

Chris Disspain

From: Adam Peake [ajp@glocom.ac.jp]
Sent: Friday, 12 May 2006 1:18
To: Chris Disspain; etrigar@eugeniotriana.com; 'George Sadowsky'
Cc: Vinton G. Cerf; Paul Twomey; msilber@iafrica.com
Subject: Re: Letter to Chair, Associate Chair and Immediate Past Chair of Nominating Committee from ccNSO Chair

Dear Chris,

Thank you for your email. I'm sorry we weren't able to answer your questions fully while in Wellington. Perhaps now is also a good time to let you and the ccNSO know that NomCom hopes to hold a workshop in Marrakech to explain how we go about our work, and to answer (as candidly as possible) questions like yours.

I am not a member of the ccNSO council list so have not cc'd the list address. Please forward this email for me.

As you mention a chat we had in Wellington after Eugenio, George and I spoke at the ccNSO meeting, I will reply to your questions, but these remarks are agreed by us all. I'll try to answer each in turn and then add some further explanation.

At 3:31 PM +1000 5/8/06, Chris Disspain wrote:

>4 May 2006
>
>Dear Eugenio, Adam and George,
>
>You will recall that during your meeting with the ccNSO members in
>Wellington we sought clarification on the position of the Nominating
>Committee regarding statements of interest received from people
>associated with the ccNSO.
>We had heard that the view of the Nominating Committee was that given
>that those associated with the ccNSO had a route to ICANN Board
>membership through the 2 ccNSO nominated Board seats, it was not
>appropriate for such people to be nominated to the ICANN Board by the
>Nominating Committee.
>

This is not correct. There are no hidden eligibility criteria (comment below). NomCom welcomes Statements of Interest from people associated with the ccNSO, and from all supporting organizations and councils. They will be given full consideration.

>Attempts were made during our discussions to gain clarity on this issue
>and in the end, I believe, it was agreed that this issue did, indeed,
>require further clarification.
>
>Some time after our joint session I was approached by Adam Peake who
>advised me that the position of the Nominating Committee is as
>follows:
>

My apologies for any misunderstanding:

>a) if a person lodged a statement of interest for the Board through
>the Nominating Committee process and that person has previously stood
>for election to the Board through the ccNSO and not been elected, then
>the Nominating Committee would probably view this as someone trying to
>use the Nominating Committee process as a ‘second chance’¹ to get on the
>Board and this would be thought of as inappropriate;

A candidate being considered by the NomCom for the board or any other position will be considered on her or his merits. Having stood for election to the board through the ccNSO (or any other SO or council board selection process) would be viewed in the same way as any other aspect of a candidate's experience: depending on the context it might be considered as positive, negative or even irrelevant (compared to other factors). Having stood for selection through some other process should not be viewed as inappropriate in a candidate. People with such experience can be assured that their candidacy will be given full and fair consideration.

>b) if the person was involved in the ccTLD community and had not
>stood for election through the ccNSO process then their statement of
>interest to the Nominating Committee would be appropriate and treated
>in the normal way.

>

NomCom welcomes Statements of Interest from the ccTLD community, for the board and all other positions we are selecting.

>At the ccNSO Council meeting in Wellington, I relayed the above to the
>Council who resolved that I should write formally to the Nominating
>Committee requesting confirmation that the position outlined by Adam
>Peake and set out above is the position of the Nominating Committee.
>

It is not, and I apologize if I gave the impression that it was.

>As I am sure you will appreciate, clarity on this issue is critical in
>order to allow the ccTLD community to respond properly to your formal
>call for statements of interest and I look forward to receiving your
>response as soon as possible.
>

I hope the following general comments provide a fuller explanation of the criteria and principles the NomCom uses.

There are two sources that guide NomCom in considering qualities for a director. The first and essential reference is the ICANN bylaws. Second are a set procedures that attempt to capture the intent behind the creation of the NomCom as it emerged from the evolution and reform process in 2002. These procedures (see <<http://www.icann.org/committees/nom-comm/procedures-2006.html>> and a related code of ethics agreed by all NomCom members <<http://www.icann.org/committees/nom-comm/ethics-2006.html>>) are adopted each year by the new NomCom before candidate recruitment begins, they tend to change slightly each year, hopefully improving.

NomCom's primary reference is the ICANN bylaws, particularly ARTICLE VI, Section 3. CRITERIA FOR SELECTION OF DIRECTORS <<http://www.icann.org/general/bylaws.htm#VI-3>> as follows:

"ICANN Directors shall be:

1. Accomplished persons of integrity, objectivity, and intelligence, with reputations for sound judgment and open minds, and a demonstrated capacity for thoughtful group decision-making;
2. Persons with an understanding of ICANN's mission and the potential impact of ICANN decisions on the global Internet community, and committed to the success of ICANN;
3. Persons who will produce the broadest cultural and geographic diversity on the Board consistent with meeting the other criteria set forth in this Section;
4. Persons who, in the aggregate, have personal familiarity with the operation of gTLD registries and registrars; with ccTLD registries; with IP address registries; with Internet technical standards and protocols; with policy-development procedures, legal traditions, and the public interest; and with the broad range of business, individual, academic, and non-commercial users of the Internet;
5. Persons who are willing to serve as volunteers, without compensation other than the reimbursement of certain expenses; and
6. Persons who are able to work and communicate in written and spoken English."

This bylaws text is copied into the NomCom procedures.

NomCom's adopted procedures describe the role of the NomCom <<http://www.icann.org/committees/nom-comm/procedures-2006.html#A3>> as follows:

"3. NomCom's Role

NomCom is responsible for the selection of portions of the members of the ICANN Board of Directors, GNSO Council, Interim ALAC, and ccNSO Council, filling these leadership positions in a way that complements the selections made for such positions by the Supporting Organizations and Interim ALAC.

The central rationale for using a nominating committee to select a portion of the ICANN leadership bodies is to balance those who can represent particular areas of knowledge and interests with those who place the broad public interest of the global Internet community ahead of any particular interests. NomCom's role is to select individuals of the highest integrity and capability who place the broad public interest of the global Internet community ahead of any particular interests, and who are nevertheless knowledgeable about ICANN's mission and environment.

To achieve this broad public-interest orientation, the members of NomCom are drawn from across the ICANN and global Internet communities. They act only on behalf of the interests of the global Internet community within the scope of the ICANN mission and the responsibilities assigned to NomCom by ICANN Bylaws. They act as individuals and are not beholden to their appointing constituencies as they work by consensus to derive the NomCom slates of Selected Nominees for these leadership bodies.

The NomCom functions independently from the ICANN Board, Supporting Organizations, and Advisory Committees. The NomCom selections are

final; no further approval or ratification is needed.

Together the NomCom and Supporting Organization selection pathways ensure that ICANN benefits from functional, cultural, geographic diversity in its policy development and decision-making as the Internet evolves.

NomCom is responsible for the selection of all ICANN Directors except the President and those selected by ICANN's Supporting Organizations, and for such other selections as are set forth in the Bylaws. [Bylaws Article VII, Section 1, see <http://www.icann.org/general/bylaws.htm#VII-1>]"

You can see that the NomCom has an overall requirement to consider people who are familiar with the Internet, DNS and ccTLD operation, etc.

But at the same time tries to complement selections made by other supporting organization processes, and to interpret these concepts of "broad public interest" and "any particular interests". How NomCom applies these concepts when considering a candidate really depends on their experience and individual situation. There are no hard and fast rules. The NomCom will absolutely *not* reject people out of hand for having previously volunteered to serve ICANN and any of its constituencies and supporting organizations, on the contrary these are qualities we look for.

Thank you for asking these questions. Members of the 2006 NomCom still need to discuss how we will the various criteria for selection, and with your permission I would like to send this reply (including your original email) to the NomCom list.

Chris, please pass on the message that the NomCom would welcome Statement of interest from individuals active in the ccTLD community.

The bottom line is that Statements of Interest from candidates are evaluated on their merits, and selections made on that basis subject to the charge given to the committee, including the constraints included in that charge. Full stop.

Kind regards,

Adam Peake
Associate Chair, 2006 ICANN NomCom
(on behalf of Eugenio Triana, Chair 2006 NomCom, and George Sadowsky, Immediate Past Chair ICANN
NomCom)

>Regards,
>Chris Disspain
>Chair - ccNSO
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