

The ISPCP presents its comment to the 2<sup>nd</sup> draft of the Terms of Reference for the Pilot Holistic Review.

We would like to note that the last GNSO Review was done in 2014, its recommendations were approved by the Board in June 2016, so the third GNSO Review should have started in 2022, but it was deferred by the Board due to the recommendation from ATRT3. We are now ending 2023, this Pilot Holistic Review will take 18 months, at least, and as it is stated “It is not the role of the PHR to make recommendations with respect to the purpose or structure of ICANN SOs, ACs, the NomCom, ICANN org or the Board”. This means that we won't have a GNSO review till the end of the first Holistic Review, hopefully by the end of 2026 or mid 2027, more than 10 years after the previous GNSO Review, though in the Bylaws it is established that the organizational reviews should be done every 5 years.

## **RESPONSE TO PILOT HOLISTIC REVIEW REVISED TERMS OF REFERENCE**

Deadline for feedback: **27 November 2023**.

### **Relevant Background:**

The ICANN Board is currently 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 community input. The primary focus of the Pilot Holistic Review Draft Terms of Reference (ToR) is to address 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 ToR Development Team also shortened and revised the ToR document to include more direct language and clearer deliverables.

Considering the potential implications on the ICANN structures and work, the Board is seeking input on whether the [revised Draft ToR \[gnso.icann.org\]](#) seems fit for purpose, and whether it sufficiently addresses the issues identified in the first Public Comment proceeding.

The following questions are designed to aid responders in formulating their views:

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

**Response:** *We think that although these TOR are clearer and more concise than the previous ones, there are still some definitions needed. There is still a lack of independent examination and of identified dependencies.*

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

**Response:** *There continues to be a lack of independent examination and of identified dependencies in the Pilot Holistic Review, also there is no definition of how the different stakeholders will be represented in the review team.*

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

**Response:** *Yes*

4. Do you support the next steps for the Pilot Holistic Review (as noted below)?

**Response:** *18 months to fulfill the PHR is too ambitious, considering the deliverables (12) and the amount of time required from community volunteers, most of whom are participating in different working groups. With contracted independent consultants it would be possible to finish in time and we would get an outside perspective independent of the different groups in ICANN.*