

## **NCSG Comment to Proposed Schedule and Process/Operational Improvements for AoC and Organizational Reviews**

### **Overall Comments**

We thank ICANN for the opportunity to provide input into this critical piece of work that the community will be dealing with over the next few years.

We note that the volume -- 7 -- of largely concurrent reviews in this time period is unprecedented to date in ICANN. This volume will challenge the community to meet the high level of input and attention that these critical reviews require.

#### **Existing workload:**

Given the high intensity with which the community is addressing the IANA Stewardship transition, the ICANN Accountability work and the other policy development and advisory activities in play at the moment, we have an overarching concern about impact of the workload. We are concerned about possible ensuing volunteer burnout, a smaller pool of potential candidates due to the existing workload, and the additional strain that will undoubtedly come along with the reviews. We have serious concerns about the community's ability to execute this concurrent work plan. We would strongly challenge the notion that the community has the ability to continue to work to this level given the current resource constraints and widely discussed volunteer stress and burnout issues. We would also advise that not all of the work, like the Organizational reviews, needs to be done. At this point, however, the bylaws requirements must be met, and we would suggest that we revise those bylaw requirements to provide more flexibility to deal with the workload issues.

In general, addressing the AOC reviews must be seen as a priority until the transition is complete and the AOC has been mutually rescinded following changes to the Bylaws to include AOC type reviews. Until such time, there should be no deviation from the schedule for AOC reviews. Any deviation would need to be reviewed by DOC/NTIA and approved by them as cosignatories to the AOC, as well as by the ICANN community.

## ATRT3

The proposed schedule does not make sufficient reference to ATRT3 and leaves it out of the reviews that must be completed in 2016. Yet, with the first review ending Dec. 2010, and the second ending 2013, the third needs to be completed on Dec. 2016 in order to meet the requirement to complete a review [no less frequently than every three years](#). Contrary to what has been written in the ICANN Background information, this requirement is not at all ambiguous.

As we go into changes brought about by the CCWG-Accountability WS1, this review will establish the baseline for improvements and will be required to measure any improvements. Not only does the AOC require that we hold ATRT3, the transition needs for us to do it.

In terms of items recommended by ATRT2, this review is critical and must be carried out on schedule. Even a cursory reading of <https://www.icann.org/en/system/files/files/atrt2-recommendation-implementation-02apr15-en.pdf> would indicate that this work is not progressing well. Not only do the descriptions of work not always closely resemble the work required by the ATRT2 recommendations, much of the work is behind schedule and very incomplete. It is also this review that is responsible for determining whether the other AOC reviews and their outcomes are getting adequate and appropriate treatment by corporate ICANN.

In order to meet ATRT2 requirements for initiating ATRT3, the team should be ready to begin its work on Jan. 1, 2016. This means preparations should have begun by October 1, 2015. The fact that this review was not even mentioned in the timetable is very concerning.

Implementation of the ATRT recommendations has been partial at best. We hope that their incorporation into the bylaws as a part of the IANA transition will ensure that they are given the attention and appropriate resourcing that is necessary.

## SSR2, WHOIS2, CCT

These three reviews are critical to enabling ICANN to address the changes and development in these areas. The outputs that will be produced by these review teams will be at the core of ICANN's work in a post-transition world and, as such, are coming at a critical phase in ICANN's evolution. We note this interrelation for a critical reason:

many of those who are working on the IANA stewardship will also wish to have the ability to provide substantial and constructive input and work into these reviews.

We would suggest that we add a program manager to develop a more balanced and staggered schedule. As an initial starting point, we would suggest that we stagger the timelines, e.g. by 12 months.

CCT2

SSR2

WHOIS2

We feel the SSR2 should take place post the IANA stewardship transition due to the impact that this period will have on the SSR2 review.

WHOIS2 is a current topical issue with the work of the Privacy and Proxy Services Accreditation Issues PDP and the IAG on WHOIS Conflicts on National Law. In addition, a preliminary issues report for an ICANN Board initiated PDP concerning next generation domain name registration services is expected to be published in the near future (post EWG PDP). This will likely result in a change to the nature of WHOIS services, and will take into account previous WHOIS related PDPs, the different WHOIS studies already conducted, the recommendations of the previous WHOIS review team as well as the recommendations of the next generation registration directory services expert working group. With all of this work being done, the NCSG finds that a simultaneous WHOIS review would not be of great value. Furthermore, It is likely that there may be a significant overlap in volunteers participating in both processes. In the interest of avoiding volunteer burnout of community members (to the extent that may be possible), the simultaneous undertaking of these two processes would be, at best, unadvisable. Furthermore, the WHOIS activities would benefit from the enhanced accountability structure and thinking we anticipate that ICANN will achieve after the IANA transition accountability activities are complete.

**ALAC2, GNSO2, NomCom2, SSAC2, RSSAC2 reviews**

Given the more internal nature of these reviews, we would be generally supportive of a changed timeline and schedule.

We would cautiously note that deference to the availability of staff must be made when scheduling these reorganisation reviews as overburdening of staff may have follow-on impact on other areas of ICANN.

We also believe that the bylaws should always be adhered to, until and unless they are altered using full ICANN bottom-up processes for the sake of accountability.

### **Program Management**

We support ICANN adopting standards for project management with regard to these reviews. We believe that working within well-tested frameworks will provide important structure to the management and execution of these reviews.

We would like to make a constructive suggestion as to the management of the overall reviews program. With a number of concurrent reviews taking place, with a complex overlap of community resources and time required, we feel that there may be a need to employ the services of a program manager to guide both ICANN and the community through this critical time.

We appreciate the strong project management experience that exists within ICANN. This request, however asks that we look at program management services, which is a related but different discipline. We are requesting that to better guide the interrelation between the various projects and advise on the complex scheduling and resource management challenges.

We feel that if this resource were deployed into a community-facing program management structure, time could be spent liaising with the community to ensure that while the projects run efficiently they all take community priorities into account. The value of this role could also extend beyond the reviews' schedules and would become valuable for both ICANN and the community, reducing volunteer burnout, adding to the effectiveness of the community's participation in ICANN, and contributing to the overall goals of effectiveness, trust, and accountability.

### **Answers to questions:**

**COMMENT: Please provide your comments on the proposed Organizational Review schedule, which calls for the At-Large2 Review to proceed based on a slower schedule and NomCom 2, RSSAC2 and SSAC2 to commence in FY2017.**

- The ATRT3 review must be carried out in 2016 as required by the AOC

- All other AOC based reviews must be carried out according to AOC requirements
- Any deviations from the AOC schedule must have prior agreement of both the ICANN Community and of NTIA/DOC
- Other reviews require Board action and preferably a bylaws change to be postponed.
- In order to avoid the repeat of such a collision, the start of reviews should be staggered.

**COMMENT: Please provide your comments on the proposal to apply planning and project management tools to Reviews.**

While we can agree to project management by the ICANN staff, we cannot agree with any ICANN staff work that would affect the content of the reviews or of the milestones. We also cannot agree to any streamlining that would not be subject to change by the review team once it is constituted.

**COMMENT: Please provide your comments on the proposal to streamline AoC Review teams and Review durations.**

We strongly support the idea the review teams can constitute the equivalent of an Implementation Review Team from amongst its members.

**COMMENT: Please provide your comments on the proposal to focus each Organizational Review on operational effectiveness and include self-assessments and focused preparatory actions by the organization under review.**

Among the changes needed in the organizational review is greater participation by the organization under review throughout the entire process of the review. This needs to begin with a return to the policy of an initial terms of reference for a review being done by the organization under review.

It should also be clear that an organization that wished also to review its internal organization should be free to do so. This is necessary in order to meet requirements for accountability in a bottom-up organization; reviews cannot be restricted to

effectiveness but must be seen in the context of the organization's under review needs. Structural review can be considered as part of that need and does not need to be restricted only to analysis after a review has been done.

The report also refers to possible reviews of the overall structure. It would be good to know more about this review. In any review of the overall structure of SOAC and the relation of organizations under review to that structure, it would be reasonable to consider the overall effectiveness of the substructures in relation to each other.

In general we do not support the manner in which measures for streamlining reviews is being proposed.

**COMMENT: Please provide your comments on the proposal to focus Organizational Reviews on operational effectiveness consider establishing an alternate to examine strategic issues such as the continued purpose of organizations.**

As mentioned above in the discussion about bottom-up control of SOAC reviews, we would support changes in the bylaws assertion that the Board shall be the sole director of organizational reviews. We realize these are not changes currently proposed, but would like to see such a change discussed by the ICANN community. While the Board may have accountability oversight over the SOAC, a reciprocal check for the SOAC's ability to determine the Board's composition would be beneficial; it should not be the sole director of SOAC reviews.

We do not support individual reviews of a SOAC continued existence. There is a larger architecture at plan with the existence of the various SO and ACs. If any change is to be made in the structure at the SOAC level, that structure should be reviewed by the ICANN community in its entirety. We would support such an organizational review of the SOACs and their situation within the overall ICANN structure. This consideration of the entire mix becomes important in regard to those SOAC that may assume the role of [members/designators] as eventually recommended and accepted by CCWG-Accountability. In no case should such a review occur before the full implementation of Work Stream 1 (WS1) has been completed. The first such review could be considered as part of WP2, or could be delayed until after Work Stream 2 (WP2) is complete.