

## Staff Report of Public Comment Proceeding

Long-Term Options to Adjust the Timeline for Specific Reviews																			
<b>Publication Date:</b>	16 August 2018																		
<b>Prepared By:</b>	Larisa Gurnick																		
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Section I: General Overview and Next Steps																			
<p>On 14 May 2018, ICANN organization opened a public comment forum to invite feedback on 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.</p> <p>The timing of Specific and Organizational Reviews mandated by the Bylaws has resulted in multiple reviews occurring at the same time: currently, eleven Organizational and Specific Reviews are underway in different phases of work. The work associated with these reviews is extensive and has a direct impact on many parts of the ICANN community.</p> <p>The long-term options document outlined the challenges with the existing schedule, the constraints under which Specific and Organizational Reviews must be conducted in line with the Bylaws' mandate, and the principles and related options that the community may wish to consider, with an eye toward developing a more realistic and viable review schedule for the future. The analysis also included Bylaws sections that would need to be modified in the event any of the options would be supported by the community.</p> <p>ICANN organization outlined five long-term options for community consideration:</p> <ul style="list-style-type: none"> <li>• Staggering the reviews to have no more than one Specific Review and two Organizational Reviews running concurrently;</li> <li>• Adding timing criteria to initiate the next cycle of a Specific or Organizational Review, which could include factors such as a requirement that prior review recommendations be fully implemented and possibly operational for a period of time before the next review is initiated;</li> <li>• Adding requirements that, like the Accountability and Transparency Review Team (ATRT), other Specific Review teams complete their work within 12 months. This requirement could also be applicable to Organizational Reviews (although because Organizational</li> </ul>																			

Reviews are conducted by independent examiners based on contractual agreements, timing considerations are already incorporated into the process);

- Focusing Specific Review teams' work on topics of highest priority to the community; and,
- Adding scheduling flexibility for Specific Reviews to the Bylaws, with appropriate checks and balances.

ICANN org extended the deadline for comments to 31 July 2018, resulting in a 78-day public comment period, to address community requests for additional time. In total, ten submissions were submitted to the public comment forum and are summarized below.

After careful consideration of community input on long-term options, the Organizational Effectiveness Committee of the ICANN Board (OEC) will identify recommendations to the ICANN Board. Elements of comments that do not impact Bylaws will be incorporated, as appropriate, into revised Operating Standards that will be published for public comment.

## Section II: Contributors

*At the time this report was prepared, a total of ten (10) 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
Security and Stability Advisory Committee	Andrew McConachie	SSAC
Country Code Names Supporting Organization	Kimberly Carlson	ccNSO
Business Constituency	Steve DelBianco	BC
At-Large Advisory Committee	ICANN At-Large Staff	ALAC
Registrar Stakeholder Group	Zoe Bonython	RrSG
gTLD Registries Stakeholder Group	Samantha Demetriou	RySG
Non-Commercial Stakeholders Group	Rafik Dammak	NCSG
Generic Names Supporting Organization	Donna Austin	GNSO
Internet Service Providers and Connectivity Providers Constituency	Wolf-Ulrich Knoblen	ISPCP

### Individuals:

Name	Affiliation (if provided)	Initials
Cheryl Langdon-Orr	/	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:**

### **SSAC**

- SSAC shares the widespread concerns within the ICANN Community.
- SSAC supports staggering the reviews to have no more than one Specific Review and two Organizational Reviews running concurrently.
- SSAC supports adding timing criteria to ensure that the next cycle of a Specific or Organizational Review is not initiated until prior review recommendations are fully implemented and operational for a period of 12 months.
- SSAC supports adding requirements, where appropriate, that, like the Accountability and Transparency Review (ATRT), other Specific Review teams complete their work within 12 months.
- SSAC supports focusing Specific Review teams' work on topics of highest priority to the community.
- SSAC supports adding scheduling flexibility for Specific Reviews to the Bylaws, with appropriate checks and balances.
- SSAC supports the development of detailed changes to the ICANN Bylaws to enable these principles to be adopted.

### **ccNSO**

- ccNSO raises concerns about the phasing/scheduling of the Specific Reviews.
- ccNSO highlights 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. ccNSO strongly suggests Operating Standards be developed to ensure a stable basis for the review process as a matter of urgency.
- ccNSO Council notes that proposed measures address only the consequences of the present setup. Without questioning the necessity of the reviews and without a deeper analysis of the mechanisms used to achieve the goals, ccNSO believes that it is impossible to find solutions to tackle the core issue.
- ccNSO is of the opinion that it is essential to evaluate the reasons for each particular review, and whether that review, in its current form, is still valid. This could be included in the terms of reference for each review.
- ccNSO recognizes that adjustments to the current review process will necessitate changes to the ICANN Bylaws, thus triggering Empowered Community review mechanisms. Any change needs to be widely supported by the SO/ACs.
- ccNSO Council recommends the establishment of a cross-community working group to assess the framework and objectives of the current ICANN review mechanisms and eventually develop ICANN Bylaws changes.
- ccNSO is of the opinion the cross-community working group should be informed by individual reviews about the validity and value of each review process, and could cover at least: the review of the current background and goals of Specific, Organizational, and other reviews; the evaluation of the need for each review in its current form, scope, and frequency, based on output from the reviews; the examination of other possible mechanisms to ensure that the Empowered Community is well informed to make decisions and, when necessary, can exercise its powers in an efficient and effective way.

### **BC**

- BC wants to ensure that the organization is properly held accountable and believes such burdens likely will become especially acute in the 2018-2019 period as the community undertakes very demanding policy work.
- In principle, BC supports thoughtful consideration of how to adjust the timeline of reviews to ensure continued high-quality input from the community members as well as to conserve budgetary and staff resources.

- BC agrees with ICANN staff that timing considerations should be addressed first but is of the opinion that other factors should be considered (review costs, quality assessment, etc.), and suggests these should be examined through a subsequent public comment process.
- BC agrees that staggering reviews will help to lessen strain on the volunteers and ICANN resources as well as help to improve focus on the reviews and produce a high-quality output. In terms of implementing this principle, the BC would support a mix of (1) “in order of last review occurrence” and (2) “based on strategic importance and priority” as the criteria for staggering the reviews, with a slight preference for the first criteria. BC is concerned that the community-at-large may have different conceptions of what constitutes “strategic importance and priority” and urges that the method for defining strategic importance and priority should be specific as possible and defined by a notable development (i.e., a new gTLD Round).
- BC agrees limiting the duration of Specific and Organizational reviews to 12 months would realize cost savings, improve volunteer experience, and potentially enable more diverse participation. Yet, BC believes implementing this option would require the community to reach a shared agreement on how to prioritize topics. The community also would have to determine who should do so. BC questions whether the community, with all of its diversity, could agree on priority topics in a timely manner to make this a workable solution to resolve the timing issue. One stakeholder’s priority may be another stakeholder’s lower concern. This potentially adds another layer to the process and would compound scheduling challenges.
- BC believes the option of requiring that recommendations from the prior Specific or Organizational Review be implemented before the next review begins also has some drawbacks. It could create a lack of predictability in the cycle if implementation takes longer than expected. BC is also concerned that the time required for the proposed scoping and development of appropriate metrics, combined with the actual review, would further complicate efforts to streamline scheduling.
- The principle of “adding scheduling flexibility to the bylaws” aligns quite closely with the BC’s proposed alternative approach – which also incorporates the principle of staggering Specific Reviews. Since Specific Reviews are conducted by community volunteers, BC proposes that the community determine the speed of the review. If necessary, the community might “pause” a review in response to extraordinary or unanticipated development to ensure that the review receives proper focus (e.g., GDPR developments). The BC recognizes the need for checks and balances to ensure that these accountability tools are not weakened and proposes that the community would be required to inform the Board about the need to “pause” or delay a review and present a timeline for resumption or initiation of the review. The BC agrees with the suggestion of staff that any community-initiated request for delaying a review be approved by two-thirds of all SO/ACs.
- The BC acknowledges that certain Bylaws sections may need to be modified to implement this approach and further checks and balances contemplated. However, it believes that the broader community would support this approach because they would be empowered to regulate the onset of cycle of the review. Moreover, the community would not be plunged into extensive discussions determining priorities or be required to “front-load” the scoping of the Review.

#### **ALAC**

- ALAC believes the discussion of Organizational Reviews and Specific Reviews should be treated separately given the differences in how they operate, the tasks they are charged with, and the different requirement for significant community resources.
- On Organizational Reviews,
  - ALAC notes the next Organizational Review is not due to start for a few years and the Board has the discretion to delay.
  - ALAC suggests stopping initiating Organizational Reviews until the assessment of how effective the past review process was and the development of an effective methodology (including cost and volunteer effort);

- ALAC is of the opinion the Bylaws requirement of occasional introspection is good but that what it was made into is not. The current planned concept of dividing the review into two phases, analysis of issues and then recommendations is not sufficient;
- ALAC suggests that when it has been determined how to do reviews in a meaningful and effective manner, reviews should be restarted to allow them to be scattered over time and not happen in large clusters. ALAC further notes that part of this will be ensuring that the review is completed in a reasonable amount of time.
- On Specific Reviews
  - ALAC suggests changing the Bylaws to give the Board some wriggle room with the timing of Specific Reviews going forward, and suggests assessing the priority of reviews in the next round, in respect to each other, to spread these out to allow more effective use of financial and staff resources;
  - ALAC indicates that for the next rounds, more than "wriggle room" may be needed to ensure that they are spread out properly. The Bylaws wording must allow for such flexibility;
  - ALAC notes that when reporting on the review schedule, the "duration" of the review should be limited to the period of time from when the Review Team first meets (the original meaning of "convene" in the Bylaws), to the time when the final report is delivered.

#### **RrSG**

- RrSG appreciates ICANN's efforts to think strategically about how to handle review timelines in the long term.
- RrSG supports the proposal to stagger reviews, provided that doing so puts limitations primarily on Organizational Reviews and not Specific Reviews.
- RrSG supports the proposal to require a cooldown period of at least 12-18 months after implementation before a new review can be initiated and believes there should always be a sufficient gap between implementation and the next review in order to assess the impact of implementation. RrSG further comments that the last SSR implementation did not complete until after the following review had already started. This delay may have been necessary for the right work to be done, but it makes no sense with regards to the point and effectiveness of a review. The need for implementation and time to see its impact should take precedence over fitting in with a review cycle. Therefore, RrSG further supports adding scheduling flexibility for Specific Reviews to the Bylaws to enable this to happen.
- RrSG supports the proposal to limit the duration of Reviews, but predominantly for Organizational Reviews. RrSG believes Specific Reviews are generally not suitable to have to work within short time limitations as they are community led. ICANN community volunteers, with their differing perspectives and interests, will always need more time to figure out and work on Specific Reviews than the independent subcontractors working on Organizational Reviews that are given a narrow scope from the offset. RrSG believes the requirement to provide an initial report within one year is likely to be unworkable for Specific Reviews. Conversely, Organizational Reviews could certainly have limitations on their duration as subcontractors are paid to keep deadlines. However, the RrSG does support limitations being placed on the amount of time allowed to select volunteers, as well as how long the Board has to act on review assessments/plans and the independent examiners (who are subcontractors) have to produce a final report. Having more control and limitations will help ICANN org and community volunteers to be more and better focused, which in turn should help reviews be more efficient, on time and on budget.
- RrSG comments that ICANN org needs to be careful with Organizational Reviews and how their handling and response is perceived within the community. Particularly when the review has resulted in a significant number of recommendations, it is reasonable that the

community expect a certain amount of subsequent change and implementation of those recommendations within that organization. If ICANN org is seen simply to accept, and endorse, only amendments or rejection of those recommendations, it lessens the purpose and value of Organizational Reviews in general.

### **RySG**

- RySG supports providing a mechanism that would allow the flexibility to stagger Specific and Organizational Reviews in order to reduce the impact on community volunteer and ICANN resources.
- RySG believes it is important to recognize that the resources required and the processes for the Specific Reviews are considerably different to those required for Organizational Reviews and believes that distinction should be maintained in considering the long-term options to adjust the timeline of reviews.
- RySG supports staggering the Specific Reviews to avoid the possibility that more than one Specific Review is being conducted at any one point in time and believes it will be important to specify what 'conducted' means. For example, does this include the planning/preparation phase and all other phases of a Specific Review cycle that can take from 2.5 to five years, or is it from the first meeting of the Review Team to the finalization of the Final Report?
- RySG supports adding a timing criteria to allow time for the recommendations from a previous review to be fully implemented and operational for a minimum of 12 months before the next review is initiated, but believes that further investigation is required to understand if 12 months is a reasonable amount of time, or whether a longer period of time would be more valuable in terms of experience with the improvements.
- RySG supports adding a requirement that Specific Review teams complete their work within 12 months of their first meeting but believes the difficulty will be 'enforcing' the 12-month provision and getting community agreement as to how this will be done.
- RySG agrees adding scheduling flexibility for Specific Reviews to the Bylaws that scheduling flexibility but strongly emphasizes the importance of checks and balances.
- RySG does not support focusing work on topics of highest priority as it considers this principle outside of scope. There is no value in pre-determining what the focus of any Specific Review in a few years should be.
- On Organizational Reviews, RySG notes that time taken to conduct suggest that the process is both complex and bureaucratic. Given there are a number of reviews in various stages of completion, RySG suggests now would seem the opportune time to conduct the 'subsequent conversation' that was referred to in the options paper, particularly as the next cycle for the reviews is some three years away.

### **NCSG**

- NCSG agrees in principle with the approach and that reviews should not be done in a way that burdens the community but has some concerns as to how each review will be chosen for each period and how the timeline will be altered. Delaying a review could be detrimental to the accountability of the group that needs to be reviewed.
- NCSG does not support staggering reviews as need to have a review started should neither be based on budgetary considerations nor "volunteer exhaustion," but on the need to assess the necessary changes and improvement through the reviews.

- NCSG notes that in cases without Bylaws instructions, it is difficult to ascertain the priority of some reviews over others, especially when the review relates directly to the accountability of the ICANN community. Reviews should be undertaken through ICANN's set and pre-established timelines.
- NCSG is of the opinion that adding timing criteria to initiate a review is a more acceptable proposal and has fewer disadvantages. It is less arbitrary and does not delay a review but has measures in place to shorten it or to stop it because of external factors. The timing criteria, however, should not be based on completion of the implementation of the recommendations but solely to be based on a period of time elapsed before the review starts over again.
- Adding scheduling flexibility is not acceptable as some reviews may be undertaken late and some groups may continue without oversight which hinders their accountability.
- NCSG supports adding timing criteria both to initiate a review and for the duration of the review, with the caveat that the timing criteria to initiate a review should not be based on the completion of the implementation of the review but solely based on the period of time that has elapsed since the completion of the review.
- NCSG supports limiting the time for the duration of the review.

#### **CLO**

- CLO believes Organizational and Specific Reviews need to be thought of, treated and managed as segregated activities as they differ in fundamental ways.
- CLO believes it should be reasonable to manage a balance with proper planning that also permits sufficient flexibility to ensure that say only one Specific and two Organizational (ideally at different stages of the usual processes of external examiner review and reporting, feasibility assessment of the recommendations made by the independent external examiner, and the work of the implementation of the approved recommendations) happen concurrently.
- CLO comments that it would be very wise to have a moratorium on Organizational Reviews until a fulsome 'review of Organizational Reviews' can be carried out, and that it is imperative that sufficient time has passed between Organizational Reviews for each part of the ICANN community, to allow for proper and reasonable assessment of implemented recommendations and outcomes from the previous Organizational Review cycle. It should be expected that the community that is being reviewed are fully engaged with the development of the Terms of Reference for the call for EOI's and to the greatest extent possible the selection of the independent examiner responding to this call.
- CLO is of the opinion it would also be a wise move to consider allowing a better balance between the desirability of a predictable cycle time between Organizational Reviews, and with allowing an interspaced "internal review process" interspaced between external reviews, as well as looking at the benefits of periodic 'review of reviews' to be carried out by ATRT's from time to time.
- CLO considers there is a clear need to establish better criteria for timeline measurement relating to reviews in the longer term to ensure that start times or "convening" of them as well as project milestones are adjusted to be realistic and predictable, so in the case of the work/project time limitations being set on any given review team it should not be measured from a date point until the actual work (first

meeting etc.) happens with that team, and not at a point when a resolution to form one occurs, or when membership of it is decided or announced.

## **GNSO**

- GNSO believes analyzing the overlaps of both types of reviews together in terms of the commonly shared and required general resources only (i.e. the sum of volunteers unpaid time, outside consultants and other procurement dependent resources—variable expenses—and—fixed expenses—generated by the overall timeline, staff time, face-to-face meetings, etc.), does not help to find a sustainable solution to the present apparent overload of reviews.
- GNSO is of the opinion that there should be a clear separation of timeline adjustment strategies for each, Specific and Organizational Reviews separately. Staggering could happen within each type of review, but the assumption that both types of reviews need the same type of resources is incorrect. As important as timelines, the size and composition of the respective teams (Organizational Working Party Teams (WPTs) and Specific Review Teams (RTs)) should be discussed and adapted according to their differentiated purposes and objectives as well. GNSO recognizes that the Options Paper has identified this as a subsequent conversation for another time, but is concerned is that without due consideration now, all that will be achieved is a quick fix rather than a more sustainable solution to the systemic issues.
- GNSO supports staggering the Specific Reviews to avoid the possibility that more than one Specific Review is being conducted at any one point in time with a note that there are a number of phases in the Specific Review cycle that suggest a review could take anywhere between 2.5 to five years from preparation/planning to the implementation of recommendations. It will be important to understand what ‘conducted at any one point in time’ means, for example does it include the planning/preparation phase through to implementation. GNSO suggests that it be from the time of the first meeting of the review team to the time the Board receives the final recommendations and starts action upon them.
- GNSO supports adding a timing criteria to allow time for the recommendations from a previous review to be fully implemented and operational for a minimum of 12 months before the next review is initiated and notes that the implementation phase should have an enforceable deadline to ensure this is done in a timely manner and provide predictability to the schedule. GNSO agrees that further investigation is required to understand if 12 months is a reasonable amount of time, or whether a longer period of time would be more valuable in terms of experience with the improvements.
- GNSO supports adding a 12-month requirement that Specific Review teams complete their work within 12 months of their first meeting but notes that the current Specific Reviews all nominally had a completion date that was 12 months from their commencement and it will be important to conduct an analysis of why this has been the case in order to determine if the 12-month timeframe is reasonable. GNSO believes it will also be important to understand who will ‘enforce’ the 12-month provision and how this will be done. GNSO notes that ICANN is yet to finalize the Operating Standards for Specific Reviews and that it will be important to ensure that any timing identified as part of this effort are consistent with those that will ultimately be provided in the Operating Standards.
- GNSO supports adding scheduling flexibility for Specific Reviews to the Bylaws, but strongly emphasizes that the checks and balances will be important considerations.



- GNSO does not support focusing review team's work on topics of highest priority as it considers this principle to be outside scope of this effort. There is no value in predetermining what the focus of any Specific Review in a few years should be.
- On Organizational Reviews, GNSO believes an internal review should be the starting point and the findings of the internal review should inform the independent experts.
- GNSO notes the time for an Organizational Review to run its course is generally in the order of four years from start to finish. As many of these Organizational Reviews are in various stages of completion it would seem a good topic for discussion among the leaders of the respective reviews about their experiences in an effort to consider whether it is possible to develop and use a common internal measure of efficiency improvements derived from the review cycle. GNSO improves these improvements developed internally in each SO/ACs review cycle could bring adequate experience for the organization as whole.
- GNSO refers to the GNSO review as a use case and notes that this process has taken four years and eight months, and for the last 15 months at least eight community members have been meeting every other week for at least an hour in order to implement the original 36 recommendations. The next GNSO Review is to start no later than June 2021, which will provide three years to test the value of the recommendations. Given the recommendations were made some two and a half years ago there is a question of whether the recommendations continue to be relevant. There is a considerable layer of bureaucracy added to the process from the time the Council adopted the recommendations in April 2016 to the time the Board approved the Implementation Plan in February 2017. GNSO believes it should be possible to make the Organizational Review process more efficient, in terms of letting the independent expert (or "coach") to work in parallel with the Working Party Team (or even the respective SO/AC Leadership) and collaborate towards a forward looking work strategy, instead of looking for and fixing past mistakes.
- GNSO is of the opinion that control of the Organizational Reviews should not start with an independent examiner review of past performance, but with the bottlenecks Leadership finds most relevant. Organizational Reviews should be benchmarked against the rest of the SO/ACs to gain a common understanding of the efficiency of the overall ICANN multistakeholder model. There should be no problem in case of concurrent reviews in different SO/ACs. Experienced gained in one, should be processed for the benefit of all SO/ACs. Independent external analysis and support request should come out of the internal efficiency and strategy appraisals (i.e. strategy sessions), and not the other way around as it is today. The aggregated experience of the whole set of Organizational Reviews should become the benchmark and standard for the community as a whole (learning organization).
- GNSO thinks that Organizational Reviews would need to be (a) clearly benchmarked one against all others and (b) make sure they change the backward-looking perspective, (c) avoid very lengthy comment periods and implementation discussions, and most important, (d) the successful implementation of the recommendations become conditional requirements for any future SO/ACs budget increase requests. By giving back the initiative of the Organizational Reviews to each Leadership Team instead of expecting a centralized procurement process to trigger the review, and by better utilizing external expertise for effectively strategizing on how best to deal with future work and/or mediating in case there is no common agreement of the issues at stake, there should be less of a problem with concurrent Organizational Reviews, than with the Specific ones.

## ISPCP

- ISPCP agrees to concerns raised and considers that the timing of this consultation should take into account the need to take a holistic review of ICANN. ICANN has learnt many lessons with regard to its processes and ways of working, that could greatly improve its efficacy and thereby its ability to tackle its ever-increasing workload. By standing back and taking a holistic view of its current structural elements and assessing their effectiveness, rather than just reviewing each ICANN function in a stovepipe manner could result in structural changes that deliver benefits individual reviews would never be able to achieve.
- ISPCP notes significant finding from the document is the cost difference re Specific vs Organizational Reviews (\$500,000-700,000 vs \$250,000). This is hard to explain and should be decreased.
- ISPCP believes the recognized duration of an Organizational Review of five years (three years for reviewing, two years for implementation) should not be accepted as given. Strict and shortened deadlines should be set, in particular with respect to the work of the independent examiner. Implementation should be done to the largest extent by ICANN staff with the exception of cases where the community concerned is affected directly. Examples are membership and structure related issues. Saving time can facilitate the decision for staggering the reviews.
- ISPCP is of the opinion that waiting to kick off a new review until the previous review has fully been implemented seems not to be optimal. Rather setting strict timelines is a good trigger for the community to prioritize the work. In particular the implementation of review recommendations can be prioritized.
- This would significantly reduce costs and volunteer time requirements. As said before it is usually a valuable trigger for the team to prioritize its work. In justified cases the community as leader of the process could consider exceptions.
- Prioritization is needed for both review types. It may be a hard community process to go through to finding compromise solutions. But in the end prioritization is a helpful working guideline.
- ISPCP would welcome having tools available in a balanced way for appropriate scheduling flexibility. If necessary it should be reflected in the Bylaws, and checks and balances should be worked out together with the community

## Section IV: Analysis of Comments

### Long-Term Options

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

	Staggering Reviews	Timing Criteria	Limiting Duration	Focusing on Highest Priority	Adding Scheduling Flexibility	Bylaws Amendments
SSAC	S	S	S	S	S	S
ccNSO	/	/	/	/	/	S <sup>1</sup>
BC	S <sup>2</sup>	NS	/	/	/	S
ALAC	S <sup>3</sup>	/	/	/	S <sup>3</sup>	S
RrSG	S <sup>4</sup>	S	S <sup>5</sup>	/	S	/

RySG	S <sup>6</sup>	S <sup>7</sup>	S <sup>8</sup>	NS	S	/
NCSG	NS	S <sup>9</sup>	S	/	NS	/
CLO	S	/	/	/	/	/
GNSO	S <sup>6</sup>	S <sup>10</sup>	S <sup>11</sup>	NS	S	/
ISPCP	/	NS <sup>12</sup>	S <sup>13</sup>	S <sup>14</sup>	S	S

**Caveats/Comments:**

1. Any change to Bylaws needs to be widely supported by the SO/ACs.
2. Slight preference for in order of last review occurrence. Concerned that community may have different conceptions of what constitutes “strategic importance and priority”.
3. Allow Organizational Reviews to be scattered over time. Change the Bylaws to give the Board some wriggle room with the timing of Specific Reviews going forward.
4. Provided that doing so puts limitations primarily on Organizational Reviews and not Specific Reviews.
5. Predominantly for Organizational Reviews. ICANN community volunteers, with their differing perspectives and interests, will always need more time to figure out and work on Specific Reviews than the independent subcontractors working on Organizational Reviews that are given a narrow scope from the offset. The requirement to provide an initial report within one year is likely to be unworkable for Specific Reviews.
6. Supports staggering of reviews to avoid possibility of more than one Specific Review being conducted at any point in time. It will be important to specify what ‘conducted at any point in time’ means.
7. Supports adding a timing criteria to allow time for the recommendations from a previous review to be fully implemented and operational for a minimum of 12 months before the next review is initiated. Further investigation is required to understand if 12 months is a reasonable amount of time or whether a longer period would be more valuable in terms of experience with the improvements.
8. Supports adding requirement for Specific Reviews to complete their work within 12 months of their first meeting. Difficulty in ‘enforcing’ the 12-month provision and getting community agreement as to how this will be done.
9. Timing criteria to initiate a Review should not be based on the completion of the implementation of the Review but solely based on the period that has elapsed since the completion of the Review.
10. Supports adding a timing criteria to allow time for the recommendations from a previous review to be fully implemented and operational for a minimum of 12 months before the next review is initiated. Implementation phase should have an enforceable deadline to ensure this is done in a timely manner and provide predictability to the schedule. Further investigation is required to understand if 12 months is a reasonable amount of time, or whether a longer period would be more valuable in terms of experience with the improvements.
11. Supports adding requirement for Specific Reviews to complete their work within 12 months of their first meeting. Suggestion is that it be from the time of the first meeting of the Review Team to the time the Board receives the final recommendations and starts action upon them. The current Specific Reviews all nominally had a completion date that was 12 months from their commencement and it will be important to conduct an analysis of why this has been the case to determine if the 12-month timeframe is reasonable. It will also be

important to understand who will 'enforce' the 12-month provision and how this will be done. It will be important to ensure that any timing identified as part of this effort are consistent with those that will ultimately be provided in the Operating Standards.

12. Waiting to kick off a new review until the previous review has fully been implemented seems not to be optimal. Rather setting strict timelines is a good trigger for the community to prioritize the work. In particular the implementation of review recommendations can be prioritized.
13. Supports adding requirements that Specific Reviews complete work within 12 months. In justified cases the community as leader of the process could consider exceptions.
14. Prioritization is needed for both review types. It may be a hard community process to go through to finding compromise solutions. But in the end prioritization is a helpful working guideline.

### **Summary of Analysis**

In general, the responders supported the need for streamlining both types of reviews, agreed with many of the principles and emphasized that streamlining reviews should consider not just timing but also other aspects to bring more efficiency and effectiveness as well as desired outcomes and impact.

The analysis of community input suggests there is a strong sense that Organizational and Specific Reviews ought to be considered separately given how different they are in nature, in the community's view, and the dissimilar resources they require. Comments suggest that analyzing the overlaps of both types of reviews together, and focusing on time only, does not help to find a sustainable solution to the present apparent overload of reviews. Community feedback indicates that other factors such as size, composition, costs, and methodology should be considered and adapted according to their differentiated purposes and objectives.

While there is general agreement that the Specific Reviews schedule needs streamlining to alleviate burden on volunteer community, the means by which the change(s) should take place requires further analysis and consideration and more in-depth involvement from the community to gain agreement on approach(es), e.g. how could strategic priority be established, would 12 months be a reasonable period of time, what would be the criteria for timeline measurement, could speed of reviews be determined by the community. Emphasis was placed on the importance of solid checks and balances.

The establishment of a cross-community working group that would assess objectives of the current ICANN review mechanisms, including validity of reviews in place, and a periodic "Review of Reviews" undertaken by the Accountability and Transparency Review were put forward as potential incubators for assessing the framework in place. Moreover, it was suggested that a holistic review of current structural elements' effectiveness could result in structural changes that individual reviews could not achieve.

Additionally, while there is no objection to the possibility that Bylaws amendments may be needed, the community has highlighted that improvements which do not require change(s) to the Bylaws, should be included in the Operating Standards. Several responders urged for the prompt adoption of Operating Standards.

In general, respondents show greater latitude for Organizational Reviews being modified, with a clear ask from two respondents that Organizational Reviews be put on hold to allow for an evaluation of the effectiveness of the review methodology in place. Suggested

improvements to methodology include, but are not limited to: internal review should be starting point to inform independent experts, a common measure/benchmarking of efficiency should be used, forward-looking strategy vs. review, deadlines enforced, and implementation conducted by ICANN org (with exceptions).