Comment of the Non-Commercial Stakeholders Group on Long-Term Options to Adjust the Timeline of Reviews[1]

The Non-Commercial Stakeholders Group (NCSG) welcomes the opportunity to comment on the long-term options produced by ICANN org that seek to adjust the timeline for undertaking ICANN's bylaw-mandated Specific and Organisational Reviews ("Reviews").

While we agree in principle with the approach and agree with ICANN that Reviews should not be done in a way that burdens the community, we do have some concerns as to how each Review will be chosen for each period and how the timeline will be altered. While we make this comment with no specific Review in mind, it seems to us plausible that delaying a Review could be detrimental to the accountability of the group that needs to be reviewed.

ICANN recommends "staggering reviews"

ICANN defines the principle of staggering reviews as:

> *"Under the principle of staggering reviews, we propose the option of establishing a limit of no more than one Specific Review running at any time, and no more than two, Organizational Reviews running concurrently. The advantages of this option would be a lessened strain on the volunteers and ICANN resources, improved focus on the reviews underway, and a resulting expectation of improved quality of outcome."*

It also asserts that there are no disadvantages associated with the staggering of Reviews. We disagree and do not support this recommendation. The 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.

ICANN continues:

> *"To implement this principle, the ICANN community would need to agree on a means of staggering reviews, for example i) in order of last review occurrence, and/or ii) based on strategic importance and priority."*

ICANN asserts in a footnote that the notion of ascertaining when a Review should be started based on strategic importance and priority is already stated in the bylaws in certain cases. However, 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. We believe that the Reviews should be undertaken through ICANN's set

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[1] https://www.icann.org/public-comments/reviews-long-term-timeline-2018-05-14-en

and pre-established timelines. We also maintain that ICANN cannot limit the number of Reviews to only 3 at one time, since the community might decide that more than 3 Reviews need to be untaken.

Adding timing criteria

ICANN suggests, "*adding timing criteria in order to initiate a new review and for the duration of a review*." 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 times elapses before Review starts over again.

Adding scheduling flexibility

The suggested principle of, "*Adding scheduling flexibility for Specific Reviews to the Bylaws, with appropriate checks and balances*" is not acceptable. As ICANN itself recognizes, under this principle, some Reviews may be undertaken late and some groups may continue without oversight which hinders their accountability.

Our Recommendation

The NCSG supports:

1. 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; and

2. Limiting the time for the duration of the Review.