Staff Report of Public Comment Proceeding

Next Steps On Reviews	
Publication Date:	12 October 2018
Prepared By:	Negar Farzinnia

Public Comment Proceeding	
Open Date:	5 September 2018
Close Date:	5 October 2018
Staff Report Due Date:	12 October 2018

Important Information Links
[Announcement](#)
[Public Comment Proceeding](#)
[View Comments Submitted](#)

Staff Contact:	Larisa Gurnick	**Email:**	larisa.gurnick@icann.org

Section I: General Overview and Next Steps

On 5 September 2018, ICANN organization opened a public comment proceeding to invite feedback on next steps on ICANN reviews. The intent behind this public comment was to provide further opportunity for consultation with the community, (due to the limited number of comments received on the short-term and long-term options to adjust the timeline of reviews), and to confirm the way forward with the community, based on ICANN organization's understanding of the public comments, in coordination with the ICANN Board through the Organizational Effectiveness Committee (OEC).

The public comment forum on short-term options pertaining to specific reviews was opened to address the current workload of the volunteer community and impact on ICANN resources; the comments received on this topic were limited in number, with support split across various options.

The public comment forum on long-term options provided more reasonable scheduling across ICANN reviews (Specific and Organizational), with the goal of meeting ICANN's accountability and transparency obligations in a more practical and sustainable manner. The long-term proposal garnered a number of comments, with general support for many of the principles, but no clear agreement on how to implement improvement.

The proposal "Consultation Paper on Next Steps on Reviews" intended to harmonize divergence of opinions expressed by the responders in the two public comments on the short-term and long-term options to adjust the timeline of reviews. This consultation paper was posted for 30 days, due to the timing considerations for Accountability and Transparency Review (ATRT3) and the importance of moving the work forward.

Next Steps: The Organizational Effectiveness Committee of the Board (OEC) will identify recommendations to the Board on paths forward.

Section II: Contributors

At the time this report was prepared, a total of eight (8) community submissions had been posted to the forum. The contributors are listed below in chronological order by posting date with initials noted. To the extent that quotations are used in the foregoing narrative (Section III), such citations will reference the contributor's initials.

Organizations and Groups:

Name	Submitted by	Initials
Root Server System Advisory Committee	Andrew McConachie	RSSAC
Business Constituency	Steve DelBianco	BC
Registrar Stakeholder Group	Zoe Bonython	RrSG
Registries Stakeholder Group	Samantha Demetriou	RySG
At-Large Advisory Committee	ICANN At-Large Staff	ALAC
Non-Commercial Stakeholders Group	Rafik Dammak	NCSG
Internet Service Providers & Connectivity Providers	Chantelle Doerksen	ISPCP

Individuals:

Name	Affiliation (if provided)	Initials
Cheryl Langdon-Orr	N/A	CLO

Section III: Summary of Comments

General Disclaimer: This section intends to summarize broadly and comprehensively the comments submitted to this public comment proceeding but does not address every specific position stated by each contributor. The preparer recommends that readers interested in specific aspects of any of the summarized comments, or the full context of others, refer directly to the specific contributions at the link referenced above (View Comments Submitted).

Summary of comments submitted by public comment contributors:

CLO
● CLO is supportive of the next steps and timeline as proposed in the paper.
● CLO agrees that ATRT3 should consider "... a discussion on how to streamline Specific Reviews to make them more effective and impactful. ..." but would push for more than being "considered" by the RT as it is important that "... ATRT3 discussions, guidance and potentially recommendations inform next steps."
● CLO believes that the proposed next steps and timeline in the paper would be useful for ATRT to discuss and consider if in development of its own Scope ATRT3 agrees that the streamlining of Specific Reviews is to be included.

- CLO supports the development of "...a shared understanding of the purpose of Organizational Reviews and their expected outcomes - within the ICANN community, Board and ICANN organization." as proposed in the paper as well as the aim to "...Identify potential options to accomplish the agreed upon purpose and expectations, with an eye toward improved efficiency and effectiveness."
- CLO noted that the proposed process for the development of Operating Standards for Specific Reviews is well underway with community webinars already held and a public session planned for ICANN 63.
- CLO proposes that no new Organizational Reviews be conducted that have not already begun, so the next cycle starting from the GNSO, should be postponed until the review and any improvements to the "...shared understanding of... ... ... " has been fully established.

RSSAC
- RSSAC focused comments on responsibilities for ICANN organization with respect to the organizational review process including defining process and intended results, overseeing process and proceedings of independent examiner, and testing validity of reported outcomes.
- RSSAC suggests that before any future organizational reviews, the ICANN organization should identify a suitable agency and consult with them on the Request for Proposal (RFP). This agency may possibly conduct the organizational review as well. The Independent Examiner (IE) in an organizational review should be verifiably independent (i.e., from outside the ICANN community) and familiar with assessment frameworks and methodologies.
- RSSAC suggests that a few guiding principles be applied in any organizational review, including transparency, attribution, objectivity, professionalism and evidence.
- RSSAC had five recommendations for ICANN organization regarding future organizational reviews: 1. To define an ICANN organizational review, 2. To document the intent of the organizational review, information to obtain and how the information will be used, 3. To continue to use RFP process to select IE, modifying the process to ensure that the IE are experts in assessment frameworks and methodologies and that they are not from the ICANN community, 4. To ensure actionable checkpoints are in place to ensure contractual obligations are being met, and 5. To report on how the process transpired at the conclusion of any organizational review and demonstrate how the process will be modified.

BC
- BC supports the Consultation Paper proposal for ATRT3, noting that staff is recommending a plan for ATRT3 that differs from the BC preference expressed in July-2018.
- BC supports the proposal to allow ATRT3 to use its bylaws authority to recommend amendments to the other 3 specific reviews.
- BC supports the proposal to conduct a community consultation on long term improvements to the Organizational Reviews.

RrSG
- RrSG supports the proposal under short term improvements (and ATRT3) to proceed with appointing the review team for ATRT3 by 30 November 2018, start substantive work in January 2019, and run for the 12 months mandated by the Bylaws. RrSG noted earlier support for limiting the amount of time spent to select volunteers.

- RrSG supports work within ICANN to improve efficacy, efficiency, and reigning in expenditure. RrSG notes that Specific Reviews should not be allowed an unreasonably long timeline but does not believe that Specific Reviews should have further limitations placed on their current timelines.
- RrSG stated in its earlier comments that Organizational Reviews should be the focus of streamlining efforts and hopes that achieving a shared understanding leads to an actual reduction in both the frequency and length of Organizational Reviews.
- RrSG supports the proposal on 'Next Steps for Operating Standards for Specific Reviews' to "incorporate proposals based on significant lessons learned…" and welcomes any practical and effective improvements on the review process.

RySG
- RySG supports the proposed path forward for the ATRT3 to consider undertaking a discussion on how to streamline Specific Reviews and make them more effective and impactful.
- RySG agrees that the ATRT3 should explore relevant input from across the ICANN community including ICANN organization and the ICANN Board; and that the resulting discussions should inform next steps for conducting Specific Reviews. RySG noted that there seems to be an implicit suggestion that this would be the only issue discussed by the ATRT3 Team and clarified its belief that the ATRT3 Team should be the final arbiter of the scope of the review.
- RySG expressed a need for clarity on whether the Operating Standards currently under development are intended to form the basis for which the ATRT3 will be conducted.
- RySG sees merit in the proposed path forward to formulate a shared understanding of the purpose of Organizational Reviews and their expected outcomes within the ICANN community, Board and ICANN organization.

ALAC
- ALAC supports the ATRT3 proposed path forward.
- ALAC considers the Specific Reviews proposed path forward a low priority item for ATRT3 noting that based on recent experience, the reviews have largely worked well. ALAC suggests that what has not worked as well is the ICANN Organization implementation which seems to focus far more on ticking off boxes than on addressing the intent of the recommendations.
- ALAC supports the Organizational Reviews proposed path forward but with caution noting a need for not just change, but effective change. ALAC notes that the Organizational Review process, including implementations, has been costly in terms of finances and volunteer effort with no obvious sign of benefits being commensurate with efforts. ALAC expresses that any effort to formulate recommendations should include active community participation, rather than be a Board and/or ICANN Organization effort in consultation with the community.
- ALAC supports the Specific Reviews Operating Standards proposed path forward noting it must be done with great care, noting that institutionalizing things which have only had limited application can lead to unintended results.

NCSG
- NCSG supports the proposed timeline for ATRT3.

- NCSG expressed concerns regarding the ATRT3 having as scope the streamlining of the specific reviews, noting that the RT should be able to set its own scope and cover areas such as ATRT2 and CCWG recommendations.
- NCSG suggests that the organizational review streamline process involve the community in shaping it and not only having a consultation process that remains undefined.

ISPCP
- ISPCP supports the proposed path forward on short-term improvements and ATRT3, noting that commencing work ASAP with a firm scope, timeline and clear priorities are essential.
- ISPCP agrees on the proposed path forward for long-term improvements to specific reviews, suggesting that this should be the focus of ATRT3 discussions, and that the team could start immediately based on comments already received on long-term options.
- ISPCP agrees, in principle, to the proposed path forward on long-term improvements for organizational reviews, noting that all SO/ACs should engage in the effort, and a discussion should commence about whether the format of a CCWG would be appropriate.
- ISPCP expressed that any efforts toward long-term improvements should consider a holistic review of ICANN organization to ensure that any attempts to reshape organizational reviews will address the core issue that could make a substantial difference to the credibility and effectiveness of the process.

Section IV: Analysis of Comments

Next Steps on Reviews

S – Support | S# – Support with caveats or comments | NS – No Support | / - Not indicated

	Short term improvements (and ATRT3)	Long-term improvements to streamline Specific Reviews	Long-term improvements to streamline Organizational Reviews	Next steps for Operating Standards for Specific Reviews
CLO	S	S	S[3]	S
RSSAC	/	/	S	/
BC	S	S	S	/
RrSG	S[1]	S	S[4]	S
RySG	S	S[2]	S	/
ALAC	S	/	S[5]	S[7]
NCSG	S	/	/	/
ISPCP	S	S	S[6]	/

Caveats/Comments
1. Limit time spent on selecting volunteers for ATRT3.

2. ATRT3 Team should be the final arbiter of the scope of the review.
3. No new Organizational Reviews should be conducted that have not already begun until any improvements have been fully established.
4. Organizational Reviews should be the focus of streamlining efforts and hopes that achieving a shared understanding leads to an actual reduction in both the frequency and length of Organizational Reviews.
5. Any effort to formulate recommendations should include active community participation, rather than be a Board and/or ICANN Organization effort in consultation with the community.
6. All SO/ACs should engage in the effort, and a discussion should commence about whether the format of a CCWG would be appropriate.
7. Move forward with great care, be cautious of institutionalizing things which have only had limited application can lead to unintended results.

Summary of Analysis
Community feedback indicated support for the proposed next steps and timeline for starting ATRT3, with one note in support of limiting time spent on selecting volunteers.

Community support for the proposed path forward on Long-term Improvements to Streamline Specific Reviews was slightly mixed with general support but several additional comments including one indicating that this was considered a low priority. Other comments expressed concern about scope setting and recommended ensuring that the ATRT be the arbiter of its own scope.

There was also general support for the proposed path forward on Long-term Improvements to Streamline Organizational Reviews with additional comments and some specific recommendations on what improvements should be made. Two comments cautioned against moving forward with improvements that are Board and Organizational efforts in consultation with the community, recommending instead that the effort involve strong community participation from the outset. Another comment indicated that Organizational Reviews should be the focus of any streamlining efforts. One comment also suggested that no new Organizational Reviews be conducted that have not already begun, until any improvements have been fully established.

On the Next Steps for Operating Standards for Specific Reviews proposal, there were three respondents in clear support with additional comments. One respondent was in support of the proposal but cautioning to proceed with care as 'institutionalizing things which have only had limited application can lead to unintended results.' Four respondents did not clearly indicate support, with one seeking further clarification on 'whether the Operating Standards currently under development are intended to form the basis for which the ATRT3 will be conducted'.