



11 April 2024

Subject: SSAC2024-03: SSAC Concerns on ATRT4 Deferral
To: Theresa Swinehart, Senior Vice President, Global Domains & Strategy
CC: David Olive, Senior Vice President, Policy Development Support

Thank you for consulting with the SSAC on the topic of deferring the Fourth Accountability and Transparency Review (ATRT4). The SSAC has concerns about the Board's rationale and governance issues related to the proposed course of action. Further, the SSAC believes the Review Process is not working well, and suggests improvements.

Rationale to defer ATRT4

The SSAC expresses reservations about some of the logic provided for postponing ATRT4. While we acknowledge that the ATRT3 report advised against conducting a holistic review concurrently with other review activities, it did not specifically recommend delaying it in conjunction with a *Pilot Holistic Review*. Our understanding is that the Pilot Holistic Review serves as a meta-review aimed at determining the optimal approach for conducting a holistic review, a process that may take at least two years to reach a conclusion.

Considering ATRT3's recommendation to terminate all other bylaws-mandated specific and organizational reviews, and given the uncertain outcome of a potential holistic review, we do not find the justification for delaying ATRT4 for an additional two years compelling.

Adherence to ICANN Bylaws

Deferring ATRT4 until after the Pilot Holistic Review's completion would push the next review to late 2026 - a 7.5-year gap since the last one. This contravenes ICANN's Bylaws mandating reviews "no less frequently than every five years."

ICANN should either comply with its Bylaws or amend them transparently. Deferral contradicts good governance principles.

Effectiveness of the Review Process

SSAC has strong concerns about the effectiveness of the review process from the perspective of our members that have participated in such processes. The significantly

drawn out process and the drain of resources from staff, community, and budget likely contribute to the apathy towards participation in reviews from the community. There is also the significant opportunity cost related to these resources to consider.

To alleviate the burden on volunteers we suggest bringing in independent experts in order to proceed with ATRT4.

Improving the Review Process

As a suggestion to improve future reviews, the SSAC suggests a data-driven approach:

1. Analyze past reviews:
 - Number of recommendations made.
 - Implementation rate of accepted recommendations.
 - Implementation timeline distribution.
 - Perceived effectiveness (subjective).
2. Identify patterns and assess opportunity cost.

Such a data-driven analysis would encourage a discussion on optimizing the review process to ensure its effectiveness, timeliness and sustainability.

Ram Mohan

Chair, ICANN Security and Stability Advisory Committee