Asian, Australasian and Pacific Islands Regional At-Large Organization
Celebrating Diversity

9 June 2023

Ms Tripti Sinha
Chair, ICANN Board of Directors

Sub: APRALO's input on the Nominating Committee (NomCom) Rebalancing

Dear Tripti,

At the outset we thank you and the ICANN Board for seeking APRALO's views on the questions related to Nominating Committee (NomCom) Rebalancing.

Please find below our responses to the questions you had asked.

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?**

   APRALO's response:

   At this point and with many Recommendations from the NomCom 2nd Review only recently or yet to be implemented and noting that these includes: - i.) no change to the total number of seats (or the distribution of those seats between the AC and SOs; and ii) that all seats going forward will be voting seats APRALO sees no urgency in undertaking a rebalancing at this time. It however would be suitable for the community in concert with the sitting NomCom(s) and the yet to be formed Standing Committee of the NomCom to establish what criteria, measurements and tests could and should be applied to a future rebalance of the NomCom Review and any consequent changes required.

   To have a balanced NomCom at a point in time, we need to analyse the following factors:
   1. Informed participation of members reflecting the functional diversity of ICANN in a fair and equitable manner
   2. Having an adequate geographic, and cultural diversity
   3. Policy and decision decision-making to ensure that the bottom-up, multistakeholder policy development process is used to ascertain the global public interest and that those processes are accountable and transparent.

   The concepts of functional, geographic, and cultural diversity and balance are reflected in the ICANN Bylaws Article 1, Section 1.2(b)(ii) and Article 7, Section 7.2(b). [1]

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[1] https://www.icann.org/resources/pages/governance/bylaws-en

In our view, the current balance in terms of seat distribution between the SOACs is acceptable and withstood the conditions 2 and 3 highlighted above. In the view of APRALO the existing NomCom already has an adequate geographic (we note primarily due to the Geo diversity requirements of the ALACs 5 seats), cultural diversity and is well designed to ensure that bottom-up, multistakeholder principles and processes are used to ascertain the global public interest, ensures that those processes are accountable and transparent, and provides for sufficient 'human bandwidth' to effectively conduct the average (and we recognise very demanding) NomCom workload.

Factors which can be further developed is the "functional diversity" which has to be defined before proceeding further. For the purposes of this response the term "functional diversity" contains two aspects:

1. Individuals from varying backgrounds with a discernible difference in their education and training (Source: Handbook of work group psychology. John Wiley & Sons Ltd: UK, Jackson, S.E. (1996). The consequences of diversity in multidisciplinary work teams.)
2. An enablement of intergenerational dialogue where there is a transfer of knowledge and best practices from the experienced members of the community to the upcoming and interested youth members of the network who wish to be a part of the NomCom in the foreseeable future.

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

APRALO's response:

No, not at this point in time.

The current composition of the NomCom is adequately balanced and with the implementation of approved NomCom Review 2 Recommendations[2], does not need a change. The various SOACs are well represented to ensure there is a balanced stakeholder perspective and this balance must be preserved.

Whilst we note that there is not an equitable NomCom seat allocation within the GNSO, we believe that the GNSO could and should be able to find an internal way to fill their 7 existing seats by appointing representatives who truly reflect the diversity and interests of their Stakeholder Groups and Constituencies. We also note that the idea of a 1:1 relationship between allocated seats on a NomCom and each constituency may seem simple, but it also bears a high risk of unintended consequences. Acting on the GNSO's unique ability to cause the creation of new Constituencies from time to time will inevitably, not only increase the total size of the NomCom, but also upset the existing balance of representation between the SOACs.

We further advise that enlarging the composition of NomCom carries a significant risk of diminishing the effectiveness and efficiencies of NomCom.

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[2] https://www.icann.org/en/system/files/files/nomcom-implementation-plan-15sep19-en.pdf

We believe that it is more important to ensure that NomCom members selected by each SOAC are individuals with a balanced view and good understanding of their stakeholder interest and who can be impartial. Further it is important to ensure that the same people are not in the NomCom.

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

APRALO's response:

APRALO believes, and in keeping with the recommendation made by the Independent Examiner in the NomCom' s 2nd Review Report., every 5 years seems reasonable, although the flexibility of 3 to 5 years as a guideline might be considered allowing for earlier efforts if required but a no longer than 5 years cadence.

An adequate duration for a periodic review is essential to assess the equity and aforementioned factors of diversity in a NomCom. While the NomCom gears up for a change in leadership in one year they can take stock of the ways in which their actors contributed towards inclusion and diversity and how such factors can be further strengthened. They can also take account of their shortcomings and take steps to stop them in the future.

The effective balance of NomCom could be measured annually within a well-planned and executed Continuous Improvement Program together with any mandated NomCom periodic review timelines and recommendations being implemented become a regularised event reported on and receiving community feedback.

Noting not all assessments will result in any proposals for change, a deeper dive into the question of the structure (including balance of seat distribution) of NomCom and its fitness to best serve its continued purpose should be triggered every 5 years in keeping with the original Recommendations from the last NomCom Organisational Review.[3] This can be a small stand-alone effort and not necessarily part of a wider review process (organisational or holistic) but should synchronise with those where possible and practical.

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

APRALO's response:

At this point, we do not suggest any rebalancing of NomCom's composition in terms of seat distribution.

However, at a future review point, an assessment of Continuous Improvements ought to be made by the existing NomCom (along with its Standing Committee) via the Nominating Committee Review process within their required Continuous Improvement Program and supported by periodic cross-community or holistic review processes. It is important for cross-community agreement, perspectives and ICANN community-wide

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[3] https://www.icann.org/en/system/files/files/nomcom-implementation-plan-15sep19-en.pdf

support (through the usual Public Comment processes etc.) to be established for any recommended changes to be implemented.

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

    APRALO's response:

    This work should be conducted by the existing NomCom via its own Continuous Improvement Program in the current 5-year span.

    Over the next few years, the existing NomCom can conduct this work internally and any recommendation made would of course be subject to the usual Public Comment processes etc. After several years when the NomCom Review 2 Recommendations[4] being implemented have been tested and reviewed, then a more comprehensive review opportunity regarding a possible rebalance of the future NomCom may be appropriate.

    Work on such rebalancing can be conducted by an existing NomCom along with its Standing Committee, at their behest, with or without subject matter expertise; or utilising an independent external examination or audit process. Alternatively, an ICANN-based objective task force; or a Cross Community Working Group, etc., can be appointed to undertake such work.

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

    APRALO's response:

    APRALO already integrates considerable effort and gives a HIGH priority to NomCom Appointments by the ALAC and will continue to place the selection of our NomCom delegate at the highest priority, along with equal focus and input into any rebalancing efforts proposed.

    We will keep prioritising the seeking and identification of diverse yet suitable candidates to be considered for the APRALO NomCom Delegate position as part of APRALO's governance obligations.

    Fairness, equity (to the best extent possible) and above all the eminent suitability to meet the purpose and important role of the NomCom, are the criteria we impose on any individual seeking the office of the APRALO NomCom Delegate. This is also a high priority if ALAC while making the selection and appointment of the best available people to serve in the geographically defined 5 seats it holds on any NomCom very seriously indeed and the now annual high prioritization of this effort would not diminish with the cadence of appointments changing to fit with the coming 2 year terms. We would also prioritise as APRALO a heightened effort to seek out and identify more diverse yet eminently suitable candidates to be considered by the ALAC for our Regions NomCom role so that the new 2 year term limitation to 2 terms etc., can be

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[4] https://www.icann.org/en/system/files/files/nomcom-implementation-plan-15sep19-en.pdf

well met with a choice suitable well prepared and well qualified candidates coming forward as options.

Thanking you and looking forward to a favourable consideration of our perspectives in the interest of the ICANN community and ecosystem.

Sincerely,

Amrita Choudhury
Chair, APRALO

Reference documents:
- Letter from Tripti Sinha: https://www.icann.org/en/system/files/correspondence/sinha-to-choudhury-26apr23-en.pdf
- Proposed bylaws Amendment: https://www.icann.org/en/system/files/files/proposed-bylaws-amendments-10apr23-en.pdf
- NomCom Rebalancing Plan: https://www.icann.org/en/system/files/files/nomcom-implementation-plan-15sep19-en.pdf
- Current Nomcom : https://www.icann.org/nomcom2023/#delegates