[draft] **LONG-TERM OPTIONS TO ADJUST THE TIMELINE OF REVIEWS**

The GNSO Council welcomes the opportunity to comment on the Long Term Options to Adjust the Timeline of the Reviews.

The GNSO Council appreciates the primary purpose of this options paper is to seek wide support to stagger the 11 reviews in order to overcome the burden currently being placed on ICANN's budget, staff and community resources caused by a number of these reviews occurring concurrently and we agree that having the ability to stagger the reviews is a step in the right direction.

However, 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.

There should be a clear separation of timeline adjustment strategies for each, Specific and Organizational reviews separately[1]. Staggering could happen within each type of reviews, 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 WPTs and Specific RTs) should be discussed and adapted according to their differentiated purposes and objectives as well. We recognize that the Options Paper has identified this as a subsequent conversation for another time, but our concern is that without due consideration now, all we will achieve is a quick fix rather than a more sustainable solution to the systemic issues.

Notwithstanding, the Council provides the following responses to the principles suggested in the Options paper only as they apply to Specific Reviews.

The GNSO Council supports the following Principles:

A.   Specific Reviews:

- **Staggering the Specific Reviews to avoid the possibility that more than one Specific Review is being conducted at any one point in time.**
    - There are a number of phases in the Specific Review cycle that suggest a review could take anywhere between 2.5 to 5 years from preparation/planning to the implementation of recommendations.
    - For the purposes of this principle, 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.
    - Our 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.
- **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.**

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[1] For a differentiated approach for the ressouces and conditions needed for each type of reviews, a draft framework for discussion is proposed in the ANNEX

- While the GNSO Council supports this principle we note that the implementation phase should have an enforceable deadline to ensure this is done in a timely manner and provide predictability to the schedule.
    - We also agree 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.
- **Adding a requirement that Specific Review teams complete their work within 12 months of their first meeting.**
    - We do note that the current Specific Reviews all nominally had a completion date that was 12 months from their commencement, but for various reasons this has not be achievable.
    - 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.
    - In addition, it will also be important to understand who will 'enforce' the 12 month provision and how this will be done.
    - We note that ICANN is yet to finalize the Operating Standards for Specific Reviews. 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.
- **Adding scheduling flexibility for Specific Reviews to the Bylaws, with appropriate checks and balances.**
    - While we support the principle of adding scheduling flexibility, we strongly emphasize that the checks and balances will be important considerations to ensure that these important accountability tools are not weakened.
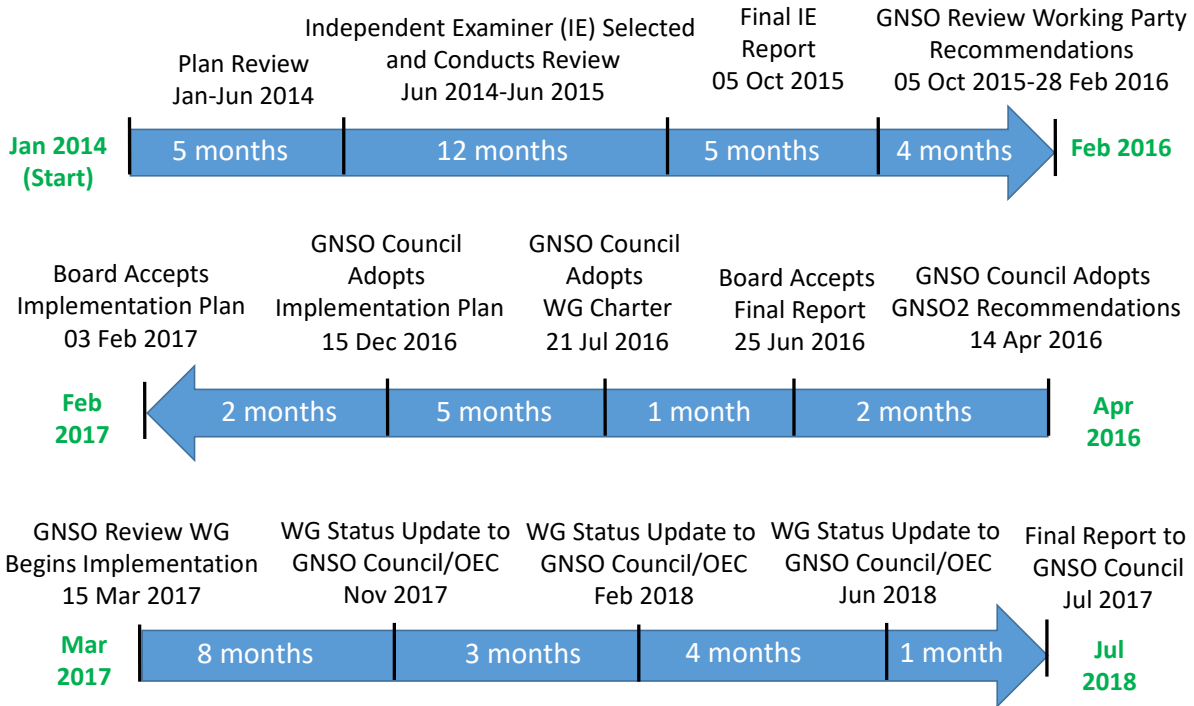
The Council does not support the following principles:
- **Focusing Specific Review team's work on topics of highest priority to the community.**
    - We consider this principle to be outside the scope of this effort. There is no value in pre-determining what the focus of any Specific Review in a few years should be.

B.   Organizational Reviews

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 fro the review cycle. Moreover, improvements developed internally in each SO/ACs review cycle could bring adequate experience for the organization as whole. Consequently, consideration could be given to conducting the reviews internally (instead of randomly selected outside consultants) with the support of the unit of strategic initiatives and reducing time and resources necessary for each review cycle.

The GNSO Council is expected to sign off on the Final Report of the GNSO Review Working Group in the next month or so. This will be the end of a process that commenced in January 2014, the overall timeline is provided below:

Independent Examiner (IE) Selected
and Conducts Review
Jun 2014-Jun 2015

Final IE Report
05 Oct 2015

GNSO Review Working Party Recommendations
05 Oct 2015-28 Feb 2016

Plan Review
Jan-Jun 2014

Jan 2014 (Start) | 5 months | 12 months | 5 months | 4 months | Feb 2016

Board Accepts
Implementation Plan
03 Feb 2017

GNSO Council Adopts
Implementation Plan
15 Dec 2016

GNSO Council Adopts
WG Charter
21 Jul 2016

Board Accepts
Final Report
25 Jun 2016

GNSO Council Adopts
GNSO2 Recommendations
14 Apr 2016

Feb 2017 | 2 months | 5 months | 1 month | 2 months | Apr 2016

GNSO Review WG Begins Implementation
15 Mar 2017

WG Status Update to GNSO Council/OEC
Nov 2017

WG Status Update to GNSO Council/OEC
Feb 2018

WG Status Update to GNSO Council/OEC
Jun 2018

Final Report to GNSO Council
Jul 2017

Mar 2017 | 8 months | 3 months | 4 months | 1 month | Jul 2018

Notes:
GNSO Review Working Party – 21 Members, 6 core participants;
GNSO Review Working Group (WG) – 14 members, 8 core participants;
Total Review duration: 4 years and 8 months (if GNSO Council approves Aug 2018);
Total implementation: 15 months.

This process has taken 4 years and 8 months, and for the last 15 months at least 8 community members have been meeting every other week for at least an hour in order to implement the original 34 recommendations. Based on their experience, at the completion of the review the GNSO Review Working Group members had the following observations and suggestions:

- The Working Group agreed that there should be a period of time to determine the effectiveness of the implementation.
- Noting that there was a considerable amount of time taken by some of the interim steps, the Working Group wondered if there might be an opportunity for the evaluator to work concurrently with the Review Working Party to improve efficiency.
- The Working Group experience suggests that there are possibilities to discuss how timelines could be shortened. For example, perhaps the implementation could be undertaken by staff with some checkpoints for the results to be discussed by Council where the implementation pertains to community-related activities.
- Consider using ICANN meetings to have concentrated strategic discussions.
- A lot of time was spent in the beginning reorganizing and sorting the recommendations. Some of that work could be done by the independent examiner or by Staff.
- A lot of the work of the GNSO Review Working Party was organizational and/or administrative. There may be a way to leverage volunteer time more efficiently, and the process could be streamlined, by putting more of this work on the consultant or staff; however, the work will

need to be coordinated by the GNSO Council/Leadership Team to ensure that the community is directly involved.

In accordance with the ICANN Bylaws, the next GNSO Review is to start no later than June 2021, which will provide three years to test the value of the recommendations. However, given the recommendations were made some two and a half years ago there is a question of whether the recommendations continue to be relevant. As can be seen from the timeline, 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.

Based on our recent experience of hands on strategy planning during the last intersessional meeting of the GNSO Council, 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 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.

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 MS model. In other words, 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).

In general, we think 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.

Annex to the LONG-TERM OPTIONS TO ADJUST THE TIMELINE OF REVIEWS

	Specific Reviews (SRs)	Organizational Reviews (ORs)	Policy development work
key drivers	External accountability	Internal effectiveness	*Market driven*
General Objectives	Public/External **ex-post** accountability of the MS model	Tracking of internal efficiency and basis for **ex-ante** resource allocation (forward looking)	*PDP*
Responsible	**Community** selected Review Team	**each SO/AC** Leaderships approved WPT as result from annual strategy session	
Budget	To be budgeted in the same manner as yearly external auditing expenses	Yearly cumulative support budget for organizational improvement for SO/ACs, aggregated to benchmark overall efficiency	
ICANN.org	Board	MSSI	Policy
Staggering flexibility	Fixed in the By-laws, but no more than one initiated each single calendar year	Suggested a *xx* year cycle per SO/AC	
Concurrent Review Initialization?	No. Only one **started** on each single calendar year.	Yes, because it is INTERNAL to each individual SO/AC	
Time limits	Fixed in the By-laws	SO/ACs should follow up their own view cycle and justify changes to the timeline to the empowered community	
Work Timeline for final report	1 year after charter	6 months after strategy session (each *xx* years as a minimum)	
Process/Timeline changes	Request to the whole to the Community	not necessary because it is the SO/ACs leadership responsibility	
Additional support	Independent subject matter experts from outside of the community	Instead of independent reviewers, strategy support and if necessary mediation.	
Benchmark	With progress in the recommendation implementation of the previous Specific Review	With all other previous organizational Reviews	
Outside resources	Only if suggested in	Only if required by the	

	previous Specific Review recommendations	SO/AC leadership.	