

ICANN | RSSAC

Root Server System Advisory Committee

28 March 2018

Subject: RSSAC032: Feedback on the Independent Review of the Root Server System Advisory Committee (RSSAC) Assessment Report for Public Consultation

To: The Interisle Consulting Group and the ICANN Multi-stakeholder Strategy and Strategic Initiatives (MSSI) team

On 27 February 2018, Interisle Consulting Group, the independent examiner performing the second independent review of the Root Server System Advisory Committee (RSSAC) published its assessment report.¹ The RSSAC has reviewed the report and appreciates the opportunity to respond to the initial assessment.

Introduction

As noted in the assessment report² and in the ICANN Bylaws³ the purpose of organizational reviews is primarily to determine;

- (i) whether [the RSSAC] has a continuing purpose in the ICANN structure;
- (ii) if so, whether any change in structure or operations is desirable to improve its effectiveness; and
- (iii) whether [the RSSAC] is accountable to its constituencies, stakeholder groups, organizations, and other stakeholders.

We are pleased that the review found a continuing need for the RSSAC to provide advice to the ICANN Board and Community. In addition, we appreciate that our implementation of the recommendations in the 2008 review has been beneficial and useful.

RSSAC's interpretation of the stated assessment report's purpose is that an organizational review would look at the *organization* – its chairs, its procedures, its guiding documents including charter and bylaws, its meetings, and the publications it has produced. To this end, we expected the findings (and eventual recommendations) to fall into three categories:

¹ See Assessment Report, <https://www.icann.org/news/announcement-2018-02-27-en>

² See Assessment Report section I.2.1, <https://www.icann.org/news/announcement-2018-02-27-en>

³ See ICANN Bylaws section 4.4, <https://www.icann.org/resources/pages/governance/bylaws-en#article4.4>

1. Findings related to RSSAC's ability to perform according to its charter, bylaws and purpose.
2. Findings related to items that RSSAC is chartered to do, but maybe should no longer be doing as the output is not of benefit to the ICANN community
3. Findings related to needs demonstrated by the ICANN community that are not currently within the RSSAC charter and are within reasonable charter changes that RSSAC may wish to add to their charter and purpose.

However, we found that the initial assessment report included three additional surprising categories of findings.

- i. **Out of Scope Findings:** Findings related to items that RSSAC could never include within its charter, such as items related to the technical day-to-day operation of the Root Server System (RSS) or the confusion surrounding a contributor's lack of understanding of multiple ICANN bodies such as SSAC.
- ii. **Factually Incorrect Findings:** Findings that are factually incorrect about RSSAC and/or the RSS.
- iii. **Tone:** Findings and tone related to public opinion and sensational anonymous quotes about RSSAC or its purpose, but not providing any other insight.

We are very much appreciative of the findings that are clearly attributed to bullets 1-3 above, but we have concerns about why findings from topics i-iii were included at all within the assessment report. Since they are either out of scope, factually incorrect, or simply sensational quotes from the interviewed subjects. We believe these types of findings should not be used as the basis for recommendations. The remainder of this document is our feedback about these three categories in the assessment report.

Scope

The 2018 assessment addresses issues outside of the scope of an RSSAC organizational review as mandated in the ICANN bylaws. It references a number of community perceptions and inaccurately conflates the role of RSSAC with that of other organizations.

First, the assessment incorrectly evaluates the RSSAC against community perception. The mismatch between RSSAC viewpoints, the RSSAC charter, and the community's understanding of RSSAC's remit is troubling. Most importantly, the assessment demonstrates that the community's expectations far exceed RSSAC's remit.

In multiple findings, the 2018 assessment refers to matters outside of RSSAC's current remit. For example, the assessment raises points that are beyond the RSSAC's ability to correct, such as a reported inability on the part of individuals to accurately distinguish between the different,

“roles and responsibilities of the RSSAC, the RSSAC Caucus, the RZERC, and the SSAC”.⁴ These different roles are specifically laid out in the charters for each of these organizations and all are available online. While the inability to distinguish among the different organizations may be a perceived issue for some, it is misplaced in an organizational review of RSSAC.

Similarly, this 2018 assessment conflates the RSSAC and the operational group that is also known in the community as “Root-Ops” or “Root Server Operators.” RSSAC is a creation of ICANN, existing explicitly for the purpose of giving advice to the ICANN Board and Community. The formal RSSAC committee is composed of representatives from the Root Server Operators (RSOs), which are engineering organizations providing a composite technical service to the Internet. RSSAC is not responsible for operational aspects of the Root Server System (RSS). The report also commented on operational discussions of the RSS evolution (discussions regarding the RSOs and their relationship to ICANN) being conducted for the purpose of advice to the board and initiating what RSSAC hopes will be a wider discussion. The organizations that provide that service are represented in the RSSAC, but the RSSAC and the RSOs are not the same, and have different stakeholders, different goals, and partly different participants.

Correctness

The 2018 Assessment also makes a number of factually incorrect statements. These statements wrongly and unfairly suggest that the RSSAC is dysfunctional in its operation. For example, the following statement is made immediately following principal finding seven.⁵

The RSSAC has occasionally found it difficult to reach agreement on issues such as service level agreements and reporting for the root server system in the absence of a consensus accountability framework for itself and its members. A major stumbling block has been disagreement about ICANN’s role in such a framework.

The topics mentioned in the above quote were from a conversation in progress about a possible RSS evolution. They do not address the conduct or relevance of the RSSAC as an organization. If multiple opinions are voiced or dissent from a majority opinion occurs during a meeting, the RSSAC believes that such disagreement during a discussion on a possible future model for the RSS would be considered normal (and even a desired property of a multi-stakeholder organization, signifying that the widest possible set of options is being considered), and not a symptom of dysfunction.

⁴ See Assessment Report page 7, <https://www.icann.org/news/announcement-2018-02-27-en>

⁵ *id.*

Tone

We found a number of the statements in the report to be inflammatory, or to quote people making inflammatory statements. Our observation is that if the points needed to be made, there are ways to make them without resorting to such comments. A few typical examples of such unnecessary quotations from interviewees can be found in section II.2.2.2 of the report:

"[RSSAC] is mostly harmless and serves a useful function: a fig leaf on policy-making and compliance with the ICANN bylaws."

"The RSSAC is unimportant because it doesn't really do anything that matters."

"RSSAC isn't thinking strategically about ..., and is too busy with pretend make-work ... There's a collective sense of denial and pretense."

Recommendation

Our main recommendation is that the report tie each of its findings, and ultimately its recommendations, to the purposes of the organizational review as noted in this document, the review, and the announcement of organizational reviews posted on the ICANN website. As the independent examiner reflects on their recommendations, we would encourage them to, at least mentally, state them in terms of what the RSSAC should reconsider or do differently within its remit, or how the RSSAC might alter its charter to meet new expectations from the community. Other comments, expectations, misperceptions, or misunderstandings may be valid, but should be stated and addressed elsewhere as they are misplaced in an organizational review of the RSSAC.

We request that the independent examiner reviews our stated concerns and applies them in the formulation of their recommendations. While we struggle to find improvements that we can actually implement based on many of the 2018 assessment's findings and recitals, we look forward to the upcoming recommendations from the independent examiner. As always, the RSSAC greatly appreciates the community's engagement in our work, and we welcome further comments, suggestions, and dialogue on these important matters.

The RSSAC looks forward to well-founded and balanced recommendations regarding its structure and procedures, and in line with relevant process documents and bylaws.