

# NCSG PUBLIC COMMENT

## Draft Guidelines for Refined Outline of Suggested Reviews System

Submitted by:

### About NCSG

NCSG represents the interests of non-commercial domain name registrants and end users in formulating Domain Name System policy within the Generic Names Supporting Organization. We are proud to have individual and organizational members in over 160 countries, and as a network of academics, Internet end users, and civil society actors, we represent a broad cross-section of the global Internet community. Since our predecessor's inception in 1999, we have facilitated global academic and civil society engagement in support of [ICANN's mission](#), stimulating an informed citizenry and building understanding of relevant DNS policy issues.

### Gratitude

The Non-Commercial Stakeholder Group (NCSG) welcomes the publication of the [Refined Outline of the Suggested Reviews System](#) by the CCWG on Reviews and appreciates the efforts to further advance discussions on designing “a refreshed system of reviews that meets current and future needs”. NCSG appreciates the opportunity to raise our concerns regarding the direction the CCWG is taking. The NCSG recognizes the importance of the review process, especially the Accountability and Transparency Reviews (ATR) process and the need to make it suitable for purpose as the ICANN community evolves.

### NCSG Position and Arguments

#### Limited representation and influence in the scoping review

NCSG is concerned with the level of representation we have had in the process, as we believe a significant portion of these documents was reported to us. The process of creating the new review mechanisms or approach could be more inclusive of our community, as it has included other communities, considering the broader impact of this review process especially in the charter document development.

Safeguarding Community Rights and Freedom of Expression. NCSG is concerned that the proposed “rationalization” and “streamlining” of review topics could violate the rights of any community, especially their right to express themselves freely.

During scoping for the Accountability and Transparency Review (ATR), the Scoping Group, which includes Board and Staff, has the power to filter community-prioritized topics. If topics

related to human rights or freedom of expression are excluded because they do not align with the Scoping Group's interpretation of "public interest," it may effectively silence the voices of non-commercial stakeholders who rely on these reviews to address such fundamental concerns.

**Bylaw alignment - does the process contradict the ICANN bylaws? Are we following due process?**

NCSG is concerned that the process is in accordance with the ICANN Bylaws and with due process. Since we have limited participation in such an important process, the NCSG is uncertain about the level of due process involved and whether everything has been done in accordance with ICANN bylaws.

**Structural Review:** Structural Review Impacts on Inclusion of Disadvantaged Groups The proposed Structural Review framework, which occurs only every 15 years (with questions about the time frame), raises concerns about its ability to improve the inclusion of already disadvantaged groups. Phase 2 of this review specifically investigates whether "any existing structures need to be phased out or transformed". NCSG is concerned that instead of facilitating inclusion, this process might do otherwise, favoring well-established, formalized, resourceful institutions while potentially "phasing out" smaller, resource-constrained, or grassroots structures that represent the Global South or linguistic and cultural minorities.

**On-Demand Review:**

The review must explicitly aim to enhance the architecture for inclusion rather than just "fit for purpose" efficiency: High Thresholds and Barriers to On-Demand Reviews. The framework for On-Demand Reviews sets prohibitive thresholds, requiring support from five of seven SO/ACs to proceed to the Board. The on-demand reviews create a significant structural barrier for non-commercial stakeholders. Issues critical to civil society may not always gain broad consensus among commercial or technical bodies, potentially leaving urgent community concerns unaddressed.

**Interpretation of "Public Interest"** - Ambiguity of "Public Interest" and Staff Role. The requirement that all review topics be "in the public interest" remains problematic without a clear definition. This criterion, combined with Staff-led feasibility and resource assessments, could act as a gatekeeping mechanism.

**Special Topics:** Topics deemed critical by our community could be deprioritized based on subjective interpretations of public interest or Staff assessments of "level of effort" and budget. Conclusion: NCSG urges the CCG to ensure that the refreshed review system does not structurally disadvantage resource-constrained organizations or grassroots communities. To ensure a fair and equitable program, the review system must balance technical rigor with procedural accessibility and the protection of fundamental community rights. We urge ICANN to implement safeguards ensuring that reviews remain a tool for inclusion rather than a mechanism that reinforces existing imbalances.

## Conclusion

NCSG appreciates the opportunity to contribute to this process and urges the CCG to consider the views we have expressed. Our primary concern remains the active inclusion of the review process. As currently drafted, the high thresholds for On-Demand Reviews, the limited safeguards for unpopular communities, and the restrictive scoping process for ATRs create a potential disadvantage for small, resource-constrained organizations. To ensure a truly accountable ICANN, the updated review system should balance the goal of efficiency with the need to maintain a low barrier to entry for diverse community concerns.

As this whole system still receives inputs about how it should work and how to improve it, we suggest that when its implemented, there is a mechanism when the system itself has a regular review and/or reflection. This would help to lock back the process and reflect what need to improve or to change. It could guarantee the system inclusion, when there is no interest left behind, as well as minimize the subjectivity.

Respectfully submitted,

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