, structure, and operations of specific community institutions should remain at the discretion of the specific SOs and ACs.

Additionally, further clarity is solicited regarding the outcomes and next steps of the pilot. Questions remain with regards to whether the outcomes of the pilot will be binding on the ICANN community, and on the membership and composition of the pilot review.

2. Does the Pilot Holistic Review Revised Terms of Reference sufficiently address the four primary issues identified in the first Public Comment proceeding?

The Revised Draft Terms of Reference do provide increased clarity on the scope and extent of the pilot. It is clear from the specificity and nature of deliverables documented in the Draft that the goal of the pilot is not to conduct a mini review but instead to identify the focus areas, objectives and guardrails for eventual Holistic Reviews. The RySG appreciates these efforts and supports the refined scope.

However, the draft does not adequately set out the role of the external review. The draft needs to clarify the role and extent of external engagement in both the pilot and the subsequent holistic reviews. The RySG strongly encourages the possibility for the members of the pilot and subsequent reviews to have the opportunity to solicit advice and feedback from qualified external third party subject matter experts. At the same time, it is important to respect the independence of SO/ACs and the unique purposes and structures of ICANN's constituencies. Therefore, the role of external stakeholders in the evaluation of the internal policies and processes should focus on the effectiveness of the Holistic Review and not the SOs and ACs. Review of SO and AC operations must be limited in order to sustain independence of these structures and the neutrality of the review itself.

3. Does the Pilot Holistic Review Revised Terms of Reference sufficiently clarify the deliverables for the Pilot Holistic Review?

The RySG has the following feedback on some of the deliverables:

Deliverable 2: Guidelines for the review of the accountability of SO/ACs or constituent parts to their members and constituencies.

- The RySG suggests that where possible, the Pilot Holistic Review should identify specific metrics or identifying characteristics that would make an SO/AC accountable. The RySG recognises that each SO/AC is unique, so such metrics and identifying characteristics should not be exhaustive.

Deliverable 3: Guidelines for the review of SO/AC/NomCom as a whole.

- The RySG proposes that this deliverable should be rephrased to clarify that the guidelines should be for the review of SO/AC/NomCom engagement and interfacing.

Deliverable 12: Report on the testing of the guidelines as applied to specific issues. The PHR should explore a subset of issues as possible stress test cases and choose a few stress test cases to delve into from among the subset based on timing, bandwidth, and priority.

- The RySG would ask that Deliverable 12 be clarified to state that the stress testing would relate to the engagement between SOs and ACs and assess whether deliverables 1-11 are achievable and manageable. The stress tests should also be hypothetical in nature, and not based on current or past litigation or disputes.

4. Do you support the next steps for the Pilot Holistic Review ?

The RySG would suggest that the second paragraph in the “Closure of the PHR and Review Team Self-Assessment” be set out separately under a heading of next steps (or something similar). Identifying decision points for moving forward with the work, and who will be taking that decision would also be helpful. This should also include what impact the decision will have on which parties i.e. the Community, Board and/or Org.

Summary of Submission:

The Registries Stakeholder Group (RySG) welcomes the opportunity to provide comments on the Pilot Holistic Review (PHR) Revised Draft Terms of Reference. The RySG also reiterates its support for the ATRT3 recommendation for instituting a new holistic review of ICANN, and the Board’s decision to initiate a Pilot Holistic Review as a test-bed for the scope and extent of such reviews.