



20 October 2022

Subject: SSAC2022-11: SSAC Public Comment on Draft Terms of Reference for the Holistic Review Pilot

## Background

This correspondence provides comments from the ICANN Security and Stability Advisory Committee (SSAC) on the Draft Terms of Reference for the Holistic Review Pilot.<sup>1</sup> The SSAC wishes to thank ICANN org staff for their efforts in drafting these Terms of Reference and appreciates the opportunity to provide comment.

Per its role, the SSAC focuses on matters relating to the security and integrity of the Internet's naming and address allocation systems.<sup>2</sup> This includes operational matters (e.g., pertaining to the correct and reliable operation of the root zone publication system), administrative matters (e.g., pertaining to address allocation and Internet number assignment), and registration matters (e.g., pertaining to registry and registrar services). The SSAC engages in threat assessment and risk analysis of the Internet naming and address allocation services to assess where the principal threats to stability and security lie and advises the ICANN community accordingly. The SSAC has no authority to regulate, enforce, or adjudicate.

## SSAC Comments

**Comment 1:** The proposed Terms of Reference require the Review Team to conduct two distinct categories of tasks:

- Conduct the first Holistic Review, and
- Develop and document guidelines for future Holistic Reviews.

The latter is a very significant task, and it should be recognised that the Pilot is likely to consume much more time and resources than future Holistic Reviews. Since future reviews are stipulated to be completed within 18 months, it therefore seems unlikely that this Pilot Holistic Review could be completed within that same timeframe when the additional task of developing and documenting procedures must be undertaken. It is important that the TORs create a realistic expectation of the duration of the review and it would be helpful if the TORs specifically made allowance of additional time for this latter task. Past experience shows that cross-community efforts relying on volunteer commitments have great difficulty in achieving ambitious time targets.

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<sup>1</sup> See Pilot Holistic Review Draft Terms of Reference , <https://www.icann.org/en/public-comment/proceeding/pilot-holistic-review-draft-terms-of-reference-30-08-2022>

<sup>2</sup> See ICANN Bylaws Section 12.2 (b)

**Comment 2:** The last paragraph of the Background (Section II, p3) mentions that there is not a universal understanding or agreement on the intended scope of the Holistic Review and makes reference to a discussion during an ALAC meeting. The SSAC considers that such a reference should not feature in a Terms of Reference document. Rather, these Terms of Reference should make very clear what the scope of the Holistic Review is and any disagreement on the documented scope should be highlighted and resolved through the Public Comment Process.

**Comment 3:** The Mission of the Review (Section II, p3) states:

*“According to the ATRT3 Final Report, “...the Review should:*

- *Review the effectiveness of the various inter-SO/AC/NC collaboration mechanisms.*
- *Review the accountability of SO/ACs or constituent parts to their members and constituencies (this will include an in-depth analysis of the survey results).*
- *Review SO/AC/NC as a whole to determine if they continue to have a purpose in the ICANN structure as they are currently constituted or if any changes in structures and operations are desirable to improve the overall effectiveness of ICANN as well as ensure optimal representation of community views (but taking into consideration any impacts on the Board or the Empowered Community).*
- *Review continuous improvement efforts of SO/AC/NC based on good practices.” ”*

The SSAC considers that the mission of the review would be improved by a minor expansion of the scope to consider if there are any interests not currently represented within the current ICANN structures (e.g., DNS operators and Security Practitioners) and if these interests can be accommodated within existing SO/ACs, or if new structures need to be introduced. This could be incorporated into the third bullet point of the mission.

**Comment 4.** In the Section titled ‘Objectives, Deliverables and Timeframes’ (Section II, p4), the use of the term ‘structure(s)’ is quite confusing. In the last 2 bullet points of the first paragraph, the phrases “applied across all SO/ACs” and “applied across all ICANN structures” are used. It is unclear whether these terms are intended to have the same or a different meaning in both contexts. It would be helpful in Section IV: Definitions and Acronyms to define the term “structures” and then further explain what is meant by the term “all ICANN structures”. It would also be helpful to review the use of the term ‘structure(s)’ everywhere in the document to ensure that its intended scope and meaning are unambiguous.

**Comment 5.** In the Section titled ‘Objectives, Deliverables and Timeframes’ under the heading ‘Closure and Review Team Self-Assessment’ (Section II, p4), the first bullet point states “...the next step would be adding the Holistic Review to the Bylaws...”. This bullet point should also state that any Specific or Organizational Reviews that the Holistic Review will replace should be concurrently removed from the Bylaws.

**Comment 6.** In the Section titled ‘Objectives, Deliverables and Timeframes’ in the Table Column titled “Objectives” (Section II, pp4-5), Task C b. ii. states “Develop a framework for addressing the possibility that a given structure or its component parts do not appear to have a continuing purpose and/or for creating a new structure. This framework would serve as a guide to inform whether to restructure or remove the no longer relevant component.” The SSAC suggests that this paragraph include the possibility of adding a new structure with a role that had not previously been covered.

**Comment 7.** In the Section titled “Approach to Work” under the heading “Guiding Principles (Section III, pp9-10), it would much more helpful to specifically state the principles rather than referencing multiple other documents.

**Comment 8.** It would be helpful for the following additional information to be included in the Terms of Reference:

- Review Team composition (by number and representation)
- Accessibility to suitably qualified consultants to undertake work for the Review Team (similar to the way in which consultants were engaged to undertake Organizational Reviews)

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