

Review of Reviews - What we heard at ICANN85

Areas of alignment

- Find lightweight solutions.
- Simplify reviews. By adding layers and complexity, we run the risk of being back at square one. Focus on lessons learned.
- The volume of work and resources required for reviews needs to be sustainable. Define resources and bandwidth that would be required to maintain and execute on the potential refreshed system. Resource requirements should be an integral part of the Reviews CCG's work.
- Build some flexibility into the system for timing to be meaningful. There should be a global vision.
- Appropriate safeguards need to be in place to ensure this flexibility is run and used in good faith and will. Safeguards against capture are needed.
- Each review needs to be clearly distinct from the others and have a specific function.
- The new system should mitigate for review outputs to be implemented.
- Balance is important between internal and external reviewers. Appropriate technical expertise needs to be brought onto review teams.
- Review should remain bite-sized and under control. Narrow scoping is needed with a clear process.
- The reviews system should be meaningful and practical for all. Each individual organization differs in nature, operates differently, has its own size, structure, and particularities that make it unique. One size does not fit all.
- Efficiency and sustainability of the system are key.
- Reviews need to focus on what really matters and not impinge on policy work.
- Appropriate accountability and transparency structure needs to be in place for SO/AC leadership.
- Post pilot assessment of CIP is needed.
- There should be a long cadence associated with the scheduled structural review.
- Rename ad hoc review.

Requests for clarification

- What is the foreseen sequencing and timing of the review efforts (including logistics)?
- When does the clock start on cadence?
- How will significant reviews, particularly SSR and CCT, be preserved or accommodated in the future?
- How would priorities be set for the Accountability and Transparency review?
- How is the Accountability and Transparency review suggested by the Reviews CCG different from the existing one?
- How long will it take to scope the review (Concern that scoping and review may be time consuming)?
- Which planning documentation does the Accountability and Transparency review refer to? What would we review against?

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- How will it be possible to reach agreement on indicators or definitions to have multiple structures or stakeholders assessed or reviewed the same way?
- How much of a role is the CIP pilot given in the model ROR presents in its proposal?
- Who will perform the assessments of CIPs and what will be in scope?
- Does it make sense to have the same group conduct its own review?
- What backstop or appeal mechanisms are contemplated if an SO or AC disagrees or refuses to implement?
- Does the Board already have committees or mechanisms to review its operations?
- What forcing functions would there be? How can you review a group that considers it does not need to be subjected to a review? What backstops or appeal mechanisms will be there ?
- How would a structural review be triggered outside of the usual process and addressed through on demand?
- Can internal structures of an SO/AC be reviewed even if the leadership of that SO/AC did not request it? And would the findings of such a review be mandatorily imposed? Can a subset of the community raise an issue if it did not meet the vote of Council e.g., but has sufficient pull?
- Will there be a mechanism that will cause change even if the Board is not in agreement?
- What is the correlation between the CIP assessment and the structural review?
- What is covered and not covered by the Structural Review options (e.g. review of Board seats allocation).
- What does “placement” mean?
- How do processes get considered for the on demand review?

Suggestions or Comments heard:

On the Reviews System:

- The reviews system should be easy to understand for outsiders.
- The system does not seem well designed if there is a verification step on whether there is bandwidth and resources, as part of the initiation process, to perform a review considered important to maintain transparency.
- Reporting as routine to ultimately lighten the review workload.
- Any community conducted review process needs explicit conflict of interest provisions.
- There should be a possibility to run the review rather than the possibility to ask for the review.
- The review should be automatically triggered followed by an ask on whether it is needed.
- Time-binding should be established and adhered to before call for review members.
- Map out what reviews would be on-demand versus those that would be Bylaws mandated.
- State the purpose of each of these reviews to avoid overlaps.
- Consider mapping the review process against the Sao Paulo Multistakeholder Guidelines.
- SO/AC Leaders should have the role of facilitators and consult with their constituencies.

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- Given the workload of SO/AC leadership, alternates should be envisaged.
- It is important for those who select the topic to prove that it was done without bias and in the best interests of the community.
- Not all ACs are a member of the Empowered Community.
- The CCT, RDS and SSR reviews play a distinct role by evaluating how policies are implemented, i.e. reviews as a critical check on policy outcomes.
- CCT, SSR, RDS go directly to Bylaws obligations. Going from an extreme of having CCT, RDS, SSR reviews every n years to having them scheduled on demand .
- Beyond the notion of review, there should be opportunity to identify improvements.

Scoping:

- The broader community should be involved in scoping.
- Mitigate risk that may only hear from those that are comfortable with the status quo.
- Depending on the type of review, specific expertise might be needed.
- The Board is the only structure where everyone is represented and includes external people through the Nominating Committee.
- The ICANN Board and org should participate in scoping exercises.

On Bucket A:

- There is a need to bar against long processes or arguments that may ultimately result in delays, disagreements, and ultimately review overlaps.
- Add co-chairs of the previous ATR review to the SO and AC chairs to help scope.
- Transparency is as equally important as accountability.
- There should be a way to verify that all components are ultimately subjected to the review and that no element is left out.
- Run a sequential review of Commitments and Core Values in a rolling cycle.
- Rely on the scoping process for the community to identify needs.
- Scrutiny is needed for defining what should be in the charter.
- Build a mechanism to safeguard against unilateral decisions to delay this review.

On Bucket B:

- A common framework is important for comparing SOs and ACs.
- There needs to be safeguards around the self-evaluation processes, with concerns about conflicts of interest.
- No wish to be scrutinized by the full community; CIP should be used instead.
- Explore low impact ways instead (e.g. exchanging sheets).
- Assessing CIP success and whether it should replace organizational reviews instead of creating a comparative review of CIPs.

On Bucket C)

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- Engage in a review of the structure if there really is a significant issue to address in an effort to preserve resources.
- Thresholds might need to be different depending on the originating body.
- Flesh out principles as endorsement is key.
- It should happen first given its nature.
- Timing of ICP2 to be considered in the elaboration of the timeline.
- CIP outputs should go to the structural review.
- July 2028 should be the start date after the first cycle concludes.
- Start with review requirements first.
- For both options, be explicit about what review is designed to do and what it is not designed to do.
- Consider a third option to look at whether it is necessary to look at the structures and if there is a need to add more structures.
- Should Structural Reviews include clearer indicators for measuring whether stakeholder groups have the resources, support, and institutional space necessary to effectively contribute at ICANN?

On Bucket D

- Focus on the most important issues that need to be addressed. Narrow scoping could be useful.
- Consider a standing committee which can monitor effectiveness of reviews on a continuous basis.
- Each 5 years, the Board could ask community whether to undertake ROR or push to another 5 years
- Suggestion was made that the Review of Reviews could review one subset rather than all of them.

On Bucket E

- Ad hoc review should come with clear preliminary scoping and need capacity and workload checks.
- Not clear that can entrust the community with reviewing what it thinks is important.
- Building a four-part trigger test (non-duplication certification; confirmation that the issue is systemic; analysis of evidence; justification of urgency).