

# CONSULTATION PAPER ON NEXT STEPS ON REVIEWS

## Introduction

The topic of reviews has been an ongoing one over the years, as noted in the May 16 [blog](#) accompanying the posting for public comments on [short](#) and [long-term](#) options for reviews.

On 14 May 2018, ICANN organization opened two public comment forums: [short-term options](#) pertaining to specific reviews to address the current workload of the volunteer community and impact on ICANN resources; and [long-term options](#) to provide 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. In response to community requests, ICANN organization extended the deadline for comments until 31 July 2018, resulting in a 78-day public comment period.

For short-term options, eight comments were received, with support split across three presented options (see [Summary of Public Comments](#)). Long-term proposal garnered 10 comments, with general support for many of the principles, but no clear agreement on how to implement improvements – see [Summary of Public Comments](#).

We are providing this consultation paper to confirm the way forward with the community, based on our understanding of the public comments, and in coordination with the ICANN Board through the Organizational Effectiveness Committee (OEC). We are providing further opportunity for consultation due to the limited number of comments received; to confirm whether the responses received to date are broadly representative of the multistakeholder community views; and to harmonize divergence of opinions expressed by the responders.

## Proposal

This consultation paper proposes a path forward with regards to short-term options, specifically for ATRT3; the means by which Specific Reviews and Organizational Reviews could be streamlined and improved in the long-term; and next steps toward finalizing and adopting Operating Standards. It is important to note that this consultation paper does not propose solutions for streamlining and improving reviews; it articulates the issues to be considered and a process by which this work could move forward.

### Short term improvements (and ATRT3)

**Proposed Path Forward:** Commence ATRT3 to start its substantive work in January 2019. To achieve this target, the Board would ask for the community to reconfirm their review team nominees and for the SO/AC chairs to appoint the review team by 30 November 2018.

The Bylaws specify a process by which community appoints a specific review team<sup>1</sup>.

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<sup>1</sup> See [Section 4.6\(a\) of the ICANN Bylaws](#)

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To date, the At-Large, ccNSO, GAC, GNSO and RSSAC submitted their nominees to serve on ATRT3. For more information on current status see [here](#).

With a view to start ATRT3 in January 2019 and anticipated review duration of 12 months mandated by the Bylaws, rather than ICANN organization initiating a new Call for Volunteers, the Board encourages SO/ACs to reconfirm their nominees to ensure they are still able to serve on ATRT3 and make any adjustments, if needed. This will enable the SO/AC chairs to proceed swiftly with finalizing the review team. The SO/ACs are encouraged to use appropriate processes to nominate suitable review team members.

### *Proposed next steps and timeline for starting ATRT3*

|  |                  |
|--|------------------|
| SO/ACs reconfirm their nominees or confirm that they do not intend to nominate members                   | 31 October 2018  |
| SO/AC chairs announce their final selection of ATRT3 members, confirming sufficient diversity and skills | 30 November 2018 |
| ICANN Board resolution to appoint Board representative and signal the start of review in January 2019    | 30 November 2018 |
| Preparatory/administrative calls to plan first substantive meeting                                       | December 2018    |
| ATRT3 holds its first substantive meeting <sup>2</sup>   | January 2019     |

### **Long-term improvements to streamline Specific Reviews**

**Proposed Path Forward:** ATRT3 to consider undertaking a discussion on how to streamline Specific Reviews to make them more effective and impactful. ATRT3 could explore relevant input from: ICANN community (public comments on [Long-term options](#) and additional consultations), ICANN organization via observed best practices and opportunities for efficiencies from specific reviews conducted in the past year, and ICANN Board, via observations from OEC.

ATRT3 discussions, guidance and potentially recommendations would inform next steps.

Community input suggests that Organizational and Specific Reviews ought to be considered separately given how different they are in nature, in community's view. In response to this suggestion, the consultation paper outlines separate and different proposals for each type of reviews. While there is general agreement that Specific Reviews need streamlining to alleviate burden on volunteer community and improve effectiveness (schedule as well as other aspects of reviews), how the changes should take place requires further evaluation and a more in-depth involvement from the community to gain agreement on approach.

Specific Reviews, as defined in Article 4.6 of the ICANN Bylaws, are an important mechanism through which the community gauges ICANN's execution of its commitment and are conducted

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<sup>2</sup> The exact date to be determined based on the needs of the ATRT3. Note that preparations for a face-to-face meeting generally require 90 days to facilitate review team schedules and secure cost-effective travel and accommodations.

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by community-led review teams. ATRT is the review of ICANN's execution of its commitment to maintain and improve robust mechanisms for public input, accountability, and transparency to ensure that the outcomes of its decision-making reflect the public interest and are accountable to the Internet community.

Section 4.6(b) of the ICANN Bylaws, gives this review the latitude to assess/improve/amend the Specific Reviews. Per section 4.6(b)(iv): *The Accountability and Transparency Review Team may recommend to the Board the termination or amendment of other periodic reviews required by this Section 4.6 and may recommend to the Board the creation of additional periodic reviews.*

The proposed way forward is anchored by ATRT mandate, combined with some support from the community to use this review as the vehicle for change. Recognizing that ATRT3 will set its scope in consultation with the community, this proposal would be a suggestion for ATRT3 consideration. If ATRT3 elects to address how to streamline Specific Reviews, the timeline could be as follows.

### *Proposed next steps and timeline for streamlining Specific Reviews*

|   |   |
|---|---|
| Discussions/consultations on how to streamline Specific Reviews   | March – June 2019                               |
| ATR3 formulates guidance on how to streamline Specific Reviews  | July 2019                                       |
| ATR3 issues final report and recommendations, including guidance  | December 2019                                   |
| ATR3 final report and recommendations are posted for public comment<br><i>(as mandated by the Bylaws)</i> | January-February 2020                           |
| ICANN Board takes action on ATR3 final report and recommendations   | June 2020<br><i>(as mandated by the Bylaws)</i> |
| Implementation planning and work begins; implementation steps may involve Bylaws changes                  | July 2020                                       |

### **Long-term improvements to streamline Organizational Reviews**

**Proposed Path Forward:** Begin an effort to formulate a shared understanding of the purpose of Organizational Reviews and their expected outcomes - within the ICANN community, Board and ICANN organization. Identify potential options to accomplish the agreed upon purpose and expectations, with an eye toward improved efficiency and effectiveness. The goal would be to achieve a balanced outcome, resulting in an effective process with support from the community, while preserving transparent and consistent means of assessing SO/AC accountability to their stakeholders and a means of implementing meaningful improvements. The Board, through the OEC, would provide guidance and direction on the possible solutions, and community consultation would also take place.

In general, the respondents show support for Organizational Reviews being modified, with several suggestions that Organizational Reviews be put on hold to allow for an evaluation of the effectiveness of the review methodology in place<sup>3</sup>.

<sup>3</sup> Since the second cycle of Organizational Reviews is nearing completion, with the review of the ccNSO beginning in August 2018, the ICANN organization interpretation is that the evaluation of Organizational Reviews would be

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### *Proposed next steps and timeline for streamlining Organizational Reviews*

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|--|-------------------------------------|
| Formulate understanding of the purpose and desired outcomes; summarize existing issues and identify possible solutions, in consultation with the community and guidance from OEC | December 2019                       |
| Hold consultations with community  | January – June 2020                 |
| Implement community-supported improvements   | April 2020-June 2021 <sup>4</sup> . |

### **Next steps for Operating Standards for Specific Reviews**

**Proposed Path Forward:** Rooted in practical experience over the past year with two post-transition-initiated reviews, ICANN organization will incorporate proposals based on significant lessons learned and include operational process improvements implemented within the past year. The next draft Operating Standards will be responsive to community concerns about selection of RT members, scope setting and monitoring progress of review teams with clear definition of escalation procedures, among others.

While there is recognition of the possibility that Bylaws amendments may be needed to streamline Specific Reviews, the community has highlighted that improvements which do not require changes to the Bylaws should be included in the Operating Standards. Several responders urged for the prompt adoption of Operating Standards to guide review teams. Community notes “that the Operating Standards are expected to reflect levels of detail that are generally not appropriate for governance documents and should not require a change to the Bylaws”.

### **Overall Next Steps**

We propose that this consultation paper is posted for 30 days, due to the timing considerations for ATRT3 and the importance of moving the work forward. A report of public comments will be posted within one week. Assuming the general community supports the next steps outlined in this consultation paper, the OEC, on behalf of the Board, will oversee appropriate steps toward implementation of the various outlined proposals, in collaboration with community leaders.

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applicable to the next (third) cycle of these reviews. The third cycle is scheduled to begin with the review of the GNSO in 2021.

<sup>4</sup> June 2021 signifies the start of the third cycle of Organizational Reviews.