

The ICANN GNSO “Business Constituency”



30-Jun-2023

Ms. Tripti Sinha
Chair, ICANN Board of Directors

Subject: Nominating Committee (NomCom) Rebalancing

Dear Tripti:

Thank you for granting us the opportunity to express our perspectives on this significant matter.

Undoubtedly, the work of NomCom holds paramount importance, not only in appointing qualified candidates to open positions but also in making the multi-stakeholder model work. NomCom brings together participants from the ICANN community to select leaders who will shape the future of the ICANN organization and the global internet.

Given its significance, it is crucial that the composition of the NomCom and its representation be beyond reproach. When assessing the balance of any organization or group, two criteria come into play. First, it must adequately represent the diverse members of the community. Second, it should be capable enough to fulfill its mandate effectively and efficiently.

In our opinion, the current balance of the NomCom sufficiently represents its members. It not only provides equal representation to each of the SO/ACs but also duly considers the larger community that each SO/AC represents and is impacted by ICANN's decisions.

For example, the BC holds two seats on the NomCom, representing a wide range of entities, from small businesses such as domain investors and hosting providers, to large businesses with presence in multiple countries and functioning across multiple verticals.

Regarding the fulfillment of its mandate, the NomCom has commendably carried out the selection and appointment of candidates for various positions. Therefore, it cannot be criticized for its lack of effectiveness.

Currently, we do not believe that any rebalancing is necessary for the composition of the NomCom. Neither have the BC members serving on the NomCom, nor the ICANN community expressed a need for rebalancing. Moreover, the proposal to make all NomCom delegates “voting members” has addressed the only outstanding issue, which is now resolved.

Instead of solely focusing on the time between assessments of NomCom’s balance, we should consider other factors that may trigger the need for rebalancing, such as:

- Changes in the current structure of the SO/ACs that impact their representation of the respective communities.
- Introduction of new SO/ACs.
- Shifts in the geopolitical structure of the internet.

The balance of the NomCom should be reassessed when such triggers as mentioned above arise. In the absence of these triggers, a periodic assessment every five years should be conducted.

The process of rebalancing the NomCom should be as independent as the NomCom itself. It should be carried out collaboratively by the NomCom oversight group in consultation with the ICANN community. The NomCom oversight group should leverage their direct experiences with the NomCom's functioning and provide examples and solid evidence to support the need for rebalancing.

We must remember that once appointed to the NomCom, the delegates do not represent their SO/ACs but act independently to select the most appropriate candidate for the positions. In this regard, it is their expertise and diverse experiences that help them assess the candidates accurately. Thus, one aspect of the rebalancing could also consider whether there is adequate expertise in the NomCom to assess candidates. This can be best judged by the oversight committee, and recommendations can be made accordingly.

The BC is committed to assisting the NomCom in fulfilling its obligations. We have consistently appointed credible members to the two seats, ensuring that they not only represent small and large businesses but also embody the inherent diversity within the BC.

Sincerely,

Mason Cole
Chair, ICANN Business Constituency (BC)