

# Board Discussions on NomCom Rebalancing: NPOC Comments

30 June 2023

**Subject: Nominating Committee (NomCom) Rebalancing - NPOC Response**  
To: ICANN Board

Dear Tripti,

Thank you for this invitation to provide further comments on this important issue, we have provided comments under each question.

***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?"***

In order to assess whether the NomCom is balanced, one must assess whether the selection of candidates to the various organizations they serve has been balanced appropriately. Clearly, a goal of an independent nominating committee is to introduce new and experienced candidates to the various leadership positions within ICANN, Board, PTI, SO/ACs. These individuals bring experience and knowledge of issues that affect the mission of ICANN, yet have fresh ideas and perspectives that may not be present in the ICANN ecosphere. We believe that a balanced composition of the NomCom should be a reflection of all the SO/ACs to which the NomCom appoints leaders and the community represented by these SO/ACs.

***"2. Do you support the view that the current composition of the NomCom needs to be rebalanced?"***

We support the rebalancing of the NomCom with the following premise. *The NCSG has two constituencies, the Noncommercial Users Constituency (NCUC) and the Not-for-profit Organizations Constituency (NPOC). We also have many members in the NCSG who are not affiliated with either constituency. For over a decade, NomCom has had only one representative from the NCSG. When NPOC was created, logically there should have been a second seat added for the new constituency. This is in sharp contrast to the other side of the The Non-Contracted Party House (NCPH) of the GNSO, which has two representatives for the Business constituency (BC), and one each for the IPC and the ISPCP.*

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

We believe there should be a qualitative mechanism implemented to assess whether the broader goals of the NomCom are being met. Once the fundamental fairness of the GNSO representation is addressed, we need to ascertain what kind of decision-making is going on in the NomCom and how it is measured? The balance of the NomCom should be assessed through qualitative mechanisms.

Typically, such assessments might coincide with the NomCom's annual nomination and selection cycle. This is when the committee's composition is naturally in focus, as new members are being selected. It's a good opportunity to assess whether the current or proposed composition of the committee is balanced in terms of geographic diversity, sector representation, gender balance, skillset, and other important factors. We would point out that NCSG is one of the only SGs that makes the effort in its Charter to ensure geographic and gender diversity in its own practices of choosing representatives.

If the composition of the NomCom is adjusted to ensure that it matches at least the GNSO Council representation, that particular aspect of balance does not need to be addressed on a rolling basis. If goals are being met, a five-year assessment window of balance in the NomCom may be appropriate.

### **4. How do you suggest that the NomCom's composition be rebalanced?**

Understandably, CPH shouldn't be in too big a role in determining the leadership of ICANN, since its existence is totally dependent on it. The NCPH, on the other hand, has more say as the end users of those policies. In the end, their interest is also everyone's interest, even if they worked for the CPH. NCSG includes all the people as individuals as well as their NGOs and the CSG represents the capitalist business interests, especially the ones that benefit from the internet the most.

Currently the commercial interests get more than half (4/7) of leadership deciding seats out of the whole GNSO and this is obviously the problem here. Everyone else has one seat and there's a strong recommendation to rebalance; thus, this can only mean that the CSG has to give some of its seats to the rest of the GNSO.

Particularly, the commercial and non-commercial sides should be of equal sizes. The most compromising way would be to give both the NCSG and CSG two seats each and one rotating seat between them. The NCSG would, of course, take the first rotating round. Another worthwhile alternative could be making one seat more for the NomCom and giving each of the GNSO's stakeholder groups two seats. Both of these outcomes would be satisfactory for NPOC.

The new rules allow the GNSO to vote on the composition of seven seats every year and we could adjust it next year again if we didn't get it right this time.

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

One effective approach is to establish a community working group responsible for conducting a periodic review and facilitating the rebalancing process.

The community working group should ideally consist of diverse stakeholders representing different ICANN constituencies, including Supporting Organizations, Advisory Committees, and other interested parties. This ensures a broad range of perspectives and prevents the dominance of any single interest group.

The following steps can be taken to conduct the rebalancing operation:

- **Formation of the working group:** The community working group should be formed through an inclusive and transparent process, involving nominations from various stakeholder groups. It should strive to represent the diversity of the ICANN community.
- **Defining the evaluation criteria:** The working group needs to establish clear criteria for evaluating the balance of the NomCom. This may include factors such as geographic representation, sector diversity, gender balance, and expertise.
- **Gathering data and stakeholder input:** The working group should collect relevant data on the composition and performance of the NomCom. This can include demographic information, feedback from stakeholders, and insights into the decision-making processes.
- **Analysis and assessment:** The working group should analyze the collected data and assess whether the NomCom meets the defined criteria for balance. They should identify any areas of imbalance or underrepresentation that require attention.
- **Recommendation and action plan:** Based on their analysis, the working group should provide recommendations for rebalancing the NomCom. This may involve proposing changes to the selection process, suggesting amendments to the NomCom's charter, or recommending specific actions to increase diversity and inclusivity.
- **Implementation and monitoring:** The recommendations put forth by the working group should be implemented by relevant ICANN bodies or processes. The community working group can continue to monitor the progress and impact of the rebalancing efforts, ensuring ongoing accountability and transparency.
- By entrusting a community working group with the responsibility of assessing the NomCom's balance and conducting the necessary rebalancing, a collaborative and inclusive approach is adopted. This helps promote community engagement, diverse perspectives, and effective decision-making within ICANN's governance structure.

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

We consider this the highest priority within NPOC and the NCSG, as this would finally be righting the historic imbalance of CSG holding too many seats, assigning another two seats to the NCSG from CSG - until there was a more widely satisfying compromise - would be a great start. The GNSO could make the decision based on the composition of councilors, for example.

The various qualitative research streams require a bit of time, and due consideration should be undertaken as to whether some of this work should be assigned to an outside contractor with board selection experience (not just private sector commercial boards, but a wider variety of high-level boards, including those in the non-commercial sector).

Thank you for this outreach to seek our comments. We would be happy to discuss the matter further.