



14 February 2018

Subject: SSAC2018-03: SSAC Comments on the Independent Review of the ICANN Nominating Committee Assessment Report

To: Tom Barrett and Cheryl Langdon-Orr, the Chair and Vice Chair of the NomCom2 Review Working Party

Background

These are consensus comments and recommendations from the ICANN Security and Stability Advisory Committee (SSAC) on the Independent Review of the ICANN Nominating Committee (NomCom) Assessment Report.¹

Per its Charter,² the SSAC focuses on matters relating to the security and integrity of the Internet's naming and address allocation systems. 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.

Context

SSAC has a dual role in making these comments as both an Advisory Committee (AC) that has actively participated in the NomCom for many years and as the AC chartered to advise the ICANN Board, ICANN Organization, and ICANN Community on matters of Security and Stability. The process for selection of ICANN leadership (particularly of the ICANN and PTI Boards) and the outcome of that process has a direct and notable impact on the security and stability of the ICANN Organization, the services for which it is responsible, and in turn the Internet's naming and address allocation systems.

Comments

Comment 1: General Comments on the Report

The SSAC concurs with the principal findings of the report. However, we believe that they overlook or underestimate challenges faced by the NomCom that affect the security and stability

¹ See <https://www.icann.org/news/announcement-2-2018-01-10-en>

² See <https://www.icann.org/groups/ssac/charter>

of the ICANN organization, including challenges to its compliance with the goals and objectives enshrined in the fundamental bylaws instituted as a result of the IANA transition.

Comment 2: Stability of NomCom processes and Procedures

The SSAC concurs with the review team that an issue exists regarding the lack of persistent, stable, and predictable procedures that govern the many different aspects of how the NomCom does its work; how it recruits, assesses, and reviews candidates; and how it performs its key selections.

We find it surprising that the NomCom can and does change its rules or procedures at short notice, without community consultation or the open and transparent process that is the hallmark of how ICANN works. We note that the review team has identified “re-inventing the wheel” as an issue, but we feel they have not given this issue as much consideration as we believe it deserves, in particular an examination of the impact of significant changes from year to year. In addition, the review team has not considered how the development of the rules and procedures are accountable to the wider community and how that accountability could be improved. The review team should consider the benefits of the NomCom adopting a set of standing operating procedures that are developed by a cross constituency working group (i.e., the ICANN community), and are relatively stable across each yearly incarnation of the NomCom.

Comment 3: Long-term strategy for NomCom

The SSAC believes that a long-term, public strategy for the NomCom will enhance its stability and effectiveness. We note that in previous years the NomCom has had a multi-year strategy of moving away from in-person meetings to online interactions to improve its effectiveness, which the current NomCom appears to have reversed.³

We believe the review team should consider whether or not the NomCom should have a long-term strategy, how that is accountable to the ICANN Community, and how it is maintained and progressed from year to year.

Comment 4: Voting vs. non-Voting

Regarding the operating procedures, we note that the ability of non-voting members of the NomCom to participate has changed significantly this year. In previous years the NomCom used polling that allowed all members of the NomCom to express opinions about matters before the NomCom, including evaluations of candidates.

This approach was similar to how things are done of the ICANN Board, where both voting Directors and non-voting Liaisons have the right to participate fully in Board discussions and deliberations. However, the year’s NomCom has switched to performing only formal votes, thereby reducing participation opportunities for non-voting members.

It is the view of the SSAC that all non-leadership⁴ NomCom members should have the right to fully express opinions on matters before the NomCom.

³ See <https://www.icann.org/en/system/files/correspondence/jami-et-al-to-chalaby-marby-13jan18-en.pdf>

⁴ The NomCom Leadership are also non-voting members, but they are supposed to be neutral referees.

The review team should examine the above recent change of procedure, should consider whether such changes can or should be made by the NomCom itself, and whether the roles and procedures should be more clearly addressed by a community driven process that allows for community input.

Comment 5: Comparing the ICANN NomCom to other related Entities

The SSAC finds it surprising there is no review, assessment, or comparison of how the ICANN NomCom compares with other board appointment/nominating entities such as those that exist at other Internet Governance entities such as the Internet Society⁵, the IETF⁶, AFRINIC⁷, and CIRA⁸.

Comment 6: Recruitment Firm

It is concerning that the reviewers indicated significant confusion among NomCom members regarding the role of the professional recruitment firm. We note that this section does not describe the role also played by the firm to assess and rank candidates, nor its role in providing comments during the final interview phase.

In our opinion, professional recruitment firms typically have more skills, knowledge, and experience in recruiting, assessing, and ranking candidates (particularly for nonprofit Boards) than NomCom members have.

Comment 7: Removing bias and ensuring diversity of NomCom Members

With regard to the findings related to diversity, only gender, affiliation, and geographical region seem to have been considered. The review team should include data and make recommendations on the characteristics, skills, and knowledge that would be desirable in NomCom members.

Comment 8: Needs Assessment and Skills Gap

The SSAC believes that the review report overlooks or underestimates challenges faced by the NomCom to make sure that at least some portion of future board members have a sufficient technical background to digest and understand the advice given by technical constituencies, such as the SSAC and the RSSAC, on the security and stability of the Internet's system of identifiers and carry that through in Board actions if they concur with our advice.

The SSAC wishes to thank Analysis Group as the independent examiner performing the NomCom review for producing their assessment report and for allowing the SSAC this opportunity to comment on it.

Rod Rasmussen
SSAC Chair

⁵ See <https://www.internetsociety.org/board-of-trustees/committees/charters/nominations-committee-charter/>

⁶ See <https://www.ietf.org/about/groups/nomcom/>

⁷ See <https://www.afrinic.net/en/community/working-groups/nomcom>

⁸ See <https://cira.ca/joining-nomination-committee>