

# Organizational Effectiveness Committee Activities Report

31 December 2023

## Section I: Completed Activities<sup>1</sup> – Q3 through Q4 2023

*Note: Reviews and related projects consist of several major phases (planning, conducting review and implementing improvements), and each phase may last six months or longer. While completed activities are reflective of these phases in Section I of this report, Section II includes milestones that have been completed within the phases that are still a work in progress.*

| Item  | Description  | Completion Date   | Status  |
|---|--|-------------------|---|
| Second Organizational Review of the NomCom (NomCom2) Implementation | <p>Board <a href="#">acknowledged</a> the implementation work of the NomComRIWG and accepted the status of implementation of recommendations from NomCom2 Review as <a href="#">reported</a> by the NomComRIWG.</p> <p>Board approved initiation of both a Fundamental and a Standard ICANN Bylaws Amendment Process on Articles 7, 8, and 27 of the ICANN Bylaws, by opening a Public Comment proceeding on the proposed Bylaws amendments, including draft NomCom Standing Committee Charter and the draft statement defining Unaffiliated Directors as part of the public comment proceeding.</p> | 10 September 2023 | <ul style="list-style-type: none"><li>• Public Comment proceeding on <a href="#">Bylaws Amendments and Documents to Implement the NomCom2 Review</a> closed on 12 June 2023. Thirteen submissions were received from the community, proposing edits and generally expressing support of the proposed Bylaws amendments and documents to implement the NomCom2 Review. The staff report was completed 17 July 2023.</li><li>• In September 2023, the Board <a href="#">took action</a> on NomCom2 Review implementation – next steps in Bylaws Amendments Process:<ul style="list-style-type: none"><li>○ The Board approved the Standard Bylaws amendments on Articles 8, 12, and 27 of the ICANN Bylaws, relating to the composition and terms of the NomCom, the implementation of the NomCom Standing Committee, and the manner of selection of the RSSAC.</li></ul></li></ul> |

<sup>1</sup> Organizational and Specific reviews have a long life-cycle, with multiple phases and durations. For the purposes of this reporting, completed activities include milestones and achievements that demonstrate progression of these reviews by phase.

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|   |  |                   | <ul style="list-style-type: none"> <li>○ The Board approved the NomCom Standing Committee charter, as revised to address public comments.</li> <li>○ The Board will further consider community concerns regarding the Fundamental Bylaws amendment on Article 7 of the ICANN Bylaws related to the "Unaffiliated" Directors role (and the related Statement). The Board directs the Board Organizational Effectiveness Committee to develop a plan within six months of this Board action to address the issue, before determining whether or how to proceed forward in the Fundamental Bylaws amendment process.</li> </ul> |
| OEC Charter Revisions                     | ICANN org facilitated support for the OEC to update their Charter (last revised in 2019), as well as existing procedures and related documentation for the OEC. The OEC approved the charter revisions and submitted the document to the Board Governance Committee (BGC). The BGC discussed the revised charter at their meeting on 26 May 2023 and approved the revised charter for Board consideration. | 26 October 2023   | <ul style="list-style-type: none"> <li>● Board approved.</li> </ul>  |
| Second IANA Naming Function Review (IFR2) | The OEC is chartered to be responsible for review and oversight of Periodic and Special IANA Naming Function Reviews (IFRs). In Q3 and Q4 of 2023 ICANN org engaged the OEC to carry out and complete some of the preparation work to convene the IFR2.  | 10 September 2023 | <ul style="list-style-type: none"> <li>● On a recommendation from the OEC, the Board convened the IFR2 in September 2023, in line with the anticipated timeline.</li> <li>● The OEC wrote to the BGC with a request to appoint a Board liaison to the IFR2. Accordingly, the BGC appointed Alan Barrett as the Board liaison to the IFR2.</li> </ul>   |

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| ISPCP Charter Amendments                              | Upon being briefed by ICANN org on the charter amendment process and the next steps involved, the OEC approved the publication of the amended ISPCP charter for Public Comment to begin Phase 3 of the Process for Amending GNSO Stakeholder Group and Constituency Charters, and for such proceeding to commence at an appropriate time. The OEC informed the Board about the proposed amendments to the ISPCP charter prior to the public comment proceeding | September 2023          | <ul style="list-style-type: none"> <li>● ISPCP Charter Public Comment closed 26 June 2023.</li> </ul>   |
| Process to Retire Non-Policy Recommendations          | The OEC endorsed a process to retire non-policy recommendations to complete the implementation of ATRT3 Recommendation 5.  | December 2023           | <ul style="list-style-type: none"> <li>● The final process addresses input received from the ICANN community and will be shared with the ICANN Board in January 2024.</li> </ul>  |
| Specific Reviews recommendations pending Board action | Informed by the Board Caucuses on DNS abuse, CCT, SSR2, and Data Protection/Privacy, the OEC agreed on recommendations to the ICANN Board on a total of fifteen recommendations (two CCT, nine SSR2, four RDS-WHOIS2)  | September-December 2023 | <ul style="list-style-type: none"> <li>● <a href="#">Board action</a> on eleven CCT and SSR2 recommendations on 10 September 2023</li> <li>● <a href="#">Board action</a> on four RDS-WHOIS2 recommendations on 21 December 2023</li> </ul> |

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## Section II: In-Progress Activities

*Note: Reviews and related projects consist of several major phases (planning, conducting review and implementing improvements), and each phase may last six months or longer. While completed activities are reflective of these phases in Section I of this report, Section II includes milestones that have been completed within the phases that are still work in progress.*

| Item  | Description <sup>2</sup>   | Target Completion Date | Status  |
|---|--|------------------------|---|
| Second Organizational Review of the NomCom (NomCom2) Implementation | <p>In September 2023, the Board <a href="#">took action</a> on NomCom2 Review implementation – next steps in Bylaws Amendments Process. Part of this action included further consideration of community concerns regarding the Fundamental Bylaws amendment on Article 7 of the ICANN Bylaws related to the "Unaffiliated" Directors role (and the related Statement).</p> <p>The Board directed the OEC to develop a plan within six months of this Board action) to address the issue, before determining whether or how to proceed forward in the Fundamental Bylaws amendment process.</p> | March 2024             | <ul style="list-style-type: none"> <li>• The OEC will discuss the development of a plan related to “Unaffiliated” Directors, as per the Board resolution and propose a way forward.</li> </ul>  |
| NomCom Rebalancing  | <p>Board acknowledged the NomComRIWG's position that Recommendation 10 of NomCom2 Review, stating "Representation on the NomCom should be re-balanced immediately and then be reviewed every five years", is not feasible for implementation at this time, and has been withdrawn. Recognizing that ICANN has an important responsibility to address the topic, the ICANN Board <a href="#">resolved</a> in</p>  | February 2024          | <ul style="list-style-type: none"> <li>• The OEC provided an update to the ICANN Board in September 2023 on the topic of NomCom Rebalancing.</li> <li>• The OEC will consider the possibility and means of engaging a third party to provide research and report back to the Board on its findings. This will include ICANN org’s assessment of the staffing resources and</li> </ul> |

<sup>2</sup> Description of Review activities, for which the OEC provides oversight.

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|  | <p>March 2023 to engage with the ICANN community to understand community views on NomCom rebalancing and provide an update to the Board by September 2023.</p> <p>ICANN <a href="#">Correspondence</a> was shared on behalf of the ICANN Board Chair to the ICANN community leaders (21 chairs in total) in April 2023.</p> <p>Engagement session(s) on NomCom rebalancing were organized during an ICANN77 Board Workshop session and GNSO Council Meeting.</p>  |                  | <p>budget required to support engagement and research.</p> <ul style="list-style-type: none"> <li>• The ICANN Board Chair <a href="#">responded</a> in October 2023 to all community groups that provided input on the topic, thanking them for sharing their views and noting the diversity of input received on the topic of NomCom rebalancing.</li> </ul> |
| <p>Second Organizational Review of the RSSAC (RSSAC2) Implementation</p> | <p>Board <a href="#">acknowledged completion</a> of the implementation work of the RSSAC2 Review based on a recommendation from the OEC, and requested that the RSSAC provide periodic updates on the progress of the Root Server System Governance Working Group. Per the final report, Recommendations 1a and 6a are dependent on the progress of the RSS GWG, which has revised its 2022-23 work plan.</p> <p>The RSSAC <a href="#">conveyed</a> to the OEC that the RSS GWG directly will report on its progress, rather than the RSSAC. The OEC responded to RSSAC via ICANN correspondence (<a href="#">19 May 2023</a>), asking for some clarifications.</p> | <p>June 2024</p> | <ul style="list-style-type: none"> <li>• The OEC will continue to engage with the RSSAC, as needed.</li> </ul>  |

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| <p>Pilot Holistic Review Draft ToR (Implementation of ATRT3 Recommendation 3.5)</p>  | <p>ICANN org assisted the OEC and ATRT3 (co-Chairs and the Review Team members) in finalizing the Revised ToR draft, organizing a ToR Team webinar, presenting the Revised ToR Draft to the Board during the Istanbul workshop, opening a second Public Comment proceeding on the Revised Draft ToR, drafting a subsequent Summary Report on the submissions received, and facilitating OEC discussion.</p> | <p>January 2024</p> | <ul style="list-style-type: none"> <li>• OEC members are actively reviewing the Public Comments received in preparation for OEC discussion on community input and a determination of the OEC’s recommendation for a pathway forward for the Pilot Holistic Review.</li> </ul>   |
| <p>Evolution of Organizational Reviews into a Continuous Improvement Program (CIP) (Pilot)</p> <p>(Implementation of ATRT3 Recommendation 3.6)</p> | <p>The OEC continues to monitor the implementation of this recommendation. The Board will consider the progress made toward evolving Organizational Reviews by June 2025.</p>   | <p>Ongoing</p>      | <ul style="list-style-type: none"> <li>• The status of the related implementation of ATRT3 recommendation 3.6 moved to “In progress”.</li> <li>• A Continuous Improvement Program Community Coordination Group (CIP-CCG) was formed in December 2023 to convene in January 2024, with the goal of developing a framework for <a href="#">implementation of ATRT3 Rec. 3.6</a>. The OEC will monitor progress of this group towards the development of a draft CIP Framework, before publishing for Public Comment later in 2024 (est.)</li> </ul> |

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| <p>Lifecycle of Reviews (LOR) (Planning)</p>     | <p>ICANN org initiated the Lifecycle of Reviews Project to understand the current operational challenges faced by Specific Reviews and introduce procedural improvements to the reviews process. This is a continuation of the work started by the OEC; this work was paused while the ATRT3 was active.</p> <p>ICANN org has compiled identified problems and proposed improvements to the ICANN review program as articulated by the community, Board and ICANN org over the past five years, which manifested into a Thought Paper outlining the current state of the reviews process and providing an overview of potential improvements. Refer to the <a href="#">Lifecycle of Reviews</a> workspace for ongoing updates.</p> | <p>Ongoing</p>    | <ul style="list-style-type: none"> <li>● The OEC and Board expressed support for the Thought Paper following briefings in May 2023.</li> <li>● An update on the project was presented on 18 September 2023 during ICANN78 Prep Week.</li> <li>● ICANN org published the Thought Paper and a blog on Evolving the Specific Reviews Process on 4 October 2023.</li> <li>● A project update will be presented on 22 February 2024 during ICANN79 Prep Week.</li> <li>● The OEC will be presented with a proposal for a redesigned Specific Reviews process in the first quarter of 2024.</li> </ul> |
| <p>Second IANA Naming Function Review (IFR2)</p> | <p>IFR2 activities are anticipated to take 12-18 months (estimated completion March 2025). Throughout the course of the review, the OEC is responsible for review and oversight of the review activities.</p>  | <p>March 2025</p> | <ul style="list-style-type: none"> <li>● ICANN org will provide updates to the OEC on the IFR2 work via the regularly-scheduled OEC meetings and/or via email as appropriate. The Board also has an appointed liaison to the IFR2 (Alan Barrett).</li> </ul>   |

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| Improved GNSO Stakeholder Group and Constituency Charter Amendment Process | The Generic Names Supporting Organization (GNSO) charter revision process has been updated to reflect the continuous evolution of the ICANN community, ongoing implementation of Specific Review recommendations, and the review role of ICANN Board. These improvements will streamline charter revisions and allow GNSO Stakeholder Groups and Constituencies to continue their focus on policy development. | January 2024 | <ul style="list-style-type: none"><li>• To avoid confusion about which process is in effect, Public Comment has been deferred until active charter revisions conclude (namely, the Registries Stakeholder Group).</li></ul> |
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| <p>Prioritized Board approved Specific Reviews recommendations (Implementation)</p>                   | <p>Refer to ICANN org related webpage for the latest status on implementation of prioritized Specific Reviews recommendations:<br/> <a href="#">Third Accountability and Transparency Review (ATRT3)</a><br/> <a href="#">Competition, Consumer Trust, Consumer Choice Review (CCT)</a><br/> <a href="#">Registration Directory Service Review (RDS-WHOIS2)</a><br/> <a href="#">Second Security, Stability, and Resilience of the DNS Review (SSR2)</a> .</p> | <p>Ongoing</p> | <ul style="list-style-type: none"> <li>• The OEC continues to oversee the progress of implementation conducted by ICANN org.</li> </ul>  |
| <p>Board approved Specific Reviews recommendations ineligible for prioritization (Implementation)</p> | <p>Refer to ICANN org related webpage for the latest status on dependencies that render Board approved recommendations ineligible for prioritization:<br/> <a href="#">CCT</a><br/> <a href="#">RDS/WHOIS2</a><br/> <a href="#">SSR2</a></p>   | <p>Ongoing</p> | <ul style="list-style-type: none"> <li>• The OEC continues to oversee the status of dependencies based on monitoring conducted by ICANN org.</li> </ul>                                    |
| <p>Specific Reviews recommendations pending Board action</p>  | <p>A total of five recommendations (four CCT and one SSR2) remain pending Board consideration.</p>   | <p>Ongoing</p> | <ul style="list-style-type: none"> <li>• The OEC continues to oversee the progress of recommendations pending Board action by ICANN org and the respective Board Caucus Groups.</li> </ul> |
| <p>Reviews Risk Assessment</p>  | <p>Pursuant to a request from the Board to better understand the risks associated with Reviews and to inform Reviews related decisions, ICANN org produced a Risk Assessment that analyzed the current state of ICANN Reviews. The assessment identifies strategic, legal, accountability, reputational and procedural risks to ICANN and proposes mitigations for the Board to consider.</p>  | <p>Ongoing</p> | <ul style="list-style-type: none"> <li>• The OEC presented the Reviews Risk Assessment to the Board during the September Board workshop.</li> </ul>  |

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| Enhancing ICANN Accountability - Work Stream 2 | Refer to the implementation <a href="#">Home page</a> on community wiki for the latest status on org and community implementation of recommendations. | Ongoing | <ul style="list-style-type: none"> <li>● The OEC continues to oversee the progress of implementation by ICANN org and the community.</li> </ul>  |
| Board Caucus Group Shepherding                 | Oversight of reviews-related Board Caucus Group activity.   | Ongoing | <ul style="list-style-type: none"> <li>● Based on the Board Governance Committee determination in September 2023, the following caucuses were folded in the OEC.               <ul style="list-style-type: none"> <li>○ Board Caucus on Competition, Consumer Trust and Consumer Choice (CCT) Review - OEC agreed to the newly created charter in July 2023.</li> <li>○ Board Caucus on Security, Stability and Resiliency Review 2 (SSR2)</li> <li>○ Board Caucus on CCWG-Accountability Work Stream (WS2) - OEC agreed to the newly created charter in August 2023.</li> </ul> </li> </ul> |

### Current Status of Reviews:

Please note that the current status of Reviews is available on the recently updated community wiki pages at <https://community.icann.org/category/accountability>