

NCSG Public Comment on Pilot Holistic Review - Revised Draft Terms of Reference

November 21st, 2023

About NCSG

NCSG represents the interests of non-commercial domain name registrants and end-users in the formulation of Domain Name System policy within the Generic Names Supporting Organisation (GNSO). We are proud to have individual and organizational members in over 160 countries, and as a network of academics, Internet end-users, and civil society actors, we represent a broad cross-section of the global Internet community. Since our predecessor's inception in 1999 we have facilitated global academic and civil society engagement in support of ICANN's mission, stimulating an informed citizenry and building their understanding of relevant DNS policy issues.

About this Public Comment Proceeding

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

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

The NCSG maintains one residual apprehension regarding the Revised Terms of Reference for the Pilot Holistic Review (PHR).

- There needs to be a clear understanding of the purpose of the PHR in:
 - “...defining the roles of the community structures, the Board and ICANN org, and whether, and if so how, external parties should be involved” while also highlighting that: “It is not the role of the PHR to make Recommendations with respect to the purpose or structure of the ICANN SOs, ACs, the NomCom, ICANN org or the Board”. Perhaps, the (3) purpose in the TOR draft may be entirely removed as part of the purposes of the PHR to avoid further confusion.

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

The Pilot Holistic Review Revised Terms of Reference effectively addresses the three out of the four primary issues identified in the initial Public Comment proceeding by clarifying its scope and identifying the more comprehensive role of the Continuous Improvement Program (CIP) in creating the self- assessment. It also clearly addressed the point raised regarding workload by proposing a focussed approach where the PHR will be run as the only review within that timeframe.

However, in line with the 1st issue [1] from the initial community review “*The scope of Holistic Reviews is not clear.*”... the NCSG believes that the updated draft TOR [2] still contains some level of ambiguity that requires better clarity.

The PHR describes its purpose as

“... c) *define the roles of the community structures, the Board and ICANN org, and whether, and if so how, external parties should be involved...*”

however, it goes further to allude that:

...“*It is not the role of the PHR to make Recommendations with respect to the purpose or structure of the ICANN SOs, ACs, the NomCom, ICANN org or the Board. If in the process of developing guidelines and testing those guidelines, observations are made that are relevant to purposes or structure, these may be included in the Final Report of the PHR to be considered by the future Holistic Review.*”...

This statement presents an apparent contradiction, raising concerns about the necessity of including the goal of defining roles and structures of SOs, ACs, and Nomcom in the purpose of the PHR. We advocate for clear and unambiguous language in the Terms of Reference to specify the intended purpose of this review.

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

Yes, the NCSG believes that the TOR sufficiently describes the deliverables.

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

The NCSG looks forward to the stated concerns being addressed, after which it is willing to support the next steps in this process

[1]

<https://community.icann.org/display/attr/Pilot+Holistic+Review+Project?preview=/192220170/270729409/ToR%20Development%20Team%20Cover%20Note.pdf>

[2] <https://www.icann.org/en/system/files/files/pilot-holistic-review-draft-tor-18sep23-en.pdf>