

To: Tripti Sinha
cc: Katrina Sataki, Patricio Poblete

Re: Submission Rebalancing the NomCom

30 June 2023

Dear Tripti,

In response to your letter dated 26 April 2023, the Country-Code Name Supporting Organization (ccNSO) Council welcomes the opportunity to provide a response and its view to the rebalancing of the NomCom. This response only reflects the views of the ccNSO Council and was adopted as such in accordance with the Guideline: ccNSO Statements (2016)¹.

In our response we will first make some general observations and then provide comments in the order of the specific questions of your letter.

General observations

In preparing our response, the ccNSO Council believes that the composition of the current NomCom, with only one seat for the ccTLD community through the ccNSO is unbalanced and in need of adjustment. Our belief results from the following observations and reflections:

We note that at the time the NomCom was created (October 2002²), the ccTLD community was preliminary assigned one seat, pending the creation of the ccNSO, the work on which had just started: the structure, membership, scope, and processes of the ccNSO had still to be defined and was only agreed upon in June 2003.

We also note that when the NomCom was created, the *“geographic and cultural diversity”* of the NomCom was already identified as a key issue for its composition. In our view the ccNSO is by definition the group through which these diversity issues could have been and still can be addressed. For example, more than 174 countries, their subdivisions or other areas of geographical interest from across all ICANN regions participate in the ccNSO.

In addition, as you undoubtedly know, approximately 40% of all registered domain names are currently managed through the ccTLD community. Further, independent of the governance structure of the ccTLD Manager, each and every ccTLD is related to communities, which represent at local and national levels the groups and interests identified

¹ https://ccnso.icann.org/sites/default/files/filefield_47783/guidelines-statements-30mar16-en.pdf

² See: ICANN: A Blueprint for Reform, Posted: 20 June 2002, Nominating Committee (NomCom), (<https://archive.icann.org/en/committees/evol-reform/blueprint-20jun02.htm>) and First Interim Implementation Report, 1 August 2002, section 4. The Nominating Committee Process (<https://archive.icann.org/en/committees/evol-reform/first-implementation-report-01aug02.htm>)

in the original paper on the ICANN structure and Nominating Committee Concept, and related documents.

Finally, we note the disparity between the role of the ccNSO and other organizations under the ICANN umbrella as an organization appointing a delegate to the NomCom and on the other side as a Decisional Participant.

The ccNSO is one of the five organizations under the ICANN umbrella that could initiate the process to remove a NomCom appointed Board member. Although we appreciate the difference in responsibilities between NomCom appointing organization and being a Decisional Participant, we do believe that the role as Decisional Participant reflects the role of the ccNSO in ICANN and the value it brings to ICANN as whole and this should be reflected in the NomCom as well.

Specific Questions

1. What does it mean to have a balanced NomCom at a point in time? For example, what criteria would you apply to measure or assess whether the NomCom is balanced? And further, how can one test whether or not the NomCom is balanced?

It is the view of the ccNSO that the role and function of the NomCom defines the criteria for its membership, and hence its “balance”. It is our understanding that currently the NomCom nominates Board members and selects people for other positions (for example the ccNSO Council). The main criteria for the NomCom as a whole is its geographic, cultural and gender diversity. The diversity should be looked at over time rather than each annual NomCom.

Therefore, and in response to the question, the diversity should be looked at and tracked at the level of the NomCom, and not only at the level of the diversity of the appointing organizations.

2. Do you support the view that the current composition of the NomCom needs to be rebalanced? Please explain why or why not.

Yes we do, because the ICANN SOs and ACs should be evenly involved in this critical function reflecting the evolution of the role of SOs and ACs in the governance of ICANN.

3. How frequently does the balance need to be measured or assessed?

It is our opinion that such a review of balance should take place every time a full-cycle of appointments has taken place, for example every 5-6 years after the last review, when – assuming the current proposed bylaw change becomes effective – a delegate has a 2 years on the NomCom with a minimum of one term between first and second term.

4. How do you suggest that the NomCom’s composition be rebalanced?

It is our view that the rebalancing should be achieved through a cross-community group process, chartered by the community and Board which ultimately would result in

suggestions for Bylaw changes. We think work on this question, in whatever form it is finally agreed upon, should start expeditiously. It will take some time to initiate whatever process agreed upon and some time to work through the issues. We are prepared to participate in a chartering group in the near future. The goal should be that there is a process of some type proposed for discussion at ICANN78 in October.

5. Who should conduct this work, and how should it be conducted?

The process should be initiated by the Decisional Participants, with support from ICANN staff.

6. How would your community group prioritize consideration of this issue within your planning efforts?

This would be considered a foundational activity: an activity that the ccNSO must undertake as one of the Decisional Participants and as a member of the Empowered Community.

Best regards,

Alejandra Reynoso
ccNSO Council Chair