



19 January 2018

RE: Second Security, Stability, and Resiliency (SSR2) Review Team

The Honorable David J. Redl
Assistant Secretary for Communication and Information and Administrator
National Telecommunications and Information Administration
United States Department of Commerce
1401 Constitution Avenue, N.W.
Washington, DC 20230

Dear Mr. Redl:

Thank you for your correspondence of 12 December 2017 regarding the second Security, Stability, and Resiliency (SSR2) Review. On behalf of the ICANN Board of Directors, I would like to thank you for raising your concerns, and assure you of our continued commitment to accountability and transparency and to the importance of the SSR2 Review.

Specific concerns relating to the progress of the SSR2 Review were brought to the Board's attention by the Security and Stability Advisory Committee (SSAC). Given our own engagement with the SSR2 Review team and careful consideration of the situation at hand, the Board asked the SSR2 Review team to pause its work until ICANN's Supporting Organizations and Advisory Committees (SO/ACs) have had an opportunity to consider the concerns raised by the SSAC and acknowledged by the Board. The Chairs of ICANN's SO/ACs have communicated their desire to restart the SSR2 Review as quickly as possible, while addressing various issues relating to the work plan and scope. Attached to this letter is the most recent correspondence from the SO/ACs.

The ICANN Board looks forward to the resumption of the important work of the SSR2 Review and we are fully committed to its continuation.

I would also like to take this opportunity, on behalf of the Board, to express our gratitude for the National Telecommunications and Information Administration's continued support of ICANN's multistakeholder model. The United States Government continues to be an important stakeholder in the ICANN community, and your input is both welcome and appreciated.

Best regards,

A handwritten signature in black ink, appearing to read "Cherine Chalaby", written in a cursive style.

Cherine Chalaby
Chair, ICANN Board of Directors

The SO/AC Chairs have spent the last few weeks establishing a view on how to reactivate the SSR2 review, a review that is so very important. We have had weekly calls since ICANN60 and have been working with our respective communities. On top of this, we have issued a number of questions in a survey to the SSR2 Review Team Members who responded individually and anonymously. The questions can be found in an attachment. All but two SSR2 members responded to the survey.

Based on the responses we draw a few conclusions:

- The SSR2 team is a group of dedicated individuals that really wants to see the review succeed. That said, trust must be rebuilt between SSR2 team members;
- Communication can and must be improved for the review to succeed, and this includes within the SSR2 team, between the SSR2 team and SOACs, with the ICANN Board via the Board's appointed liaison, and between the SSR2 team and the community;
- The SSR2 team has a lot of work to do and the available donated time from existing members is not enough regardless of how hard they work. Either external parties must be asked to help, and/or more members need to be added;
- There is a need within the SSR2 team to reassess conflict of interest related issues. Even if it was discussed very early in the process, SSR2 members believe this must be put to rest;
- Just like COI, scope also must be discussed. The diversity of responses related to whether there is agreement on what the scope is leads us to conclude there is no real agreement. That said, people do seem to agree the total scope must be manageable, and that possibly too large (wide, deep or both) a scope is on the table at the moment. The current scope was said to have been agreed to by "majority consensus". The final scope must be agreed to by a strong consensus with minimal disagreement;
- The leadership of SSR2 must be discussed further, if nothing else because the diversity of views regarding these issues and more can, should and could have been managed within the SSR2 team. Given that one of the original Co-Chairs has resigned, the SOAC Chairs believe that the team leadership should be augmented;
- There is an interest that both support Staff of SSR2 engage more in the form of offloading work from SSR2 members that donate their time, and that communication between SSR2 team and ICANN organisation be more efficient;
- There is an interest that SOAC Chairs engage more actively beyond "just" appointing members of the SSR2 team. SOAC Chairs should interact more directly with the team as that would help with many of the issues above, specifically bridging the communication gap between the SSR2 Team and the ICANN Community.

The SOAC chairs recognizes a number of concrete actions for us: first, appoint more members to the SSR2 team and discuss with ICANN Staff what the budget and staffing situation looks like. After these actions have taken place, we are to restart the SSR2 review with some initial concrete items on their agenda: agree internally on updated leadership, COI issues and scope;

and work with ICANN Staff and SOAC chairs to agree on communication, milestones, and progress reporting/management of the review.

As we move towards the holiday season in many parts of the world, and after consultation with our respective communities, we do not believe this can be done in time for the already preliminarily scheduled meeting for the SSR2 team early 2018, so we hereby request that meeting be cancelled.

The SOAC chairs wish to express our deepest thanks to all members of the SSR2 review team and to the staff who have supported this review since its inception. We are mindful of the extent to work that has been achieved, and would like this work to continue, but, as we concluded above, with a larger complement of active members of the team to ensure the review can achieve its objectives in a reasonable timeframe.

We will be naming additional members of this team. However in order to do this we need to establish how many individuals will be named to join this effort. One member resigned on December 9 and we have heard that there are individual team members who have expressed a desire to stand down at this juncture. This pause in the review process provides an opportunity for volunteers to assess their bandwidth and availability to continue, and, if not, to stand aside without disrupting ongoing work. If there are existing members who would like to avail themselves of this opportunity to step aside, we would like to receive their notice in the coming weeks. We will assume that all team members that remain are willing to put significant time and energy into this review. We believe that all members of the team who have advanced the review to this position merit our recognition and applause irrespective of their decision whether or not to continue at this point.

We would like in particular to recognise the contributions of the team's co-chairs who have lead the review team since its inception to this point: Emily Taylor, Denise Michel and Eric Osterweil.

In addition to this specific discussion related to the SSR2 Review Team, the SOAC Chairs are active in the process of looking at the effectiveness of all reviews of ICANN¹, including the organizational reviews (of the SOACs). We are greatly concerned over a number of issues, issues that we now see brought up for discussion².

The SOAC chairs consider this situation serious and we are committed to ensure the SSR2 Review is a great success, and we believe that the SSR2 Review Team shares this position. To achieve this goal we will now implement to our best abilities what was outlined above.

¹ <https://www.icann.org/resources/reviews>

² Operating Standards For Specific Reviews Draft version for public comment, October 2017 - <https://www.icann.org/en/system/files/files/draft-operating-standards-specific-reviews-17oct17-en.pdf>

Appendix A - Questionnaire to SSR2 members

The SOAC Chairs are responsible for appointing members of the SSR2 team and are committed to the team's success. In an effort to better understand the team and determine how we can be of help to the team, the Chairs would like the team's feedback on a series of topics. Please provide clear and concise responses to the following questions.

This survey is completely anonymous. Neither those administering the survey nor the SOAC Chairs will be able to associate responses with any specific Review Team member.

1. In your opinion, how is communication (both ways) working between the SSR2 team and the ICANN community: the ICANN Board, the various SOAC groups, and the ICANN Organization? With regard to the Board, please consider any appropriate comments on the SSR2-Board differences of opinion on the review scope. What suggestions do you have for improving communication between these groups?
2. In our review of the SSR2 team's skill matrix, we noted what seemed to be inconsistencies in the way individual members approached the exercise, perhaps with different assumptions as to what level of expertise was required in each category. What is your assessment of the SSR2 team skills matrix and how different team members approached rating their skills? The SOAC Chairs may consider appointing additional members if specific skills are needed or if there are gaps. In your opinion, what skills should any future members have to strengthen the SSR2-RT?
3. During the Friday post-ICANN60 SSR2-RT meeting, the issue of possible conflicts between the SSR1-RT Recommendations, the proposed scope of SSR2-RT, and the Bylaw requirements that *"The SSR Review Team shall also assess the extent to which prior SSR Review recommendations have been implemented and the extent to which implementation of such recommendations has resulted in the intended effect."* If you believe that there are any conflicts please explain what they are, and how you believe that they may be resolved.
4. One of the issues that had been discussed is whether the SSR2-RT should consider a very broad number of issues (and of necessity less depth for each one) or focus on fewer issues but with more depth. What do you believe is the appropriate level (breadth and depth) at which the review should be conducted?
5. The skills matrix referenced project management skills but not leadership skills. Please describe the current situation in relation to both skills and what you think might be needed, if anything, to ensure the successful completion of this Review.

6. The SOAC Chairs understand that the SSR2 team has made a request for additional ICANN staff support. Please explain what you believe is needed both from your own perspective and what you believe the SSR2 team as a whole needs.
7. The Conflict of Interest (Col) affirmation that all SSR2-RT members signed includes the following definition:

A "Conflict of Interest" arises when the RT, following the procedures set forth in this Policy, determines that a Covered Person has a Potential Conflict that may in the judgment of a majority of the disinterested members of the RT, adversely impact the Covered Person's ability to act fairly and independently and in a manner that furthers the independence, integrity, fairness, and objectivity of the work of the RT.

Do you believe that any potential Col within the SSR2 membership has been adequately addressed? Do you believe that there are any actual Col within the RT, or that there are any perceived Col as viewed by others in the ICANN community? If any of these exist, how should they be addressed?

8. Participation in a Review Team (RT) is a significant individual commitment. It requires: generous donations of individual time; leveraging of relevant skillsets; the ability to be objective and discerning; the ability to build consensus within a team; and the ability to arrive at conclusions. Often, RTs with significant assignments, such as the SSR2, last for well beyond a year. Please let us know:
 - a. How the SOAC chairs can assist to ensure that the tempo of the SSR2 RT is maintained during its tenure?
 - b. Do you believe that the team membership will need to be enhanced or refreshed during its tenure?